

Developers depending on state-owned road

The future of a proposed 56-unit condominium project in Aptos Village, along with several commercial developments, will rise or fall on the ability to use the state-owned Hopkins right-of-way entrance to the Forest of Nisene Marks as its entrance, too.

An environmental impact report on the Village Glen of Aptos condominium project along Aptos Creek, just north of the Aptos Village Park was released this week by the Santa Cruz County Planning Department, and is available at the Aptos Library.

The proposal calls for the construction of 41 two-story, townhouses that will eventually sell for \$100,000-\$200,000.

Nine one-story, 1,000-square-foot low-income units will be scattered throughout the more expensive units, and six units especially designed for senior citizens housing will be located adjacent to the Hopkins right-of-way.

The 11.4 acre site lying in and out of the Aptos Creek flood plain zone, is now zoned Residential Agriculture, minimum five acre building site (RA-BS-5) and Residential, one unit per 9,000 square feet (R-19).

The area is designated in the 1973 Aptos Area General Plan as village residential, 4-14 units; in the 1978 Aptos Village Plan as residential townhouses; in the 1972 Parks, Recreation and Open Space (PROS) plan as riparian open space; and in the 1978 Growth Management Program as within the Urban Services Line.

A major part of the project's viability hinges on a plan to use the Hopkins right-of-way as the major access to the project, with an existing driveway leading up to the railroad tracks near the en-

trance to the Aptos village Park retained as an emergency access.

Two commercial developments in Aptos Village — Aptos Village Junction and Station — are also predicated on use of the state right-of-way as part of a traffic diversion around the village.

But the state Department of Parks and Recreation is flatly opposing the county plans to upgrade the road as a bypass for Aptos Village traffic as well as an entrance to the Village Glen project.

"Improvement of the road to a paved section with curb, gutter and sidewalk was a permit condition required for the proposed Aptos Station commercial development in 1978," the Village Glen EIR notes. "The improved section would extend from the northern Aptos Station project boundary to Soquel Drive at a point 60 feet east of the existing intersection.

"The realignment will improve line-of-sight to the west on Soquel Drive for cars exiting Hopkins Road.

"Other improvements are proposed by the Aptos Village Junction project (a connection with either Granite or Cathedral Drives) within the right-of-way.

"However, the status of the county's interest within the right-of-way needs to be determined before any improvements of Hopkins Road can be made. At the present time, the State Department of Parks and Recreation contends that the county has no authority concerning improvements or conditions to be imposed within this corridor."

That statement is backed up by Milt Frincke, District Superintendent for the state parks in the Monterey Bay. In a letter last December to the county Planning Commission, Frincke said bluntly:

"The road is owned by the state of California. It was acquired in fee from Herman Agnes and Andrew Marks, the former owners. Its use is subject to rules and regulations of the state Park Commission.

"The Department of Parks and Recreation controls the road and is the only authority that can dictate what is to be done with the road." Frincke told the county in his "hands off" letter. "Section 5006.2 of the Public Resource Code explicitly describes the exclusive jurisdiction of the Department of Parks and Recreation.

"Please be advised that Santa Cruz County has no authority to make conditions regarding the upgrading or use of the road to persons proposing private development projects adjacent to the road."

And while the state is conducting a title search to see who besides the Mangels family descendants have legal access over the road, the Village Glen owners are claiming they own a portion of the roadway.

"This controversy must be resolved before any further improvements can be made," the EIR adds.

The improvement of Hopkins Road is listed by the consultants as a "growth inducing impact" although it is also listed as a mitigation to the traffic problems.

The road's improvement up to the Village Glen entrance "could result in increased demands from more northerly property owners for 'like treatment'. In addition, provision of improved access to this area could facilitate development of the Aptos Village Junction and Aptos Station projects."