

CALIFORNIA COASTAL COMMISSION

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

F3d**January 29, 2004 (for February 20, 2004 Hearing)****RECORD PACKET COPY****To:** Coastal Commissioners and Interested Persons**From:** Diane Landry, Central Coast District Manager
Dan Carl, Coastal Planner**Subject: Certification Review for Santa Cruz County Local Coastal Program Amendment Number 1-02 Part 1 (Planned Unit Development Ordinance)**

At the September 2003 meeting in Eureka, the Coastal Commission approved, with suggested modifications, Santa Cruz County Local Coastal Program (LCP) Major Amendment Number 1-02 Part 1 adding planned unit development (PUD) ordinance text into the LCP. The PUD ordinance text allows 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 the PUD ordinance text 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 satisfy some larger community goal or objective; in this case, the PUD ordinance text includes objectives such as enhanced resource protection, exceptional public amenities, design excellence, affordable housing, and viewshed preservation and enhancement.

By action taken November 25, 2003, Santa Cruz County adopted the amending LCP text as directed by the Commission's suggested modifications (see exhibit 1). This action was taken within the required six month timeframe.

The Executive Director has determined that the actions taken by the County are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., February 20, 2004), and notification of this certification and Commission concurrence will be forwarded to the County.

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by Santa Cruz County to accept the Commission's suggested modifications for LCP Amendment 1-02 Part 1 are legally adequate.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the Santa Cruz County LCP as directed by the Commission's approval with suggested modifications of LCP Amendment 1-02 Part 1; the amended LCP will be certified as of today's date (i.e., February 20, 2004). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

Exhibit A: County's Acceptance of the Coastal Commission's Suggested LCP Modifications



California Coastal Commission
February 2004 Meeting in La Jolla

SCO LCPA 1-02 Part 1 (PUD) ED certification strfpt 2.20.2004.doc

Attachment 1

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

RESOLUTION NO. 344-2003

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

RESOLUTION ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S
MODIFICATIONS TO THE 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 meet 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 will not otherwise be achieved; 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, on April 16, 2002, the Board of Supervisors adopted the proposed new PUD Ordinance and directed staff to forward it to the California Coastal Commission for their consideration and certification as a Local Coastal Program (LCP) Implementation Plan amendment; and

WHEREAS, on September 10, 2003, the California Coastal Commission denied proposed LCP Amendment 1-02 Part 1 (PUD Ordinance) as submitted, but voted to approve it if the Coastal Commission's suggested modifications were to be adopted by the County; and

WHEREAS, the Coastal Commission modifications primarily consist of minor clarifications to the ordinance text, and specify that the PUD Ordinance applies to residential districts only, and 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 PUD Ordinance is consistent with the County's

General Plan/LCP, and provide specificity regarding the way the PUD process relates to coastal permit and LCP amendment processes; and

WHEREAS, Planning Department staff has reviewed and is in concurrence with the Coastal Commission's suggested modifications; and

WHEREAS, the County has six months from the date of the CCC action (i.e., until March 10, 2004) in which to adopt the LCP amendment with the suggested modifications, and the proposed LCP amendment cannot be certified by the CCC unless and until the County adopts the suggested modifications and the CCC subsequently determines that the actions taken by the County in this respect are legally adequate; 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 the County's Planned Unit Development Ordinance, County Code Section 18.10.180 through 18.10.185, and Section 18.10.332, as modified by the California Coastal Commission, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes resubmittal to the California Coastal Commission for final certification.

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 25th day of November, 2003 by the following vote:

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

ELLEN PIRIE

Chairperson of the Board of Supervisors

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

APPROVED AS TO FORM: *David Kauder*
County Counsel

cc: County Counsel
Planning Department

Exhibits:

STATE OF CALIFORNIA) COUNTY OF SANTA CRUZ) ss 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 the 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>11/26</u> 20 <u>03</u> SUSAN A. MAURIELLO, County Administrative Officer By: <u><i>Sharon Stetzel</i></u> Deputy

1-A: California Coastal Commission Modifications to Previously Approved Planned Unit Development Ordinance

CCC Exhibit A
(page 2 of 7 pages)

**Coastal Commission's Suggested Modifications to
Major LCP Amendment 1-02 (Part 1) – Planned Unit Development Ordinance**

(Coastal Commission Deletions in ~~Strikeout~~, Additions Underlined)

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:

CCC Exhibit A
(page 3 of 7 pages)

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 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~~ 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~~ 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, 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 also be subject to the procedures of Section 14.1001.312.

(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.

(e) 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 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.
- (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.