

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

W15a

Prepared August 20, 2003 (for September 10, 2003 hearing)

To: Commissioners and Interested Persons

From: Diane Landry, District Manager
Dan Carl, Coastal Planner

RECORD PACKET COPY

Subject: Santa Cruz County LCP Major Amendment Number 1-02 Part 1 (Planned Unit Development Ordinance) Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's September 10, 2003 meeting to take place at the Eureka Inn, 518 Seventh Street, in Eureka.

Summary

Santa Cruz County is proposing to add a planned unit development (PUD) ordinance to its certified Local Coastal Program (LCP) Implementation Plan (IP, also known as the LCP zoning code). PUDs allow for the development of projects that don't necessarily meet all development standards of the underlying zone districts (e.g., for heights, setback, density, etc.), but that are otherwise consistent with underlying LCP objectives. The intent of PUDs is generally to foster more creative designs, including mixed use projects, that might not ordinarily be pursued due to the rigidity of zoning district standards. Implicit in such projects is that they generally seek to satisfy some larger community goal or objective; in this case, per the County, to provide additional affordable housing in a community where the housing is exceptionally expensive.

In general, PUDs can be an effective planning tool that can foster more appropriate development than might be allowed otherwise, particularly on oddly configured and constrained properties when they are considered as part of a larger PUD project. The proposed LCP sections provide a general PUD framework, but lack specificity, particularly in the way the PUD process relates to coastal permit and LCP amendment processes. The proposed text also states that PUDs are allowed in residential districts, and also in the Special Use ("SU") zone district. Allowing PUDs in SU could result in development that is inconsistent with the LUP. In order to address these concerns, and others similar to them, modifications are suggested to clarify the ordinance text; specify that it applies to residential districts only; ensure that other LCP process and policy requirements are not suspended in a PUD; and make a series of other similar changes to ensure that the proposed text is consistent with the certified LUP.

With the identified modifications, staff recommends that the Commission find that the proposed LCP amendment is consistent with and adequate to carry out the policies of the LUP. As so modified, staff recommends that the Commission approve the LCP amendment.



California Coastal Commission

September Meeting in Eureka

Staff: D. Carl Approved by: *DL*
SCO LCPA 1-02 Part 1 PUD stf rpt 9.10.2003.doc

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I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make 2 motions in order to act on this recommendation.¹

1. Denial of Implementation Plan Major Amendment Number 1-02 Part 1 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (1 of 2). I move that the Commission **reject** Part 1 of Major Amendment Number 1-02 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County.

Resolution to Deny. The Commission hereby **denies** certification of Part 1 of Major Amendment Number 1-02 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.

¹ Note that the motions and resolutions refer to "Part 1 of Major Amendment Number 1-02." The reason for this is that this amendment request is part 1 of a three part LCP amendment submitted by the County. In other words, LCP amendment number 1-02 is in three parts. The other two parts of the amendment, regarding agricultural second units and a Watsonville-area utility prohibition zone, are also separately before the Commission at the September hearing.



2. Approval of Implementation Plan Major Amendment Number 1-02 Part 1 if Modified

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion (2 of 2). I move that the Commission **certify** Part 1 of Major Amendment Number 1-02 to the Santa Cruz County Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.

Resolution to Certify with Suggested Modifications. The Commission hereby **certifies** Part 1 of Major Amendment Number 1-02 to the Santa Cruz County Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Land Use Plan consistency findings. If the County of Santa Cruz accepts each of the suggested modifications within six months of Commission action (i.e., by September 10, 2004), by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

- 1. Modify Proposed IP Sections.** Modify proposed Implementation Plan Sections 18.10.180, 18.10.181, 18.10.183, 18.10.184, 18.10.185 and 18.10.332 as shown in exhibit D. Text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.



III. Findings and Declarations

The Commission finds and declares as follows:

A. Proposed LCP Amendment

1. Description of Proposed LCP Amendment

The amendment would add Sections 18.10.180, 18.10.181, 18.10.183, 18.10.184, 18.10.185 and 18.10.332 to the County's LCP IP. These sections allow planned unit developments (PUDs) to be pursued with the County coastal zone, and specify the way in which PUDs would be reviewed by the County. See exhibit A for the Board of Supervisor's resolution, exhibit B for the Board staff report, and exhibit C for the adopted ordinance with the text of the proposed sections.

2. Effect of Changes Proposed

The LCP currently provides for some PUD-like flexibility. However, it is generally limited to new land divisions (LCP Policy 13.10.323(d)(1)) where the parcels on the periphery of the subdivision must conform to the underlying zone district standards, but the standards can be varied for the interior lots. The intent of this policy is to allow for creative design, like the PUD, but with the added assurance that impacts on abutting properties are limited. The LCP does provide a variance procedure, but this procedure generally doesn't lend itself to promoting innovative designs so much as responding to unique site constraints.

As proposed, the PUD ordinance sections apply to all residential zoning districts (i.e., R-1, RB, RM, RR, and RA). Although not stated as such in proposed Section 18.10.180, this section implies that PUDs are allowed in the special use (SU) zone district because SU implements all land use designations (including residential). Proposed section 18.10.185 is more explicit in this regard because it specifies the standards applicable to not only the residential districts, but also the SU district. See proposed text in exhibit C.

It can be expected that developers may pursue PUDs should the proposed amendment be certified, but it is unclear to what degree. Although the County staff report states that it is hoped that the PUD process will increase affordable housing stock (see Board resolution and staff report in exhibits A and B), the ordinance is not structured to provide affordable housing specifically. Rather, it is premised on providing "well-planned" mixed use developments. Arguably, such mixed use developments should (or could) include affordable housing. Since any individual PUD would have to be approved by the Board, it appears that direction for affordable housing in such projects will come from such decisions and not because it is specifically required by the proposed PUD sections.

An unintended potential consequence is related to the effect of the PUD ordinance on SU zoned properties. Whereas residentially-zoned properties are generally found within existing developed areas, SU-zoned properties are countywide, including a substantial number of SU-zoned parcels on the rural and agricultural north coast. The proposed ordinance text is particularly broad as it relates to standards



for PUD development on SU-zoned land; generally leaving it to the Board of Supervisors discretion. It is unclear as to the number and type of developments that may be proposed under the PUD in rural areas of the County. It is expected that such development would be molded to LCP objectives by the Board, but the PUD sections don't provide clear direction to this effect.

In sum, the proposed PUD sections may result in an intensity of development that is above what the LCP allows for specific properties, and there is great discretion on the Board's part in establishing the parameters of these projects. Each PUD would be implemented by an ordinance within the zoning code. Within the coastal zone, such ordinances would need to be certified by the Commission (since they would be LCP amendments), and thus the Commission would also have an opportunity to evaluate the consistency of any particular PUD ordinance against the LUP.

B. Consistency Analysis

1. Standard of Review

The standard of review for the proposed modifications to the County's LUP is consistency with the Coastal Act. The standard of review for proposed modifications to the County's IP is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. IP (zoning) standards then typically further refine LUP policies to provide guidance on a parcel by parcel level. Because this is an IP (only) LCP amendment, the standard of review is the certified LCP LUP.

2. LUP Consistency Requirement

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan. The County's LUP protects coastal resources, particularly rural, open space and agricultural lands, and specifically visual resources. It also distinguishes between urban and rural development, and directs development to developed areas best able to accommodate it. Quality design, respective of the built and natural environment, is expected. Overall, these LUP requirements reflect and implement similar fundamental goals of the Coastal Act.

3. Consistency Analysis

The proposed PUD text includes a number of provisions that might result in inappropriate development inconsistent with the LUP if not modified. Fortunately, these portions of the proposed text are easily clarified so that implicit LUP requirements are made explicit, and so that the PUD text results in development consistent with the LUP overall. Individual issues (and changes that need to be made) are



discussed more specifically below.²

Residential Zone Districts Only – Not Special Use

It is clear from the County's staff report and findings that the primary purpose of the proposed LCP text is to provide another tool that can be used to generate affordable housing units in the County. Santa Cruz County is one of the least affordable housing markets in the entire country, with median home prices now at \$550,000, and the average home price at nearly \$650,000. The concept of the proposed LCP text is that some variation to residential standards (via the PUD) will allow for more units to be developed, and that some portion of these units will be affordable.

Toward this end, the ordinance specifies that it can be applied in any residential zoning district (see proposed section 18.10.180 on page 1 of exhibit C). At face value this seems appropriate. However, the County's LCP includes a Special Use (or "SU") zoning district that implements all land use designations, including residential. If the SU district were interpreted to be a residential zoning district because of this, it could result in PUDs being applied to the SU district. The proposed LCP text appears to make this interpretation inasmuch as proposed section 18.10.185 includes PUD standards that would be applied to the SU district (see proposed section 18.10.185 on page 4 of exhibit C). There are multiple problems with having PUDs applied to the SU district.

First, all uses allowed in all of the other County zone districts are allowed in SU; all of these allowed uses, except for a single family home on an existing lot of record and agricultural uses, are conditional uses. Therefore, when the proposed PUD text refers to a PUD allowing permitted or conditional uses in the zoning district (see 18.10.180), for SU that implies all uses in the County code could be incorporated into a PUD in SU. This is an overly broad set of uses to which the PUD could be applied.

Second, proposed section 18.10.185, specifying the standards that would be applied to PUDs, indicates that in SU districts, there wouldn't be any specific LCP development or density requirements (see exhibit C). Rather, in SU, the PUD standards would be those determined by the Planning Commission or the Board of Supervisors as consistent with the LUP at the time of approval. This is an extremely broad set of development standards that could encompass many different levels of intensity. It is difficult to assure that such standards would be adequate to protect coastal resources consistent with the LUP. The proposed qualifier that the standards that would be determined by the Board would be taken from the subset of "applicable" LUP policies adds some level of specificity, but this specificity is limited by the fact that the development standards as they apply to SU are subject to broad interpretation, particularly for non-residential uses.³

² Commission staff have worked closely with County staff on these identified issues, and appropriate changes to address concerns in this respect. Each of the modifications discussed in this finding have been discussed with County staff and Commission staff and County staff are generally in agreement.

³ For residential uses in SU, development standards are those contained in Section 13.10.323 based on the size of the parcel. However, depending on which residential district standards are consulted, there are different standards that apply; SU district regulations do not specify which of the standards apply. For non-residential uses, one must search the LCP for the most restrictive zoning district in which the proposed use is allowed, and apply the standards from that district to the use. In the past, the County has interpreted this to mean the



Third, many properties, some quite large in acreage, are zoned SU and are located in very rural areas of the County; particularly in the County's largely undeveloped and pastoral north coast planning area. It is not clear that development, let alone relaxed-standard PUD development, is appropriate on this full range of SU properties. Such development may, in many cases, be directly contrary to the LUP's urban-rural boundary provisions.

Fourth, the LCP allows any property to be rezoned to SU without an LCP amendment.⁴ As a result, if PUDs are allowed in the SU zone district, then the property universe to which the PUD process may apply is potentially much larger than that currently zoned SU because re-zonings to SU do not require an LCP amendment that would need to be certified by the Coastal Commission.

In sum, the SU district is already an overly broad zoning district within which PUD development with more relaxed standards would not be appropriate. Rather, the focus of the proposed text, and clearly the intent of the PUD ordinance, is to direct imaginative residential development into residentially zoned districts able to handle it (see the Board's resolution and staff report in exhibits A and B). The potential LCP pitfalls associated with allowing PUD in SU can be avoided by making this explicit in the proposed ordinance text. See suggested modifications, particularly pages 1 and 4 of exhibit D.

Not Residential Beach

Residential Beach District ("RB") properties are limited to the Beach Drive area of Santa Cruz County in Aptos-Rio del Mar. The pre-Coastal Act Beach Drive area and mostly built-out residential development is located at the base of the coastal bluff on an area that was historically beach. This area is not appropriate for PUD development with relaxed standards as it is prominently located at the base of the back beach bluffs and reduced standards are not appropriate in such a critical location. In tandem with making the PUD allowable in residential districts, a modification is suggested to remove the RB district from that list (and to explicitly identify the other four residential districts in the County). See suggested modifications, particularly page 1 of exhibit D. The County's proposed text appears to suggest a similar evaluation inasmuch as proposed section 18.10.185 only lists the other four residential districts, and not RB (see page 4 of exhibit C).

PUD Permits and Coastal Permits

It is implied by the proposed text that planned unit development permits are a type of development permit (i.e., the name that the LCP generally gives to permits that authorize land use and development). Likewise, it is implied that within the coastal zone, a coastal permit would also be required. However,

standards come from the district within which the use would ordinarily occur (e.g., for a commercial use proposed in SU, the most restrictive of the 3 commercial zoning district regulations would be applied). However, the SU district actually requires use of the most restrictive zoning district within which the use is allowed. This is to safeguard against the overly broad nature of the SU zoning district, the broad purpose of which is simply to allow for mixed use developments where appropriate, not implement the underlying land use designation per se. For example, visitor accommodations, though typically found in a commercial district, are allowed in the PR zone district. In the PR zone district the development standards are more restrictive for visitor accommodations than the standards applied in the commercial zone districts. It is these PR standards that are applied in such a case. Note that it is this latter interpretation that the Commission has applied when this SU question has arisen in past cases.

⁴ LCP Section 13.10.170(d).



because this is not explicitly identified, the proposed text could be read to imply that a planned unit development permit somehow supercedes other LCP permit requirements. This is not the case. This potential confusion can be rectified by explicitly defining such permits as development permits, and specifically identifying the coastal permit requirements. See suggested modifications, particularly pages 1 and 3 of exhibit D.

In addition, because PUDs also include changes to the zoning code to make them consistent with the code, and because such zoning code changes are LCP amendments for projects in the coastal zone (see also below), a coastal permit cannot be found consistent with the code until such an amendment has been certified by the Commission. In other words, the Board's combined action to approve an ordinance and a permit at the same time (and be effective at that time) can procedurally work for non-coastal zone PUDs, but there is a more complicated process in the coastal zone because the ordinance is not effective unless and until it has been certified by the Commission. Therefore, a process needs to be identified to ensure that any coastal permit actions are not final (and notice of them is not sent to the Commission where applicable appeal periods can start running) unless and until the companion ordinance is first certified into the LCP. In the event the Commission's certification changes the PUD, then the County will need to re-review the PUD to make it conform to the then certified LCP text. See suggested modifications, particularly page 3 of exhibit D.

PUD Ordinances as LCP Amendments

The proposed text indicates that actions to approve a PUD would be by ordinance adopted by the Board amending LCP Chapter 13.10 (see pages 3 and 4 of exhibit C). Because amendments to LCP chapter 13.10 are amendments to the LCP, such an ordinance must be submitted as an LCP amendment request to the Coastal Commission. Although this implies that such would be the case with implementing PUD ordinances, the fact that this additional LCP amendment step is not identified in the proposed text could be read to imply that these amendments to LCP Chapter 13.10 do not require an LCP amendment. Fortunately, this lack of clarity is easily rectified by explicitly identifying the fact that such changes to Chapter 13.10 require an LCP amendment. See suggested modifications, particularly page 3 of exhibit D.

PUD Does Not Suspend Other Applicable LCP Policies

The proposed PUD development standards specifically detail the site area development standards and densities and the ways in which they may be modified to allow for a PUD (see pages 4 and 5 of exhibit C). They do not, however, specify how other applicable development standards would affect PUD development (for example, other standards geared towards protecting agriculture, ESHA, open spaces, viewsheds, etc.). Although it may be implied that other applicable development standards still apply, the fact that the proposed text does not explicitly make this reference could be read to imply that they do not apply to PUDs. Such an interpretation could allow for development through a PUD that was inconsistent with the LUP's resource protective policies in this regard (for example, riparian setback requirements). Fortunately, this lack of clarity is easily rectified by explicitly identifying the fact that other LCP policies still apply, and these cannot be adjusted by PUD (unlike the specifically identified site development and density standards only that can be so adjusted). See suggested modifications, particularly page 5 of



exhibit D.

Coastal Zone Findings

The LCP has a certain set of general findings that are required for all development in the County. The proposed LCP text requires that these findings be made for PUDs (see page 2 of exhibit C). The LCP also has required findings that must be made for development in the County's coastal zone.⁵ The PUD does not explicitly identify these required coastal zone findings. Although it is implied that the coastal zone findings must still be made, the fact that they are not identified could be read to imply that they do not apply to PUDs. Fortunately, this lack of clarity is easily rectified by explicitly identifying the fact that the coastal zone findings must also be made for PUDs. See suggested modifications, particularly page 2 of exhibit D.

Planned Unit Development Standards

Proposed Section 18.10.185 details the way in which development and density standards would be allowed to be adjusted by a PUD (see pages 4 and 5 of exhibit C). It should be clear that the reason such standards are being allowed to be adjusted is because of the flexibility that it provides to develop exceptional projects from which some form of enhanced public benefit is generated in direct relation to any public burden (e.g., enhanced resource protection, exceptional public amenities, design excellence, affordable housing, viewshed preservation and enhancement, etc). This purpose can readily be stated in preamble text to the section, and by making this a required PUD finding (see suggested modifications, particularly pages 2 and 4 of exhibit D).

In addition, there is a lack of clarity regarding the district regulations and standards identified. The proposed text describes several standards that can be adjusted provided the standards in the aggregate be within the standards required in that zone district.⁶ The clearest way in which to interpret this proposed text is that the standards for any particular issue area be aggregated, but not that all standards be aggregated; it is not even clear how all the standards could be aggregated since they deal with different physical units. However, the proposed text is not clear in this respect. A modification is suggested to clarify that it is the former interpretation that applies (see suggested modifications, particularly page 4 of exhibit D). This proposed text also requires the aggregated standards to be "at least equivalent" to the standards of the underlying zone district. An unintended consequence of this phrasing is to require the intensity of projects to be more, rather than less, intense; even should the project propose a lesser intensity of use.⁷ To allow lesser intensity of use than the maximum intensity allowed, a modification is suggested to specify that this aggregate be within the standards specified, and thus can be below the maximum level of intensity (again, see page 4 of exhibit D).

⁵ LCP Section 13.20.110.

⁶ The standards listed are for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking, off-street loading facilities, and landscaped area; see exhibit C.

⁷ For example, if the heights of a PUD in the aggregate were 14 feet, but the standard specified by the zone district were 28 feet, it would not be "at least equivalent" to the standards. To do so would require greater height, and greater intensity of use.



Furthermore, the language proposed is unclear regarding densities. Modifications are proposed to clarify the language consistent with the intent of the PUD (see suggested modifications, particularly page 4 of exhibit D).

PUD Ordinance Expiration

The proposed text is silent on expiration of PUDs and PUD ordinances. Presumably, the LCP's permit expiration standards would be applied the associated permits; these standards generally specify that permits approvals are valid for 2 years and can be extended up to five times (for a year apiece) by an amendment to the permit (i.e., a total of 7 years). Seven years seems to be adequate time within which to pursue a PUD development, and it doesn't appear necessary to modify these permit expiration requirements as they relate to PUD development. The PUD ordinance, however, that would be certified into the LCP, is a different story. Absent a sunset date, the ordinance would exist in the County code until it were subsequently removed or modified by a new action by the County and the Coastal Commission. It is inappropriate to leave such LCP text in the LCP without a re-review loop of some sort if the corresponding development hasn't been accomplished or at least begun. This is akin to the review of changed circumstances that accompanies requests for extension of permit expiration inasmuch as the PUD ordinances provide for a very specific development at a very specific location.

To address this issue, and to protect against inappropriate development that could be pursued pursuant to a PUD ordinance for which permit approvals have expired, a modification is suggested to time the ordinance effectiveness to the same time that the associated permits are effective; potentially up to 7 years if the permit approvals are extended properly (see suggested modifications, specifically page 3 of exhibit D).

Reference to Zoning Ordinance

The proposed text refers in multiple cases to the "zoning ordinance." By definition, the zoning ordinance refers to Chapter 13.10 of the County Code.⁸ Because Chapter 13.10 is only a subset of the County Code, and a subset of the Code sections that make up the LCP IP, it could be inferred that references to consistency with the zoning ordinance mean only Chapter 13.10. This would not be correct inasmuch as these references are meant to encompass other LCP sections that are not a part of Chapter 13.10 (for example, ESHA, and habitat protection policies). So as to avoid any question of interpretation when referring to such consistency, a modification is suggested to ensure that the County Code as a whole is referenced (see suggested modifications, particularly exhibit D throughout).

Clarifications/Other

In addition to those issues detailed above, there are instances where the language of the proposed text needs to be clarified, and typographic errors fixed, to ensure its clear implementation consistent with the LUP policies it implements. Suggested modifications to this effect are shown throughout the proposed text. See exhibit D (throughout).

⁸ Per LCP Section 13.10.110.



Conclusion

The Commission must determine whether the zoning code changes proposed are consistent with and adequate to carry out the LUP. There are areas in the proposed IP text where there are inconsistencies and/or other issues that would affect the proposed text's ability to carry out LUP policies, and ultimately to ensure that coastal resources are protected as directed by the LUP. Fortunately, there are modifications that can be made to address the identified issues. These modifications have been discussed with the County and they are generally supportive of them.

In conclusion, if so modified in all of the ways outlined here according to the cited modification texts, then the IP as amended by the proposed amendment, and as further modified as suggested above and in the cited modification texts, is approved as being consistent with and adequate to carry out the certified LUP as amended.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County in this case exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).





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

RESOLUTION NO. 123-2002

On the motion of Supervisor Almquist
duly seconded by Supervisor Campos
the following Resolution is adopted:

RESOLUTION RECOMMENDING AMENDMENT TO COUNTY CODE SECTION 18.10.180
REINSTATING THE COUNTY'S PLANNED UNIT DEVELOPMENT ORDINANCE

WHEREAS, on November 6, 2001, the Board of Supervisors considered a number of recommendations by the County Administrative Officer regarding various actions to increase the production of affordable housing, one of which was to reestablish a Planned Unit Development (PUD) ordinance in the County's Zoning Code, which had previously been removed from the Zoning Ordinance in 1982; and

WHEREAS, on November 20, 2001, the Board of Supervisors gave preliminary approval to a conceptual PUD Ordinance, and directed the Planning Department to formally process the PUD Ordinance through the Planning Commission, and to report back to the Board in April 2002; and

WHEREAS, the proposed reestablishment of the Planned Unit Development (PUD) ordinance creates a process for reviewing and approving certain types of projects that met the objectives of the Zoning Ordinance but do not meet all of the specific requirements of the residential or commercial site standards; and

WHEREAS, the proposed PUD ordinance allows for the development of mixed use projects (residential and commercial) as well as for projects such as townhouse developments where required setbacks and separation between structures can not otherwise be approved; and

WHEREAS, Planned Unit Developments can be an effective tool that public and private developers can use to develop residential and mixed use projects that require variations from required site development standards; and

WHEREAS, the proposed reestablishment of the Planned Unit Development ordinance would make this tool available to developers, and thus, may help address the need for additional affordable housing; and

WHEREAS, a majority of the County Planning Commission recommended against adoption of the proposed PUD ordinance on February 27, 2002, because they believed it would not create affordable housing and would add unnecessary processing time to projects, the PUD ordinance would, nevertheless, provide an additional tool that could facilitate affordable housing production; and

WHEREAS, the proposed PUD Ordinance has been found to be categorically exempt from the California Environmental Quality Act (CEQA), and consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves the ordinance amending County Code Section 18.10.180 to reinstate the County's Planned Unit Development ordinance, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of LCP Amendments.

BE IT FURTHER RESOLVED AND ORDERED that these amendments will become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 16th day of April, 2002 by the following vote:

AYES: SUPERVISORS Pirie, Campos and Almquist
 NOES: SUPERVISORS Wormhoudt and Beautz
 ABSENT: SUPERVISORS None
 ABSTAIN: SUPERVISORS None

JANET K. BEAUTZ

Chairperson of the Board of Supervisors

GAIL T. BORKOWSKI

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM:

[Signature]
 County Counsel

cc: County Counsel
 Planning Department

Exhibits:

1-A: Proposed Ordinance No. ____ amending County Code Sections 18.10.180 to reinstate the County's Planning Unit Development Ordinance

CCC Exhibit A
(page 2 of 2 pages)

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STATE OF CALIFORNIA	
COUNTY OF SANTA CRUZ	
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of a resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on <u>4/16/02</u> .	
SUSAN A. MAURIELLO, County Administrative Officer	
By <i>[Signature]</i>	Deputy

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COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN JAMES, DIRECTOR

April 3, 2002

AGENDA: April 16, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

PUBLIC HEARING TO CONSIDER ADOPTION OF A PLANNED UNIT DEVELOPMENT ORDINANCE

Members of the Board:

Your Board is being asked to consider an ordinance to reestablish the Planned Unit Development Ordinance for use in the development of residential projects. This proposed ordinance is one of several measures that were recommended by the County Administrative Officer to increase the production of affordable housing. A discussion of Planned Unit Development (PUD), its use in the past and the current practices in lieu of PUDs is presented below. The proposed PUD ordinance is included as Exhibit 1-A of Attachment 1 this staff report.

Background:

On November 6, 2001, your Board considered a number of recommendations by the County Administrative Officer regarding various actions to increase the production of affordable housing. One of the recommendations was to reestablish a PUD ordinance in the County's Zoning Code. The previous PUD provisions were removed from the Zoning Ordinance in 1982. On November 20, 2001, the Board of Supervisors gave preliminary approval to a conceptual PUD ordinance, and directed staff to refer the proposed PUD ordinance to the Planning Commission and to return to your Board in April 2002 for final ordinance adoption (see Attachment 4).

Discussion:

Planned Unit Developments - The County Code was amended in 1962 to create a process for reviewing and approving certain types of projects that met the objectives of the Zoning Ordinance but did not meet all of the specific requirements of the residential or commercial site standards. This process, and the permits that were issued as a result of the process, were called Planned Unit Developments or PUDs. The County's PUD ordinance allowed for the development of mixed use projects (residential and commercial) as well as for projects such as townhouse developments where required setbacks and separation between structures could not otherwise be approved. In practice,

PUDs were used for the development of residential only projects where there was a need and appropriate justification to vary from the strict application of the specific zone district.

As is shown in the attached copy of the 1982 Zoning Ordinance (which was the last year this was in the County Code - Attachment 4), the PUD ordinance established standards, findings and procedures for the review of these special permits. Most notably, the procedures require the PUD permit to be approved by the Board of Supervisors, based on a recommendation from the Planning Commission, through the adoption of an ordinance. Examples of PUDs include Sand Dollar Beach, Cañon del Sol, Woodland Heights, Willowbrook Village, and Paradise Park. Because the PUD was adopted by the Board of Supervisors as an ordinance, amendments to the PUD were processed as ordinance amendments. This process included the required hearings before the Planning Commission and the Board of Supervisors.

Current Practice - In 1983, as a part of the implementation of the Local Coastal Program Land Use Plan, the PUD ordinance was eliminated and language was added to the County Code to allow flexibility in the design of residential land division projects. This language, Section 13.10.324(d)1(i) of the County Code, is as follows:

1. Parcels Created from New Land Divisions

(i) Within any new land division project, all development standards on all lots or parcels which abut the periphery of the project site are subject to all the restrictions stated in this section unless a variance is obtained. No parcel shall be created smaller than 3,500 square feet in area. On individual lots or parcels within any land division project not abutting the periphery of the project site, site and structural dimensions may vary from the General Requirements for the zone district, provided that the approved standards and dimensions for each new lot or parcel are specifically indicated on the approved tentative map.

This section allows creative approaches to project siting by only requiring that the setbacks around the perimeter of the project site meet the standards of the zone district, thus limiting the impacts of the project on adjacent properties. However, inside the project, buildings can be oriented in any manner. This section allows townhouse and condominium projects that have zero setbacks between units to be constructed without the need of a variance. Projects are processed at the level of review appropriate for the project (e.g. a 5-unit townhouse = Planning Commission; a 22-unit condominium project = Planning Commission and Board of Supervisors). In addition, amendments to projects are processed according to the requirements of Chapter 18.10 with the level of review commensurate with the type of amendment (anywhere from Level III to Level VII).

This section has been used to approve many projects in the County, including the Chanticleer apartments, Merrill Street project, the Farm Project and Vista Verde (all apartment projects). It was also used to approve the Pajaro Lane project, a mixed apartment and townhouse project with differing densities. It has not, however, been used by the private sector in recent years.

Although the current Zoning Ordinance language provides for flexibility in the application of the site development standards to specific projects, there are a number of problems that can occur. If the zoning of the site or the site development standards change after the project is built, the project may become non-conforming and the new standards would have to be met if rebuilding were required.

On the other hand, if a project is approved as a PUD, the adoption of the ordinance locks in the zoning and site development standards until amendments by an ordinance amendment to the PUD. This gives these types of projects protection from changes in the Zoning Ordinance and allows for appropriate modifications by an ordinance amendment.

In addition, while the existing language in the Zoning Ordinance allows flexibility in the application of site standards, it still requires that all exterior setbacks be maintained. The PUD ordinance would allow the development to vary from these standards if all findings could be made. These findings require that the project approved by the PUD not be materially injurious to properties or improvements in the vicinity nor adversely affect the light, air and open space of adjacent properties.

Proposed PUD Ordinance - In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance, although they deviate in certain respects from the zoning map and the district regulations, the proposed PUD Ordinance empowers your Board to grant use permits for planned unit developments. The proposed ordinance acknowledges that in certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern prescribed in the Zoning Ordinance. The proposed PUD Ordinance states that a planned unit development may include a combination of different dwelling types which complement each other and harmonize with existing and proposed land uses in the vicinity. The proposed ordinance allows planned unit developments to be located in any residential zoning district, upon the granting of a use permit, and requires that development standards and density limits be consistent with those set forth in the General Plan. In addition, the proposed PUD Ordinance specifies noticing and hearing procedures, and also the findings necessary for project approval. The proposed ordinance also requires that PUDs be approved by the Planning Commission, and describes the appeals process.

The proposed PUD ordinance, amending the Zoning Ordinance, has been found by Planning Department staff to be categorically exempt from CEQA and a CEQA Categorical Exemption form has been prepared (Attachment 3).

Planning Commission Action:

The Planning Commission considered the proposed PUD ordinance on February 27, 2002 but, by a 3-2 vote, recommended *against* its adoption by your Board. The majority of Planning Commissioners believed the PUD ordinance would not significantly contribute to the construction of affordable housing, and would also add unnecessary processing time to projects.

Conclusion and Recommendation:

Planned Unit Developments can be an effective tool that public and private developers can use to develop residential projects that require variations from the normal site development standards. The proposed re-establishment of the Planned Unit Development ordinance would make another tool available to developers and the County, and thus could potentially help the County to address the need for additional affordable housing, especially higher density attached housing. While the conclusions of a majority of the Planning Commission members are valid that adoption of the proposed PUD ordinance might not, in and of itself, create significant amounts of affordable housing, and that it would add a layer of processing, PUDs can provide a valuable tool for innovative site design and utilization, which in combination with other programs can facilitate


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affordable housing production. Since the PUD would be a developer option, considerations relative to processing time and cost would be part of the developer's considerations on whether to pursue a PUD approach. In addition, projects approved as a Planned Unit Development are protected from future ordinance and site standard changes. Again, the availability of the approach is to provide additional tools for use by developers and the County.


It is, therefore, RECOMMENDED that your Board:

1. Adopt the attached Resolution Amending County Code Sections 18.10.180 re-instating the County's Planned Unit Development Ordinance (Attachment 1, which includes Exhibit 1-A, the proposed ordinance amending County Code section 18.10.180); and
2. Adopt the attached Ordinance Amending County Code Sections 18.10.180 re-instating the County's Planned Unit Development Ordinance (Attachment 2); and
3. Certify the CEQA Exemption (Attachment 3); and
4. Direct the Planning Department to transmit the amendments to the California Coastal Commission as a Local Coastal Program Implementation Plan amendment for their approval and certification; and
5. Direct the Planning Department to return to the Board with a review of the program, two years after implementation of the program.

Sincerely,


Alvin D. James
Planning Director

RECOMMENDED


Susan A. Mauriello
County Administrative Officer

ATTACHMENTS: *

1. Resolution Recommending Amendment to County Code Section 18.10.180 Reinstating the County's Planned Unit Development Ordinance

Exhibit 1-A: Proposed Ordinance No. ____ Amending County Code Section 18.10.180 Reinstating the County's Planned Unit Development Ordinance
2. Proposed Ordinance No. ____ Amending County Code Section 18.10.180 Reinstating the County's Planned Unit Development Ordinance
3. CEQA Exemption

* STAFF NOTE: NOT ATTACHED
HERE. AVAILABLE FOR REVIEW
AT COMMISSION'S SANTA CRUZ
OFFICE.

ORDINANCE NO. 4661

**ORDINANCE AMENDING CHAPTER 18.10
OF THE SANTA CRUZ COUNTY CODE REINSTATING THE PLANNED UNIT
DEVELOPMENT ORDINANCE**

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

SECTION I

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

18.10.180 -- PLANNED UNIT DEVELOPMENTS ("PUD's")

(a) Purpose

In certain instances the objectives of the zoning ordinance 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 this ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance although they deviate in certain respects from the zoning map and the district 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 any residential zoning district 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 in which the planned unit development is located.

SECTION II

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

18.10.181 -- PLANNED UNIT DEVELOPMENT APPLICATIONS

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 devote to residential use.

SECTION III

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

18.10.183 -- PLANNED UNIT DEVELOPMENT PERMIT FINDINGS

The Planning Commission may recommend the approval of a Planned Unit Development Permit as was applied for or in modified form if, on the basis of the application and evidence submitted, the Planning Commission makes the following findings in addition to the findings required by Section 18.10.230:

- (a) That the proposed location of the uses are in accordance with the objectives of the zoning ordinance 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 detriment to the public 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.
- (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 an environment of stable and desirable character consistent with the objectives of this Chapter.

- (e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures and 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 types or the variety of land use in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
- (g) That the proposed use is consistent with the General Plan/Local Coastal Program Land Use Plan.

SECTION IV

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

18.10.184 -- PLANNED UNIT DEVELOPMENT; OFFICIAL ACTION

- (a) Action by Planning Commission:

Following the 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 units development shall be in the form of a resolution recommending to the Board of Supervisors approval, with or without modifications, of the planned unit development.

- (b) Appeals of the Action of the Planning Commission:

If the Planning Commission recommends against a proposed planned unit development, it's action shall be final unless the matter is considered upon appeal or special consideration by the Board as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of planned unit developments which include land division applications shall be subject to the procedures of Section 14.10.312.

- (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 be

by adoption of an ordinance amending County Code Chapter 13.10 to establish specific zoning and site standards for the planned unit development.

(d) 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.

SECTION V

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

18.10.185 -- PLANNED UNIT DEVELOPMENT STANDARDS

(a) District Regulations:

Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking and off-street loading facilities and landscaped areas shall in the aggregate be at least equivalent to the standards prescribed by the regulations for the district in which the planned unit development is located.

(b) Density:

The average number of dwelling units per net acre shall not exceed the maximum number of dwelling units prescribed by the site regulations or the site area per dwelling unit regulation for the district in which the planned unit development is located subject, however, to the exception that the average number of dwelling units per developable acre may exceed the maximum number of dwelling units prescribed for a district by not more than ten percent in a planned unit development on a site of ten acres or more, but not to exceed the density specified by the General Plan/Local Coastal Program Land Use Plan.

(c) In "SU" Districts:

The development standards and density requirements of subsections (a) and (b) above shall not apply in the "SU" Districts wherein the standards and density must be consistent with the applicable General Plan/Local Coastal Program Land Use Plan, as determined the Planning Commission and the Board of Supervisors.

(d) In Residential Districts:

The following conditions shall be required in planned unit developments located in an "R-1", "RA", "RR" or "RM" district:

- (1) All products produced on the site of any of the permitted uses shall sold primarily at retail on the site where produced.
- (2) Not more than five persons shall be engaged in this production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains.
- (3) No uses shall be permitted and no process, equipment or materials shall be employed which is 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.
- (4) All planned unit developments shall meet the requirements of Chapter 13.11 - Site, Architectural and Landscape Design Review.

SECTION VI

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

18.10.332 -- PLANNED UNIT DEVELOPMENT HEARINGS

(a) Notice:

The Planning Commission shall hold a public hearing on each application for a planned unit development. Notice of said hearings shall be given as specified in Section 18.10.223.

(b) Hearing Procedure:

The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for its consideration. At the public hearing, the Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in Section 18.10.183.

SECTION VII

This ordinance shall take effect on the 31st day after the date of final passage outside the Coastal Zone, and upon certification by the California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED this 16th day of April, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: Pirie, Campos and Almquist
NOES: Wormhoudt and Beautz
ABSENT: None
ABSTAIN: None

JANET K. BEAUTZ

Chairperson of the Board of Supervisors

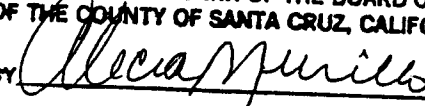
ATTESTED: **GAIL T. BORKOWSKI**
Clerk of the Board

APPROVED AS TO FORM:


County Counsel

DISTRIBUTION: County Counsel, Planning, CAO

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT
IS A CORRECT COPY OF THE ORIGINAL ON/FILE IN THE
OFFICE ATTEST MY HAND AND SEAL THIS 16th DAY
OF April, 2002
SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER
AND EX OFFICIO CLERK OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

BY  DEPUTY

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 ~~zoning ordinance~~ 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 ~~this ordinance~~ 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 ~~zoning ordinance~~ County Code although they deviate in certain respects from the zoning map and the underlying district 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 ~~any~~ residential 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 in which the planned unit development is located.

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). 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.

18.10.183 -- PLANNED UNIT DEVELOPMENT PERMIT FINDINGS

The Planning Commission (if recommending approval to the Board of Supervisors) or the Board of Supervisors may ~~recommend the approve~~ 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 ~~Planning Commission~~ approving body 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 ~~zoning ordinance~~ 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.
- (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 an development that is compatible with and integrated into the surrounding built and natural environment of stable and desirable character consistent with the objectives of the County Code ~~this Chapter~~.
- (e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, ~~and~~ 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/or~~ 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.
- (gh) That the proposed ~~use~~ development is consistent with the General Plan/Local Coastal Program Land Use Plan.

18.10.184 -- PLANNED UNIT DEVELOPMENT; OFFICIAL ACTION

- (a) Action by Planning Commission:

Following the 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 units development shall be in the form of a resolution recommending to the Board of Supervisors approval, with or without modifications, of the planned unit development.

(b) Appeals of the Action of the Planning Commission:

If the Planning Commission 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 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 14.4001.312.

(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 to establish specific zoning and site 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 be transmitted to the Coastal Commission.

(de) 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 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 text associated with a planned unit development ordinance.

18.10.185 PLANNED UNIT DEVELOPMENT STANDARDS

Departure from strict conformance with General Plan/Local Coastal Program Land Use Plan and County Code standards through a planned unit development permit is a privilege. The degree of departure from the required 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) and density (as specified in subsections (a) and (b) below) shall be roughly proportional to the 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, viewshed preservation and enhancement, etc.

(a) District Regulations:

Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking, ~~and~~ off-street loading facilities, and landscaped areas shall for each standard in the aggregate be within the allowed limit for that standard as at least equivalent to the standards prescribed by the regulations for the district in which the planned unit development is located.

(b) Density:

~~The average number of dwelling units allowed (per net developable acre and per minimum site area) may shall not exceed the maximum number of dwelling units prescribed by the General Plan/Local Coastal Program Land Use Plan and County Code site regulations or the site area per dwelling unit regulation 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 acres or more, up to ten 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 -subject, however, to the exception that the average number of dwelling units per developable acre may exceed the maximum number of dwelling units prescribed for a district by not more than ten percent in a planned unit development on a site of ten acres or more, but not to exceed the number of dwelling units density specified by the General Plan/Local Coastal Program Land Use Plan for the overall property.~~

~~(c) In "SU" Districts:~~

~~The development standards and density requirements of subsections (a) and (b) above shall not apply in the "SU" Districts wherein the standards and density must be consistent with the applicable General Plan/Local Coastal Program Land Use Plan, as determined the Planning Commission and the Board of Supervisors.~~

(dc) In Residential Districts Other Requirements:

The following conditions shall also be required in planned unit developments located in an "R-1", "RA", "RR" or "RM" district:

- (1) All products produced on the site of any of the permitted uses shall sold primarily at retail on the site where produced.
- (2) Not more than five persons shall be engaged in this production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains.
- (3) No uses shall be permitted and no process, equipment or materials shall be employed which is 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.
- (4) All planned unit developments shall meet the requirements of Chapter 13.11 - Site, Architectural and Landscape Design Review.

(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 and County Code standards designed to protect sensitive habitats, agriculture, views, and open space, shall continue to apply.

18.10.332 -- PLANNED UNIT DEVELOPMENT HEARINGS

(a) Notice:

The Planning Commission shall hold a public hearing on each application for a planned unit development. Notice of said hearings shall be given as specified in 18.10.223.

(b) Hearing Procedure:

The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for its consideration. At the public hearing, the Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in Section 18.10.183.

