

CALIFORNIA COASTAL COMMISSION

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**Th5a**

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Filed:	1/7/02
49 th Day:	2/25/02
Staff:	S. Craig
Staff Report:	1/23/02
Hearing Date:	2/7/02
Item Number:	Th5a

APPEAL STAFF REPORT

SUBSTANTIAL ISSUE DETERMINATION

Appeal number A-3-STC-02-001; Monarch Village Apartment Project

Applicant Pacific Union Apartments; attn: Chris Garwood

Appellants Commissioners Sara Wan and Christina Desser; Sierra Club; Renee Flower & Jim MacKenzie; Helen Younger Goode & Dennis J. Kehoe; Gillian Greensite

Local government City of Santa Cruz

Local decision Approved with conditions (December 12, 2001)

Project location 1280 Shaffer Road, Santa Cruz (Santa Cruz County) (APNs 003-311-04; 003-311-05)

Project description Construction of a 206-unit apartment complex and removal of 13 heritage trees on a 9.3 acre site; demolition of existing office building and shop structure on the site.

File documents City of Santa Cruz Certified Local Coastal Program (LCP); City of Santa Cruz Coastal Development Permit Application File 00-190; Environmental Impact Report (SCH#2001062120); CEQA Findings of Fact and Statement of Overriding Considerations for Environmental Impact Report Shaffer Road/Monarch Village Apartments; City-Wide Creeks and Wetlands Management Plan (Administrative Draft); Moore Creek Wetland Delineation

Staff recommendation ... **Substantial Issue**

Summary of staff recommendation: This is the substantial issue determination for appeal number A-3-STC-02-001. Staff recommends that the Commission find that a substantial issue exists with respect to this project's conformance with the certified City of Santa Cruz Local Coastal Program (LCP) and take jurisdiction over the coastal development permit for the project. Staff further recommends that the Commission continue the *de novo* hearing of the coastal development permit to allow the applicant to consider alternative projects that meet the requirements of the certified LCP. Staff will subsequently prepare a recommendation for a *de novo* hearing of the project at a future Coastal Commission meeting.



California Coastal Commission
February 7, 2002 Meeting in San Diego

Staff: S. Craig Approved by: *[Signature]*

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1.0 STAFF REPORT SUMMARY

The City of Santa Cruz approval that is the subject of this appeal is for a three-story, 206-unit apartment complex on the western edge of the City, south of State Route 1. The project site is located adjacent to Moore Creek, which feeds into nearby Antonelli Pond. The Moore Creek watershed is largely undeveloped and is physically isolated from the surrounding urbanized area. The project site is also located approximately 238 feet from an active agricultural operation to the west.

The Appellants contentions fall generally into six areas: (1) protection of riparian/wetland areas in the City, including cumulative impacts on Moore Creek and Antonelli Pond from this and other proposed development in the area; (2) protection and appropriate buffering of agricultural lands from



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development; (3) intensification of land use at the City's urban/rural boundary; (4) visual resource protection in this relatively undeveloped area of the City; (5) protection of the "carrying capacity" of the City, especially with respect to water and traffic; and (6) concern that the proposed trail along Moore Creek is not consistent with LCP access policies. Staff is recommending that a substantial issue exists with respect to this project's conformance with the certified LCP because: (1) the City-approved development would be located adjacent to Moore Creek and near Antonelli Pond (which are specifically protected by the LCP) and may cause unmitigatable significant impacts to these riparian/wetland areas in conjunction with other proposed development in the area; (2) the development would be located near an active agricultural operation; (3) this is an intense development located at the City's urban/rural boundary and away from the City's central urban core and; (4) of concerns regarding the appropriateness of the proposed public access trail.

Staff recommends that the Commission take jurisdiction over the coastal development permit for the proposed project. Staff further recommends that the Commission continue the *de novo* hearing of the coastal development permit to allow the Applicant to consider alternative projects that may meet the requirements of the certified LCP.

2.0 APPEAL PROCEDURES

2.1 Filing of Appeals

On December 12, 2001, the City Council of Santa Cruz unanimously approved the proposed project subject to multiple conditions (see Exhibit 1 for the City Council's resolutions, findings and conditions on the project). Adequate notice of the City Council's action on the CDP was received in the Commission's Central Coast District Office on Thursday, December 20, 2001. The Commission's ten-working day appeal period for this action began on Friday, December 21, 2001 and concluded at 5:00 P.M. on Monday, January 7, 2002. Five valid appeals (see below) were received during the appeal period.

In accordance with the Commission's regulations, staff notified the City of Santa Cruz of the appeals and requested all relevant documents and materials regarding the subject permit, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. Section 13112 of the Commission's regulations provides that upon receipt of a notice of appeal, a local government shall refrain from issuing a coastal development permit (CDP) and shall deliver to the Executive Director all relevant documents and materials used by the local government in consideration of the CDP application. The City permit file information was received on January 9, 2001.

2.2 Appeals Under the Coastal Act

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands,



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submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. The project is appealable because it is located between the sea and the first public road paralleling the sea.

The grounds for appeal under section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the approved development is in conformity with the certified Local Coastal Program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the nearest public road and the sea and thus, this additional finding needs to be made in a *de novo* review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the *de novo* stage of an appeal.

3.0 SUMMARY OF APPELLANTS' CONTENTIONS

3.1 Appeal of Commissioners Sara Wan and Christina Desser

The two Commissioner Appellants contend that the City-approved project raises substantial issues with respect to the project's conformance with core LCP issues regarding development adjacent to riparian/wetland areas and preservation of adjacent agricultural lands. Please see Exhibit 2 for the Commissioner Appellants' complete appeal document.

3.2 Appeal of Sierra Club

The Sierra Club contends that the City-approved project would contribute to unmitigatable significant cumulative impacts on the environmentally sensitive habitat areas of adjacent Moore Creek and Antonelli Pond. The Sierra Club further contends that the provided agricultural buffer is inadequate to protect and preserve adjacent agricultural land uses and that the project intensifies land use at the City's urban-rural boundary. Finally, the Sierra Club contends that the approved project is inconsistent with the City's "carrying capacity," particularly regarding water. Please see Exhibit 3 for the Sierra Club's complete appeal document.

3.3 Appeal of Renee Flower & Jim MacKenzie

Renee Flower and Jim MacKenzie contend that the density and intensity of the approved project are not



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consistent with LCP policies protecting riparian /wetland areas. Furthermore, these Appellants contend that the approved project will have a detrimental effect on local viewsheds. These appellants also contend that the buffer between the approved development and adjacent agricultural land is inadequate, that the approved project may exceed the local "carrying capacity," particularly for water and transportation, and that the proposed trail along Moore Creek is not consistent with LCP access policies. Please see Exhibit 4 for Ms. Flower's and Mr. MacKenzie's complete appeal document.

3.3 Appeal of Helen Younger Goode and Dennis J. Kehoe

Helen Younger Goode and Dennis J. Kehoe contend that the buffer between the City-approved project and adjacent agricultural land is insufficient and that project is inconsistent with LCP policies that protect agricultural lands from development. These Appellants also contend that the project is inconsistent with LCP policies designed to preserve open-space land uses at the edge of the City to inhibit urban sprawl, is inconsistent with LCP policies that require focusing higher residential densities in the central core of the City, and that the approved project will be visually obtrusive. Please see Exhibit 5 for Ms. Goode's and Mr. Kehoe's complete appeal document.

3.4 Appeal of Gillian Greensite

Gillian Greensite contends that the City-approved project is inconsistent with LCP policies designed to protect riparian/wetland areas and that the cumulative impacts of the project on Moore Creek have not been addressed. The Appellant also contends that the project is inconsistent with the LCP in that it does not focus development in the urban core, will have an impact on a nearby monarch butterfly overwintering site, will negatively impact traffic, and that statements regarding the percentage of trees that will be retained are false. Please see Exhibit 6 for Ms. Greensite's complete appeal document.

4.0 STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

Motion. I move that the Commission determine that Appeal Number A-3-STC-02-001 raises no substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.

Staff Recommendation of Substantial Issue. Staff recommends a no vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution To Find Substantial Issue. The Commission hereby finds that Appeal Number A-3-STC-02-001 presents a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program.



5.0 RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

5.1 Project Location

The approved project site is located at the western edge of the City of Santa Cruz, south of State Route 1 (SR1) (see Exhibit 7 for location map). The project site covers 9.15 acres, of which approximately 7 acres are developable (the remaining 2 acres of the site extend into the Moore Creek Canyon corridor). The project site is bounded by a single-family residence, Mission Street Extension, and SR 1 to the north; vacant land, an agricultural operation, and the Raytek laser research and development facilities to the west; the Union Pacific railroad tracks, vacant property, Antonelli Pond, and the Homeless Garden Project to the south; and Moore Creek to the east. Other uses nearby include the University of California's Long Marine Laboratory, National Marine Fisheries Service Laboratory, and other coastal-related facilities at "Terrace Point" (see Exhibits 8 & 9). An offsite wetland is located just south of the project site boundary, adjacent to the Union Pacific Railroad tracks.

The project site is east of Shaffer Road, which provides access to the site. Intersections in the vicinity include Shaffer Road and Mission Street Extension, Shaffer Road and SR 1, Mission Street and Natural Bridges Drive, and Western Drive and SR 1.

The project is zoned General Industrial (I-G). Multiple-family dwellings are allowed in the I-G District, at densities ranging from 20.1 to 30 units per acre, with a Special Use Permit. Existing land uses on the site include the facilities of the former Granite Construction concrete plant and maintenance yard, including a one-story office building, an equipment shop, storage structures, a settling pond, and piles of construction material. Granite Construction has used the site as a corporation yard for approximately 35 years. Granite Construction currently uses the site to stockpile earthen materials and concrete construction debris.

5.2 Project Description

The approved project includes a 206-unit apartment complex on approximately 7 acres of the site (see Exhibit 10 for site plan). The apartments will be housed in eight detached buildings, each three stories high with a maximum building height of 34 feet. Approximately 83 units would be designated as affordable to low-income and very-low income households. The remaining 123 units will be rented at market rates. The approved project also includes a community/recreation building and a private recreational area that would include a swimming pool, spa and patio area, lawns, and barbecue/picnic areas.

The buildings along Moore Creek would be set back at least 100 feet from the centerline of Moore Creek and at least 100 feet from the mapped edge of wetlands associated with the creek. All but one of the buildings will be located at least 25 feet from the edge of the willow riparian woodland of the creek bank (one maintenance building would be 12 feet from the willow riparian woodland).



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The areas between the eastern edge of the apartment development and the western edge of the willow riparian woodland would be reserved as a riparian setback area. This setback area would be planted with native riparian plants. The proposed landscaping within the developed areas of the site would include coastal native and ornamental plants. Thirteen Heritage trees (as defined in City Zoning Ordinance Section 9.56.040 – see Exhibit 11) will be removed to accommodate the project. The city conditioned its approval to require the planting of replacement trees throughout the project site.

5.3 Standard of Review

The City of Santa Cruz has a certified Local Coastal Program. The standard for review of coastal permits in the City of Santa Cruz is the certified LCP.

6.0 SUBSTANTIAL ISSUE ANALYSIS

The Appellants contentions fall generally into six areas: (1) protection of riparian/wetland areas in the City, including cumulative impacts on Moore Creek and Antonelli Pond from this and other potential development in the area; (2) protection and appropriate buffering of agricultural lands from development; (3) intensification of land use at the City's urban/rural boundary; (4) visual resource protection in this relatively undeveloped area of the City; (5) protection of the "carrying capacity" of the City, especially with respect to water and traffic; and (6) concern that the proposed trail along Moore Creek is not consistent with LCP access policies. One Appellant also contends that the City-approved project will have an impact on a nearby monarch butterfly overwintering site and that statements regarding the percentage of trees that will be retained are false. Each of these is discussed in detail in the findings that follow. As summarized below, four of the above issues raise a substantial issue with respect to the project's conformance with the City of Santa Cruz LCP.

6.1 Environmentally Sensitive Habitat

The LCP is very protective of environmentally sensitive habitat areas and contains numerous riparian and wetland protection policies. In addition, the Moore Creek Corridor Access and Management Plan section of the LCP contains environmental quality and land use policies that specifically provide the policy and action necessary to ensure the protection of this unique natural area while making it more accessible to passive recreational uses. The LCP further points to the need to minimize environmental disturbance of Moore Creek canyon by controls on adjacent development, land use activities, and access. Relevant LCP policies include:

LCP Environmental Quality (EQ) Policy 4.2: Preserve and enhance the character and quality of riparian and wetland habitats as identified on Maps EQ-8 and EQ-11, or as identified through the planning process or as designated through the environmental review process.

LCP EQ Policy 4.2.1: Develop, adopt and implement management plans for City-owned wetland and riparian areas...Require management plans for sites not owned by the City in connection



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with development, and/or encourage other agencies to implement management plans for:...Moore Creek...When a management plan is prepared, mechanisms will be adopted to implement the plan through permit conditions and other measures to enhance the natural resource.

LCP EQ Policy 4.2.2: Minimize the impact of development upon riparian and wetland areas through setback requirements of at least 100 feet from the center of a watercourse for riparian areas and 100 feet from a wetland. Include all riparian vegetation within the setback requirements, even if it extends more than 100 feet from the watercourse or if there is no defined watercourse present.

LCP EQ Policy 4.2.2.3: Prohibit uses such as construction of main or accessory structures, grading or removal of vegetation within riparian and wetland resource and buffer areas and allow permitted uses ...that are consistent with the environmental quality policies of the Plan, Section 30233 of the Coastal Act, and adopted management plans. Development in wetlands can be undertaken only where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. If any exceptions to this policy are to be considered, it shall be within the context of a resource management plan which shall be approved by the Coastal Commission as an amendment to the Land Use Plan.

LCP EQ Policy 4.2.4: Preserve riparian and wetland vegetation by minimizing removal and allowing only for uses dependent on the resources, passive recreational use, and maintenance of existing uses according to adopted management plans with compensating mitigation.

LCP EQ Policy 4.2.5: Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.

Community Design (CD) Policy 1.3.1.2: Work with the County to maintain lands between Moore Creek Canyon (west branch), the City's western boundary below Highway 1, Younger Lagoon and Wilder Ranch State Park in open space land uses through agricultural zoning, Williamson Act contracts, and open space easement agreements.

Land Use (LU) Policy 3.3.1: Utilize planned development and other techniques that allow clustering to protect resources and views and allow for siting that is sensitive to adjacent uses.

LU Policy 3.4.4: Work with the Land Trust to implement the Antonelli Pond Management Plan pursuant to policy MC 1.2 and complete and revise in accordance with the recommendations and Moore Creek policies...

LU Policy 3.4.12: Implement the Moore Creek Corridor Management and Access Plan...



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Moore Creek Corridor Access and Management Plan (MC) Policy 1.1: The existing vegetation along the Moore Creek Corridor shall be retained and protected to the maximum extent feasible.

MC Policy 1.1.1: Require that replanting and/or plant removal be designed to increase quantity, diversity and productivity of native vegetation and to ensure slope protection, habitat enhancement and buffering.

MC Policy 1.1.4: Require that landscaping plans emphasize native species and include those varieties with both habitat and food-bearing value.

MC Policy 1.2.1: Consider a requirement for dedication of additional lands on the east and west sides of Antonelli Pond to increase buffer area. Precise boundary of buffer area shall be determined through project review and/or environmental review process.

MC Policy 1.3: Maintain the water quality of Moore Creek at the highest level feasible by regulating the discharge of storm waters into Moore Creek and its tributaries.

MC Policy 1.3.1: Maintain all post-project runoff at pre-project levels through the use of retention or detention ponds, with a controlled release, to trap sediment and sediment bound heavy metals, nitrates and phosphates.

MC Policy 1.3.2: Equip new storm drain systems, both onsite and offsite, with sediment/oil and grease traps. A regular maintenance program should be developed...

MC Policy 1.3.5: Equip all outflow culverts and storm drain facilities with energy dissipators to minimize downstream sedimentation of Moore Creek.

MC Policy 1.3.6: Require Granite Construction Co., Inc., to implement, as soon as possible after obtaining City approval, improvements such as construction of a landscaped berm and installation of sediment and grease traps to prevent sedimentation or pollution of Moore Creek potentially caused by Granite's storage of loose materials or other operations on the site.

The City of Santa Cruz LCP also contains numerous policies that provide for the protection of water quality from runoff of impervious surfaces, including policies that specifically apply to Moore Creek. Applicable policies regarding water quality include:

LCP EQ Policy 2.3: Ensure that new development or land uses near surface water and groundwater recharge areas do not degrade water quality.



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LCP EQ Policy 2.3.1: Design and site development to minimize lot coverage and impervious surfaces to limit post-development runoff to predevelopment volumes, and to incorporate storm drainage facilities that reduce urban runoff pollutants to the maximum extent feasible.

LCP EQ Policy 2.3.1.3: Require low-flow velocity, vegetated open channels, area drains incorporating grease and sediment traps, groundwater recharge facilities and detention ponds directly connected to impervious areas.

LCP EQ Policy 2.3.1.5: Ensure that all parking lots, roads, and other surface drainages that will flow directly into coastal waters have oil, grease and silt traps.

LCP EQ Policy 2.3.1.6: Require a maintenance program and oil, grease and silt traps for all parking lots over 10 spaces...

LCP MC Policy 1.3: Maintain the water quality of Moore Creek at the highest level feasible by regulating the discharge of storm waters into Moore Creek and its tributaries.

LCP MC Policy 1.3.1: Maintain all post-project runoff at pre-project levels through the use of retention or detention ponds, with a controlled release, to trap sediment and sediment-bound heavy metals, nitrates and phosphates.

LCP MC Policy 1.3.2: Equip new storm drain systems both on-site and offsite with sediment/oil and grease traps. A regular maintenance program should be developed...

The project site is located adjacent to Moore Creek (see Exhibits 7 & 9). Moore Creek runs along the eastern property boundary, encompassing approximately 2 acres of riparian woodland within the project site. Moore Creek, at this location, may be more aptly described as a wetland riparian area. Thus a wetland delineation was completed to determine the wetland edge (see Exhibit 10). The Moore Creek watershed is largely undeveloped. As such, the riparian habitat associated with Moore Creek is of high biological value because it provides food, shelter, and nesting habitat for a variety of wildlife species. Moore Creek canyon also functions as a movement corridor for some species. Moore Creek continues south from the project site to Antonelli Pond (approximately 0.1 mile from the project site), which is a 13.7-acre freshwater wetland. Habitat areas adjacent to the pond include riparian woodland, shrub areas, and a freshwater marsh. These habitats support numerous species of birds, reptiles, amphibians, and plants. The Santa Cruz Land Trust owns the open space area of Antonelli Pond.

A. Setbacks from Moore Creek

The Commissioner Appellants, the Sierra Club, Renee Flower & Jim MacKenzie, and Gillian Greensite contend that the City-approved project is not consistent with LCP policies protecting riparian/wetland areas. LCP Environmental Quality Policies 4.2 and 4.2.1 require the preservation and enhancement of riparian and wetland habitats and Moore Creek in particular. The City-approved project would be set



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back greater than 100 feet from the Moore Creek centerline and approximately 100 feet from Moore Creek delineated wetlands. The LCP's 100-foot setback, as required by LCP EQ Policy 4.2.2, is a minimum that requires modification as site-specific resources dictate. The City is currently preparing a *City-Wide Creeks and Wetlands Management Plan*. The stated purpose of the plan is to explore in detail the riparian and wetland resources within the City and recommend management actions which promote the continued preservation of riparian and wetland habitats. The *Management Plan* would accomplish this through the development of specific management actions for each of the City's watercourses and wetlands, including resource-based development setbacks. The administrative draft of the *City-Wide Creeks and Wetlands Management Plan* proposes a 190-foot setback at this location because this section of Moore Creek contains dense riparian woodlands that provide valuable habitat and support special status species and thus warrants additional protection from urban encroachment. Therefore, the City-approved setback of 100 feet in this area may not be adequate to protect riparian resources. Furthermore, the Coastal Commission's senior biologist (John Dixon) visited the project site. In his opinion, the Moore Creek corridor is a substantial and important riparian area. Because of the importance of this riparian corridor, he recommended that the setback be calculated from the edge of the top of the bank (which is the outer edge of the riparian vegetation) and not from the centerline of the creek or the edge of the delineated wetland.

As stated above, a wetland delineation was conducted to determine the amount and extent of habitat associated with this section of Moore Creek that meets the three wetland criteria as specified by the Army Corps of Engineers (ACOE). The ACOE uses the Federal wetland delineation standard and not the Coastal Act's more expansive wetland definition. The Federal methodology requires the presence of all three wetland indicators (i.e., periodic saturation, hydric soils, and hydrophytic vegetation) in order to classify an area as a wetland. However, based on the Coastal Act definition of wetland and Section 13577(b) of the Commission's regulations, the Coastal Commission considers an area a wetland if any one (or more) of the three indicators are present. This is a more stringent standard than that applied by the ACOE. Thus, the ACOE methodology may not have been sufficiently inclusive and, as such, it is unclear if all wetlands have been adequately defined. Therefore, the true edge of the wetland (as defined under Coastal Act criteria) may not have been determined and the 100-foot setback (as shown in Exhibit 10) may not be appropriate.

B. Offsite Wetland

An offsite wetland exists just south of the project site, adjacent to the Union Pacific railroad tracks (see Exhibit 10). Development of apartment buildings would be set back approximately 80 feet from this offsite wetland. Parking spaces would be placed within the setback buffer area, much less than 80 feet from the offsite wetland. However, LCP EQ Policy 4.2.2 requires a minimum 100-foot setback from the edge of wetlands and parking lots are not an allowed use within a wetland buffer area under LCP EQ Policy 4.2.2.3. This policy does allow exceptions, but only within the context of a resource management plan which shall be approved by the Coastal Commission as an amendment to the Land Use Plan. The City conditioned its approval to require a management plan to protect the current value of the offsite



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wetland (see Exhibit 1, pg. 27, Condition #52). This condition, however, does not require an amendment to the Land Use Plan.

C. Cumulative Impacts

The EIR determined that in conjunction with future planned developments in the immediate project vicinity, human use of natural resources in the area is expected to increase and that the most substantial affect of this increase would be disturbance to and ongoing degradation of remaining natural areas, including Moore Creek and Antonelli Pond. The cumulative impact was found to be unavoidably significant because of the planned construction of a trail that would provide increased access through the Moore Creek corridor and to Antonelli Pond, per the *Moore Creek Access and Management Plan* (see below in "Public Access" section). The Land Trust of Santa Cruz County is currently preparing a management plan for Antonelli Pond that includes measures intended to enhance habitat and reduce human impacts to this area. The City conditioned its approval to require the developer to contribute \$8000.00/year to the City to assist the Land Trust of Santa Cruz County in implementing the Moore Creek and Antonelli Pond management plans (see Exhibit 1, pg. 27, Condition #55). This is consistent with LCP Land Use Policy 3.4.4, which requires the City to work with the Land Trust to implement the Antonelli Pond Management Plan. However, the specific measures to be included in the plan are not known, and while implementation of the plan may decrease cumulative impacts to Antonelli Pond, the effectiveness of these measures cannot be evaluated at this time.

D. Drainage Plan

Appellants Renee Flower and Jim MacKenzie contend that although the original plans and the project DEIR included a drainage plan map, that the City-approved project does not include a drainage plan. The Appellants also contend that the underground system described in the DEIR is inconsistent with Moore Creek Policy 1.3.1, which requires the use of retention or detention ponds to protect Moore Creek from stormwater runoff (see Exhibit 4, pp. 11-12 for Appellants' contentions).

The City approved a Project Alternate Plan, described in the FEIR. The Project Alternate Plan modified the building sizes and shifted the location of the buildings and parking areas within the project site from those of the DEIR. Thus the drainage plan present in the DEIR needed to be modified to take into account the reconfiguration of buildings and parking areas in the Alternate Plan. The drainage plan for the Alternate Plan was not complete at the time the City approved the project. The City, however, conditioned its approval to require that a drainage plan be submitted in conjunction with application for building permits and that the new drainage plan include the required mitigation measures from the project DEIR (see Exhibit 1, pg. 21, Condition #21).

The project would result in an increase in peak flows and thus would result in a significant impact. Mitigation Hydro-2a includes the requirement that the project developer maintain post-development peak flows of runoff at the same level as for the undeveloped site condition, consistent with LCP EQ Policy 2.3.1. Mitigation Hydro-2a, however, states that if the Applicant can show that the underground system is effective, no additional mitigation would be required. If the underground system were not



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completely effective, then mitigations Hydro-2b and Hydro-3a (which include detention basins, grassy swales, and a performance standard of 85%) would be used (see Exhibit 12). LCP EQ Policy 2.3.1.3 and MC Policy 1.3.1, however, require the use of retention or detention ponds and vegetated open channels to maintain all post-project runoff at pre-runoff levels. Mitigation Hydro-2a, which includes an underground system but no retention or detention ponds, is inconsistent with this policy. Furthermore, LCP EQ Policy 2.3.1 requires that new development reduce urban runoff pollutants to the maximum extent feasible. According to the Commission's water quality specialist, the mitigations described in Hydro-2b and Hydro-3a would both filter and treat runoff, thus greatly reducing the amount of urban pollutants entering Moore Creek. The Commission's water quality specialist also states that an underground system (as described in Hydro-2a) is not acceptable because this type of system is difficult to maintain, is not as effective as the measures described in Hydro-2b and Hydro-3a and, unlike a grassy swale, an underground system does not treat water. Thus if only mitigation Hydro-2a is employed, the project would be inconsistent with LCP EQ Policy 2.3.1.

E. Conclusion

In conclusion, Moore Creek, at this location, is just upstream of Antonelli Pond and thus may be more aptly described as a wetland riparian area. The Moore Creek corridor is the most unspoiled riparian corridor in the City of Santa Cruz. Moore Creek and nearby Antonelli Pond provide significant and valuable habitat for a wide range of plant, bird, and other animal species. The subject development of 206 apartment units is sited adjacent to the Moore Creek corridor. Although the City-approved project is set back 100 feet from the edge of the delineated wetland, the ACOE methodology used may not have been sufficiently inclusive when compared to the Commission's definition of a wetland. Therefore, it is unclear if all wetlands have been adequately defined. Furthermore, the administrative draft of the *City-Wide Creeks and Wetlands Management Plan* proposes a 190-foot setback at this location because this section of Moore Creek contains dense riparian woodlands that provide valuable habitat and support special status species and thus warrants additional protection from urban encroachment. Therefore, the City-approved setback may not be adequate to protect riparian resources. In addition, the Commission's senior biologist recommends that the setback be calculated from the edge of the top of the bank and not from the centerline of the creek or the edge of the delineated wetland. Also, the setback from the offsite wetland is substantially less than 100 feet and includes parking within the setback. Finally, this project in conjunction with others proposed in the vicinity and the construction of a trail is expected to create unavoidably significant impacts to Moore Creek and nearby Antonelli Pond. It is unclear if the fees required by the City's Condition #55 are adequate to mitigate for the expected cumulative impacts. Finally, regarding drainage, mitigation Hydro-2a is an underground system that does not treat water and is therefore inconsistent with LCP EQ Policies 2.3.1, 2.3.1.3, and MC Policy 1.3.1. For all these reasons, the City-approved project raises a substantial issue with respect to its conformance with the LCP's policies that protect wetlands and riparian areas.



6.2 Agricultural Buffer

The City of Santa Cruz LCP contains land use policies that are derived from the Coastal Act's fundamental priority of protecting agricultural lands and uses. The challenge regarding any proposed project at this location on the City's urban edge is to avoid potential land use conflicts with the adjacent agricultural use. The Coastal Act, the City LCP, and the County LCP identify preservation of coastal agriculture as a high priority. The City's LCP contains specific policies that require preservation of agricultural uses on the North Coast, protect agriculture from development located on the periphery of the City, and require that new development maintain an appropriate buffer to agricultural lands. Applicable agricultural policies include:

LCP Land Use (LU) Policy 1.7: Ensure that future growth and development of Santa Cruz occurs consistent with the City's carrying capacity and that such growth and development does not lead to the overdraft of any water source, the creation of unacceptable levels of pollution, or the loss of prime agricultural land.

LCP LU Policy 3.1.3: Support County policies and programs aimed at preservation of agricultural/grazing uses on the North Coast and utilize exclusive agriculture/grazing zoning, Williamson Act contracts, agricultural easements and transfers of development rights to preserve agricultural/grazing lands within the City.

LCP LU Policy 3.3: Require development adjacent to natural areas and agricultural/grazing lands to be compatible with adjacent lands in terms of land use, visual transition and siting.

LCP LU Policy 3.3.3: Require or maintain an appropriate buffer to agricultural fields in the County and allow non-residential uses (such as community gardens and/or recreational uses) within portions of the buffer that are found to not adversely impact or be adversely impacted by the agricultural operations.

Community Design Policy 1.3.1: Support the preservation of open space character and County land use of ... agricultural lands to the west of the City's boundaries and east of wilder ranch.

Environmental Quality Policy 3.4: Protect significant agriculture and grazing lands within and along the periphery of the City from development utilizing exclusive agriculture/grazing zoning and Williamson Act contracts.

The project site is located near an active agricultural operation (located in Santa Cruz County) to the west. The minimum distance between the project site and the agricultural use is approximately 238 feet (see Exhibits 8 & 9). Appropriate buffers between agricultural land and non-agricultural land are necessary to ensure that continued agricultural cultivation is not threatened by proximity to non-agricultural uses. For example, the proximity of a 206-unit apartment complex to standard adjacent agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products



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(such as dust and noise from machine operations – cultivating, spraying, harvesting, et al.) could jeopardize the continued agricultural activities should complaints arise from residents. An appropriate buffer is especially relevant in the area of the project site because of the high prevailing westerly winds that may bring noise, dust, and odors from the adjacent farming operations to this site. The City's LCP does not require a specific buffer between agricultural use and non-agricultural use, but requires an "appropriate buffer" (Land Use Policy 3.3.3). The challenge then is to determine the size of an "appropriate buffer."

Shaffer Road and an adjacent small parcel separate the project site from agricultural land and constitute the majority of the 238-foot buffer (see Exhibits 9 & 10). Thus, the buffer of 238 feet is approximately equivalent to the distance between the western portion of the project site and the agricultural land, i.e., the existing distance between the two sites has been deemed an "appropriate" buffer. Whether this distance of 238 feet is truly appropriate and adequate to protect agriculture, or if it simply convenient because it equals the distance between the two sites, is uncertain. The Commission's recent development decisions have held open the possibility that a 500-foot agricultural buffer may be appropriate in the nearby Terrace Point area.

To address the concern regarding possible complaints from future residents of the development regarding standard agricultural practices on the adjacent agricultural land, the City conditioned its approval to require that the applicant sign an "indemnity/hold harmless" agreement as an agricultural protection mechanism (see Exhibit 1, pg. 23, Condition #36). However, staff counsel has recommended that certain language be added to this condition to ensure that it is adequate to serve as an agricultural preservation mechanism, e.g., that the indemnity/hold harmless agreement applies to any successors and assigns as well as the current property owner, and that all lessees must sign the enforceable lease clause. Finally, this development, along with others pending (e.g., at Long Marine Lab), will largely define the City's western edge. It is unclear whether the larger cumulative effect of such development on nearby agriculture has been adequately analyzed and addressed. In sum, it is not clear that the proposed approximately 238-foot buffer between the project and adjacent agricultural land is adequate to protect continuation of adjacent agriculture. Also, the City's agricultural preservation mechanism condition needs modification and the cumulative effects on agriculture of this and other proposed development in the area might not have been adequately analyzed. Thus the City's approval raises questions of consistency with LCP policies regarding the protection of agriculture.

6.3 Intensification of Land Use

The City of Santa Cruz LCP contains goals that seek to maintain a compact city with clearly defined urban boundaries as well as providing for a variety and balance of residential, commercial and industrial land uses while protecting environmental resources and responding to development constraints. Applicable LCP policies include:



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LCP Community Design (CD) Policy 1.1: Infill and intensify land uses consistent with existing neighborhood or commercial district patterns in developed areas currently served by municipal services.

LCP CD Policy 1.1.1: Focus development in the Central Core, and along arterial and mass transit corridors.

LCP CD Policy 1.3: Preserve open space land uses at the edge of the City to inhibit urban sprawl and maintain identity.

LCP Land Use (LU) Policy 2.1.1: Assign lesser densities to lands that carry significant development constraints.

LCP LU Policy 2.1.2: Maximize land intensity or densities in areas unconstrained by resources or hazards and having adequate service capabilities.

LCP LU Policy 2.4.4: Establish guidelines for transition of development at the City's edge.

LCP LU Policy 2.6.8: Designate the Granite Construction Company corporation yard on Shaffer Road for residential use in the long term. Maintain the industrial zoning in the interim, and limit future development of Granite Construction to the type which will not preclude the potential for future residential development.

The project site is located on the western edge of the City of Santa Cruz, in an area of transition between urban and rural use and in proximity to large areas of open space and parklands, including Moore Creek Preserve to the north, Natural Bridges State Beach and Antonelli Pond to the south, and Wilder Ranch open space to the west (see Exhibit 7). Development in the surrounding area includes a single-family residence, an agricultural operation, and the Raytek laser research and development facilities to the west; the Union Pacific railroad tracks, vacant property, Antonelli Pond, and the Homeless Garden Project to the south; and Moore Creek to the east. Other uses nearby include the University of California's Long Marine Laboratory, National Marine Fisheries Service Laboratory, and other coastal-related facilities at "Terrace Point."

Although the site is currently developed as a corporation yard and is used by Granite Construction to stockpile earthen materials and concrete construction debris, the City-approved project will allow a substantial change of use from a relatively low-level industrial use (low human presence; no weekend or evening use) to medium-density residential use (hundreds of residents on site 24 hours per day, seven days per week).

Development densities in the City of Santa Cruz are generally greatest in the downtown core and along transit corridors. Development densities tend to decrease towards the City's boundaries, with a more



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open-space character in these areas. This decrease in density provides a transition from urban to rural land uses in the City. This transition is most prevalent on the City's western edge, the location of the City-approved project.

LCP Community Design Policy 1.1.1 requires that development be focused in the central core of the City. The City-approved development of 206 apartment units, however, is situated on the extreme western edge of the City. LCP Community Design Policy 1.1 also requires infill development and land uses consistent with existing neighborhoods and commercial districts. The project site is not located in an existing neighborhood or commercial district but rather is situated in a somewhat isolated and semi-rural section of the City. In addition, LCP Land Use Policy 2.4.4 requires the City to establish guidelines for transition of development at the City's edge. The City has developed no such guidelines. The entire area on the western edge of the City, which includes undeveloped "Terrace Point" lands and other undeveloped lands, has no specific plan in place that addresses the amount of development allowable.

On the other hand, LCP Land Use Policy 2.6.8 specifically designates the project site for residential use, although the parcel is currently zoned General Industrial and thus the proposed residential development will require a special use permit. The density of the City-approved project is approximately 29.4 units/developable acre, or a medium density designation. LCP Land Use Policy 2.1.1 requires lesser densities be assigned to lands that carry significant development constraints. The project site (as stated above in the "Environmentally Sensitive Habitat" section) is adjacent to sensitive riparian habitat, which may be considered a development constraint. Thus the medium density of the City-approved project may be too intense for the project site location.

In conclusion, the project site is located on the extreme western edge of the City and raises an issue regarding LCP Community Design Policies 1.1 and 1.1.1, which require infill development located in existing neighborhood and commercial districts and development focused in the Central Core. Also, the density of the City-approved project may be greater than what should be allowed on a site adjacent to the sensitive habitat of Moore Creek. Finally, the City has not established guidelines for transition of development at the City's edge, as required by LCP Land Use Policy 2.4.4. For all these reasons, the City-approved project raises a substantial issue with respect to its conformance with the LCP's policies regarding intensification of land use.

6.4 Visual Resources

The City of Santa Cruz LCP contains policies that are protective of coastal zone visual resources, particularly views of open space and natural areas as well from public roads, and especially along the shoreline. The LCP states:

LCP Community Design (CD) Policy 1.4: Where development abuts open space land uses, utilize careful site planning to emphasize the natural edges provided by topography and vegetation and maintain visual and physical access to open space areas.



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LCP CD Policy 5.4.1: Development near the Western entrances of the City should take into account the rural/urban transition and protect natural views.

LCP Land Use (LU) Policy 3.3: Require development adjacent to natural areas and agricultural/grazing lands to be compatible with adjacent lands in terms of land use, visual transition and siting.

LCP LU Policy 3.3.4: Protect visual access to nearby natural areas as part of environmental review.

Currently the project site is primarily paved and includes a one-story administrative building, a warehouse, storage sheds, a chain-link fence around the site boundary, and piles of construction materials (which range up to ten feet tall). Approximately 2 acres of the project site consist of willow riparian woodland, adjacent to Moore Creek. The developed features of the project site can be said to have a negative visual quality generally.

The City-approved project includes eight detached buildings, each three stories high with a maximum building height of 34 feet (see Exhibit 10 for site plan). Appellants Flower & MacKenzie contend that the project will have a detrimental effect on local viewsheds, particularly views of and from Antonelli Pond, inconsistent with Community Design Policy 1.4 and LCP Land Use Policy 3.3.4. Appellants Goode & Kehoe contend that the visual transition from 12 three-story apartment buildings to flat agricultural fields cannot be mitigated by vegetation, inconsistent with Land Use Policy 3.3.

Exhibits 13 and 14 show existing views and proposed views looking northwest from Antonelli Pond and looking southeast from State Route 1 (eastbound), respectively. A portion of the existing warehouse structure on the project site can be seen from Antonelli Pond. The EIR, however, determined that the project would substantially change the view from Antonelli Pond by making developed features a dominant part of the view. As mitigation for this significant impact, the site plan has been modified to include screening elements along the southern project boundary, including trees and/or shrubs, a berm, or a combination of these (see Exhibit 15 for preliminary landscaping plan). The vegetation chosen must provide maximum screening benefits within five years. This mitigation, however, is not intended to completely screen the apartment buildings but is meant to make these structures a less dominant part of the view. Further mitigation includes requiring the Applicant to work with the Land Trust to incorporate plantings into the area near Antonelli Pond, to screen views of the proposed project (see Exhibit 1, pg. 21, Condition of Approval #17). Also, since the view analyses were done, the project has been modified such that the setback from the southern property line has been increased from approximately 52 feet to 80 feet (slightly farther from Antonelli Pond) and the buildings have been reconfigured such that when viewed from Antonelli Pond they will not form a solid "wall" visually (see Exhibit 10).

The existing view looking southeast from State Route 1 (eastbound) across agricultural fields includes several multistory office buildings and thus cannot be considered pristine (Exhibit 14). The City



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conditioned its approval to require the planting of a solid row of evergreen trees along the northern portion of Shaffer Road (see Exhibit 1, pg. 21, Condition #17). In addition, 13 mature eucalyptus trees along the southern portion of Shaffer Road will be retained and will provide screening of a portion of the project as seen from certain points on State Route 1. Furthermore, the City conditioned its approval to require the Applicant to use good faith efforts to attempt obtain permission from the owners of the adjacent Younger Ranch and Wells Fargo properties to erect a fence and plant a double row of evergreen trees along the boundary of these two properties (see Exhibit 1, pg. 23, Condition #36).

In conclusion, the appeal does not raise a substantial issue regarding the project's conformance with LCP standards protecting visual resources because the project has been designed and conditioned to include the planting of trees/shrubs along property boundary lines to mitigate the visual impacts of the development. Furthermore, the project has been modified since the view analyses were completed such that the setback from the southern property line has been increased and the buildings will not form a solid "wall" when viewed from Antonelli Pond. Finally, the existing view from State Route 1 across agricultural land includes multistory buildings and, as such, the approved project will not create a substantial impact to this view.

6.5 Carrying Capacity

Appellants Renee Flower & Jim MacKenzie, the Sierra Club, and Gillian Greensite contend that that the approved project may exceed the local "carrying capacity" for water and transportation. Applicable policies include:

LCP Land Use (LU) Policy 1.7: Ensure that future growth and development of Santa Cruz occurs consistent with the City's carrying capacity and that such growth and development does not lead to the overdraft of any water source, the creation of unacceptable levels of pollution, or the loss of prime agricultural land.

LCP LU Policy 2.1.2: Maximize land intensity or densities in areas unconstrained by resources or hazards and having adequate service capabilities.

LCP Circulation Policy 1.7: As a condition of development, expansion or change of land use, developers or employers shall mitigate their impacts on circulation (consistent with circulation planning policy and the CMP), provide incentives to enhance the use of alternative transportation and when necessary shall prepare transportation impact studies, and phase improvements to reduce traffic impacts and ensure that circulation facilities are adequate to serve the development.

A. Water Supply

The Santa Cruz Water Department (SCWD) provides potable water to the City, the University of California at Santa Cruz, and adjoining unincorporated areas. Current water demand in the SCWD service area exceeds the system's estimated current and future water supply volume during normal and



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dry years. This water deficit is projected to increase in the future. SCWD is currently in the process of initiating an integrated water plan (due in 2002) to identify a preferred strategy to reliably meet the water service needs of both existing and future customers. This plan will determine how much additional water supply is needed, what are the best supply options, etc., to meet the essential water needs of the community.

The current annual water demand for the SCWD service area is 4,637 million gallons. The estimated water demand of the City-approved project is 9.3 million gallons per year. This represents 0.2 percent of current system demand and is not, in and of itself, a substantial increase in water demand. According to the EIR, the project would not be expected to have an adverse impact on the water system during a year of normal rainfall, but during periods of drought the system yield would be exceeded with or without the project. Thus, during drought years, SCWD might not be able to provide the full water demand for the project. This is a significant impact. The project includes a number of mitigations for this significant impact, including requiring the planting of drought-tolerant plants, requiring the landscape architect for the project to consult with the City's water conservation office, and requiring the Applicant to install high-efficiency clothes washers in each apartment (see Exhibit 1, pp. 20 & 26, Conditions #12 and #49).

The City adopted a Statement of Overriding Considerations regarding the significant impact of the project on water supply. The City found that "despite the occurrence of significant unavoidable environmental effects associated with the project, that there exist certain overriding economic, social, and other considerations for approving the project that the City Council... believes justify the occurrence of those impacts and render them acceptable" (see Exhibit 1 pg. 4). These considerations include, among other things, the need for new housing and in particular affordable housing in the City of Santa Cruz as well as the fact that the City is currently undertaking preparation of a Master Water Supply and Conservation Plan to address the water supply issue.

The City of Santa Cruz currently has a water deficit during normal and dry years. LCP Land Use Policy 1.7 requires that growth and development do not lead to the overdraft of any water source. This project will create a 0.2 percent of current system demand, which is not a substantial increase. The City-approved project will not lead, in and of itself, to the overdraft of any water source. The mitigation measures mentioned above will work to reduce the demand for water for this project. The project site is designated for residential use as stated in Land Use Policy 2.6.8. The City's water situation, while problematic, is not critical at this time and no moratorium on development due to a water shortage has been enacted by the City Council. The City does not have a waiting list for new water connections, unlike other communities in the Monterey Bay Area. The City has undertaken work on a Master Water Supply and Conservation Plan to address the water supply issue. Given all the above, this aspect of the appeal does not raise a substantial issue with respect to the project's conformance with LCP's policies regarding water supply.



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B. Transportation

Access to the City-approved project would be provided via Mission Street (State Route 1). Mission Street (State Route 1) is a major artery for local traffic and is also a major route for recreational traffic, especially during the summer months. Immediate access to the project would be via two driveways on Shaffer Road, which is a two-lane collector road that dead-ends at the railroad tracks just south of the project site. Shaffer Road has an unsignalized intersection with Mission Street (State Route 1). See Exhibit 19 for a map of existing streets in the project area.

The potential impacts of the project on traffic were evaluated for the weekday p.m. hour and the Saturday afternoon peak hour (because of tourist traffic on weekends). The study included an analysis of four signalized intersections and three unsignalized intersections under five scenarios: existing conditions, background conditions, project conditions, cumulative background conditions, and cumulative project conditions. The estimated trip generation for the project was 130 vehicle trips during the weekday p.m. peak hour and 107 vehicle trips during the Saturday afternoon peak hour. Based on existing traffic counts and the estimated trip generation of the project, it was determined that the worst traffic conditions would occur during the weekday p.m. hour. The additional traffic would cause the intersection of State Route 1 and Bay Street to degrade from LOS D to LOS E. However, the increase in traffic generated by this project at this intersection is 2.5%, which is considered less than significant according to the City's significance criteria (if a project contributes 3% or fewer additional vehicle trips to an intersection, it is not considered significant per the City's criteria). The LCP does not contain specific traffic significance criteria. Under cumulative conditions (i.e. development of other proposed projects in the area), this intersection would operate at LOS F with or without the project.

The traffic on State Route 1 west of Swift Street is expected to increase from 16,800 vehicles per day to 17,650 vehicles per day under project conditions, or a daily increase of approximately 5%. Daily traffic on Delaware Avenue would increase from 4,700 vehicles per day to 4,750 vehicles per day under project conditions, an increase of about 1%. Daily traffic volumes on Western Drive would increase by 200 vehicles per day (about 4%) to 5,400 vehicles per day. According to the EIR, the traffic volumes on each of these roadways are within roadway capacity. Thus, the estimated project traffic increase for these streets is considered insignificant.

The three existing unsignalized intersections (see Exhibit 19) were evaluated to determine whether signalization would be justified based on estimated cumulative peak-hour volumes. The analysis showed that the estimated peak-hour volumes would not be great enough to warrant signalization of any of these three intersections with or without the proposed project. Although at this time there is no near-term plan to extend Shaffer Road across the Union Pacific Railroad tracks, the EIR notes that this improvement is possible in the future. This connection (if completed) would trigger the need for signalization at the State Route/Shaffer Road intersection. The City conditioned its approval to require the project developer to pay a "fair share" contribution to any future signal at this intersection and for improvement of Mission Street Extension, a possible extension of the left-turn lane on State Route 1, as



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well as the full cost of improvements to any future extension of Shaffer Road across the railroad tracks (see Exhibit 1, pg. 24, Condition #37).

The project as originally proposed did not provide enough parking to meet City Code requirements or standard demand estimates. This parking deficit was determined to be a significant impact in the draft EIR. Mitigation included requiring the Applicant to develop an alternative transportation plan to include a shuttle program and a bicycle loan program. The City-approved Project Alternate Plan, however, provides the required 316 parking spaces on site, reducing the parking impact to a level of insignificance. However, to address general community concerns about transportation, the City conditioned its approval to require the provision of a bus shuttle provided at no cost to users six days per week, as well as the provision of electric bikes for use by residents (see Exhibit 1, pg. 26, Condition #48).

The Santa Cruz Metropolitan Transit District (SCMTD) provides bus service on the nearby road network. A walking distance of one quarter of a mile to a transit stop is considered acceptable for transit patrons. Two bus stops for routes in the project area are generally within walking distance of the project site, (Shaffer Road at Delaware Avenue; Mission Street Extension – see Exhibit 20), although sidewalks to the bus stops are limited. The project would provide a four-foot-wide sidewalk along the project frontage on the east side of Shaffer Road. Pedestrian facilities in the area, however, are limited and discontinuous. For example, Mission Street Extension near the project site is narrow and difficult for pedestrians to walk on. Thus the EIR determined that the project would result in a significant impact related to pedestrians. Mitigations to offset this significant impact include connecting the existing sidewalks in the vicinity of the project site (with the Applicant contributing to the cost of installing the sidewalks). Further mitigations include requiring the City to approve modifications to Mission Street Extension to allow for a pedestrian and cyclist connection along the segment north of the project site, the provision of shuttle service from the project site to the local elementary school (in addition to other destinations), requiring the project Applicant to work with SCMTD to modify bus routes and establish a bus stop on Shaffer Road near the project site, and working with SCMTD and the University of California to coordinate the project shuttle with the SCMTD bus and UC shuttle schedules (see Exhibit 21 and Exhibit 1, pg. 24, Condition #39).

In conclusion, the City-Approved project will not have a significant impact on any of the study intersections (per the City's significance criteria), will not have a significant impact on nearby roadway volumes, and will not result in the need to signalize any of the unsignalized intersections. Furthermore, the required 316 parking spaces will be provided on the project site. In addition, project mitigations and conditions of approval include requiring the Applicant to provide a bus shuttle and electric bikes for use by residents, requiring the Applicant to pay a fair share contribution to certain road improvements, and requiring the Applicant to work with the local transportation district and UC Santa Cruz to modify bus routes, establish a bus stop on Shaffer Road, and coordinating the project shuttle with city bus and UC Santa Cruz shuttle schedules. These mitigations are consistent with LCP Circulation Policy 1.7, which requires developers to mitigate their project impacts on circulation and to provide incentives to enhance



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the use of alternative transportation. Given all the above, this aspect of the appeal does not raise a substantial issue with respect to the project's conformance with LCP's transportation policies.

6.6 Public Access

Appellants Renee Flower and Jim MacKenzie contend that the City-approved project does not conform to the public access policies of the City's LCP regarding development of a portion of the Moore Creek Canyon trail. Applicable LCP public access policies include:

LCP Land Use (LU) Policy 3.5: Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.

LCP LU Policy 3.5.3: Require new development and public works projects to provide public access from the nearest public roadway to the shoreline and along the coast, except where it is inconsistent with public safety, protection of fragile coastal resources, or where adequate access exists nearby.

LCP LU Policy 3.5.5: Develop and implement plans to maximize public access and enjoyment of recreation areas along the coastline.

LCP LU Policy 5.6.2: Provide public access from and through new development to adjacent or nearby schools, parks, natural areas and coastal recreation areas.

Moore Creek Corridor Access and Management Plan Policy (MC) 6.1: Develop a low profile trail system in Moore Creek Canyon corridor linking the corridor with UCSC, Natural Bridges State Park Coastal Trail and Wilder Ranch and Beaches State Park.

MC Policy 6.2.2: Require construction and provision of public viewing areas as part of private development in locations designated in the Moore Creek Access and Management Plan. To minimize impact on private developer, open space provided for pedestrian trails and/or viewing areas, mini-parks, etc., should be "counted" toward the developer's normal open space contribution.

LCP Land Use Policy 3.5 calls for the enhancement of public access and recreational enjoyment. Land Use Policies 3.5.3 and 5.6.2 require new developments between the first public road and the sea to provide public access, especially to coastal recreation and natural areas. Moore Creek Policy 6.1 requires the development of a low profile trail system in Moore Creek Canyon. Map ASP-10 of the Moore Creek Management and Access Corridor Plan shows the location of this proposed trail (see Exhibit 16). The trail is shown on the opposite side of the creek from the project site. This area has now been developed and it is unlikely that room for a trail exists on the east side of the creek at this location.



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Thus, the trail must now be located on the west side of the creek, a portion of which falls on the project site.

The City-approved preliminary landscaping plan shows a multiuse trail along the eastern portion of the project site. This paved trail will serve as a project walkway as well as a connection to the northern and southern portions of the proposed Moore Creek trail (see Exhibit 15). This portion of the trail has been located close to the apartment buildings, ostensibly to protect the Moore Creek riparian area from disturbance but also to provide access to project parking areas and buildings. This is not consistent with the intent of Moore Creek Access Policy 5.6.2, which requires access through natural areas. Furthermore, it is unlikely that the general public will view this paved walkway located adjacent to apartments and parking areas as a nature trail. As such, the trail would likely see little public use other than by those residing in the three buildings adjacent to the trail. Also, a paved trail is inconsistent with Land Use Policy 3.5, which requires development of a *low profile trail* in the Moore Creek Canyon corridor. Given that this multiuse trail appears to have been developed with a project-specific purpose of providing access to parking lots and apartments, rather than as a nature trail, this aspect of the development raises a substantial issue with respect to the project's conformance with LCP policies protecting public access.

6.7 Additional Contentions

Appellant Gillian Greensite contends that the City-approved project will have an impact on a nearby monarch butterfly overwintering site. Ms. Greensite also contends that statements regarding the percentage of trees that will be retained are false. Applicable LCP policies regarding protection of monarch butterflies and trees include:

LCP Environmental Quality (EQ) Policy 4.4: Preserve the character and quality of brush, mixed evergreen forest, Monterey pine, redwood forest, and eucalyptus habitats, as defined on Map EQ-8, by minimizing removal of trees and brush where they are an integral part of the community or habitat and requiring introduced landscaping to be compatible with the established tree and/or brush community.

LCP EQ Policy 4.5: Continue the protection of rare, endangered, sensitive and limited species and the habitats supporting them as shown in Map EQ-9 or as identified through the planning process or as designated as part of the environmental review process. (See Map EQ-9)

LCP EQ Policy 4.5.3: Protect monarch butterfly overwintering sites and ensure adequate buffering of these sites from development

LCP EQ Policy 4.5.3.2: Require development in the vicinity of designated monarch sites to undergo environmental impact analysis and for development affecting sites prepare a management plan addressing preservation of the habitat that includes criteria...



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LCP EQ Policy 4.6: Encourage the planting and restoration of native rather than nonnative vegetation throughout the City and also in areas where plants or habitats are diseased or degraded.

LCP Community Design Policy 6.1.1: Protect Heritage Trees and Shrubs by reviewing all construction plans to determine their impacts on Heritage Trees or Shrubs and providing technical information to assist owners in maintaining Heritage Trees and Shrubs on private property.

LCP Community Design Policy 6.1.2: Require a two-for-one or more replacement planting and maintenance program when tree removal is necessary for development.

A. Monarch Butterflies

Monarch butterfly overwintering sites in California typically occur near the coast. Trees such as eucalyptus, Monterey pine, and Monterey cypress are most often used as roosts. Although not listed by state or federal agencies, winter roost sites of the monarch butterfly are considered sensitive habitats by the California Department of Fish and Game. In addition, the City of Santa Cruz defines the monarch butterfly as a "sensitive species," which include species that rely on specific habitat conditions that are limited in abundance, restricted in distribution, or are particularly sensitive to development.

The project site is located approximately 0.5 mile from the 16-acre Natural Bridges Monarch Preserve, which is located in a canyon-like setting at Natural Bridges State Beach. This preserve provides winter habitat for thousands of monarch butterflies each year. General monarch butterfly habitat areas in the City are shown within circles on Map EQ-9 of the City's LCP; Natural Bridges State Beach falls within one of these monarch habitat circles (see Exhibit 17).

LCP Environmental Quality Policy 4.5 requires protection of sensitive species and their habitats as shown in Map EQ-9 or identified through the planning process or designated as part of the environmental review process. In this case, however, the project site is not located within a general monarch butterfly habitat area designated in LCP Map EQ-9. Also, given the 0.5-mile distance between the monarch preserve and the project site, it is not likely that the City-approved project would have an impact on the preserve. Furthermore, although approximately 15 of the 32 mature eucalyptus trees (potential monarch butterfly habitat) lining the western boundary of the project site along Shaffer Road would be removed, these trees are subject to strong winds (detrimental to monarch butterflies) and no winter roosts are known or expected to occur on the project site. Remaining eucalyptus trees on the site, however, would continue to provide a nectar source for foraging monarch butterflies. Given the above, this aspect of the appeal does not raise a substantial issue regarding the project's conformance with LCP standards protecting monarch butterflies.



California Coastal Commission

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Monarch Village Apartments

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B. Preservation of Trees

LCP Environmental Quality Policy 4.4 calls for the preservation of the character and quality of tree habitats by minimizing removal of trees. LCP Community Design Policy 6.1.1 requires that construction plans be reviewed to determine impacts on Heritage Trees and calls for technical assistance to property owners to protect Heritage trees on private property. This policy, however, does not prohibit the removal of Heritage trees due to development.

The Appellant contends that statements regarding the percentage of trees that will be retained are false and that less than half of the trees on the site will be preserved. There are a total of 41 trees on the project site or immediately adjacent to the property line (these trees could also be affected by the development). Of these, 33 trees are Heritage Trees as defined in Section 9.56 of the City's Zoning Ordinance (see Exhibit 11). The City-approved plan calls for the removal of 21 trees, 13 of which are Heritage Trees. No vegetation or trees in the willow riparian area along Moore Creek will be removed. The Heritage trees to be removed are all nonnative eucalyptus trees, which could provide nesting habitat for birds. Therefore, the project includes mitigation measures requiring bird surveys, along with measures to be taken if nesting birds are found (see Exhibit 18). Furthermore, the project's landscaping plan includes the planting of approximately 250 trees, a much greater number than the minimum two-for-one replacement required by LCP Community Design Policy 6.1.2 and approximately six times as many trees as currently exist on or immediately adjacent to the project site. All of the trees planted adjacent to the woodland riparian area along Moore Creek will be native species, consistent with LCP Environmental Quality Policy 4.6. Almost 50% of the other tree and shrub species to be planted on the remainder of the project site are natives, also consistent with EQ Policy 4.6, which encourages (but does not absolutely require) the planting of native species. Also, the City conditioned its approval to include specifications regarding the planting of trees and shrubs (see Exhibit 1, pg. 21, Conditions #17 and #18). Condition #17 requires that no less than 50 percent of trees shall be 24-inch box size; all other trees shall be a minimum of 15-gallon size. Given all of the above, this aspect of the appeal does not raise a substantial issue with respect to its conformance with the LCP's policies regarding the protection of trees.



California Coastal Commission

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**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
SHAFFER ROAD / MONARCH VILLAGE APARTMENT PROJECT**

WHEREAS a Final Environmental Impact Report (the "Final EIR") on the Shaffer Road / Monarch Village apartment project has been completed in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq, the Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code Regs. Section 15000 et seq.) (the "State CEQA Guidelines") and local procedures adopted pursuant thereto and presented to the City Council;

WHEREAS, the City Council considered the Final EIR at a public meeting on December 11, 2001;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz as follows:

- The City Council hereby certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act, the State CEQA Guidelines and local procedures which are followed by the City and adopted by the Council pursuant thereto. The City Council hereby finds that the Final EIR reflects the independent judgment of the Council, as required by Public Resources Code Section 21082.1
- The City Council has independently reviewed and analyzed the Final EIR and considered the information contained therein and all comments, written and oral, received prior to approving this resolution.

PASSED AND ADOPTED this 11th day of December 2001 by the following vote:

AYES: Councilmembers: Reilly, Fitzmaurice, Sugar, Primack, Kennedy, Porter; Mayor Krohn.

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

DISQUALIFIED: Councilmembers: None.

APPROVED: 
Mayor 

ATTEST: 
City Clerk

COPY

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
ADOPTING FINDINGS OF FACT, A MITIGATION MONITORING AND REPORTING
PROGRAM AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
SHAFFER ROAD / MONARCH VILLAGE APARTMENT PROJECT**

WHEREAS, a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the project was issued on June 28, 2001;

WHEREAS, pursuant to this Notice a public meeting was held on July 17, 2001 to accept comments on the proposed project;

WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared and issued for agency and public review and comment on September 25, 2001 for a 45 day review period;

WHEREAS, the Planning Commission and the Zoning Board held a joint public hearing to accept comments on the DEIR on October 18, 2001;

WHEREAS, the Planning Commission and the Zoning Board held a joint public workshop on the project on November 15, 2001;

WHEREAS, a Final Environmental Impact Report (FEIR), incorporating responses to comments on the DEIR was issued on December 1, 2001.

WHEREAS, the Planning Commission and Zoning Board held a joint meeting on the project and the EIR on December 6, 2001 and issued recommendations to the Santa Cruz City Council;

WHEREAS, on December 11, 2001 the City Council considered the FEIR at a public hearing;

WHEREAS, on December 11, 2001, the City Council, in Resolution No. NS-25,656 certified the FEIR for the Shaffer Road / Monarch Village Apartment Project;

WHEREAS, the complete Final EIR consists of the September 24, 2001 Draft EIR, comments received on the document, and responses to comments contained in the December 1, 2001 FEIR, items included at the December 11, 2001 City Council Meeting and included in attachments to this resolution, and all documents and resources referenced and incorporated by reference in the EIR;

WHEREAS, the Final EIR identified certain significant and potentially significant adverse effects on the environment that would be caused by the adoption and implementation of the Shaffer Road / Monarch Village Apartment Project as originally proposed, and as modified by the applicant in the Revised Project Alternative;

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(Monarch Village Apartments)

WHEREAS, the Final EIR outlined various mitigation measures that would substantially lessen or avoid the project's significant effects on the environment, as well as alternatives to the project as proposed which would provide some environmental advantages;

WHEREAS, the City Council is required, pursuant to the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects of a proposed project;

WHEREAS, Public Resources Code § 21081, subdivision (a), requires a lead agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

WHEREAS, Sections I through VI of Exhibit A to this Resolution is a set of Findings of Fact prepared in order to satisfy the requirements of Public Resources Code § 21081, subdivision (a);

WHEREAS, as the Findings of Fact explain, the City Council, reflecting the advice of City Staff, the Planning Commission, the Zoning Board, the Redevelopment Agency and extensive input from the community, has expressed its intention to adopt a version of the project that is identified as the Revised Project Alternative;

WHEREAS, in taking this course, the City has acted consistent with the CEQA mandate to look to project mitigations and/or alternatives as a means of substantially lessening or avoiding the environmental effects of projects as proposed;

WHEREAS, as the Findings of Fact demonstrate, most of the mitigation measures formulated with the original project in mind still apply to the version of the project that the Council intends to approve;

WHEREAS, all but a few of the significant and potentially significant environmental effects associated with the project, as approved, can either be substantially lessened or avoided through the inclusion of mitigation measures proposed in the Final EIR;

WHEREAS, indeed, most of the significant environmental effects of the project can be fully avoided (i.e. rendered less-than-significant by the adoption of feasible mitigation measures);

WHEREAS, the city Council in approving the modified project plan intends to adopt all mitigation measures set forth in the Findings of Fact;

WHEREAS, those significant effects that cannot be avoided or substantially lessened by the adoption of feasible mitigation measures will necessarily remain significant and unavoidable;

RESOLUTION NO. NS-25,657

WHEREAS, the City Council has determined, for reasons set forth in the Findings of Fact, that none of the alternatives addressed in the Final EIR would be both feasible and environmentally superior to the modified project as mitigated with respect to the significant unavoidable effects of the project, as adopted;

WHEREAS, Public Resources Code § 21081, subdivision (b), and CEQA Guidelines § 15093 require the Council to adopt a "Statement of Overriding Considerations" before approving a project with significant unavoidable environmental effects;

WHEREAS, the City Council desires, in accordance with CEQA, to declare that, despite the occurrence of significant unavoidable environmental effects associated with the project, as mitigated and adopted, there exist certain overriding economic, social and other considerations for approving the project that the City Council, in its legislative capacity, believes justify the occurrence of those impacts and render them acceptable;

WHEREAS, Section V of Exhibit A attached hereto is a Statement of Overriding Considerations specifying the economic, social and other benefits that render acceptable the significant unavoidable environmental effects associated with the modified mitigated project;

WHEREAS, the City Council recognizes the City's obligation, pursuant to Public Resources Code § 21081.6, subdivision (a), to ensure the monitoring of all adopted mitigation measures necessary to substantially lessen or avoid the significant effects of the project; and

WHEREAS, Exhibit B to this Resolution is the Mitigation Monitoring and Reporting Plan prepared in order to comply with § 21081.6, subdivision (a);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz as follows:

- In approving this Resolution, the City Council adopts Sections I through IV of Exhibit A attached hereto in order to satisfy its obligations under Public Resources Code § 21002 and 21081, subdivision (a);
- In approving this Resolution, the City Council adopts Section V of Exhibit A attached hereto in order to satisfy its obligations under Public Resources Code § 21081, subdivision (b) and CEQA Guidelines § 15093; and
- In approving this Resolution, the City Council adopts Exhibit B attached hereto in order to satisfy its obligations under Public Resources Code § 21081.6, subdivision (a);

PASSED AND ADOPTED this 11th day of December 2001 by the following vote:

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(Monarch Village Apartments)

Exhibit 1
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RESOLUTION NO. NS-25,657

AYES: Councilmembers: Reilly, Fitzmaurice, Sugar, Primack, Kennedy,
Porter; Mayor Krohn.

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

DISQUALIFIED: Councilmembers: None.

APPROVED: _____

Mayor

ATTEST: _____

City Clerk

DATE 1-10-02 CITY CLERK Deputy

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ TO
APPROVE GENERAL PLAN AMENDMENT (FROM LOW MEDIUM RESIDENTIAL
DESIGNATION TO GENERAL INDUSTRIAL DESIGNATION), COASTAL PERMIT,
DESIGN PERMIT, SPECIAL USE PERMIT, AND PLANNED DEVELOPMENT
PERMIT FOR THE CONSTRUCTION OF A 206-UNIT APARTMENT COMPLEX AND
REMOVAL OF 13 HERITAGE TREES ON A 9.3-ACRE SITE WITH AN EXISTING
OFFICE BUILDING AND SHOP STRUCTURE THAT ARE PROPOSED FOR
DEMOLITION.**

WHEREAS, the City Council adopted the Santa Cruz General Plan and Local Coastal Program (LCP) on October 27, 1992; and

WHEREAS, Pacific Union Apartments, Inc., applicants for the project on property located at 1280 Shaffer Road, known as APN 003-311-04 and -05, have applied for approval of a General Plan Amendment (from Low Medium Residential designation to General Industrial designation), Coastal Permit, Design Permit, Special Use Permit, and Planned Development Permit for the construction of a 206-unit apartment complex and removal of 13 heritage trees on a 9.3-acre site with an existing office building and shop structure that are proposed for demolition; and

WHEREAS, a Draft Environmental Impact Report for the project has been prepared, noticed and circulated for public comment and a Final Environmental Impact Report has been completed and distributed; and

WHEREAS, the Final Environmental Impact Report has been certified by Resolution No. NS-25,656, and Findings of Fact, Findings of Overriding Consideration and adoption of a Mitigation Monitoring Program have been adopted by Resolution No. NS-25,657; and

WHEREAS, all environmental mitigation measures have been incorporated into the permit conditions; and

WHEREAS, on December 6, 2001 a duly noticed public hearing was conducted by the Planning Commission and Zoning Board; and

WHEREAS, on December 6, 2001 the Planning Commission voted 2-2 on a motion to recommend that the City Council certify the Environmental Impact Report, approve a General Plan Amendment for the project, and approve a Development Agreement for the project; and

WHEREAS, on December 6, 2001 the Zoning Board voted 3-0 to recommend that the City Council certify the Environmental Impact Report, approve zoning permits and approve a Development Agreement for the project; and

WHEREAS, on December 11, 2001 a duly noticed public hearing was conducted by the City Council; and

WHEREAS, the City Council now finds:

With respect to the General Plan Amendment, Table I-3 (page 10) of General Plan

1. The proposed amendment is deemed to be in the public interest.

The General Plan amendment to the Industrial designation, in conjunction with Special Use and other permits and a Development Agreement, is intended to result in a housing project on the site. The zoning district is "IG" (General Industrial) which would be consistent with the new General Plan designation. This zoning district allows for residential development with a Special Use Permit. This is consistent with the intent of the Land Use Element of the General Plan for the site. The proposed housing project will provide much needed housing for the City which is in the general public interest.

2. The proposed General Plan and/or Local Coastal Program amendment is consistent and compatible with the rest of the General Plan and LCP and any implementation programs that may be affected.

The proposed amendment is consistent with other portions of the General Plan and/or Local Coastal Program because it will allow residential development through a Special Use Permit provision in the "IG" (General Industrial) zoning district. The current General Plan designation has never been approved by the Coastal Commission and the amendment returns the designation back to what is consistent with the Local Coastal Program. The General Plan amendment has an effective date tied to the date that the applicant obtains a building permit for the project. This "effective date" provision prohibits industrial use of the property and assures long-term residential use.

The proposed amendment is consistent with the General Plan/Local Coastal Plan Community Design Element policies 1.1, 1.3, 1.3.2, 1.4 because the site is set back from the city limits by 200-850 feet, because the site is a developed industrial site in a developed industrial area, because the site is east of the city limits and south of Highway 1 in an area with developed sewer and water systems, and because the site is large enough to accommodate a large setback from Moore Creek. The proposed amendment is consistent with General Plan/Local Coastal Plan Land Use Policy 2.4.4 because any buildings on the site can be set back 235-850 feet away from the agricultural land to the west and because a number of other measures can be taken to assure the long-term viability of agricultural land to the west. The proposed amendment is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.3 because it involves a developed industrial site. The proposed amendment is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.8 because it will not become effective unless and until building permits are obtained for the 206-unit residential apartment project approved for the site.

3. **The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety or welfare.**

The EIR for the project has studied the potential impacts of the General Plan amendment and other project permits. With appropriate mitigation measures, the great majority of identified impacts can be fully mitigated. A Finding of Overriding Consideration is required to approve the project in light of certain impacts which cannot be mitigated to a level of insignificance. The 206 apartment units and substantial affordability provisions of the project are beneficial to the public health, safety and welfare.

4. **The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).**

See Finding 3.

With respect to the Planned Development Permit, Section 24.08.770

5. **Is consistent with the General Plan, the Local Coastal Land Use Plan, and adopted area plans.**

The project involves 206 apartments, with 40 percent being affordable. This is consistent with General Plan housing and land use policies. The project is 238-850 feet away from agricultural land to the west. Agricultural protection mechanisms are required as part of the project, including indemnity/hold harmless agreements, acknowledgement of the nearby agricultural usage in apartment lease provisions, fencing, and landscape buffers. Transportation and other infrastructure improvements will be required as called for by the General Plan. Sidewalks will be added to Shaffer Road and Mission Street Extension will be restriped and improved to provide a pedestrian and bicycle pathway to other such improvements east of Moore Creek. The project will be required to pay their "fair share" of future transportation improvements including a traffic signal and possible turn-lane extension at the Highway 1/Shaffer Road intersection, and a Shaffer Road railroad crossing which is anticipated with full development of the Terrace Point and Swenson properties south of the tracks. A trail will be constructed adjacent to the Moore Creek riparian area as required by the Moore Creek area plan. Sewer, water and drainage systems will be improved as necessary to serve the development.

The proposed project is consistent with the General Plan/Local Coastal Plan Community Design Element policies 1.1, 1.3, 1.3.2, 1.4 because the project buildings are set back from the city limits by 238-850 feet, because the site is a developed industrial site in a developed industrial area, because the site is east of the city limits and south of Highway 1 in an area with developed sewer and water systems, and because the site plan includes a large setback from Moore Creek. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.4.4 because project buildings on the site will be set back 238-850 feet from the agricultural land to the west and because a number of

project conditions will assure the long-term viability of agricultural land to the west. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.3 because it involves redevelopment of a developed industrial site. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.8 because it involves residential development.

6. Is consistent with the purpose of this chapter and other applicable sections of this title.

Residential projects can be allowed within the "IG" zoning district with a Special Use Permit in accordance with the "RM" zoning district standards. The project is meeting all of these standards other than the variations requested for the amount of parking, the use of tandem parking, and the provision of fewer than 206 covered parking spaces. The project meets the required setbacks from the Moore Creek riparian area and the small wetland near the railroad tracks in the southwest portion of the site.

7. Includes planned variations to underlying district regulations which serve public purposes to an equivalent or higher degree than would underlying district regulations.

The planned variations to "IG/RM" zoning standards involve tandem parking and the provision of fewer than 206 covered parking spaces. The project's 40 percent housing affordability provisions serve the public far in excess of the standard 15 percent housing affordability requirements. 83 units will be affordable instead of 31. The 12.5 percent reduction in normal parking requirements, the tandem parking arrangement, and the provision of fewer than 206 covered parking spaces are all utilized to make the project economically feasible considering its ambitious housing affordability provisions. Absent these variations, the public would not benefit, via the number of affordable units, to the degree that is possible with the variations. The General Plan Housing Element suggests that a reduction in parking requirements is one way to assist in the provision of affordable housing. The bus shuttle and "low auto ownership" leasing provisions proposed with the development will also benefit the public to a greater degree than normal apartment development without such provisions.

8. Can be coordinated with existing and proposed development of surrounding areas.

Transportation and other infrastructure improvements will be required as called for by the General Plan. Due to the substantial nature of some of the improvements (such as the railroad crossing), some improvements may take longer than others. Sidewalks will be added to Shaffer Road and Mission Street Extension will be re-striped and improved to provide a pedestrian and bicycle pathway to other such improvements east of Moore Creek. The project will be required to pay their "fair share" of future transportation improvements including a traffic signal and possible turn-lane extension at the Highway 1/Shaffer Road intersection, and a Shaffer Road railroad crossing which is anticipated with full development of the Terrace Point and Swenson properties south of the tracks. A trail will be constructed adjacent to the Moore Creek riparian area as required by the Moore Creek area plan. Sewer, water and drainage systems will be improved as necessary to serve the development.

9. Overall, the amenity level of the development and the amount of open space shall be greater than what would have been permitted by the underlying district regulations.

The greater affordability of housing units in this development should be considered one significant amenity of the project. The project will also have a bus shuttle and sell convenience items in the complex to reduce the need for automobile trips. Both of these provisions exceed normally provided amenities of apartment projects. As proposed, the project will have a 1.5-2 acre visual open space corridor with the preserved Moore Creek, a public/private trail adjacent to the creek which can eventually be connected to Antonelli Pond, and above-ground deck and ground-level open space which, in total, exceeds the 400 square feet/unit requirements of the "RM" open space standard. City-adopted revisions to "RM" open space standards, yet to be approved by the Coastal Commission, will eventually require 200 square feet/one bedroom units instead of the 400 square feet/unit now required. The total amount of open space required and provided is as follows:

<u>Required Open Space</u>	<u>Proposed Open Space</u>
82,400 square feet	100,000 square feet

With respect to the Special Use Permit, Section 24.08.050

10. The proposed structure or use conforms to the requirements and the intent of this title, and of the General Plan, relevant area plans, and the Coastal Land Use Plan, where appropriate;

The project involves 206 apartments, with 40 percent being affordable. This is consistent with General Plan housing and land use policies. The project is 238-850 feet away from agricultural land to the west. Agricultural protection mechanisms are required as part of the project, including indemnity/hold harmless agreements, acknowledgement of the nearby agricultural usage in apartment lease provisions, fencing, and landscape buffers. Transportation and other infrastructure improvements will be required as called for by the General Plan. Sidewalks will be added to Shaffer Road and Mission Street Extension will be restriped and improved to provide a pedestrian and bicycle pathway to other such improvements east of Moore Creek. The project will be required to pay their "fair share" of future transportation improvements including a traffic signal and possible turn-lane extension at the Highway 1/Shaffer Road intersection, and a Shaffer Road railroad crossing which is anticipated with full development of the Terrace Point and Swenson properties south of the tracks. A trail will be constructed adjacent to the Moore Creek

The proposed project is consistent with the General Plan/Local Coastal Plan Community Design Element policies 1.1, 1.3, 1.3.2, 1.4 because the project buildings are set back from the city limits by 238-850 feet, because the site is a developed industrial site in a developed industrial area, because the site is east of the city limits and south of Highway 1 in an area with developed sewer and water systems, and because the site plan includes a large setback from Moore Creek. The proposed project is consistent with General

Plan/Local Coastal Plan Land Use Policy 2.4.4 because project buildings on the site will be set back 238-850 feet from the agricultural land to the west and because a number of project conditions will assure the long-term viability of agricultural land to the west. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.3 because it involves redevelopment of a developed industrial site. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.8 because it involves residential development.

- 11. That any additional conditions stipulated as necessary in the public interest have been imposed;**

Conditions have been added in regard to agricultural preservation, off-site transportation improvements, and parking to serve the public interest. The project has also been conditioned to comply with all mitigation measures identified in the project EIR.

- 12. That such use or structure will not constitute a nuisance or be detrimental to the public welfare of the community; and**

As conditioned, the project will provide much need affordable and market rate housing on the Westside of the City. The project is well set back from the Moore Creek riparian corridor and includes a trail consistent with the Moore Creek area plan.

- 13. That all thrift store uses shall include a management plan that identifies collection facilities for donated items, operating hours for donation facilities which discourage unsupervised drop-offs, adequate storage areas for sorting the materials, and provides a plan to properly dispose of unusable items in a timely, secure, and orderly fashion and maintains premises in a clean and attractive condition.**

This finding is not relevant to this project.

With respect to the Coastal Permit, Section 24.08.250

- 14. Maintain views between the sea and the first public roadway parallel to the sea;**

The project site is beyond the first road parallel to the sea.

- 15. Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan;**

The project has been designed and conditioned to protect the Moore Creek riparian corridor/wetland, the small wetland area south of the site near the railroad tracks, and develop a public pedestrian trail adjacent to it. A number of mitigation measures will be required to further protect vegetation, natural habitats and resources on the site.

16. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan;

The proposed project is consistent with the General Plan/Local Coastal Plan Community Design Element policies 1.1, 1.3, 1.3.2, 1.4 because the project buildings are set back from the city limits by 238-850 feet, because the site is a developed industrial site in a developed industrial area, because the site is east of the city limits and south of Highway 1 in an area with developed sewer and water systems, and because the site plan includes a large setback from Moore Creek. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.4.4 because project buildings on the site will be set back 238-850 feet from the agricultural land to the west and because a number of project conditions will assure the long-term viability of agricultural land to the west. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.3 because it involves redevelopment of a developed industrial site. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.8 because it involves residential development. A trail will be constructed adjacent to the Moore Creek riparian area as required by the Moore Creek Access and Management Plan. Drainage improvements are designed to improve the quality of present runoff into Moore Creek.

17. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan;

This finding is not relevant to this project.

18. Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate;

This finding is not relevant to this project.

19. Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal development uses as appropriate.

The proposed residential project is consistent with the intent of the General Plan and Local Coastal Plan policies for this site. The project design and Moore Creek trail protect this resource in accordance with the Moore Creek Access and Management Plan.

With respect to the Design Permit, Section 24.08.430

20. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.

The project involves 206 apartments, with 40 percent being affordable. This is consistent with General Plan housing and land use policies. The project is 238-850 feet away from

agricultural land to the west. Agricultural protection mechanisms are required a part of the project, including indemnity/hold harmless agreements, acknowledgement of the nearby agricultural usage in apartment lease provisions, fencing, and landscape buffers. Transportation and other infrastructure improvements will be required as called for by the General Plan. Sidewalks will be added to Shaffer Road and Mission Street Extension will be restriped and improved to provide a pedestrian and bicycle pathway to other such improvements east of Moore Creek. The project will be required to pay their "fair share" of future transportation improvements including a traffic signal and possible turn-lane extension at the Highway 1/Shaffer Road intersection, and a Shaffer Road railroad crossing which is anticipated with full development of the Terrace Point and Swenson properties south of the tracks. A trail will be constructed adjacent to the Moore Creek riparian area as required by the Moore Creek Access and Management Plan. Sewer, water and drainage systems will be improved as necessary to serve the development.

The proposed project is consistent with the General Plan/Local Coastal Plan Community Design Element policies 1.1, 1.3, 1.3.2, 1.4 because the project buildings are set back from the city limits by 238-850 feet, because the site is a developed industrial site in a developed industrial area, because the site is east of the city limits and south of Highway 1 in an area with developed sewer and water systems, and because the site plan includes a large setback from Moore Creek. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.4.4 because project buildings on the site will be set back 238-850 feet from the agricultural land to the west and because a number of project conditions will assure the long-term viability of agricultural land to the west. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.3 because it involves redevelopment of a developed industrial site. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.8 because it involves residential development.

The planned variations to "IG/RM" zoning standards involve the amount of parking, the use of tandem parking and the provision of fewer than 206 covered parking spaces. The project's 40 percent housing affordability provisions serve the public far in excess of the standard 15 percent housing affordability requirements. 83 units will be affordable instead of 31. The 12.5 percent reduction in normal parking requirements, the tandem parking arrangement, and the provision of a fewer number of covered spaces than normally required are all utilized to make the project economically feasible considering its ambitious housing affordability provisions. Absent these variations, the public would not benefit, via the number of affordable units, to the degree that is possible with the variations. The General Plan Housing Element suggests that a reduction in parking requirements is one way to assist in the provision of affordable housing. The bus shuttle and "low auto" ownership leasing provisions proposed with the development will also benefit the public to a greater degree than normal apartment development without such provisions.

- 21. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.**

The proposed building design is compatible with the industrial and marine research buildings in the general area of the site. The design includes reverse gable (butterfly) roof elements, stucco walls and pop-out and recessed deck and window walls elements with accent materials which include shingle siding, metal railings and corrugated metal awnings. The overall site plan is well set back from the Moore Creek corridor on the east and creates a large pool/common area in the south central portion of the site. The great majority of heritage size trees which line Shaffer Road will be retained and will serve to give the development a "built-in" appearance.

- 22. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, materials and colors which blend with elements of the site plan and surrounding areas. Location of structures should take into account maintenance of view; rooftop mechanical equipment shall be incorporated into roof design or screened from adjacent properties. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.**

The building design presents a sense of scale and proportion with various tower, window, deck and railing elements utilized to both break up the building walls and unify the overall design. Project conditions require that construction plans incorporate appropriate design and screening for trash enclosures, utility panels, transformers, etc.

- 23. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.**

The "Alternate Plan" project landscaping and building layout serves to lessen and buffer the aesthetic impact of the apartment buildings as viewed from the Antonelli Pond open space area to the south. Landscaping at the north end of the site is required to buffer the use from the existing house to the north. A project condition requires the replacement of the proposed parking area in the triangle site at the southeastern corner of Shaffer Road and Mission Street Extension with landscaping to screen the visual impact from Highway 1 and to be a "good neighbor" to the existing house in this area.

24. The orientation and location of buildings, structures, open spaces and other features of the site plan shall be such as to maintain natural resources including significant trees and shrubs to the extent feasible, maintain a compatible relationship to and preserve solar access of adjacent properties, and minimize alteration of natural land forms, building profiles, location, and orientation must relate to natural land forms.

The majority of the heritage trees along Shaffer Road, including the very large Cypress tree, are retained as part of the development. The 20-foot setback and required landscaping within this setback buffers the house to the north which is likely to be redeveloped in the future to a two-three story building. All of the vegetation within the Moore Creek corridor is left intact and buildings are well set back from the corridor.

25. The site plan shall be situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan shall restore and enhance visual quality of visually degraded areas.

The central open space area and southerly building layout takes advantage of the ocean views to the south. The "Alternate Plan" project landscaping and building layout serves to lessen and buffer the aesthetic impact of the apartment buildings as viewed from the Antonelli Pond open space area to the south.

26. The site plan shall minimize the effect of traffic conditions on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances, exit drives and walkways; through the adequate provision of off-street parking and loading facilities; through an adequate circulation pattern within the boundaries of the development; and through the surfacing and lighting of off-street parking facilities.

The site plan provides a good internal circulation system with only two driveways on Shaffer Road. A condition has been added to further analyze the southerly driveway location vis-à-vis a future Shaffer Road railroad crossing. The project provides 316 parking spaces, 45 (12.5 percent) less than normal zoning requirements. The project also provides a bus shuttle and "low-auto ownership" lease priority provision to encourage tenants with a lesser number of cars than normal. There are currently 50-60 on-street parking spaces on Shaffer Road which will serve guests and some overflow parking for future residents. All internal parking areas are surfaced and provided with safety lighting.

27. The site plan shall encourage alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicyclists, including covered parking for bicycles and motorcycles where appropriate. Public transit stops and facilities shall be accommodated as appropriate, and other incentive provisions considered which encourage non-auto travel.

The project will include provisions for a bus shuttle and "low-auto ownership" lease priority provision to encourage tenants with a lesser number of cars than normal. Convenience items (such as toiletries) will be sold on site to provide an alternative for tenants which does not necessitate an automobile trip. Interior bicycle parking facilities are provided for each unit.

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(Monarch Village Apartments)

- 28. The site shall provide open space and landscaping which complement buildings and structures. Open space should be useful to residents, employees, or other visitors to the site. Landscaping shall be used to separate and/or screen service and storage areas, separate and/or screen parking areas from other areas, break up expanses of paved area, and define open space for usability and privacy.**

The overall site plan is well set back from the Moore Creek corridor on the east and creates a natural open space area with a meandering pathway within this large setback.. For more active recreation, a large pool/common area and recreation building is provided in the south central portion of the site. The great majority of heritage size trees which line Shaffer Road will be retained and will serve to give the development a "built-in" appearance. Landscape islands are provided in the parking areas throughout the site to break up the parking areas with accent plantings and trees.

- 29. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.**

The project is well set back from Highway 1, the major source of noise in the area. Standard building code requirements will provide insulation and window types which further insulate units from outdoor noise. Privacy of the residential house to the north is provided with a landscape buffer.

- 30. Signs shall complement the site plan and avoid dominating the site and/or existing buildings on the site or overwhelming the buildings or structures to which they are attached. Multiple signs on a given site should be of a consistent theme.**

There will be a few monument style identification signs within landscaped areas. The proposed signage is attractive and will not dominate the site.

- 31. Building and structures shall be so designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling and ventilation.**

All units will have operable windows for natural ventilation. The architect has stated that some "green building" provisions, possibly including some solar collectors, will be incorporated into the final designs.

32. The site plan shall incorporate water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting showerheads and faucets shall be used, as well as water-saving toilets utilizing less than three gallons per flush.

Water conservation-oriented landscaping and irrigation systems, low-flow shower heads and faucets will be required by the City's water conservation ordinance. A condition has been added to require "Energy Star" washers.

33. In all projects in Industrial (I) Zones, building design shall include measures for reusing heat generated by machinery, computers and artificial lighting.

This finding is not relevant to this project as it is intended for industrial buildings.

34. In all projects in Industrial (I) Zones, all buildings and structures shall be so designed and oriented to make use of natural lighting wherever possible.

The project design includes a great number of windows to take advantage of natural lighting and views.

35. Heating systems for hot tubs and swimming pools shall be solar when possible but in all cases energy efficient.

A project condition has been added to the development to require solar or energy efficient heating systems for the swimming pool and any hot tubs in the complex.

36. Enhance the West Cliff Drive streetscape with appropriate building mass, modulation, articulation, coloring and landscaping that is compatible with and would not diminish the visual prominence of the public open space.

This finding is not relevant to this project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, that Permit 00-190 requesting approval of the 206-unit Monarch Village Apartments project at 1280 Shaffer Road, is hereby approved subject to the Conditions of Approval attached hereto as Exhibit A and the Mitigation Monitoring Program attached hereto as Exhibit B.

BE IT FURTHER RESOLVED by the City Council of the City of Santa Cruz, that the General Plan Amendment (from Low Medium Residential designation to General Industrial designation) shall not become effective unless and until building permits are obtained for the residential project.

PASSED AND ADOPTED this 11th day of December 2001 by the following vote:

AYES: Councilmembers: Reilly, Fitzmaurice, Sugar, Primack, Kennedy,
Porter; Mayor Krohn.

NOES: Councilmembers: None.

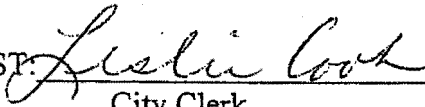
ABSENT: Councilmembers: None.

DISQUALIFIED: Councilmembers: None.

APPROVED: _____


Mayor

ATTEST: _____


City Clerk

A-3-STC-02-001

(Monarch Village Apartments)

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT
1280 Shaffer Road – No. 00-190

Environmental Impact Report, General Plan Amendment (from Low Medium Residential designation to General Industrial designation), Coastal Permit, Design Permit, Special Use Permit, and Planned Development Permit for the construction of a 206-unit apartment complex and removal of 13 heritage trees on a 9.3-acre site with an existing office building and shop structure that are proposed for demolition.

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. This permit shall be exercised within five (5) years of the date of final approval, in accordance with the Development Agreement for the project approved in December 2001, or it shall be come null and void.
4. Any failure by the applicant to perform any material provision of this permit, as conditioned, which failure continues uncured for a period of sixty days following written notice of such failure, may result in an amendment or revocation of the permit.
5. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
6. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Errors or discrepancies identified by the City shall be corrected by the applicant. The applicant's failure to correct errors or discrepancies which affect the project's consistency with the City's General Plan or Zoning Ordinance policies or regulations, or which cause the project to be inconsistent with the project approvals, permits, or environmental mitigation measures, may result in revocation of any approval or permits issued in connection therewith.
7. All final working drawings shall be submitted to the Zoning Administrator for review and approval in conjunction with building permit application.
8. The development of the site shall be in accordance with the design concept in plans submitted November 28, 2001, titled "Alternative Plan", and considered at the December 6 and 11 public hearings on the project as amended by these conditions and environmental mitigation measures, and on file in the Department of Planning and Community Development of the City of Santa Cruz. A complete set of plans, architectural design details, and civil engineering plans and details which substantially comply with the concept and intent of the November 28, 2001 "Alternate Plan" shall be submitted to the City Planning Department for administrative review and approval by all City departments. All aspects of construction must be completed

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Italic additions indicate clarification changes to Zoning Board recommendation by Staff and Applicant 12/11/01

Bold italic additions indicate changes by City Council 12/11/01

prior to occupancy. Occupancy may be allowed on a phased basis if requirements of all City departments are met as needed for each phase. Major modifications to plans, following administrative review and approval called for above, or exceptions to completion may be granted only by the City authority which approved the project.

9. All requirements of the Building, Fire, Public Works and Water Departments shall be completed prior to occupancy. Occupancy may be allowed on a phased basis if requirements of all City departments are met as needed for each phase.
10. Adequate provisions shall be made to supply water to each of the premises covered by this application. The design of water facilities shall be to standards of the Water Department, and plans therefore must be submitted to the Water Department Director for review and approval prior to the issuance of a building permit.
11. A final landscaping, street-tree and tree removal plan (landscape plan) shall be submitted for review and approval prior to the issuance of a building permit. Subsequent to approval of this project and prior to submittal of the required landscaping plan, no removal or pruning of trees, or any other change to existing vegetation on the site shall be made. Prior to issuance of any grading permit for the project, a plan for protective tree fencing shall be submitted to the Planning Department for review and approval and such fencing shall be installed and inspected prior to initiation of grading. No trees shall be removed from the site unless and until the Planning and Parks Department further review the final landscaping plan. The landscape plan must be fully consistent with the project Mitigation Measures in Exhibit "B." The landscape plan shall exclude known invasive plants (including, but not limited to, cotoneaster, pampas grass and St. John's Wort), and shall create natural barriers to riparian area entry using plants such as blackberry bushes but not poison oak. Light from vehicle headlights shall be screened from the natural areas with appropriate landscaping and low fencing. Off-site landscaping shall be maintained by the applicant for 18 months to assure good health but shall not require a permanently installed irrigation system..
12. Drought-tolerant plants shall be included on approved landscape plan as approved by the Zoning Administrator. The landscape plan shall also be reviewed and approved by the Water Department to conform to the Landscape Water Conservation Ordinance.
13. All landscaping shall be installed prior to final utility release or issuance of occupancy permits. Phased installation of landscaping may be allowed in accordance with Condition No. 8.
14. Subsequent to occupancy of the premises, all landscaping shall be permanently maintained. Such maintenance shall be secured through an 18-month bond prior to occupancy.

15. A fully automated irrigation system shall be installed in all planting areas. The irrigation system must be fully consistent with the project Mitigation Measures in Exhibit "B."
16. A six-inch (6") continuous concrete curb shall be used to separate paved areas from landscaped areas. Alternately, planted areas may be depressed two inches from adjacent paved areas to prevent water and dirt overflow.
17. No less than 50 percent of trees shall be 24-inch box size; all other trees shall be a minimum 15-gallon size. Fifty (50) percent of trees planted on the project site, outside of the Moore Creek setback area, shall be shade trees capable of growing to the height and canopy volume shown in the architectural perspective drawings of the project. Prominent trees along Shaffer Road, at the corner of Shaffer Road and Mission Street Extension, and along the southern boundary shall be a mix of 24-inch and 36-inch box specimen trees and shall be reviewed and approved by the Zoning Administrator. Along the southern boundary, 15 gallon Rhamnus Alaternus (Italian Buckthorn) shrubs shall also be planted approximately 10 feet from the property line at five feet on center. Additionally, the applicant shall request permission from the Land Trust to plant 6-10 trees south of the railroad tracks on the Land Trust's Antonelli Pond land.
18. In order to conform with the Draft Mission Street Design Plan and to provide additional screening of the development from Highway 1 and the existing house on Shaffer Road, the applicant shall plant fast-growing native evergreen trees in their 'triangle-parcel' at the corner of Shaffer Road and Mission Street Extension and between the house and Building No. 1. Additionally, no less than 45 days prior to issuance of a building permit for the project, the applicant shall request permission from Caltrans to plant 4-6 trees in the Highway 1 right-of-way west of the Shaffer Road/Highway 1 intersection.
19. Bike parking shall be provided in accordance with Section 24.12.250-252 of the City's Zoning Ordinance. The number of enclosed bike parking spaces shall be no less than 206 spaces.
20. All utility wires shall be placed underground; all transformer boxes shall be placed underground or adequately screened with landscaping and or low fencing unless otherwise specified.
21. A drainage plan shall be submitted in conjunction with application for building permits. This plan shall include required mitigation measures from the project EIR. Trash and recycling facilities shall be designed to meet requirements of the Public Works Department.
22. During all grading and subsurface excavations (including utility-line trenching) an archaeologist and, if human remains are found, a Native American observer, authorized by the Planning Department, shall be present to collect and catalog any material uncovered. The cost for this service shall be paid by the applicant.

23. During all grading and subsurface excavations (including utility-line trenching), construction will be halted if significant archaeological resources are discovered. For the purpose of this use permit, significant archaeological resources shall include the remains of previous Indian living areas or human burials. In the instance of Indian living areas, these objects shall be recorded and mapped prior to further excavation on that portion of the site. In the event human burials are discovered during excavation, work shall be halted and the County Coroner, the Northwest Indian Cemetery Protective Association (NICPA), and other appropriate authorities shall be notified. Mitigation measures developed by the applicant and authorized archaeologists shall be subject to the approval of the Planning Department.
24. Any information developed as a result of this survey shall be forwarded to the County Archaeological Society, the County Historical Museum, and the Santa Cruz Collection, University of California Library.
25. The plan for erosion control approved as part of this application shall be submitted and all work installed by November 1 in accordance with Condition No. 29.
26. All downspouts shall be directed either to the City street or other approved drainage facilities provided for the handling of such runoff. Other drainage facilities may also be allowed if required for protection or enhancement of environmental resources.
27. Any tree marked for preservation which is subsequently removed shall be replaced by two (2) specimen trees of a variety and at locations specified by the Zoning Administrator. All such trees shall be replaced prior to occupancy of the premises.
28. A grading permit shall be obtained prior to any grading activity on the site. Applicant shall, prior to the issuance of a demolition or grading permit, prepare a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the Clean Water Act and applicant NPDES Storm water Permit, and an Erosion Control Plan, subject to the approval of Community Development and Public Works Departments. Before initiating demolition or grading, the applicant shall implement the provisions of the SWPPP and the erosion control plan.
29. Prior to site grading all trees and/or tree stands indicated for preservation on approved plans shall be protected through adequate approved barricade. Such fencing shall protect vegetation during construction and shall be installed to the satisfaction of the Director of Planning and Community Development.
30. Handicap access shall be provided in accordance with Uniform Building Code.
31. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. visible from the public way and from

adjacent properties, shall be screened with material compatible with the materials of the building and shall be subject to the approval of the Zoning Administrator.

32. Proposed project exterior colors are conditionally approved. Prior to actual painting, sample color patches shall be painted on some project buildings for field review and approval by the Zoning Administrator in consultation with appropriate advisors if necessary.
33. The applicant shall prepare a signage plan for the project and submit it to the Zoning Administrator for review and approval before occupancy of structures.
34. All requirements of the Fire Department shall be met. These include but are not limited to the following: automatic fire sprinklers shall be installed in all buildings; fire retardant roof materials subject to approval of the Fire Department and Zoning Administrator shall be utilized.
35. Approval of the final plans and the conditions necessary for said approval are not necessarily limited to the approved architectural plans and zoning permit conditions listed herein. All mitigation measures and recommended project conditions identified in the 2001 Final EIR hereby included as Conditions of Approval. Prior to issuance of a grading permit for the project and/or a building permit for any project buildings, the applicant shall submit a report detailing how, and on which development plan document, each and every mitigation measure and suggested project condition in the 2001 Project Final EIR is accomplished. Applicant shall pay for City Planning Staff time, at the rate approved in the City Fee Schedule, required to monitor compliance with all conditions and mitigation measures included herein and in the Final EIR. The mitigation measures and recommended project conditions identified in the 2001 Final EIR are included as Exhibit "B" of the project zoning permit. (Responsibility: S.C. Planning Dept. Grading, Drainage, Landscape and Building Permit plans must be approved prior to issuance of grading and building permits.)
36. Agricultural Preservation Mechanisms – Prior to issuance of a grading or building permit for the project, the applicant shall provide the following documents to the Zoning Administrator for review and approval: an indemnity/hold harmless agreement, signed by the applicant, offered to Younger Ranch property-owners and, if executed by owners, recorded; this agreement shall be substantially the same as that agreement between Raytek and the Younger Ranch owners worked out as part of the Raytek expansion project a few years ago; an enforceable apartment lease clause regarding acknowledgement which notifies future tenants of the noise, smells, and occasional dust which should be expected from the nearby agricultural use; the planting of a solid row of evergreen trees along Shaffer Road between the northern edge of the development and the project entrance. In addition, the applicant shall use good faith efforts to obtain permission, and, if permission can be obtained from the owners of the Younger Ranch or Wells Fargo properties, the

applicant shall be required to erect a fence and double row of evergreen trees on the boundary of these two properties.

37. Public Improvements on Shaffer Road and Mission Street Extension, as shown on the project plans or as required by these conditions of approval, shall be provided to the satisfaction of the Public Works Director. Any necessary right-of-way areas on either of the two streets shall be dedicated to the City prior to issuance of a building permit for the project. The project developer shall be required to pay a "fair share" contribution to the improvement of Mission Street Extension, a future signal at Shaffer Road/Highway 1 and possible extension of the left-turn lane on Highway 1, and the cost of a full crossing of the railroad tracks for use by automobiles, bicyclists, and pedestrians. An analysis of these improvement costs or the "fair share" proportions for properties which are responsible for or which benefit from such transportation improvements shall be completed by the City. A pledge to fund the project's "fair share" of these improvements shall be memorialized in an agreement between the project developer and the City executed prior to issuance of a building permit. The agreement shall be similar in form to the recent agreement with Swenson/Raytek and shall include "fair share" funding for downstream sewer and the improvement of Mission Street Extension, a future signal at Shaffer Road/Highway 1 and possible extension of the left-turn lane on Highway 1, and the cost of a full crossing of the railroad tracks for use by automobiles, bicyclists, and pedestrians.
38. Shaffer Road in front of the project shall be improved with a four-foot wide sidewalk east of the large trees there in a manner which does not damage tree roots. Alternate materials may be considered to address tree root and health issues at the discretion of the City Arborist and the Planning and Public Works Departments. In order to retain all of the existing paved roadway for future bike lanes, vehicle lanes and parking, construction of a public sidewalk shall take place east of the tree line so that the street is not narrowed and might be used for additional overflow parking. This will also require a public easement over the sidewalk located outside the Shaffer Road right-of-way.
39. Mission Street Extension, between Shaffer Road and the east side of Moore Creek riparian area, shall be converted to bicycle/pedestrian traffic only, one-way traffic with a protected or raised bicycle/pedestrian pathway, or two-way traffic with "one-lane bridge" with stop sign controls and a protected or raised bicycle/pedestrian pathway. Actual improvement designs must be submitted to the Public Works Department for review and approval. When the City eliminates approximately 200 feet of on-street parking in front of the school administration building, the applicant shall complete the pedestrian/bicycle pathway in this area.
40. The corner of Mission Street Extension and Shaffer Road shall be realigned and striped to the satisfaction of the Public Works Department.

41. Street lighting shall be added to Mission Street Extension (well outside the Moore Creek riparian/wetland area) and Shaffer Road to the satisfaction of the Public Works Department.
42. A 12.5 percent parking reduction shall be allowed for the development. This would result in the requirement for 316 total spaces either on site or rented off-site at a site within 300 feet of the development. The 12-space parking lot proposed for the Shaffer/Mission Extension corner shall be eliminated and landscaped in accordance with Condition No. 18. With the proposed 304 on-site spaces proposed ($316 - 12 \text{ at corner} = 304$), the applicant must add 12 parking spaces elsewhere on the site or rent 12 parking spaces at Raytek or some other site within 300 feet of the site.
43. Design Issues. Specific design details, such as balcony railings, the depth of the window recess from the face of the wall and the depth of various wall recess and pop-out elements, shall be provided prior to issuance of building permits. The small utility building east of Building No. 1 shall be moved so that it is more than 25 feet from the edge of the existing riparian area. The applicant may eliminate the number of carports to "open up" the parking rows and provide better views of project buildings. The applicant may, as an alternative, consider splitting Building No. 1 into two buildings with a common access driveway which would be clear to the northerly property. This would leave open the option of eventual purchase of the parcel to the north and the addition of more another apartment building there with common access. The applicant may, as an alternative, also review what appears to be a relative shortage of nearby parking for units to the north of the main project entrance.
44. A fence with appropriate open gates at the Moore Creek trailhead should be provided along the railroad tracks for safety purposes. Fencing shall be installed opposite the Wells Fargo property along Shaffer Road on the project site to keep residential tenants more than 200 feet from the agricultural land to the west. Prior to installation, proposed fencing details shall be presented to the Zoning Administrator for review and approval.
45. Prior to installation, proposed lighting details shall be presented to the Zoning Administrator for review and approval. The project lighting shall be of minimal height and intensity to strikes a balance between tenant safety and levels that will minimize the effect on adjacent natural areas. Lighting adjacent to habitat areas shall be fully consistent with the EIR mitigation measures for the project.
46. If the proposed project is not constructed, the City shall amend the General Plan back to a residential designation. No industrial projects will be permitted on the property as they would be inconsistent with the General Plan. A similar provision shall be added to the Development Agreement.

47. Prior to issuance of building permits for the project, the owner shall record an easement in favor of the City for the willow riparian area and the joint public/private pathway just west of Moore Creek. The pathway shall be located near the project buildings in accordance with EIR mitigation measures. A low, split-rail fence and appropriate signage shall also be installed to delineate the Moore Creek riparian area and educate tenants and visitors of the "non-access" and other protective provisions. The specific design and location of this pathway, fencing, signage, public use time periods, and connection with other trails, sidewalks or walkways, will be subject to further review with the Parks and Recreation and Planning Departments in accordance with the EIR mitigation measures.
48. The project shall include the provision of a bus shuttle and "low auto use" amenities with the following general characteristics: a 16-passenger shuttle bus will be provided at no cost to users six days per week, and offer six peak hour weekday morning and evening routes to shuttle residents to typical work, school, shopping destinations; a priority leasing program to encourage low auto use tenants to occupy the apartment units; the re-striping and berming or fencing of Mission Street Extension for a pedestrian/bike lane; the provision of food, beverage and incidentals (such as aspirin and toothpaste) from vending machines in the project community building; the provision of after-school programs for school-age children on-site four days per week. Not less than 30 electric bikes shall be provided on a one-time basis by the apartment management, on a "loan-sign-out basis" to tenants of the complex to further encourage low auto ownership and use. Apartment Management shall also assist tenants in the purchase of electric bicycles with a group rate. The characteristics are further defined a November 20, 2001 letter from Norman Schwartz and in the Final EIR for the project. Prior to issuance of building permits for the project, a management plan, which includes more specifics regarding these amenities, including any charge for the bus shuttle, shall be submitted to the Zoning Administrator for review and approval. The amenities shall be implemented during the term that the tax-increment is provided to the project. The applicant shall submit an annual report to the Zoning Administrator regarding the nature, statistics, success and failure and resultant evolution of this entire amenity program. A parking management plan shall be submitted to the Zoning Administrator for review and approval no less than 30 days prior to occupancy of the first apartment unit. The plan shall include, but not be limited to the following, the assignment of one parking space per unit, the issuance of permits for the remaining parking spaces and an active enforcement program for the on-site parking regulations. The programs contained in this condition shall be included in an apartment management plan, further described in Condition No. 53. These programs may be amended from time to time to accommodate the needs of tenants with the approval of the Zoning Administrator.
49. Energy Star labeled clothes washers and energy efficient swimming pools and spa heaters shall be used in the development.

50. At a minimum, the owner/developer/applicant shall comply with the Inclusionary provisions of Section 24.16.010 of the Zoning Ordinance. A Participation Agreement establishing compliance with the Inclusionary housing requirements shall be entered into prior issuance of building permits for the project. Any change in the approved compliance with the Inclusionary housing requirements, i.e. designation of the Inclusionary units, shall require a Major Modification of the permit. Not less than 30 percent of the 206 units (62 units) shall be affordable to "low income" households, and 10 percent, 21 of the 206 units shall be affordable to "very low income" households as defined in the City housing regulations. Six low-income units are two-bedroom units. At the discretion of the Planning Director, the above requirements may be accomplished through the Development Agreement and Owner Participation Agreement for the project.
51. Prior to issuance of building permits for the project, an apartment management plan shall be submitted to the Zoning Administrator for review and approval. At a minimum, this management plan shall include the following: methods and maintenance records regarding drainage facilities; bus shuttle and low-auto use amenity program; sample lease with regulations regarding "no pets" and Moore Creek corridor enforcement provisions; landscape and irrigation provisions regarding Moore Creek and its setback area; and other provisions in accordance with EIR mitigation measures.
52. A wetland management plan shall be submitted to the City Environmental Coordinator and approved according to the process required by the General Plan, prior to issuance of building or grading permits within 100 feet of the wetland. This plan shall cover the small wetland just south of the site near the railroad tracks.
53. Prior to issuance of a building permit, a "green building" report shall be submitted to the Zoning Administrator for review. This report shall provide details on the "green building" features which are being included in the project building plans. The use of some solar collectors shall be seriously considered.
54. Prior to issuance of an occupancy permit for the project, a conservation easement shall be recorded over the Moore Creek corridor and delineated wetland area on the project site.
55. Eight thousand dollars (\$8,000) per year shall be contributed by the owner-developer-applicant, for not less than 31 years, to the City or some other approved resource management entity to be used for planning and management of Moore Creek and Antonelli Pond. City staff shall work with the Santa Cruz County Land Trust regarding the administration of these funds to implement the Moore Creek and Antonelli Pond management plan.

56. Landscaping on the project site shall be maintained utilizing an integrated pest management program similar to the City IPM program. Not less than 30 days before occupancy of the first apartment unit, details regarding this program shall be submitted to the Zoning Administrator and Parks Department for review and approval.
57. The City Manager and Planning Director are authorized to administratively approve text revisions to the conditions of approval, which are required to conform with project financing requirements and which do not materially change the intent of the conditions.

DATE 1-10-02 CITY CLERK DEPT

RESOLUTION SUPPLEMENTING THE FINDINGS IN CITY COUNCIL
RESOLUTION NO. 25,658 ASSOCIATED WITH THE COASTAL PERMIT
FOR 1280 SHAFFER ROAD TO CLARIFY AND SPECIFY THE FINDINGS
RELEVANT TO THE SHORELINE PROTECTION OVERLAY DISTRICT.

WHEREAS, Pacific Union Apartments, Inc., applicants for the project on property located at 1280 Shaffer Road, known as APN 003-311-04 and -05, have applied for approval of a General Plan Amendment (from Low Medium Residential designation to General Industrial designation), Coastal Permit, Design Permit, Special Use Permit, and Planned Development Permit for the construction of a 206-unit apartment complex and removal of 13 heritage trees on a 9.3-acre site with an existing office building and shop structure that are proposed for demolition; and

WHEREAS, on December 11, 2001 a duly noticed public hearing was conducted by the City Council; and

WHEREAS, on December 11, 2001, the City Council adopted Resolution No. NS-25,658 approving the project General Plan Amendment and zoning permits and directing General Plan/Local Coastal Plan consistency findings be modified in relation to Community Design Element policies 1.1, 1.3, 1.3.2, 1.4 and with Land Use policies 2.4.4, 2.6.3 and 2.6.8; and

WHEREAS, Resolution No. NS-25,658 included all appropriate permit findings, including findings for a Coastal Permit, but did not specifically call out Shoreline Protection Overlay zone findings which are very similar to Coastal Permit and other findings made for the project;

WHEREAS, this resolution includes the following specific findings related to the Shoreline Protection Overlay zone, numbered to follow other findings in Resolution No. NS-25,658:

Shoreline Protection Overlay District, Section 24.10.2430

37. Protect trees and vegetation and sensitive wildlife habitat;

This finding is the same as Coastal Permit finding no. 15 and Design Permit finding no. 24. The project has been designed and conditioned to protect the Moore Creek riparian corridor/wetland, the small wetland area south of the site near the railroad tracks, and develop a public pedestrian trail adjacent to it. A number of mitigation measures will be required to further protect vegetation, natural habitats and resources on the site. The majority of the heritage trees along Shaffer Road, including the very large Cypress tree, are retained as part of the development. The 20-foot setback and required landscaping within this setback buffers the house to the north which is likely to be redeveloped in the future to a two-three story building. All of the vegetation within the Moore Creek corridor is left intact and buildings are well set back from the corridor.

2

-



40. Maintain public view corridors between the sea and the first public roadway parallel to the sea and maintain natural views of the coastline;

This finding is the same as Coastal Permit finding No. 14. The project site is beyond the first road parallel to the sea.

41. Protect paleontological resources as prescribed in the Land Use Plan;

Map CR-2 of the General Plan/Local Coastal Plan, Sensitive Archeological and Paleontological Areas, does not include the project site as a Sensitive Paleontological Area. Mitigation measures, related to the potential disturbance of archaeological and or paleontological resources, are included as project conditions.

42. Protect and enhance free public access to or along the beach, and sign such access when necessary;

This finding is the same as Coastal Permit finding No. 17. This finding is not relevant to this project.

43. Include mitigation measures prescribed in any applicable environmental document;

Mitigation measures from the project EIR are included as conditions of the project permits.

44. Be compatible with the established physical scale of the area;

This finding is the same as Coastal Permit finding No. 19 and Design Permit finding No.'s 21 and 23. The proposed residential project is consistent with the intent of the General Plan and Local Coastal Plan policies for this site. The project design and Moore Creek trail protect this resource in accordance with the Moore Creek Access and Management Plan

The proposed building design is compatible with the industrial and marine research buildings in the general area of the site. The design includes reverse gable (butterfly) roof elements, stucco walls and pop-out and recessed deck and window walls elements with accent materials which include shingle siding, metal railings and corrugated metal awnings. The overall site plan is well set back from the Moore Creek corridor on the east and creates a large pool/common area in the south central portion of the site. The great majority of heritage size trees which line Shaffer Road will be retained and will serve to give the development a "built-in" appearance.

The "Alternate Plan" project landscaping and building layout serves to lessen and buffer the aesthetic impact of the apartment buildings as viewed from the Antonelli Pond open space area to the south. Landscaping at the north end of the site is required to buffer the use from the existing house to the north. A project condition requires the

replacement of the proposed parking area in the triangle site at the southeastern corner of Shaffer Road and Mission Street Extension with landscaping to screen the visual impact from Highway 1 and to be a "good neighbor" to the existing house in this area.

45. Be consistent with the design review guidelines of this title and the policies of any applicable area plan;

This finding is the same as Coastal Permit finding No. 16. A trail will be constructed adjacent to the Moore Creek riparian area as required by the Moore Creek Access and Management Plan. Drainage improvements are designed to improve the quality of present runoff into Moore Creek.

46. Be consistent with the policies of the Local Coastal Program, the General Plan, and the California Coastal Act.

This finding is the same as Coastal Permit finding No 16. The proposed project is consistent with the General Plan/Local Coastal Plan Community Design Element policies 1.1, 1.3, 1.3.2, 1.4 because the project buildings are set back from the city limits by 238-850 feet, because the site is a developed industrial site in a developed industrial area, because the site is east of the city limits and south of Highway 1 in an area with developed sewer and water systems, and because the site plan includes a large setback from Moore Creek. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.4.4 because project buildings on the site will be set back 238-850 feet from the agricultural land to the west and because a number of project conditions will assure the long-term viability of agricultural land to the west. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.3 because it involves redevelopment of a developed industrial site. The proposed project is consistent with General Plan/Local Coastal Plan Land Use Policy 2.6.8 because it involves residential development. A trail will be constructed adjacent to the Moore Creek riparian area as required by the Moore Creek Access and Management Plan. Drainage improvements are designed to improve the quality of present runoff into Moore Creek.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz, that this resolution supplements the findings in Resolution No. NS 25, 658, adopted December 11, 2001, approving Permit 00-190 requesting approval of the 206-unit Monarch Village Apartments project at 1280 Shaffer Road.

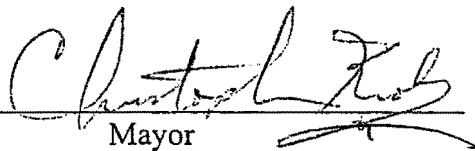
PASSED AND ADOPTED this 8th day of January, 2002, by the following vote:

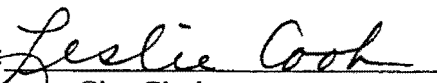
AYES: Councilmembers: Reilly, Fitzmaurice, Sugar, Primack, Kennedy,
Porter; Mayor Krohn.

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

DISQUALIFIED: Councilmembers: None.

APPROVED: 
Mayor

ATTEST: 
City Clerk

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
HEARING IMPAIRED: (415) 904-5200



**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Sara Wan, Chairperson	Christina L. Desser
California Coastal Commission	California Coastal Commission
45 Fremont Street, Suite 2000	45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219	San Francisco, CA 94105-2219
(415) 904-5200	(415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government: **City of Santa Cruz**

2. Brief description of development being appealed:

Construction of a 206-unit apartment complex on a 9.3 acre site adjacent to Moore Creek;
demolition of existing office building and shop structure on the site.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

1280 Shaffer Road, Santa Cruz (Santa Cruz County) (APNs 003-311-04; 003-311-05)

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
b. Approval with special conditions: XX
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-STC-02-001
DATE FILED: 01-07-002
DISTRICT: Central Coast

EXHIBIT NO. <u>2</u>
APPLICATION NO. <u>A-3-STC-02-001</u>
<u>pg 1 of 7</u> California Coastal Commission

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning
Administrator

c. ☐ Planning Commission

b. ☒ City Council/Board of
Supervisors

d. ☐ Other: _____

6. Date of local government's decision: December 11/12, 2001

7. Local government's file number: Application No. 00-190; Resolution NS-25,656;

Resolution NS-25, 657; Resolution NS-25,658

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Pacific Union Apartments

675 Hartz Avenue #300

Danville, CA 94562

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Don Lauritson, City of Santa Cruz Planning Department

809 Center St., Rm. 206

Santa Cruz, CA 95060

(2) Sierra Club, Santa Cruz County Chapter

P.O. Box 604

Santa Cruz, CA 95061

(3) Land Trust of Santa Cruz County

303 Potrero Street, Unit 7A

Santa Cruz, CA 95060

(4) Renee Flower

1747 King St.

Santa Cruz, CA

(5) Helen Younger Goode and Bob Goode

340 Pacific View

Santa Barbara, CA 93109

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

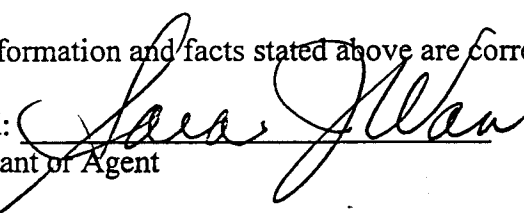
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see Attachment A.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: 
Appellant or Agent

Date: January 7, 2002

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see Attachment A.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Christina L. Dorn
Appellant or Agent

Date: January 7, 2002

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

Attachment A

The City of Santa Cruz approved a proposal to construct a 206-unit rental apartment development consisting of approximately 60% market rate units and approximately 40% affordable housing units. The project site is located at the western edge of the City of Santa Cruz. The project site is bounded by a single-family residence, Mission Street Extension and SR 1 to the north; vacant land, an agricultural operation, and the Raytek laser research and development facilities to the west; the Union Pacific railroad tracks, vacant land, and Antonelli Pond to the south; and Moore Creek to the east. The City-approved project raises Local Coastal Program issues and questions as follows:

Agriculture:

City of Santa Cruz LCP policies protect adjacent agricultural land in the County. Applicable LCP agricultural policies include the following:

LCP Land Use Policy 3.1.3 states:

Support County policies and programs aimed at preservation of agricultural/grazing lands on the North Coast...

LCP Land Use Policy 3.3.3 states:

Require or maintain an appropriate buffer to agricultural/grazing lands to be compatible with adjacent lands in terms of land use, visual transition, and siting.

LCP Environmental Quality Policy 3.4 states:

Protect significant agriculture and grazing lands within and along the periphery of the City from development utilizing exclusive agriculture grazing zoning and Williamson contracts.

To ensure preservation of valuable agricultural lands, LCP Policy 3.3.3 requires that new development maintain an appropriate buffer to agricultural lands. In this case, the approved project may not have an appropriate agricultural buffer. The project site is located roughly 200 feet from an active agricultural operation. Appropriate buffers between agricultural land and non-agricultural land are necessary to ensure that continued agricultural cultivation is not threatened by proximity to non-agricultural uses. An appropriate buffer is especially relevant in the area of the project site because of the high prevailing westerly winds that may bring noise, dust, and odors from the adjacent farming operations to this site. The City's LCP does not require a specific buffer between agricultural use and non-agricultural use, but requires an "appropriate buffer." The EIR, however, does not provide factual evidence that a 200-foot buffer is appropriate in this case. Also, the Commission's recent development decisions have held open the possibility of a 500-foot agricultural buffer in the nearby Terrace Point area. Furthermore, the wind data referenced in the FEIR was taken at a site approximately 18 miles southeast of the project site. This data, therefore, may not adequately describe the conditions existing at the site and the adjacent agricultural land. In addition, although the

City has conditioned its approval to require that the applicant sign an "indemnity/hold harmless" agreement as an agricultural protection mechanism, it is not clear that this agreement has been properly structured so that it will apply to all property owners (and not just the applicant). Finally, this development, along with others pending (e.g., at Long Marine Lab), will largely define the City's western edge. It is unclear whether the larger cumulative effect of such development has been adequately analyzed and addressed. In sum, it is not clear that the proposed approximately 200-foot buffer between the project and adjacent agricultural land is adequate to protect continuation of adjacent agriculture, and thus the City's approval raises questions of consistency with LCP policies regarding the protection of agriculture.

Biological Resources

City of Santa Cruz LCP policies protect riparian and wetland areas. Applicable LCP riparian/wetland policies include the following:

LCP Environmental Quality Policy 4.2 states:

Preserve and enhance the character and quality of riparian and wetland habitats...

LCP Environmental Quality Policy 4.2.2 states:

Minimize the impact of development upon riparian and wetland areas through setback requirements of at least 100 feet from the center of a watercourse for riparian areas and 100 feet from a wetland. Include all riparian vegetation with the setback requirements, even if it extends more than 100 feet from the watercourse or if there is no defined watercourse present.

Moore Creek Access and Management Plan Policy 1.1 states:

The existing vegetation along the Moore Creek Corridor shall be retained and protected to the maximum extent feasible.

Moore Creek Access and Management Plan Policy 1.2.1 states:

Consider a requirement for dedication of additional lands on the east and west sides of Antonelli Pond to increase buffer area. Precise boundary of buffer area shall be determined through project review and/or environmental review process.

The approved project may not adequately protect adjacent riparian and wetland resources. The FEIR states that a wetland delineation was conducted in November 2001 to determine the amount and extent of habitat associated with Moore Creek that meets the wetland criteria as specified by the ACOE. This delineation, however, is not included in the FEIR, nor are any maps of the wetland area. Moreover, because the ACOE methodology may not be sufficiently inclusive (because it is based on a three, rather than a one, criterion model), it is unclear if the full extent of wetlands have been identified here. Thus, it is unclear if all wetlands have been adequately defined.

The approved project would be set back 100 feet from the Moore Creek centerline and 100 feet from Moore Creek delineated wetlands. The LCP's 100-foot setback, however, is a minimum that requires modification as site-specific resources dictate. The administrative draft of the *City-Wide Creeks and Wetlands Management Plan* proposes a 190-foot setback at this location because this section of Moore Creek contains dense riparian woodlands that provide valuable habitat and support special status species and thus warrants additional protection from urban encroachment. Therefore, a setback of 100 feet in this area may not be adequate to protect riparian resources. Furthermore, an offsite wetland (not associated with Moore Creek) exists immediately south of the property. The approved project includes parking immediately adjacent to this wetland area and structures within 100 feet of this wetland area.

The DEIR stated that no measures are available to mitigate the cumulative impacts to Moore Creek and Antonelli Pond from increased human presence from this project in association with other proposed development in the area. The City Council conditioned its approval to require the applicant to contribute to the preparation of a Trail and Access Element that would be incorporated into the Management and Habitat Restoration Plan for Antonelli Pond that is currently being developed. It is unclear what the elements of this Plan will include and if they will be sufficient to protect Moore Creek and Antonelli Pond from the cumulative impacts of this and other proposed development in the area. Given all of the above, it is unclear if wetland and riparian resources have been protected as dictated by the LCP. As such, the proposed project's conformance with core LCP policies is questionable. These issues warrant further analysis and review of the project by the Coastal Commission.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
408-27-4863



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Sierra Club
Santa Cruz County Group, Ventana Chapter
P.O. Box 604 PHONE 831-426-4453
Santa Cruz, CA 95061 FAX (831) 426-5323
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Santa Cruz

2. Brief description of development being appealed:

Monarch Village Apartments
206 Apartments on western edge of Santa Cruz,
South of Highway 1, adjacent to Moore Creek.
Coastal permits, general plan amendment, special use permit
development agreement and EIR.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

1280 Shafter Road, Santa Cruz, CA 95060
Cross St / Mission Street Extension / Highway 1
APN # 003-311-04 and -05

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
b. Approval with special conditions: X
c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-STC-02-001
DATE FILED: 01-07-02
DISTRICT: Central Coast

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA 3
Exhibit 3
pg. 1 of 10

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning Administrator

c. ☐ Planning Commission

b. ☒ City Council/Board of Supervisors

d. ☐ Other: _____

6. Date of local government's decision: December 11 (12), 2001

7. Local government's file number: #00-190 SCH #2001062/20

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

applicant/developers Pacific Union Apartments, Inc.
Granite Construction Co., Inc.
See attached list

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) see attached list

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

Section III: Identification of Other Interested Persons

Applicant

Property owner:

Granite Construction Co.
Attn: Steve Grace
P.O. Box 50085
Watsonville, CA 95077-5085

Applicant / Developer:

Pacific Union Apartments, Inc.
Attn: Chris Garwood
675 Hartz Avenue, Suite 300
Danville, CA 94562

Applicant's representative:

Norman Schwartz
Bolton Hill Company, Inc.
303 Potrero Street # 42-204
Santa Cruz, CA 95060

City of Santa Cruz:

Eugene O. Arner, Director
Planning Dept.
City of Santa Cruz
809 Center Street, Room 206
Santa Cruz, CA 95060

Santa Cruz City Council
809 Center Street
Santa Cruz, CA 95060

Younger Ranch:

Robert V. and Helen Younger Goode
340 Pacific View
Santa Barbara, CA 93109-2150

Dennis J. Kehoe
311 Bonita Drive
Aptos, CA 95003

Kaitilin Gaffney
179 Pryce Street
Santa Cruz, CA 95060

Land Trust of Santa Cruz County

Attn: Laura Perry
303 Potrero Street 7A
Santa Cruz, CA 95060

Affordable Housing Advocates
C/o 132 Van Ness Avenue
Santa Cruz, CA 95060

George Ow
203 Highland Avenue
Santa Cruz, CA 95060

Community Action Board of Santa
Cruz County, Inc.
Attn: Paul Brindel
501 Soquel Avenue
Santa Cruz, CA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see attached appeal text -

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

[Signature]

Signature of Appellant(s) or Authorized Agent

Date *12/10/2001*

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)
A-3-STC-02-001
Date *(Monarch Village Apartments)*
Exhibit *3*
pg. *4* of *10*

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Reasons for this appeal:

The Santa Cruz group of the Ventana chapter of the Sierra Club understands the need for—and city government's desire to provide—housing that is affordable to low- and very low-income individuals and families. While generally supportive of such housing, the Santa Cruz chapter finds that the proposed site for the Monarch Village Apartments project is inappropriate for such a development. Our primary concerns with the project on the proposed site are as follows:

- (1) its contribution to the unmitigable significant cumulative impacts that substantially increased human presence at this location will have on the environmentally sensitive habitat areas of the adjacent Moore Creek riparian corridor and Antonelli Pond;
- (2) its provision of an agricultural buffer that is inadequate to protect and preserve agricultural land uses at the city's western edge and on the North Coast; and
- (3) its potential to induce additional high-density residential growth at the rural-urban boundaries of the city, rather than to promote infill within the city's denser urban core.

In addition, the Sierra Club is very concerned that city has already exceeded its "carrying capacity" as it relates to maintaining an adequate water supply for current city residents and businesses, especially during times of drought. The local chapter of the Sierra Club, therefore, feels that this project is not in conformance with the intent of LCP LUP 1.7, which states that the city must:

Ensure that future growth and development of Santa Cruz occurs consistent with the City's carrying capacity and that such growth and development does not lead to the overdraft of any water source...

One of the city's conditions of approval for this high-density project (nearly 30 units per acre) is the city's guarantee of the "adequate provision" of water for it, even though the DEIR for the project states unequivocally, "The proposed project's contribution to the existing and future [water] deficit is considered a significant impact during current and future years until the City's integrated water plan is completed and reliable sources of water are identified and utilized." The local chapter of the Sierra Club feels that to ensure an adequate supply of water, the City must complete its water plan before issuing permits for any large developments, including the proposed Monarch Village Apartments project.

With regard to the three concerns enumerated above, the Monarch Village Apartments project ("Project") is inconsistent with the Coastal Act and is not in conformance with the City of Santa Cruz LCP, as follows:

(1) UNMITIGABLE SIGNIFICANT IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The Project proposes siting a dense residential development (206 units on 7 acres; approximately 30 units/acre) in an isolated location at the city's western edge that is adjacent to a heavily vegetated riparian section of Moore Creek just north of Antonelli Pond. This section of Moore Creek is both a wildlife nesting and foraging area and a vital link in a larger wildlife movement corridor extending from the open lands of the University of California and the steep arroyo environment of Moore Creek Canyon north of state Highway 1 to the sea.

The Project DEIR's Biological Resources summary (page 4.3-1) cites the following as significant impacts: "potential loss of active nests of common and special-status birds; potential disturbance to and/or loss of special-status wildlife species; and the indirect impacts of increased human and domestic animal presence; increased light and glare, and lawn irrigation and stormwater runoff." The Biological Resources section concludes, on page 4.3-40, that "no measures are available to mitigate the cumulative impact of increased human presence in association with other development in the area on Moore Creek and Antonelli Pond."

While any development on the proposed Project site will increase human presence in the area to some degree, the high density of this project—along with other projects envisioned for other vacant lands nearby—will subject this sensitive creek and wetland riparian habitat to an unprecedented level of human presence and disturbance. The Project is therefore not consistent with Coastal Act Section 30240, which states that environmentally sensitive habitat areas shall be protected.

COASTAL ACT SECTION 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

For the same reasons stated above, the Project is also inconsistent with the following LCP policy:

LCP CD 2.1.5 Protect and enhance unique natural areas including but not limited to ... Antonelli Pond, ... and Moore Creek Canyon.

The project as planned specifies an underground stormwater system. This system is not consistent with Moore Creek Access and Management Plan policy LCP MC 1.3.1, which specifically requires the use of retention or detention ponds to protect Moore Creek from stormwater runoff. It is clear that the LCP is seeking the creation of habitat in its request for detention ponds, and not the expedient utility of an engineered underground stormwater system. This project was approved before site drainage was thoroughly analyzed, and a plan has not been completed. Improperly sized underground stormwater vaults constructed at this site will be full by January 30, and unable to accommodate and filter additional runoff (per consultation with Grey Hayes).

The unfinished City-wide Creeks and Wetlands Management Plan would have offered greater protection to Moore Creek in this area. The public has not yet had an opportunity to review or comment on the draft plan, and it is unfortunate that the Monarch Village Apartment project has seemingly been rushed through planning in advance of the completion of this important document that will take a whole-ecosystem, rather than parcel-by-parcel, approach to planning. In addition, there has not been an overall cumulative impacts assessment of the entire Moore Creek watershed. The impacts of numerous proposed projects within this watershed must be considered, and Moore Creek must be seen as a whole ecosystem.

(2) INADEQUATE AGRICULTURAL BUFFER

A dense apartment development is not appropriate for a site so close to farmland and is inconsistent with Coastal Act policy 30241 (a) which states that:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agriculture and urban land uses...(a) By establishing stable boundaries separating urban and rural areas, including where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

The Project places dense residential use a short distance (a little over 200 feet) from the prime agricultural land of the Younger Ranch. Agricultural practices are not always compatible with residential uses, and the introduction of dense

housing in an area isolated from the city's urban core has the potential to threaten the continued viability of the ranch. The lands of the westside of Santa Cruz are historical farmlands and urban land uses have been slowly encroaching on this area for the past few decades. The lands to the west of Moore Creek form a natural buffer area, and any land use in this area should be sensitive to and protective of the nearby agricultural uses. A dense residential apartment development is not appropriate for this area.

The County's LCP recognizes that agricultural land is a priority use, requires certain lands to be maintained exclusively for agriculture, and prohibits the conversion of agricultural lands around the periphery of urban areas. The Younger Ranch is located outside the City's boundary. The following City of Santa Cruz LCP policies apply:

LCP CD 1.3.1

Support the preservation of open space character and County land use designations of the Gray Whale and agricultural lands to the west of the City's boundaries and east of Wilder Ranch.

LCP LUP 3.1.3

Support County policies and programs aimed at preservation of agricultural/grazing uses on the North Coast ...

LCP LUP 3.3

Require development adjacent to natural areas and agricultural/grazing lands to be compatible with adjacent lands in terms of land use, visual transitions and siting.

LCP LUP 3.3.3

Require or maintain an appropriate buffer to agricultural fields in the County and allow non-residential uses (such as community gardens and/or recreational uses) within portions of the buffer that are found to not adversely impact or be adversely impacted by the agricultural operations.

(3) INTENSIFICATION OF LAND USE AT THE CITY'S URBAN-RURAL BOUNDARY

City of Santa Cruz General Plan Goal CD 1 reads:

Maintain a compact City with clearly defined urban boundaries.

The City's General Plan discusses the importance of decreasing density at the City's boundaries. The decrease in density provides a transition from urban to

rural land uses in the City. This transition is most apparent at the City's western edge. The Project does not conform to this policy.

By amending the City's General Plan as part of this Project's approval, the City has assigned higher density zoning to an area that is constrained by both environmentally sensitive Moore Creek and nearby agricultural lands. This change was made to accommodate higher-density housing, and it is not consistent with City of Santa Cruz LCP LUP 2.1.1, which requires the the City to assign lesser densities to lands that carry significant development constraints.

In contrast, LCP LUP 2.1.2 supports maximizing land intensity or densities in areas unconstrained by resources or hazards and having adequate service capabilities.

Because the project has been proposed for an area that currently lacks adequate public services or transportation access, it is not in conformance with LCP LUP 2.1.2. This site currently lacks adequate service capabilities for a residential development of this size and density. To accommodate the project, the sanitary sewer line in the area will likely require expansion, and—according to the city's conditions for approval—a traffic light at Shaffer Road and Highway 1 will ultimately be installed, Shaffer Road will be opened to cross the railroad tracks, and Mission Street Extension will be altered where it crosses Moore Creek.

The project EIR did not adequately address or analyze the cumulative impacts of opening Shaffer Road and the resultant changes in traffic patterns that could adversely affect the entire lower westside of Santa Cruz. The installation of a traffic light at the intersection of Highway 1 and Shaffer Road—also inadequately addressed in the project EIR—will threaten the stability of the City's urban/rural boundary. Cumulatively, this project and others that will ultimately follow it on nearby parcels, will induce sprawl, destabilize the city's urban rural-urban boundary, and radically alter traffic and circulation patterns in the area.

Because the project proposes to locate an intensive residential land use well outside the central core of the City in an area currently lacking a public transit route, it is not consistent with LCP CD 1.1.1, which states that the City should:

Focus Development in the Central Core, and along arterial and mass transit corridors

The project is also inconsistent with Coastal Act Policy 30250 (a):

New residential [...] development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accomodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant effects, either individually or cumulatively, on coastal resources.

Similarly, the project also is not consistent with the following policies:

LCP CD 1.1: Infill and intensify land uses consistent with existing neighborhood or commercial district patterns in developed areas currently served by municipal services.

LCP CD 1.1.2

Develop design criteria to ensure compatibility of infill development with existing neighborhoods and proposed development patterns (including intensities and land uses)...

This project is proposed for a site that is isolated from existing residential neighborhoods or commercial districts and not currently served by adequate municipal services to support the development as proposed. It is not an infill project; on the contrary, it will encourage the development of other intensive development at the city's edge and, thus, induce residential sprawl away from already developed areas, rather than intensifying existing urban land uses.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

427-4863



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

RENEE FLOWER and JIM MACKENZIE

1747 KING STREET

SANTA CRUZ, CA 95060

() 831-427-2202

Zip

Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Santa Cruz

2. Brief description of development being appealed:

Monarch Village Apartments project. 206 units on 4 acres: Coastal permits, General Plan amendment, Special Use permit, planned development permit, ordinance adopting development agreement and EIR.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

1280 Shaffer Road, Santa Cruz, CA 95060

cross streets - near Mission Street extension and Highway 1

APN # 003-311-04 and -05

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: X

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-STC-02-001DATE FILED: 01-07-02DISTRICT: Central Coast

RECEIVED

DEC 21 2001

 CALIFORNIA
 COASTAL COMMISSION
 CENTRAL COAST AREA

A-3-STC-02-001

(Monarch Village Apartments)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning Administrator

c. ☐ Planning Commission

b. ☒ City Council/~~Board of Supervisors~~

d. ☐ Other: _____

6. Date of local government's decision: December 11, 2001 (hearing continued into early morning of Dec 12)

7. Local government's file number: File #00-190 SCT#2001062120

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Pacific Union Apartments
Granite Construction Co., Inc. > please see attachment for addresses, etc.

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) please see attachment for names and addresses —

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

Section III:
Identification of Other Interested Persons

.....

Applicant / Developer:

Pacific Union Apartments, Inc.
Attn: Chris Garwood
675 Hartz Avenue, Suite 300
Danville, CA 94562

Applicant's representative:

Norman Schwartz
Bolton Hill Company, Inc.
303 Potrero Street # 42-204
Santa Cruz, CA 95060

.....

Applicant / Property owner:

Granite Construction Co.
Attn: Steve Grace
P.O. Box 50085
Watsonville, CA 95077-5085

.....

City of Santa Cruz:

Juliana Rebagliati
Planning Dept.
City of Santa Cruz
809 Center Street, Room 206
Santa Cruz, CA 95060

Santa Cruz City Council
809 Center Street
Santa Cruz, CA 95060

.....

Robert V. Goode
Helen Younger Goode
340 Pacific View
Santa Barbara, CA 93109-2150

Representative:

Dennis J. Kehoe
311 Bonita Drive
Aptos, CA 95003

.....

Land Trust of Santa Cruz County
Attn: Laura Perry
303 Potrero Street 7A
Santa Cruz, CA 95060

Affordable Housing Advocates
C/o 132 Van Ness Avenue
Santa Cruz, CA 95060

Community Action Board
of Santa Cruz County, Inc.
Attn: Paul Brindel
501 Soquel Avenue
Santa Cruz, CA

George Ow
203 Highland Avenue
Santa Cruz, CA 95060

Bob Goode
140 Catalpa Street
Santa Cruz, CA 95062

Kaitilin Gaffney
179 Pryce Street
Santa Cruz, CA 95060

Sierra Club
Santa Cruz County Group
P.O. Box 604
Santa Cruz, CA 95061

Appeal from Coastal Permit Decision of Local Government

December 21, 2001

To: California Coastal Commission
From: Renee Flower and Jim MacKenzie

**Re: Monarch Village Apartments, 1280 Shaffer Road, Santa Cruz
APN 003-311-04 and -05**

.....
Reasons for this appeal:

This appeal is not an attempt to stop "growth" in the city of Santa Cruz. Nor are we opposed to the building of appropriately sited affordable housing on the city's westside. The need for affordable housing in Santa Cruz is self-evident—in the past five years the cost of housing here has doubled, but wages have not kept pace. Because human pressure on California's coast—the desire of people to live, work, and play there—is virtually unlimited, protecting the state's natural and scenic coastal resources and the fragile ecological balance in the Coastal Zone is imperative.

Coastal areas are threatened globally. As of 1997, more than half of Americans—160 million people—lived along the coasts of oceans and Great Lakes. It is projected that by 2030, 75% of an exponentially growing human population will live within 120 miles of the Earth's coastlines.

Each new development in California's Coastal Zone has the potential to hasten the destruction of the few intact ecosystems and natural areas remaining; the site approved by the City of Santa Cruz for the Monarch Village Apartments project is adjacent to one of these areas. It is also located just a little over 200 feet from historically significant, productive agricultural land—a coastal land use that will be threatened by dense residential development at this location.

Coastal Act Section 30001:

- (a) The California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.*
- (b) ...the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.*
- (c)...it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.*

Although we recognize the developer's and/or applicant's attempts to respond to a number of concerns we've expressed in previous letters, many of those concerns remain. Therefore, we appeal to the California Coastal Commission to consider our contention that the Monarch Village Apartments project ("Project") at 1280 Shaffer Road, Santa Cruz, as approved by the Santa Cruz City Council on December 11-12, 2001, is not

consistent with the California Coastal Act and is not in conformance with the City of Santa Cruz General Plan and Local Coastal Program.

.....
Density and intensity of landuse

The Project site is bounded on the east by Moore Creek (just north of and upstream from Antonelli Pond), Shaffer Road to the west, the Southern Pacific Railroad right-of-way to the south, and Mission Street Extension and one private residence to the north. A portion of the Younger Ranch, currently planted with brussels sprouts, is located a little over 200 feet to the west of the Project site.

The City's General Plan discusses the importance of decreasing density at the City's boundaries. The decrease in density provides a transition from urban to rural land uses in the City. This transition is most apparent at the City's western edge. The Project does not conform to this broad goal.

From the City of Santa Cruz General Plan (1990-2005, amended 1994), Community Design, p. 78, Vol 1:

" The process of gradual growth has allowed Santa Cruz to maintain clearly defined urban boundaries. The City is currently contained by lands in agriculture/grazing uses to the west, natural areas, park and low-density residential uses to the north, the Monterey Bay coastline to the south, and the Arana Gulch wetland to the east. These lands are important features in the built environment and provide the City with a sense of orientation and identity.

Within the City's boundaries, development densities are greatest in the City's downtown core and along the transit corridors. For the most part, development densities tend to decrease or the open-space character of development (e.g. clustering of development) increases from the central core towards the City's boundaries. This decrease in density and/or increase in open-space character provides a transition from urban to rural uses in the City. This transition is most prevalent on the City's western edge."

As part of Project approval, the City's General Plan was amended to change the zoning of the Project site from low-medium density residential (10+ to 20 units/acre) to industrial to be consistent with the LCP. Industrial zoning allows higher density residential development (20+ to 30 units/acre) in an area at the City's urban-rural boundary that is constrained by the Moore Creek riparian corridor on the east and nearby agricultural lands on the west.

This amendment, and a special use permit, were approved only to accommodate higher density housing at this site for this project. If the LCP had been amended to be consistent with the General Plan, the property would have been designated for lower density housing. High-density use in this area is inconsistent with City of Santa Cruz LCP LUP 2.1.1, which requires the City to assign lesser densities to lands that carry significant development constraints.

The density of the Project is not compatible with either the adjacent riparian area or nearby farmland. LCP LUP 2.1.2 supports maximizing land intensity or densities only in areas unconstrained by resources. Densities are greatest in the City's center core and generally decrease toward to edge of the City, where lower densities serve as a buffer

between urban development and open space and agricultural land uses. Consequently, the Project is also inconsistent with LCP LUP 2.1.2.

This Project is part of a complex real estate deal involving two housing developments in separate locations—both with a high percentage of affordable housing, one (1010 Pacific Avenue) located in the center of the city's urban core, the other (1280 Shaffer Road), the Project, located at the city's urban-rural boundary. We feel that the Project's siting threatens the stability of the city's urban-rural boundary and will change the character of the City at its western edge without, through a participatory public process, amending the goals of the General Plan/LCP to reflect the public desirability of such a change in advance.

Indeed, there has been very little, if any, comprehensive planning for this area of the City, and we feel that the CEQA analysis of the cumulative impacts of this Project was inadequate. The change in density and intensity of use at this site in combination with future development of Terrace Point and the adjacent Swenson and Wells Fargo properties may, in time, bring 1200 to 1500 or more residents and hundreds of housing units to this environmentally and agriculturally constrained area. Isolated projects can have indirect effects that accumulate over time without producing a measurable effect until later.

City of Santa Cruz General Plan Goal CD 1: *Maintain a compact City with clearly defined urban boundaries.*

The Project is also inconsistent with the intent of LCP CD 1.1: *"Infill and intensify land uses consistent with existing neighborhood or commercial district patterns in developed areas currently served by municipal services."*

The Project is also inconsistent with LCP LUP 2.4.4: *Establish guidelines for transition of development at the City's edge.*

Although the City's General Plan identifies the project site as residential, the land use pattern in this area south of Highway 1 is not primarily residential. The exceptions are the De Anza Mobile Home Park (developed prior to passage of the Coastal Act) and some reminders of the history of the area—a few scattered houses in what historically has been an agricultural area.

It is doubtful that the De Anza Mobile Home Park, a dense development on a coastal bluff that engulfs a lagoon and overlooks a state beach, would be approved today. The same policies that would prevent another project like De Anza from being developed today must also apply to the Monarch Village Apartments project, which will locate a dense residential development at the City's urban/rural boundary, adjacent to sensitive riparian, wetland, and agricultural resources. LCP LUP 2.4.4 requires guidelines for transition at the City's edge. This Project would place a dense wall of buildings at the City's edge which is not consistent with LCP LUP 2.1.1, which requires the City to assign lesser densities to lands that carry significant development constraints.

The siting of the Project is also inconsistent with LCP LUP 3.3.1, which requires planned development that protects resources and views, and siting that is sensitive to adjacent uses. The Project at this location is not sensitive to, or adequately protective of, adjacent agriculture, riparian areas, and viewsheds.

The Project introduces unprecedented levels of human activity into an area that is currently sparsely developed. LCP CD 1.1.2 requires the development "*of design criteria to ensure compatibility of infill development with existing neighborhoods...*" If any design criteria have been developed for this site to ensure compatibility with existing land use patterns, those criteria are not evident in the Project's siting and design. The Project, as planned and approved by the City, will be crowded between incompatible agricultural uses and sensitive riparian habitat with what we contend are inadequate buffers to protect these important coastal resources.

Unlike the existing construction yard and nearby Raytek buildings, the apartments will be inhabited 24 hours a day, seven days a week. The control of domesticated animals (cats and dogs) on site cannot be guaranteed by a leasing agreement. (we were residents of the Laureate Court Apartments on the corner of Bay and High Streets near the UCSC campus. Although our rental agreement stipulated that no dogs were permitted, the manager was allowed to keep a dog on the premises and the tenant in the unit above us also possessed a dog, which was acquired after the tenant had moved in, in flagrant violation of the agreement.)

The project is also inconsistent with Coastal Act Policy 30250(a):

"New residential [...] development shall be located within, contiguous with, or in close proximity to, existing developed areas able to accomodate it or, where such areas are not able to accomodate it, in other areas with adequate public services and where it will not have significant effects, either individually or cumulatively, on coastal resources".

The height, size, and massing of Project buildings requires that they be hidden to mitigate the damage done to views. Squeezing dense three-story apartment buildings onto a site between Moore Creek and the Younger Ranch which is remote from established residential neighborhoods is not consistent with City policy.

LCP LUP 3.3

Require development adjacent to natural areas and agricultural/grazing lands to be compatible with adjacent lands in terms of land use, visual transitions and siting.

LCP LUP 3.3.1

Utilize planned development and other techniques that allow clustering to protect resources and views and allow for siting that is sensitive to adjacent uses.

.....
Environmentally Sensitive Areas

"Moore Creek...an intermittent stream...provides an important wildlife corridor and ecological link between the open lands of the University of California and Natural Bridges State Park" (page 44: City of Santa Cruz General Plan "Moore Creek Corridor Access and Management Plan," adopted November 10, 1987). This management plan was developed to ensure the protection of a unique natural area and, in addition, describes a trail system that would provide a continuous pedestrian link from Natural Bridges State Beach to UCSC through a relatively undisturbed natural area. The plan contains text from the City's 1980 General Plan:

"...it appears that the areas (in the City) with the most unique characteristics and balance of life are those areas where land is least suited for urban uses. These include the canyon and arroyo areas [...] the marsh and stream areas of Moore Creek [...] Due to the difficulty of developing such areas and its adverse affect on the environment, it is recommended that zoning measures and other controls be considered for such areas. Careful study should also be given to the Moore Creek Watershed area, which is the most unspoiled riparian corridor in the City".

A description of the Moore Creek Corridor in the area adjacent to the project between Highway 1 and Delaware Avenue is found on page 26 of the management plan:

"Riparian. These Communities are associated with standing or flowing water and represent a most significant and valuable habitat. Riparian communities are found generally at the flatter portions of the Moore Creek corridor adjacent to Highway 1 and between Highway 1 and Antonelli Pond. The Riparian zone is defined by a variety of species including Arroyo Willow, Coast Live Oak with California Blackberry, Poison Oak and Bracken and a few other non-native species."

"Many birds and animals use the riparian zone for cover, often nesting and foraging. The transition areas between riparian vegetation and grassland areas are particularly important for wildlife protection".

"Significant marsh areas are located at the northern end of Antonelli Pond and along the pond edge. These marsh areas have been created over time as Antonelli Pond has received increasing sediment loads from upper Moore Creek. A number of significant plant species occupy these marsh areas, including cattails, tules and knotweed. In total, these plant species provide food, protection, nesting areas and cover for a variety of fish, aquatic organisms, water fowl, and birds. The extent of marsh vegetation and marsh areas will increase as the upper portion of the pond becomes increasingly shallow resulting from deposition of sediments from Moore Creek."

The Project proposes dense residential development next to Moore Creek and near Antonelli Pond and is therefore not consistent with Coastal Act Section 30240, which

states that environmentally sensitive habitat areas shall be protected. With 206 apartments at a density of nearly 30 units per acre, the Project is not sited or designed to be compatible with the sensitive riparian habitat of Moore Creek and Antonelli Pond (EQ 4.2 and CD 2.1.5). In fact, the Mitigation Monitoring and Reporting Program (and the Final EIR Page 13.0-58) for the project states in "Bio-10 Cumulative Impacts," that no measures have been proposed or are available to mitigate the cumulative impacts from the contribution of increased human presence that would occur in association with ongoing development in the area.

The Project Alternate Plan (received by the City 11/29/01) show a 100-foot wetland setback. A request to the City's planning department to review the wetland delineation report (mentioned on page 12.0-43 of the Final EIR) used to map the "limit of wetland" shown on the alternate plans (sheet A2 of the Project's Alternate Plan), was dismissed with the comment that the wetland delineation was shown on the plans. The wetland delineation report (Wetland Research Associates, November 20, 2001) used to determine the extent of wetland associated with Moore Creek was mentioned, but not included, in the Final EIR.

Although the Alternate Plan shows the buildings set back 100 feet from wetlands associated with the creek (LCP EQ-4.2.2), this setback may be insufficient for this section of Moore Creek. We feel that the density, mass, and height of this multi-story residential development requires a greater riparian setback to protect the integrity of the habitat from human activities. Even though the draft *City-Wide Creeks and Wetlands Management Plan* proposes a 190-foot riparian setback for this section of Moore Creek, this proposed distance also may be insufficient given the value of the resource and the type and intensity of land use that the City has allowed for this area with its approval of the Project.

With time, some aquatic systems tend to become shallower as sediments accumulate. Antonelli Pond will change over the decades—the pond may evolve into a marsh. As the pond changes, so may the reach of Moore Creek to the north of the pond. Housing may not be the best use for the land adjacent to Moore Creek and Antonelli Pond. Just as the eroding cliffs along West Cliff Drive now threaten a road and homes built only a few decades ago, land-use changes in the area combined with changes in the creek and pond may present unforeseen problems in the future.

Coastal Act Section 30240:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

.....
Visual Quality / Preservation of Views

LCP CD 1.4

Where development abuts openspace land uses, utilize careful site planning to emphasize the natural edges provided by topography and vegetation and maintain visual and physical access to open space areas. (see policies under L 3.3 and Map L-6)

The section of Moore Creek adjacent to the Project site is clearly shown as a Natural Area on GP/LCP Map L-6: Lands Designated As Open Space.

Views of and from Antonelli Pond will be disrupted (LCP CD 2.2) by the Project. Although new trees will be planted in locations both on and off site to screen buildings that obstruct important existing views, these views will be gone forever, not protected, and therefore the project is inconsistent with Coastal Act Section 30251, which states:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...and, where feasible, to restore and enhance visual quality in visually degraded areas..."

.....
Off-site Wetland Area

The off-site wetland area adjacent to the Project's southern boundary along the railroad tracks (see figure 4.3-2, following page 13.O-78, Final EIR) may be damaged by the Project. The Project plans show a parking lot constructed within the 100-foot setback from this wetland area, and the Mitigation and Monitoring Reporting Program (see also Mitigation Measures, Final EIR, page 13.O-58) requires a management plan approved by the Coastal Commission to protect only the current value of the off-site wetland area. Parking lots are not an allowed use within a wetland buffer (LCP EQ-4.2 and EQ-4.2.2.3). A management plan that allows a parking lot within the wetland buffer should not be approved. Approval of a parking lot within a wetland buffer at this location will prejudice planning for protection of wetlands on UCSC's Terrace Point and on the adjacent Swenson property. If a parking lot is allowed within the buffer for this wetland, parking lots might also be allowed in wetland buffers on Terrace Point. The City's Conditions of Approval (dated 12/6 - 12/11/01) do not specifically state that the management plan must be approved by the Coastal Commission, however it is clear that the plan will be approved according to the process required by the General Plan.

.....
Stormwater System

The Project's Final EIR specifies an underground stormwater system on page 13.O-62. Although the original plans and the Project DEIR included a drainage plan map, the

Project Alternate Plan does not include a drainage plan. The Project was approved before the drainage plan was completed, and the Final EIR mitigation measures address, in some detail, stormwater drainage for the Project. Although systems for stormwater management have improved since the City's General Plan was adopted, an underground system is not consistent with Moore Creek Access and Management Plan policy LCP MC 1.3.1, which requires the use of retention or detention ponds to protect Moore Creek from stormwater runoff. Ponds will create habitat, but engineered systems will facilitate dense development on a constrained site. The LCP may be looking for the creation of habitat in its requirement for detention ponds over the utility of an engineered underground stormwater system.

During several public hearings, comments were made regarding the consequences of not approving the project. It was stated that conditions at the site would not be improved and runoff into the creek from current activities at the site would continue to degrade Moore Creek and Antonelli Pond. These comments neglect to consider LCP MC 1.3.6 (1987), which requires "*Granite Construction Co., Inc. to implement, as soon as possible after obtaining City approval, improvements such as construction of a landscaped berm and installation of sediment and grease traps to prevent sedimentation or pollution of Moore Creek potentially caused by Granite's storage of loose materials or other operations on the site.*" The LCP required the applicant, Granite Construction, to implement pollution and sediment control measures "as soon as possible." It's been fourteen years since that policy was adopted. Consequently, improvement of stormwater runoff treatment at this site is not dependent upon the Project, as stated at public hearings, but a responsibility of the current property owner and the City.

.....
Moore Creek Watershed

On December 11, 2001, in approving the Conditions of Approval for the Project, the City adopted Resolution No. NS-25,657, finding that the Project's cumulative impacts to Moore Creek were insignificant with mitigation measures. We disagree with this finding.

There has not been an overall cumulative impacts assessment of the entire Moore Creek watershed in connection with development at this site. The impacts of numerous projects within this watershed—either proposed or reasonably foreseeable in the future—must be considered, and Moore Creek must be considered as a whole ecosystem. Wetland and riparian areas are often affected by events beyond their boundaries, either in adjacent uplands or in more distant areas within the same watershed. How will the Project, in combination with development of other nearby lands, affect Moore Creek and other resources in the area? Planning for the edge of the City must consider cumulative impacts to all resources. The Project's Mitigation Monitoring and Reporting Program (Bio-10, Cumulative Impacts) states that no measures are available to mitigate the cumulative impacts of increased human presence that would occur in association with ongoing development in the area. This statement alone is a plea for comprehensive planning for land use on the City's western boundary.

The in-progress *City-wide Creeks and Wetlands Management Plan* may include greater protections for Moore Creek in this area of the Project site than the 1987 Moore Creek Access and Management Plan. The public has not yet had an opportunity to review or comment on the draft plan, and it is unfortunate that the Monarch Village Apartment project has seemingly been rushed through the approval process in advance of the completion of this important planning document.

In addition, although the Final EIR for the Project states that the *City-wide Creeks and Wetlands Management Plan* is unfinished and therefore cannot be applied to this project, the project's Mitigation Monitoring Program "Bio-4i" requires the City to work with the Land Trust as it develops a management plan for Antonelli Pond "to ensure that approved, pending and planned development near the pond is considered." It seems illogical and inconsistent to reject an important, yet unfinished management plan that takes a comprehensive, whole-ecosystem approach to managing coastal creek and wetland resources while, at the same time, requiring the completion of another in-progress management plan as a mitigation measure for the Project that addresses only a section of an ecosystem.

Furthermore, the Project's Conditions of Approval require the developer to contribute \$8000.00/year to the City to assist the Land Trust of Santa Cruz County in management of Antonelli Pond and Moore Creek. Although funding for the management of Antonelli Pond may be a financial benefit of the Project for the Land Trust, it will not mitigate habitat degradation caused by the presence of hundreds of humans in the area.

The city's Conditions of Approval for the Project address landscaping that will utilize an integrated pest management program similar to the City's IPM program. The project should not use any pesticides on site. It is our feeling that any pesticides or herbicides used will have the potential to damage adjacent habitat. For protection of Moore Creek and Antonelli Pond, even spraying the grounds for ants must not be allowed. Fertilizer use on Project landscaping must also be reviewed and controlled.

The future possibility of opening Shaffer Road, installing a traffic light at the Highway 1/Shaffer Road intersection, combined with the development of other lands in the immediate area, may subject Antonelli Pond and Moore Creek to greatly intensified recreational use by nearby residents and visitors. Although opening Shaffer Road will provide improved access to coastal areas, Antonelli Pond may receive too much "love" as a result (Coastal Act Section 30252 (6) and 30240 (b)). The Project plans also includes a swimming pool to serve the recreational needs of the new development, but the proximity and beauty of Antonelli Pond may increase the use of the Pond as a recreational area for the residents of this and future projects nearby. While Antonelli Pond is a recreational resource, it is not a neighborhood park, and increased human presence will disturb the habitat. While \$8000.00/year will contribute to the management of Antonelli Pond and Moore Creek, it does nothing to decrease impacts from careless or insensitive human visitors and their canine companions. This paltry annual contribution may not even fund a caretaker to monitor activity around the Pond on weekends.

.....
Moore Creek Trail

The Moore Creek Access and Management Plan (and the Moore Creek Access and Management Plan Summary section of the City's General Plan/LCP) proposes and discusses trails and viewing areas along Moore Creek. General Plan "Map ASP-10" shows a trail on the east side of Moore Creek, and LCP "Map PR-10: Trails," shows the proposed Moore Creek trail. (see also page 5 of the Moore Creek Corridor Access and Management Plan).

The following policies also need to be considered:

LCP MC 6.1: Develop a low profile trail system in Moore Creek Canyon corridor linking the corridor with UCSC, Natural Bridges State Park Coastal Trail and Wilder Ranch and Beaches State Park.

LCP PR 4.2: Develop a system of recreational trails providing access to and connections between the City's various parks, recreational facilities, and natural, coastal and urban areas.

At the time the trail was proposed, the land to the east of the creek in this location was most likely undeveloped. The path's location was evidently relocated to the west side of the creek when the Santa Cruz City School's building was constructed.

The Project's EIR discusses a future public path, and suggests that this path would be located as close to the buildings as possible to protect the riparian areas from human presence. Although it is important to protect Moore Creek from disturbance, the path as proposed is not consistent with the intent of the City's *Moore Creek Access and Management Plan*.

A public path or trail positioned close to three-story apartment buildings does not invite a pleasant stroll towards Antonelli Pond "through an undisturbed natural area." Moreover, the path shown on the Project's Alternate plans (sheet L4) is not a public trail—it is a paved sidewalk from the Project's parking lots to provide access to the front doors of apartments facing the Moore Creek riparian area on the east side of the development. Such a path will need to be lit for the safety of residents, and adequate lighting to provide for human safety will introduce light into the riparian area. If the path is not adequately lit, residents will complain and brighter lights will be installed later. The text of Condition for Approval No. 47, as changed and adopted by City Council, reads:

"The project lighting shall...strike a balance between tenant safety and levels that will ~~have little effect~~ *minimize* the effect on adjacent natural areas."

The term "minimize" is vague and can easily be interpreted to favor human safety and security over habitat protection. The residential lighting must meet safety standards and residents must have access to their apartments. However, to meet the definition of a

buffer, the path should be unpaved, unlit, and must not be a sidewalk to access the front doors of the apartments. If the path is lit, and is used to access the apartments, then the area cannot be considered a buffer. A project-specific path such as the one shown on the Alternate Plan is unacceptable as a public access trail. Also, the Alternate Plan (sheet number L4) indicates "potential future connection for public trail" at parking areas near the Project's northern and southern boundaries. No member of the public would feel welcome walking by windows and doors along such a path at the back of a housing development under three-story buildings, nor would residents feel comfortable with this situation. Such a path will discourage public access and present the potential for usage conflicts. The Project was approved before the trail's design and placement on the site was finalized and the path as shown on the Project Alternate Plan is not consistent with the intent of LCP MC 6.1, and Coastal Act Policies to protect public access.

.....
Carrying Capacity

It is our contention that the City must cease issuing water permits until its in-progress integrated water plan is complete and reliable new sources of water are identified. In a letter from City of Santa Cruz Water Department, Water Director Bill Kocher states: *"We concur with the finding in the EIR that the project, when combined with other development projects in the City, will contribute to a significant cumulative impact upon the water system during drought conditions and, in the future, under normal water years"* (pages 12H-1 — 12H-2, Final EIR).

"There's not enough water for the people who are here, let alone the people who are coming," Water Department Director Bill Kocher said. "Fifty-two percent of demand can be met in a 1977-type drought. Right now we can't meet human health and safety," he said. (City on a Hill Press, November 15, 2001, Vol. 36 Issue 9)

This project will place further stress on the City's limited water supply, therefore the project is not in conformance with the intent of LCP LUP 1.7:

Ensure that future growth and development of Santa Cruz occurs consistent with the City's carrying capacity and that such growth and development does not lead to the overdraft of any water source, the creation of unacceptable levels of air pollution, or the loss of prime agricultural land.

Waiving the protections afforded to existing City residents and businesses by LCP LUP 1.7, the City, in its adoption of Resolution No. NS-25,657, on December 11, 2001, added a finding about the City's current work on a water supply program to the overriding considerations. Without the text of the Resolution (which we don't have) we don't recall any reason besides the "affordable housing" aspect of this project that would allow water supply issues to be overridden by a "statement of overriding considerations."

.....
Agricultural Land

A dense apartment development is not appropriate for a site so close to farmland and is inconsistent with Coastal Act policy 30241 (a) which states that:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agriculture and urban land uses...(a) By establishing stable boundaries separating urban and rural areas, including where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses. (e) By assuring that ...nonagricultural development do[es] not impair agricultural viability...

The Project places dense residential use 200+ feet downwind of the historic Younger Ranch, which is shown as both prime farmland and farmland of statewide importance on LCP "Map EQ-5: Prime, and important, farmland and grazing land." Agricultural practices are not always compatible with residential land-uses, and we feel that this dense residential Project will threaten the ranch. Historically, the lands of the westside of Santa Cruz have been farmland, and urban land uses have been slowly encroaching on this area for the past few decades.

Even though our home is located almost a mile from the Younger Ranch and other north coast farms, at certain times of the year, we can smell the odors of rotting cabbage, and at other times we've noticed the fragrance of manure. These agricultural odors will be much more noticeable at the Project site. The lands to the west of Moore Creek form a natural buffer area, and development in this area should be sensitive to the nearby agricultural uses. A dense residential apartment development is not appropriate for this area. Tenants in the apartments will certainly complain about the odors and dust from the field located across the road. The agricultural buffer at the edge of town should have been publicly owned to provide a permanent protection of farmland. Anything less than a minimum 500-foot buffer will be inadequate in this area. The following policies apply:

LCP LUP 1.7—as cited above under "Carrying Capacity"—this policy requires that future growth does not lead to the loss of prime agricultural land.

LCP CD 1.1.2

Develop design criteria to ensure compatibility of infill development with existing neighborhoods and proposed development patterns (including intensities and land uses)

LCP CD 1.3.1

Support the preservation of open space character and County landuse ...of the... agricultural lands to the west of the City's boundaries and east of Wilder Ranch.

LCP LUP 3.1.3

Support County policies and programs aimed at preservation of agricultural/grazing uses on the North Coast...

In relationship to City of Santa Cruz LCP LUP 3.1.3, the County's LCP recognizes that agricultural land is a priority use, requires certain lands to be maintained exclusively for agriculture, and prohibits the conversion of agricultural lands around the periphery of urban areas (Santa Cruz County General Plan Objective LCP 5.1.3, and County LCP policies 5.13.5, 5.13.22, 5.13.24, and 5.13.27). Placing a dense residential development adjacent to agriculture and allowing only the minimal required buffer greatly increases the probability that this agricultural land will eventually be converted to urban uses.

LCP LUP 3.3.3

Require or maintain an appropriate buffer to agricultural fields in the County and allow non-residential uses (such as community gardens and/or recreational uses) within portions of the buffer that are found to not adversely impact or be adversely impacted by the agricultural operations.

.....

Transportation and Service Capabilities

Because the Project has been proposed for a site that may not have adequate public services or transportation access, it may not be consistent with LCP LUP 2.1.2, which supports maximizing land intensity or densities in areas unconstrained by resources or hazards and having adequate service capabilities.

This site currently lacks adequate service capabilities for a residential development of this size and density. To serve this project in combination with future development in the area, the sanitary sewer line in the area will soon require expansion, and—according to the city's conditions for approval—a traffic light will eventually be installed at the intersection of Shaffer Road and Highway 1. A practical public access route will also require the extension of Shaffer Road across the Southern Pacific railroad tracks.

These transportation connection issues have not been thoroughly addressed. Instead of analyzing the cumulative impacts of opening Shaffer Road and the changes in traffic patterns that may adversely affect the entire lower westside of Santa Cruz as a result of installing a traffic light at Shaffer Road and Highway 1, analysis and planning for these changes has been postponed, we surmise, to be addressed as part of the planning for the future development of adjacent properties.

We also feel that the future installation of a traffic signal at Highway 1 and Shaffer Road will jeopardize the stability of the urban/rural boundary of the City. Cumulatively, this project and the others that will follow it will be growth- and sprawl-inducing, will destabilize the city's urban rural-urban boundary, and will alter traffic and circulation patterns in the area. The Project is located in an area currently lacking a public transit route, and also places an intense land use well outside the central core of the City—making it inconsistent with LCP CD 1.1.1.

.....
Other Concerns:

* The city's Conditions of Approval state that the applicant may split building No.1, on the north boundary of the site, into two buildings which would provide driveway access to the property to the north. The property to the north may be purchased for an additional apartment building.

* The City Council Action Agenda of December 11, 2001 states on page 20:
"16) Add a final condition that states that the City Manager and Planning Director are authorized to approve such minor modifications as may be necessary to conform to financing requirements." This may mean that many of the approved mitigations may be found to be "too expensive" and may, therefore, place in jeopardy any of the environmental impact mitigations measures addressed in the Final EIR. If this happens, it is possible that the final project, as built, may not conform to the City's GP/LCP policies.

* The City Council Action Agenda of December 11, 2001, states on page 18:
Condition of Approval No.4 to read: *"Any failure by the applicant to perform any material provision of this permit, as conditioned, which failure continues uncured for a period of sixty days following written notice of such failure, may result in an amendment or revocation of the permit."* We are concerned that this language may allow the applicant/developer an extended period of time in which to avoid the mitigation measures required by the permit. Damage to habitat may occur and the developer would be allowed to continue the harmful activities for 60 days under this condition.

Coastal Act Section 30001(c)...it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

.....
Concluding Comments

The Project will introduce unprecedented levels of human activity (including hundreds of additional automobiles) into this area. The cumulative impacts from the project in combination with any future development of this area, including the Swenson and Terrace Point properties, will irrevocably harm the integrity of riparian and wetland habitat and threaten nearby agricultural uses. The Swenson property to the south of the Project site is an area of deferred LCP certification where a specific plan is required. The approval of a dense apartment development at 1280 Shaffer Road may prejudice planning for both the Swenson property and Terrace Point. Eventual buildout of these lands at high density will seriously degrade the habitat in the area. Because the City Council, by approving the Project, has shown little understanding of the complex issues involved with the development of this area, it is obvious that it is not capable of addressing this task. I request that the Coastal Commission assume responsibility for coordinating overall planning for this area of the City in order to protect and preserve sensitive coastal resources.

The Project should be analyzed in conjunction with planning for the development of adjacent lands (e.g., the LRDP for UCSC's Terrace Point lands, and potential use of the Swenson land on the corner of Delaware Avenue and Shaffer Road). The Swenson land, for instance, provides a great location for a neighborhood park. In a perfect world, there would have been a 1000-foot buffer to the east of Moore Creek to protect riparian and wetland resources and separate urban areas from agriculture. The Texas Instruments plant, the City Schools Administration building and De Anza mobile home park would never have been built. Historic structures located on the banks of Antonelli Pond would have been preserved. Instead of present disagreements over appropriate development density on lands adjacent to Moore Creek and Younger Ranch and on Terrace Point, we would have an undeveloped natural open space defining the City's western boundary as described in several General Plan policies.

1. That the Coastal Commission find that the project is not consistent with the City's Local Coastal Program and take appropriate action to protect coastal resources.

3. That the public trail envisioned by the Moore Creek Access and Management Plan must be truly accessible to the public, as envisioned in the city's GP/LCP.

5. That the City-wide Creeks and Wetlands Management Plan must be completed and applied to this and all future projects adjacent to Moore Creek and Antonelli Pond instead of multiple, separate plans.

Exhibit 4
pg. 19 of 19

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(831) 427-4843

RECEIVED

DEC 18 2001

**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT****CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

<u>HELEN YOUNGER GOODE</u>	<u>DENNIS J. KEHOE, Law Corporation</u>
<u>340 Pacific View</u>	<u>311 Bonita Drive, Aptos, CA 95003</u>
<u>Santa Barbara, CA 93109-2150</u>	<u>Phone: (831) 662-8444</u>
<u>Phone: (805) 963-3120</u>	<u>Please send copies of all notices to Appellant and her attorney.</u>
<u>Zip</u>	<u>Area Code Phone No.</u>

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Santa Cruz

2. Brief description of development being appealed:

Monarch Village Apartment Project for 206 units on 9 acres of industrial zoned property; Coastal Permits; General Plan Amendment; EIR; Special Use Permit; Planned Development Permit; and Ordinance adopting Development Agreement, and each of the foregoing.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

1280 Shaffer Road, Santa Cruz, CA 95060 APN 003-311-04, 05

4. Description of decision being appealed:

- a. Approval; no special conditions: _____
- b. Approval with special conditions: xx _____
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-STC-02-001DATE FILED: 01-07-02DISTRICT: Central Coast

A-3-STC-02-001
(Monarch Village Apartments)

Exhibit 5
pg. 1 of 14

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning Administrator

c. ☐ Planning Commission

b. ☒ City Council/Board of Supervisors

d. ☐ Other: _____

6. Date of local government's decision: The hearing began in the evening on December 8, 2001, and concluded in the early morning on December 12, 2001.

7. Local government's file number: File #00-190, SCH #2001062120

SECTION III Identification of Other Interested Persons

Give the names and addresses of the following parties: (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Pacific Union Apartments, 675 Hartz Avenue, #300, Danville, CA 94562

Bolton Hill Company, 303 Potrero Street, #42-204, Santa Cruz, CA 95060

Granite Construction Co., Post Office Box 2424, Watsonville, CA 95077-2424

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearings (s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Attachment B lists reasons/organizations which sent written comments to the Planning Department and included in the DEIR and FEIR reports.

(2) Attachment C lists names and addresses of six persons who registered to speak at the October 18, 2001, meeting of the Planning Commission and Zoning Board.

(3) Attachment D lists names and addresses of two persons who registered to speak at the November 15, 2001, meeting of the Planning Commission and Zoning Board.

(4) Attachment E lists names and addresses of 17 persons who registered to speak at the December 6, 2001, meeting of the Planning Commission and Zoning Board.

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Reasons for this appeal are found in Attachment F.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or Authorized Agent

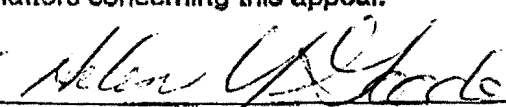
Date

12/17/01

NOTE: If signed by agent, appellant(s) must also sign below.

SECTION VI. Agent Authorization

I/We hereby authorize Dennis J. Kehoe, attorney to act as my/our representative and to bind me/us in all matters concerning this appeal.


Signature of Appellant(s)

Date

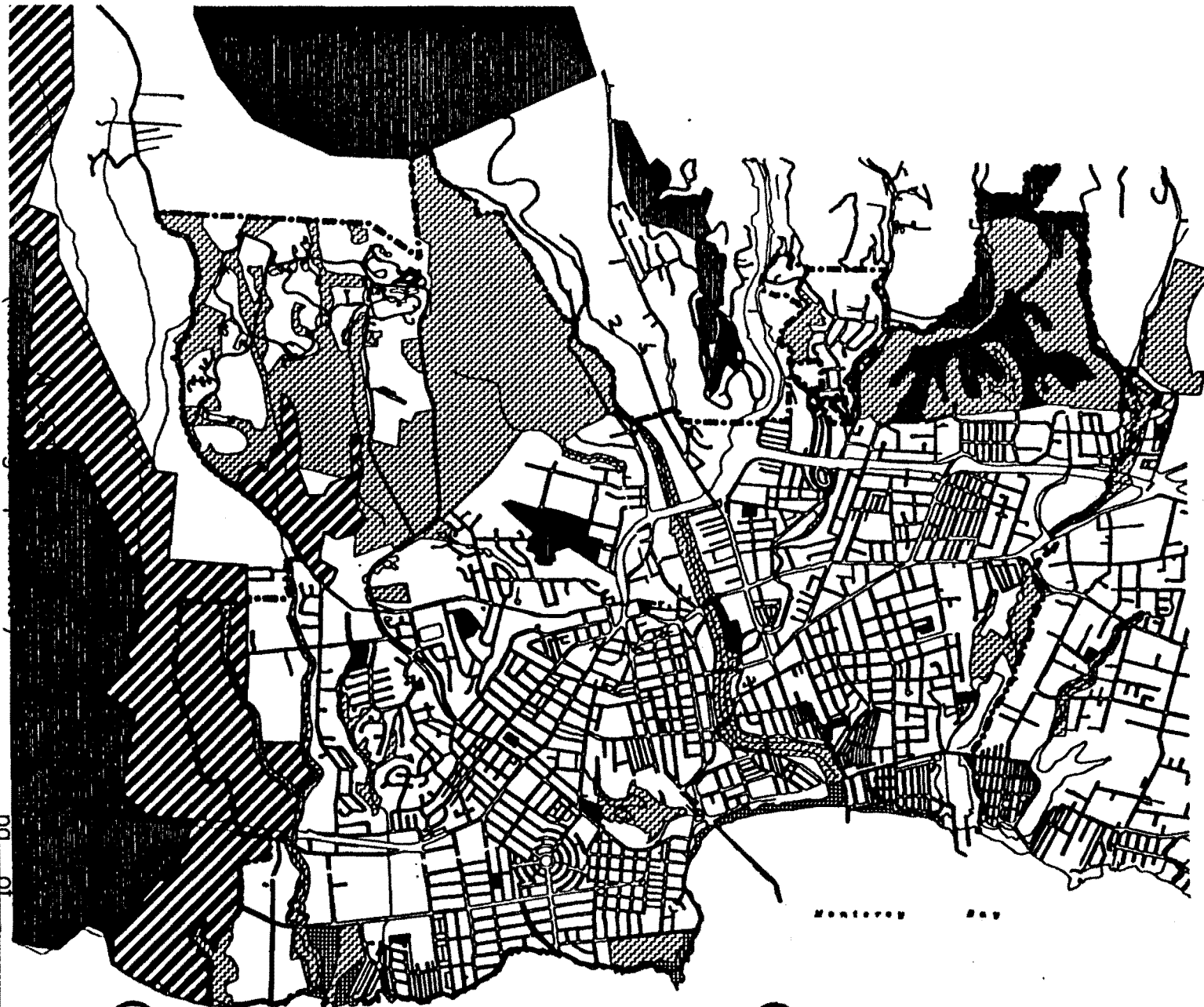
December 17, 2001

A-3-STC-02-001
(Monarch Village Apartments)

Exhibit 5
pg. 3 of 14

MAP L-6: LANDS DESIGNATED AS OPEN SPACE

The City of Santa Cruz, California



LEGEND



PARKS



AGRICULTURE/
GRAZING



COASTAL
RECREATION



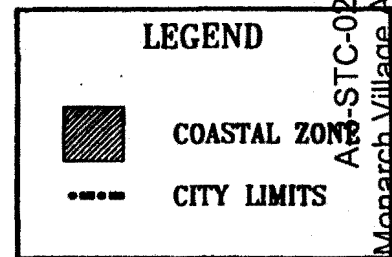
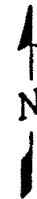
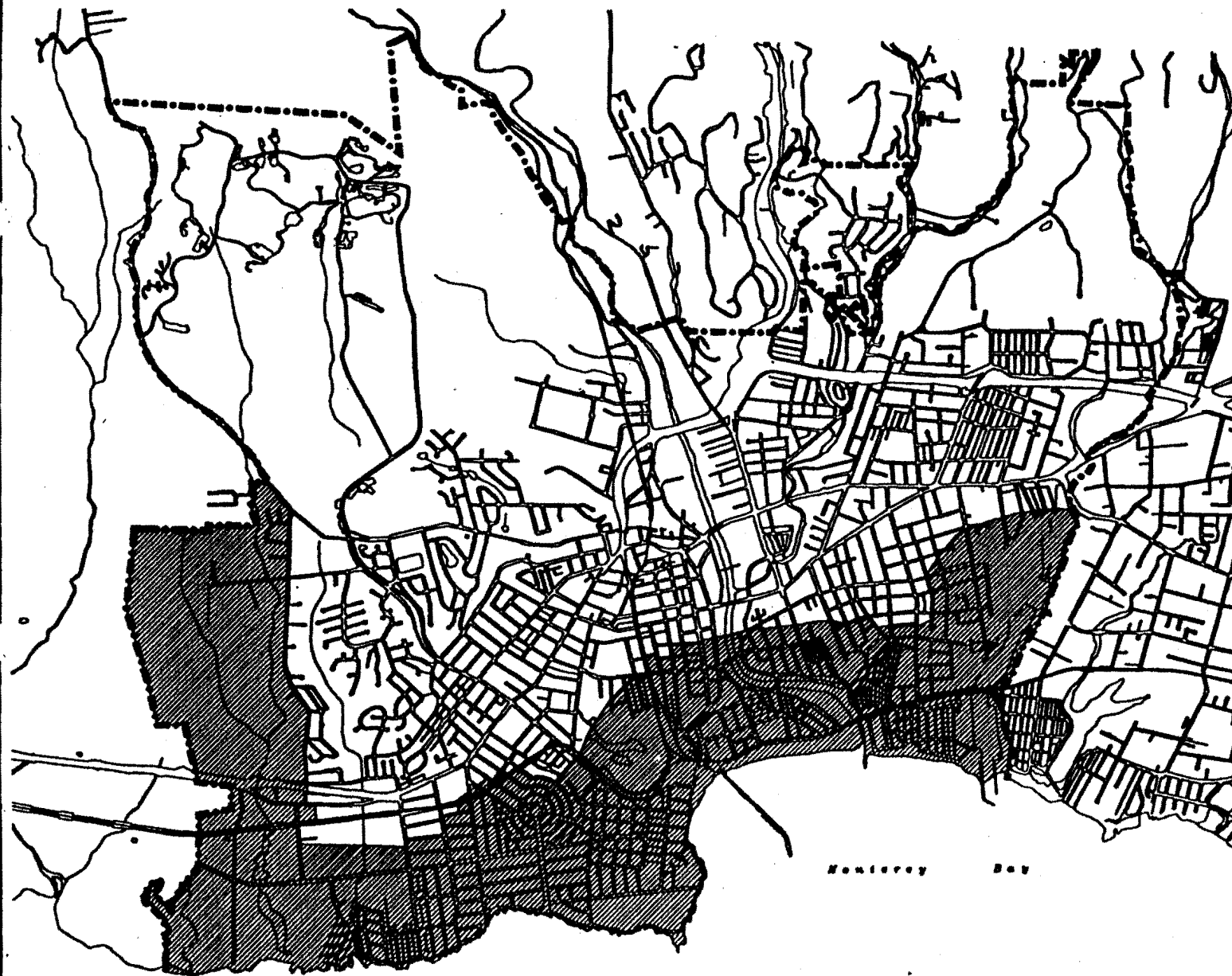
NATURAL AREA



CITY LIMITS



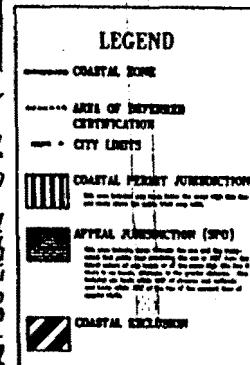
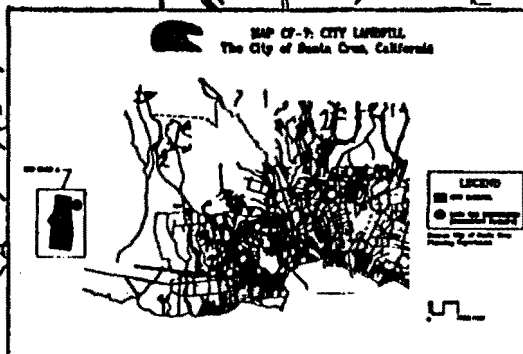
MAP LCP-1: COASTAL ZONE
The City of Santa Cruz, California



Source: City of Santa Cruz
Planning Department



MAP LCP-8 Coastal Commission Review and Authority



Source: City of Santa Cruz
Planning Department, 1988

- NOTES**
1. In addition to the areas shown on this map, the Coastal Commission has jurisdiction over the following areas:
 - a. Areas within the Coastal Zone that are not shown on this map.
 - b. Areas within the Coastal Zone that are not shown on this map.
 - c. Areas within the Coastal Zone that are not shown on this map.
 2. In addition to the areas shown on this map, the Coastal Commission has jurisdiction over the following areas:
 - a. Areas within the Coastal Zone that are not shown on this map.
 - b. Areas within the Coastal Zone that are not shown on this map.
 - c. Areas within the Coastal Zone that are not shown on this map.
 3. In addition to the areas shown on this map, the Coastal Commission has jurisdiction over the following areas:
 - a. Areas within the Coastal Zone that are not shown on this map.
 - b. Areas within the Coastal Zone that are not shown on this map.
 - c. Areas within the Coastal Zone that are not shown on this map.
 4. The map has been prepared to show the Coastal Commission's jurisdiction over the following areas:
 - a. Areas within the Coastal Zone that are not shown on this map.
 - b. Areas within the Coastal Zone that are not shown on this map.
 - c. Areas within the Coastal Zone that are not shown on this map.

0 1000 FEET

Monterey Bay

Post LCP Certification Permit and Appeal Jurisdiction

California Coastal Commission

City of Santa Cruz

A-3-STC-02-001

(Monterey Village Apartments)

Exhibit 5
pg. 6 of 14

Names and mailing addresses of those who or wrote letters for the the DEIR and FEIR

Nicolads Papadakis	Association of Monterey Bay Area Governments 445 Reservation Road, Suite G P.O. Box 809 Marina, CA 93933-0809
Susan Craig	California Coastal Commission 809 Center Street #300 Santa Cruz, CA 95060
Robert W. Floeckerke	Department of Fish and Game P.O. Box 47 Yountville, CA 94599
Chris Shaeffer	Department of Transportation 50 Higuera Street San Luis Obispo, CA 93403-8114 Governor's Office of Planning and Research State Clearinghouse 1400 Tenth Street Sacramento, CA 95812-3044
Terry Roberts	Governor's Office of Planning and Research State Clearinghouse P.O. Box 3044 Sacramento CA 95812-3044
Janet Brennan	Monterey Bay Unified Air Pollution Control District 24580 Silver Cloud Court Monterey, California 93940
Bill Kocher	Santa Cruz Water Department 809 Center Street Room 102 Santa Cruz, CA 95060
Linda Wilshusen	San Cruz Co. Regional Transportation Commission 1523 Pacific Avenue Santa Cruz 95060-3911
Laura Perry	Land Trust of Santa Cruz County 303 Potrero Street #7A Santa Cruz, 95060

George Jammal	Sierra Club P.O. Box 604 Santa Cruz, CA 95061
Tom Vani	148 Beachview Avenue Santa Cruz, CA 95060
Bob Goode	140 Catalpa Street Santa Cruz, CA 95062
Tom Vani	148 Beachview Avenue Santa Cruz, CA 95060
Kaitlin Gaffney	179 Pryce Street Santa Cruz, CA 95060
Dennis Kehoe	311 Bonita Drive, Aptos 95003
Diane Louie	
Jim MacKenzie	1747 King Santa Cruz, CA 95060
Norman Schwartz	Bolton Hill Co. "*****" 303 Potrero Street Suite 42-204 Santa Cruz, CA 95060
JoAnne L. Dunec	Ellman, Burke, Hoffman & Johnson One Ecker, Suite 200 San Francisco, CA 94105

[illegible]

[illegible]

Name:	Address:
Sam Bradley	P.O. Box 1591 Sequoia CA 95073 - 1593.
Paul W. Winkler	PO Box 1453 Santa Cruz, CA. 95061
George O. Jr.	640 Eaton St. Santa Cruz
Tim J. Powers	140 Catalpa St Santa Cruz 95062
Bob Gnode	217 HAMMOND AVE SANTA CRUZ 95062
John D. Dwyer	1022 Broadway SANTA CRUZ 95062
Therese B. Sr	50 HIGHER ST. SAN LUIS Obispo 95021
Chris Stachow	122 La Encina St. Santa Cruz 95060
Berie C. Allen	150 Broadway SANTA CRUZ CA 95062
Michael T. Allen	833 FRONT ST Apt 222 S.C.
PAUL CLARK	4700 Freedom Blvd Aptos CA.
Curtis Reliford	1005 Felton Ave S.C.
ALDO GIACCHINO	608 Macdon Ave Santa Cruz
Julie G. G. G.	132 Van Ness Ave. S.C. 95060
Don Lane	1747 King Street, S.C. 95060
JIM MACKENZIE	314 West Cliff Drive, S.C. 95060
Darrell Darling	

Exhibit F: Attachment to Appeal of Helen Younger Goode to the California Coastal Commission

1. BACKGROUND:

Appellant is the owner of the Younger Ranch consisting of more than 400 acres of agricultural land in the close proximity of the SUBJECT PROJECT. Appellant is an aggrieved party having the right to appeal. Further, the subject property is within the appeal jurisdiction of the California Coastal Commission. Initially, the development approved is not designated as the principle permitted use under the City zoning ordinance applicable to the subject property. Second, the SUBJECT PROJECT is within the appeal jurisdiction (AP) of the California Coastal Commission. You are referred to the Post LCP Certification Permit and Appeal Jurisdiction Map/LCP 8, attached. Third, this appeal is within the appeal jurisdiction of the Coastal Commission pursuant to, inter alia, Public Resources Code §30603.

2. THE CALIFORNIA COASTAL ACT:

Pursuant to Public Resources Code §§30240 et seq., new development shall be sited and designed to prevent impacts which would significantly degrade areas such as the historic agricultural properties of Younger Ranch. Further, conflicts between agricultural and urban land uses shall be minimized. Stable boundaries separating urban areas shall be established through clearly defined buffer areas in order to minimize conflicts between agricultural and urban land uses. Moreover, the long-term productivity of prime agricultural lands such as the Younger Ranch "shall be protected."

Previously, the existing project site was a low-density industrial site. Moreover, the current zoning of the property is industrial, not high-density apartment house uses. This high-density apartment house project will significantly and adversely impact the nearby prime agricultural lands of the Younger Ranch. Therefore, violates the California Coastal Act.

3. THE PROPOSED HIGH-DENSITY DEVELOPMENT DOES NOT CONFORM TO THE STANDARDS SET FORTH IN THE CERTIFIED LOCAL COASTAL PROGRAM.

A. Through the LCP, significant agricultural lands are acknowledge within and along the periphery of the City. The City is required to protect such agricultural lands from development. (Environmental Quality Policy 3.4, LCP, Vol.I, pg.55) In addition, the City is to develop the highest densities in the City's downtown core. Development densities are to decrease from the central core towards the City's boundaries. "This decrease in density and/or increase in open-space character provides a transition from urban to rural land uses in the City. This transition is most prevalent on the City's west edge." (LCP Vol.I, pg. 78) The LCP requires focusing the higher densities in the central core. (LCP Policy 1.1.1, LCP Vol.I, pg.78) Moreover, Policy 1.3 requires the City to "preserve open-space land uses at the edge of the City to inhibit urban sprawl and maintain identity. (LCP, Vol.I, pg.81) This high-density apartment project violates all of the foregoing policies and programs of the City LCP.

B. Concerning preservation of nearby agricultural uses, Policy 3.3 requires "development adjacent to areas and agricultural/grazing lands to be compatible with adjacent lands in terms of land use, visual transition, and sighting." (LCP, Vol.I, pg.124) In addition, Policy 3.3.1 requires the City to "utilize planned development and other techniques that allow clustering to protect resources and views and allow for sighting that is sensitive to adjacent uses." (LCP, Vol.I, pg.124) As additional to protection of this prime agricultural land of the Younger Ranch, the City under Policy 3.3.3 shall "require or maintain an appropriate buffer to agricultural fields in the County..." (LCP Vol.I, pg.124) Also, the LCP Policy 1.6.5 refires the City to "promote protection of significant agricultural lands and sustainable agricultural programs throughout the City and County." (LCP Vol.I, pg.284)

Notwithstanding all of the requirements of the LCP, the City is attempting to change the historical low-density industrial use of the subject property into a high-density apartment complex within immediate proximity of prime agricultural land owned by the Younger Ranch. Not only is the transition from low-density industrial to high-density residential in violation of the LCP, but also the adverse effects of this high-density development on nearby prime agricultural uses is in violation of both the California Coast Act and the City's Certified LCP programs and policy requirements.

C. Furthermore, the SUBJECT PROJECT and its permits do not meet the standards of the LCP in the General Plan. Under Standard 1.6, Economic Development Element, the SUBJECT PROJECT undermines the agricultural viability of the brussels sprouts fields of the Younger Ranch and undermines the flow of capital and jobs supported by the Younger Ranch. Under Standard 1.6.5, the SUBJECT PROJECT fatally diminishes the existing buffer protections, and ignores advice from the Coastal Commission. Instead of nurturing the prime agricultural lands at the City's western edge, it exposes them to intense urban harassment and potential litigation.

Under Community Design Standards, whose broad goal, CD1, is to maintain a compact city with clearly defined urban boundaries, the SUBJECT PROJECT almost ignores the standard. It places high-density, three-story apartments in a historical agricultural buffer, separated from the City by nearly a mile of industrial park, violating Standard 1.1. Under Standard 1.1.2, the SUBJECT PROJECT is so far distant that it offers no desirable compatibility with infill development. Under CD Standard 1.3, the SUBJECT PROJECT cracks open the urban boundary edge of the City by urban sprawl. There will be radical change from industrial zoning (low human presence and not on weekends) to residential zoning for 500 to 700 residents and cars, seven days a week. The resident complaints will undermine the farming which historically has protected the open-space to the west of the City under Standard 1.3. The Younger Ranch border is the entire western edge of the City.

D. Under Land Use Element 3.1.3, the SUBJECT PROJECT demonstrates no cooperative work with the County, or County level representations. The SUBJECT PROJECT ignores knowledgeable contributions of the County level participants representing agricultural knowledge, brought forth by the Santa Cruz County Farm Bureau on December 5, 2001, in its attached letter and presentation to the City. Planning Department concern for the developer, and for affordable housing, ignores the anticipated injury to the economics of farming which support

the open-space Coastal agricultural use of the Younger Ranch.

E. Under Land Use Element Standard 3.3, the SUBJECT PROJECT is a wholly incompatible land use. The land use rezoning is not supported, the sighting between a nature preserve and a working farm is injurious to the farming community, and the visual transition from new dense three-story apartment buildings to flat agricultural fields cannot be mitigated by vegetation.

Under the "agricultural buffer, Land Use Element Standard 3.3.3, the SUBJECT PROJECT tries to undermine the Planning Department's own analysis of a 500-foot residential buffer of 1998 for nearby Terrace Point. It then asserts an inadequate, narrow 200-foot buffer. The buffer is contrary to a Coastal Commission 1998 decision; and ignores subsequent advice from Commission staff to explain the effect of the SUBJECT PROJECT on the Younger Ranch. The buffer choice relies on "evidence" considered inadequate by the Coastal Commission in its December 4, 1998, letter to UCSC on Terrace Point. (See also the letter of my attorney, Dennis J. Kehoe, dated December 11, 2001, attached hereto and incorporated herein by reference.)

F. We request that if the applications including the coastal permits are finally approved, that the Coastal Commission members require the following conditions running with the land for the Monarch Village Apartment Projects' approval.

1. Require a 500-foot agricultural buffer between the Younger Ranch Brussels sprouts farm's border and residential buildings. There are strong winds across Younger Ranch onto the Monarch Village site.

2. Require an enforceable provision for planting and maintenance of evergreen hedges, and trees of bushiness and height; and require construction, maintenance, and repairs of an eight (8) foot solid fence at an agreed location. These are to break the sight line and wind flow and to discourage trespass and vandalism.

3. Require an indemnification and hold-harmless agreement and statement of acknowledgement (which Commission staff has recommended [letter to City from S. Craig dated November 8, 2001, attached), in language satisfactory to Younger Ranch, which binds the owners of the site, the development company, lenders, homeowners' association(s) and the residents of apartments of the project. the agreement includes an acknowledgement of nearby agricultural uses; and a mediation procedure, to be required before recourse to litigation and indemnification and hold-harmless agreement like those recommended by the Coastal Commission staff (See language in the December 4, 2001, Robert Good letter, attached). The agreement is to protect, indemnify and hold-harmless the Younger Ranch owners and tenants from any claims, liabilities and/or judgments relating to the agricultural use of the Younger Ranch as may be asserted by the indemnifiers and/or third parties on the project site.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(831) 427-4863

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

Gillian Greenside130 Liberty St.Santa Cruz, CA95060

Zip

(531)

Area Code

459 2721

Phone No.

SECTION II. Decision Being Appealed1. Name of local/~~port~~ government:City of Santa Cruz

2. Brief description of development being appealed:

Development of 206 units on a 9.3 acre site
adjacent to Moore Creek, a wetland and agricultural
lands.

3. Development's location (street address, assessor's parcel number, cross street, etc.):

Site is at 1280 Shaffer Rd APN: 003-311-24, 05.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: ☒ _____

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-STC-02-001DATE FILED: 01-07-002DISTRICT: central coast

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JAN 07 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

I am filing this appeal because this development violates many sections of the City of Santa Cruz General Plan and LCP. It violates the City's stated objective to protect and enhance the delicate Moore Ck. habitat. LCP CD 1-1.1 says to "focus development in the central core and along arterial and mass transit corridors". This development does neither. The projected density of the development and proximity to Moore Creek led to the EIR conclusion that the "impact of humans on the habitat is unmitigatable." The City Council erred in approving the EIR for this project, which violates so many of the City's policies. The cumulative impacts of the project do not appear to have been addressed. No study was done on the impact on nearby protected Monarch butterfly overwintering site. Statements regarding % of trees to be retained was false. "Great majority" of trees was stated in EIR. Less than half will be preserved. No traffic impact on Delaware, despite future plans to connect with Delaware. 1998 impact of similar size proposed development was concluded from traffic study, Delaware would be a class E if project approved.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Gillian Greenside
Signature of Appellant(s) or Authorized Agent

Date 1/6/02

NOTE: If signed by agent, appellant(s) must also sign below.

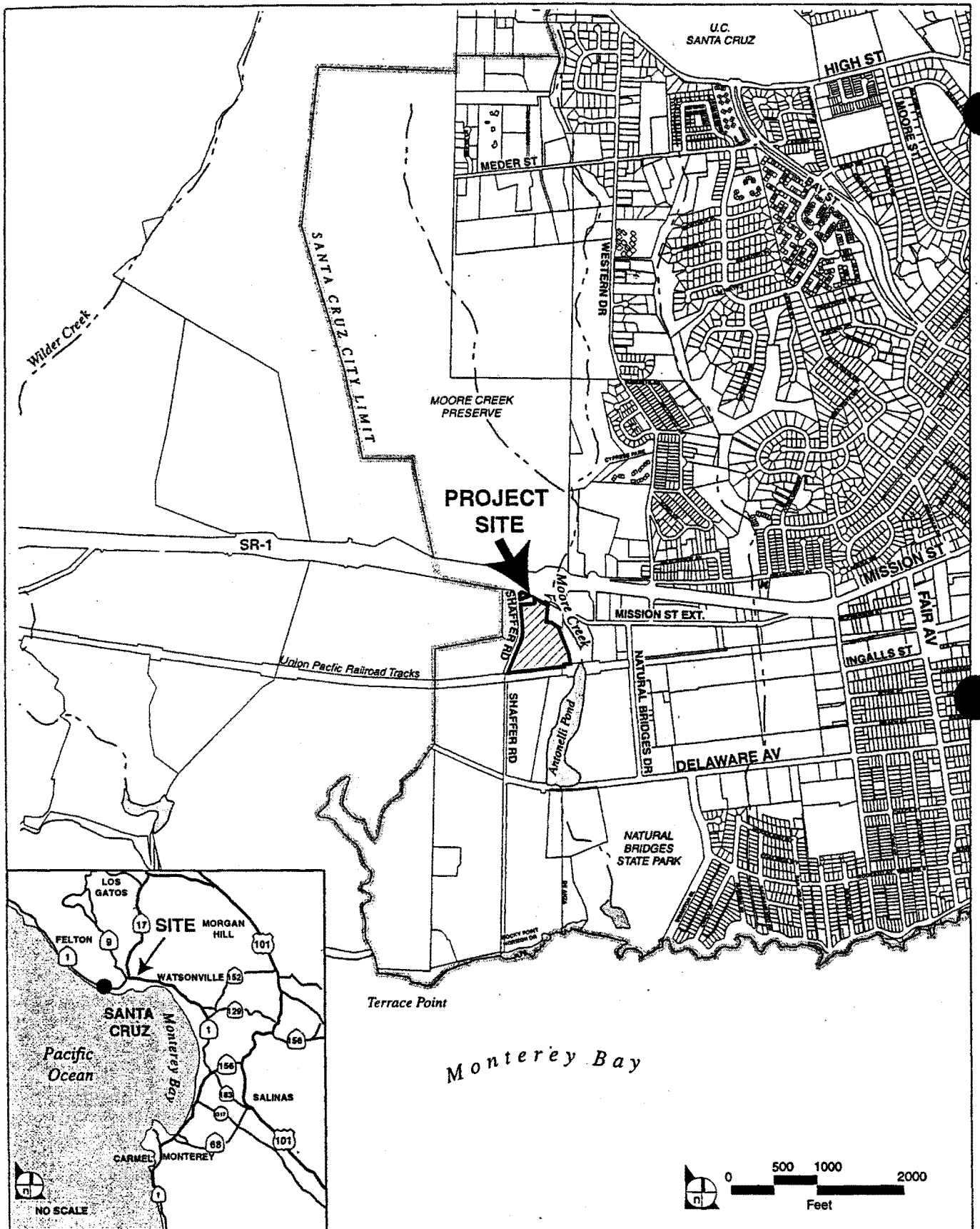
SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date A-3-STC-02-001
(Monarch Village Apartments)

Exhibit 6
pg. 2 of 2



Source: City of Santa Cruz

FIGURE 3.0

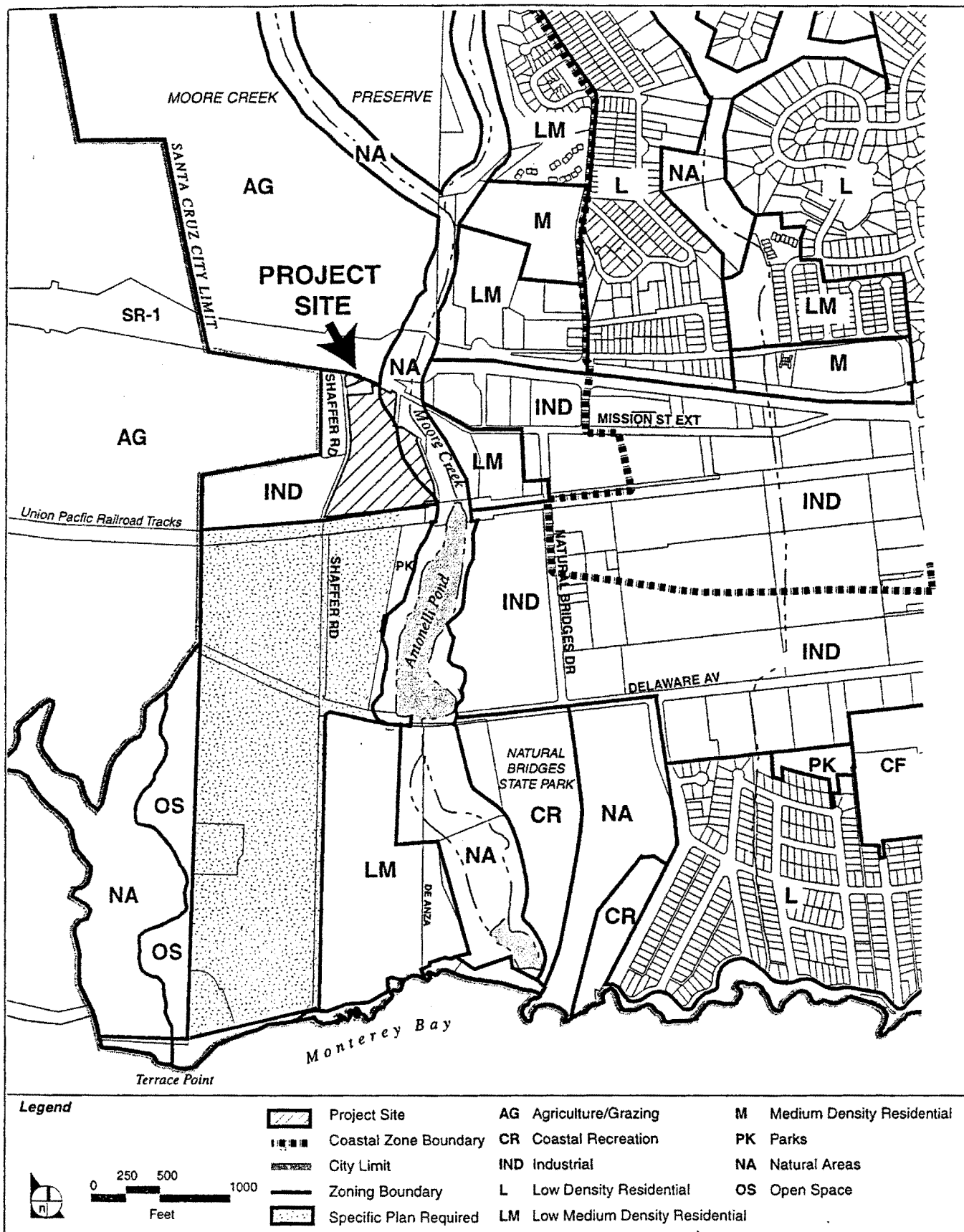


569-01-9/01

A-3-STC-02-001
(Monarch Village Apartments)

Project Location
Exhibit 1
pg. 1 of 1

SHAFER ROAD / MONARCH VILLAGE APARTMENTS EIR



Source: City of Santa Cruz

A-3-STC-02-001

Monarch Village
Apartments

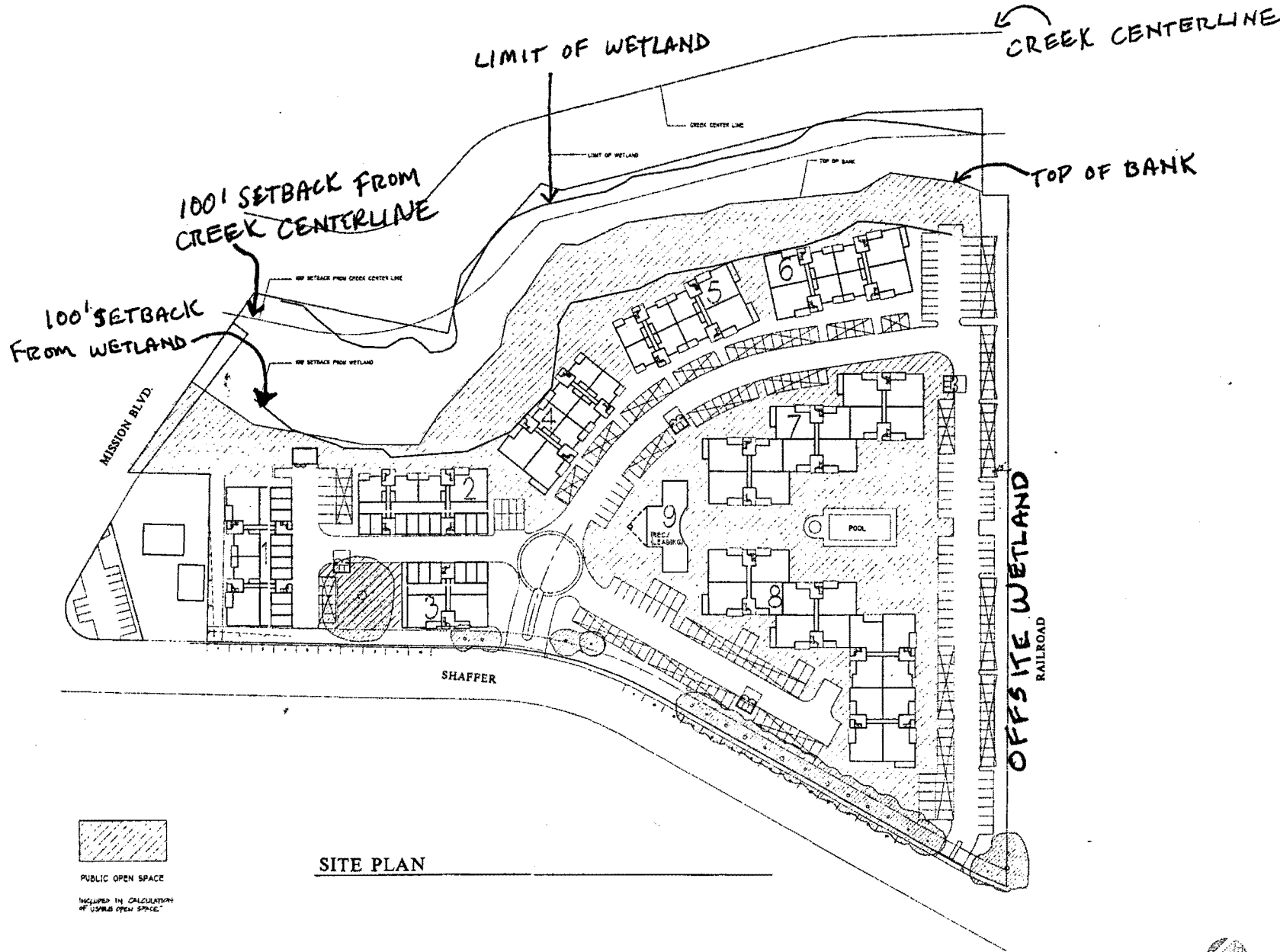
Exhibit 8
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FIGURE 4.1-3

Existing Coastal Land Use Designations



(Monarch Village Apartments)



PACIFIC UNION
APARTMENTS

MONARCH VILLAGE APARTMENTS
SANTA CRUZ
CALIFORNIA

(ALTERNATE PLAN)
SITE PLAN

TSO	0008	11/15/04
RE-RENTAL GROUP		
A2		

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(Ord. 94-01 § 2, 1994).

9.56.040 HERITAGE TREE AND HERITAGE SHRUB DESIGNATION.CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Any tree, grove of trees, shrub or group of shrubs, growing on public or private property within the city limits of the city of Santa Cruz which meet(s) the following criteria shall have the "heritage" designation:

(a) Any tree which has a trunk with a circumference of forty-four inches (approximately fourteen inches in diameter or more), measured at fifty-four inches above existing grade;

(b) Any tree, grove of trees, shrub or group of shrubs which have historical significance, including but not limited to those which were/are:

- (1) Planted as a commemorative;
- (2) Planted during a particularly significant historical era; or
- (3) Marking the spot of an historical event.

(c) Any tree, grove of trees, shrub or group of shrubs which have horticultural significance, including but not limited to those which are:

- (1) Unusually beautiful or distinctive;
- (2) Old (determined by comparing the age of the tree or shrub in question with other trees or shrubs of its species within the city);
- (3) Distinctive specimen in size or structure for its species (determined by comparing the tree or shrub to average trees and shrubs of its species within the city);
- (4) A rare or unusual species for the Santa Cruz area (to be determined by the number of similar trees of the same species within the city);
- (5) Providing a valuable habitat; or
- (6) Identified by the city council as having significant arboricultural value to the citizens of the city.

(Ord. 94-01 § 2, 1994).

9.56.050 PROTECTION OF HERITAGE TREES AND HERITAGE SHRUBS.

No person shall allow to exist any condition, including but not limited to any one of the following conditions, which may be harmful to any heritage tree or heritage shrub:

(a) Existence of any tree or shrub, heritage or otherwise, within the city limits that is irretrievably infested or infected with insects, scale or disease detrimental to the health of any heritage tree or heritage shrub;

The Santa Cruz Municipal Code

9.56.050 PROTECTION OF »HERITAGE « »TREES « AND »HERITAGE « SHRUBS.

No person shall allow to exist any condition, including but not limited to any one of the following conditions, which may be harmful to any »heritage « tree or »heritage « shrub:

- (a) Existence of any tree or shrub, »heritage « or otherwise, within the city limits that is irretrievably infested or infected with insects, scale or disease detrimental to the health of any »heritage « tree or »heritage « shrub;
- (b) Filling up the ground area around any »heritage « tree or »heritage « shrub so as to shut off air, light or water from its roots;
- (c) Piling building materials, parking equipment and/or pouring any substance which may be detrimental to the health of any »heritage « tree or »heritage « shrub;
- (d) Posting any sign, poster, notice or similar device on any »heritage « tree or »heritage « shrub;
- (e) Driving metal stakes into the »heritage « tree, »heritage « shrub, or their root area for any purpose other than supporting the »heritage « tree or »heritage « shrub;
- (f) Causing a fire to burn near any »heritage « tree or »heritage « shrub.

(Ord. 94-01 § 2, 1994).

9.56.060 PERMITS REQUIRED FOR WORK SIGNIFICANTLY AFFECTING »HERITAGE « »TREES « AND/OR »HERITAGE « SHRUBS.

- (a) No person shall prune, trim, cut off, or perform any work, on a single occasion or cumulatively, over a three-year period, affecting twenty-five percent or more of the crown of any »heritage « tree or »heritage « shrub without first obtaining a permit pursuant to this section. No person shall root prune, relocate or remove any »heritage « tree or »heritage « shrub without first obtaining a permit pursuant to this section.
- (b) All persons, utilities and any department or agency located in the city of Santa Cruz shall submit a permit application, together with the appropriate fee as set forth by city council resolution, to the department prior to performing any work requiring a permit as set forth in subsection (a) of this section. The permit application shall include the number, species, size, and location of each subject »heritage « tree or »heritage « shrub, and shall clearly describe the scope of work being proposed and the reason for the requested action. Any supplemental reports which may be submitted by the applicant and staff are advisory only and shall not be deemed conclusive or binding on the director's findings.
- (c) An authorized representative of the department shall inspect the tree or shrub which is the subject of the application. Pursuant to that inspection, the authorized representative shall file with the director written findings.
- (d) If, upon said inspection, it is determined that the tree or shrub which is the subject of the permit application meets none of the criteria set forth in Section 9.56.040, no further action on the part of the director or the permit applicant is necessary.
- (e) If the tree or shrub which is the subject of the permit application meets any of the criteria set forth in Section 9.56.040 based upon a review of the permit application and the inspection report, then the director shall make findings of fact upon which he/she shall grant the permit, conditionally grant the permit specifying mitigation requirements, deny the permit or allow a portion of the proposed work outlined in the permit application to be done.

Exhibit 11
pg 2 of 3

(f) Where three or more »heritage « »trees « or three or more »heritage « shrubs are the subject of any proposed work to be performed, the director shall require that the applicant sign an agreement for preparation and submission of a consulting arborist report. As part of said agreement, the applicant shall be required to deposit with the department an amount of money equal to the estimated cost of preparing the report, as contained in said agreement.

(g) The decision of the director shall be final unless appealed to the commission by the permit applicant or any other aggrieved person pursuant to Section 9.56.070.

(h) The director shall issue any permit granted pursuant to this section, which permit shall be conspicuously posted near the subject(s) of the permit.

(i) Unless appealed, the permit shall take effect ten calendar days after it is issued, except where the tenth day occurs on a Saturday, Sunday or holiday, in which case the effective date shall be extended to the next following business day.

(j) All work performed on any designated »heritage « tree or »heritage « shrub pursuant to a permit as provided in this section shall be completed within forty-five days from the effective date of the permit, or within such longer period as the director may specify.

(k) There shall be no fees or costs charged for permits which are limited in scope to the maintenance and repair work specified by Sections 13.30.060(b) and 15.20.210(c) of this code.

(Ord. 94-60 § 1, 1995: Ord. 94-01 § 2, 1994).

9.56.070 RIGHT OF APPEAL.

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1/22/2002

significant impacts related to the disturbance and removal of riparian vegetation and erosion and sedimentation into the creek. These impacts would be addressed through the permitting conditions imposed by the resource agencies. Conditions are likely to include replacement of vegetation removed, erosion and sediment control measures during the pipe repair activities, pre-construction surveys for California red-legged frog and southwestern pond turtle, and biological monitoring to ensure that no birds are nesting in the vegetation to be removed.

Hydro-2: Increased rate or volume of runoff, flooding and water-related hazards, and need for downstream drainage facilities

The proposed project would result in an increase in peak flows and thus would result in a significant impact.

Mitigation:

Hydro-2a: In order to minimize bank and bed erosion and reduce risks of flooding downstream, the project developer shall maintain post-development peak flows of runoff for the 10-year design storm at the same level as for the undeveloped site condition, per standard City of Santa Cruz practice. The project applicant shall complete a drainage analysis that includes modeling the effects of the project on post-development peak runoff rates and volumes from storms with calculated recurrence intervals of 10 and 100 years. The analysis shall be used to evaluate the potential efficacy of the proposed underground detention system to maintain runoff peaks for the 10-year design storm at pre-development (undeveloped site) levels. If the applicant can demonstrate that the proposed system would be effective (as outlined above), no additional mitigation for runoff-related impacts is required. However, the underground system shall be modified as needed to address impacts related to nonpoint source pollution generated by the project; see Measures Hydro-2b and Hydro-3a.

Hydro-2b: If the proposal underground detention system is not completely effective, the project developer shall implement structural BMPs to mitigate post-development peak flows, per the accepted standards of the City of Santa Cruz. (Inlet filters are not identified as mitigative because they are considered maintenance-intensive and their effectiveness is uncertain.) This measure shall be coordinated with **Measure Hydro-3a**. Structural best management practices that would be appropriate and feasible to attenuate storm peaks from the project site include: detention basins, grassy swales with check dams, constructed wetlands, or wet ponds. These measures could either be implemented singly, or in combination ("treatment trains"), depending on the configuration of the final development plan. The project plans shall be modified to incorporate such features. The features would be placed upstream from the existing outfall, and would not extend into the creek bank. One option would be for the applicant to lease the area south of the site that contains the depressed drainage, and use the drainage to create a vegetated swale. Another option would be for the applicant to shift the parking and structures at the south end of the project site to the north, and to create BMPs along the southern site boundary.

Hydro-3: Soil erosion, sedimentation, and degradation of surface water quality:

The project could **significantly** impact aquatic and riparian habitats and sensitive species in Moore Creek and downstream in Antonelli Pond and therefore would result in potential water-quality impacts

Mitigation:

Hydro-3a: The proposed project shall be modified to include post-construction water-quality control measures to reduce potential risks of surface- and ground-water contamination after project development. These SWPPP measures shall be developed in conjunction with staff of the City's Planning and Public Works Departments, and they shall be reviewed and approved as a condition of project approval. The BMPs shall be designed, constructed and maintained to meet a performance standard established by the City (in consultation with the RWQCB). The current standard considered appropriate is capture/treatment for water quality of 85 percent of the site's total annual mean runoff. Monitoring activities shall include (but not be limited to) initial setup, yearly maintenance, and yearly monitoring in perpetuity. This measure shall be coordinated with Mitigation Measures **Hydro-2a** and **Hydro-2b**.

If the applicant proposes to use an underground media filtration system for stormwater treatment, the applicant shall provide data demonstrating the efficiency of the system at removing the pollutants of concern in nonpoint source runoff from an apartment complex. The applicant shall also provide information demonstrating that the system is sized correctly and that concerns regarding saturation of the filtration media have been addressed. The applicant shall show how the filter material and the pollutants collected in the filters will be disposed of, and shall outline maintenance responsibilities and schedule.

Other structural best management practices that would be appropriate and feasible include: detention basins, grassy swales with check dams, constructed wetlands, wet ponds, and oil-water separators. These measures could either be implemented singly, or in combination ("treatment trains"), depending on the configuration of the final development plan. The project plans shall be modified to incorporate such features.

Hydro-3b: The City of Santa Cruz Planning and Public Works Departments have already implemented several components of the Clean Water Program being developed as part of the NPDES Phase 2 permit application including: street sweeping, litter control, and education measures concerning appropriate landscaping practices and locations for disposal of hazardous materials. Public streets bordering the project site shall be integrated into the street sweeping and leaf pick-up programs, as long as the City of Santa Cruz maintains these programs.

Hydro-3c: Educational materials describing resident responsibilities for protecting adjacent streams and open spaces, use of household and landscaping chemicals, and municipal hazardous waste disposal programs shall be provided by the property owner or site manager, to each of the residents at the time of lease signing and thereafter in regular annual mailings. These protections shall also be employed by the site manager for



VIEW 5: EXISTING VIEW



VIEW 5: PROPOSED VIEW

SOURCE: VIZI/x

FIGURE 4.2-6

A-3-STD-02401-01 Looking Northwest from Antonelli Pond
(Monarch Village Apartments)

Exhibit 13
pg. 1 of 1



VIEW 1: EXISTING VIEW



VIEW 1: PROPOSED VIEW

SOURCE: VIZI/x

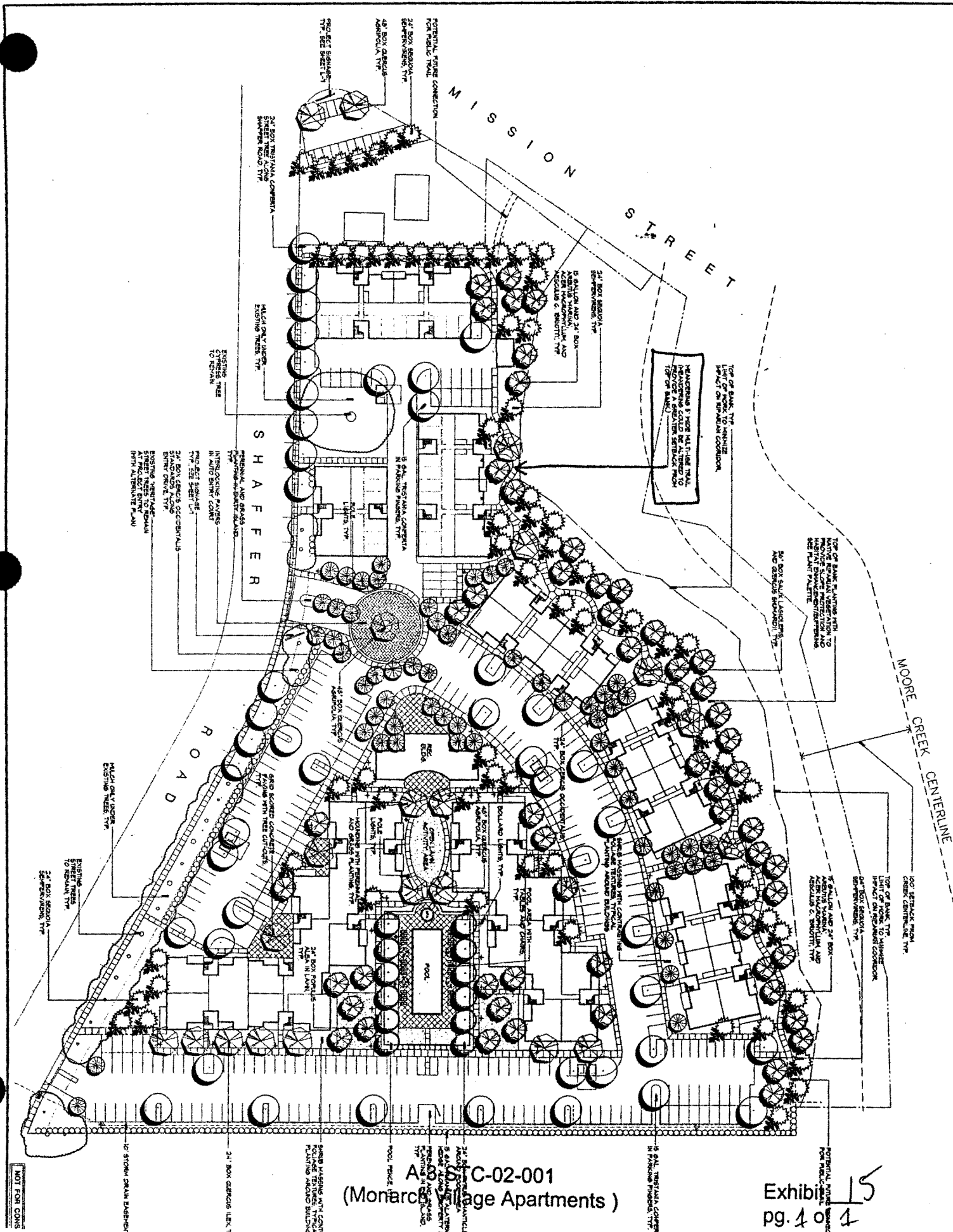
FIGURE 4.2-2

View 1: Looking Southeast from SR 1, Eastbound

A-3-STC-02-001
(Monarch Village Apartments)

SHAFFER ROAD / MONARCH VILLAGE APARTMENTS EIR

Exhibit 14
pg. 1 of 1



A88-02-001
(Monarch Village Apartments)





NOT FOR CONSTRUCTION

MAP ASP-10: MOORE CREEK MANAGEMENT and ACCESS CORRIDOR

The City of Santa Cruz, California



LEGEND

-  MOORE CREEK PLAN AREA
-  EXISTING TRAIL
-  PROPOSED TRAIL
-  CITY LIMIT

Source: Moore Creek Corridor Plan, 1987

A-3-STC-02-001
(Monarch Village Apartments)

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Exhibit

pg. 1 of 1

16
1

MAP EQ-9: SENSITIVE SPECIES AND HABITATS

The City of Santa Cruz, California



LEGEND

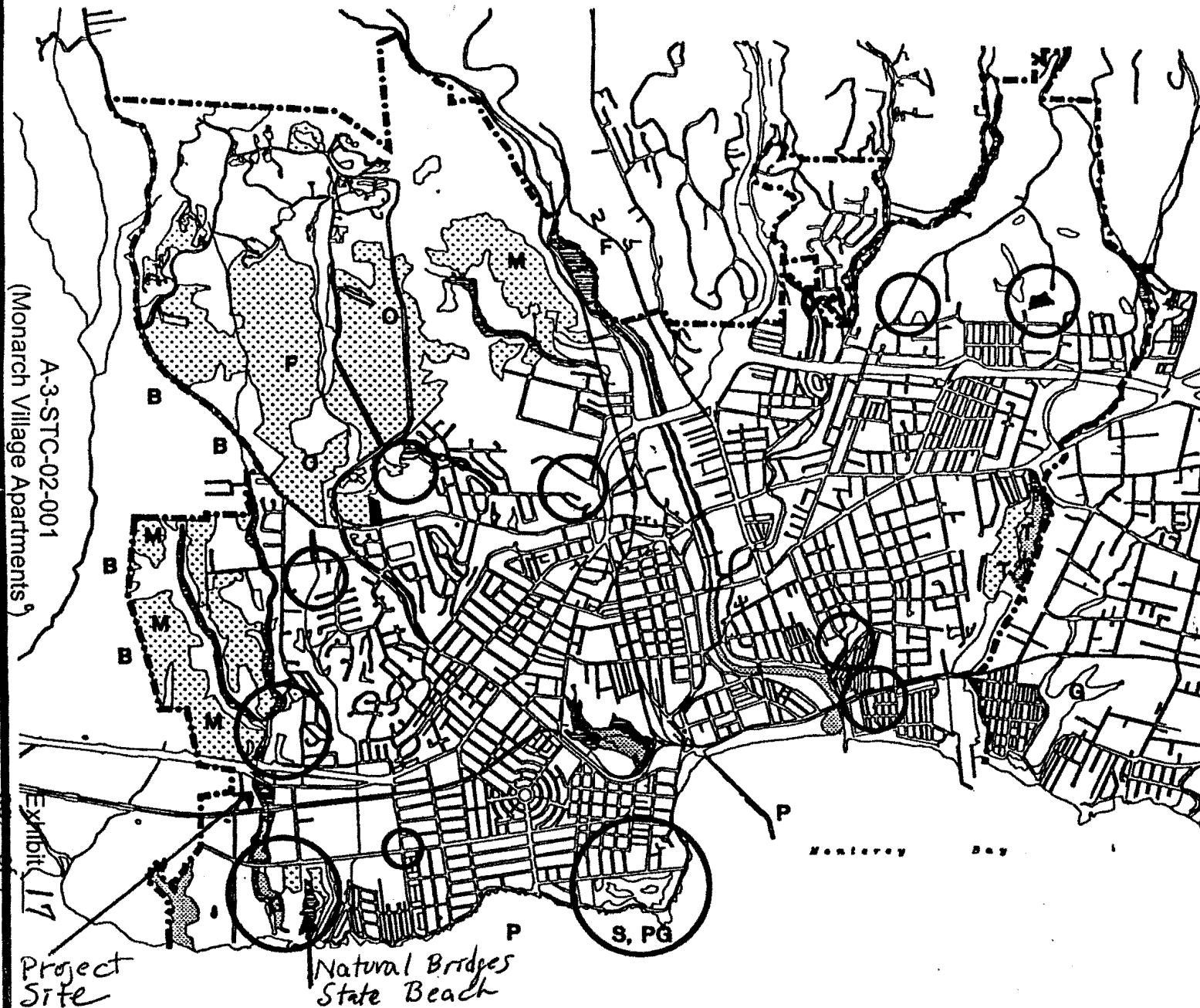
	WETLANDS
	RIPARIAN
	GRASSLANDS
B	OHLONE TIGER BEETLE
G	TIDEWATER GOBY
M	MIMA MOUNDS
O	BURROWING OWL
P	CALIFORNIA BROWN PELICAN
	MONARCH BUTTERFLY
PG	PIGEON GUILLIMOT
S	BLACK SWIFT
T	SANTA CRUZ TARPLANT
F	AMERICAN PEREGRINE FALCON

SOURCES: California Natural Diversity Database (CNDD), ERA Associates, Monarch Project, Rogers E. Johnson & Associates, 1990

NOTE: Monarch habitat locations are depicted in very general areas; further study would be needed to determine more precise habitat areas.



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species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impact

Bio-2: Impact on common wildlife

Construction related activities could result in the direct loss of active nests or the abandonment of active nests by adult birds during that year's nesting season. Depending on the number and extent of bird nests on the site that may be disturbed or removed, the loss of active bird nests would be a potentially significant impact

Mitigation:

Bio-2a: The applicant shall retain a qualified biologist (with selection to be reviewed by the City) to conduct nest surveys on the site prior to construction or site preparation activities occurring during the nesting/breeding season of native bird species (typically February through August). The surveys shall be conducted no earlier than 45 days and no later than 20 days prior to commencement of construction activities.

Bio-2b: If active nests or bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code (which, together apply to all nesting birds) are present in the construction zone or within 200 feet of the construction zone, a fence shall be erected a minimum of 200 feet around the nest site. This temporary buffer may be greater depending on the bird species and construction activity, as determined by the biologist.

Bio-2c: At the discretion of the biologist, clearing and construction within the fenced area shall be postponed or halted until juveniles have fledged and there is no evidence of a second nesting attempt. The biologist shall serve as a construction monitor during those periods when construction activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.

Bio-3: Impacts on Special Status Resources

Grading and construction associated with the proposed project could result in significant impacts to the following special status species: red-legged frog, southwestern pond turtle, whit-tailed kite, yellow warbler, loggerhead shrike, pallid bat, Townsend's western big-eared bat, and California mastiff bat.

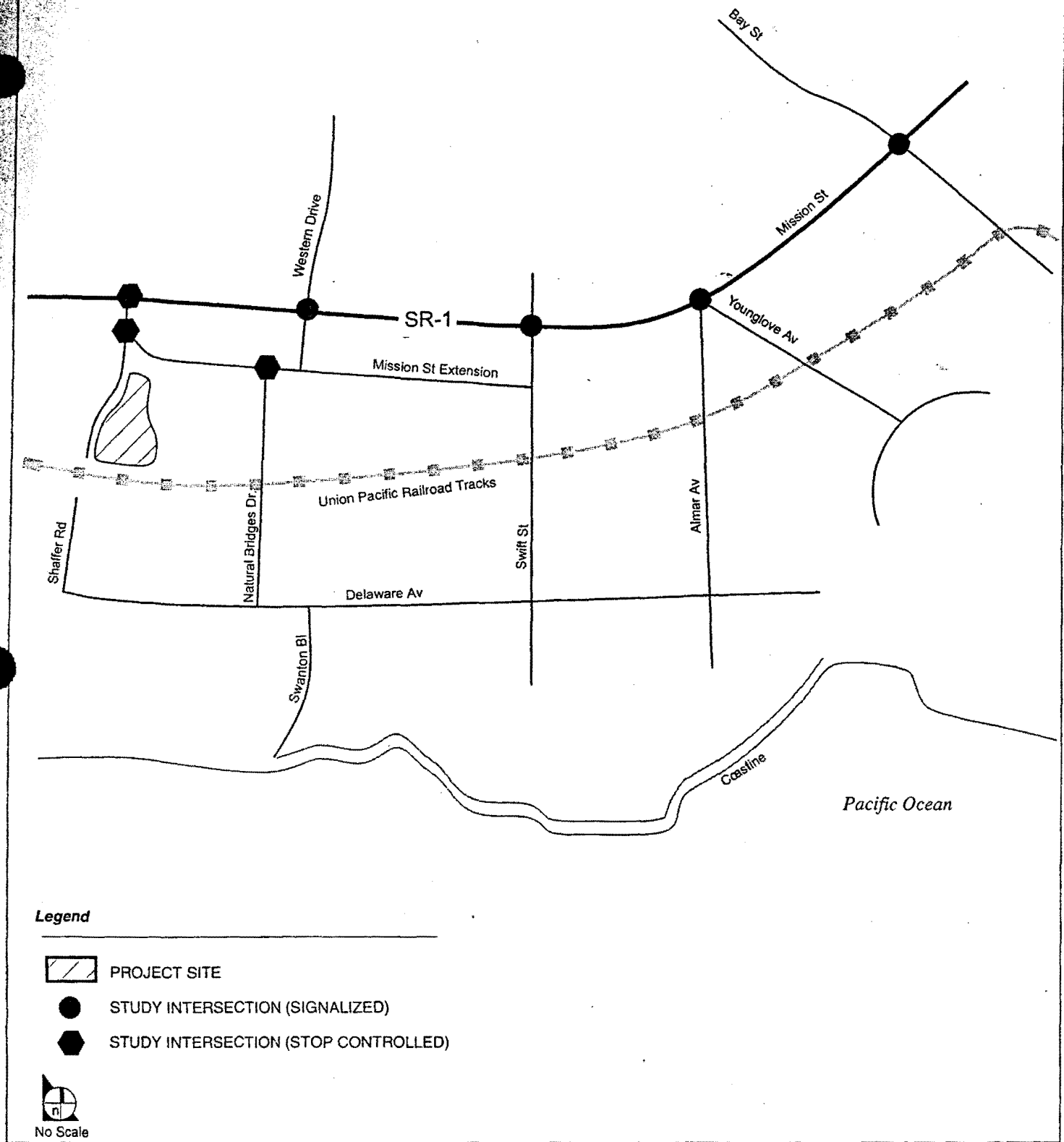


FIGURE 4.6-1

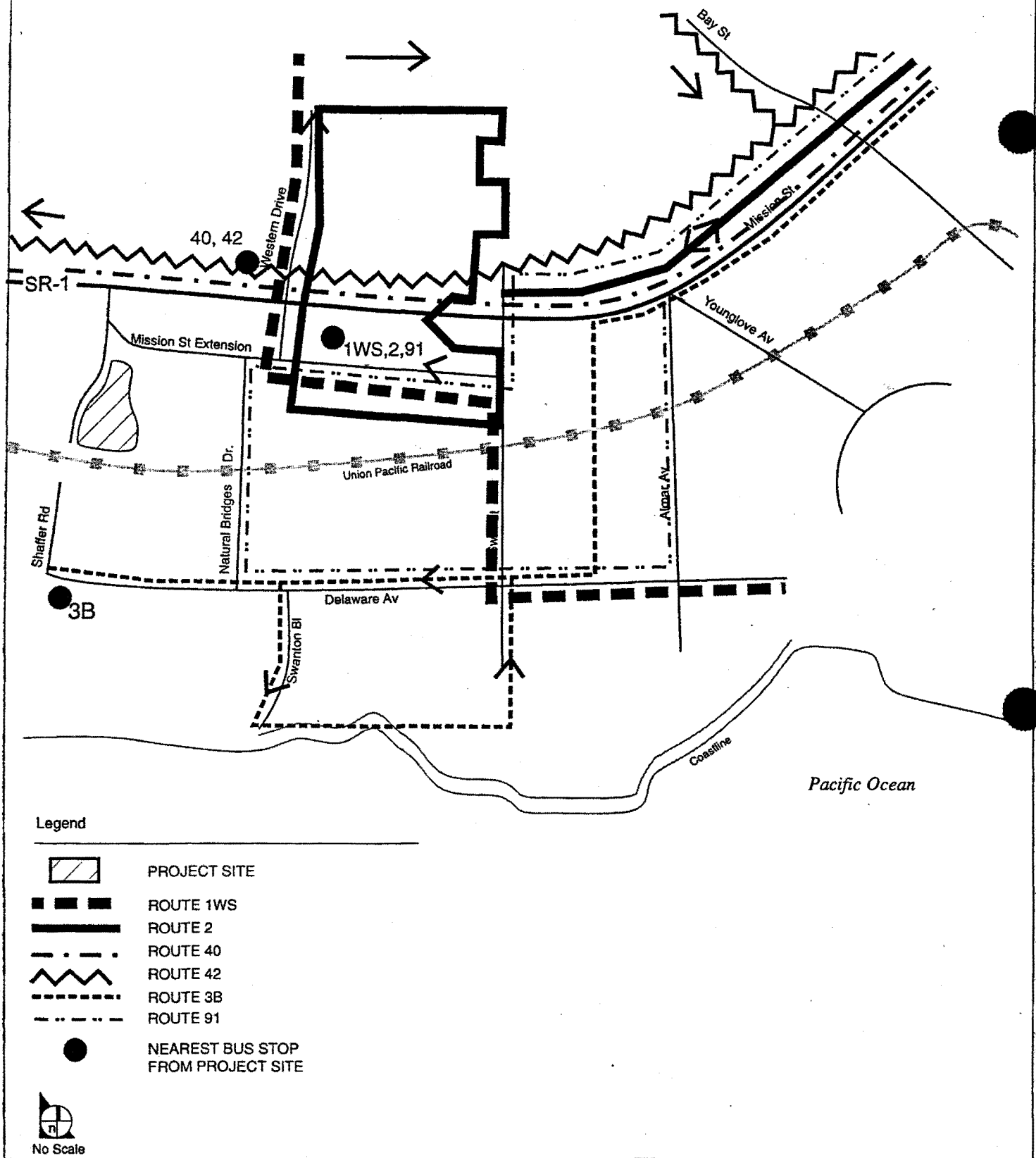
Site Location and Study Intersection

569-01-9/01

SHAFFER ROAD / MONARCH VILLAGE APARTMENTS EIR

A-3-STC-02-001
(Monarch Village Apartments)

Exhibit 19



SOURCE: Hexagon Transportation Consultants

FIGURE 4.6-3

Existing Transit Service

569-01-9/01

SHAFFER ROAD / MONARCH VILLAGE APARTMENTS EIR

A-3-STC-02-001
(Monarch Village Apartments)

Exhibit 20
pg. 1 of 1

- Conflict with adopted policies, plans or programs supporting alternative transportation (for example, bus turnouts, bicycle racks).

Impacts

F-1: Bicycle and Pedestrian Impact

The project would result in a **significant** impact related to pedestrians.

Mitigation:

Trans-7a: The City shall connect the existing sidewalks in the vicinity of the project site so that sidewalks would be provided along at least one side of each street. The applicant shall contribute toward the cost of installing the sidewalks. This measure would help to reduce the impact, but may not be completely feasible because of the constraints on Mission Street Extension, the need for an easement to cross the railroad tracks, and safety issues related to pedestrians crossing the tracks.

As part of this measure, the City shall approve modifications to Mission Street Extension to allow for a pedestrian and cyclist connection along the segment north of the project site. The modifications would include one of the following options:

1. Converting Mission Street Extension to a single 11- to 12-foot travel lane, and striping the remaining 4 to 5 feet of paving to create a bicycle/pedestrian path. Traffic along this section of the roadway would be controlled via stop signs at either end of the segment, and existing turnouts;
2. Converting Mission Street Extension to a single 11- to 12-foot travel lane, and striping the remaining 4 to 5 feet of paving to create a bicycle/pedestrian path. Traffic along this section of the roadway would be one-way westbound;
3. Closing the segment of Mission Street Extension north of the project site to automobile traffic, and reserving it for pedestrian and bicycle traffic only. A turnaround would be provided east of Moore Creek.

A review of the three options indicates that any of them could provide a connection to the sidewalk network (assuming that a pathway would be installed along the remaining part of the segment to Natural Bridges Drive). However, Option 1 is not considered a safe permanent solution, and Option 2 would create driver confusion (because there would not be a similar one-way road going eastbound) and could lead to traffic/pedestrian conflicts. Option 3 could be implemented feasibly and would not result in significant traffic impacts. To provide for emergency access, Option 3 would need to include the installation of removable barriers. (The City Council added the following language though discussion at the 12/11/01 public hearing) While all options are found feasible, further analyze all three options to determine which would best serve to provide pedestrian and bicycle access for the site, and implement that option. The City will remove parking as needed along Mission Street Extension to Natural Bridges Drive to provide safe pedestrian and bicycle access.

A-3-STC-02-001
(Monarch Village Apartments)

Exhibit 21
pg. 1 of 2

Trans-7b: The operator of the project shuttle service shall provide shuttle service from the project site to and from Natural Bridges Elementary School, at times coordinated with the school schedule.

Trans-7c: The project applicant and the City shall work with the Santa Cruz Metropolitan Transit District to modify bus route(s) and establish a bus stop on Shaffer Road near the project site. The District has indicated an interest in modifying a bus route and considers the measure feasible.

Trans-7d: The project applicant shall work with the Santa Cruz Metropolitan Transit District (SCMTD) and University of California (UC) to coordinate the project shuttle with SCMTD bus and UC Shuttle schedules.

Trans-12: Cumulative Parking Impacts

The project would result in a cumulative parking impact. The City plans to add a bicycle lane in Shaffer Road adjacent to the site in the future. Loss of on street parking would result in a significant cumulative project impact, should the project not provide adequate on site parking, according to the ITE standards.

Mitigation:

Trans-12a: The project applicant shall provide additional off-street parking for use by project residents. The additional parking shall provide a total of 316 spaces to meet the demand estimates published by the Institute of Transportation Engineers. If feasible, the applicant shall revise the site plan to provide additional parking on the project site. The applicant has indicated that the project plans can be revised to provide a total of 316 on-site spaces, including tandem spaces for some of the two-bedroom units.

The applicant shall also explore locations for off-site parking, including the shared use of the Raytek parking lot and the land directly across Shaffer Road from the project site.

NOTE: The project plans were revised by the applicant to provide 316 parking spaces on site through use of tandem spaces for individual units. The project was conditioned to provide these spaces in a manner acceptable to the Zoning Administrator. The project is further conditioned to move the sidewalk on Shaffer Road easterly of the row of street trees, thus providing enough room to accommodate a future bike path and on-street parking. Such modifications are feasible and do not result in additional impacts. Implementation of this mitigation will reduce this impact to a level of insignificance.

Trans-12b: The project applicant shall develop and implement an alternative transportation plan to increase the effectiveness of its proposed shuttle service. The plan shall include details regarding the shuttle program, and other measures that complement the program. The plan shall be implemented for the life of the apartment project. Components of the shuttle program shall include shuttle bus size, shuttle schedules and stops designed to fit the travel patterns of project residents, accessibility of the shuttle bus to persons with disabilities, and a funding mechanism for continued operation.