



**SANTA CRUZ COUNTY
GROUP**

Of The Ventana Chapter

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Santa Cruz City Council
809 Center Street
Santa Cruz, Ca. 95060

September 29, 2020

Re: Amending General Plan and LCP for Proposed project at 101 Felix

Esteemed Mayor Cummings and Council Members,

The Sierra Club supports high density infill in appropriately zoned areas. However, the re-zoning of this parcel would present significant issues. First, the location of this parcel is not within or adjacent to the downtown where high density infill should be focused. Second, the parcel is located in close proximity to fragile wetlands and riparian habitat. Third, spot-rezoning should not be used as a development tool. We view rezoning one parcel as undermining the careful, democratic process of our General Plan, Local Coastal Programs, and Open Space Management Plans.

Given all these conflicts to the guiding principles of Santa Cruz's General Plan, we urge you to oppose the proposed rezoning, in order to protect Neary Lagoon and uphold our community's vision of truly sustainable development.

SPOT REZONING UNDERCUTS COMMUNITY PLANNING

Spot rezoning, or rezoning one parcel in a neighborhood, undermines effective, planned, zoning. It reduces the careful process in which all parties are working for the benefit of the community, not just for the benefit of the particular entity seeking the rezoning. From one case of spot rezoning next to an open space, we understand "Spot rezoning has all the hallmark characteristics of institutional mischief and is often found in cities where the Council and Planning Commission are controlled by the Real Estate board. In evaluating a claim of spot zoning, [the City] must consider a number of factors, including whether the rezoning is consistent with a comprehensive land use plan, whether it is compatible with surrounding uses and the likelihood of harm to surrounding properties" See e.g., *Matter of Save Our Forest Action Coalition v. City of Kingston*, 246 A.D.2d 217 (3d Dep't 1998).

Ultimately, through the lens of our well-considered and comprehensive General Plan, this proposed project does not serve the general welfare of the community, and is not consistent with the General Plan. The parcel proposed for spot re-zoning, if developed, would put more strain on the adjacent habitat as well as pressure on the surrounding neighborhood.

PROPOSED ZONING DESIGNATION CONFLICTS WITH GENERAL PLAN

This Lower Westside neighborhood is not designated in the General Plan to be a "High-Density District" like Downtown, employment centers, and major transportation corridors are planned to be.

From page 42 of G.P. and LU 4.1.1: Support compact mixed-use development Downtown, along primary transportation corridors, and in employment centers. Cf. LU3.3.1, M1, ED5.3, ED5.3.1.)

Infill according to our General Plan and to Sierra Club policy refers to "creating high density in the center core of a city and it focuses on creating less pressure to develop at the expense of habitat". Felix Street and the Neary Lagoon neighborhood are not in the Downtown. Spot re-zoning of this parcel would allow the Downtown to sprawl out to the Lower Westside neighborhood next to Neary Lagoon Wildlife Refuge, not enhancing the neighborhood and the communities' quality of life.

According to city planner, Ryan Bane, if the General Plan is amended to allow this parcel to increase to Medium Density Residential 20.1-30 DU/Acre, it would allow up to 120 additional units on this parcel, allowing for a total of 360 units with the density bonus. This alteration may pave the way for other parcels in the Lower Westside to also have this higher density, with bonus density, and to bring an increase of noise, light pollution traffic and parking problems. Any change of this type must be the result of a comprehensive, area-wide, General Plan update and must not be implemented through spot re-zoning.

CONFLICTS WITH COMMUNITY DESIGN

The proposed rezoning negatively affects the community character of this Lower Westside neighborhood. The City General Plan clearly states that we should preserve neighborhoods and natural places like Neary Lagoon. It preserves the urban canopy to prevent pavement heat and maintain habitat and the natural beauty that makes people want to visit and stay in Santa Cruz.

The Plan prevents new development from negatively affecting public vistas and the existing character of the neighborhood. Buildings allowed in the zoning designation proposed for this parcel would double the size of the existing units and much higher than buildings in this whole Lower Westside neighborhood, so the proposed buildings would be seen by the people strolling all the way on the other side of the lagoon.

“Community Design reviews the various features and history of the city’s development. It also looks at community values, neighborhood conservation, establishing a sense of place and walkability of the city.”
(page 10 of the G.P.)

IMPACTS ON NATURAL RESOURCES

A higher density zoning designation at this location may have significant impacts on natural resources. The proposed designation allows for buildings 40 feet in height, adding more light pollution, likely removing many mature trees, and may have significant negative impacts on the sensitive wetland, riparian zone and the large number of creatures who live here. The development coupled to the proposed spot re-zoning plans to remove 36 mature trees, for example. See the list of light and noise sensitive species that live here at the end of this document. The parcel proposed for spot zoning is adjacent to the Neary Lagoon Wildlife Sanctuary, which is a highly valued place of refuge and recreation for Santa Cruzans and visitors. Many local teachers take their students here to conduct science lessons and to admire the goats.

A DISCUSSION OF THE NATURAL RESOURCES OF THE NEARY LAGOON WILDLIFE SANCTUARY IS SEEN AT THE END OF THIS DOCUMENT.

GOAL NRC3 Conservation and stewardship of resources

NRC3.1 Lead the community in conserving resources. Cf. NRC1.3.1, CC3.11.

To guide sustainable development using the General Plan, the Santa Cruz City Council adopted the following key principles with regard to natural resources and conservation:

- Natural resources. We will highlight and protect our unique setting, our natural and established open space, and the sustainable use of our precious natural resources.

“Open space lands include any area that has been left essentially unimproved for purposes of preserving natural resources, public health and safety, managed production of resources, or providing a recreational and aesthetic amenity. Open space uses within and surrounding the city include agriculture/grazing lands, natural areas, coastal recreation areas, and park lands. They define the community’s sense of place, protect environmental quality, and provide wildlife habitat and recreational opportunities. The open spaces that comprise the Santa Cruz Greenbelt also contribute strongly to the city’s identity and are highly valued by community members. **(page 37 of G.P.)**

TRANSPORTATION/ MOBILITY CONFLICTS WITH THE GENERAL PLAN

Higher density development in this location would not support the General Plan’s goal to reduce vehicle trips. It would also ignore the Plan’s call for livable, pedestrian/family-friendly, kid-safe street design. This project would worsen a currently bad problem for the neighborhood.

Many pedestrians and bicyclists have been hit at the intersection of Felix and Laurel Street due to the high speeds of traffic on Laurel Street and congestion by cars exiting and entering Felix Street. If this parcel is spot re-zoned, a development on this parcel could bring from 80 to 320 additional cars to Felix Street and the neighborhood, since development on this parcel could lead to units packed with tenants.

Vehicles from Cypress Point already negatively impact Felix Street and surrounding neighborhood streets by having 480 to 1200 cars (240 units times 2 or 240 times 5 tenants) currently to a dead end area, Cars, delivery trucks, motorcycles speed down Felix, Neary, and Blackburn to enter and exit the Cypress Point complex. Cyclists share the narrow street with the numerous vehicles.

The General Plan warns that “traffic increases will increase fuel consumption, air pollution, noise, traffic accidents, and undesirable impacts on residential areas.” Parents do not want children to walk or bike on busy, traffic-filled streets since there are safety issues, so car-busy streets encourage the driving.

The Mobility chapter of General Plan 2030 states that it “looks at ways to facilitate transportation alternatives, keep transportation and road systems safe and efficient, and systematically interconnect bicycle and pedestrian ways.”

The Plan also makes “decisions about where and at what densities people will live, work, shop, and play have immediate implications for the city’s

circulation system.” The circulation element of the General Plan’s purpose is “to set forth policies and ways to ease the ability of people and vehicles to move around, out of, and into the city.” (p. 51 of GP)

“With no change in transportation behavior, traffic volumes and congestion are projected to increase with regional population growth, increasing numbers of visitors, the growth of UCSC, increased car miles traveled per person, and development and population growth within the city. Traffic increases will increase fuel consumption, air pollution, noise, traffic accidents, and undesirable impacts on the city’s residential areas.”

“Sustainable transportation systems ”manage travel demand. They reduce auto use and promote alternative transportation to reduce traffic congestion. In addition to an excellent transit system, ridesharing, flex-time, and telecommuting, the essential elements for sustainable mobility include reasonable housing density and street connectivity, bike lanes and sidewalks that support biking and walking, a regional carpool system (including online ride-matching), taxicabs, and car sharing. (p. 52 of GP)

SUMMARY

Again, the Sierra Club fully supports high density infill development, in appropriate locations. Unfortunately, we cannot support the proposed rezoning in this location, for the reasons discussed above.

Yours Sincerely,

A handwritten signature in black ink that reads "Michael Guth". The signature is written in a cursive, slightly slanted style.

Michael A. Guth,
Conservation Committee Chair

Sierra Club, Santa Cruz County Group of the Ventana Chapter

BIOLOGICAL RESOURCES DISCUSSION

In April of 2019, Sierra Club Santa Cruz had a biologist complete a biological assessment and [field study of Neary Lagoon](#), which reported that Neary Lagoon is an “unusually diverse habitat and has an abundance of threatened and protected species, many of which are “very sensitive to light pollution and human disturbance...Lighting travels hundreds of meters, affecting nocturnal species including owls, bats, mammals and night-flying insects. Noise and human activity disrupt nesting and reduce fitness of sensitive species.”

The report also states that “ Neary lagoon is a biological hotspot, supporting over 220 bird species alone, regularly foraging, resting and nesting (see Appendix B, Figure 1), located in an unusually biodiverse region (See Appendix C). The RIS/MND describes many other sensitive vertebrates in the area, including:

Sierran tree frog (*Pseudacris sierra*),
California newt (*Taricha torosa*),
Arboreal salamander (*Aneides lugubris*),
California slender salamander (*Batrachoseps attenuates*),
California toad (*Anaxyrus boreas halophilus*),
Common red-sided garter snake (*Thamnophis sirtalis infernalis*),
California legless lizard,
Western fence lizard (*Sceloporus occidentalis*),
California alligator lizard (*Elgaria multicarinata multicarinata*), [and]
Dusky-footed wood rat (*Neotoma fuscipes*).

”Among the other protected species, Western pond turtles (*Emys marmorata*), a species that is very sensitive to human disturbance,¹ is well-known to use Neary lagoon. A 2014 Neary lagoon biological assessment reported (Kittleson Environmental Consulting, See Appendix D).



endangered Western Pond Turtle



Red-shouldered Hawk

In addition to Hoary and Pallid bats, a total of fifteen migratory and resident bat species are found in Santa Cruz County (See Table 1). Bats are often missed in biological surveys because they must be censused using acoustic detectors.. Bats are associated with wetlands, due to the abundant insect life and roosting habitats(See Appendix E), 1Nyhof, P. E., & Trulio, L. (2015). Basking western pond turtle response to recreational trail use in urban California. *Chelonian Conservation and Biology*, 14(2), 182-184. 3 are very sensitive to light pollution that would be added through this Project (See Appendix F).

Special status invertebrates, including monarch butterflies (*Danaus plexippus*L.) also use Neary lagoon and the Project site for foraging and resting habitats, including asters and willow (*Salix*spp) (See Figures 2 and 3).The attached research paper (Appendix G) is one of many papers that document the effects of human activities on wetland bird species. Lighting travels hundreds of meters,affecting nocturnal species including owls, bats, mammals and night-flying insects. Noise and human activity can disrupt nesting and reduce fitness of sensitive species. Adjacent contiguous upland habitat provides critical buffers for higher quality habitats to protect them from edge effects. Eliminating this riparian corridor would cause edge effects to increase within the Neary lagoon ecosystem itself.”



Female Wood Duck and ducklings

Male Wood Duck

Many aspects of this proposed rezoning, and the development that would allow, conflict with the Goals and Policies of our General Plan and other protection/management plans. Some major reasons to oppose this project:

- The project is proposed to spot rezone next to a sensitive wetland and riparian area, habitat for 228 species of birds and threatened animals.
- Laurel Creek is a wildlife corridor for large mammals, frequented by the Grey Fox, coyotes and even Mountain Lions
- More intensive development on this site would likely result in the loss of many trees on this property (see photos) These trees are breeding and nesting areas for owls and red-shoulder hawks. 36 trees take 1800 pounds, nearly a ton of Climate-changing carbon out of the air each year.

and provide a daily supply of oxygen for 144 people. (Sierra Club.org/2016)

- Even the tall trees in the Cypress Point parking lot are inhabited by wildlife. Wildlife habitat does not have a definitive line, these trees are tall enough and close enough to the Lagoon open space to enjoy lots of activity.
- Laurel Creek and Neary Lagoon is part of an 850 acre watershed which flows out to one of our most popular tourist surfing beaches, Cowell's Beach
- The General Plan designates infill and high density along the Mission Water, Soquel Street corridors and Downtown, not in the Lower Westside.
- Spot-rezoning to Medium density would allow 267 units on this parcel
- Larger scale development, in a neighborhood of one story to 16 foot two story buildings conflicts with the General Plan's guidelines on building to match the scale and character of the existing neighborhood
- The current appears not to have been a conscientious steward for the environment- there have been water violations, tossing large tree limbs that block up the creek (see photos) and allowing pesticides run-off.



There are four documents written to protect this wetland/riparian area:

- Neary Lagoon Management Plan of 1992
- Local Coast Program of 1994
- City-wide Creeks and Wetlands Management Plan of 2006
- The General Plan 2030

Outlined in the General Plan is specific direction from many members of the community about appropriate development: "Santa Cruz's General Plan's is our constitution which guides principles for development and preservation:

"Sustainability, environmental quality, land uses, and development are inexorably linked. [Providing] high quality of life without compromising the needs of future generations, sustainable land uses respond to environmental values widely held in the community. **At the heart of this Plan is sustainable development.**" (p 35 of G.P.)

This site is adjacent to beautiful Neary Lagoon Wildlife Refuge, Laurel Creek Watershed and a wetland/riparian habitat. Neary Lagoon wetland and riparian habitat is home to 228 species of birds and other endangered wildlife that are sensitive to human activity, light and noise.

"Over 90% of the wetlands in California have been lost forever due to human activity and development. Wetlands are "biological supermarkets" providing great volumes of food that attract many animal species. Wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs. Protecting wetlands protects our safety and welfare since they provide values that no other ecosystem can, which include:

-Atmospheric maintenance - storing carbon within their plant communities and soil, helping climate disruption

-Natural water quality improvement -playing an integral role in the ecology of the watershed.

-Flood protection, -preventing floods during current sea level rise

-Shoreline erosion control

-Opportunities for recreation and aesthetic appreciation." (www.epa.gov/wetland)



Birds nesting in tree on Cypress Point site.

Goals, policies and actions

CD1.1 Preserve natural features that visually define areas within the city.

CD1.1.1 Update and maintain Zoning Ordinance standards that minimize the impact of grading and development on important natural features. Cf. **NRC 6.1**.

CD1.2 Ensure that the scale, bulk, and setbacks of new development preserve important public scenic views and vistas.

CD1.2.1 Develop complimentary siting, scale, landscaping, and other design guidelines to protect important public views and ensure that development is compatible with the character of the area.

CD2.1 Protect and enhance the distinctive physical and design characteristics of neighborhoods and districts throughout the city.

GENERAL PLAN SECTIONS RELEVANT TO INCREASING DENSITY

Medium-Density Residential (M), 20.1 to 30 du/ac. It is the intent of the General Plan that, in areas designated M where detached single-family homes are prevalent, new development should reflect the scale and character of the then-existing homes. (page 40 of G.P)

“The purpose of the Land Use chapter is to shape the location and nature of future physical development and redevelopment in Santa Cruz in ways that preserve, protect, and enhance the community’s quality of life. “ (page 35 of G.P.).

Goals, policies and actions

LU1.3 Ensure that facilities and services required by a development are available, proportionate, and appropriate to development densities and use intensities. Cf. LU3.7.1, LU3.8

LU3.7 Encourage higher-intensity residential uses and maximum densities in accordance with the General Plan Land Use designations. Cf. LU4.1.

LU 4.1.1 Support compact mixed-use development Downtown, along primary transportation corridors, and in employment centers. Cf. LU3.3.1, M1, ED5.3, ED5.3.1.

CD2.1.3 Develop design guidelines as needed to address the visual transition between areas of higher density and/or intensified development (i.e., along corridors such as Water and Soquel Streets) and adjacent existing developed neighborhoods with less intense development.

Goals, policies and actions

NRC1 Protected, enhanced, and sustainably managed creek systems, riparian environments, and wetlands

NRC1.1 Protect the city’s river and wetland areas while increasing and enhancing public access where appropriate.

NRC1.1.1 Require setbacks and implementation of standards and guidelines for development and improvements within the city and adjacent to creeks and wetlands as set forth in the City-wide Creeks and Wetlands Management Plan.

NRC1.2 Encourage low impact uses and practices in watershed lands upstream of the city’s riverine, stream, and riparian environments.

NRC2 Protected, enhanced, and sustainable native and natural plant and animal communities and habitats

NRC2.1 Protect, enhance, or restore habitat for special-status plant and animal species. Cf. CD4.3.3, CC3.3.6, and NRC2.2, 2.4, and 6.3.NRC