
CALIFORNIA COASTAL COMMISSION

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W6f

Prepared July 22, 2009 (for August 12, 2009 Hearing)

To: Commissioners and Interested Persons

From: Dan Carl, District Manager
Susan Craig, Coastal Planner

Subject: De Minimis Amendment Determination for Santa Cruz County Local Coastal Program Amendment Number 2-09 Part 2 (Planned Unit Developments)

Santa Cruz County's Proposed Amendment

Santa Cruz County is proposing to amend certified Local Coastal Program (LCP) Implementation Plan (IP) Sections 18.10.180 through 18.10.185 regarding permit applications, permit findings, official action, and standards for Planned Unit Developments (PUDs). See Exhibit A for the County's proposed changes.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis." In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on August 22, 2009).



California Coastal Commission

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The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis.

Each of the de minimis criteria is discussed briefly below:

1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act: The intent of the PUD regulations is to foster more creative designs that might not ordinarily be pursued due to the rigidity of zoning district standards. Coastal zone PUDs are ordinances that first must be certified by the Commission, and then are followed by CDPs (that are consistent with the PUD ordinances) that authorize actual development. Currently, the certified LCP's PUD standards apply to residential development only, allowing for the development of projects that do not necessarily meet all development standards of the underlying zoning districts (e.g., for height, setbacks, etc.) but are otherwise consistent with the underlying zoning ordinance and LCP objectives and requirements. The proposed amendment adds VA (Visitor Accommodations), PA (Professional-Administrative Office), C-1 (Neighborhood Commercial), and C-2 (Community Commercial) to the list of zoning districts where a PUD may be used, thus allowing for PUDs in commercial and mixed-use developments. The proposed amendment also revises the findings required for PUDs to remove duplicative wording, and revises the wording at various locations in the implementation text to provide more clarity and avoid confusion. In summary, the proposed amendment allows PUDs to be pursued in certain non-residential areas to foster creative mixed-use projects in addition to the residential PUDs currently allowed by the LCP. All PUDs and related CDPs must be found consistent with the LCP's Land Use Plan and Implementation Plan. Thus, the proposed amendment will not adversely impact coastal resources and can be found consistent with the LCP and the Coastal Act.

2. Provision of public notice: The County provided public notice in advance of the Planning Commission hearings (held on February 25, 2009 and May 13, 2009) and the Board of Supervisors hearings (held on April 14, 2009 and June 2, 2009). For the Planning Commission hearings, a newspaper advertisement notice was printed on February 5, 2009 and April 27, 2009. For the Board of Supervisors April 14, 2009 hearing, a newspaper advertisement notice was printed on April 4, 2009. In addition, the proposed text was made available at the Planning Department front counter and at the Santa Cruz County library, in advance of all of the County's hearings; the text was also made available on the County's website in advance of the Planning Commission and Board of Supervisors' hearings. The Board of Supervisors approved the amendment on June 2, 2009. The amendment submittal was subsequently received by the Commission on July 13, 2009, thus satisfying the 21-day requirement.

3. No change in use of land or allowable use of property: No change in use is proposed by this amendment.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its August 12, 2009 meeting at the Hyatt



Santa Cruz County De Minimis LCP Amendment Determination Notice
SCO-2-09 Part 2 (Planned Unit Developments)

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Regency Embarcadero, 5 Embarcadero Plaza, in San Francisco. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Susan Craig at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by August 7, 2009.

LCP Amendment Action Deadline:

This proposed LCP amendment was filed as complete on July 16, 2009. It is IP only and the 60-day action deadline is September 14, 2009. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until September 14, 2009 to take a final action on this LCP amendment.

Exhibits:

Exhibit A: Proposed Changes to LCP Sections 18.10.180 through 18.10.185



Revisions not considered by the Board previously
are either double strikeout or double underlined

ORDINANCE NO. 5044

**AN ORDINANCE AMENDING SANTA CRUZ COUNTY CODE
SECTIONS 18.10.180 THROUGH 18.10.185 RELATING TO
PLANNED UNIT DEVELOPMENTS**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 18.10.180 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.180 Planned Unit Developments ("PUDs").

(a) Purpose. In certain instances the objectives of the General Plan/Local Coastal Program Land Use Plan and the County Code may be achieved by the development of planned units which do not conform in all respects with the land use ~~pattern designated on the zoning map or the district~~ regulations prescribed by the County Code. A Planned Unit Development may include a combination of different dwelling and structure types and/or a variety of land uses, which complement each other and harmonize with existing and proposed land uses and structures in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the County Code although they deviate in certain respects from the ~~zoning map and the~~ underlying zone district and design review standards regulations, the County Board of Supervisors may approve Planned Unit Development Permits, provided the developments comply with the regulations prescribed in this Chapter and are consistent with the County General Plan/Local Coastal Program Land Use Plan.

(b) Where Allowed. A Planned Unit Development may be located in the R-1, RA, RR, or RM residential zoning districts, the VA, PA, C-1 or C-2 Commercial Zoning districts upon the granting of a Planned Unit Development Permit in accordance with the provisions of this Chapter.

(c) Permitted Uses. A Planned Unit Development shall include only uses permitted either as permitted uses or conditional uses in the zoning district, general plan or adopted village or town plan in which the Planned Unit Development is located.

SECTION II

Section 18.10.181 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.181 Planned Unit Development--Permit applications.

A Planned Unit Development Permit is a type of development permit that is subject to all the same application processing requirements for development permits specified in this Chapter, including the Coastal Zone Permit review process specified in Chapter 13.20 (Coastal Zone Regulations). As a Level VII application, an application for a Planned Unit Development Permit shall conform to the following specific requirements:

(a) Contents. The application shall be accompanied by a development plan of the entire Planned Unit Development that includes all of the required application submittal requirements of Section 18.10.210.

~~(b) Density. In addition to the data and drawings prescribed in Section 18.10.210, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average density in the area or areas proposed to be devoted to residential use.~~

(b) Development Standards. Any application for a Planned Unit Development shall provide a written description of the proposed alternative development and design standards that would apply to the project (property).

SECTION III

Section 18.10.183 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.183 Planned Unit Development--Permit findings.

~~The Planning Commission (if recommending approval to the Board of Supervisors) or t~~The Board of Supervisors may approve a Planned Unit Development Permit as was applied for or in modified form if, on the basis of the application and evidence submitted, the approving body makes the Board of Supervisors makes the following findings in addition to the findings required by Section 18.10.230, and in addition to the findings required by Section 13.20.110 if located in the Coastal Zone:

~~(a) That the proposed location of the uses are in accordance with the objectives of the County Code and the purposes of the district in which the site is located;~~

~~(b) That the proposed location of the Planned Unit Development and the conditions under which it would be operated or maintained will not be detrimental to the public's health, safety or welfare, or materially injurious to properties or improvements in the vicinity;~~

~~(c) That the proposed Planned Unit Development will comply with each of the applicable provisions of this Chapter;~~

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- ~~(d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce a development that is compatible with and integrated into the surrounding built and natural environment consistent with the objectives of the County Code;~~
- ~~(e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, off-street parking, and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities;~~
- ~~(f) That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;~~
- ~~(g) That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located; and~~
- ~~(h) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.~~

Non-Residential and Mixed Use Projects

- (a) That any nonresidential uses shall be appropriate in area, location and overall planning for the purpose intended, and that the design and development standards shall create a nonresidential environment of ongoing desirability and stability, and where applicable, that adequate open space shall be provided;
- (b) That the combination of different structure types and the variety of uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;
- (c) That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the Planned Unit Development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of a Planned Unit Development, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval.
- (d) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

Residential Projects:

- (a) That any residential development shall contribute to the ongoing desirability and character of the surrounding neighborhood;
- (b) That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;
- (c) That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the Planned Unit Development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of a Planned Unit Development, and that any conditions required to

achieve such benefits are incorporated into the project and made conditions of approval.

(d) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

SECTION IV

Section 18.10.184 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.184 Planned Unit Development--Official action.

(a) Action by Planning Commission. Following the noticed public hearing, the Planning Commission may deny the Planned Unit Development, continue consideration of the Planned Unit Development, or recommend approval of the Planned Unit Development, with or without modification. Planning Commission action to approve a Planned Unit Development shall be in the form of a resolution recommending ~~to that~~ the Board of Supervisors ~~approve~~ approve the Planned Unit Development, with or without modifications, ~~of the Planned Unit Development.~~

(b) Appeals of the Action of the Planning Commission. If the Planning Commission denies ~~recommends against~~ a proposed Planned Unit Development, its action shall be final unless the matter is considered upon appeal or special consideration by the Board of Supervisors as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of Planned Unit Developments, which include land division applications, shall also be subject to the procedures of Section 14.01.312.

(c) Action of the Board of Supervisors. The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a Planned Unit Development. Notice of the public hearing shall be given pursuant to Section 18.10.223. Following the public hearing, the Board of Supervisors may deny the Planned Unit Development, continue consideration of the Planned Unit Development, or approve the Planned Unit Development, with or without modification. Actions to approve the Planned Unit Development shall, at a minimum, be by approval of a Planned Unit Development permit and adoption of an ordinance amending County Code Chapter 13.10 and/ or 13.11 to establish specific zoning and site and design standards for the Planned Unit Development.

(d) Planned Unit Developments Approvals in the Coastal Zone. If any portion of a Planned Unit Development is located in the Coastal Zone, then, in addition to the actions specified in subsection (c) above, an action to approve the Planned Unit Development shall also include approval of a Coastal Permit. The Board's action on the Coastal Permit shall not be considered final, and notice of the Board's action on the Coastal Permit shall not be transmitted to the Coastal Commission, unless and until: (1) the ordinance (specified in subsection (c) above) has been submitted to the Coastal Commission as a Local Coastal

Program amendment; and (2) the Coastal Commission has certified the ordinance. In the event that the Coastal Commission's certification of the required ordinance modifies the Planned Unit Development that was approved by the Board, then the Board shall re-review the Planned Unit Development Permit and Coastal Permit application and make any modifications to these permits that are necessary to ensure that they are in conformance with the certified ordinance. After the Board has made any necessary modifications to their action on the Coastal Permit, the Board's action on the Coastal Permit shall be considered final, and notice of said action ~~may~~ shall be transmitted to the Coastal Commission.

(e) Finality of Action on Planned Unit Development. No new application for a Planned Unit Development Permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.

(f) Expiration of a Planned Unit Development Ordinance. Each Planned Unit Development Ordinance adopted pursuant to subsections (c) and (d) above shall specify that all Chapter 13.10 or 13.11 text associated with it shall expire at the same time that the Planned Unit Development Permit and Coastal Permit (if located in the Coastal Zone) expire or are denied, unless development pursuant to those permits has commenced by that time. This expiration requirement shall be noted directly in any certified Chapter 13.10 or 13.11 text associated with a Planned Unit Development Ordinance.

SECTION V

Section 18.10.185 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.185 Planned Unit Development--Standards.

Any departure from strict conformance with ~~General Plan/Local Coastal Program Land Use Plan and County Code~~ site and design standards that is granted through a Planned Unit Development Permit is a privilege. ~~The degree of departure~~ Departures from the otherwise required ~~development and site and design~~ standards (for ~~site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking, off-street loading facilities, and landscaped areas~~) or the standards found in Chapter 13.11 and density (as specified in subsections (a) and (b) below) shall be described in the adopted Planned Unit Development Permit, and shall be ~~roughly proportional to the~~ provide specific benefits ~~provided~~ to the neighborhood and/or the community in which the Planned Unit Development is located. These benefits shall be in the form of the provision of enhanced resource protection, exceptional public amenities, design excellence, affordable housing, public viewshed preservation, and superior mixed use development and enhancement, etc. Such benefits shall be specified by the Board of Supervisors in connection with its approval of a Planned Unit Development, and any conditions required to achieve such benefits shall be incorporated into the

project and made conditions of approval.

~~(a) District Regulations. Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking, off-street loading facilities, and landscaped areas~~
Development site and design standards shall for each standard in the aggregate be as prescribed by the adopted Planned Unit Development within the allowed limit for that standard as prescribed by the regulations for the district in which the Planned Unit Development is located.

~~(b) Density. The number of dwelling units allowed (per net developable acre and per minimum site area) may exceed the maximum prescribed by the General Plan/Local Coastal Program Land Use Plan and County Code site regulations for the district in which the Planned Unit Development is located for an individual legal parcel that is part of a Planned Unit Development Permit provided that the overall number of dwelling units does not exceed the maximum that would be allowed (per net developable acre and per minimum site area) for the overall property that is the subject of the Planned Unit Development. If the overall property that is the subject of the Planned Unit Development is ten (10) acres or more, up to ten (10) percent more dwelling units than the maximum that would be allowed (per net developable acre and per minimum site area) for the overall property shall be allowed as long as the number of dwelling units in total does not exceed the number of dwelling units specified by the General Plan/Local Coastal Program Land Use Plan for the overall property.~~

~~(b) (e) Other Requirements. The following conditions shall also be required in Planned Unit Developments:~~

~~(1) All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;~~

~~(2) Not more than five persons shall be engaged in the production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains;~~

~~(1)(3) No uses shall be permitted and no process, equipment or materials shall be employed which ~~is~~ are found by the Planning Commission or the Board of Supervisors to be injurious to property located in the vicinity by reason of excessive odor, fume, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion; and~~

~~(2) (4) All Planned Unit Developments shall meet the requirements of Chapter 13.11, Site, Architectural and Landscape Design Review unless specifically amended by the Planned Unit Development.~~

~~(c) (d) Other General Plan/Local Coastal Program and County Code Standards Not Suspended. Nothing in this section shall be read to allow variation to other standards not specified in subsections (a) and (b) above. All other standards that apply, including but not limited to General Plan/Local Coastal Program standards, standards contained in Title 16 of the County Code, and County Code standards designed to protect natural resources, riparian and wetland areas, sensitive habitats, agriculture, public viewsheds, and open space, either~~

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as found in Title 16 or in other provisions of the County Code, shall continue to apply.

SECTION VI

If any section, subdivision, paragraph, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause or phrase of the ordinance codified in this chapter.

SECTION VII

This Ordinance shall take effect on the 31st day after the date of final passage outside the Coastal Zone and on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later, inside the Coastal Zone.

PASSED AND ADOPTED this 2nd day of June, 2009, by the Board of Supervisors of the County of Santa Cruz by the following vote:

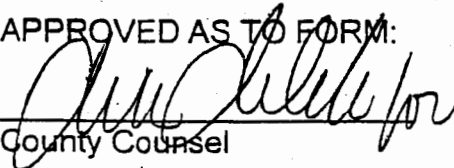
AYES:	SUPERVISORS	Leopold, Stone, Pirie, Campos & Coonerty
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

NEAL COONERTY.

Chairperson, Board of Supervisors

Attest: **TESS FITZGERALD**
Clerk of the Board

APPROVED AS TO FORM:


County Counsel

Copies to: Planning
County Counsel

CCC Exhibit A
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