

**SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET**

Creation Date: 1/22/14
Source Code: PLANN
Agenda Date: 1/28/14
INVENUM: 68738
Resolution(s): 16-2014

Ordinance(s):

Contract(s):

Continue Date(s): [1] 2/11/14

Index: --Letter of the Planning Director, dated January 10, 2014
--Proposed resolution
--General Plan/Local Coastal Program amendment (clean and strike-through versions)
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--Planning Commission letter from meeting of December 11, 2013
--Board letter from meeting of November 5, 2013
--Letters of Wittwer & Parkin
--Letter of Wittwer/Parkin dated January 23, 2014

Item: 57. CONTINUED public hearing to consider amendments to General Plan/Local Coastal Program Policy 2.16.7 and Chapter 13.10 of the Santa Cruz County Code to modify standards for hotels and motels in commercial districts. Chapter 13.10 is a coastal implementing ordinance;
(1) reopened the November 5, 2013 public hearing on the proposed General Plan/LCP and ordinance amendments;
(2) closed public hearing;
(3) ADOPTED RESOLUTION NO. 16-2014 adopting the Negative Declaration (Attachment 6), approving the General Plan/LCP amendment (Attachment 2);
(4) approved "in concept" the proposed ordinance amendments to return on February 11, 2014 for a second reading in order to finalize the amendment process; and
(5) directed staff to submit the General Plan/LCP and ordinance amendments to the Coastal Commission



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

0315

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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

January 10, 2014

APPROVED AND FILED
BOARD OF SUPERVISORS

AGENDA DATE: January 28, 2014

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

DATE: 1/28/14
COUNTY OF SANTA CRUZ
SUSAN MAURIELLO
EX-OFFICIO CLERK OF THE BOARD
BY: *[Signature]* DEPUTY

CONTINUED PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE COUNTY GENERAL PLAN AND CHAPTER 13.10 OF THE COUNTY CODE TO MODERNIZE HOTEL DEVELOPMENT STANDARDS

Members of the Board:

On November 5, 2013, your Board held a public hearing to consider amendments to the General Plan and County Code that would modernize hotel development standards. Your Board modified the proposed amendments and directed staff to return to the Planning Commission for consideration and recommendation of the modifications.

The Planning Commission reviewed your Board's modifications at a public hearing on December 11, and voted unanimously to recommend adoption of the proposed amendments as modified. The Commission also determined that the proposed modifications do not require recirculation of the Negative Declaration.

Background

The proposed amendment was developed to establish hotel development standards that are more consistent with current hotel industry standards and the land use codes of many other jurisdictions. The amended code would rely on minimum setbacks, maximum height, parking requirements, environmental constraints, and design review to limit the intensity of development, rather than relying on a prescribed density to limit the number of rooms. The proposed amendment would establish parking standards for hotels in commercial districts that reflect common sense and evidence-based parking demand. A review of recent hotel development in the incorporated areas of the County showed that the average room density of new facilities is roughly half the minimum County standard (Attachment 7). The county parking standard for extended stay hotels, which often have rooms greater than 400 square feet in area, can be twice that of other jurisdictions.

Your Board held the first public hearing regarding the proposed ordinance on October 1, 2013, and continued the hearing to November 5, 2013, to allow staff to develop a response to public comments that were received shortly before the initial hearing. On November 5, your Board reviewed the proposed ordinance and took action to remand it back to the Planning Commission with revisions inserted to address public and Coastal Commission concerns.

Modifications to the Proposed Ordinance

The modifications incorporated into the proposed ordinance (Attachment 4; strikeout in Attachment 5) before your Board have not changed since your Board's review on November 5, and are as follows:

- Stories. The original amendment would have removed limits on the number of stories but retained existing height restrictions. Under current code, commercial buildings are limited to 35 feet, and an increase to a maximum height of 40 feet may be allowed with a discretionary permit approved by the Zoning Administrator at a public hearing. The modified amendment would allow a hotel or motel to exceed three stories only if approved in conjunction with a discretionary permit application to increase the height limit.
- Employee housing. The original ordinance would have allowed any number of employee housing units based on demonstrated need. The proposed modification would limit hotel employee housing on commercial parcels to one dwelling unit.
- Low-cost accommodations. On request of the Coastal Commission, the proposed General Plan amendment was modified to require that the Visitor Accommodations zone district "shall, as feasible, protect, encourage and provide lower cost visitor-serving uses." The current County Code requires that "a diversity of all types of visitor accommodations shall be provided in the Coastal Zone." The proposed ordinance was modified to specify that hotel or motel development in commercial districts shall be reviewed to ensure that lower cost visitor-serving uses shall, as feasible, be protected, encouraged and provided..

CEQA

The differences between the amendments proposed on October 1st and the modified versions make the proposed regulations more stringent and therefore do not create any potentially significant impacts. Recirculation of the Initial Study and proposed Negative Declaration is not required.

A proposed Initial Study / Negative Declaration (IS/ND, Attachment 6) based on the original proposal to modernize hotel regulations was first provided to your Board for the October 1st hearing. The law firm of Wittwer / Parkin commented (Attachment 11) that the impacts associated with the proposed amendments were potentially significant and an Environmental Impact Report should be prepared. Staff reviewed the Wittwer / Parkin letters and recommended no change to the IS/ND. Staff responses to Wittwer / Parkin were presented in the staff letter to your Board on November 5 (Attachment 10) and in the letter to the Planning Commission on its agenda of December 11, 2013 (Attachment 9).

Conclusion and Recommendations

As stated in the Board letter of November 5, the proposed ordinance amendments would modernize County standards, and remove the density standard for "Type A" hotel development in Visitor Accommodations (VA), Tourist Commercial (CT) and Community Commercial (C-2) zone districts. The proposed amendments would bring the County Code into closer alignment with industry standards and the approach taken by many jurisdictions, including cities within Santa Cruz County.

It is therefore RECOMMENDED that your Board take the following actions:

1. Reopen the public hearing on the proposed General Plan / LCP and ordinance amendments;
2. Adopt the Resolution (Attachment 1) adopting the Negative Declaration (Attachment 6), approving the General Plan / LCP amendment (Attachment 2);
3. Approve in concept the proposed ordinance amendments (Attachment 4);
4. Direct the Clerk of the Board to bring the ordinance back to your Board for a second reading on the next meeting agenda in order to finalize the amendment process; and
5. Direct staff to submit the General Plan / LCP and ordinance amendments to the Coastal Commission.

Sincerely,


KATHY M. PREVISICH
Planning Director

RECOMMENDED,


SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Resolution adopting the Negative Declaration and approving the GP / LCP Amendment
2. General Plan / LCP amendment
3. General Plan / LCP amendment, strikeout version
4. Proposed ordinance
5. Proposed ordinance, strikeout version
6. Initial Study / Negative Declaration (Printed packets include summary only. Complete IS / ND available on Planning Department home page.)
7. Graph: Parcel area per unit of area hotels built or approved, 2000-2013
8. Planning Commission Resolution #2013-17 of December 11, 2013
9. Planning Commission letter from meeting of December 11, 2013
10. Board of Supervisors letter from meeting of November 5, 2013
11. Letters from Wittwer & Parkin (Due to its length, letter of November 4, 2013, available online only, in Board of Supervisors agenda for January 28).

cc: County Counsel

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

RESOLUTION NO. 16-2014

On the motion of Supervisor Coonerty
duly seconded by Supervisor McPherson
the following is adopted:

**RESOLUTION ADOPTING AN INITIAL STUDY / NEGATIVE DECLARATION; AND AMENDING
POLICY 2.16.7 AND ASSOCIATED PROGRAM "A" OF THE GENERAL PLAN / LOCAL
COASTAL PROGRAM TO ELIMINATE DENSITY STANDARDS FOR HOTELS AND MOTELS IN
COMMERCIAL ZONING DISTRICTS, AMENDING COUNTY CODE CHAPTER 13.10 TO
REMOVE DENSITY STANDARDS, ALLOWING LIMITED CONSIDERATION OF FOUR
STORIES AS A HEIGHT EXCEPTION, AND REVISING PARKING STANDARDS FOR HOTELS
AND MOTELS IN COMMERCIAL DISTRICTS**

WHEREAS, hotels and motels provide public access to recreation opportunities and are a key component of Santa Cruz County's tourism economy; and serve other needs of visitors for accommodation within Santa Cruz; and

WHEREAS, the importance of a wide diversity of types of overnight accommodations is recognized by Policy 2.16.3 of the County General Plan / LCP, which mandates that a variety of visitor-serving uses be allowed in the Visitor Accommodations designation; and

WHEREAS, Coastal Act section 30213 requires protection, encouragement and provision of lower cost visitor and recreational facilities as feasible; and

WHEREAS, hotel and motel development must conform with design review guidelines, site development standards and parking regulations in the Santa Cruz County Code; and

WHEREAS, the standards in the Santa Cruz County Code regarding density for hotel rooms are not in alignment with modern industry standards, and specifically are inconsistent with the regulations of neighboring city jurisdictions in Santa Cruz County, and of other California coastal communities; and

WHEREAS, the Zoning Ordinance contains maximum height limitations expressed as a maximum number of feet, but also as number of stories; and it is desirable to allow for flexibility and the possibility of a fourth story within the existing regulations and existing maximum number of feet for commercial developments through the height exceptions process, which requires Zoning Administrator approval and findings for approval of any height exception; and

WHEREAS, the current parking standard for hotels and motels exceeds evidence-based standards, does not align with parking requirements in neighboring jurisdictions, penalizes installation of suites and extended stay accommodations, and does not factor in annual occupancy rates that at times are below 65%; and

WHEREAS, the county's existing standards restricting the site density of visitor accommodation units, limiting the number of stories and imposing excessive parking requirements may be making it more difficult for the hotel industry to propose hotel projects that would contribute to the supply of modern hotel rooms with adequate amenities in the unincorporated County; and

WHEREAS, visitor accommodations with kitchens can be more affordable for visitors desiring extended stays, and current room number and room size restrictions that apply to certain⁰³¹⁹ Type A visitor accommodation units may inhibit provision of such accommodations in the C-2, VA and CT commercial districts and thereby may inhibit implementation of Coastal Act section 30213, addressing lower cost visitor and recreational facilities; and

WHEREAS, revising the parking standard for hotels and motels and providing a process for consideration of an additional story if existing height limits and other requirements are met, which would apply to hotels and motels on commercially zoned properties where zoning allows hotel and motel development (VA, C-2, and CT), and removing the density standard for those projects, may improve the feasibility of constructing modern, diverse and affordable hotel and resort accommodations without compromising design quality or reducing neighborhood compatibility; and

WHEREAS, at its regular meeting on September 11, 2013, the Planning Commission conducted a duly noticed public hearing to consider proposed amendments to chapter 13.10 of the County Code, Policy 2.16.7 of the General Plan / LCP and Program "a" under Objective 2.16 of the General Plan / LCP, that would affect hotel and motel room density, parking standards and story limits, and considered all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission adopted Resolution 2013-13 on September 11, 2013, finding the proposed amendments to the Santa Cruz County Code to be consistent with other provisions of the County Code, with the policies of the GP/LCP and with State law; and further finding that the proposed ordinance amendments comprise amendments to the County Local Coastal Program and were consistent with the California Coastal Act; and recommending that the Board of Supervisors adopt the Initial Study / Negative Declaration (Attachment 6 of Board materials), approve the proposed amendments to the County General Plan and Local Coastal Program (Attachment 2 of Board materials), adopt the proposed ordinance amendments (Attachment 4 of Board materials) and submit the amendments to the Coastal Commission; and

WHEREAS, at public hearing on November 5, 2013, continued from October 1, 2013, the Board of Supervisors reviewed the proposed ordinance and GP / LCP amendments recommended by the Planning Commission, along with modifications proposed subsequent to the Planning Commission hearing on September 11th, and took action to remand the proposed modifications back to the Planning Commission for review and recommendation, and continued the public hearing before the Board of Supervisors to January 28, 2014; and

WHEREAS, at its regular meeting on December 11, 2013, the Planning Commission reviewed the currently proposed modifications to the previously reviewed ordinance and GP/LCP amendments relating to visitor accommodations in commercial districts; and

WHEREAS, the Planning Commission adopted resolution 2013-17 (Attachment 8 of Board materials) on December 11, 2013, finding that the proposed ordinance amendments with the proposed modifications, and proposed GP/LCP amendments with the proposed modifications, are consistent with the policies of the GP/LCP and with State law; that the proposed ordinance amendments as modified and amendments to the GP/LCP as modified are consistent with the California Coastal Act; and recommending that the Board of Supervisors: determine that the proposed modifications to the proposed ordinance and GP/LCP amendments do not create any potentially environmental impacts and that recirculation of the Negative Declaration is not required; approve the proposed amendments to the County General Plan and Local Coastal Program as modified (Attachment 2 of Board materials), adopt the proposed ordinance amendments as modified (Attachment 4 of Board materials) and submit the amendments to the Coastal Commission; and

WHEREAS, environmental review was completed for the proposed amendments, and the County of Santa Cruz Environmental Coordinator has determined that the proposed ordinance and amendments to the General Plan and Local Coastal Program will not have a significant impact on the environment, and a Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), which was circulated for public comment and review as required, and all public comments received regarding the environmental review have been considered and do not change the determination that no significant impacts will result from this project; and 0320

WHEREAS, the Board of Supervisors finds that the proposed amendments to the County Code and to the General Plan / LCP are consistent with all other provisions of the County Code and the General Plan / LCP, and with State law; and

WHEREAS, Chapter 13.10 of the County Code is an implementing ordinance of the LCP and amendments of these chapters constitute amendments to the LCP; and

WHEREAS, the Board of Supervisors finds that the proposed ordinance amendments and proposed GP / LCP amendments, as modified, are consistent with the Coastal Act;

WHEREAS, at its regular meeting of January 28, 2014, the Board of Supervisors re-convened the public hearing continued from November 5, 2013, to consider the recommendation of the Planning Commission, the proposed ordinance and GP/LCP amendments as modified, and the proposed adoption of the Negative Declaration, and considered the documents and public testimony prior to taking action; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors hereby adopts the Negative Declaration, and approves the General Plan and Local Coastal Program amendment, based on the following findings:

1. The Project that was the subject of environmental review includes but is not limited to the following components:

Amend Policy 2.16.7 and associated Program "a" of the General Plan / Local Coastal Program, and amend County Code Chapter 13.10, to remove density standards for Type A hotels and motels in commercial zoning districts, to allow limited consideration of four stories within the existing maximum number of feet through the height exception process, and to revise parking standards for hotels and motels in commercial districts.
2. Environmental review completed for the Project determined that the proposed project will not have a significant impact on the environment, and therefore a Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA), which was circulated for public comment and review. All public comments received regarding the environmental review have been considered and do not change the determination that no significant impacts will result from this project. The Board of Supervisors has considered the Negative Declaration and all public comments, and through adoption of this resolution hereby adopts the Negative Declaration.
3. The Board of Supervisors finds that the proposed modifications to the proposed General Plan and County Code amendments do not require recirculation of the Negative Declaration, as the proposed changes only render the proposed amendments more protective of the environment, consistent with California Environmental Quality Act Guidelines §15073.5(c)(2); and

0321

4. The Board of Supervisors determines that adoption of the proposed ordinance and proposed GP/LCP amendments regarding hotel standards does not have the potential for effects on fish, wildlife or habitats, as there are no reasonably foreseeable hotel or visitor accommodations projects that may occur as a result of adoption of the ordinance, and any future projects will be subject to environmental review and determinations regarding whether the projects have the potential for effects on fish, wildlife or habitats;
5. The Board of Supervisors finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Negative Declaration reflects the independent judgment and analysis of the County of Santa Cruz.
6. The Board of Supervisors has considered the whole record and through adoption of this resolution hereby adopts the proposed amendment to General Plan / LCP Policy 2.16.7 and related Program "a" listed under General Plan / LCP Objective 2.16, and directs staff to submit the adopted amendments to the California Coastal Commission.
7. The Board of Supervisors has determined that outside the Coastal Zone the proposed amendments to the General Plan and County Code shall take effect on the 31st day after the date of final passage, and inside the Coastal Zone the amendments shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.
8. The material which constitutes the record of proceedings upon which the Board of Supervisor's decision is based shall be located in the offices of the Planning Department, located at 701 Ocean Street Santa Cruz, California.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 28th day of January, 2014, by the following vote:

AYES:	SUPERVISORS	Coonerty, McPherson and Friend
NOES:	SUPERVISORS	Leopold and Caput
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

TESS FITZGERALD

ATTEST: _____
Clerk of the Board


APPROVED AS TO FORM:

Office of County Counsel

DISTRIBUTION: County Counsel
Planning Department

ZACH FRIEND

Chairperson of the Board of Supervisors

STATE OF CALIFORNIA)	ss
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 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>1/28</u> 20 <u>14</u> .		
SUSAN A. MAURIELLO, County Administrative Officer		
By		Deputy

GENERAL PLAN / LOCAL COASTAL PROGRAM AMENDMENT

0322

2.16.7 Design of Visitor Accommodations

(LCP) Ensure quality of design for visitor accommodations through Commercial Development Permit procedures, including the Zoning ordinance, to regulate density as appropriate, signage, landscaping, buffering, on-site circulation and access, parking, and site and building design.

Program “a” under Objective 2.16, Visitor Accommodations Designation (C-V)

- a. Maintain a Visitor Accommodations zone district as part of the Santa Cruz County Code to implement the Visitor Accommodations land use designation which provides for a variety of overnight or extended stay lodging for visitors and which shall, as feasible, protect, encourage and provide lower cost visitor-serving uses. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)

STRIKEOUT / UNDERLINE VERSION, GENERAL PLAN / LCP AMENDMENT 0323**2.16.7 Design of Visitor Accommodations**

- (LCP)** Ensure quality of design for visitor accommodations through Commercial Development Permit procedures, including the Zoning ordinance, to regulate density as appropriate, signage, landscaping, buffering, on-site circulation and access, parking, and site and building design.

Program "a" under Objective 2.16, Visitor Accommodations Designation (C-V)

- a. Maintain a Visitor Accommodations zone district as part of the Santa Cruz County Code to implement the Visitor Accommodations land use designation. ~~The zone district shall specify allowable densities~~ which provides for a variety of overnight or extended stay lodging for visitors, and which shall, as feasible, protect, encourage and provide lower cost visitor-serving uses. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)

ORDINANCE No. _____

0324

**ORDINANCE AMENDING SECTIONS 13.10.333, 13.10.335, 13.10.355 AND 13.10.552
OF THE SANTA CRUZ COUNTY CODE RELATING TO VISITOR ACCOMMODATIONS**

SECTION I

Footnote 2 of Santa Cruz County Code Section 13.10.333(A) is hereby amended to read as follows:

- (2) Subject to exceptions as provided in subsections (B) and (C) of this section.

SECTION II

Section 13.10.333(C), "Development standards for commercial districts," of the Santa Cruz County Code is hereby amended to renumber existing section 13.10.333(C) to become section 13.10.333(D), and to amend section 13.10.333(C), to read as follows:

(C) Stories, Exception. In any applicable commercial zone district, a proposal to exceed three stories in a hotel or motel may be considered in conjunction with a proposal to increase the height limit by up to five feet pursuant to 13.10.510(D)(2).

(D) Other Regulations. Other development standards applicable to commercial zone districts are contained in the following sections of this code:

	SCCC
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(G)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

SECTION III

0325

Subsection (B) of Section 13.10.335 of the Santa Cruz County Code is hereby amended to read as follows:

(B) Visitor Accommodations Use Standards.

Visitor accommodations referenced in this section are as defined in 13.10.700-V, under "Visitor accommodations (VA) unit" and "Visitor accommodations, Types A and B."

(1) Allowed Densities.

(a) Type A visitor accommodations are not subject to a maximum density standard.

(b) Type B Visitor Accommodations.*

- | | |
|-----------------------|--|
| (i) RV or tent camps: | 1 site/1,300 net developable square feet |
| (ii) Hostels: | 1 bed/325 net developable square feet |
| (iii) Group quarters: | 2 beds/1,300 net developable square feet |

* Each square foot of net developable area shall be counted only once for the purpose of calculating the number of beds or the number of sites.

(c) Employee Housing.

All onsite residential units shall be reserved for exclusive use by owners and employees, shall not substantially reduce or degrade the use of the site for visitor accommodations, and shall comply with the following requirements:

- (i) Employees for Type A units: Maximum of one employee dwelling unit per site.
- (ii) Employees for Type B units: The number of employee dwelling units shall be based on a demonstrated need for residential employees and approval of such shall be stated as a permit condition. Permanent residential units for site personnel shall be in place of density credits for Type B visitor accommodations units at the rate of one kitchen and up to five permanent residents per 3,000 net developable square feet.

(d) Density Determinations.

- (i) All values given in SCCC 13.10.335(B)(1)(b) are maximums and may be reduced as follows:

A. When Type A uses are combined with Type B uses on a site, the total number of visitor accommodations rooms or units shall reflect service and access constraints, parking availability, environmental impact mitigation and compliance with SCCC Chapter 13.11.

B. Inside the Coastal Zone, the performance standards in Figure 2-5 in the Local Coastal Program Land Use Plan for priority accommodations sites also apply.

(2) Permit Review.

0326

(a) Development permits for visitor accommodations shall be evaluated for consistency with the following policies:

- (i) A diversity of all types of visitor accommodations shall be provided in the Coastal Zone consistent with Local Coastal Program Land Use Plan policy.
- (ii) Visitor accommodation projects on priority sites shall serve primarily the general public, rather than any particular group or organization.
- (iii) Visitor accommodations development in areas designated for neighborhood or community commercial use shall not adversely affect the integrity of retail commercial centers.
- (iv) Lower cost visitor-serving uses shall, as feasible, be protected, encouraged and provided.

(b) The following standards shall apply to all visitor accommodations projects and shall be incorporated into conditions of approval:

- (i) All visitor accommodations projects shall be managed for short-term occupancy with occupancy limited to not more than 29 consecutive days and limited to 29 days in any one calendar year by an individual or group of occupants, except that single-ownership units may be occupied by the owner(s) up to 45 days in any one calendar year.

A. Notwithstanding the foregoing, visitor accommodations described as follows may be occupied by the owner(s) up to 90 days in one calendar year: units located on coastal bluff property which has been the subject of litigation in which a remittitur was issued by the California Court of Appeal on or before April 25, 1983, in a decision requiring the County of Santa Cruz to grant either "compensating densities" in excess of "the base densities" thereon, or to grant "some other transfer of development rights," and which litigation has been settled by "Stipulation for Judgment and Judgment Thereon."

- (ii) Centralized, on-site management shall be provided at all times for the maintenance and operation of the visitor accommodations, related facilities, and the property. Such management may be provided by the property owner or by a separate management firm under contract. Plans for management shall be submitted to and approved by the Planning Director and a transient occupancy

tax permit obtained from the Treasurer-Tax Collector by such management prior to the issuance of building permits.

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- (iii) Deed restrictions running with the property and limiting use to short-term occupancy and providing for the maintenance of centralized rental and management of the facility shall be recorded prior to issuance of building permits.
- (iv) All visitor accommodations shall be subject to any County uniform transient occupancy tax ordinance or a special tax on time-share units, camping units, or other visitor accommodations. Reports of the occupancy of visitor accommodations together with payment of transient occupancy taxes or any other taxes due from the use of visitor accommodations shall be made in accordance with SCCC 4.24.080.

SECTION IV

Subsection (B) of Section 13.10.355 of the Santa Cruz County Code, "Special standards and conditions," is hereby amended to read:

(B) Permit Review.

- (1) Permits for Type A facilities and tent and RV camping sites shall be reviewed and conditioned as provided in SCCC 13.10.335(B)(2).
- (2) Permit conditions for hostels and group quarters shall be as follows:
 - (a) This permit shall run with the property owner and shall not be transferred without a permit amendment.
 - (b) A management plan shall be submitted to the Planning Director for review and approval prior to the issuance of a building permit or occupancy of an existing structure for this use.
 - (c) An annual report shall be prepared and submitted by the owner or his agent to the Planning Director to substantiate the occupancy and other conditions of this permit.
 - (d) This site is subject to an annual inspection for which a fee, set by the Board of Supervisors, may be charged.

SECTION V

In Subdivision (B) of Section 13.10.552, of the Santa Cruz County Code, the use, "Motels, hotels, lodging houses, visitor accommodations with or without kitchens" is hereby amended, and below it is hereby added the use "Motels, hotels and visitor accommodations Type A only, in the C-2, VA or CT districts" with specified parking requirements, to read as follows:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
Motels, hotels, lodging houses, visitor accommodations Types A and B, with or without kitchens (except Type A as below)	1 per habitable room as defined by 13.10.700-H	0.2 per unit and storage necessary to accommodate them; 2 minimum
Motels, hotels, and visitor accommodations Type A only, in the C-2, VA or CT districts	1 per visitor accommodations (VA) unit, as defined by 13.10.700-V but not including lodging houses. For parking purposes, VA studio units shall count as no less than one visitor accommodations unit in the C-2, VA and CT districts.	0.2 per unit and storage necessary to accommodate them; 2 minimum

SECTION VI

Outside the Coastal Zone this Ordinance shall take effect on the 31st day after the date of final passage. Inside the Coastal Zone it shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED this _____ day of _____, 2013, by the Board of Supervisors of the County of Santa Cruz by the following vote:

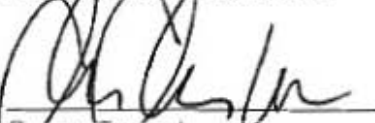
AYES: SUPERVISORS
 NOES: SUPERVISORS
 ABSENT: SUPERVISORS
 ABSTAIN: SUPERVISORS

 Chairperson, Board of Supervisors

ATTEST:

 Clerk of the Board

APPROVED AS TO FORM:


 County Counsel

Copies to: County Counsel
 Planning Department

0329

**Strikethrough / Underline Version of a Proposed Ordinance to Amend
Subdivisions 13.10.333, 13.10.335, 13.10.355 and 13.10.552 of the Santa Cruz County Code
Relating to Visitor Accommodations**

SECTION I

Footnote 2 of Santa Cruz County Code Section 13.10.333(A) is hereby amended to read as follows:

- (2) Subject to exceptions as provided in subsections (B) and (C) of this section.

SECTION II

Section 13.10.333(C), "Development standards for commercial districts," of the Santa Cruz County Code is hereby amended to renumber existing section 13.10.333(C) to become section 13.10.333(D), and to amend section 13.10.333(C), to read as follows:

(C) Stories. Exception. In any applicable commercial zone district, a proposal to exceed three stories in a hotel or motel may be considered in conjunction with a proposal to increase the height limit by up to five feet pursuant to 13.10.510(D)(2).

(D) Other Regulations. Other development standards applicable to commercial zone districts are contained in the following sections of this code:

	SCCC
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(G)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

SECTION III

Subsection (B) of Section 13.10.335 of the Santa Cruz County Code is hereby amended to read as follows:

- (B) Visitor Accommodations Use Standards.

Visitor accommodations referenced in this section are as defined in 13.10.700-V, under "Visitor accommodations (VA) unit" and "Visitor accommodations, Types A and B."

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(1) Allowed Densities-Chart.

Type	Density
A, with kitchens	1 habitable room/1,300 net developable square feet
A, without kitchens	1 habitable room/1,100 net developable square feet
B, RV or tent camps	1 site/1,300 net developable square feet
B, hostels	1 bed/325 net developable square feet
B, group quarters	2 beds/1,300 net developable square feet

(a) Type A visitor accommodation units are not subject to a maximum density standard.

(b) Type B Visitor Accommodations.*

(i) RV or tent camps:	<u>1 site/1,300 net developable square feet</u>
(ii) Hostels:	<u>1 bed/325 net developable square feet</u>
(iii) Group quarters:	<u>2 beds/1,300 net developable square feet</u>

* Each square foot of net developable area shall be counted only once for the purpose of calculating the number of beds or the number of sites.

(c) Employee Housing.

All onsite residential units shall be reserved for exclusive use by owners and employees, shall not substantially reduce or degrade the use of the site for visitor accommodations, and shall comply with the following requirements:

- (i) Employees for Type A units: Maximum of one employee dwelling unit per site.
- (ii) Employees for Type B units: The number of employee dwelling units shall be based on a demonstrated need for residential employees and stated as a permit condition. Permanent residential units for site personnel shall be in place of density credits for Type B visitor accommodations units at the rate of one kitchen and up to five permanent residents per 3,000 net developable square feet.

(d) Density Determinations.

- (i) All values given in SCCC 13.10.335(B)(1)(b) are maximums and may be reduced as follows:

A. When Type A uses are combined with Type B uses on a site, the total number of visitor accommodations rooms or units shall reflect service and access constraints, parking availability, environmental impact mitigation and compliance with SCCC Chapter 13.11.

B. Inside the Coastal Zone, the performance standards in Figure 2-5 in the Local Coastal Program Land Use Plan for priority accommodations sites also apply.

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~~(2) Density Calculations. Types of visitor accommodations may be combined; however, combined densities may not exceed the maximum allowed for the total number of net developable square footage on the property. All values given above are maximums and may be reduced based on services and access constraints, compatibility with adjacent land uses and neighborhood character, or adverse environmental impacts. Permanent residential units for site personnel shall be in place of density credits for visitor accommodations use at the rate of one kitchen and up to five permanent residents per 3,000 net developable square feet. A unit over 400 square feet in total square footage, including bathrooms and kitchens, creates a presumption of more than one habitable room. Inside the Coastal Zone, the performance standards in Figure 2-5 in the Local Coastal Program Land Use Plan for priority accommodations sites also apply.~~

(32) Permit Conditions Review. All development permits for visitor accommodations shall include the following conditions:

(a) Development permits for visitor accommodations shall be evaluated for consistency with the following policies:

- (i) A diversity of all types of visitor accommodations shall be provided in the Coastal Zone consistent with Local Coastal Program Land Use Plan policy.
- (ii) Visitor accommodation projects on priority sites shall serve primarily the general public, rather than any particular group or organization.
- (iii) Visitor accommodations development in areas designated for neighborhood or community commercial use shall not adversely affect the integrity of retail commercial centers.
- (iv) Lower cost visitor-serving uses shall, as feasible, be protected, encouraged and provided.

~~(a) All visitor accommodations units shall be managed for short-term occupancy with occupancy limited to not more than 29 consecutive days and limited to 29 days in any one calendar year by an individual or group of occupants, except that single ownership units may be occupied by the owner(s) up to 45 days in any one calendar year. Notwithstanding the foregoing, visitor accommodation units described as follows may be occupied by the owner(s) up to 90 days in one calendar year: units located on coastal bluff property which has been the subject of litigation in which a remittitur was issued by the California Court of Appeal on or before April 25, 1983, in a decision requiring the County of Santa Cruz to grant either "compensating densities" in excess of "the base densities" thereon, or to grant "some other transfer of development rights," and which litigation has been settled by "Stipulation for Judgment and Judgment Thereon."~~

(b) The following standards shall apply to all visitor accommodations projects and shall be incorporated into conditions of approval:

- (i) All visitor accommodations units projects shall be managed for short-term occupancy with occupancy limited to not more than 29 consecutive days and limited to 29 days in any one calendar year by an individual or group of occupants, except that single-ownership units may be occupied by the owner(s) up to 45 days in any one calendar year.

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A. Notwithstanding the foregoing, visitor accommodations ~~units~~ described as follows may be occupied by the owner(s) up to 90 days in one calendar year: units located on coastal bluff property which has been the subject of litigation in which a remittitur was issued by the California Court of Appeal on or before April 25, 1983, in a decision requiring the County of Santa Cruz to grant either "compensating densities" in excess of "the base densities" thereon, or to grant "some other transfer of development rights," and which litigation has been settled by "Stipulation for Judgment and Judgment Thereon."

~~(b) A rental contract for the short-term rental of all units shall be maintained at all times with a professional management firm approved by the County. Such contract shall contain occupancy restrictions for visitor accommodations units as specified in subsection (B)(3)(a) of this section. The rental contract shall be established prior to issuance of building permits for the project.~~

~~(e-ii)~~ Centralized, on-site management shall be provided at all times for the maintenance and operation of the visitor accommodations, related facilities, and the property. Such management may be provided by the property owner or by a separate management firm under contract. Plans for management shall be submitted to and approved by the Planning Director and a transient occupancy tax permit obtained from the Treasurer-Tax Collector by such management prior to the issuance of building permits.

~~(e-iii)~~ Deed restrictions running with the property and limiting use to short-term occupancy and providing for the maintenance of centralized rental and management of the facility shall be recorded prior to issuance of building permits.

~~(e-iv)~~ All visitor accommodations ~~units~~ shall be subject to any County uniform transient occupancy tax ordinance or a special tax on time-share units, camping units, or other visitor accommodations ~~units~~. Reports of the occupancy of visitor accommodations ~~units~~ together with payment of transient occupancy taxes or any other taxes due from the use of visitor accommodations ~~units~~ shall be made in accordance with SCCC 4.24.080.

~~(f) Visitor accommodation projects shall be evaluated to ensure that a diversity of all types of visitor accommodations is provided in the Coastal Zone consistent with Local Coastal Program Land Use Plan policy. Visitor accommodations projects on priority sites shall primarily provide accommodations available to the general public.~~

~~(g) Visitor accommodations development in areas designated for neighborhood or community commercial use shall not adversely affect the integrity of the retail commercial centers.~~

SECTION IV

Subsection (B) of Section 13.10.355 of the Santa Cruz County Code, "Special standards and conditions," is hereby amended to read:

(B) Permit Conditions Review.

(1) ~~The permit conditions in SCCC 13.10.335(B)(3) shall apply to the following types of visitor accommodations: Permits for Type A facilities, and tent and RV camping sites shall be reviewed and conditioned as provided in SCCC 13.10.335(B)(2).~~

(2) Permit conditions for hostels and group quarters shall be as follows:

(a) This permit shall run with the property owner and shall not be transferred without a permit amendment.

0333

- (b) A management plan shall be submitted to the Planning Director for review and approval prior to the issuance of a building permit or occupancy of an existing structure for this use.
- (c) An annual report shall be prepared and submitted by the owner or his agent to the Planning Director to substantiate the occupancy and other conditions of this permit.
- (d) This site is subject to an annual inspection for which a fee, set by the Board of Supervisors, may be charged.

SECTION V

In Subdivision (B) of Section 13.10.552, of the Santa Cruz County Code, the use, "Motels, hotels, lodging houses, visitor accommodations with or without kitchens" is hereby amended, and below it is hereby added the use "Motels, hotels, and visitor accommodations Type A only, in the C-2, VA or CT districts" with specified parking requirements, to read as follows:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
Motels, hotels, lodging houses, visitor accommodations Types A and B, with or without kitchens (except Type A as below)	1-1 per unit, or 1 per habitable room as defined by 13.10.700-H; whichever is more	0.2 per unit and storage necessary to accommodate them; with a 2 minimum of 2
Motels, hotels, and visitor accommodations Type A only, in the C-2, VA or CT districts	1 per visitor accommodations (VA) unit, as defined by 13.10.700-V but not including lodging houses. For parking purposes, VA studio units shall count as no less than one visitor accommodations unit in the C-2, VA and CT districts.	0.2 per unit and storage necessary to accommodate them; 2 minimum

SECTION VI

Outside the Coastal Zone this Ordinance shall take effect on the 31st day after the date of final passage. Inside the Coastal Zone it shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED this _____ day of _____, 2013, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
 NOES: SUPERVISORS
 ABSENT: SUPERVISORS
 ABSTAIN: SUPERVISORS

 Chairperson, Board of Supervisors

ATTACHMENT 6

ATTACHMENT 6, the Initial Study / Negative Declaration (IS/ND) for proposed amendments to the hotel ordinance and General Plan / LCP, is available online only. The IS/ND reviewed and recommended for adoption by the Planning Commission on September 11, 2013, and on December 11, 2013, is not proposed for revision or recirculation.

To view the draft Initial Study / Negative Declaration, go to the County of Santa Cruz Planning Department home page at <http://www.sccoplanning.com>. The IS/ND is the third item under News and Announcements.

The IS/ND is also part of the Board of Supervisors agenda packet. To see the identical copy there, go to the County Government Home Page. Under Popular Links, click on Board of Supervisors' Meeting Agendas & Minutes. Then click on Year 2014, January, and 01-28-2014. Find the Hotels item on the Regular Agenda, click on the agenda item number and scroll down to Attachment 6.

To request a paper copy of this document, please contact Jerry Busch, at 831-454-3234.

1/28/14
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COUNTY OF SANTA CRUZ 0336

RECEIVED
CLERK OF THE BOARD

JAN 29 2014

BOARD OF SUPERVISORS
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
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR
<http://www.sccoplanning.com/>

NEGATIVE DECLARATION

Owner/Applicant: County of Santa Cruz

Application No.: N/A

Staff Planner: Todd Sexauer; (831) 454-3511

Zone District: Multiple

Project Location: The proposed project is located in the unincorporated County of Santa Cruz and is applicable to "Type A" (lodging house/hotel/motel/inn/horizontal motel) visitor accommodation. The County of Santa Cruz is bounded on the north by San Mateo County, on the south by Monterey and San Benito counties, on the east by Santa Clara County, and on the south and west by the Monterey Bay and the Pacific Ocean.

Project Description: County General Plan Policy 2.16.7, associated program (a), and Section 13.10.335 of the County Code regulate the number of allowed hotel and motel rooms on any given parcel by requiring a minimum amount of net developable area for each room or unit. However, the County Code includes height limitations, minimum setbacks, design standards and parking requirements which also limit the number of allowed rooms. The proposed amendments, detailed below, are intended to preserve the limits imposed by the height limitations, minimum setbacks, design standards and parking requirements while removing the minimum required parcel area.

Specifically, the proposed amendments, which apply to Type A accommodations in the commercial districts VA, C-2, and CT would:

1. Remove the existing density requirement of 1,300 square feet per habitable room with a kitchen and 1,100 square feet per habitable room without a kitchen;
2. The number of stories would no longer be limited to three by the provision of subsection (A) of Section 13.10.333, but structures would remain subject to the limits on height in 13.10.333 and to design standards in Chapter 13.11;
3. Amend Sections 13.10.355 and 13.10.510 for consistency with the changes proposed in Section 13.10.335;
4. Reduce parking requirements from 1.1 spaces per unit to 1 space per unit as outlined in Subdivision (B) of Section 13.10.552, of the Code. Outside commercial districts, eliminate the 1.1 spaces per unit standard and rely solely on the existing standard requiring 1 space per habitable room.

The project will be considered at a public hearing by the County of Santa Cruz Planning Commission on September 11, 2013 and at a public hearing by the Board of Supervisors on October 1, 2013 in the Board of Supervisors Chambers. The time, date, and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.

California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and, that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Planning Department located at 701 Ocean Street, 4th Floor, Santa Cruz, California.

Review Period Ends: August 30, 2013

Note: This Document is considered Draft until it is Adopted by the Appropriate County of Santa Cruz Decision-Making Body

Date: 7/30/13

Todd Sexauer
TODD SEXAUER, Environmental Coordinator
(831) 454-3511



COUNTY OF SANTA CRUZ 0336

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
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 KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR
<http://www.sccoplanning.com/>

NEGATIVE DECLARATION

Owner/Applicant: County of Santa Cruz

Application No.: N/A

Staff Planner: Todd Sexauer; (831) 454-3511

Zone District: Multiple

Project Location: The proposed project is located in the unincorporated County of Santa Cruz and is applicable to "Type A" (lodging house/hotel/motel/inn/horizontal motel) visitor accommodation. The County of Santa Cruz is bounded on the north by San Mateo County, on the south by Monterey and San Benito counties, on the east by Santa Clara County, and on the south and west by the Monterey Bay and the Pacific Ocean.

Project Description: County General Plan Policy 2.16.7, associated program (a), and Section 13.10.335 of the County Code regulate the number of allowed hotel and motel rooms on any given parcel by requiring a minimum amount of net developable area for each room or unit. However, the County Code includes height limitations, minimum setbacks, design standards and parking requirements which also limit the number of allowed rooms. The proposed amendments, detailed below, are intended to preserve the limits imposed by the height limitations, minimum setbacks, design standards and parking requirements while removing the minimum required parcel area.

Specifically, the proposed amendments, which apply to Type A accommodations in the commercial districts VA, C-2, and CT would:

1. Remove the existing density requirement of 1,300 square feet per habitable room with a kitchen and 1,100 square feet per habitable room without a kitchen;
2. The number of stories would no longer be limited to three by the provision of subsection (A) of Section 13.10.333, but structures would remain subject to the limits on height in 13.10.333 and to design standards in Chapter 13.11;
3. Amend Sections 13.10.355 and 13.10.510 for consistency with the changes proposed in Section 13.10.335;
4. Reduce parking requirements from 1.1 spaces per unit to 1 space per unit as outlined in Subdivision (B) of Section 13.10.552, of the Code. Outside commercial districts, eliminate the 1.1 spaces per unit standard and rely solely on the existing standard requiring 1 space per habitable room.

The project will be considered at a public hearing by the County of Santa Cruz Planning Commission on September 11, 2013 and at a public hearing by the Board of Supervisors on October 1, 2013 in the Board of Supervisors Chambers. The time, date, and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.

California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and, that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Planning Department located at 701 Ocean Street, 4th Floor, Santa Cruz, California.

Review Period Ends: August 30, 2013

Note: This Document is considered Draft until it is Adopted by the Appropriate County of Santa Cruz Decision-Making Body

Date: 7/30/13

Todd Sexauer
 TODD SEXAUER, Environmental Coordinator
 (831) 454-3511



County of Santa Cruz 0335

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
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 KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that the County of Santa Cruz is proposing to adopt a Negative Declaration in accordance with Section 15072 of the California Environmental Quality Act for the following project. The proposed Mitigated Negative Declaration can be reviewed on the Internet at <http://www.sccoplanning.com>, and at the County of Santa Cruz Planning Department Records Room, 701 Ocean Street, 4th Floor, Santa Cruz, California 95060 during normal business hours. Comments on the proposed Negative Declaration must be sent to Todd Sexauer at the address listed above, and should reference "Visitor Accommodations Ordinance Amendment."

Owner/Applicant: County of Santa Cruz

Application No.: N/A

Staff Planner: Todd Sexauer; (831) 454-3511

Zone District: Multiple

Project Location: The proposed project is located in the unincorporated County of Santa Cruz and is applicable to "Type A" (lodging house/hotel/motel/inn/horizontal motel) visitor accommodation. The County of Santa Cruz is bounded on the north by San Mateo County, on the south by Monterey and San Benito counties, on the east by Santa Clara County, and on the south and west by the Monterey Bay and the Pacific Ocean.

Project Description: County General Plan Policy 2.16.7, associated program (a), and Section 13.10.335 of the County Code regulate the number of allowed hotel and motel rooms on any given parcel by requiring a minimum amount of net developable area for each room or unit. However, the County Code includes height limitations, minimum setbacks, design standards and parking requirements which also limit the number of allowed rooms. The proposed amendments, detailed below, are intended to preserve the limits imposed by the height limitations, minimum setbacks, design standards and parking requirements while removing the minimum required parcel area.

Specifically, the proposed amendments, which apply to Type A accommodations in the commercial districts VA, C-2, and CT would:

1. Remove the existing density requirement of 1,300 square feet per habitable room with a kitchen and 1,100 square feet per habitable room without a kitchen;
2. The number of stories would no longer be limited to three by the provision of subsection (A) of Section 13.10.333, but structures would remain subject to the limits on height in 13.10.333 and to design standards in Chapter 13.11;
3. Amend Sections 13.10.355 and 13.10.510 for consistency with the changes proposed in Section 13.10.335;
4. Reduce parking requirements from 1.1 spaces per unit to 1 space per unit as outlined in Subdivision (B) of Section 13.10.552, of the Code. Outside commercial districts, eliminate the 1.1 spaces per unit standard and rely solely on the existing standard requiring 1 space per habitable room.

Public Review Period and Comment: Written comments on the proposed Negative Declaration must be received no later than August 30, 2013 at 5:00 p.m. (a 30-day public review period beginning on August 1, 2013). For additional information, please contact Todd Sexauer, Environmental Coordinator at (831) 454-3201 or by e-mail at pln458@co-santa-cruz.ca.us. The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs or activities. If you require special assistance in order to review this information, please contact Bernice Romero at (831) 454-3137 (TDD number (831) 454-2123 or (831) 763-8123 to make arrangements.

Public Hearing: The project will be considered by the County of Santa Cruz Planning Commission on September 11, 2013, and at a public hearing by the Board of Supervisors on October 1, 2013 in the Board of Supervisors Chambers. The time has not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.

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County of Santa Cruz

PLANNING DEPARTMENT

0337

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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

www.sccoplanning.com

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ENVIRONMENTAL REVIEW INITIAL STUDY

Date: July 30, 2013

Application Number: N/A

Staff Planner: Todd Sexauer

Visitor Accommodations Ordinance Amendment

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT:

County of Santa Cruz

APN(s): Countywide

OWNER: N/A

SUPERVISORAL DISTRICT: All

PROJECT LOCATION: The proposed project is located in the unincorporated County of Santa Cruz and is applicable to "Type A" (lodging house/hotel/motel/inn/horizontal motel) visitor accommodation (Figure 1). The County of Santa Cruz is bounded on the north by San Mateo County, on the south by Monterey and San Benito counties, on the east by Santa Clara County, and on the south and west by the Monterey Bay and the Pacific Ocean.

SUMMARY PROJECT DESCRIPTION:

County General Plan Policy 2.16.7, associated program (a), and Section 13.10.335 of the County Code regulate the number of allowed hotel and motel rooms on any given parcel by requiring a minimum amount of net developable area for each room or unit. However, the County Code includes height limitations, minimum setbacks, design standards and parking requirements which also limit the number of allowed rooms. The proposed amendments, detailed below, are intended to preserve the limits imposed by the height limitations, minimum setbacks, design standards and parking requirements while removing the minimum required developable area and maximum number of stories.

Specifically, the proposed amendments, which apply to Type A accommodations in the commercial districts VA, C-2, and CT would:

1. Remove the existing density requirement of 1,300 square feet per habitable room with a kitchen and 1,100 square feet per habitable room without a kitchen;
2. The number of stories would no longer be limited to three by the provision of subsection (A) of Section 13.10.333, but structures would remain subject to the limits on height in 13.10.333 and to design standards in Chapter 13.11;

3. Amend Section 13.10.355 for consistency with the changes proposed in Section 13.10.335;
4. Reduce parking requirements from 1.1 spaces per unit to 1 space per unit as outlined in Subdivision (B) of Section 13.10.552, of the Code, for hotels and motels in commercial districts. Outside commercial districts, eliminate the 1.1 spaces per unit standard and rely solely on the existing standard requiring 1 space per habitable room.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: All of the following potential environmental impacts are evaluated in this Initial Study. Categories that are marked have been analyzed in greater detail based on project specific information.

- | | |
|--|---|
| <input checked="" type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Hydrology/Water Supply/Water Quality | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Greenhouse Gas Emissions |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Public Services |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Visual Resources & Aesthetics | <input checked="" type="checkbox"/> Utilities & Service Systems |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Land Use and Planning |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Population and Housing |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Mandatory Findings of Significance |

DISCRETIONARY APPROVAL(S) BEING CONSIDERED:

- | | |
|--|--|
| <input checked="" type="checkbox"/> General Plan/LCP Amendment | <input type="checkbox"/> Coastal Development Permit |
| <input type="checkbox"/> Land Division | <input type="checkbox"/> Grading Permit |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Riparian Exception |
| <input type="checkbox"/> Development Permit | <input checked="" type="checkbox"/> Other: Ordinance Amendment |

NON-LOCAL APPROVALS:

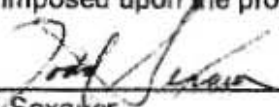
Other agencies that must issue permits or authorizations: California Coastal Commission

DETERMINATION: (To be completed by the lead agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

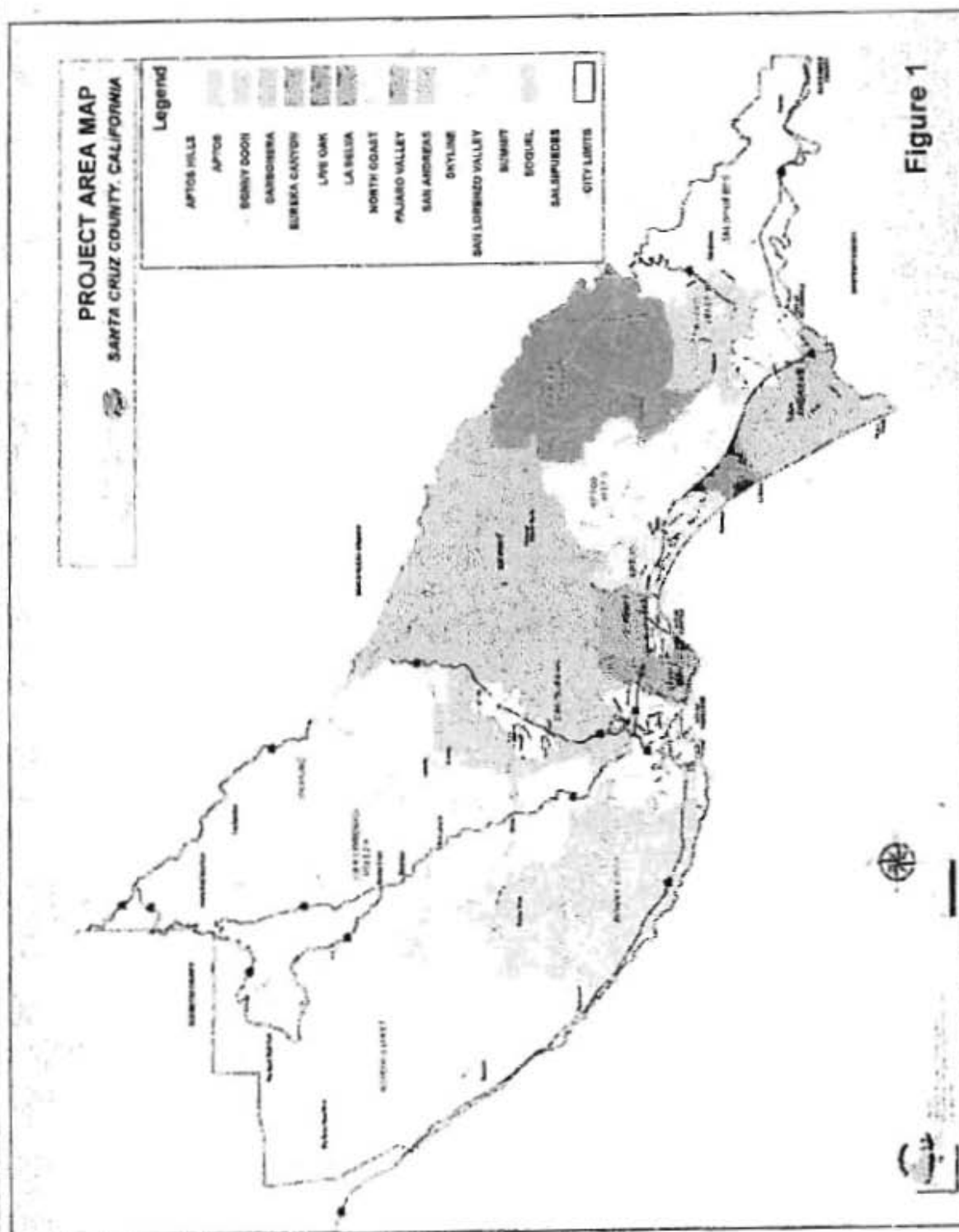


Todd Sexauer
Environmental Coordinator

7/30/13

Date

0340



Application Number: N/A

Visitor Accommodations Ordinance Amendment

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS:

Parcel Size (acres): Countywide

Existing Land Use: C-V, C-C, and C-N

Vegetation: N/A

Slope in area affected by project: ☐ 0 - 30% ☐ 31 - 100% ☒ N/A

Nearby Watercourse: Countywide

Distance To: N/A

ENVIRONMENTAL RESOURCES AND CONSTRAINTS:

Water Supply Watershed: N/A

Groundwater Recharge: N/A

Timber or Mineral: N/A

Agricultural Resource: N/A

Biologically Sensitive Habitat: N/A

Fire Hazard: N/A

Floodplain: N/A

Erosion: N/A

Landslide: N/A

Liquefaction: N/A

Fault Zone: N/A

Scenic Corridor: N/A

Historic: N/A

Archaeology: N/A

Noise Constraint: N/A

Electric Power Lines: N/A

Solar Access: N/A

Solar Orientation: N/A

Hazardous Materials: N/A

Other:

SERVICES:

Fire Protection: All

School District: All

Sewage Disposal: All

Drainage District: All

Project Access: N/A

Water Supply: Water Districts and
Private Wells

PLANNING POLICIES:

Zone District: see Table 1

General Plan: C-V, C-C, and C-N

Urban Services Line: ☒ Inside

Coastal Zone: ☒ Inside

Special Designation: None

☒ Outside

☒ Outside

ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:

Natural Environment

Santa Cruz County is uniquely situated along the northern end of Monterey Bay approximately 55 miles south of the City of San Francisco along the Central Coast. The Pacific Ocean and Monterey Bay to the west and south, the mountains inland, and the prime agricultural lands along both the northern and southern coast of the county create limitations on the style and amount of building that can take place. Simultaneously, these

natural features create an environment that attracts both visitors and new residents every year. The natural landscape provides the basic features that set Santa Cruz apart from the surrounding counties and require specific accommodations to ensure building is done in a safe, responsible and environmentally respectful manner.

The California Coastal Zone affects nearly one third of the land in the urbanized area of the unincorporated County with special restrictions, regulations, and processing procedures required for development within that area. Steep hillsides require extensive review and engineering to ensure that slopes remain stable, buildings are safe, and water quality is not impacted by increased erosion. The farmland in Santa Cruz County is among the best in the world, and the agriculture industry is a primary economic generator for the County. Preserving this industry in the face of population growth requires that soils best suited to commercial agriculture remain active in crop production rather than converting to other land uses.

PROJECT BACKGROUND:

The 1994 County of Santa Cruz General Plan Objective 2.16, Program (a) states, "Maintain a Visitor Accommodations zone district as part of the Santa Cruz County Code to implement the Visitor Accommodations land use designation. The zone district shall specify allowable densities for a variety of overnight or extended stay lodging for visitors." General Plan Policy 2.16.7 states, "Ensure quality of design for visitor accommodations through Commercial Development Permit procedures, including the Zoning Ordinance, to regulate density, signage, landscaping, buffering, on-site circulation and access, parking, and site and building design."

The existing General Plan language discussed above and Section 13.10.335 of the County Code are intended to regulate the density of visitor accommodations. However, existing height limitations, setbacks, design standards and parking requirements also serve to limit the number of rooms that may be developed. In order to allow potential project proponents to work within the parameters of height limits, design, and parking requirements, rather than parcel size, the proposal would remove the existing density requirements of 1,300 square feet per habitable room with a kitchen and 1,100 square feet per habitable room without a kitchen. This is a typical approach to regulating the intensity of visitor accommodation.

DETAILED PROJECT DESCRIPTION:

The Santa Cruz County Code currently limits hotel room density in commercial districts to one habitable room per 1,100 square feet of developable area (1,300 square feet if kitchens present), and considers a room greater than 400 square feet to be more than one room. These rules are inconsistent with the metrics and standards of modern hotel development in general, and with recent hotel developments that have occurred within the incorporated cities of Santa Cruz County. Seven hotels built or approved since 2000 within incorporated

areas of the County have had an average density of 1 unit/677 square feet. Hotel development in neighboring coastal counties and cities is regulated by site standards, parking requirements and design review rather than by density. Across the country, limits on hotel room density range from 250 to 600 square feet per room in the uncommon instances where such standards occur.

A limited number of new hotels have been approved and constructed in the unincorporated area of the county, particularly in the higher quality end of the market, and this has limited the County's ability to attract the demographic of the tourist market that can contribute most to local economic development.

The number of hotel rooms allowed on various parcels could increase through the removal of the density limitation, yet would remain constrained by setback requirements, design standards and availability of parking. Outside the Urban and Rural Services Lines, availability of services would be an additional limitation. The project consists of regulatory changes, which by themselves will have no physical effect on the environment. It is speculative how the proposed revisions would affect a particular development that might be proposed in the future on a particular parcel. However, to provide an overview of the parcels to which the revised regulations would apply, Table 1 has been prepared. Table 1 provides a list of existing commercial parcels allowing the visitor accommodations use within the unincorporated County. Note that approximately 20 of the 34 parcels are currently developed or partially developed with visitor accommodation uses.

The zoning ordinance also has a three-story limit on commercial buildings, which is in addition to an overall height limit of 35 feet. Currently, height may be extended by an additional five feet under the following circumstances as outlined in Section 13.10.510 of the County Code:

"In any commercial or industrial zone district, a building may exceed the height limit as established by the zone district by up to five feet, subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. In addition to the findings required in Chapter 18.10 SCCC for discretionary approvals, the project shall be subject to the following additional findings:

- (a) The additional height complements or completes the architectural design.
- (b) For properties located in the Coastal Zone, the proposed project complies with LCP policies, including policies protecting scenic corridors and public viewsheds."

The project proposes to delete the three-story limit for hotels and motels in commercial districts only. This would allow the possible design and construction of a four-story hotel as long as design standards and the overall existing height limit could be met. In most coastal jurisdictions, story limits occur only in special districts such as harbor or beach areas. The City of Santa Cruz, for example, limits hotels to two stories only in the harbor area. In the

County's jurisdiction, village plans, coastal regulations and Design Review already prescribe adequate design guidelines in special areas (13.20.130 through 13.20.147; 13.11).

Table 1: Existing Commercial Parcels Allowing the Visitor Accommodations Use

Planning Area	Assessor's Parcel Number	Address	General Plan	Zone	General Zone	USURP	Scenic	Use	Detail
Live Oak	026-031-13	2950 Sequel Av.	C-V	VA	Out	In/Out	Yes	Vacant Commercial	Yes
	026-031-14	2950 Sequel Av.	C-V	VA	Out	In/Out	Yes	Motel - 20 to 49 units	Yes
	026-201-08	841 7 th Av.	C-C	C-2-D	In	In/Out	No	Single family residence	Yes
	026-201-13	855 7 th Av.	C-C, O-U	C-2-D	In	In/Out	No	Vacant County Land	No
	026-261-16	901 7 th Av.	C-C, O-U	C-2-D	In	In/Out	No	Rural homesite - 5 to 19.99 acres	Partially
	026-261-17	905 7 th Av.	C-C, O-U	C-2-D	In	In/Out	No	Single family residence	Yes
	026-273-10	661 7 th Av.	C-V	VA	In	In/Out	No	Resort motel, cabins, etc	Yes
	026-273-11	645 7 th Av.	C-V	VA	In	In/Out	No	Resort motel, cabins, etc	Yes
	027-221-14	21345 E. Cliff Dr.	C-C	VA	In	In/Out	No	Motel - less than 20 units	Yes
	027-221-16	21305 E. Cliff Dr.	C-C	VA	In	In/Out	No	Motel - less than 20 units	Yes
	027-273-73	21515 E. Cliff Dr.	C-C	C-2	In	In/Out	No	Shopping center - minor	Yes
	028-091-24	2505 Portola Dr.	C-V, O-U	VA-D	In	In/Out	No	Overnight Travel Park	Yes
	028-091-25	2533 Portola Dr.	C-V, O-U	VA-D	In	In/Out	No	Single family residence	Yes
	028-161-02	401 Johan's Beach Dr.	C-C	VA	In	In/Out	No	Motel - 20 to 49 units	Yes
	028-161-12	21610 E. Cliff Dr.	C-C	VA	In	In/Out	No	Motel - less than 20 units	Yes
	028-164-13	21661 E. Cliff Dr.	C-C	VA	In	In/Out	No	Apartments - 21-40 units	Yes
Aptos	028-421-02	831 26 th Av.	C-V, O-U	VA, PR-PP	In	In/Out	No	Private camp ground	Yes
	039-201-32	7500 Old Dominion Ct.	C-V	VA	Out	In/Out	Yes	Motel - 50 units and over	Yes
	039-421-06	7500 Old Dominion Ct.	C-V	VA	Out	In/Out	Yes	Motel - 50 units and over	Yes
	041-011-34	9041 Sequel Dr.	C-C	C-2-L, C-2	Out	In/Out	No	Hotel	Yes
	042-021-14	234 State Park Dr.	C-N, C-V	C-1, VA	In	In/Out	No	Overnight Travel Park	Yes
	042-022-12	270 North Av.	C-V	VA	In	In/Out	Yes	Vacant Com. Land	No
	054-421-01	19 Seascape Village	C-V	VA	In	In/Out	Yes	Common area - roads and streets	Yes
	054-461-01	19 Seascape Village	C-V	VA	In	In/Out	Yes	Common area - with structures	Yes
	054-511-01	19 Seascape Village	C-V	VA	In	In/Out	Yes	Common area - with structures	Yes
	045-181-09	1537 San Andreas Rd.	C-V	VA	In	In/Out	No	Single family residence	Yes
La Selva Beach	045-181-10	1535 San Andreas	C-V	VA	In	In/Out	No	Motel - less than 20 units	Yes

Table 1: Existing Commercial Parcels Allowing the Visitor Accommodations Use

Planning Area	Accession Parcel Number	Acreage	Site Address	General Plan	Zone	Coastal Zone	USURFL	Spec. Use	Devel
Carbonera	060-251-02	3.80	556 Hwy 17 Rd.	C-V	VA	Out	In/Out	Motel - 50 units and over	Partially
	060-251-03	3.72	555 Hwy 17	C-V	VA	Out	In/Out	Motel - 50 units and over	Yes
	064-181-10	3.10	5250 Hwy 9	C-V	VA, SU, GH	Out	In/Out	Resort motel, cabins, etc	Partially
San Lorenzo Valley	084-272-01	8.07	4700 Hwy 9	C-N	CT-L	Out	Out/Out	Resort motel, cabins, etc	Partially
	078-182-03	1.21	9733 Hwy 9	C-V	VA	Out	Out/Out	Motel - 20 to 49 units	Yes
	078-273-15	5.21	8705 Hwy 9	C-V	VA	Out	Out/Out	Resort motel, cabins, etc	Yes
	082-231-13	0.93	13335 Hwy 9	C-C	C-2	Out	Out/In	Single Office	Partially
General Plan	Description	Description							
C-C	Community Commercial	Neighborhood Commercial							
C-V	Visitor Accommodations	Community Commercial							
O-U	Urban Open Space	Community Commercial with Designated Park Site Combining District							
C-N	Neighborhood Commercial	Community Commercial with Historic Landmark Combining District							
		Tourist Commercial with Historic Landmark Combining District							
		Parks, Recreation and Open Space							
		Pleasure Point Community Design Combining District							
		Visitor Accommodations							
		Visitor Accommodations with Designated Park Site Combining District							

Note:

1. USURFL - Urban Services Line/Rural Services Line

Source: County of Santa Cruz, 2013.

There are a number of difficulties with the current County parking standard for hotels and motels, which is 1 parking space per habitable room or 1.1 spaces per unit, whichever is greater. This standard does not align well with modern hotel products, which have a higher percentage of suites than in the past. When applied to suites, the parking requirement based on "habitable rooms" amounts to 2 spaces per unit in an all-suites hotel and about 1.2 spaces per unit in a hotel with 20 percent suites. Further, this standard does not consider the fact that the average annual occupancy rate of County hotels and motels is generally in the 60-65% range, specifically 60.5% in 2012 and projected 62% in 2013. Together these factors show that the parking requirement is overly conservative and this contributes to modern hotels being considered economically infeasible in the County. Lastly, the current parking standard exceeds most demand samples compiled by the Institute of Transportation Engineers (ITE). The ITE data suggest a peak-hour demand of 0.85 to 0.91 parking spaces per room, on average. Eighty-five percent of the 12 motels sampled by the ITE experienced peak demand below 0.85 spaces per room. High proportions of paved parking areas can reduce room counts, render projects infeasible, detract from the visual environment and affect water quality (Institute of Transportation Engineers, 2004).

In commercial districts, the project proposes to reduce "Type A" hotel parking requirements (including motels, hotels, lodging houses, and visitor accommodations with or without kitchens) from 1.1 spaces per unit to 1 space per unit as outlined in Subdivision (B) of Section 13.10.552, of the Santa Cruz County Code in the C-2, VA or CT districts. Outside commercial districts, the 1.1 spaces per unit standard would be eliminated, relying solely on the existing standard requiring 1 space per habitable room.

The following amendments are proposed to the Santa Cruz County Code and General Plan/Local Coastal Program. The amendments are shown in strikeout text for deletions and underlined text for additions.

Santa Cruz County Code

Footnote 2 of SCCC 13.10.333(a) is hereby amended to read as follows:

- (2) Subject to exceptions as provided in subsections (B) and (C) of this section.

Section 13.10.333 of the Santa Cruz County Code is hereby amended to renumber the existing section 13.10.333(C) to number 13.10.333(D), and to substitute a new section 13.10.333(C), to read as follows:

- (C) Stories, Exception. Hotels and motels in commercial districts are not subject to the story limits of 13.10.333(A), but remain subject to its height limits.
- (GD) Other regulations. Other development standards applicable to commercial zone districts are contained in the following sections of this code:

	SCCC
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(G)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

Subdivision (B)(1) of Section 13.10.335 of the Santa Cruz County Code is hereby amended to read as follows:

(B) Visitor Accommodations Use Standards

Visitor accommodation units referenced in this section are as defined in 13.10.700-V, under "Visitor accommodations (VA) unit" and "Visitor accommodations, Types A and B."

(1) Allowed Densities-Chart

Type	Density
A, with or without kitchens	1 habitable room/1,300 net developable square feet
A, without kitchens	1 habitable room/1,100 net developable square feet
B, RV or tent camps	1 site/1,300 net developable square feet
B, hostels	1 bed/325 net developable square feet
B, group quarters	2 beds/1,300 net developable square feet

(a) Type A Accommodation units are not subject to a maximum density standard.

(b) Type (B) Accommodations.*

(i) RV or Tent Camps: 1 site/1,300 net developable square feet

(ii) Hostels: 1 bed/325 net developable square feet

(iii) Group quarters: 2 beds/1,300 net developable square feet

*Each square foot of net developable area shall be counted only once for purposes of calculating the number of beds or the number of sites.

(c) Employee housing.

All onsite residential units shall be reserved for exclusive use by owners and employees, and shall not substantially reduce or degrade the use of the site for visitor accommodations.

(i) Employees for Type A units: approval of any number of employee dwelling units exceeding one shall be based on a demonstrated need for residential employees and stated as a condition of permit approval.

(ii) Employees for Type B units: the number of employee dwelling units shall be based on a demonstrated need for residential employees and approval of such shall be stated as a permit condition. Permanent residential units for site personnel shall be in place of density credits for Type B visitor accommodations units at the rate of one kitchen and up to five permanent residents per 3,000 net developable square feet.

(d) Density Determinations.

(i) All values given in SCCC 13.10.335(B)(1)(b) are maximums and may be reduced as follows:

A. When Type A uses are combined with Type B uses on a site, the total number of visitor accommodation units shall reflect service and access constraints, parking availability, environmental impact mitigation and compliance with SCCC Chapter 13.11.

B. Inside the Coastal Zone, the performance standards in Figure 2-5 in the Local Coastal Program Land Use Plan for priority accommodations sites also apply.

Subdivision (B)(2) of Section 13.10.335 of the Santa Cruz County Code is hereby deleted as follows:

~~(2) Density Calculations. Types of visitor accommodations may be combined; however, combined densities may not exceed the maximum allowed for the total number of net developable square footage on the property. All values given above are maximums and may be reduced based on services and access constraints, compatibility with adjacent land uses and neighborhood character, or adverse environmental impacts. Permanent residential units for site personnel shall be in place of density credits for visitor accommodations use at the rate of one kitchen and up to five permanent residents per 3,000 net developable square feet. A unit over 400 square feet in total square footage, including bathrooms and kitchens, creates a presumption of more than one habitable room. Inside the Coastal Zone, the performance standards in Figure 2-5 in the Local Coastal Program Land Use Plan for priority accommodations sites also apply.~~

Subdivision (B)(3) of Section 13.10.335 of the Santa Cruz County Code is hereby amended to read as follows:

~~(32) Permit-Conditions Review. All development permits for visitor accommodations shall include the following conditions:~~

(a) Development permits for visitor accommodations shall be evaluated for consistency with the following policies:

- (i) A diversity of all types of visitor accommodations shall be provided in the Coastal Zone consistent with Local Coastal Program Land Use Plan policy.
- (ii) Visitor accommodation projects on priority sites shall serve primarily the general public, rather than any particular group or organization.
- (iii) Visitor accommodations development in areas designated for neighborhood or community commercial use shall not adversely affect the integrity of retail commercial centers.

~~(a) All visitor accommodations units shall be managed for short-term occupancy with occupancy limited to not more than 29 consecutive days and limited to 29 days in any one calendar year by an individual or group of occupants, except that single-ownership units may be occupied by the owner(s) up to 45 days in any one calendar year. Notwithstanding the foregoing, visitor accommodation units described as follows may be occupied by the owner(s) up to 90 days in one calendar year: units located on coastal bluff property which has been the subject of litigation in which a remittitur was issued by the California Court of Appeal on or before April 25, 1983, in a decision requiring the County of Santa Cruz to grant either "compensating densities" in excess of "the base densities" thereon, or to grant "some other transfer of development rights," and which litigation has been settled by "Stipulation for Judgment and Judgment Thereon."~~

(b) The following standards shall apply to all visitor accommodations units and shall be incorporated into conditions of approval:

- (i) All visitor accommodations units shall be managed for short-term occupancy with occupancy limited to not more than 29 consecutive days and limited to 29 days in any one calendar year by an individual or group of occupants, except that single-ownership units may be occupied by the owner(s) up to 45 days in any one calendar year.

A. Notwithstanding the foregoing, visitor accommodation units described as follows may be occupied by the owner(s) up to 90 days in one calendar year: units located on coastal bluff property which has been the subject of

litigation in which a remittitur was issued by the California Court of Appeal on or before April 25, 1983, in a decision requiring the County of Santa Cruz to grant either "compensating densities" in excess of "the base densities" thereon, or to grant "some other transfer of development rights," and which litigation has been settled by "Stipulation for Judgment and Judgment Thereon."

- ~~(b) A rental contract for the short-term rental of all units shall be maintained at all times with a professional management firm approved by the County. Such contract shall contain occupancy restrictions for visitor accommodations units as specified in subsection (B)(3)(a) of this section. The rental contract shall be established prior to issuance of building permits for the project.~~
- ~~(e-ii)~~ Centralized, on-site management shall be provided at all times for the maintenance and operation of the visitor accommodations, related facilities, and the property. Such management may be provided by the property owner or by a separate management firm under contract. Plans for management shall be submitted to and approved by the Planning Director and a transient occupancy tax permit obtained from the Treasurer-Tax Collector by such management prior to the issuance of building permits.
- ~~(d-iii)~~ Deed restrictions running with the property and limiting use to short-term occupancy and providing for the maintenance of centralized rental and management of the facility shall be recorded prior to issuance of building permits.
- ~~(e-iv)~~ All visitor accommodations units shall be subject to any County uniform transient occupancy tax ordinance or a special tax on time-share units, camping units, or other visitor accommodation units. Reports of the occupancy of visitor accommodations units together with payment of transient occupancy taxes or any other taxes due from the use of visitor accommodations units shall be made in accordance with SCCC 4.24.080.
- ~~(f) Visitor accommodation projects shall be evaluated to ensure that a diversity of all types of visitor accommodations is provided in the Coastal Zone consistent with Local Coastal Program Land Use Plan policy. Visitor accommodations projects on priority sites shall primarily provide accommodations available to the general public.~~
- ~~(g) Visitor accommodations development in areas designated for neighborhood or community commercial use shall not adversely affect the integrity of the retail commercial centers.~~

Subsection (B) of Section 13.10.355 of the Santa Cruz County Code, "Special standards and conditions," is hereby amended to read:

(B) Permit Conditions Review.

- (1) ~~The permit conditions in SCCC 13.10.335(B)(3) shall apply to the following types of visitor accommodations:~~ Permits for Type A facilities, and tent and RV camping sites shall be reviewed and conditioned as provided in SCCC 13.10.335(B)(2).
- (2) Permit conditions for hostels and group quarters shall be as follows:
 - (a) This permit shall run with the property owner and shall not be transferred without a permit amendment.
 - (b) A management plan shall be submitted to the Planning Director for review and approval prior to the issuance of a building permit or occupancy of an existing structure for this use.
 - (c) An annual report shall be prepared and submitted by the owner or his agent to the Planning Director to substantiate the occupancy and other conditions of this permit.
 - (d) This site is subject to an annual inspection for which a fee, set by the Board of Supervisors, may be charged.

In Subdivision (B) of Section 13.10.552, of the Santa Cruz County Code, the use, "Motels, hotels, lodging houses, visitor accommodations with or without kitchens" is hereby amended, and below it is hereby added the use "motels and hotels (Type A only) in the C-2, VA or CT districts" with specified parking requirements, to read as follows:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
Motels, hotels, lodging houses, visitor accommodations with or without kitchens (except as below).	1.1 per unit, or 1 per habitable room, whichever is more (definition: 13.10.700-H)	0.2 per unit and storage necessary to accommodate them; with a 2 minimum of 2
<u>Motels, hotels and lodging houses (Type A only) in the C-2, VA or CT districts.</u>	<u>1 per visitor accommodation unit (For parking purposes, studios shall count as no less than one unit in C-2, VA and CT districts.)</u>	<u>0.2 per unit and storage necessary to accommodate them; 2 minimum</u>

Outside the Coastal Zone this Ordinance shall take effect on the 31st day after the date of final passage. Inside the Coastal Zone it shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.

Santa Cruz County General Plan and Local Coastal Program

The current Santa Cruz County General plan includes a program to 1) maintain a Visitor Accommodations zone district as part of the Santa Cruz County Code to implement the Visitor Accommodations land use designation, and 2) to require that the Visitor Accommodations zone district specify allowable densities for a variety of overnight or extended stay lodging for visitors. The proposed amendment would retain the program to maintain a Visitor Accommodations zone district, but would delete the program requirement that the Visitor Accommodations zoning district set limits that tie the maximum number of overnight accommodation units that can be allowed to the net developable site area. Rather, other existing limits on the number of rooms would be allowed to govern. Section 2.16.7 and Program (a) of the General Plan would be amended as follows:

2.16.7 Design of Visitor Accommodations

(LCP) Ensure quality of design for visitor accommodations through Commercial Development Permit procedures, including the Zoning ordinance, to regulate density as appropriate, signage, landscaping, buffering, on-site circulation and access, parking, and site and building design.

Program

- a. Maintain a Visitor Accommodations zone district as part of the Santa Cruz County Code to implement the Visitor Accommodations land use designation. ~~The zone district shall specify allowable densities for a variety of overnight or extended stay lodging for visitors.~~

(Responsibility: Planning Department, Planning Commission, Board of Supervisors)

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No Impact

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III. ENVIRONMENTAL REVIEW CHECKLIST

A. GEOLOGY AND SOILS

Would the project:

1. *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - A. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

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 - B. *Strong seismic ground shaking?*

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 - C. *Seismic-related ground failure, including liquefaction?*

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 - D. *Landslides?*

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Discussion (A through D): The project consists of regulatory amendments that would apply Countywide. However, all of the parcels that would be affected by the proposed project are located several miles from the San Andreas fault zone and the County mapped fault zone. While the San Andreas fault is larger and considered more active, each fault is capable of generating moderate to severe ground shaking from a major earthquake. Consequently, large earthquakes can be expected in the future. The October 17, 1989 Loma Prieta earthquake (magnitude 7.1) was the second largest earthquake in central California history.

The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval, and at that point site specific issues relating to soils and geology would be considered. In addition, future projects would be required to

comply with the California Building Code. No adverse impacts are anticipated.

2. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See response to A-1 above.

3. *Develop land with a slope exceeding 30%?*
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. Some existing parcels zoned to accommodate visitor accommodations may contain slopes exceeding 30 percent. All future projects would be required to meet the requirements of Chapter 16.20 of the County Grading Ordinance. In addition, future projects would be required to comply with the California Building Code. No adverse impacts are anticipated.

4. *Result in substantial soil erosion or the loss of topsoil?*
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See discussion under A-2 above. Best management practices would be implemented for any future development. No impacts from soil erosion or loss of topsoil would occur.

5. *Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?*
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. In addition, future development to construct or rehabilitate visitor accommodation would require the preparation of a soils report. The soils report would provide conditions of approval that

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No Impact

would mitigate the effects of expansive soils on future development. No adverse impacts are anticipated.

6. *Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems where sewers are not available?*

☐ ☐ ☒ ☐

Discussion: The majority of visitor accommodation properties are located within the Urban Services Line and have access to sanitary sewer. However, future projects that require the installation of septic systems would be required to acquire an Individual Sewage Disposal System permit from the County of Santa Cruz Environmental Health Services, and to comply with Section 7.38.040 of the County Code. A less than significant impact is anticipated.

7. *Result in coastal cliff erosion?*

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Discussion: Future development would be required to comply with Section 16.10.070 of the Geologic Hazards Ordinance. And therefore, no impacts would occur to coastal cliffs or bluffs. No impact is anticipated.

B. HYDROLOGY, WATER SUPPLY, AND WATER QUALITY

Would the project:

1. *Place development within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

☐ ☐ ☐ ☒

Discussion: All future development would be required by the Planning Department to be located outside of the mapped 100-year federal Flood Hazard Boundary as shown on the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Map. Subsequent environmental review would ensure that no encroachment into the 100-year flood hazard area occurs. No impact is anticipated.

2. *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

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Discussion: See discussion under B-2 above. No future project would be designed in a manner that would impede or redirect flood flows within a 100-year flood hazard area.

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No Impact

Therefore, no impact is anticipated.

3. *Be inundated by a seiche, tsunami, or mudflow?*

☐☐☒☐

Discussion:

There are two primary types of tsunami vulnerability in Santa Cruz County. The first is a teletsunami or distant source tsunami from elsewhere in the Pacific Ocean. This type of tsunami is capable of causing significant destruction in Santa Cruz County. However, this type of tsunami would usually allow time for the Tsunami Warning System for the Pacific Ocean to warn threatened coastal areas in time for evacuation (County of Santa Cruz 2010).

The greater risk to the County of Santa Cruz is a tsunami generated as the result of an earthquake along one of the many earthquake faults in the region. Even a moderate earthquake could cause a local source tsunami from submarine landsliding in Monterey Bay. A local source tsunami generated by an earthquake on any of the faults affecting Santa Cruz County would arrive just minutes after the initial shock. The lack of warning time from such a nearby event would result in higher casualties than if it were a distant tsunami (County of Santa Cruz 2010).

The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval at which time risks from tsunami would be considered on a site specific basis.

According to the 2010 County of Santa Cruz Local Hazard Mitigation Plan, Santa Cruz County is currently providing the following measures to reduce the effects of any future tsunami impact the area. The County is,

- Coordinating a communication system with other agencies and cities, including evacuation operations for homes and businesses within specific areas.
- Providing management of an early warning system including a defined public information process including establishing a reverse 911 system that will notify all homes and businesses within the tsunami inundation areas, and a public address protocol to have local and regional radio, TV and cable outlets announce evacuation notifications to the community.
- Updating tsunami maps, and
- Encouraging the investigation of the tsunami threat to the County of Santa Cruz, and updating development regulations based upon this investigation.

There is potential for a future visitor accommodation project to be impacted by a tsunami. However, due to the implementation of the measure included in the County of Santa Cruz Local Hazard Mitigation Plan, impacts would be less than significant.

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| 4. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: : The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

Any future development in the County of visitor accommodations would be required to comply with Policy 7.18.3, which states, "Review all new development proposals to assess impacts on municipal water systems, County water districts, or small water systems. Require that either adequate service is available or that the proposed development provide for mitigation of its impacts as a condition of project approval." New development would also be required to comply with Policy 7.18.5, which states, "Promote water management in the Pajaro Valley and Santa Margarita groundwater basins and the Soquel-Aptos area to protect the long-term security of water supplies and to safeguard groundwater quality and maintain stream baseflows." Finally, future development would be required to comply with Policy 7.18.6, which states, "Utilize the best available methods for water conservation in new developments. Work with all water purveyors to implement demand management programs and water conservation measures. In areas where shortage or groundwater overdraft has been substantiated by the water purveyor, require water conservation measures for new and existing uses. Require the use of water-saving devices such as ultra low-flow fixtures and native drought-resistant planting in new development projects to promote ongoing water conservation."

No impact to groundwater resources would occur from project implementation.

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| 5. Substantially degrade a public or private water supply? (Including the | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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No Impact

contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

Any future development in the County of visitor accommodations would be required to comply with the following policies: Policy 5.7.1, which states, "Prohibit new development adjacent to marshes, streams and bodies of water if such development would cause adverse impacts on water quality which cannot be fully mitigated." Policy 5.7.2, "Prohibit installation of septic tanks or leach fields within 100 feet of all natural waterways including perennial or intermittent streams, seasonal water channels and natural bodies of standing water." Policy 5.7.4, "New development shall minimize the discharge of pollutants into surface water drainage by providing the following improvements or similar methods which provide equal or greater runoff control" (a) include curbs and gutters on arterials, collectors and locals consistent with adopted urban street designs; and (b) oil, grease and silt raps for parking lots, land divisions or commercial and industrial development." Therefore no impact is anticipated.

6. *Degrade septic system functioning?*

☐ ☐ ☐ ☒

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. All future projects would be required to comply with section 7.38, Sewage Disposal, of the County Code. In addition, the project would be required to comply with General Plan Policy 5.7.2, which states, "Prohibit installation of septic tanks or leach fields within 100 feet of all natural waterways including perennial or intermittent streams, seasonal water channels and natural bodies of standing water." No impacts are anticipated.

7. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or*

☐ ☐ ☒ ☐

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	0360 No Impact
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amount of surface runoff in a manner which would result in flooding, on- or off-site?

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result themselves in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

Any future proposed project would be required to comply with the County of Santa Cruz Grading Ordinance contained in Section 16.20 of the County Code, and the Riparian Corridor and Wetland Protection Ordinance contained in Section 16.30. In addition, the project must be consistent with Objective 5.2, Riparian Corridors and Wetlands, which states, "To preserve and restore all riparian corridors and wetland for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters.

Impacts from the project would be less than significant.

8. *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff?* ☐ ☐ ☒ ☐

Discussion: See discussions under B-5 and B-7 above. No significant impact is anticipated.

9. *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?* ☐ ☐ ☐ ☒

Discussion: Refer to responses B-1 and B-2 for discussion on flood risk. No impact would occur.

10. *Otherwise substantially degrade water quality?* ☐ ☐ ☐ ☒

Discussion: Please see discussion under B-5 above. No impacts are anticipated.

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	0361 No Impact
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C. BIOLOGICAL RESOURCES

Would the project:

1. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?*

☐ ☐ ☒ ☐

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

Any future project would be required to comply with Section 16.32 of the County Code protecting sensitive habitat. Therefore, impacts to candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or for species listed by the California Department of Fish and Game, or U.S. Fish and Wildlife Service would be less than significant.

2. *Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations (e.g., wetland, native grassland, special forests, intertidal zone, etc.) or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

☐ ☐ ☒ ☐

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

Any future proposed project would be required to comply with the County of Santa Cruz Riparian Corridor and Wetland Protection Ordinance and the Sensitive Habitat Protection Ordinance contained in Section 16.30 and 16.32 of the County Code, respectively. In addition, the project must be consistent with Objective 5.2, Riparian Corridors and

Wetlands, which states, "To preserve and restore all riparian corridors and wetland for the protection of wildlife and aquatic habitat, water quality, erosion control, open space, aesthetic and recreational values and the conveyance and storage of flood waters. Impacts from project implementation would be less than significant. Future development would also need to be consistent with Policies 5.1.5, Land Division and Density Requirements in Sensitive Habitats, and 5.1.6, Development within Sensitive Habitats, of the County of Santa Cruz General Plan.

Impacts from the project would be less than significant.

3. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?*
- ☐ ☐ ☒ ☐

Discussion: See discussion C-2 above. Impacts from the project would be less than significant.

4. *Produce nighttime lighting that would substantially illuminate wildlife habitats?*
- ☐ ☐ ☒ ☐

Discussion: See discussion C-2 above. Impacts from the project would be less than significant.

5. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- ☐ ☐ ☐ ☒

Discussion: No wetlands within potential building footprints are expected to occur on existing sites with visitor accommodations development potential. If development is proposed in the future the sites will be evaluated in detail and the provision of Chapter 16.32, Sensitive Habitat Protection Ordinance, as well as General Plan policies protecting wetlands, will be applied. No impacts are anticipated.

6. *Conflict with any local policies or*
- ☐ ☐ ☒ ☐

ordinances protecting biological resources (such as the Sensitive Habitat Ordinance, Riparian and Wetland Protection Ordinance, and the Significant Tree Protection Ordinance)?

Discussion: See discussion C-2 above. Impacts from the project would be less than significant.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed reuse would not conflict with the provisions of any adopted Habitat Conservation Plan Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur.

D. AGRICULTURE AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

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| 1. <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Any future development of visitor accommodations is not expected to impact prime farmland or farmland of statewide importance. Parcels designated for visitor accommodations are not intended for agricultural uses and would not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. In addition, these parcels would not contain Farmland

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
			0364

of Local Importance. Therefore, no Prime Farmland, Unique Farmland, Farmland of Statewide or Farmland of Local Importance would be converted to a non-agricultural use. No impact would occur from project implementation.

2. Conflict with existing zoning for agricultural use, or a Williamson Act contract? ☐ ☐ ☐ ☒

Discussion: See discussion for D-1 above. No impact is anticipated.

3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? ☐ ☐ ☐ ☒

Discussion: Future visitor accommodations would be located on parcels designated for such uses. Therefore, no timber resources would be impacted by potential future projects. No impacts would occur.

4. Result in the loss of forest land or conversion of forest land to non-forest use? ☐ ☐ ☐ ☒

Discussion: See discussion under D-3 above. No impact is anticipated.

5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? ☐ ☐ ☐ ☒

Discussion: See discussion under D-3 above. No impact is anticipated.

E. MINERAL RESOURCES

Would the project:

1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☒

Discussion: The site does not contain any known mineral resources that would be of

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	0365 No Impact
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value to the region and the residents of the state. Therefore, no impact is anticipated from project implementation.

2. *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?* ☐ ☐ ☐ ☒

Discussion: The subject parcels are primarily zoned Visitor Accommodations (VA) and Community Commercial (C-2), which are not considered to be an Extractive Use Zone (M-3) nor do they have a Land Use Designation with a Quarry Designation Overlay (Q) (County of Santa Cruz 1994). Therefore, no potentially significant loss of availability of a known mineral resource of locally important mineral resource recovery (extraction) site delineated on a local general plan, specific plan or other land use plan would occur as a result of proposed future development. No impact is anticipated.

F. VISUAL RESOURCES AND AESTHETICS

Would the project:

1. *Have an adverse effect on a scenic vista?* ☐ ☐ ☒ ☐

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments themselves would not result in physical impacts to the environment. All future projects located within visual resource areas, public vistas, ocean vistas, and open beaches and bluffs would be required to maintain consistency with Section 5.10 Visual Resources of the County of Santa Cruz General Plan. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval and visual resources would be evaluated in detail at that time.. Impacts from the proposed project would be considered less than significant.

2. *Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?* ☐ ☐ ☒ ☐

Discussion: Please see discussion for F-1 above. Impacts would be considered less than significant.

3. *Substantially degrade the existing* ☐ ☐ ☒ ☐

visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridgeline?

Discussion: Please see discussion for F-1 above. Impacts would be considered less than significant.

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| 4. <i>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. Future development would be required to comply with Section 13.10 of the County Code. Impacts are expected to be less than significant.

G. CULTURAL RESOURCES

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. <i>Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. Any eligible or potentially eligible historic structure(s) would be evaluated to determine potential impacts from any future proposed project. Any properties containing historic resources would be required to be consistent with Section 5.20 of the County General Plan and Chapter 16.42 of the County Code. Impacts are expected to be less than significant.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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No Impact

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. Any archaeological site would be evaluated to determine potential impacts from any future proposed project. Future projects would be required to comply with Section 5.19 of the County General Plan and Chapter 16.40 of the County Code. Impacts are expected to be less than significant.

Senate Bill 18 requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of protecting Traditional Tribal Cultural Places. Due to the proposed General Plan amendment, the County notified and consulted with five Native American tribal contacts provided by the Native American Heritage Commission to comply with Senate Bill 18. Following the end of the specified 30 day consulting period, no comments were received.

3. *Disturb any human remains, including those interred outside of formal cemeteries?* ☐ ☐ ☒ ☐

Discussion: See response to G-2 above. Impacts are expected to be less than significant.

4. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?* ☐ ☐ ☒ ☐

Discussion: Any future projects would be required to comply with Section 5.9 (Hydrological, Geological and Paleontological Resources) of the General Plan, and Section 16.44 (Paleontological Resource Protection) of the County Code. Impacts are expected to be less than significant.

H. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

1. *Create a significant hazard to the public or the environment as a result of the routine transport, use or disposal of hazardous materials?* ☐ ☐ ☐ ☒

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. Any proposed future

visitor accommodations would not transport, use, or dispose of hazardous materials. No impact is anticipated.

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| 2. | <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: Please see discussion under H-1 above. No impact is anticipated.

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| 3. | <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Please see discussion under H-1 above. No impact is anticipated.

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| 4. | <i>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

During development review, any future visitor accommodations site that has had previous uses involving hazardous materials would be checked against the current Santa Cruz County Site Mitigation List maintained by Santa Cruz County Environmental Health Services as a best management practice. Any open cases would be coordinated with Environmental Health Services. Impacts are expected to be less than significant.

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| 5. | <i>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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No Impact

*hazard for people residing or working
in the project area?*

Discussion: No visitor accommodations would be located within two miles of the Watsonville Airport. No impact is anticipated.

6. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

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Discussion: Potential future projects would not be located within the vicinity of a private airstrip. Although future projects could be located near the Dominican Hospital heliport, no significant impacts are anticipated.

7. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

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Discussion: Any future visitor accommodations project would not interfere with any adopted emergency response plan or evacuation plan. No impact is anticipated.

8. *Expose people to electro-magnetic fields associated with electrical transmission lines?*

☐☐☐☒

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

Any future development would be required to be consistent with the policies contained within Section 6.8 (Electric and Magnetic Field Exposure Hazards) of the County General Plan. No significant impacts are anticipated.

9. *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

☐☐☐☒

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These

amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval, would incorporate all applicable fire safety code requirements, and include fire protection devices as required by the local fire agency. No impact is anticipated.

I. TRANSPORTATION/TRAFFIC

Would the project:

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. <i>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result themselves in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval and potential site specific changes in traffic would be evaluated at that time.

Any future development would be required to be consistent with County of Santa Cruz General Plan Policy 3.12.1, Level of Service (LOS) Policy. In reviewing the traffic impacts of the proposed development project, LOS C would be considered the objective, with LOS D as the minimum acceptable (where costs, right-of-way requirements, or environmental impacts of maintaining LOS under this policy are excessive, capacity enhancement may be considered infeasible). Impacts are expected to be less than significant.

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| 2. <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects

to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

No change in air traffic patterns would result from project implementation. Therefore, no impact is anticipated.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project does not include roadway construction; therefore, no impact is anticipated.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 4. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. As a result, no impacts on emergency access are anticipated.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. Cause an increase in parking demand which cannot be accommodated by existing parking facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The current parking standard for hotels and motels is 1 parking space per habitable room or 1.1 spaces per unit, whichever is greater. This standard does not align well with modern hotel products, which have a higher percentage of suites than in the past. When applied to suites, the parking requirement based on "habitable rooms" amounts to 2 spaces per unit in an all-suites hotel and about 1.2 spaces per unit in a hotel with 20 percent suites. This is the case even though suites are not associated with additional cars much of the time. Further, this standard does not consider the fact that the average annual occupancy rate of County hotels and motels is generally in the 60-65% range, specifically 60.5% in 2012 and projected 62% in 2013. Together these factors show that the current parking requirement is overly conservative. Lastly, the current parking standard exceeds most demand samples compiled by the Institute of Transportation Engineers (ITE). The ITE data suggest a peak-hour demand of 0.85 to 0.91 parking spaces per room, on average. Eighty-five percent of the 12 motels sampled by the ITE experienced peak demand below 0.85 spaces per room. High proportions of paved parking areas detract from the visual

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	0372 No Impact
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environment and affect water quality.

The project proposes to reduce "Type A" hotel parking requirements (including motels, hotels, lodging houses, and visitor accommodations with or without kitchens) from the current requirement to 1 space per unit when the property is in the C-2, VA or CT districts.

Because the proposed amendments would require more parking spaces than most parking demand samples compiled by the ITE, takes into account vacancy rates and the fact that suites frequently do not generate more parking demand than standard rooms, impacts from project implementation would be considered less than significant.

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. | <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Any future visitor accommodation projects would be required to comply with current road requirements to prevent potential hazards to motorists, bicyclists, and/or pedestrians. No impact would occur.

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. | <i>Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the County General Plan for designated intersections, roads or highways?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: See response I-1 above. No impact is anticipated.

J. NOISE

Would the project result in:

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. | <i>A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. All new development would be required to meet the General Plan Noise Element standards. In significant impact is anticipated.

2. *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project would not expose persons to any groundborne vibration, or generate groundborne vibration. No impact would occur.

3. *Exposure of persons to or generation of noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would themselves not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. All new development would be required to conform to the Land Use Compatibility Guidelines of the General Plan (Figure 6-1). All proposed future projects would be required to conform to a noise exposure standard of 60dB L_{dn} (day/night average noise level) for outdoor noise and 45 dB L_{dn} for indoor noise. New development of land that cannot be made to conform to this standard will not be permitted under the General Plan. All future development will also be required to conform to General Plan policies 6.9.2 (Acoustical Studies), 6.9.3 (Noise Sensitive Land Uses), and 6.9.4 (Commercial and Industrial Development). Impacts are anticipated to be less than significant.

4. *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: See discussion under J-1 above. Noise generated during future project construction may increase the ambient noise levels in adjacent areas. Construction would be temporary, however, and given the limited duration of this impact it is considered to be less than significant.

5. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: No future projects are expected to occur within two miles of a public airport. No impact is anticipated.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 6. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: No future projects are expected to occur within two miles of a private airstrip. No impact is anticipated.

K. AIR QUALITY

Where available, the significance criteria established by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

The North Central Coast Air Basin does not meet state standards for ozone and particulate matter (PM₁₀). Therefore, the regional pollutants of concern that would be emitted by the project are ozone precursors (Volatile Organic Compounds [VOCs] and nitrogen oxides [NO_x]), and dust.

No substantial increase in traffic trips would be expected from future projects. As a result, there is no indication that new emissions of VOCs or NO_x would exceed MBUAPCD thresholds for these pollutants and therefore there would not be a significant contribution to an existing air quality violation.

Future construction or remodeling of an existing structure may result in a short-term, localized decrease in air quality due to generation of dust. However, standard dust control best management practices would be implemented during construction. Impacts are expected to be less than significant.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 2. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	0375 No Impact
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Discussion: The project would not conflict with or obstruct implementation of the regional air quality plan. See K-1 above.

3. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*
- ☐ ☐ ☐ ☒

Discussion: The proposed project would not result in a cumulatively considerable net increase in criteria pollutants. No impact would occur.

4. *Expose sensitive receptors to substantial pollutant concentrations?*
- ☐ ☐ ☐ ☒

Discussion: Future development or remodeling of visitor accommodations would not expose sensitive receptors to substantial pollutant concentrations. No impact would occur.

5. *Create objectionable odors affecting a substantial number of people?*
- ☐ ☐ ☐ ☒

Discussion: Future development or remodeling of visitor accommodations would not create objectionable odors. No impact would occur.

L. GREENHOUSE GAS EMISSIONS

Would the project:

1. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- ☐ ☐ ☒ ☐

Discussion: The future development or remodeling of visitor accommodations would not result in a substantial increase in greenhouse gas emissions. Very little fossil fuel would be required for construction. In addition, all project construction equipment would be required to comply with the Regional Air Quality Control Board emissions requirements for construction equipment. As a result, impacts associated with the temporary increase in greenhouse gas emissions are expected to be less than significant. In addition, future development or remodeling would be consistent with the 2010 Green Buildings Standards Code for improved energy efficiency, water efficiency, and material conservation and resource efficiency. As a result, impacts associated with greenhouse gas emissions generated during the operational phase of future projects are expected to be less than significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: See the discussion under I-1 above. No impacts are anticipated.

M. PUBLIC SERVICES

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 1. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: | | | | |
| a. Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Parks or other recreational activities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Other public facilities; including the maintenance of roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion (a through e):

The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

Although there would be an incremental increase in demand for public services following

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	0377 No Impact
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future development with project implementation, it would not be considered a substantial change. As a result, impacts would be considered less than significant.

N. RECREATION

Would the project:

1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ☐ ☐ ☐ ☒

Discussion: The addition of visitor accommodations is not expected to increase the use of existing neighborhood and regional parks or other recreational facilities. No impact would occur.

2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ☐ ☐ ☐ ☒

Discussion: The proposed project does not propose the expansion or construction of additional recreational facilities. No impact would occur.

O. UTILITIES AND SERVICE SYSTEMS

Would the project:

1. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☒ ☐

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

The future development or rehabilitation of visitor accommodations would not result in significant effects. All future development would be required to conform to policies contained in Section 7.23 (Flood Control and Drainage) of the County General Plan. Where it is not possible to alleviate drainage problems through on or off-site improvements required by Policy 7.23.1 of the General Plan, on-site stormwater detention sufficient to

maintain, at a minimum, post-development peak flows at predevelopment levels would be required. The improvements would be designed for the selected design rainstorm for all development projects greater than one acre in area, and to alleviate current drainage problems. In addition, Policy 7.23.4 would require the applicant of any proposed development project within the County Urban Services Line to conduct a downstream impact assessment and submit an engineered drainage plan. The assessment would require the design of any improvements needed to upgrade the storm drain system such that local flooding due to insufficient capacities would be eliminated for the appropriate design rainstorm. No significant impacts are anticipated.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 2. <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval.

All future development would be required to conform to General Plan policies contained in Sections 7.19 (Sanitation facilities within the Urban Services Line), 7.20 Sanitation Facilities within the Rural Services Line, and 7.21 Sanitation Facilities in Rural Areas. Impacts are expected to be less than significant.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. <i>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. See discussion under O-2 above. No impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 4. <i>Have sufficient water supplies available to serve the project from existing entitlements and resources, or</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

are new or expanded entitlements needed?

Discussion: All future development without water service would require a "will serve" letter from their local water purveyor to ensure water service. In addition, future projects would be required to comply with the General Plan policies contained in Section 7.18 Water Supply. Impacts are expected to be less than significant.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 5. <i>Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Please see discussion under O-2 above. No significant impact is anticipated.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 6. <i>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval. Any future visitor accommodation projects are not expected to generate excessive amounts of solid waste. No significant impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 7. <i>Comply with federal, state, and local statutes and regulations related to solid waste?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would be in compliance with solid waste regulations. No impact would occur.

P. LAND USE AND PLANNING

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. <i>Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

*coastal program, or zoning ordinance)
adopted for the purpose of avoiding or
mitigating an environmental effect?*

Discussion: The project proposes to amend General Plan Policy 2.16.7 and Program (a), in addition to County Code Sections 13.10.333, 13.10.335, 13.10.355, and 13.10.552. These amendments would not themselves result in physical impacts to the environment. All future projects to construct or rehabilitate visitor accommodations within the County unincorporated area would require a future discretionary approval and findings of compliance with the General Plan and zoning ordinance would have to be made.

Although the project proposes to amend the General Plan and sections of the County Code, all environmental impacts associated with future development would be required to avoid, minimize or mitigate those environmental effects. Impacts area expected to be less than significant.

2. *Conflict with any applicable habitat conservation plan or natural community conservation plan?* ☐ ☐ ☐ ☒

Discussion: The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan. No impact would occur.

3. *Physically divide an established community?* ☐ ☐ ☐ ☒

Discussion: The project would not include any element that would physically divide an established community. No impact would occur.

Q. POPULATION AND HOUSING

Would the project:

1. *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* ☐ ☐ ☐ ☒

Discussion: The proposed project would not induce substantial population growth in an area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth in an area including, but limited to the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; or regulatory changes including specific plan amendments,

sewer or water annexations; or Local Agency Formation Commission annexation actions. Although the project proposes a General Plan and Zoning Ordinance Amendment, it would not induce population growth. No impact would occur.

2. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would not displace any existing housing since the project is intended to accommodate existing parcels currently zoned to accommodate visitor accommodations. No impact would occur.

3. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project would not displace a substantial number of people since the project is intended to only apply to parcels intended to accommodate visitor accommodations. No impact would occur.

R. MANDATORY FINDINGS OF SIGNIFICANCE

- | | Potentially
Significant
Impact | Less than
Significant
with
Mitigation | Less than
Significant
Impact | No
Impact |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| 1. <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory were considered in the response to each question in Section III of this Initial Study. No natural resources have been evaluated as being significantly impacted by the project. And therefore, no mitigation has been included. As a result of this evaluation, there is no substantial evidence that significant effects associated with this project would result. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- | | Potentially
Significant
Impact | Less than
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with
Mitigation | Less than
Significant
Impact | No
Impact |
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| 2. <i>Does the project have impacts that are individually limited, but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: In addition to project specific impacts, this evaluation considered the projects potential for incremental effects that are cumulatively considerable. As a result of this evaluation, there were determined to be no potentially significant cumulative effects related to the proposed project. As a result of this evaluation, there is no substantial evidence that there are cumulative effects associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

- | | Potentially
Significant
Impact | Less than
Significant
with
Mitigation | Less than
Significant
Impact | No
Impact |
|--|--------------------------------------|--|------------------------------------|-------------------------------------|
| 3. <i>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: In the evaluation of environmental impacts in this Initial Study, the potential for adverse direct or indirect impacts to human beings were considered in the response to specific questions in Section III. As a result of this evaluation, it was determined that no potentially significant effects to human beings would occur with the implementation of the proposed project. As a result of this evaluation, there is no substantial evidence that there are adverse effects to human beings associated with this project. Therefore, this project has been determined not to meet this Mandatory Finding of Significance.

V. REFERENCES USED IN THE COMPLETION OF THIS ENVIRONMENTAL REVIEW INITIAL STUDY

County of Santa Cruz, 1994

1994 General Plan and Local Coastal Program for the County of Santa Cruz, California. Adopted by the Board of Supervisors on May 24, 1994, and certified by the California Coastal Commission on December 15, 1994.

County of Santa Cruz, 2010

County of Santa Cruz Local Hazard Mitigation Plan 2010-2015. Prepared by the County of Santa Cruz Office of Emergency Services.

Institute of Transportation Engineers, 2004

Parking Generation, 3rd Edition. An Informational Report of the Institute of Transportation Engineers.



0385

WATER DEPARTMENT

212 Locust Street, Suite C, Santa Cruz, CA 95060 • (831) 420-5200 • Fax (831) 420-5201

August 29, 2013

Todd Sexauer
 Environmental Coordinator
 County of Santa Cruz
 701 Ocean Street, 4th Floor
 Santa Cruz, CA 95060

RE: Draft Negative Declaration: Visitor Accommodations Ordinance Amendment

Dear Mr. Sexauer:

The City of Santa Cruz Water Department has reviewed the Draft Initial Study and Negative Declaration (IS/ND) for the Visitor Accommodations Ordinance Amendment proposed by the County of Santa Cruz. As you know, our department supplies water to portions of the County that would be affected by the proposed ordinance amendment. It is our understanding that the proposed ordinance amendment could potentially increase the number of hotel rooms allowed on various parcels and could, therefore, potentially change water demands in our service area.

County of Santa Cruz General Plan Policy 7.18.1 requires the County to "coordinate with all water purveyors and water management agencies to ensure that land use and growth management decisions are linked directly to the availability of adequate, sustainable public and private water supplies." The IS/ND should, therefore, provide the following information:

- A description of affected parcels and changes in build out potential that could occur in the City's water service area as a result of the proposed ordinance amendment;
- Potential changes in projected water demand in the City's water service area associated with the proposed ordinance amendment;
- An analysis of the ability of the City's water system to meet any new demands.

The City's Water System relies entirely on rainfall, runoff, and groundwater within watersheds located in the County. As a result, the City's system is vulnerable to shortages in dry years. Compounding the problem are new requirements to provide more water for steelhead and coho salmon in the surface waters that our system relies on to supply water. The City has, therefore, been pursuing a three tiered approach for water planning that includes conservation, curtailment during droughts, and development of a new water supply.

We encourage you to utilize in your analysis the vast amount of information already contained in our 2010 Urban Water Management Plan (2011); Integrated Water Plan (2005); General Plan

0386

2030 Final Environmental Impact Report (2012); and the Draft Environmental Impact Report for the Proposed scwd² Regional Seawater Desalination Project (May 2013).

Thank you for giving us the opportunity to comment on the initial study and negative declaration. If you have any questions please contact Melissa Hetrick, our Environmental Projects Analyst (831-420-5322; mhetrick@cityofsantacruz.com), or Toby Goddard, our Water Conservation Manager (831-420-5232; tgoddard@cityofsantacruz.com).

Sincerely,



Bill Kocher
Director
City of Santa Cruz Water Department

Cc: Linette Almond, Deputy Director, City of Santa Cruz Water Department
Toby Goddard, Water Conservation Manager, City of Santa Cruz Water Department
Melissa Hetrick, Environmental Projects Analyst, City of Santa Cruz Water Department
Juliana Rebagliati, Director, Planning and Community Development, City of Santa Cruz

0387

August 14, 2013

re: VA Negative Declaration

James Peterson
PO Box 6641
Incline village, NV. 89450

I am a partner in APN#042-022-12 zoned VA

Lot originally was res.

Although I agree with your declaration, it is apparent to me that this still doesn't help with parking. Parking is the main reason that the lots there in the Seacliff Village are still vacant. Thos lots are: APN#042-021-13 owned by the Botelho Bros. and our lot APN# 042-022-12.

I have made a list of problems and solutions (Attached).

I have been involved in the listing and attempts to develop the two lots mentioned and also the Seacliff Trailer Park owned by the Clausens.

Since 1995 when I obtained the streets (Broadway, North, East and all the alleys therein) from the title co. who owned them, I have NEVER heard from any agency of the county to help solve the mess in that area. The county spent a lot of time and money and didn't do ANYTHING to solve the problems. It would seem odd that the county would not like to help the stakeholders in order to increase the tax base and improve the cosmetics of Seacliff Village.

I have lived in Seacliff for over 38 years. It has been a dumping ground for negative activities.

The Seacliff Improvement Association has attempted all along to deal with these problems and have had some success. They need more support from all agencies of the county.

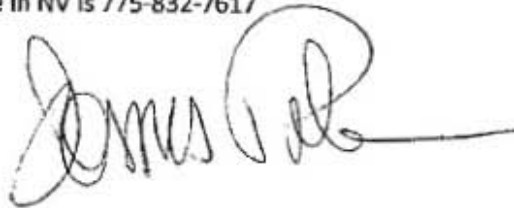
A parking district similar to Santa Monica Pier would be a great help. If this cannot be attained in a reasonable amount of time, then rezone my property back to residential where it originally was for four low income houses.

I would be very happy to be involved in this process.

I remain very excited about the possibility that we could overcome the parking problem once and for all, develop the properties and help raise a tax base to help the County of Santa Cruz.

My phone number here in NV is 775-832-7617

Respectfully,



James Peterson

Attachments: plot plan and items for consideration of VA zoning



ITEMS TO BE CONSIDERED IN PLANNING TO FINISH THE SEACLIFF VILLAGE PLAN

0389

OVER VIEW

- PLAN OK AS A START
- NEEDS TO COVER MORE ISSUES
- PARKING PROBLEMS
- TRAFFIC PROBLEMS
- NO HANDICAP PARKING
- NO BICYCLE RACKS
- ENTIRE COMMERCIAL AREA NOT IN THE UNDERGROUND UTILITIES PROGRAM
- MEETINGS WITH OWNERS OF COMMERCIAL LAND NEEDS TO BE CONDUCTED TO FIND OUT WHAT THE COUNTY IS WILLING TO DO TO "FINISH" THE SEACLIFF VILLAGE PLAN.
- MORE DIAGONAL PARKING.
- USE SEACLIFF STATE PARK PARKING AREA FOR PARKING DURING LUNCH TIME AND DINNER TIME.
- FORM PARKING DISTRICT
- COUNTY / STATE TO GET A GRANT FOR PARKING AT SEACLIFF STATE PARK TO DEVELOP MULTI STORY PARKING.

DO NOTHING AND LIVE WITH THE PRESENT PROBLEMS. BUT WE NEED:

1. HANDICAP PARKING
2. BICYCLE PARKING
3. MORE DIAGONAL PARKING
4. USE SEACLIFF STATE PARK FOR LUNCH & NIGHTTIME PARKING
5. ENCOURAGE LOT DEVELOPMENT TO INCLUDE TAX BENEFITS.
6. UNDERGROUND UTILITY PROGRAM TO INCLUDE ALL OF THE COMMERCIAL PROPERTIES OR CONVERT THOSE PROPERTIES BACK TO RESIDENTIAL USE. THIS INCLUDES THE TRAILER PARK.

(CONTINUED)

ITEMS TO BE CONSIDERED IN PLANNING TO FINISH THE
SEACLIFF VILLAGE PLAN

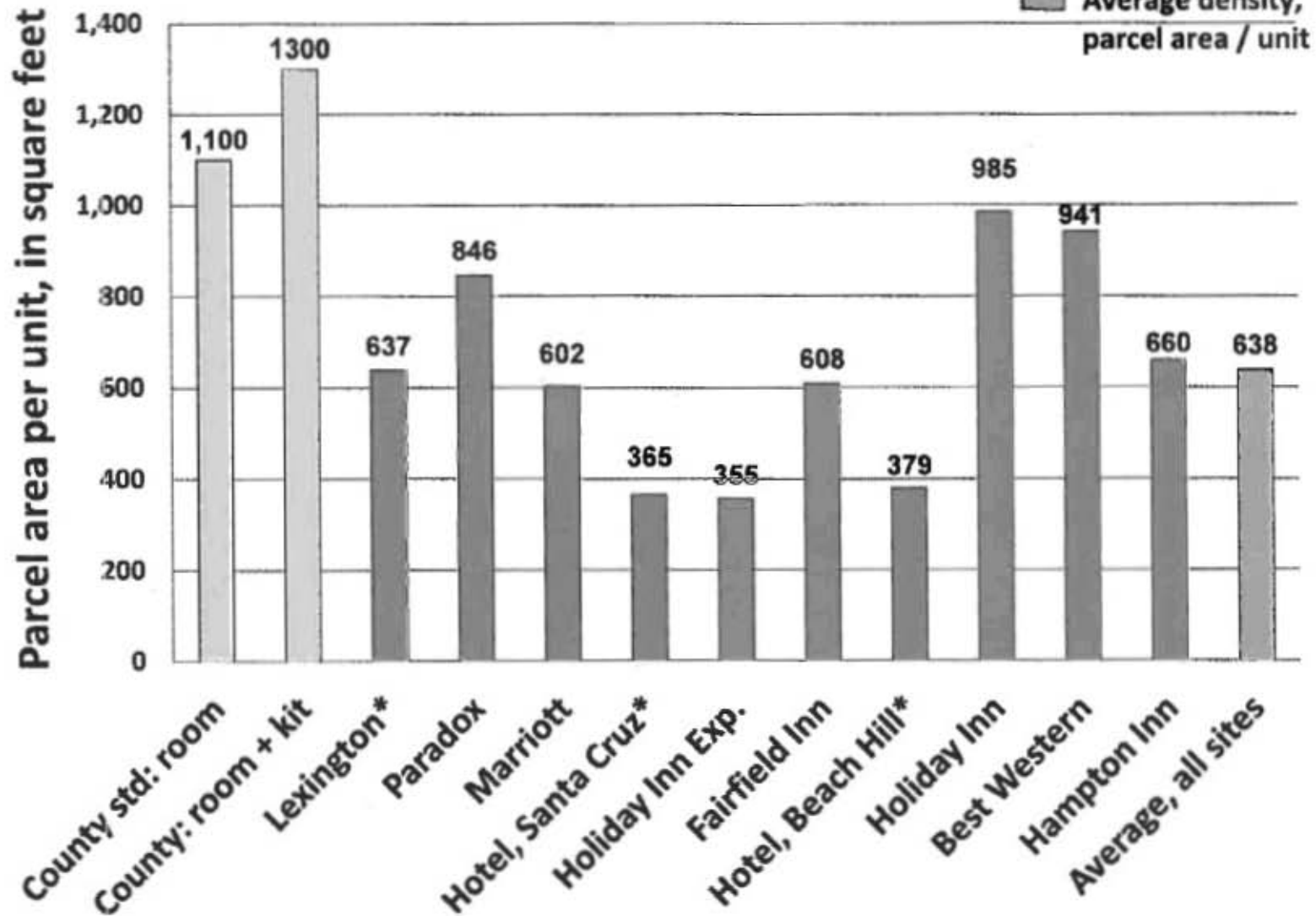
G390

DO SOMETHING TO IMPROVE SEACLIFF ONCE AND FOR ALL:

1. FINISH ALL THE UNDERGROUNDING INCLUDING ALL COMMERCIAL PROPERTIES
 2. FINISH THE COSMETICS TO INCLUDE ALL COMMERCIAL PROPERTIES.
 3. MEET WITH THE VACANT LAND OWNERS TO HELP THEM "FINISH" THE SEACLIFF VILLAGE PLAN. LET'S PUT THAT TO BED ONCE AND FOR ALL.
 4. MEET WITH THE PRESENT COMMERCIAL BUSINESSES AND FIND OUT WHAT THEY NEED TO EXPAND THEIR BUSINESSES.
 5. MEET WITH ALL THE COMMERCIAL LAND OWNERS TO FORM A PARKING DISTRICT WITH THE SEACLIFF STATE PARK FACILITY.
 6. FINANCING FOR THE DISTRICT COULD BE:
 - a. GRANT MONEY AVAILABILITY
 - b. PARKING METERS
 - c. PARKING METERS WITH COMMERCIAL STORES TO PICK UP TICKET COST.
 - d. LEASING THE PARKING SPACE TO A PRIVATE GROUP TO OPERATE.
 - e. STATE TO OPERATE THE PARKING FOR ADDITIONAL FUNDS.
 7. THE PARKING COULD BE A DOUBLE DECK BUILDING PERHAPS WITH A RESTAURANT ON TOP.
-

Local Hotel Development, 2000-2013

Parcel Area Per Visitor Accommodation Unit



*Approved only

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

0392

RESOLUTION NO. 2013-17

On the motion of Commissioner Shepherd
duly seconded by Commissioner Hemard
the following is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT, AS MODIFIED, AMENDMENTS OF POLICY 2.16.7 AND ASSOCIATED PROGRAM "A" OF THE GENERAL PLAN / LOCAL COASTAL PROGRAM REGARDING HOTELS AND MOTELS IN COMMERCIAL DISTRICTS; ADOPT, AS MODIFIED, COUNTY CODE AMENDMENTS REGARDING VISITOR ACCOMMODATIONS; DETERMINE THAT ADOPTION OF THE ORDINANCE DOES NOT CREATE THE POTENTIAL FOR EFFECTS ON FISH, WILDLIFE AND HABITATS; AND DETERMINE THAT THE INITIAL STUDY / NEGATIVE DECLARATION DOES NOT REQUIRE RECIRCULATION

WHEREAS, hotels and motels provide public access to recreation opportunities and are a key component of Santa Cruz County's tourism economy; and serve other needs of visitors for accommodation within Santa Cruz; and

WHEREAS, the importance of a wide diversity of types of overnight accommodations is recognized by Policy 2.16.3 of the County General Plan / Local Coastal Program (GP/LCP), which mandates that a variety of visitor-serving uses be allowed in the Visitor Accommodations designation; and

WHEREAS, visitor accommodations with kitchens can be more affordable for visitors desiring extended stays, and current room number and room size restrictions that apply to certain Type A visitor accommodation units may inhibit provision of such accommodations in the C-2, VA and CT commercial districts and thereby may inhibit implementation of Coastal Act section 30213, regarding protection, encouragement and provision of lower cost visitor and recreational facilities as feasible; and

WHEREAS, the standards in the Santa Cruz County Code regarding density for hotel rooms are inconsistent with typical hotel development practices and specifically are inconsistent with the regulations of neighboring city jurisdictions in Santa Cruz County, and of other California coastal communities; and

WHEREAS, the Zoning Ordinance contains maximum structural height expressed as a maximum number of feet, but also as a number of stories; and it is desirable to allow for flexibility and the possibility of a fourth story within the existing regulations and within the existing maximum number of feet for commercial developments through the existing height exceptions process, which requires design review and findings for approval of any height exception; and

WHEREAS, the current parking standard for hotels and motels exceeds evidence-based standards, does not align with parking requirements in neighboring jurisdictions, penalizes installation of suites and extended stay accommodations, and does not factor in annual occupancy rates that at times are below 65%; and

WHEREAS, the county's existing hotel regulations pertaining to density, story limitation and excessive parking requirements are not in alignment with modern industry standards, and may be

making it more difficult for the hotel industry to propose hotel projects that would contribute to the supply of modern hotel rooms with adequate amenities in the unincorporated County; and 0393

WHEREAS, revising the parking standard for hotels and motels and providing a process for consideration of an additional story or partial story if existing height limits and other requirements are met, which would apply to hotels and motels on commercially zoned properties where zoning allows hotel and motel development (VA, C-2, and CT), and removing the density standard for those projects, may improve the feasibility of constructing modern hotel accommodations without compromising design quality or reducing neighborhood compatibility; and

WHEREAS, at its regular meeting on September 11, 2013, the Planning Commission conducted a duly noticed public hearing to consider proposed amendments to the County Code and GP / LCP that would affect hotel and motel room density, parking standards and story limits, and considered all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission adopted Resolution #2013-13 on September 11, 2013, finding proposed amendments to the Santa Cruz County Code to be consistent with other provisions of the County Code, with the policies of the GP/LCP and with State law; and further finding that proposed ordinance amendments comprise amendments to the County LCP and were consistent with the California Coastal Act, and recommending that the Board of Supervisors adopt the Initial Study / Negative Declaration, approve proposed amendments to the County General Plan and Local Coastal Program, adopt proposed ordinance amendments and submit the amendments to the Coastal Commission; and

WHEREAS, at public hearing on November 5, 2013, continued from October 1, 2013, the Board of Supervisors reviewed the proposed ordinance and GP / LCP amendments recommended by the Planning Commission, along with modifications proposed subsequent to the Planning Commission hearing on September 11th, and took action to remand the proposed modifications back to the Planning Commission for review and recommendation, and continued the public hearing before the Board of Supervisors to January 28, 2013; and

WHEREAS, at its regular meeting on December 11, 2013, the Planning Commission reviewed the currently proposed modifications to the previously reviewed ordinance and GP/LCP amendments relating to standards for visitor accommodations in commercial districts; and

WHEREAS, the Planning Commission finds that the proposed modifications to the proposed General Plan and County Code amendments do not require recirculation of the Negative Declaration, as the proposed changes only render the proposed amendments more protective of the environment, consistent with California Environmental Quality Act section 15073.5(c)(2); and

WHEREAS, the Planning Commission finds that the proposed ordinance amendments with the proposed modifications, and proposed GP/LCP amendments with the proposed modifications, are consistent with other provisions of the County Code and GP/LCP, and with State law; and

WHEREAS, the Planning Commission finds that adoption of the currently proposed amendments does not have the potential to affect fish, wildlife or habitats; and

WHEREAS, the Planning Commission finds that the proposed ordinance amendments comprise amendments to the County Local Coastal Program; and further finds that the proposed ordinance amendments as modified and amendments to the GP/LCP as modified, are consistent with the California Coastal Act.


NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors take action to:

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- a) Determine that the proposed modifications to the proposed ordinance and GP/LCP amendments regarding hotel standards do not create any new or substantially more severe environmental impacts than have been discussed and identified by the Initial Study, and that recirculation of the Negative Declaration due to these changes in the proposed project, or any public comments that have been received, is not required;
- b) Determine that adoption of the proposed ordinance and proposed GP/LCP amendments regarding hotel standards does not have the potential for effects on fish, wildlife or habitats, as there are no reasonably foreseeable hotel or visitor accommodations projects that may occur as a result of adoption of the ordinance, and any future projects will be subject to environmental review and determinations regarding whether the projects have the potential for effects on fish, wildlife or habitats;
- c) Adopt the proposed ordinance, with proposed modifications, amending Chapter 13.10 of the Santa Cruz County Code (Exhibit B);
- d) Adopt the proposed amendments to the General Plan/Local Coastal Program with the proposed modifications (Exhibit D);
- e) Determine that outside the Coastal Zone the proposed amendments to the General Plan / Local Coastal Program and County Code shall take effect on the 31st day after the date of final passage, and inside the Coastal Zone the General Plan / Local Coastal Program and County Code amendments shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later; and
- f) Direct staff to submit the amendments to the California Coastal Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 11th day of December, 2013 by the following vote:

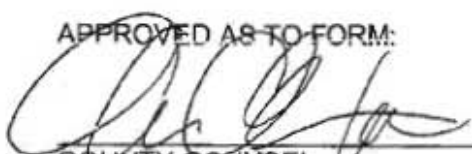
AYES:	COMMISSIONERS	Perlin, Hemard, Dann, Lazenby and Shepherd
NOES:	COMMISSIONERS	None
ABSENT:	COMMISSIONERS	None
ABSTAIN:	COMMISSIONERS	None


RACHEL DANN, Chairperson

ATTEST:


Ken Hart, Secretary

APPROVED AS TO FORM:


COUNTY COUNSEL



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

0395

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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

December 3, 2013

AGENDA DATE: December 11, 2013

Agenda Item #:8

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

MODIFICATIONS TO PROPOSED AMENDMENT OF THE SANTA CRUZ COUNTY CODE AND GENERAL PLAN/LOCAL COASTAL PROGRAM TO MODERNIZE STANDARDS FOR HOTELS AND MOTELS IN COMMERCIAL DISTRICTS

Members of the Commission:

As you may recall, on September 11, 2013, your Commission held a public hearing to consider proposed amendments to the County Code and General Plan / Local Coastal Program (GP/LCP) to update certain hotel regulations in commercial districts. The four Planning Commissioners present at the meeting voted unanimously to recommend that the Board of Supervisors adopt the proposed amendments and the proposed Negative Declaration. The full text of the ordinance and General Plan amendments that your Commission reviewed are attached as Exhibits F and G, respectively.

Board of Supervisors Public Hearing

On October 1, 2013, the Board of Supervisors opened a noticed public hearing regarding the recommended amendments. The Board continued the public hearing to November 5th in order to allow staff to respond to public comments submitted in a letter dated September 30th, from Wittwer & Parkin, representing the Aptos Council. Two additional letters dated November 1st and November 4th were later submitted by Wittwer & Parkin. All three of these letters are attached as Exhibit K. Note that the attachment to the letter dated November 4th, consisting of 93 pages of other jurisdictions' zoning ordinances, has not been reproduced here because of its length, but is available in the online version of the Planning Commission agenda packet. Analysis of those ordinances with regard to the comments made by Wittwer & Parkin is included within this report.

The Board of Supervisors considered the amendments at the public hearing held on November 5, 2013. The proposal before the Board differed somewhat from the proposal considered by your Commission, because staff had incorporated refinements into the proposal after a meeting with Mr. Bill Parkin. Therefore the Board directed that the modifications be scheduled for a review and recommendation by your Commission before returning to the Board as the subject of a continued public hearing on January 28, 2014.

0396

Responses to Public Comment and Modifications to the Proposed Ordinance

Responses to public comments, including identification of how the proposed ordinance has been modified in response to public comments, are provided below.

Density

The September 30th Wittwer & Parkin letter states that staff had not provided sufficient information to support the idea that hotels are not typically regulated by a density standard. The November 4th letter attaches excerpts from many ordinances and asserts that these jurisdictions do regulate density of hotels. However, analysis of the ordinances reveals that nearly all in fact do not regulate density or net site area per room for hotels/motels.

The ordinances of other jurisdictions, which were attached to the November 4th Wittwer & Parkin letter, address density as follows:

JURISDICTION	ZONING DISTRICT	DENSITY STANDARD FOR HOTELS?
City of Santa Cruz	RT(A)Tourist Residential – Medium Density Residential	No minimum net lot area per hotel room; that standard applies only to dwelling units
City of Santa Cruz	RT(B)Tourist Residential – Motel Residential	No minimum net lot area per hotel room; that standard applies only to dwelling units
City of Santa Cruz	RT(C)Tourist Residential – Beach Commercial	No minimum net lot area per hotel room; that standard applies only to dwelling units
City of Santa Cruz	RT(D)Tourist Residential – Beach Residential	No min net lot area / Bed & Breakfast Room – that standard applies only to dwelling units
Scotts Valley	C-S Service Commercial	No min net lot area or density std for hotels
County of Monterey	VSC(CZ) – Visitor Serving Commercial – coastal zone	No min net lot area or density std for hotels
County of Monterey	CGZ(CZ) – Coastal General Commercial	No min net lot area per room or density std for hotels
County of Monterey	LC – Light Commercial Inland Areas	No min net lot area or density std for hotels
County of Monterey	HC – Heavy Commercial	No min net lot area or density std for hotels
County of Monterey	VO – Visitor Serving / Professional Office	No min net lot area or density std for hotels
City of Monterey	VAF Visitor Accommodation Facility	One story: 1,000 min site area/sleeping unit Two story: 800 min site area/sleeping unit Three story or more: 500 min/sleeping unit
Santa Barbara City	R-4 Hotel-Motel-MultiFamily	Subject to lot area per unit if has cooking facilities; otherwise no density standard applies
Santa Barbara City	HRC- & HRC-2 Hotel and Related Commerce	No min net lot area or density std for hotels
Santa Barbara City	R-H Overlay for Specified Residential Zones: Resort-Residential Hotel	Dwelling units and "guest buildings", no more than 6 dwellings / no more than 12 bedrooms. Sleeping units per acre range between 5 – 40 depending upon underlying residential zone
City of San Luis Obispo	C-R Retail Commercial	36 units/net acre for dwelling units; but does not apply to hotel or motel units of the site
City of San Luis Obispo	C-T Tourist Commercial	12 units/net acre for dwelling units; but does not apply to hotel or motel units of the site

G397

The primary method that these other jurisdictions regulate hotels and motels in commercial districts is by setbacks, heights, and parking requirements, which is the approach being recommended for "Type A" visitor accommodations in commercial areas of the County. Some codes also include a maximum lot coverage standard, which is not a development standard in the existing Santa Cruz County Code for any development in the PA, VA, CT, C-1, C-2, C-4, M-1, M-2 or M-3 non-residential zoning districts.

The existing County Code regulations for hotels distinguish between "Type A" visitor accommodations which are typically in commercial areas, and "Type B" visitor accommodations which include RV or tent camps, hostels, and group quarters which are typically located in more rural open space and recreational areas. The number of rooms for each type of visitor accommodation is currently regulated by a "net developable area per habitable room" (density) standard. The original proposed ordinance amendment, which remains the currently proposed approach, was to delete the density standard for Type A, while retaining the density approach for Type B accommodations.

Exhibit L attached to this report is a graph that shows the "parcel area per visitor accommodation unit" for 10 hotels that have been developed within the Santa Cruz area since the year 2000, and contrasts those numbers with the County's existing standard of 1,100 sf per room without a kitchen, and 1,300 sf per room with a kitchen. The numbers range from 355 square feet of site area per room for the Holiday Inn Express, to 985 for a Holiday Inn, averaging 638 sf per room for the 10 hotels evaluated.

In summary, staff continues to recommend the deletion of the net site area per hotel unit for "Type A" visitor accommodations in the VA, CT and C-2 commercial zoning districts.

Setbacks

It is important to note that the proposed ordinance amendment does not include changes to any existing County Code development setback regulations. In the November 4th Wittwer & Parkin letter, it is stated in the County Code *"setbacks in commercial areas for side and rear setbacks is zero in a large majority of instances."* That statement is not true. The Santa Cruz County Code requires the following minimum setbacks for development within the C-2, CT, VA districts (which are the commercial districts that are proposed to no longer contain a net site area per hotel room standard).

Front Setback: 10 feet *

Side Setback: 10 feet on street side; 0 for interior *

Rear Setback: 10 feet *

* Setbacks are increased from the above minimums as follows:

On sites abutting on and fronting on the same street, or across a street or alley from, property in an R District (residential) or A District (agricultural), the minimum front yard shall be 20 feet.

On a reversed corner lot adjoining a key lot in an R or A District, the minimum side yard adjoining the street shall be not less than one-half of the required front yard on the key lot.

The minimum side or rear yard abutting any residential or agricultural zoning district shall be 30 feet in CT and C-2 Districts, and the Same as the abutting R or A District in the VA district.

Stories

The November 4th Wittwer Parkin letter states that *"Currently, under the County General Plan and the zoning code no buildings in Santa Cruz County may exceed three stories."*

The General Plan does not actually contain policy language limiting the number of stories for non-residential development; most policies related to height are for residential developments. The term "maximum structural height" is used in most cases (as shown by underlining below), rather than the term "stories". Policies speak to ensuring compatibility of design through the variety of zoning and environmental review tools that apply to a proposed development. Relevant General Plan policies, with underlining included for emphasis, include the following (also see attached Exhibit M):

GP Land Use Element Objective 2.14 "Community Commercial Designation (C-C)" Policy 2.14.6 *Quality of Commercial Design (LCP)*

Ensure quality commercial development through Commercial Development Permit procedures to regulate signage, landscaping, buffering, on-site circulation, parking, drainage, site and building design, and traffic patterns and access. Require commercial facilities to be compatible with adjacent land uses and neighborhood character, to utilize and complement the scenic and natural setting of the site and area, and to provide proper management and protection of the environment. (See Chapter 8: Community Design)

GP Land Use Element Objective 2.16 "Visitor Accommodations Designation (C-V)" Policy 2.16.1 *Location of Visitor Accommodation Designations (LCP)*

Designate on the General Plan LCP Land Use Maps those areas existing as or suitable for Visitor Accommodations. Require all visitor serving facilities to be located where adequate access and public services and facilities are available, to be designed and operated to be compatible with adjacent land uses, including residential uses, to utilize and complement the scenic and natural setting of the area, and to provide proper management and protection of the environment.

GP Land Use Element Objective 2.16 "Visitor Accommodations Designation (C-V)" Policy 2.16.3 *Allowed Uses in Visitor Accommodations Designation*

Allow a variety of visitor-serving uses in the Visitor Accommodations Designation, including motels, hotels, inns, lodges, recreational vehicle parks, hostels, commercial camping, and, where appropriate, limited appurtenant public restaurants, visitor services and retail shops. Allow child care facilities intended to service both visitors and employees of the visitor-serving development. Require a Commercial Development Permit to establish and maintain such uses and closely monitor each use to prevent significant adverse impacts on adjacent residential areas.

GP Community Design Element, Objective 8.1 "Quality Design" Policy 8.1.3 *Residential Site and Development Standards Ordinance*

Maintain a Residential Site and Development Standards ordinance for the purpose of protecting light, solar opportunities, air and open space for public and private properties; and require all residential projects to comply with the standards of maximum structural height.

GP Community Design Element, Objective 8.5 "Commercial and Industrial Design" Policy 8.5.2 *Commercial Compatibility with Other Uses (LCP)*

Ensure the compatibility of commercial and industrial uses with adjacent uses through application of the Site, Architectural and Landscape Design Review or similar ordinance. Give careful attention to landscaping, signing, access, site and building design, visual impacts, drainage, parking, on site circulation, traffic patterns, and where applicable, availability of water, sewage system capacity, fencing and mitigation of potential nuisance factors, visual aspects, and traffic problems.

GP Community Design Element, Objective 8.5 "Commercial and Industrial Design" Policy 8.5.3
Areas with Unique Design Guidelines (LCP)

Require commercial and industrial projects located within the boundaries of Coastal Special Communities, adopted village, town, community or specific plans to be consistent with the adopted criteria for these areas. (See Objective 8.8 and the related policies of this chapter and Village, Town, Community and Specific Plans within the Land Use Chapter).

GP Community Design Element Policy 8.6.2

Residential Development Standards Ordinance

Require all residential structures to comply with the Residential Development Standards ordinance which includes maximum structural height and minimum structural setbacks. Unnecessary grading for the purpose of meeting height restrictions is prohibited.

GP Community Design Element Policy 8.6.3

Story Limitation

Residential structures shall be limited to two stories in urban areas and on parcels smaller than one acre in the rural areas except where explicitly stated in the Residential Site and Development Standards ordinance or Combining District site standards.

The existing Zoning Ordinance contains a Commercial Site and Structural Dimensions Chart in Section 13.10.333 which establishes development standards for the PA, VA, CT, C-1, C-2 and C-4 commercial districts. The right column of the Chart is titled "Maximum Building Height Limit (feet)". For each zoning district, the current standard states: "3 stories, but not to exceed 35 feet". The Chart, however, also contains footnoted references to the "General Site Standard" of the County Code which can modify the basic requirements, including Section 13.10.510(D)(2) which contains provisions for Height Exceptions. One of the height exception provisions of this section states:

In any commercial or industrial zone district, a building may exceed the height limit as established by the zone district by up to five feet, subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. In addition to the findings required in Chapter 18.10 SCCC for discretionary approvals, the project shall be subject to the following additional findings:

- (a) The additional height complements or completes the architectural design.
- (b) For properties located in the Coastal Zone, the proposed project complies with LCP policies, including policies protecting scenic corridors and public viewsheds.

Originally staff had proposed that the County Code be amended to state that hotels and motels in commercial districts would not be subject to the story limit but remain subject to its maximum structural height limit. After considering the Wittwer & Parkin public input, the proposal was modified, and the currently proposed ordinance instead provides that "In any applicable commercial zone district, a proposal to exceed three stories in a hotel or motel may be considered in conjunction with a proposal to increase the height limit by up to five feet pursuant to 13.10.510(D)(2)." The existing "maximum structural height" that can be approved under the current County Code is retained, such that only up to 40 feet in height can be considered (unless a variance is proposed), and the applicable findings must be made. The structural "volume" would be the same, even if some or all of a proposed structure might be four stories rather than three stories, if approved by the Zoning Administrator or other decision-making body.

The November 4th letter from Wittwer & Parkin discussed and attached various ordinances from other jurisdictions. These ordinances address height and stories as follows:

JURISDICTION	ZONING DISTRICT	HEIGHT LIMIT FOR HOTELS?
City of Santa Cruz	RT(A)Tourist Residential – Medium Density Residential	3 stories; 36 feet; Planned Development Permit may allow one additional story or 20% additional height in feet over base zone
City of Santa Cruz	RT(B)Tourist Residential – Motel Residential	3 stories; 36 feet; Planned Development Permit may allow one additional story or 20% additional height in feet over base zone.
City of Santa Cruz	RT(C)Tourist Residential – Beach Commercial	3 stories; 36 feet; Planned Development Permit may allow one additional story or 20% additional height in feet over base zone. Architectural elements up to 15% of roof area allowed additional 10 feet with design review.
City of Santa Cruz	RT(C)/PER Tourist Residential – Beach Commercial – Performance Overlay Zone	All of above, with additional exceptions: if 25% of net lot area dedicated to public use or performance space; or if a conference/hotel facility, then maximum height is 48 feet.
City of Santa Cruz	RT(D)Tourist Residential – Beach Residential	Residential District allows 2-1/2 stories; 30 feet; Planned Development Permit may allow one additional story or 20% additional height in feet over base zone.
Scotts Valley	C-S Service Commercial	35 feet; no "story" limit. Added height possible over first floor parking with findings. Planned Development Zoning may allow added height.
County of Monterey	VSC(CZ) – Visitor Serving Commercial – coastal zone	35 feet; no "story" limit. Greater heights allowed in Commercial and Industrial Districts if "cubical content" of higher building same as one that meets height requirements, and with Planning Commission approval.
County of Monterey	CGZ(CZ) – Coastal General Commercial	Same as above.
County of Monterey	LC – Light Commercial Inland Areas	Same as above.
County of Monterey	HC – Heavy Commercial	Same as above.
County of Monterey	VO – Visitor Serving / Professional Office	Same as above.
City of Monterey	VAF Visitor Accommodation Facility	Reference to one, two and "three and more" stories; no apparent height limit in max feet or stories.
Santa Barbara City	R-4 Hotel-Motel-MultiFamily	3 stories; 45 feet.
Santa Barbara City	HRC- & HRC-2 Hotel and Related Commerce	3 stories; 45 feet.
Santa Barbara City	R-H Resort-Residential Hotel	Not higher in feet than maximum for underlying zoning district.
City SanLuis Obispo	C-R Retail Commercial	45 feet; no "story" limit.
City SanLuis Obispo	C-T Tourist Commercial	45 feet; no "story" limit.

In summary, staff believes that the current maximum structural height standards of the Santa Cruz County Code that are applicable in commercial districts, which is 40 feet

upon approval of a height exception at a noticed public hearing by the Zoning Administrator after review by the Urban Designer, is an appropriate approach in substantial conformance with many other codes. The method of considering a possible fourth story has been modified after the meeting with Mr. Parkin, to tie it into the height exception process, which involves a discretionary permit. A variance approval would be necessary for any proposed heights greater than 40 feet.

Employee Housing

The existing County Code includes the following provision regarding employee housing within visitor accommodation units: *"Permanent residential units for site personnel shall be in place of density credits for visitor accommodations use at the rate of one kitchen and up to five permanent residents per 3,000 net developable square feet."* The earlier proposed ordinance reviewed by the Planning Commission retained the above standard for Type B units, but for Type A units the initial proposal provided: "approval of any number of employee dwelling units shall be based on a demonstrated need for residential employees and stated as a condition of project approval." After the meeting with Mr. Parkin, staff modified the proposal to eliminate the possibility of more than one employee unit in Type A developments in the C-2, VA or CT districts, with Section 13.10.335(B)(1)(c)(i) now proposed to read as follows:

"Employees for Type A units: Maximum of one employee dwelling per site."

Parking

The existing County Code contains the following Auto Parking Spaces requirement in Section 13.10.552(B):

Motels, hotels, lodging houses, visitor accommodations with or without kitchens	1.1 per unit, or 1 per habitable room, whichever is more
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Related 13.10.700 definitions of "Habitable room", "Hotel", "Lodging house", "Motel", "Visitor accommodations, Types A and B" and "Visitor accommodation (VA) unit" are not proposed to be amended, and will remain as follows:

13.10.700-H: "Habitable room" means a visitor accommodation consisting of any room which can be used for sleeping accommodations, including living rooms, but not including bathrooms and kitchens. A unit over 400 square feet in total square footage, including bathrooms and kitchens, creates a presumption of more than one habitable room.

13.10.700-H: "Hotel" means a structure or portion thereof in which there are six or more completely furnished individual guest rooms or suites, which maintains an interior lobby through which tenants must pass to gain access to guest rooms or suites, usually occupied on a transient basis, where lodging with or without meals is provided for compensation and in which more than 60 percent of the guest rooms or suites are without kitchens.

13-10-700-L: "Lodging house" means a dwelling in which lodging or lodging and meals are provided for compensation for more than three but not more than 15 persons other than members of the resident family excepting a nursing home as defined herein.

13.10.700-M: "Motel" means a structure or portion thereof or a group of attached or detached structures containing completely furnished individual guest rooms or suites, usually with garage attached or parking spaces located in proximity to each unit, where lodging is provided for compensation, and in which more than 60 percent of the guest rooms or suites are without kitchens.

13.10.700-V: "Visitor accommodations, Types A and B" means visitor serving facilities for overnight or extended stay use, such as hotels, motels, horizontal hotels, inns, lodges, recreational vehicle parks, hostels, commercial camping, and appurtenant uses.

Type A = lodging house/motel/hotel/horizontal hotel

Type B = camping, group quarters, hostel, RV parks, where designated"

13.10.700-V: "Visitor accommodations (VA) unit" means a visitor serving unit not exceeding four rooms, one of which is a bathroom, and one of which may be a kitchen or an additional bathroom, and not exceeding 600 square feet overall. A studio with bath and kitchenette counts as three-quarters unit.

The proposed amendment is only for Type A accommodations in the C-2, VA or CT districts. It would establish the parking requirement based on "visitor accommodation units" only (no longer refer to "habitable rooms") and reduce the requirement from 1.1 space per unit or habitable room, to 1 space per visitor accommodation unit.

Type A accommodations in other zoning districts, and Type B accommodations, would be subject to the current parking requirement. However, this section is clarified in order to remove the "moot" reference to "units" (all units will have at least one room, and more than one room will lead to the "habitable room" requirement), and to add a reference to the applicable definition of "habitable room." In preparing this material for the Planning Commission's review, it was also noticed "lodging houses" was inadvertently included within the group for which the requirement is being changed, and so that was removed so that the higher parking requirement will be retained for lodging houses. Also, a reference to the definition of "visitor accommodation (VA) unit" would be helpful to clarify the applicable definition for the Type A unit requirement in commercial districts which is being changed from 1.1 per unit or 1 per habitable room, to 1 per VA unit, so that reference was added.

Therefore, the currently proposed parking amendment that staff recommends that the Planning Commission recommend be adopted by the Board of Supervisors, is as follows:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
Motels, hotels, lodging houses, visitor accommodations <u>Types A and B</u> , with or without kitchens (except <u>Type A as below</u>)	1.1 per unit or 1 per habitable room as defined by 13.10.700-H, whichever is more	0.2 per unit and storage necessary to accommodate them; with a 2 minimum of 2
<u>Motels, hotels, and visitor accommodations Type A only, in the C-2, VA or CT districts</u>	1 per visitor accommodations (VA) unit, as defined by 13.10.700-V but not including lodging houses. For parking purposes, VA studio units shall count as no less than one visitor accommodations unit in the C-2, VA and CT districts.	0.2 per unit and storage necessary to accommodate them; 2 minimum

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Coastal Commission Staff Input

In communications with Coastal Commission staff, they have requested that the regulations clearly reflect Coastal Act policy that lower cost visitor-serving uses be protected, encouraged and provided. It should be noted that the Santa Cruz County Code does provide for a wide range of visitor accommodation types, and that the proposed amendments regarding density and parking would only be for motels, hotels and visitor accommodations, Type A only, in the applicable commercial (C-2, VA or CT) districts.

Existing County Code Section 13.10.335(B)(3)(f) language provides: *"Visitor accommodation projects shall be evaluated to ensure that a diversity of all types of visitor accommodations is provided in the Coastal Zone consistent with Local Coastal Program Land Use Plan policy. Visitor accommodation projects on priority sites shall primarily provide accommodations available to the general public."* That language will be retained and further qualified, and relocated into the reformatted ordinance, as explained and shown below.

In response to the Coastal Commission staff request, staff has proposed to add a (iv) to Subsection 13.10.335(B)(2)(a)(i – iii) of the proposed Code, so that the whole of 13.10.335(B)(2)(a) would read as follows:

(2) Permit Review.

- (a) Development permits for visitor accommodations shall be evaluated for consistency with the following policies:
 - (i) A diversity of all types of visitor accommodations shall be provided in the Coastal Zone consistent with Local Coastal Program Land Use policy.
 - (ii) Visitor Accommodation projects on priority sites shall serve primarily the general public, rather than any particular group or organization.
 - (iii) Visitor accommodations development in areas designated for neighborhood or community commercial use shall not adversely affect the integrity of retail commercial centers.
 - (iv) Lower cost visitor-serving uses shall, as feasible, be protected, encouraged and provided.

Existing General Plan policies from the Land Use Element, as well as the Parks, Recreation and Public Facilities Element, are attached as Exhibit M, including Table 2-5 regarding Coastal Priority Sites. The proposed General Plan and LCP Amendment involves only Policy 2.16.7 "Design of Visitor Accommodations" and Program "a" under Land Use Objective 2.16. The same new policy language regarding lower cost visitor-serving uses was also incorporated into the now-proposed General Plan/LCP amendment of program "a" under Objective 2.16, to insure that the Visitor Accommodations zone district shall, as feasible, protect, encourage and provide lower cost visitor-serving uses.

Therefore, the currently proposed General Plan/Local Coastal Program Amendment, that staff recommends that the Planning Commission recommends that the Board of Supervisors adopt, is shown by the following strike-out/delete language showing changes from the current GP/LCP:

0404

2.16.7 Design of Visitor Accommodations

(LCP) Ensure quality of design for visitor accommodations through Commercial Development Permit procedures, including the Zoning ordinance, to regulate density as appropriate, signage, landscaping, buffering, on-site circulation and access, parking, and site and building design.

Program "a" under Objective 2.16, Visitor Accommodations Designation (C-V)

- a. Maintain a Visitor Accommodations zone district as part of the Santa Cruz County Code to implement the Visitor Accommodations land use designation. ~~The zone district shall specify allowable densities which provides~~ for a variety of overnight or extended stay lodging for visitors, and which shall, as feasible, protect, encourage and provide lower cost visitor-serving uses. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)

Environmental Review

Letters from Wittwer & Parkin call for preparation of a full environmental impact report, citing potential impacts to water, traffic and visual environment, as well as a concern that the County is "segmenting" the hotel amendment from the larger project of regulatory reform. Staff has reviewed all comments on the Initial Study and Negative Declaration that was circulated for public review, and has determined that no changes are needed.

A full analysis and responses to the CEQA comments can be reviewed in the attached staff report to the Board of Supervisors of its November 5, 2013 public hearing, under the "Comments Regarding CEQA" on pages 3 - 5 of that document (Exhibit H).

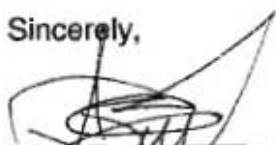
No changes to the proposed Initial Study / Negative Declaration are necessary because public comment did not identify or document any potential impacts not already addressed by the document. It is also recommended that the Planning Commission find, and recommend that the Board of Supervisors find, that there will be no potential effects on fish, wildlife and habitat that occur as a result of adoption of the ordinance. The modifications to the proposed General Plan and County Code amendments do not require recirculation of the Negative Declaration, as the proposed changes only render the proposed amendments more protective of the environment.

RECOMMENDATION

It is therefore **RECOMMENDED** that your Commission take the following action:

Adopt the attached resolution (Exhibit A) recommending that the Board of Supervisors adopt the ordinance amendment (Exhibit B) and General Plan/LCP amendment (Exhibit D).

Sincerely,


 JERRY BUSCH
 Planner III


 KATHY M. PREVISICH
 Planning Director

0405

Exhibits:

- (A) Resolution recommending that the Board of Supervisors adopt the Negative Declaration and proposed General Plan / LCP and Zoning Ordinance amendments with modifications
- (B) Clean copy of currently proposed ordinance
- (C) Underline/Strikeout copy of currently proposed ordinance
- (D) Clean copy of currently proposed General Plan / LCP amendment
- (E) Underline/Strikeout copy of currently proposed General Plan / LCP amendment
- (F) Underline / strikeout copy of ordinance reviewed by Planning Commission on 9-11-2013
- (G) Underline / strikeout copy of GP/LCP amendment reviewed by Planning Commission on 9-11-2013
- (H) Board of Supervisors letter of November 5, 2013 agenda
- (I) Planning Commission letter of September 11, 2013 agenda
- (J) Initial Study / Negative Declaration (no changes proposed). Online only: see December 11, 2013, Planning Commission agenda. Go to <http://www.sccoplanning.com>; under Quick Links, click on Planning Commission.
- (K) Letters from Wittwer & Parkin, dated September 30, November 1 and November 4, 2013. Complete Wittwer & Parkin letter of November 4th, including references to other government codes, is available online only, within the December 11, 2013 Planning Commission online agenda materials (see address in J above).
- (L) Density of hotels built or approved since 2000 in County cities based on parcel size
- (M) Related Policies and Programs from existing General Plan Land Use Element and Parks, Recreation and Public Facilities Element, including Figure 2-5 related to Coastal Priority Sites

Cc: County Counsel



COUNTY OF SANTA CRUZ

0406

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

October 24, 2013

AGENDA DATE: November 5, 2013

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

SUBJECT: CONTINUED PUBLIC HEARING TO CONSIDER AMENDING THE SANTA CRUZ COUNTY CODE AND GENERAL PLAN / LOCAL COASTAL PROGRAM TO MODIFY STANDARDS FOR HOTELS AND MOTELS IN COMMERCIAL DISTRICTS

Members of the Board:

The purpose of today's public hearing is to provide additional material for your Board's consideration regarding proposed amendments to the County Code and General Plan/Local Coastal Program (GP/LCP) related to "Type A" hotel and motel development in commercial zoning districts. This proposal was the subject of a public hearing before your Board on October 1, 2013, which was continued to this November 5, 2013 date. Staff subsequently met with Mr. Bill Parkin of Wittwer & Parkin to review the concerns raised in that firm's letter dated September 30, 2013 which was written on behalf of the "Aptos Council". As a result of that meeting, staff has incorporated refinements into the proposal. This report reviews those refinements and responds to the concerns in the September 30th letter.

Introduction

The goal of the proposed amendments is to modernize County hotel regulations to reflect current standards, both within the hotel industry and in place within the land use codes of many other jurisdictions throughout the country. The unincorporated area contains a variety of visitor accommodations, but economic consultants have found that there is a need for modern, well-designed visitor accommodation rooms and suites.¹ While it is difficult to conclude that the county's current hotel regulations are the main reason that there has been very limited new hotel or motel development in the unincorporated area for many years, updating the Code to reflect modern industry standards and a more typical regulatory approach in use by many other jurisdictions is a worthwhile objective, consistent with the Board of Supervisor's goal of modernizing and streamlining the county's land use regulations. The proposed approach involves the "Type A" type of accommodations that are typically located within urban and tourist areas. The proposal reflects standards used by each of the cities located in the County, which have experienced more interest and approvals of new visitor accommodations².

The current code limits the number of rooms in any hotel or motel by density, which is the relationship between the number of rooms and the net developable area on the parcel. The single standard of 1,100 square feet of property for each room without a kitchen applies countywide for "Type A" accom-

¹ The "Santa Cruz County Economic Vitality Strategy Phase 1 Economic Trends Report" prepared by BAE Urban Economics in 2013 found that the quality of hotel stock has not kept pace with improvements in other areas that compete with the County for tourism.

² Attachment 7 shows hotel developments 2000-2013 along with the amount of developable area per visitor accommodation unit.

0407

modations. Staff believes that a more typical regulatory approach in use throughout the country would also work for the unincorporated area. That approach is similar to how most other non-residential development is regulated, which is not directly by employee density or customer density or how many people use the site, but by minimum setbacks, maximum height, parking requirements, environmental constraints, and design review. Market demand and availability of financing also determine the type of hotel or motel that might be proposed for development, and how many rooms, and the size and nature of those rooms given the type of customer the hotel product is oriented to.

The basis for and purpose of the county's existing density standard is not clear. Removing a "one size fits all" site area per room approach would better allow for a hotel product to be proposed that would "match" the number of rooms to the particular product type and setting of the property. This is a common approach to regulating hotel development³. The proposed amendments would therefore meet another goal, which is for County regulations to be more similar to the approach taken by most other jurisdictions than is currently the case. If there are strong reasons for different regulations that is certainly fine, but staff cannot articulate a need for a hotel density standard for Type A hotels in the county. Staff is wary of simply selecting another number to replace the current standard. For example, if it were 500 square feet of site area per hotel room, then that might establish a developer expectation that the County "must" allow a result of that calculation to be approved in a project. Yet there could be a scenario where application of other zoning standards, along with design review and environmental review, result in county staff recommending approval of a hotel project that would require more than 500 square feet of net developable area per hotel room.

Summary of Refinements to Proposed Amendments

The differences between the proposed amendments that were before your Board on October 1st and the amendments before your Board today are as follows:

- Section 13.10.335 (B)(1) was originally proposed to be changed to allow more than one on-site employee housing unit within "Type A" hotel developments if warranted based on need. That has been modified to allow only one employee dwelling per site.
- Currently the County Code allows a building in a commercial district to exceed the height limit by up to five feet subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. This provision is Section 13.10.510(D)2. Originally staff had proposed that Section 13.10.333 be changed to state that the three story limit would no longer apply to hotels and motels. Instead, the proposal is to have the provisions state that a building that exceeds three stories may be considered, but only as part of a height exception request made pursuant to 13.10.510(D)2 which requires a noticed public hearing, and findings that the additional height complements or completes the architectural design, and complies with applicable LCP policies, including those protecting scenic corridors and public viewsheds. Any four-story development would most likely be pursuing the extra five feet allowed by Section 13.10.510(D)2, so requiring the height exception is consistent with that approach.

Responses to Concerns of Wittwer & Parkin Letter dated September 30, 2013

This letter was received the day before the October 1st hearing and though it was provided to Board members the comments were not able to be addressed at that time.

Need for the Amendments

The staff report for the October 1st Board meeting (Attachment 10) documented the density of recent hotel developments that have been approved or completed in the incorporated cities of the County. This indicates that the County standard of 1300 and 1100 square feet of developable property for each

³ Attachment 8 shows whether local jurisdictions regulate hotels by density or by design and site standards.

room, with and without kitchen respectively, is out of line with the modern average density. The recent average in the cities is approximately 640 square feet per room. With regard to only using examples from the incorporated areas, "Type A" accommodations within the unincorporated area would probably, though not exclusively, be located in the urban areas of Live Oak, Soquel and Aptos/Rio del Mar. These are urban areas and therefore the comparison to urban hotel development is relevant. Regarding hotel redevelopment and new hotels in rural areas, it is important to note that environmental constraints, such as minimum septic requirements and riparian or slope setbacks, would continue to operate and may have the effect of limiting room count.

As a clarification of the staff report, the need for "higher quality" rooms in the County is more accurately stated as a need for modern rooms that would meet current industry standards for quality and amenities. This need is not confined to rooms in any particular cost range. An additional need, not discussed in the previous staff report, is for the County's hotel regulations to allow hotel designers more flexibility in the types of rooms that they offer. This will help ensure that smaller modern rooms as well as larger modern rooms and suites could be proposed.

As stated earlier, zoning development standards including minimum setbacks, maximum height and parking requirements; along with environmental constraints, the design review process, and market demand and availability of financing will continue to be the primary factors that determine the type of hotel or motel that might be proposed for development, in terms of the number of rooms, and the size and nature of those rooms given the type of customer the hotel product is oriented to. Whether or not improvements such as restaurants, gyms, meeting rooms and gardens are proposed as part of the hotel site development also affects the number of rooms and consequent "density" of the development.

Comments Regarding CEQA

The market for different types of hotel products is dynamic, and because it is not possible to foresee when a project may be proposed one cannot predict the type of hotel product that might be pursued, or the environmental conditions that will exist at that time. As a result, staff does not believe that any reasonably foreseeable specific environmental impacts will result from the proposed code amendments.

Staff did consider the status of the two most prominent vacant sites in the unincorporated area that are zoned for Visitor Accommodation (VA). Dominican Hospital, the owner of the Poor Clares property in Seacliff, states that they have no foreseeable plans to sell the property or to pursue a hotel development project. Regarding the County-owned parcels on 7th Avenue near Brommer Street in Live Oak, it is not clear what type of VA project might be proposed or in what time frame. The site must be disposed of in accordance with state legislation governing dissolution of redevelopment agencies and sale of unencumbered real property assets. There is therefore nothing on which to base an analysis of impacts that might result from development on either of these properties and how it might be affected by the proposed code amendments. It would be speculative to try to define a possible visitor accommodation project in terms of the amenities that might be included with a project, and the nature and number of rooms that might be proposed.

The comment letter refers to the "relaxation of standards" and states that the ordinance "increases allowable density". It is important to note that site development standards (e.g. height and setbacks), parking requirements, design review and environmental review will establish parameters for the number of rooms in a future project, along with market considerations and what types of amenities may be included within a project, as discussed above. Projects could be proposed at a range of "densities", and might be "lower density" on a site with proposed conference and restaurant space. Therefore, while modern rooms with standard amenities may be facilitated as a result of these code amendments, it is not a given that density will increase. As noted previously, the type of hotel product and specific design will determine how any given development proposal may be affected by the amendment.

The comment letter also refers to the October 1st proposal to allow a fourth story on hotels as long as the overall height limit is respected and the design meets design review guidelines, as a "relaxation of standards". Staff continues to believe that allowing an additional story does not "relax standards" in the way that phrase is typically understood to mean a lowering of standards. The existing maximum height regulations are not changing. The current code sets a 35-foot height limit, but allows a building in a commercial district to exceed the height limit by up to five feet subject to review and recommendation by the Urban Designer and approval by the Zoning Administrator following a public hearing. This provision is Section 13.10.510(D)2. Originally staff had proposed that Section 13.10.333 be changed to state that the three story limit would no longer apply to hotels and motels. Instead, the current proposal is to have the provisions state that a building that exceeds three stories may be considered, but only as part of a height exception request made pursuant to 13.10.510(D)2 which requires a noticed public hearing, and findings that the additional height complements or completes the architectural design, and complies with applicable LCP policies, including those protecting scenic corridors and public viewsheds. Any four-story development would most likely be pursuing the extra five feet allowed by Section 13.10.510(D)2, so requiring the height exception is consistent with that approach.

The comment letter specifically refers to water supply as an environmental impact that should have been evaluated in an Environmental Impact Report. Staff has previously noted that there are several General Plan policies that address potential impacts on water supply with which any project must be found to be consistent. These amendments do not change that. The General Plan policies are described in section B.4 of the Environmental Review Initial Study (Attachment 6). In addition, no project may go forward without a "will serve" letter from the applicable water purveyor and without complying with all conservation measures, including water offsets, as administered by the purveyor. Parcels that have a private water supply must comply with County conservation measures. Staff believes that there is no impact on water supply that can be characterized as reasonably foreseeable (see earlier sections of this letter), and that existing reviews, as well as project specific CEQA review, will ensure full evaluation of any project relative to potential impact on water supply.

Finally, the comment letter, as with the comment letter related to the proposed sign exceptions ordinance, states that by referring to these amendments as part of an ongoing effort toward "regulatory reform" they become part of an existing program that is well defined enough to constitute a "project" under CEQA. Staff disagrees strongly with this characterization. The terms "regulatory reform" or "code modernization" refer to a broad goal that has been identified by your Board and the Department, which is that the land use codes should be modernized, made more clear, and include streamlined permitting approaches as appropriate in order to reduce the time and money it takes to obtain permits, and thereby reduce the level of unpermitted construction activity that occurs. In pursuit of this goal, the Planning Department has been identifying confusing and/or overly complicated parts of the codes, and then stating a particular objective and developing a proposed project (code amendment) that would meet that objective. This activity occurs at a pace that reflects resource availability (staff time). There are larger objectives that lead to larger "packages" of amendments, such as "Update Zoning District Use Charts and Development Standards". This package necessarily includes the "Update of Chapter 18.10 Permit and Approval Procedures" due to the current structure of the use charts. That is a large package that is complicated and still coming together, with the hope of having draft ordinances available for Board review and acceptance as the "project description" early in 2014, so that the CEQA review of that large package can begin.

At times, when staff identifies what it believes is a smaller, more-focused project objective that could be prepared and processed more quickly, those smaller proposals are brought forward for consideration. That is the case with this current proposal to modernize certain hotel development regulations. An Initial Study has been prepared and circulated, and no reasonably foreseeable potential for a significant environmental impact has been identified that would result from adoption of the proposed code amendments.

Initial Study and Proposed Negative Declaration Circulated

An Initial Study and Negative Declaration (IS/ND) were completed for the version of the ordinance amendments and GP/LCP amendments that were proposed on October 1st (Attachment 6). The differences between the version of the amendments that were proposed on October 1st and the current version make the proposed regulations more stringent and therefore do not create any new or substantially more severe significant impacts. Because new potentially significant impacts were not identified and there were no previously identified potentially significant impacts that could be exacerbated by the differences, recirculation of the Initial Study and proposed Negative Declaration is not required.

Planning Commission Recommendation

As described in the Board packet of October 1st, on September 11, 2013 the Planning Commission held a duly noticed public hearing to consider the proposed ordinance. The four Planning Commissioners present at the meeting voted unanimously to recommend that your Board adopt the attached Initial Study / Negative Declaration, (Attachment 6), approve the proposed amendment to General Plan / LCP Policy 2.16.7 and related Program "a" listed under General Plan / LCP Objective 2.16 (Attachment 2), approve the proposed ordinance amendments (Attachment 4; ~~strikeout~~-underline as Attachment 5); and direct staff to submit the adopted amendments to the California Coastal Commission.

Recommendations

Staff believes that the proposed ordinance amendments would modernize County standards for "Type A" hotel development in VA, CT and C-2 zone districts and would bring the County Code into closer alignment with industry standards and the approach taken by many jurisdictions, including cities within Santa Cruz County. This will be accomplished by relying on site development standards, parking limits, design review, environmental site constraints, and the market for product types to determine the number of allowable rooms within a hotel development, rather than on a formula of density; by allowing a fourth story to be considered as part of an application for the Urban Designer to approve five additional feet of height, which is a process allowed in the current code; and by modernizing parking standards.

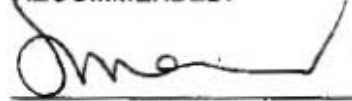
It is therefore RECOMMENDED that your Board take the following actions:

1. Conduct a public hearing on the proposed General Plan / LCP and ordinance amendments;
2. Adopt the Resolution (Attachment 1) adopting the Negative Declaration (Attachment 6), adopting and General Plan / LCP amendment (Attachment 2), and directing staff to submit the amendments to the Coastal Commission;
3. Approve in concept the proposed ordinance amendments (Attachment 4); and
4. Direct the Clerk of the Board to bring the ordinance approved in concept back to your Board for a second reading on the next meeting agenda in order to finalize the amendment process.

Sincerely,


Kathy Previsich
Planning Director

RECOMMENDED:


SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Resolution
2. Clean copy of General Plan / LCP amendment
3. Underline/Strikeout copy of General Plan amendment

4. Clean copy of ordinance
5. Underline/Strikeout copy of ordinance
6. Initial Study / Negative Declaration
7. Updated parcel area per unit of area hotels built or approved 2000 – 2013
8. Table indicating whether density is a factor in hotel regulation in local jurisdictions
9. Letter of Wittwer & Parkin, LLP, dated September 30, 2013
10. Selected sections of October 1, 2013 Board packet
11. Selected sections of Planning Commission packet from hearing of September 11, 2013

0411

cc: County Counsel

Jonathan Wittwer
William P. Parkin

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Ryan D. Morency
Nicole G. Di Camillo

0412

September 30, 2013

VIA EMAIL AND HAND DELIVERY

Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060
tess.fitzgerald@co.santa-cruz.ca.us

Re: Agenda Item: Comments on Revisions to Hotel Standards Ordinance, General Plan/LCP Amendments and Comments on Initial Study

Dear Board of Supervisors:

This office represents the Aptos Council and this letter is written on its behalf, concerning the proposed revisions to the County's hotel development standards on the October 1, 2013 Agenda. The Planning Department has set forth a conclusory proposal to weaken standards for hotel development, with no supporting evidence demonstrating the need for such relaxation of standards in the first place, and further, without adequate environmental review of the potential impacts of such relaxation of standards, which is required under the California Environmental Quality Act (CEQA- Public Resources Code 21000 *et seq.*)

A. The Staff Report Fails to Provide Adequate Information and Evidence Regarding the Proposed Modifications

The staff report paints a picture of the use of hotel room density restrictions as outdated and "inconsistent with the metrics and standards of modern hotel development in general[.]" but fails to provide any data to support this presumption. Instead, the staff report just states a broad generality about the fact that greater hotel densities exist "[a]cross the country," with no supporting evidence. The only locally relevant examples of higher density hotels are from the *incorporated* areas of the County, areas which may have different constraints, levels of urbanization, or other restrictions that could potentially make density restrictions less crucial. Clearly density has been an important consideration in the unincorporated areas, in particular in the Coastal zone, as evidenced by the LCP language the County proposes to delete in these modifications: "Maintain a Visitor Accommodations zone district as part of the Santa Cruz

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Board of Supervisors

Re: Comments on Revisions to Hotel Standards Ordinance, General Plan/LCP Amendments and
Comments on Initial Study

September 30, 2013

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County Code to implement the Visitor Accommodations land use designation. The zone district shall specify allowable densities for a variety of overnight or extended stay lodging for visitors.¹

The staff report also fails to identify the need for such a change, by for example, identifying the putative “higher quality market segments” that are supposedly hampered by the current density criteria. The staff report states that “[f]ew new hotels are constructed in the unincorporated area...and this has limited the County’s ability to attract the demographic of the tourist market that can contribute most to local economic vitality.” However, nowhere in the staff report are there any logical links made between hotel density and story restrictions and lagging hotel development. The lack of this information begs questions that Board members would presumably want to know – where, in their districts, higher density, four-story hotels with reduced parking requirements could be developed, and what the environmental and economic impact of such development will be.

These revisions, like those to the County’s Sign Ordinance before the Board, are part of the County’s self-proclaimed “Regulatory Reform Efforts” which constitute a suite of prior, pending and future County Code amendments contemplated by the Planning Department. However, rather than perform the required environmental review of this project as a whole, the County has engaged in a pattern and practice of segmenting or “piecemealing” these “Regulatory Reform Efforts” by splitting the project up into numerous smaller segments in order to avoid environmental review, in violation of CEQA. CEQA Guidelines §15378; *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263.

B. The Failure to Prepare an EIR Violates CEQA

Although the County performed an Initial Study (IS) and Negative Declaration for these revisions, the Initial Study/ND is fatally flawed in its required analysis of all Environmental Factors Potentially Affected (IS at 2) because it defers all environmental review to a later time when a “future project[] to construct or rehabilitate visitor accommodations within the County...would require a future discretionary approval...” (IS at 18). This skirting of analysis is expressly prohibited by CEQA. As discussed in *California Unions for Reliable Energy v. Mojave Desert Air Quality Management Dist.* (2009) 178 Cal. App. 4th 1225, in the context of an air quality management district’s adoption of a rule concerning the use of road paving to offset increases in airborne dust:

¹ Program “a” under Objective 2.16, Visitor Accommodations Designation (C-V). The last sentence is proposed for deletion.

Board of Supervisors

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Re: Comments on Revisions to Hotel Standards Ordinance, General Plan/LCP Amendments and
Comments on Initial Study

September 30, 2013

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Piecemeal environmental review that ignores the environmental impacts of the end result is not permitted. [Citations.]... 'The scope of review under CEQA is not confined to immediate effects but extends to *reasonably foreseeable indirect physical changes to the environment*. [Citations.] An agency action is not exempt from CEQA simply because it will not have an immediate or direct effect on the environment. CEQA applies if it is reasonably foreseeable that environmental impacts will ultimately result. [Citations.]'... the focus must be not on the project alone, but rather on the project's *reasonably foreseeable direct and indirect physical effects*. While the adoption of Rule 1406 did not cause any road paving by itself, certainly it *encouraged third parties* to pave roads. It is reasonably foreseeable that, if the District allows applicants to obtain PM10 offsets by paving roads, at least some applicants will do so. *Otherwise, why adopt the rule?*

178 Cal. App. 4th at 1242, 1244 (emphases added).

The County therefore cannot simply state that because the project "consists of regulatory changes, which by themselves will have no physical effect on the environment" that the revisions are therefore exempt from full CEQA review. (Staff Report at 3). Indeed, why would the County adopt such revisions if not to encourage, foster and increase the number of hotels developed? Here, the County even specifically admits that "[i]f the density limitation is removed, the number of hotel rooms allowed on various sites *could increase...*" This acknowledgement supports the need for preparation of an Environmental Impact Report (EIR). An EIR is required whenever substantial evidence in the record supports a "fair argument" that significant impacts may occur as a result of the project. Public Resources Code §§ 21080, 21100; CEQA Guidelines, §15064. The "fair argument" standard creates a "low threshold" for requiring preparation of an EIR. *Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal. App. 4th 1095, 1110 ("This test establishes a low threshold for initial preparation of an EIR, which reflects a preference for resolving doubts in favor of environmental review.[Citations].")

Moreover, the County inappropriately alludes to programmatic EIRs as justification for not completing full environmental review at this time: "CEQA provides a process for performing environmental review on a programmatic level for projects such as ordinance amendments. When a particular development is proposed, it will be subject to full CEQA review..." Staff Report at 2. The County has not however, completed a programmatic EIR on which to rely in this matter. A negative declaration does not provide the same level of analysis of environmental impacts and does not require mitigations.

For example, the County punts on a crucial assessment of impacts and mitigation measures for water resources, an issue highlighted by the City of Santa Cruz Water Department in its letter. The staff report states: "When a particular development is proposed, it will be subject

Board of Supervisors

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Re: Comments on Revisions to Hotel Standards Ordinance, General Plan/LCP Amendments and
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Page 4

to full CEQA review, and at that time water supply availability and any impact on water supply can be evaluated and addressed.” Clearly however, an ordinance amendment that *increases* the allowable density and stories of hotels (i.e., a relaxation of standards), will have a cumulative impact on water supplies – a hotel under the new ordinance with the same footprint can now accommodate a significantly greater number of water users. This issue alone requires the full analysis of impacts and mitigation measures afforded by the EIR process. *See California Unions*, 178 Cal. App. 4th at 1240, *supra* (“Rulemaking proceedings cannot be found exempt, however, when the rule has the effect of weakening environmental standards.”) *See also International Longshoremen’s & Warehousemen’s Union, Local 35 v. Board of Supervisors* (1981) 116 Cal.App.3d 265 (an air district rule relaxing nitrous oxide emission standards was not categorically exempt from environmental review because there was the potential for a significant adverse environmental impacts caused by affirmative governmental agency action altering the status quo.)

As another example, although the IS defers all analysis of “Visual Resources and Aesthetics” to future projects, allowing four stories could have a visual impact on aesthetics in the County. While the Planning Department staff point out that “[w]ell designed, attractive four-story hotels could be constructed [within existing height limitations,]” the Negative Declaration does not even include a mitigation measure to enforce this perceived standard. Indeed, there are no mitigations whatsoever proposed here. There are numerous other examples, including impacts to “Transportation and Traffic.” By increasing hotel density and decreasing parking, clearly there could be potentially significant impacts on traffic and parking, which are inadequately analyzed in the IS, due to the fact that analysis of those issues is simply being deferred to future projects. Indeed, this deferral of review infects the entire analysis of all potential impacts.

In sum, the Planning Department has failed to provide County decision makers with adequate evidence and data supporting the proposed relaxation of hotel development standards. Moreover, the County’s IS is legally inadequate – an EIR is required not only due to the fact that the modifications constitute a relaxation of environmental standards, but also because the County cannot piecemeal large-scale regulatory reform such as this by simply hiding behind the notion that impacts will be addressed at a later time. Accordingly, we respectfully request that the County perform full environmental review for these proposed changes as required under CEQA.

Pursuant to Public Resources Code § 21167(f), I am requesting that the County forward a Notice of Determination to me if and when the Project is finally approved. That section provides:

0415

Board of Supervisors

Re: Comments on Revisions to Hotel Standards Ordinance, General Plan/LCP Amendments and
Comments on Initial Study

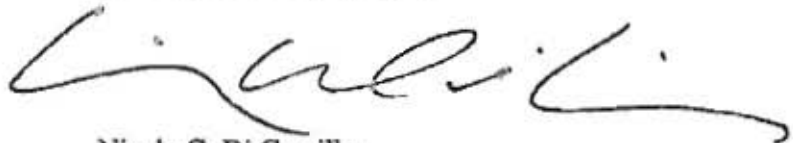
September 30, 2013

Page 5

If a person has made a written request to the public agency for a copy of the notice specified in Section 21108 or 21152 prior to the date on which the agency approves or determines to carry out the project, then not later than five days from the date of the agency's action, the public agency shall deposit a written copy of the notice addressed to that person in the United States mail, first class postage prepaid.

Thank you for your consideration of these comments.

Very truly yours,
WITTWER & PARKIN, LLP

A handwritten signature in black ink, appearing to read 'Nicole G. Di Camillo', with a stylized, flowing script.

Nicole G. Di Camillo

cc: Chris Cheleden, County Counsel
Client

November 1, 2013

VIA HAND DELIVERY AND EMAIL

Board of Supervisors
County of Santa Cruz
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

Re: Agenda Item 35; Continued Public Hearing to Consider Amending Local Coastal Program Policy 2.16.10 and Chapter 13.10 of the Santa Cruz County Code Concerning Hotels and Motels in Commercial Districts

Dear Members of the Board:

As you know, this office represents the Aptos Council with respect to the above referenced matter. This letter is to respond to a Staff Report to you dated October 24, 2013 (that was just released publicly yesterday). While we appreciate the Staff's willingness to meet with us concerning these amendments (and the sign ordinance amendments also on your agenda), we stand by our previous communication to you on September 30, 2013 concerning this item, and incorporate that previous letter by reference. Nothing in the additional Staff Report, or the revisions, since you last reviewed this item changes the assertions in our letter.

We note that the addition of language (since the last time you reviewed these amendments) requiring that permission for a four-story hotel must be considered as part of a height exception really adds nothing of substance to the amendments. A height exception is needed to exceed the 35-foot maximum height limitation, and it is impractical to build a four-story hotel within 35 feet. So as a practical matter, a height exception would always be needed for a four-story hotel even under the iteration of the amendments presented to you at your October 1, 2013 meeting. We note that the General Plan and the zoning code currently do not allow four story buildings anywhere in unincorporated Santa Cruz County. This will cause a potential radical visual change that will conflict with other development adjacent to such projects, or lead to calls for other uses to have the same ability to build four-story structures. Thus, we strongly urge the Board to leave the restriction on stories in place.

Finally, we disagree with the Staff Report's analysis concerning piecemeal environmental review. In fact, the Board is also considering separately on the same agenda as this item that loosens restrictions for signs (agenda item 36). The County is clearly piecemealing zoning code changes with Negative Declarations and Exemptions. The scope of changes proposed require

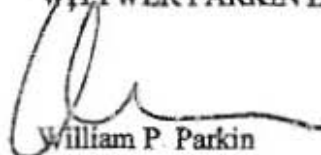
Board of Supervisors
Re: Revisions to County Code for Motels and Hotels
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0413

more robust environmental review in the form of an EIR with public review and comment. Moreover, the cumulative effect, including the cumulative visual impact, of allowing higher density motels and hotels with four stories in conjunction with less restrictive requirements in other code provisions (such as the allowance of more signs if you also approve agenda item 36) must be addressed.

Thank you for your consideration of these comments.

Very truly yours,
WITTWER PARKEN LLP



William P. Parkin

cc: Kathy Previsich (via email only)
Chris Cheleden, Esq. (via email only)

JONATHAN WITTWER
WILLIAM P. PARKIN
RYAN D. MORONEY
NICOLE G. DI CAMILLO

C419

November 4, 2013

VIA HAND DELIVERY AND EMAIL

Board of Supervisors
County of Santa Cruz
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

Re: **Agenda Item 35; Continued Public Hearing to Consider Amending Local Coastal Program Policy 2.16.10 and Chapter 13.10 of the Santa Cruz County Code Concerning Hotels and Motels in Commercial Districts**

Dear Members of the Board:

As you know, this office represents the Aptos Council with respect to the above referenced agenda item. One of the reasons touted for removing the density standards for hotels and motels is that other jurisdictions do not regulate density for these types of development. We reviewed a sampling of other codes along the coast from Santa Cruz County to the City of Santa Barbara. What we found is that other jurisdictions along this stretch of coast regulate hotel and motel density through limits on units per lot area, lot coverage standards and/or floor area ratios. Moreover, many of these jurisdictions limit height to 35 feet and/or three stories. For your convenience we are attaching some of the ordinances we reviewed from these jurisdictions. Even the City of Santa Cruz heavily regulates height and density of hotels and motels in most of its zoning designations. Thus, the County's current approach is not inconsistent with other jurisdictions in Santa Cruz County or the region. Thus, if you adopt the proposed amendments, Santa Cruz County will be far less restrictive than other jurisdictions.

Currently, under the County General Plan and the zoning code no buildings in Santa Cruz County may exceed three stories. If these revisions are approved by the Board, the County is embarking on an entirely new direction for development in Santa Cruz County. The effects of eliminating any limitation on the number of units and allowing four stories has not been properly analyzed in the Negative Declaration. Indeed, the only limitation on density for hotels and motels will be parking. And if a developer proposed underground parking, there will be little limitation on the number of units. This is particularly true since setbacks in commercial areas for side and rear setbacks is zero in a large majority of instances.

There will be potentially significant impacts to water supply, aesthetics, traffic, etc. which have been deferred until there is an actual project proposed. As our previous correspondence

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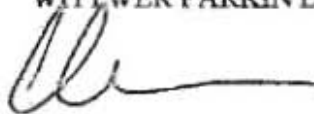
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0420

explained, the effects of the regulatory changes must be analyzed now before the Board approves amendments to the General Plan and the County Code. Therefore, the Negative Declaration fails to comply with the California Environmental Quality Act. *California Unions for Reliable Energy v. Mojave Desert Air Quality Management Dist.* (2009) 178 Cal. App. 4th 1225

Thank you for your consideration of these additional materials.

Very truly yours,
WITTWER PARKIN LLP



William P. Parkin

Encl.

cc: Kathy Previsich (via email only)
Chris Cheleden, Esq. (via email only)

Attachment 11

Attachment to Wittwer & Parkin Letter Dated November 4, 2013

The Wittwer and Parkin Letters, Attachment 11, include a 93 page attachment regarding other jurisdictions' zoning ordinances, available online only.

The attachment is provided in the online Board of Supervisors agenda packet. To view the full attachment, please go to the County Government Home Page. Under Popular Links, click on Board of Supervisors' Meeting Agendas & Minutes. Then click on Year 2014, January, and 01-28-2014 agenda. Find the Hotels item on the Regular Agenda, click on the agenda number, and scroll down to Attachment 11.

To request a paper copy of this document, please contact Jerry Busch at 831-454-3234.

0422

**CITY OF SANTA CRUZ
MUNICIPAL CODE**

1. The amenity level of the development, the quality of the architecture, and the landscaping provided substantially enhance the site;
2. The bulk, massing, height, and rooflines of the proposed development are found to be consistent with the Design Criteria and add to the architectural quality of the neighborhood; and
3. The siting, landscaping, access, and design of the proposed development demonstrate a sensitive relationship to the San Lorenzo River and maximize the natural attributes of this riverside location.

0423

(Ord. 2000-18 § 6 (part), 2000).

Part 7: R-T TOURIST RESIDENTIAL DISTRICT

24.10.600 PURPOSE.

The purpose of the R-T Tourist Residential District is to establish a zoning district to accommodate a mix of residential, motel, and commercial land uses and to preserve historical buildings and trees within the district. Recognizing this variety of land uses and the desire to utilize existing land uses, the R-T District is divided into five subdistricts: Medium-Density Residential, Motel Residential, Beach Commercial, Beach Residential, and High/Medium Density Residential. Each subdistrict is designed to ensure compatibility of uses, upgrade the area by ensuring a high quality of new developments, and promote a suitable environment for residential and tourist-oriented uses. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

(Ord. 2000-18 § 4 (part), 2000; Ord. 94-33 § 32, 1994; Ord. 85-05 § 1 (part), 1985).

~~24.10.601~~ Repealed by Ord. 2000-18 § 4.

Part 7A: R-T(A) SUBDISTRICT A – MEDIUM-DENSITY RESIDENTIAL

24.10.602 PURPOSE.

The purpose of Subdistrict A is to establish standards for medium-density residential uses which promote and protect the residential characteristics of the subdistrict and provide a suitable environment for its residents. To preserve the architectural and historic character of this subdistrict, all new development will be reviewed to ensure high-quality design compatible with surrounding residential uses, in compliance with the Beach Hill Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

(Ord. 2000-18 § 4 (part), 2000; Ord. 85-05 § 1 (part), 1985).

24.10.603 PRINCIPAL PERMITTED USES.

1. The following uses are subject to approval of a design permit and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Duplexes; (810)
- b. Small family day care facility in single-family home or duplex (510a);

c. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, accessory buildings.

0424

2. Accessory dwelling units subject to the provisions of Chapter 24.16 Part 2, except accessory dwelling units are not subject to approval of a design permit.

(Ord. 2003-17 § 6 (part), 2003; Ord. 2003-16 § 6 (part), 2003; Ord. 2000-18 § 4 (part), 2000).

24.10.604 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.):

- a. Single-family dwellings; (810)
- b. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
- c. Multiple dwellings, townhouse dwelling groups, and condominiums (three to nine units); (830)
- d. Accessory dwelling units subject to the provisions of Chapter 24.16 Part 2, except that accessory dwelling units are not subject to approval of a design permit.

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.):

- a. Bed-and-breakfast inns, subject to the requirements contained in Part 9, Chapter 24.12; (300c)
- b. Large community care facilities; (850e)
- c. Large family daycare facilities; (510a)
- d. Group care homes; (850e)
- e. Multiple dwellings, townhouse dwelling groups, and condominiums, ten units or more; (840)
- f. Public and private commercial parking;
- g. Public and private noncommercial recreation areas, buildings and facilities such as parks; (710)
- h. Public and quasi-public buildings and uses including recreational, educational, religious, cultural or public utility or service nature; but not including corporation yards, storage or repair yards, and warehouses; (500, 510, 530, 540, 570)
- i. Retirement homes or centers. (850b)

(Ord. 2005-15 § 4, 2005: Ord. 2003-17 § 6 (part), 2003: Ord. 2003-16 § 6 (part), 2003: Ord. 2002-25 § 6, 2002: Ord. 2000-18 § 4 (part), 2000: Ord. 96-39 § 7, 1996: Ord. 88-60 § 10, 1988: Ord. 88-25 § 5, 1988: Ord. 85-66 § 9, 1985: Ord. 85-05 § 1 (part), 1985).

0425

24.10.606 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title.

(Ord. 2000-18 § 4 (part), 2000: Ord. 85-05 § 1 (part), 1985).

24.10.608 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type			
	One-Family Detached	Duplex	3 or more units	Other Uses
a. Maximum Height of Buildings				
• Number of Stories	2	2	3	3
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)				
	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)				
	5,000	2,500	1,450	—
d. Minimum lot width (feet)				
	50	50	65	65
e. Usable open space per dwelling unit (square feet)				
	—	—	400	—

2. Setback Requirements.

a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.

b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.

c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater for the second story and above.

d. There shall be no side yard required for townhouses, or interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

0426

e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

f. The Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, shall be ten feet, or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

4. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

(Ord. 2003-02 § 2, 2004: Ord. 2000-18 § 4 (part), 2000: Ord. 88-41 § 2, 1988; Ord. 88-24 § 5, 1988; Ord. 85-05 § 1 (part), 1985).

Part 7B: R-T(B) SUBDISTRICT B – MOTEL RESIDENTIAL

24.10.610 PURPOSE.

The purpose of Subdistrict B is to establish and control uses to ensure a compatible mixture of uses addressing the needs of residents and tourists. Dominant uses contemplated are motel and medium-density residential uses. To encourage development which is attractive to both permanent residents and tourists, emphasis will be placed on compatibility of design, landscaping, and a comprehensive review of site planning in compliance with the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

(Ord. 2000-18 § 5 (part), 2000: Ord. 85-05 § 1 (part), 1985).

24.10.611 PRINCIPAL PERMITTED USES.

1. Accessory dwelling units subject to the provisions of Chapter 24.16 Part 2.

(Ord. 2003-17 § 7 (part), 2003: Ord. 2003-16 § 7 (part), 2003).

24.10.612 USE PERMIT REQUIREMENTS.

1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Multiple dwellings, townhouse dwelling groups, and condominiums, nine units or fewer (830). 0427
 - b. Single-family and duplex dwellings (800, 810).
 - c. Storage and equipment structures.
 - d. Temporary structures and uses.
 - e. The providing of board and room for not more than two paying guests per dwelling unit, when located within principal building.
 - f. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - g. Wireless telecommunication facilities, subject to the regulations in Part 15 of Chapter 24.12.
2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)
- a. Coffee shops subject to the live entertainment regulations in Part 2 of Chapter 24.12 (280g).
 - b. Large community care facilities (850e).
 - c. Large family daycare facilities (510a).
 - d. Motel, hotel and bed-and-breakfast inn uses subject to annual business license review (300).
 - e. Multiple dwellings, townhouse dwelling groups, and condominiums, ten units or more (840).
 - f. Public and private commercial parking (940, 950).
 - g. Public and private noncommercial recreation areas, buildings and facilities such as parks (710).
 - h. Public and quasi-public buildings and uses of an administrative, recreational, religious, cultural or public utility or service nature; but not including corporation yards, storage or repair yards, and warehouses (500, 510, 530, 540, 570).
 - i. Retirement homes or centers (850b).

(Ord. 2005-30 § 1, 2005: Ord. 2005-15 § 5, 2005: Ord. 2004-27 § 4, 2004: Ord. 2004-02 § 4, 2004: Ord. 2003-17 § 7 (part), 2003: Ord. 2003-16 § 7 (part), 2003: Ord. 2002-25 § 7, 2002: Ord. 2002-02 § 1 (part), 2002: Ord. 2000-18 § 5 (part), 2000: Ord. 96-39 § 8, 1996: Ord. 93-21 § 1, 1993: Ord. 88-60 § 11, 1988: Ord. 88-25 § 6, 1988: Ord. 85-66 § 10, 1985: Ord. 85-05 § 1 (part), 1985).

24.10.614 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part I, Chapter 24.08, Use Permits, of this title.

C428

(Ord. 2000-18 § 5 (part), 2000; Ord. 85-05 § 1 (part), 1985).

24.10.616 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type Medium Density Residential			
	One-Family Detached	Duplex	3 or more units	Other Uses
a. Maximum Height of Buildings				
• Number of Stories	2	2	3	3
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.
- b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater, for the second story and above.
- d. There shall be no side yard required for townhouses on interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

0429

f. The Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, shall be ten feet, or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

4. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

(Ord. 2004-02 § 5, 2004; Ord. 2000-18 § 5 (part), 2000; Ord. 88-41 § 3, 1988; Ord. 88-24 § 6, 1988; Ord. 85-05 § 1 (part), 1985).

Part 7B.1: R-T (BYPER – MOTEL RESIDENTIAL PERFORMANCE OVERLAY

24.10.617.1 PURPOSE.

The purpose of the Motel Residential Performance Overlay district is to establish and control uses to ensure development which protects neighborhood integrity while supporting appropriate uses. The goal of the RTB/PER District is to limit the future development of hotel or motel rooms in the district, but to allow ancillary hotel support facilities as well as additional residential development.

(Ord. 2000-18 § 9 (part), 2000).

24.10.617.2 USE PERMIT REQUIREMENT.

The overlay district allows all of the uses identified in the underlying RTB zone with the exception that new motel or hotel rooms will not be allowed.

The following uses are allowed in the overlay district subject to a Special Use Permit and a Design Permit, in compliance with the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

- a. Indoor and outdoor recreation facilities and other facilities related to existing hotel or motel facilities.
- b. Bed and Breakfast Inns.

(Ord. 2000-18 § 9 (part), 2000).

24.10.617.3 DISTRICT REGULATIONS.

- 1. General.

Provision	Dwelling Unit Type			0430
	One-Family Detached	Duplex	3 or more units	Other Uses
a. Maximum Height of Buildings				
• Number of Stories	2	2	3	3
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (sq. ft.)	—	—	400	—

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater; except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.
- b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater, for the second story and above.
- d. There shall be no side yard required for townhouses on interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- f. The Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, shall be ten feet, or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.
- g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan. In addition, development on sites located within the district which fronts on West Cliff Drive shall conform to design standards governing development on West Cliff.

0431

4. Siting.

a. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.

b. Building facades shall be articulated with wall offsets, recesses openings ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.

c. Any third story element of residential or support development shall be stepped back from the two story element by at least 15 feet, from the property lines at the streets.

d. Buildings design shall be encouraged to include significant building modulation and roof form articulation as specified within the Design Guidelines.

e. All required front setback areas shall be landscaped in accordance with the standards or the Design Guidelines.

5. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

(Ord. 2000-18 § 9 (part), 2000).

Part 7C: R-T(C) SUBDISTRICT C – BEACH COMMERCIAL

24.10.618 PURPOSE.

The purpose of the R-T(C) Subdistrict is to establish standards for development of residential uses mixed with neighborhood commercial, motel, and regional tourist commercial use. These standards are designed both to improve existing uses and encourage new developments in a manner that maintains a harmonious balance between residential and regional commercial uses. It is the intent of this zoning that preservation of La Bahia be conducted in accordance with the measures described in the certified final Environmental Impact Report for the Beach and South of Laurel Comprehensive Area Plan.

(Ord. 2000-18 § 7 (part), 2000; Ord. 93-21 § 2, 1993; Ord. 85-05 § 1 (part), 1985).

24.10.619 PRINCIPAL PERMITTED USES.

1. The following uses are allowed, subject to a Design Permit and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

a. Food and beverage stores (except liquor stores) (240);

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b. Motel, hotel, and bed-and-breakfast inn uses subject to annual business license review (300);

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c. One or two multiple-family units when located above the first floor of permitted commercial uses with no additional parking required (820);

d. Off-site parking fewer than five spaces (930);

e. Small family day care facility in single-family home or duplex;

f. Eating and drinking establishments without alcohol sales and subject to the live entertainment regulations in Part 2 of Chapter 24.12 (280).

2. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, accessory buildings, and Section 24.10.620.

(Ord. 2005-30 § 2 (part), 2005: Ord. 2000-18 § 7 (part), 2000: Ord. 96-39 § 9, 1996: Ord. 93-21 § 3, 1993).

24.10.620 USE PERMIT REQUIREMENT.

(1) The following uses require an administrative use permit and design permit and are subject to other applicable requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

(a) Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;

(b) Acting/art/music/dance/studios/schools (610);

(c) Apparel and accessory stores (250);

(d) Churches (500);

(e) Community organizations, associations, clubs and meeting halls (570);

(f) Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);

(g) Developed parks (710);

(h) Undeveloped parks and open space (700);

(i) Eating and drinking establishments (except bars and fast-food restaurants) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);

(j) Educational facilities (public/private) (510);

(k) General merchandise stores (drug and department stores) (230);

(l) Government and public agencies (530);

(m) Home furnishings (270);

(n) Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);

- (o) Mixed residential, and commercial developments when multiple family units are located above first floor of commercial uses, subject to the R-T(A) District regulations (830);
- (p) Multiple dwellings, townhouse dwelling groups and condominiums (three to nine units) subject to the R-T(A) District regulations (830);
- (q) Museum and art galleries (600);
- (r) Professional offices associated with a visitor-serving use (400);
- (s) Repairs, alterations, maintenance services to household items (except boat repair) (340);
- (t) Single-room occupancy (SRO) housing, fifteen units or fewer (860);
- (u) Specialty retail supply stores (290);
- (v) Temporary structures and uses;
- (w) Video rental (360B);
- (x) Sports and recreation facilities, without alcohol sales (720);
- (y) Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

(2) The following uses require a special use permit and design permit and are subject to other applicable requirements of the municipal code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- (a) Bars/taverns subject to alcohol regulations in Part 12 of Chapter 24.12 (280C);
- (b) Communication and information (550);
- (c) Large family daycare facilities;
- (d) Fast-food restaurants subject to alcohol regulations in Part 12 of Chapter 24.12 (280H);
- (e) Professional offices (400), except as associated with a visitor-serving use;
- (f) Multiple dwellings, townhouse dwelling groups and condominiums ten units or more subject to the R-T(A) District regulations (840);
- (g) Marine facilities and related uses (560E);
- (i) Related research facilities (400L);
- (ii) Related storage and warehousing (330);
- (iii) Fish/seafood wholesale sales (200F);
- (h) Mixed residential and commercial developments with non-commercial uses on the ground floor, subject to the R-T(A) District regulations (830);

(l) Nightclubs/music halls, subject to live entertainment and alcohol regulations in Part 12 of Chapter 24.12 (630);

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(j) Off-site public/private parking facilities, five or more spaces (930);

(k) Single-family residences if lot size does not allow multifamily development (800);

(l) Single-room occupancy (SRO) housing, sixteen units or more (860);

(m) Sports and recreation facilities subject to alcohol regulations in Part 12 of Chapter 24.12 (720);

(n) Theaters (620);

(o) Utilities and resources (540);

(p) Professional offices (400);

(q) Duplexes (810);

(r) Personal services (except contractors yards and mortuaries) (310);

(s) Triplexes (820);

(t) Educational facilities (public/private) (510);

(u) Financial, insurance, real estate offices (420);

(v) Medical/health offices (410).

(Ord. 2005-30 § 2 (part), 2005: Ord. 2005-15 § 6, 2005: Ord. 2004-27 § 5, 2004: Ord. 2000-18 § 7 (part), 2000: Ord. 96-39 § 10, 1996: Ord. 96-08 § 1, 1996: Ord. 95-04 § 1, 1995: Ord. 93-21 § 4, 1993: Ord. 89-39 § 3, 1989: Ord. 88-60 § 12, 1988: Ord. 88-41 § 4, 1988: Ord. 88-26 § 1, 1988: Ord. 88-25 § 7, 1988: Ord. 87-22 § 1, 1987: Ord. 85-56 § 12, 1985: Ord. 85-05 § 1 (part), 1985).

24.10.622 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title.

(Ord. 2000-18 § 7 (part), 2000: Ord. 85-05 § 1 (part), 1985).

24.10.624 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type			
	One-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum Height of Buildings				
• Number of Stories	2	2	3	3

Provision	Dwelling Unit Type 6435			
	One-Family Detached	Duplex	3 or More Units	Other Uses
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	5,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Other Requirements.

a. When located across a street from Subdistrict A, parking and loading facilities shall be at least ten feet distant from said property line, and buildings and structures at least fifteen feet from said property line.

b. The minimum distance between buildings on the same lot shall be ten feet, or one foot of setback for each two feet of height of, or portion thereof, a structure, whichever is greater.

c. For any attached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line, to the entrance of the garage.

d. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12.

e. Height:

e.1. **Maximum Building Height:** Uninhabitable mechanical penthouses shall be limited to ten percent of the roof area and will be permitted an additional ten-foot height allowance; provided, that they are set back from the face of the building by a minimum of twenty feet so as not to be visible by pedestrians.

- Architectural elements such as bell towers, spires, turrets, cupolas, chimneys, dormers, flag poles, etc., are limited to fifteen percent of the roof area and may extend ten feet above the height limitation, subject to design permit review.

e.2. **Minimum Building Height:** Not less than two stories, of which the first floor retail, restaurant and entertainment uses must have a minimum floor-to-floor height of fifteen feet.

f. **Design:** All development must be in compliance with adopted design guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

- f.1. The design of all new structures shall be based upon "Spanish Colonial Revival" architecture as well as Mission Revival and Mediterranean architecture as described in the design guidelines. "Fantasy Victorian" is encouraged for recreational and entertainment development. 0436
- f.2. Buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details or other features typical of Spanish Colonial Revival style.
- f.3. Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows.
- f.4. Building walls shall be stucco and colored white, off-white or very light value, warm-toned hues. Multiple color combinations may be used, provided they are subtle and consist of a limited number of colors. Variations in shade or tone can be used to articulate architectural features.
- f.5. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and moldings.
- f.6. Flat roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.
- g. Siting:
- g.1. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.
- g.2. All store fronts, theater entries, and hotel lobbies shall be located along streets, plazas, courtyards, or sidewalks in order to create visual interest to the pedestrian.
- g.3. Building facades shall be articulated with wall offsets, recesses, openings, ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.
- h. Accessibility:
- h.1. All retail uses must be directly accessible from a sidewalk, plaza, courtyard or other public open spaces.
- h.2. Access must be aesthetically integrated within the development.
- i. Setbacks: Development on this site should be designed to encourage and support activities that unify both sides of Beach Street. For that reason, development shall be required to build to the property line adjacent to Beach Street. Significant planter boxes and other narrowscape concepts should be used to soften this edge but provide active pedestrian access.
- j. Parking:

j.1. Surface or structured parking may be constructed if the parking is visually screened and/or separated from the street by commercial development of at least fifty feet in depth. 0437

j.2. Parking structure exteriors shall maintain the same high-quality architectural design and construction standards as all other commercial buildings.

- The large scale and mass of parking structures shall be alleviated through wall offsets, pilasters, arched openings and other distinctive design elements.
- Decorative elements such as cornices, balustrades, finish materials, colors and lighting shall be used to add interest and integrate the structures within the design character of the area.

j.3. Parking shall not be the dominant visual element of the site. Existing and/or expanded surface parking which is visible from the street or other areas exposed to public view must be screened and softened by landscaping, low screen wall or a combination of these elements.

j.4. Surface lots must be planted with trees to reduce heat and glare, that include at least fifteen percent of the surface area to provide visual relief from broad expanses of paving. Shade trees shall be planted around the perimeter and within the lot.

j.5. Off-site parking may be permitted within this subdistrict if:

- The city establishes a parking district for the area, the district develops a suitable parking facility, and the development pays an in-lieu parking fee; or
- The development identifies and develops a suitable permanent parking facility; or
- The development secures and provides evidence of a long-term lease from a suitable permanent parking facility.

k. Landscaping:

k.1. Interior courtyards and passages are encouraged and shall be planted with colorful perennial and annual plant species. A combination of trees, shrubs and groundcovers shall be used to frame, soften and embellish the quality of the development, to screen undesirable views and to define development boundaries. Landscaping shall be maintained in an attractive condition.

k.2. Permanent containers for flowering plants, such as window boxes and planters, are encouraged for use in limited space areas, at entries and in courtyards and plazas, and along the frontages of Beach Street and Riverside Avenue.

l. Transit: All development proposals within the RTC shall:

- discourage employee automotive use by instituting one or more of the following: carpooling requirements, transit subsidies, employee shuttle service, and/or
- provide a contribution and/or cost-sharing for shuttle and/or parking such as on the depot site.

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3. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

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(Ord. 2007-24 § 1, 2007; Ord. 2006-10 § 2, 2006; Ord. 2002-41 § 1, 2002; Ord. 2000-23 § 2, 2000; Ord. 2000-18 § 8 (part), 2000).

24.10.624.1 FINDINGS REQUIRED.

In addition to required Use and Design Permit findings, any development permit must also meet the following findings. The proposed project:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to the adjacent RTA and RTB neighborhoods; and
2. Shall provide the amenity level of the development, the quality of architecture, and the landscaping to meet the requirements listed above.
3. Shall be found to contribute to the overall economic health, vitality and general mix of uses in the beach area by providing diverse retail and merchandising for the area.

(Ord. 2000-18 § 7 (part), 2000).

Part 7C.1: R-T(C)/PER: SUBDISTRICT C – BEACH COMMERCIAL/PERFORMANCE OVERLAY ZONE

24.10.625.0 PURPOSE.

The purpose of the Beach Commercial Performance Overlay Zone is to identify areas of critical public interest in the Beach Commercial Area, and to provide regulations and standards necessary to achieve planning goals for development and/or redevelopment in a manner which protects neighborhood integrity while stimulating appropriate economic development.

The goal of RTC/PER is to promote the General Plan policy for the development of regional visitor serving uses in the Beach Area while accomplishing the directives of the adopted Beach and South of Laurel Comprehensive Area Plan. The Beach Commercial Performance Overlay zone establishes the requirement that a master plan for the entire 7.5 acre site developed under the Planned Development process before any new buildings are constructed on the site.

(Ord. 2000-18 § 8 (part), 2000).

24.10.625.1 INTENT OF THE ZONE.

The RTC/PER is designed to accomplish the following:

- (a) To incorporate a public process to ensure that development meets adopted public policy goals in terms of uses, design and public benefits;
- (b) To permit a flexible development response to the local market as well as the regional visitor market, and to allow for the development of a variety of land uses and public activities to meet the needs and requirements of visitors, residents and workers;
- (c) To provide a density of development which will be compatible with uses adjacent to the Beach Commercial Area;
- (d) To encourage design which produces a desirable relationship between the development on this site and adjacent residential and commercial areas;

(e) To ensure conformance with the approved "Beach Commercial Design Guidelines" regarding facades, public spaces, location of store fronts, architectural variation, height, rooflines, and landscaping; and 0439

(f) To allow change of use of existing buildings on the site that comply with the following permit requirements.

(Ord. 2000-18 § 8 (part), 2000).

24.10.625.2 APPLICABILITY.

The RTC/PER overlay zone shall be applied to all the parcels that comprise the Main Beach Parking lot, which is bounded by Beach Street, Riverside Avenue, Second and Cliff Streets and shall be subject to a community based planning process that is carried out to review the proposed uses, densities and design of proposed development within the Overlay district through a Planned Development process subject to the criteria and standards established by the Performance Overlay Zone. This process should take into account the proposed development's potential to meet the city's adopted economic development goals as well as neighborhood conservation goals for the area; its compliance with Local Coastal Zone policy and adopted design guidelines, and identify the benefits of the proposed project.

(Ord. 2000-18 § 8 (part), 2000).

24.10.625.3 USE PERMIT REQUIREMENT.

1. The following uses are permitted subject to an Administrative Use Permit, a Design Permit and other requirements of the Municipal Code. The goal is to provide a continuity of activity and interest which will integrate existing commercial uses along Beach Street and the Boardwalk more fully. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes.)

- a. Retail uses, including stores, shops, specialty shops, and neighborhood convenience retail, excluding department stores or discount malls up to a total of 125,000 square feet for the district (230, 250, 290).
- b. Eating establishments, not including drive-up or drive-in services, subject to live entertainment and alcohol regulations of Chapter 24.12 (280).
- c. Off-site parking with fewer than five spaces (930).
- d. Food and beverage stores (except liquor stores) (240).
- e. Acting/art/music/dance/photography studios/schools (610) if such establishments are in compliance with the Design Guidelines and active people-orient uses are located adjacent to the street.
- f. Administrative offices ancillary to a permitted use, if:
 - offices in new structures are screened on street frontage by retail/recreational, and/or active people-oriented uses of at least 25 feet in depth, or
 - offices in existing structures do not create a significant break in pedestrian activity and storefront continuity along the street, and are landscaped according to the Design Guidelines.

g. Indoor recreational uses and sports and health clubs, provided that the storefront adjacent to the street is designed in compliance with the guidelines, and active people oriented uses are located adjacent to the street (720).

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h. Temporary structures and uses.

2. The following uses are subject to approval of a Special Use Permit, a Design Permit and other requirements of the Municipal Code:

a. Public performance space, art galleries and/or museums which are open to the public (600, 610).

b. Lodging, hotel development provided it incorporates specialty boutiques and/or restaurant(s) on the ground floor, and does not create a significant break in pedestrian activity and storefront continuity along the street (300).

c. Off-site public/private parking facilities, five or more spaces (930), so long as the total width of access to the facility is not more than 50 feet in width on any one street frontage, provided the parking is visually screened and separated from the street, and that access is designed in a manner not to disrupt retail continuity along Beach Street.

d. Residential development, located above the first floor of commercial uses, not to exceed 30 dwelling units/acre, if it includes a mixture of unit types (e.g. variety of unit sizes) and if 15% of the total number of units are affordable in accordance with Chapter 24.16 of the zoning regulations.

e. Theater and cinemas; exhibit space and libraries, auditoriums and conference space, providing significant pedestrian activity and storefront continuity is provided along the streets. (550g, 570b, 570c, 600, 620)

f. Live performing arts theaters or nightclub establishments providing live entertainment with stage/performance areas greater than 80 square feet or permitting dancing and

establishments serving alcoholic beverages; provided, that the storefront is designed in compliance with design guidelines and to include active people-oriented activities of visual interest to the pedestrian and subject to acoustical studies indicating that such uses can achieve the city's existing noise standards (630).

(Ord. 2005-30 § 3, 2005; Ord. 2000-18 § 8 (part), 2000).

24.10.925.4 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title.

(Ord. 2000-18 § 8 (part), 2000).

24.10.925.5 DISTRICT REGULATIONS.

These regulations apply to all development within the RTC/PER overlay district.

1. General.

a. Maximum allowable development of uses other than structured parking within the RTC/PER Overlay District may not exceed one hundred twenty-five thousand square feet. Additionally, in those cases where the project includes a conference/hotel facility, a public performance center, or other publicly beneficial use, and where it is determined that a project's potential contributes in an exceptional manner to the city's adopted economic development and quality architectural design goals, and it is additionally determined that the project will provide a public benefit in the form of a significant public improvement of the area, then the project may be considered for an increase in permitted square footage, as determined through a public process, with an amendment to the Beach and South of Laurel Area Plan.

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b. Maximum lot coverage by building development, exclusive of facilities meeting parking requirements, may not exceed fifty percent of lot area.

c. Minimum Public Use and/or Open Performance Space (percent of lot area): Not less than ten percent of the gross site area. Publicly accessible space in courtyards and plazas may be included in this calculation.

2. Other Requirements/Standards.

a. Height:

a.1. Maximum Building Height: Not to exceed thirty-six feet, unless twenty-five percent of the net lot area is dedicated public use and/or public performance space, then the maximum building height may not exceed forty-eight feet. Additionally, in those cases where the project includes a conference/hotel facility, a public performance center, or other publicly beneficial use, and where it is determined that a project's potential contributes in an exceptional manner to the city's adopted economic development and quality architectural design goals, and it is additionally determined that the project will provide a public benefit perceived in the form of a significant public improvement of the area, then the project may be considered for an increase in permitted height not to exceed forty-eight feet, with an amendment to the Beach and South of Laurel Area Plan. Uninhabitable mechanical penthouses shall be limited to ten percent of the roof area and will be permitted an additional ten-foot height allowance; provided, that they are set back from the face of the building by a minimum of fifteen feet so as not to be visible by pedestrians.

- Architectural elements such as bell towers, spires, turrets, cupolas, chimneys, dormers, flag poles, etc., are limited to fifteen percent of the roof area and may extend ten feet above the height limitation, subject to design permit review.
- Development eligible for additional height must step back a minimum of fifteen feet from the face of the base height of thirty-six feet except for architectural elements at the street intersections, so as to maintain the visual impression of a three-story facade on the street.

a.2. Minimum Building Height: Not less than two stories, of which the first floor retail, restaurant and entertainment uses must have a minimum floor-to-floor height of fifteen feet.

b. Design: All development must be in compliance with adopted Design Guidelines. Regulations which may be applicable to site design in this zone are set forth in General

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Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

b.1. The design of all new structures be based upon Spanish Colonial Revival architecture as well as Mission Revival and Mediterranean architecture as described in the Design Guidelines. "Fantasy Victorian" is encouraged for recreational and entertainment development. 0442

b.2. Buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details or other features typical of Spanish Colonial Revival style.

b.3. Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows.

b.4. Building walls shall be stucco and colored white, off-white or very light value, warm-toned hues. Multiple color combinations may be used, provided they are subtle and consist of a limited number of colors. Variations in shade or tone can be used to articulate architectural features.

b.5. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and moldings.

b.6. Flat-roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.

c. Siting:

c.1. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.

c.2. All store fronts, theater entries, and hotel lobbies shall be located along streets, plazas, courtyards, or sidewalks in order to create visual interest to the pedestrian.

c.3. Building facades shall be articulated with wall offsets, recesses, openings, ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.

d. Accessibility:

d.1. All retail uses must be directly accessible from a sidewalk, plaza, courtyard or other public open spaces.

d.2. Access must be aesthetically integrated within the development.

e. Setbacks: Development on this site should be designed to encourage and support activities which unify both sides of Beach Street, integrating the Boardwalk/Casino with the Main Beach lot development. Development shall be required to build to the property lines adjacent to Beach Street and Riverside Avenue. Significant planter boxes and other narrow-scape concepts should be used to soften this edge but provide active pedestrian access.

e.1. On Beach Street and Riverside Avenue front line setbacks, not to exceed fifteen feet in depth, may be permitted if it is designed to incorporate active outdoor uses, such as outdoor dining or public seating and/or landscaping.

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e.2. A fifteen-foot landscaping setback/buffer is required on Second Street.

e.3. A ten-foot landscaping setback/buffer is required along Cliff Street.

f. Parking:

f.1. On Beach Street, Cliff Street and Riverside Avenue, surface or structured parking may be constructed if the parking is visually screened and separated from the street by commercial development of at least fifty feet in depth.

f.2. On Second Street, surface or structured parking may be constructed if the parking is visually screened and separated from the street by a fifteen-foot landscape buffer in conjunction with, or in place of, commercial development.

f.3. Parking structure exteriors shall maintain the same high-quality architectural design and construction standards as all other commercial buildings.

- The large scale and mass of parking structures shall be alleviated through wall offsets, pilasters, arched openings and other distinctive design elements.
- Decorative elements such as cornices, balustrades, finish materials, colors and lighting shall be used to add interest and integrate the structures within the design character of the area.

f.4. Parking shall not be the dominant visual element of the site. Existing and/or expanded surface parking which is visible from the street or other areas exposed to public view must be screened and softened by landscaping, low screen wall, or a combination of these elements.

f.5. At least fifteen percent of the surface area of surface parking lots must be planted with trees to reduce heat and glare and to provide visual relief from broad expanses of paving. Shade trees shall be planted around the perimeter and within the lot.

g. Landscaping:

g.1. Interior courtyards and passages are encouraged and shall be planted with colorful perennial and annual plant species. A combination of trees, shrubs and groundcovers shall be used to frame, soften and embellish the quality of the development, to screen undesirable views and to define development boundaries. All landscaping shall be maintained in an attractive condition.

g.2. Permanent containers for flowering plants, such as window boxes and planters, are encouraged for use in limited space areas, at entries and in courtyards and plazas, and along the frontages of Beach Street and Riverside Avenue.

h. Transit: All development proposals within the Performance Overlay Zone shall:

- discourage employee automotive use by instituting one or more of the following: carpooling requirements; transit subsidies; employee shuttle service; and

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- provide a contribution and/or cost-sharing for shuttle and/or parking such as on the depot site.

Within the requirements above, certain exceptions may be considered as part of the design review process in order to encourage quality development and the provision of public facilities and amenities only if all relevant permit findings can be made. 0444

3. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

4. If new development on the Main Beach parking lot is incompatible with retention of the historic cottages located on the eastern portion of the site, relocate the cottages to another appropriate site or sites within the city or the county of Santa Cruz (unless deemed infeasible by the city's chief building official), with preference given to relocating the cottages within the Beach and South of Laurel area.

(Ord. 2007-24 § 2, 2007; Ord. 2006-10 § 2, 2006; Ord. 2002-41 § 1, 2002; Ord. 2000-23 § 2, 2000; Ord. 2000-18 § 8 (part), 2000).

24.10.625.6 PROCEDURE.

It is the intent of the RTC/PER overlay to encourage comprehensive master planning, following either the Planned Development or Area Plan process outlined in the city Zoning Ordinance. For this reason, all new development in the RTC/PER overlay shall require a pre-application review by city staff prior to submittal of a formal application. The intent is to review proposed plans at the conceptual stage, thereby enabling city staff to provide feedback on recommended site design elements, compatibility with other existing and planned uses within the RTC/PER overlay, and to identify other land use issues which may arise. Following the preapplication process the applicant shall submit for either an Area Plan or a Planned Development subject to the design criteria listed in the RTC/PER overlay zone, to achieve the desire to accommodate a community-based planning process identified in the Beach and South of Laurel Comprehensive Area Plan.

(Ord. 2000-18 § 8 (part), 2000).

24.10.625.7 FINDINGS REQUIRED.

In addition to required Use and design permit findings any development permit, must also meet the following findings. The application:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to the adjacent RTD, and RTE neighborhoods.
2. Provides an amenity level of the development, the quality of architecture, and the landscaping required by the above standards.

(Ord. 2000-18 § 8 (part), 2000).

Part 7D: R-T(D) SUBDISTRICT D – BEACH RESIDENTIAL

24.10.825 PURPOSE.

The purpose of Subdistrict D is to conserve, protect and enhance the beach residential character of the subdistrict and provide a suitable environment for residents. To preserve the small scale and enhance the historic beach cottage character of this subdistrict, and to ensure

that new residential land uses are compatible, permanent and of a high quality, all new development will be reviewed in compliance with the Beach Flats Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan and the Conservation Neighborhood Overlay requirements.

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(Ord. 2000-18 § 1 (part), 2000: Ord. 85-05 § 1 (part), 1985).

24.10.627 PRINCIPAL PERMITTED USES.

1. The following uses are permitted, subject to a design permit, Conservation Overlay District (Section 24.10.4000) and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Single-family and duplexes (800, 810);
- b. Storage and equipment structures, if ancillary to principal residential use;
- c. Small family day care facility in single-family home or duplex (510a);
- d. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.
- e. Accessory dwelling units subject to the provisions of Chapter 24.16 Part 2, except accessory dwelling units are not subject to approval of a design permit.

(Ord. 2003-17 § 8 (part), 2003: Ord. 2003-16 § 8 (part), 2003: Ord. 2000-18 § 1 (part), 2000).

24.10.628 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes,

but they are not intended to be an exhaustive list of potential uses.)

- a. Small community care residential facilities.
- b. Temporary structures and uses.
- c. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
- d. Accessory dwelling units subject to the provisions of Chapter 24.16 Part 2, except that accessory dwelling units are not subject to approval of a design permit.

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Bed-and-breakfast inns, subject to the requirements contained in Part 9, Chapter 24.12. (300c)

- b. Community care facilities. (850e)
- c. Large family daycare facilities. (510a) 0446
- d. Multiple dwellings, townhouse dwelling groups, and condominiums, three units or more. (830, 840)
- e. Public and private noncommercial recreation areas, buildings and facilities such as parks. (710)
- f. Public and quasi-public buildings and uses including administrative, recreational, educational, religious, cultural, public utility or public service uses; but not including yards, storage or repair yards, and warehouses. (500, 510, 530, 540, 570)
- g. Retirement homes or centers. (850b)

(Ord. 2005-15 § 7, 2005: Ord. 2003-17 § 8 (part), 2003: Ord. 2003-16 § 8 (part), 2003: Ord. 2002-25 § 8, 2002: Ord. 2000-18 § 1 (part), 2000: Ord. 85-05 § 1 (part), 1985).

24.10.630 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title.

(Ord. 2000-18 § 1 (part), 2000: Ord. 85-05 § 1 (part), 1985).

24.10.632 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type				
	One-family detached	Duplex	Triplex	4 or more units	Other uses
a. Height of buildings					
• Principal (stories and feet)	2 & 22	2 & 22	2-1/2 & 22	2-1/2 & 30	2-1/2 & 30
• Accessory (stories and feet)	1 & 15	1 & 15	1 & 15	1 & 15	1 & 15
b. Minimum lot area (net) (square feet)	3,000	3,600	7,200	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	—	1,800	1,600	1,800	—
d. Minimum lot width (feet)	40	40	80	80	80
e. Usable open space per dwelling unit (square feet)	—	400	400	400	—
		Dwelling Units			
		First Story	Second Story	Other Uses	
f. Front yard (feet)		5*	10*	10*	

	Dwelling Units		
	First Story	Second Story	Other Uses
g. Rear yard (feet)	10	15	15
h. Side yard each side (feet)	4	4	4
or: one side (feet)	0	0	0
Total both sides (feet)	10	10	10
i. Exterior side yard (feet)	5*	5*	5*

- * For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.
2. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, ten feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

3. Other Requirements/Standards:

a. Design: All development is subject to a design permit and must be in compliance with adopted Design Guidelines. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

a.1. New buildings shall employ California Bungalow or Victorian architectural style as a basis for design.

a.2. Buildings shall be similar in scale and form to existing structures and shall incorporate vernacular characteristics, such as pitched gabled roofs, proportionally large overhangs, exposed roof beams and rafter tails, vertically oriented multi-paned windows and front porches.

a.3. Buildings shall be wood frame construction with horizontal wood siding.

a.4. Roof forms shall be typical of the Beach Flats with appropriate steeper pitches for Victorians and lesser pitches for California Bungalow style.

a.5. Roof materials shall be composition or wood shingle.

b. Parking: All parking shall be located within the rear or at the rear of main structures, if possible. Private multi-residential parking lots shall be screened from the public right-of-way, and meet the requirements of Section 24.12.240, in addition to the following requirements:

b.1. All garages and entrances to parking areas shall be set back at least five feet from the adjacent front building setback.

b.2. On lots of forty feet or less in width of street frontage, parking access is limited to a maximum of twelve feet of width. On lots of forty feet to sixty-five feet in width, parking access is limited to a maximum of sixteen feet of width; and on lots with greater than sixty-five feet in street frontage, parking access is limited to a maximum of twenty feet.

b.3. Driveways shall be minimized in order to maximize land use efficiency and the provision of landscaping and open space.

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b.4. City parking standard requirements may be reduced in the following manner: one parking space for a one bedroom unit; for two or more bedrooms, the parking requirement may be reduced fifty percent if the following provisions are met:

- at least fifty percent of new units are two bedrooms or more;
- for units which meet the city's definition of "affordable"; and
- if development is deemed compatible with surrounding neighborhood.

c. Siting: All development shall be sited to create a harmonious streetedge, and to blend into rather than dominate the street.

c.1. Entries to individual units and groupings of units shall be located on the ground floor facing the street. These entries shall incorporate architectural and landscaping elements such as porches and arbors that visually reinforce the presence of entries.

c.2. Architectural elements, such as towers, balconies, stairs, decorative elements, etc., may be allowed to project up to fifty percent of the front yard setback requirement.

d. Height: Multiple story developments shall minimize scale through upper story setbacks, individual building elements, and other similar design techniques.

d.1. The height of buildings shall be minimized at the street, in the following manner:

- One-story elements of buildings (including porches) must be set back five feet,
- Second-story elements of buildings must be set back ten feet.

e. Landscaping, in compliance with the Design Standards, is required. Landscaping shall be maintained in an attractive condition.

e.1. Landscaping shall be designed to enhance the architectural style. All front, rear and side yards shall be fully landscaped except for areas devoted to driveways, patios, walkways or porches.

e.2. Permanent containers for flowering plants are encouraged for use in limited space areas at entries and in courtyards and plazas.

e.3. Vines and climbing plants integrated with building design and used on walls and trellises are encouraged.

e.4. Opaque garden walls are not permitted within the front yard setback to maintain the landscape continuity along the street. Fences limited to three feet in height are permitted as long as the fence is at least sixty percent open.

4. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060, standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

(Ord. 2007-24 § 3, 2007; Ord. 2006-10 § 3, 2006; Ord. 2000-18 § 1 (part), 2000; Ord. 85-05 § 1 (part), 1985).

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24.10.633 CERTIFICATE OF OCCUPANCY REQUIRED.

In order to ensure safe and sanitary housing and rehabilitation of structures within the RT(D) District, a valid Certificate of Occupancy shall be required for each transfer of the property within the district. Certificates will not be issued for properties with a recorded Notice of Violation. Certificates will be issued when units comply with applicable codes.

(Ord. 2000-18 § 1 (part), 2000).

Part 7E: R-T(E) SUBDISTRICT E – BEACH MEDIUM/HIGH DENSITY RESIDENTIAL**24.10.635 PURPOSE.**

The purpose of Subdistrict E is to encourage quality medium and/or high density multifamily residential uses in a manner which promotes excellence in building design, provides for family-oriented development, ensures compatibility with the adjacent conservation overlay zone, and limits the need for parking by encouraging use of alternative means of transportation, including the multi-modal center proposed for the depot site. All new development will be reviewed in compliance with the Beach Flats Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

(Ord. 2000-18 § 2 (part), 2000).

24.10.636 PRINCIPAL PERMITTED USES.

1. The following uses are permitted subject to a design permit and other requirements of the Municipal Code:

- a. Duplex dwellings.
- b. Small family daycare.
- c. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, accessory buildings.

(Ord. 2000-18 § 2 (part), 2000).

24.10.637 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit, a design permit, and other requirements of the Municipal Code:

- a. Educational and cultural institutions.
- b. Community care facilities.
- c. Multiple dwellings, townhouse dwelling groups and condominiums, six units or fewer.
- d. Single-family dwellings on substandard lots.

2. The following uses are subject to approval of a special use permit, a design permit and other requirements of the Municipal Code.

- a. Multiple dwellings, townhouse dwelling groups and condominiums, seven units or more, subject to the approval of the city council upon recommendation of the zoning board. 0450
- b. Large family day care facilities.
- c. Recreational buildings and community centers.
- d. Public and private noncommercial recreation areas, buildings and facilities such as parks, playgrounds and basketball courts.
- e. Public and private commercial parking, subject to landscaping and design standards. Non-conforming parking lots must be brought into compliance within five years of adoption of this Part 7E.

(Ord. 2005-15 § 8, 2005; Ord. 2000-18 § 2 (part), 2000).

24.10.638 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title.

(Ord. 2000-18 § 2 (part), 2000).

24.10.640 DISTRICT REGULATIONS.

These regulations apply to all development within the RTE subdistrict.

1. General.

Provision	Dwelling Unit Type			Other Uses
	Duplex	3+	7+	
a. Height of Buildings				
Maximum (stories and feet)	2 & 22	2 1/2 & 22	3 & 36	3 & 36
b. Minimum lot area (net) (square feet)	3,400	6,800	10,200	10,200
c. Minimum lot area (net) (square feet) per dwelling unit	1,700	1,450	1,200	—
d. Minimum lot width (feet)	40	65	80	80
e. Open space/dwelling unit (square feet)	400	400	400	—
Setbacks		First Story	Second Story	Third Story
f. Front yard (feet)		5	10	10*
g. Rear yard (feet)		10	10	10*
h. Side yard, each side (feet)		3	5	5
Total both sides (feet)		6	10	10

- * Front and rear yards are subject to building envelope. See *Setbacks and Height*, subsection (2) (a) of this section.

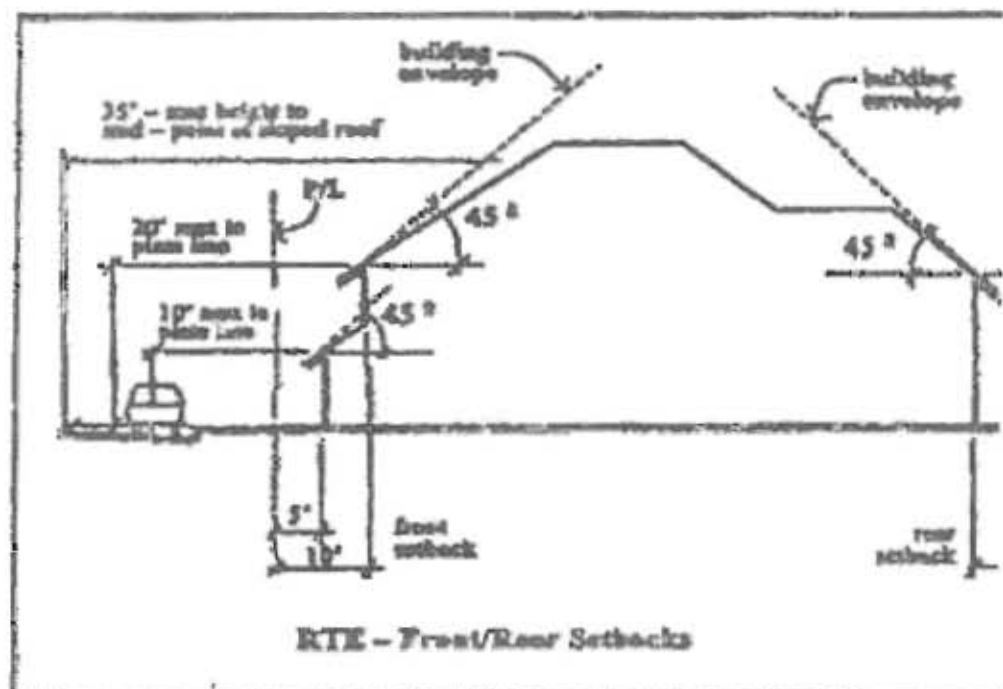
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2. Other Requirements/Standards:

a. **Setbacks and Height:** Multiple-story developments shall minimize scale through upper story setbacks, articulated building elements, and other similar design techniques.

a.1. The height of buildings shall be minimized at the street, in the following manner:

- One-story elements of buildings (including porches) must be set back five feet from the property line.
- Second-story elements of buildings must be set back ten feet from the property line.
- For three stories, the height of the building must be contained within the building envelope as shown in the following:



a.2. Multi-story buildings or portions of buildings constructed within thirty feet of the Conservation Overlay District shall step-down toward the conservation neighborhood to transition to the adjacent smaller scale conservation area, and shall be no taller than two stories or twenty-three feet at the mid-point of the roof.

b. **Design:** All development must be in compliance with adopted Design Guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

b.1. The design of all new structures employ California Bungalow, Craftsman, or Spanish Resort Style as described in the Design Guidelines. 0452

b.2. Spanish Resort Style buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details. Building forms shall suggest thick masonry and incorporate features such as recessed doors and windows. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and molding.

b.3. Flat-roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.

b.4. California Bungalow and Craftsman-styled buildings shall incorporate appropriately sloped roofs, stucco and/or wood walls, overhangs, porches, trellises, and balconies. Doors and windows shall be of wood (or other durable material that emulates the scale, proportion and appearance of wood).

c. Parking: All parking shall be located within the rear or at the rear of main structures. Private residential parking lots shall be screened from the public right-of-way, and shall meet the requirements of Section 24.12.240, in addition to the following requirements.

c.1. All garages and entrances to parking areas shall be set back at least five feet from the adjacent front building setback, and twenty feet from the front property line.

c.2. On lots of forty feet or less in width of street frontage, parking access is limited to a maximum of twelve feet of width. On lots of forty to sixty-five feet in width, parking access is limited to a maximum of sixteen feet of width; and on lots with greater than sixty-five feet in street frontage, parking access is limited to twenty feet.

c.3. Driveways shall be minimized to maximize land use efficiency and the provision of open space and landscaping.

c.4. Off-site parking may be permitted within this subdistrict if:

- the city establishes a parking district for the area; the district develops a suitable parking facility; and the development pays an in-lieu parking fee, or the development identifies and develops a suitable permanent parking facility,
- off-site parking must be within five hundred feet of the development and secured by ownership or a long-term lease, including a deed restriction limiting the property's use for the required parking.

c.5. City parking standard requirements may be reduced in the following manner: one parking space for a one bedroom unit; for two or more bedrooms, the parking requirement may be reduced fifty percent if one of the following provisions is met:

- at least fifty percent of new units are two bedrooms or more, or
- for units which meet the city's definition of "affordable."

c.6. Where there is joint recreational and seasonal commercial parking use of a site, turf may be substituted for paved surfaces.

d. Open Space: Each development shall provide four hundred square feet of usable open space per unit. This requirement may be met through the provision of balconies and/or decks, patios over eight feet in depth, and landscaped front and rear yards over ten feet in depth. The provision of open space may be reduced to two hundred fifty square feet per dwelling unit, if the development meets one of the following criteria:

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- projects providing at least fifty percent of the development as two bedroom units;
- projects providing community facilities such as a community center and/or a child-care facility.

e. Siting: All development shall be sited to create a harmonious streetedge, and to blend into rather than dominate the street.

e.1. Entries to individual units and groupings of units shall be located on the ground floor facing the street. These entries shall incorporate architectural and landscaping elements such as porches and arbors that visually reinforce the presence of entries.

e.2. Architectural elements, such as towers, balconies, stairs, decorative elements, etc., may project up to fifty percent of the front yard setback requirement.

e.3. Courtyard-style developments, providing common usable open space, may provide a single, common entryway facing the street.

f. Landscaping: Landscaping shall be in compliance with the Design Standards.

f.1. Landscaping shall be designed to enhance the architectural style. All front, rear and side yards shall be fully landscaped except for areas devoted to driveways, patios, walkways or porches. All landscaping areas shall be provided with automatic irrigation systems to facilitate the maintenance of the landscape. Landscaping shall be maintained in an attractive condition.

f.2. Permanent containers for flowering plants, or similar narrow-scape landscaping concepts, are encouraged for use in limited space areas, at entries and in courtyards and plazas at entries and in courtyards and plazas.

f.3. Vines and climbing plants integrated with building design and used on walls and trellises are encouraged.

3. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

(Ord. 2007-24 § 4, 2007; Ord. 2006-10 § 4, 2006; Ord. 2000-18 § 2 (part), 2000).

24.10.641 FINDINGS REQUIRED.

Prior to approval of any design permit for development within this district, the following additional findings must be made. The application:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to an adjacent Neighborhood Conservation Overlay District; and

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SCOTT'S VALLEY MUNICIPAL CODE

Sections:

0455

17.20.010 - Description and purpose.17.20.020 - Permitted uses.17.20.030 - Conditional uses.17.20.040 - Development standards.17.20.045 - Development standards for mixed use projects.17.20.050 - Other required conditions.**17.20.010 - Description and purpose.**

The C-S district is intended to apply to all lands designated in the General Plan as "service commercial." This district is designed to create and maintain areas accommodating city-wide and regional service that may be inappropriate in neighborhood or pedestrian-oriented shopping areas and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles.

The service commercial zone is intended to achieve the following purposes:

- A. To provide appropriately located areas for retail stores, offices, service establishments and businesses offering various ranges of commodities and services scaled to meet the needs of different geographical areas and various categories of patrons they serve;
- B. To provide opportunities for retail stores, offices, service establishments and businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
- [C. Reserved.]
- D. To provide adequate space to meet the needs of modern commercial development, including off-

- street parking and truck loading facilities; 0456
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
 - F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic and other objectionable influences incidental to industrial uses;
 - G. To protect commercial properties from fire, explosion, noxious fumes and other hazards.

(Ord. 16.76 § 1(part), 1989)

17.20.020 - Permitted uses.

Permitted uses are as follows:

- A. Retail establishments;
- B. Banks;
- C. Business and personal service establishments;
- D. Emergency shelters;
- E. Medical, professional and general business offices;
- F. Radio and television broadcast studios (excluding transmission towers); and
- G. Accessory structures and uses located on the same site with a permitted use which are customarily incidental to the permitted use, including, but not limited to, incidental storage facilities and signs which pertain only to a

permitted use on the premises and which are in⁰⁴⁵⁷
 accordance with the standards of Chapter 17.56
 of this title;

H.

Multiple-family dwellings located either above the
 ground-level commercial use or at ground level
 at the rear of a commercial space on sites
 designated in the Housing Element;

I.

Day care centers.

(Ord. 16.76 § 1(part), 1989; Ord. 16.84 § 1, 1992; Ord. 16.87 § 3(part),
 1993; Ord. 16.89 § 2, 1993; Ord. 16.123, §§ 40, 41, 9-5-2007)

17.20.030 - Conditional uses.

The following conditional uses may be permitted upon
 the granting of a use permit in accordance with the provisions
 of Section 17.50.020 of this title:

A.

Animal hospitals;

B.

Automobile sales, including sale of used cars in
 conjunction with the sale of new cars;

C.

Automotive repair and related services (such as
 auto supply and detail shops) in an enclosed
 building. This conditional use category excludes
 auto body repair and auto painting as well as any
 other use that is incompatible with surrounding
 uses or that may be detrimental to the health,
 safety and welfare of the surrounding neighbors;

D.

Automotive service stations;

E.

Carwash;

F.

Coin-operated laundries;

G.

Commercial recreation;

- H. Equipment rental yards; 0458
- I. Hotels and motels;
 1. Multiple-family dwellings located either above the ground-level commercial use or at ground level at the rear of a commercial space;
- J. Outdoor storage;
- K. Public utility service yards;
- L. Recreational vehicle sales, including boat sales;
- M. Restaurants and bars;
- N. Wholesale establishments;
- O. Service shops, including printing, photographic, cabinet repair, electrical repair, heating and ventilating shops, and catering services;
- P. Social halls, lodges, fraternal organizations and clubs;
- Q. Churches, synagogues and other places of worship;
- R. Other uses the planning commission finds to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title;
- S. Transitional housing: No person shall operate a transitional housing facility without obtaining a conditional use permit in compliance with Section 17.50.020. In addition the applicant will supply the following information.

- a. A letter or certification of final approval from the state or county licensing authority, 0459
- b. A site plan of the property showing parking, outdoor exercise area, and fencing.
- c. A letter from the fire department approving the safety of the structure for the use,
- d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and
- e. Landscaping and other information as required by the community development director.
- f. One parking space for each single resident and/or one space for each family unit living in the facility.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.84 § 2, 1992; Ord. 16.103 § 1, 1996; Ord. 16.123, § 42, 9-5-2007)

17.20.040 - Development standards.

The following development standards shall apply in the C-S zoning district:

- A. Minimum lot area: Ten thousand square feet;
- B. Minimum lot width: One hundred feet;
- C. Minimum lot depth: One hundred feet;

D. Minimum lot frontage: One hundred feet; 0460

E. Maximum building coverage: Forty-five percent;

F. Minimum setbacks:

1. Front, twenty feet,
2. Rear, zero feet,
3. Side, zero feet,
4. Interior lot: Where the lot is adjacent to any "R" district, the side yard shall be a minimum of ten feet in width,
5. Corner lot: The exterior side yard of a corner lot shall be a minimum of fifteen feet,
6. Rear yard: There are no rear yard requirements except if abutting an R district; then rear yard shall be a minimum of twenty feet;

G. No structure shall exceed thirty-five feet in height in the C-S districts. However, if the first floor of the structure is used for parking and is at a natural grade, the thirty-five-foot height limit may be exceeded upon the granting of a use permit by the planning commission, subject to the provisions of Section 17.50.020 of this title. In addition to the findings required in Section 17.50.020, the planning commission also must be able to make the following findings:

1. On a parcel which slopes down from an arterial or collector street, the garage is below the level of the adjacent street(s) or

on parcels sloping up from a major street,
the garage is below natural grade,

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2.

The garage will be buffered from view by earthen mounds three feet in height and landscaping, including shrubs, will be installed. The landscaping plan has been prepared showing the buffer and landscaping;

H.

Where a site adjoins any residential zoning district, a solid wall or a fence, vine-covered fence or compact evergreen hedge six feet in height shall be located on the property line except in a required front yard and permanently maintained. In addition, a minimum of five feet adjoining the property line shall be landscaped with plant material and permanently maintained when such landscaping is necessary to insure privacy or to screen views, as determined by the design review board;

I.

Outdoor storage areas for materials and equipment shall be surrounded and screened by appropriate materials subject to the approval of the design review board. The public works department shall review the plans for adequacy of access;

J.

Not less than ten percent of the total site area shall be landscaped and permanently maintained;

K.

Not less than ten feet of a required yard adjoining a street shall be landscaped and permanently maintained;

L.

Trash disposal: Each parcel shall provide adequate and accessible trash disposal areas. Such disposal areas shall be screened from

COASTAL IMPLEMENTATION PLAN

0452

Title 20
Zoning Ordinance for the County of Monterey
 (Applies to areas within the Coastal Zone)

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MONTEREY COUNTY ZONING

0463

COASTAL IMPLEMENTATION PLAN - TITLE 20

20.22 – VSC (CZ) DISTRICT**20.22.010 PURPOSE.**

The purpose of this Chapter is to provide a district to establish areas necessary to service the needs of visitors and the traveling public to Monterey County.

20.22.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "VSC" districts subject to the provisions of Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.22.030 GENERAL DEVELOPMENT PLAN.

A. A General Development Plan shall be required prior to the establishment of any development in the Visitor Serving Commercial district if there is no prior approved General Development Plan and if:

- 1) The lot is in excess of 1 acre; or
- 2) The development proposed includes more than one use; or
- 3) The development includes any form of subdivision (Title 19, Subdivision Ordinance).

B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

C. General development plans and amendments thereto shall be approved by the Planning Commission.

D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.

E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when due to the

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circumstances of the particular situation there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purpose of this Chapter.

20.22.040 NONEXEMPT DEVELOPMENT.

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The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.22.050 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (Chapter 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. Change of visitor serving commercial uses within a structure provided the new use will not change the nature or intensity of the commercial use of the structure;
- B. Water system facilities including wells and storage tanks serving 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- C. One caretaker unit for the purpose of providing on-site security;
- D. Reduction in setback requirements provided the proposed reduction is 10% percent or less of the required setbacks;
- E. Accessory structures and accessory uses appurtenant to any principal allowed use provided there is no intensification of the permitted use;
- F. Additions to existing, approved wireless communications facilities pursuant to Section 20.64.310;

**20.22.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT
REQUIRED IN EACH CASE. (Chapter 21.70)**

- A. Hotels, motels, hostels, inns (ZA);
- B. Restaurants (ZA);
- C. Service stations (ZA);
- D. Recreational vehicle parks (Not in Del Monte Forest) (ZA);
- E. Employee housing, accessory to an allowed use (ZA);
- F. Day care centers (ZA);
- G. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- H. Accessory structures and uses prior to establishment of main use or structure (ZA);
- I. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- J. Legal nonconforming use changed to a use of a similar or more restricted nature (ZA);
- K. Water system facilities including wells and storage tanks serving 15 or more service connections;
- L. Single family residential uses provided for in a certified land use plan;
- M. Ridgeline development;
- N. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- O. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- P. Any lots or establishments where alcoholic beverages are served, commercial places of amusement or recreation or any places where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- Q. Conditional certificate of compliance;
- R. Reserved;
- S. Campgrounds and moderate intensity recreational use, including tent platforms, cabins, parks, stables, bicycle paths, restrooms, and interpretive facilities.
- T. Day care centers (ZA);
- U. Reserved;

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V. Visitor-serving recreational uses and facilities for recreational activities consistent with the limitations set forth by the North County Land Use Plan (North County only);

W. Other visitor-serving uses of a similar character, density and intensity as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan.

X. Retail Stores and Offices accessory to Visitor Serving Uses;

Y. Subdivisions;

Z. Lot Line Adjustments.

AA. Wireless communications facilities (ZA); pursuant to Section 20.64.310.

20.22.070 SITE DEVELOPMENT STANDARDS.

A. Structure Height and Setback Regulations

1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map (e.g. "VSC(24)" would limit structure height to 24 feet).

2. Setbacks for development in the VSC district are established by the approval of the General Development Plan where such plan is required.

3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:

- a) surrounding land use;
- b) provision of adequate parking and landscaping;
- c) other site design features.

4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.

B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.

C. Parking Regulations: All parking shall be established pursuant to Chapter 20.58.

D. Landscaping Requirements

All developments allowed shall have landscaping covering a minimum of 10% of the site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type

and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations

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Signing for all development shall be established pursuant to Chapter 20.60.

G. Minimum Lot Size

The minimum size of a lot created through a subdivision shall be 10,000 square feet in areas served by public sewer and 1 acre in areas served by septic systems.

20.22.080 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons; or
- b) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.

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MONTEREY COUNTY ZONING

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COASTAL IMPLEMENTATION PLAN - TITLE 20

20.18 –CGC (CZ) DISTRICT**20.18.010 PURPOSE.**

The purpose of this Chapter is to provide a zoning district to accommodate and maintain a broad range of commercial uses suitable for the convenience visitors and nearby residential areas.

20.18.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "CGC" districts subject to the provisions of Chapter 20.62 (Height and Setback Exceptions) and Chapter 20.70 (Coastal Development Permits) of this Title.

20.18.030 GENERAL DEVELOPMENT PLAN.

A. A General Development Plan shall be required prior to the establishment of any development in the Coastal General Commercial district if there is no prior approved General Development Plan and if:

- 1) The lot is in excess of one acre; or,
- 2) The development proposed includes more than one use; or,
- 3) The development includes any form of subdivision (Title 19, Subdivision Ordinance).

B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

C. General Development Plans and amendments thereto shall be approved by the Planning Commission.

D. The General Development Plan shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.

E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when due to the

circumstances of the particular situation there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purpose of this Chapter.

20.18.040 NONEXEMPT DEVELOPMENT.

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The following list shall require a coastal development permit regardless of which category of allowed uses it falls into:

- A. Development which will cause a Significant Environmental Impact;
- B. Development within the Critical Viewshed as defined by Section 20.145.020.V (Big Sur);
- C. Development on slopes of 30% or greater (25% in North County) except as provided for in Section 20.64.230 (C) (2) and (3);
- D. Ridgeline Development;
- E. Development within 100 feet of mapped or field identified environmentally sensitive habitats;
- F. Development with positive archaeological reports;
- G. Land divisions;
- H. Development of new or expanded agricultural operations if 50% or more of the parcel has a slope of 10% or greater; or where the operation is to occur on soils with a high or very high erosion hazard potential, according to the Soil Conservation Service Soil Survey Manual.

20.18.050 PRINCIPAL USES ALLOWED, COASTAL ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE. (CHAPTER 20.76) UNLESS EXEMPT (Section 20.70.120)

- A. Change of commercial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;
- B. Water system facilities including wells and storage tanks serving 14 or fewer service connections, pursuant to Title 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- C. Cultivation, cutting or removal of Christmas trees.
- D. Appliance stores;
- E. Barber shops;
- F. Beauty shops;
- G. Book stores;
- H. Clothing and apparel stores;

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- I. Drug stores;
- J. Banks less than 5,000 square feet of floor area; 0470
- K. Shoe shops;
- L. Shoe stores;
- M. Art galleries;
- N. Convenience markets;
- O. Stationery and office supply stores;
- P. Photography studios;
- Q. Florists;
- R. Gift and card stores;
- S. Offices less than 5000 square feet of floor area;
- T. Locksmith, key and lock shops;
- U. Bicycle shops;
- V. Hardware store, excluding lumber sales and outside storage of materials;
- W. Accessory structures and uses appurtenant to any permitted use provided there is not intensification of the permitted use;
- X. Reduction in setback requirements of 10% or less of the required setback;
- Y. Picture framing businesses;
- Z. Storage, rental and sale of irrigation equipment.

20.18.060 CONDITIONAL USES ALLOWED, COASTAL DEVELOPMENT PERMIT REQUIRED IN EACH CASE. (Chapter 20.70) UNLESS EXEMPT (Section 20.70.120)

- A. Hotels and motels (ZA);
- B. Animal hospitals (ZA);
- C. Parking lots (ZA);
- D. Auto sales (ZA);
- E. Banks greater than 5,000 square feet (ZA);
- F. Open air retail and wholesale sales (ZA);

- G. Mini warehouse storage warehouses (ZA);
- H. Theaters (ZA);
- I. Restaurants (ZA);
- J. Service stations (ZA);
- K. Caretaker units for the purpose of providing on-site security (ZA);
- L. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use (ZA);
- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding 10 days and not involving construction of permanent facilities (ZA);
- N. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses such as jails, detention facilities, rehabilitation centers, or corporation yards;
- O. Water system facilities including wells and storage tanks serving 15 or more service connections;
- P. Refreshment stands (ZA);
- Q. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- R. Legal nonconforming use changed to a use of a similar or more restricted nature;
- S. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- T. Commercial kennels (ZA);
- U. Any lots or establishments where alcoholic beverages are served, commercial places of amusement or recreation, or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- V. Ridgeline development;
- W. Quarrying (Del Monte Forest only);
- X. Campgrounds (ZA) (not in Del Monte Forest);
- Y. Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure;
- Z. Day care centers (ZA);
- AA. Reserved;
- BB. Contractors yards (not in Del Monte Forest);

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- CC. Conditional Certificates of Compliance;
- DD. Lumber yards; 0472
- EE. Mini-warehouse storage;
- FF. Professional/Administrative offices greater than 5,000 square feet of floor area (ZA);
- GG. Laundries (ZA);
- HH. Other commercial uses of a similar character, density and intensity as those listed in this Section determined by the Planning Commission to be consistent and compatible with the intent of this Chapter and the applicable land use plan;
- II. Service Centers (ZA);
- JJ. General Retail;
- KK. Recreational Vehicle and Trailer Storage;
- LL. Clubs and Lodges;
- MM. Food Stores;
- NN. Subdivisions;
- OO. Lot Line Adjustments.
- PP. Wireless communications facilities, pursuant to Section 20.64.310.

20.18.070 SITE DEVELOPMENT STANDARDS.**A. Structure Height and Setback Regulations**

1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map (e.g. "CGC/(24)" would limit structure height to 24 feet).
2. Setbacks for developments in the "CGC" district are established by the approval of the General Development Plan where such plan is required.
3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;
 - b) provision of adequate parking and landscaping; and
 - c) other site design features.
4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map shall apply.

- B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.
- C. Parking Regulations: All parking shall be established pursuant to Chapter 20.58. 0473
- D. Landscaping Requirements

All developments allowed shall have landscaping covering a minimum of 10% of the developed site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations

Signing for all development shall be established pursuant to Chapter 20.60.

G. Minimum Building Site Area

The minimum building area shall be 10,000 square feet in areas served by public sewers; one acre if served by septic tanks.

20.18.080 SPECIAL REGULATIONS.

A. Manufactured Dwelling Units

Manufactured dwelling units meeting the standards of Section 20.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.

B. Vehicle Trip Reduction

The following types of development are subject to Section 20.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:

- a) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons; or
- b) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.
- c) Any residential development of 25 or more units.

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Monterey County Zoning Ordinance



Title 21 (For Inland Areas)

Includes Wireless Ordinance additions
Adopted September 1997

Chapter 21.18

REGULATIONS FOR LIGHT COMMERCIAL ZONING DISTRICTS OR "LC" DISTRICTS

Sections:

21.18.010	Purpose.
21.18.020	Applicability.
21.18.030	General Development Plan.
21.18.040	Uses Allowed.
21.18.050	Uses Allowed, Administrative Permit Required in Each Case.
21.18.060	Uses Allowed, Use Permit Required in Each Case.
21.18.070	Site Development Standards.
21.18.080	Special Regulations.

21.18.010 PURPOSE

The purpose of this Chapter is to provide a zoning district to accommodate and maintain a broad range of light commercial uses suitable for the convenience of nearby residential areas.

21.18.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "LC" districts subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.18.030 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any development in the Light Commercial district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of one acre; or,
 - 2) The development proposed includes more than one use; or,
 - 3) The development includes any form of subdivision (Title 19, Subdivision Ordinance).
- B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

- C. General Development Plans and amendments thereto shall be approved by the Planning Commission.
- D. The General Development Plan shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.
- E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.18.040 USES ALLOWED.

- A. Change of commercial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code, and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection.
- C. Cultivation, cutting or removal of Christmas trees.
- D. Other uses of a similar character, density and intensity to those listed in this Section.

**21.18.050 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(CHAPTER 21.70)**

- A. Appliance store;
- B. Barber shop;
- C. Beauty shop;
- D. Book store;
- E. Clothing and apparel store;
- F. Drug store;

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- G. Banks less than 5,000 square feet;
- H. Shoe shop;
- I. Shoe store;
- J. Art gallery;
- K. Convenience market;
- L. Stationery and office supply store;
- M. Photography studio;
- N. Florist;
- O. Gift and card store;
- P. Office;
- Q. Locksmith, key and lock shop;
- R. Bicycle shop;
- S. Hardware store, excluding lumber sales and outside storage of materials;
- T. Accessory structures and uses appurtenant to any permitted use provided there is not intensification of the permitted use;
- U. Reduction in setback requirements of ten percent or less of the required setback;
- V. Small water system facilities including wells and storage tanks for five to fourteen service connections;
- W. Picture framing business;
- X. Storage, rental and sale of irrigation equipment.
- Y. Other uses of a similar character, density and intensity to those listed in this Section;
- Z. Pet shop.
- AA. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.18.060 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

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- A. Hotels and motels (ZA);
- B. Animal hospitals (ZA);
- C. Parking lots (ZA);
- D. Auto sales;
- E. Banks greater than 5,000 square feet;
- F. Open air retail and wholesale sales (ZA);
- G. Mini warehouse storage warehouses;
- H. Theaters (ZA);
- I. Restaurants (ZA);
- J. Service stations (ZA);
- K. Caretaker unit for the purpose of providing on-site security (ZA);
- L. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use (ZA);
- M. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- N. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, but not including uses such as jails, detention facilities, rehabilitation centers, or corporation yards;
- O. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- P. Other uses of a similar character, density and intensity as those listed in this Section;
- Q. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- R. Legal nonconforming use changed to a use of a similar or more restricted nature;
- S. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- T. Commercial kennel (ZA);

Title 21-61

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- U. Any lot or establishment where alcoholic beverages are served, commercial place of amusement or recreation, or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- V. Ridgeline development;
- W. Removal of minerals and natural materials for commercial purposes;
- X. Development in the Carmel Valley Floodplain, pursuant to Section 21.64.130 (ZA);
- Y. Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure;
- Z. Day care centers (ZA);
- AA. The exploration for and the removal of oil and gas (ZA).
- BB. Auto repair facilities (ZA);
- CC. Storage garage (ZA);
- DD. Funeral homes (ZA);
- EE. Development laboratories;
- FF. Service centers.
- GG. Wireless communications facilities, pursuant to Section 21.64.310.

21.18.070 SITE DEVELOPMENT STANDARDS

- A. Structure Height and Setback Regulations
 - 1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map (e.g. "LC/(24)") would limit structure height to 24 feet).
 - 2. Setbacks for developments in the "LC" district are established by the approval of the General Development Plan where such plan is required.
 - 3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;

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- b) provision of adequate parking and landscaping; and
 - c) other site design features.
- 4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.
- B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.
- C. Parking Regulations: All parking shall be established pursuant to Chapter 21.58.
- D. Landscaping Requirements:

All developments allowed shall have landscaping covering a minimum of 10% of the developed site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.
- E. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.
- F. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.13.030 Special Regulations.

- A. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- B. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.20

REGULATIONS FOR HEAVY COMMERCIAL ZONING DISTRICTS OR "HC" DISTRICTS

Section:

21.20.010	Purpose.
21.20.020	Applicability.
21.20.030	General Development Plan.
21.20.040	Uses Allowed.
21.20.050	Uses Allowed, Administrative Permit Required in Each Case.
21.20.060	Uses Allowed, Use Permit Required in Each Case.
21.20.070	Site Development Standards.
21.20.080	Special Regulations.

21.20.010 PURPOSE.

The purpose of this Chapter is to provide a zoning district to accommodate a broad range of heavy commercial uses in those areas of the County of Monterey suitable for such uses. The types of uses appropriate for this district are those uses which are of a heavier commercial character potentially involving needs for warehousing, storage facilities, offices, trade centers, repair facilities, and fabrication shops.

21.20.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "HC" zoning districts, subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.20.030 GENERAL DEVELOPMENT PLANS.

- A. A General Development Plan shall be required prior to the establishment of any development in the Heavy Commercial district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of one acre; or,
 - 2) The development proposed includes more than one use; or
 - 3) The development includes any form of subdivision (Title 19, Subdivision Ordinance).

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- B. No new development, change or expansion of use, or physical improvements may be approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.
- C. General Development Plans and amendments thereto shall be approved by the Planning Commission.
- D. The General Development Plan shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.
- E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.20.040 USES ALLOWED.

- A. Change of commercial uses within a structure provided the new use will not change the nature or intensity of the use of the structure;
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- C. Cultivation, cutting or removal of Christmas trees;
- D. Other uses of a similar character, density and intensity to those listed in this Section.

**21.20.050 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(Chapter 21.70)**

- A. Offices less than 5,000 square feet of floor area;
- B. Auto repair facilities;
- C. Service stations;
- D. Shops for tradesmen such as plumbers, electricians, furniture makers and repairmen, appliance repairmen, and similar uses provided that in all cases all equipment and materials, except vehicles, are maintained within a structure;

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- E. Caretaker unit for the purpose of providing on-site security;
- F. Mini-warehouse storage facilities of less than 5,000 square feet of floor area;
- G. Small water system facilities including wells and storage tanks for five to fourteen service connections;
- H. Reduction in setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- I. Accessory structures and accessory uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- J. Photography studio;
- K. Picture framing business;
- L. Shoe shop;
- M. Shoe store;
- N. Shops of a light commercial character and conducted within a structure;
- O. Stationery and office supply store;
- P. Storage, rental and sales of irrigation equipment;
- Q. The manufacture of clothing;
- R. Day care center for use of on-site employees and employees of developments on the same lot or subdivision;
- S. Other uses of a similar character, density and intensity to those listed in this Section.
- T. Boarding kennels.
- U. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.20.060 USES ALLOWED, USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Office complexes greater than 5,000 square feet of floor area (ZA);
- B. Automobile and recreational vehicle storage yards (ZA);

- C. Mini-warehouse storage facilities of more than 5,000 square feet (ZA);
- D. Automobile and truck tow and storage operations (ZA);
- E. Boat and auto sales (ZA);
- F. Agricultural processing plants (ZA);
- G. Trucking operations, including offices and facilities for the repair, servicing, fueling, storage, and dispatching of commercial trucks;
- H. Hotels, motels, restaurants and similar visitor facilities (ZA);
- I. Contractors yards and offices (ZA);
- J. Contractor's equipment storage facility including vehicles, within a building (ZA);
- K. Retail sales which are accessory and incidental to the uses permitted in this Section, provided that the sales area does not exceed twenty-five percent of the floor area of the structure housing the retail sales facility (ZA);
- L. Bag cleaning or rag works;
- M. Water well drilling businesses (ZA);
- N. Public utility uses and accessory structures, including corporation yards or similar uses;
- O. Wholesale distributors of petroleum products, contractors yards, welding shops and other uses of a similar character;
- P. Furniture manufacturing, finish paper products from finished paper stock (ZA);
- Q. Propane distributorship and sales and services of appliances, and related equipment;
- R. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use (ZA);
- S. Other uses of a similar character, density and intensity as those listed in this Section;
- T. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- U. Legal nonconforming use changed to a use of a similar or more restricted nature;
- V. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;

- W. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- X. Any lot or establishment where alcoholic beverages are served, commercial place of amusement or recreation, or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- Y. Ridgeline development;
- Z. Removal of minerals and natural materials for commercial purposes;
- AA. Development in the Carmel Valley Floodplain pursuant to Section 21.64.130 (ZA);
- BB. Wholesale and retail establishments distributing materials and products essential to agriculture and farming operations, except manure;
- CC. Chemical laboratories, electronic products and instrument manufacturing;
- DD. Research laboratories, provided such use does not produce undue odor, noise, smoke, or other objectionable effects;
- EE. Warehouses for the collection, packaging and distribution of agricultural and horticultural products (ZA);
- FF. Day care centers (ZA);
- GG. The exploration for and the removal of oil and gas (ZA).
- HH. Lumber yards (ZA);
- II. Bottling works (ZA);
- JJ. Wholesale stores and storage (ZA);
- KK. Storage garages (ZA);
- LL. Service centers;
- MM. Open air retail and wholesale sales (ZA).
- NN. Wireless communications facilities, pursuant to Section 21.64.310.

21.20.670 SITE DEVELOPMENT STANDARDS.

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A. Structure Height and Setback Regulations

1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map. (e.g. "HC/(24)" would limit structure height to 24 feet).
2. Setbacks for developments in the "HC" district are established by the approval of the General Development Plan where such plan is required.
3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;
 - b) provision of adequate parking and landscaping;
 - c) other site design features.
4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.

B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.

C. Parking Regulations: All parking shall be established pursuant to Chapter 21.58.

D. Landscaping Requirements:

All developments allowed shall have landscaping covering a minimum of 10% of the site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.

E. Lighting Plan Requirements

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60

21.20.080 SPECIAL REGULATIONS.

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- A. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- B. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.

Chapter 21.22

REGULATIONS FOR VISITOR SERVING/PROFESSIONAL OFFICE ZONING DISTRICTS OR "VO" DISTRICTS

Sections

21.22.010	Purpose.
21.22.020	Applicability.
21.22.030	General Development Plans.
21.22.040	Uses Allowed.
21.22.050	Uses Allowed, Administrative Permit Required in Each Case.
21.22.060	Uses Allowed, Use Permit Required in Each Case.
21.22.070	Site Development Standards.
21.22.080	Special Regulations.

21.22.010 PURPOSE.

The purpose of this Chapter is to provide a district to establish areas necessary to service the needs of visitors and professional services to Monterey County.

21.22.020 APPLICABILITY.

The regulations of this Chapter shall apply in all "VO" districts subject to the provisions of Chapter 21.62 (Height and Setback Exceptions) of this Title.

21.22.030 GENERAL DEVELOPMENT PLAN.

- A. A General Development Plan shall be required prior to the establishment of any development in the Visitor Serving/Professional Office district if there is no prior approved General Development Plan and if:
- 1) The lot is in excess of one acre; or,
 - 2) The development proposed includes more than one use; or
 - 3) The development includes any form of subdivision. (Title 19, Subdivision Ordinance)
- B. No new development, change or expansion of use, or physical improvements may approved unless such development, use or expansion is found to be in conformance with an approved General Development Plan and amendments thereto where such plan is required.

- C. General development plans and amendments thereto shall be approved by the Planning Commission.
- D. The plans shall be prepared by the developer and submitted for review and approval prior to or concurrent with approval of any required permits for the development. The plans shall address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transportation improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan.
- E. The requirement of a General Development Plan or an amendment to a General Development Plan may be waived by the Director of Planning and Building Inspection when, due to the circumstances of the particular situation, there is no potential significant adverse impact from the development and requiring the General Development Plan will not further the purposes of this Chapter.

21.22.040 USES ALLOWED.

- A. Change of visitor serving/professional office uses within a structure provided the new use will not change the nature or intensity of the commercial use of the structure;
- B. Water system facilities including wells and storage tanks serving four or fewer service connections, pursuant to Title 15.04, Monterey County Code and replacement of water tanks and wells where no increase in service connections is created. The screening of any tanks and associated structures shall be approved by the Director of Planning and Building Inspection;
- C. Other uses of a similar character, density and intensity to those listed in this Section.

**21.22.050 USES ALLOWED, ADMINISTRATIVE PERMIT REQUIRED IN EACH CASE.
(Chapter 21.79)**

- A. One caretaker unit for the purpose of providing on-site security;
- B. Reduction in setback requirements provided the proposed reduction is ten percent or less of the required setbacks;
- C. Accessory structures and accessory uses appurtenant to any permitted use provided there is no intensification of the permitted use;
- D. Small water system facilities including wells and storage tanks for five to fourteen service connections;
- E. Other uses of a similar character, density and intensity to those listed in this Section.
- F. Additions to existing, approved wireless communications facilities, pursuant to Section 21.64.310.

21.22.060 USES ALLOWED USE PERMIT REQUIRED IN EACH CASE. (Chapter 21.74)

- A. Hotels, motels, hostels, inns (ZA);
- B. Restaurants (ZA);
- C. Service stations (ZA);
- D. Recreational vehicle parks (ZA);
- E. Employee housing, accessory to an allowed use (ZA);
- F. Professional offices (ZA);
- G. Removal of minerals and natural materials for commercial purposes;
- H. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days and not involving construction of permanent facilities (ZA);
- I. Accessory structures and uses prior to establishment of main use or structure (ZA);
- J. Legal nonconforming use of a portion of a structure extended throughout the structure (ZA);
- K. Legal nonconforming use changed to a use of a similar or more restricted nature (ZA);
- L. Water system facilities including wells and storage tanks serving fifteen or more service connections (ZA);
- M. All residential uses provided that the gross square footage of the residential use does not exceed the gross square footage of the commercial use (ZA);
- N. Other uses of a similar character, density and intensity as those listed in this Section;
- O. Zoos or zoological gardens for the purpose of raising, maintaining, keeping or exhibiting any wild animal;
- P. Public and quasi-public uses including churches, parks, playgrounds, schools, public safety facilities, public utility facilities, jails, rehabilitation centers and detention facilities;
- Q. Any lot or establishment where alcoholic beverages are served, commercial place of amusement or recreation or any place where live entertainment is provided within 200 feet of the boundary of a residential district (ZA);
- R. Ridgeline development;
- S. Removal of minerals and natural materials for commercial purposes;

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- T. Development in the Carmel Valley Floodplain pursuant to Section 21.64.130 (ZA);
- U. Day care centers (ZA);
- V. The exploration for and the removal of oil and gas (ZA).
- W. Wireless communications facilities, pursuant to Section 21.64.310.

21.22.070 SITE DEVELOPMENT STANDARDS

- A. Structure Height and Setback Regulations
 - 1. The maximum structure height is 35 feet unless superseded by a structure height limit noted on the zoning map. (e.g. "VO(24)" would limit structure height to 24 feet).
 - 2. Setbacks for development in the VO district are established by the approval of the General Development Plan where such plan is required.
 - 3. Setbacks for development where a General Development Plan is not required shall be established by the Appropriate Authority through the project review process based on:
 - a) surrounding land use;
 - b) provision of adequate parking and landscaping;
 - c) other site design features.
 - 4. All minimum setback requirements established by a combining "B" district, setbacks shown on a recorded final map or parcel map, or setback lines shown on a Sectional District map, shall apply.
- B. Building Site Coverage, Maximum: 50%, excluding parking and landscaping.
- C. Parking Regulations: All parking shall be established pursuant to Chapter 21.58
- D. Landscaping Requirements

All developments allowed shall have landscaping covering a minimum of 10% of the site area subject to a plan approved by the Director of Planning and Building Inspection. The landscaping shall be in place prior to the commencement of use.
- E. Lighting Plan Requirements

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All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the Director of Planning and Building Inspection prior to the issuance of building permits or the establishment of the use.

F. Sign Regulations

Signing for all development shall be established pursuant to Chapter 21.60.

21.22.080 SPECIAL REGULATIONS.

- A. Manufactured dwelling units meeting the standards of Section 21.64.040 are permitted subject to the requirements of any conventional dwelling unit in this Chapter.
- B. The following types of development are subject to Section 21.64.250 (Regulations for the Reduction of Vehicle Trips) of this Title:
 - a) Any residential development of 25 or more units; or,
 - b) Any new or expanded commercial or tourist oriented development which will employ 50 or more persons; or
 - c) Any new or expanded commercial or tourist oriented development of 25,000 gross square feet or more.

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MONTEREY CITY CODE

ARTICLE 7 – VAF Visitor Accommodation Facility District**Sections:**

- 38-34 Specific Purpose
- 38-35 Land Use Regulations
- 38-36 Property Development Standards
- 38-37 Review of Plans
- 38-38 Limitation on VAF Rezoning

38-34 Specific Purpose

In addition to the general purposes listed in Article 1, the specific purpose of the VAF Visitor Accommodation Facility District is to establish the requirements for development of visitor accommodation facilities in the City of Monterey.

38-35 Land Use Regulations

In the following schedule, the letter "U" designates use classifications allowed on approval of a use permit. The "Additional Regulations" column includes references to regulations located elsewhere in this chapter which apply. If a use classification is not listed, it is prohibited.

1. Hostel. The City Council may, upon recommendation from the Planning Commission after a public hearing, with a Conditional Use Permit approved by Ordinance, permit the construction, operation and maintenance of hostels operated by non-profit agencies on any parcel of the City not zoned for single-family residential use (R-1), or low density multi-family residential use (R-2).

VAF DISTRICT LAND USE REGULATIONS**Additional Regulations****Commercial Uses**

Visitor Accommodation Facilities	U	(a),(b)
Limited-Occupancy	U	(a),(b),(c)
Accessory Uses	U	(a),(d)

(a) Any conditions of a preexisting use permit or special permit shall apply.

(b) Vacation Time Share Facilities are prohibited.

(c) The property owner shall occupy and manage a limited-occupancy visitor accommodation facility. No cooking facilities in rooms or long term rental of rooms shall be permitted, breakfast to guests shall be the only meal and person served, and the maximum stay of guests shall not exceed 14 days.

(d) Allowable accessory uses, such as sale of candy, magazines, sundries, and similar items; beauty and barber shops; recreation facilities to serve the public, guests and employees; living accommodations for manager or caretaker; facilities for conferences and meetings; commercial restaurant businesses, clothes and cleaning pick up agency; and related personal visitor sales and services when related to and developed as an incidental part of a visitor accommodation facility. Accessory uses may be added to visitor accommodation facilities with a use permit.

38-36 Property Development Standards

The following schedule prescribes minimum lot dimensions and property development standards for the VAF District.

VAF DISTRICT PROPERTY DEVELOPMENT REGULATIONS

	Hotels and Motels	Limited-Occupancy Visitor Accommodation Facilities	Additional Regulations
Minimum Site Area	-	0.5 acre	
Minimum Site Area (sq.ft.) per Sleeping Unit (Guest Room)			(a)
-One story structure	1,000	5,000	(b)
-Two story structure	800	5,000	(b)
-Three stories or more	600	5,000	(b)
Minimum Yards			
Front (ft.)	10	10	
Side (ft.)	10	10	
Corner Side (ft.)	10	10	
Rear (ft.)	10	10	
Maximum Lot Coverage (%)	30	30	
Parking and Loading	See Article 18		

Nonconforming Structures

See Article 28

(a) When computing the number of units permitted, land devoted to accessory uses, such as restaurants, cocktail lounges, retail and service stores, service stations and similar uses, including related parking areas, shall be deducted from the gross site area.

(b) No more than 10 rental rooms shall be permitted in limited-occupancy visitor accommodation facilities. This shall not include manager's quarters or accommodations.

Supplemental regulations applicable to all zoning districts in the city are contained in Article 17, and off-street parking requirements are in Article 18.

A. Number of Off-Street Parking Spaces Required.

Hotels and Motels	One per guest room; plus two for every 50 rooms; plus parking, as required for accessory uses.
Bed and Breakfast Inns	Up to eight rooms, one per guest room plus two spaces; over eight rooms, two per guest room.
Youth Hostel	As specified by Use Permit.

Accessory Uses. The Planning Commission may reduce the number of off-street parking spaces required by Article 18 for accessory uses by no more than 50 percent upon finding that:

1. All required parking to be provided for all uses will occupy the same parking facility; and
2. Both the required parking and the uses served are located on the same site under one ownership or the required parking is located on an adjacent site under the same ownership.

Computation of Spaces Required. If, in the application of the requirements of this article a fractional number is obtained, one parking space or loading berth shall be required for a fraction of one-half or more, and no space or berth shall be required for a fraction of less than one-half.

B. Planting Areas. Site areas not used for access, parking, circulation, buildings, and services shall be completed and permanently landscaped.

C. Signs. The maximum sign area for a limited-occupancy facility shall not exceed four square feet, and all signs shall be subject to approval of the Architectural Review Committee. Each establishment shall be referred to as an "Inn." Wording such as "motels," "hotels," "motor hotels," and "lodges" is not permitted. Such signs may only be externally illuminated.

D. Expansion of Preexisting Facilities. Any visitor accommodation facility may be expanded, provided it meets the development standards of this section. Any preexisting facility that exceeds these standards, and is substantially destroyed by fire, earthquake, or other natural disaster may be reconstructed substantially as it was prior to such destruction.

38-37 Review of Plans

- A. Any structural alteration shall be subject to review and approval by the Planning Commission. Ordinary non structural repairs, alterations, exterior remodeling, changes in landscaping or planting areas, or maintenance shall be subject to review and approval by the Architectural Review Committee. Procedures for such review, including the right of appeal, shall be the same as for a use permit.
- B. Expansion of visitor accommodation facilities shall be subject to review and approval by the Development Review Committee, the Architectural Review Committee, and the Planning Commission.
- C. New limited visitor accommodation facilities shall be subject to review and approval by the Development Review Committee, and the Architectural Review Committee, and their recommendations shall be considered by the Planning Commission in deciding whether to approve or deny the project.

38-38 Limitation on VAF Rezoning

A zoning map amendment that would change the boundaries of a VAF District or add or delete land subject to the VAF District regulations may only be approved after an advisory vote of the people of the City of Monterey.

**CITY OF SANTA BARBARA
ZONING ORDINANCE**

Chapter 28.21

**R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE
AND R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE**

Sections:

28.21.001	In General.	28.21.080	Lot Area and Frontage Requirements.
28.21.005	General Description and Legislative Intent.	28.21.081	Outdoor Living Space.
28.21.030	Uses Permitted.	28.21.085	Regulations for Nonresidential Buildings, Structures and Uses.
28.21.035	Uses Permitted Upon the Issuance of a Conditional Use Permit or Performance Standard Permit.	28.21.090	Other Requirements.
28.21.050	Building Height.	28.21.100	Off-street Parking.
28.21.060	Setbacks.	28.21.110	Signs.
28.21.065	Reduction of Setback Requirements.	28.21.120	Public Street Requirements.
28.21.070	Distance Between Buildings on the Same Lot.	28.21.130	Development Plan Approval.
		28.21.131	Development Potential.

28.21.001 In General.

The following regulations shall apply to both the R-3 Limited Multiple-Family Residence Zone and the R-4 Hotel-Motel-Multiple-Residence Zone unless otherwise provided in this ordinance. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.005 General Description and Legislative Intent.**1. R-3 ZONE.**

This is a restricted residential district of high density in which the principal use of land is for multiple-family dwellings, together with recreational, religious and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life and to prohibit activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

2. R-4 ZONE.

This is a hotel-motel multiple residence district in which the principal use of land is intended to be for multiple housing, together with recreational, religious and educational facilities required to serve the community. The provisions of this ordinance are intended to provide a pleasant and healthful environment by establishing provisions for usable open spaces.

It is the intent of this district to allow hotels and similar establishments, including related recreational, conference center and other auxiliary uses primarily for use by hotel guests, while protecting the existing housing stock, and to preserve the residential character of those neighborhoods which are still primarily residential. In addition, the preservation of buildings of architectural and/or historical significance shall be encouraged. A conversion permit will be required in order to convert existing dwelling units for the purpose of providing hotel or similar uses.

Regulations for this district are designed to control activities of a retail commercial nature and those which would tend to be inharmonious with housing. Restaurants intended to serve the visitors using the established hotels and motels in the immediate vicinity are permitted subject to approval of a conditional use permit. (Ord. 4199, 1983; Ord. 4018 §1, 1979; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.030 Uses Permitted.**A. R-3 ZONE.**

1. Any use permitted in the R-2 Zone and subject to the restrictions and limitations contained therein, except that any use specifically mentioned hereafter shall be subject to the restrictions of the R-3 Zone.

2. One-, two-, and multiple-family dwellings.

3. Community care facilities, residential care facilities for the elderly and hospices serving 7 to 12 individuals subject to the provisions in Chapter 28.93.

B. R-4 ZONE.

1. Any use permitted in the R-3 Zone and subject to the restrictions and limitations contained therein, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the R-4 Zone.

2. Hotels and related recreational, conference center and other auxiliary uses primarily for use by hotel guests. Any hotels, when units are designed or constructed with cooking facilities shall, as to such units, be subject to the lot area per unit requirements of the R-4 Zone and to the parking requirements for multiple family units required in Subsection 28.90.100.G.3 of this Code. Such hotels when designed, constructed or used for either twenty-four (24) or more dwelling units, or fifty (50) guest rooms or more may include a business, except a restaurant, conducted therein for the convenience of the occupants and their guests; provided entrance to such places of business be from the inside of such buildings; that the floor area used for all the businesses in the facility shall not exceed thirty percent (30%) of the total ground floor area of all the buildings comprising the hotel which are on a single lot or contiguous lots; and provided further that no street frontage of any such building shall be used for such business. Any hotel, regardless of the number of units or rooms therein, may include a restaurant for use by the hotel occupants and their guests only, provided that such facility conforms to all other requirements imposed on any "business" by this paragraph. A restaurant not conforming to all other requirements imposed on any "business" by this paragraph or not for use solely by hotel occupants and their guests may be established only if a conditional use permit is obtained for operation of a restaurant under Chapter 28.94 of this Code. (Ord. 4858, 1994; Ord. 4199, 1983; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.035 Uses Permitted Upon the Issuance of a Conditional Use Permit or Performance Standard Permit.

As provided in Chapters 28.93 and 28.94 of this ordinance. (Ord. 5380, 2005; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.050 Building Height.

Three (3) stories, which three (3) stories combined shall not exceed (i) forty-five feet (45') nor (ii) exceed the height limitations imposed for the protection and enhancement of solar access by Chapter 28.11 of this Code. (Ord. 4426, 1986; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.060 Setbacks.

The following setbacks shall be observed on all lots within these zones:

A. **Front Setback.** A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot, as follows:

1. One or two story building or structure: 10 feet
2. Three story building or structure: 15 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the front setback shall be reduced as follows:
 - a. Ground floor portions: 10 feet
 - b. Second story portions: 10 feet
 - c. Third story portions: 20 feet
3. Parking that does not back out onto the street: 10 feet
4. Parking that backs out onto the street: 20 feet

B. **Interior Setback.** An interior setback of not less than the indicated distance shall be provided between the interior lot line and all buildings, structures, and parking on the lot as follows:

1. One or two story building or structure: 6 feet
2. Three story building or structure: 10 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the interior setback shall be reduced as follows:
 - a. Ground floor portions: 6 feet
 - b. Second story portions: 6 feet
 - c. Third story portions: 10 feet
3. Garage, carport or uncovered parking: 6 feet; however, if the width of the lot is less than fifty-five (55) feet at the opening of a garage or carport, the garage or carport opening does not face the street, and the interior depth of the garage or carport does not exceed twenty (20) feet, the setback may be reduced by up to 3 feet by the design review body that reviews the project.

C. **Rear Setback.** A rear setback of not less than the indicated distance shall be provided between the rear lot line and all buildings, structures, and parking on the lot:

1. Ground floor portions: 6 feet
2. Second story portions: 10 feet
3. Third story portions: 10 feet
4. Garage, carport, or uncovered parking: 3 feet

For purposes of this section, a rear setback shall be provided from the lot line opposite to the front lot line. In the event of two or more front lot lines, the rear setback shall be provided from the lot line opposite to any of the front lot lines. (Ord. 5459, 2008.)

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28.21.065 Reduction of Setback Requirements.

It is hereby declared that under the following conditions a physical hardship exists on all R-3 and R-4 Zone lots, and that the listed modifications are hereby granted where the stated conditions exist.

Other provisions of this title notwithstanding, a conforming addition may be made to an existing nonconforming dwelling where such nonconformance is due to inadequate front setback or interior setbacks, providing said dwelling complied with the setbacks required by ordinance at the time of construction. (Ord. 5459, 2008; Ord. 3710, 1974; Ord. 3587, 1973.)

28.21.070 Distance Between Buildings on the Same Lot.

No main building shall be closer than fifteen feet (15') to any other main building on the same lot, except that a one-story building shall be no closer than ten feet (10') to another one-story building. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.080 Lot Area and Frontage Requirements.

A. Minimum Lot Size and Frontage for New Lots. Every lot hereafter created in an R-3 and R-4 Zone shall contain at least fourteen thousand (14,000) square feet and sixty feet (60') of frontage on a public street.

B. Lots Less Than 5,000 Square Feet. Existing lots of less than five thousand (5,000) square feet of net lot area may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.

C. Existing Lots of 5,000 to 6,999 Square Feet. Existing lots of 5,000 to 6,999 square feet of net lot area, inclusive, may be used as a building site for two (2) dwelling units, provided that all other regulations of the zone prescribed by this title are observed.

D. Lots of 7,000 to 13,999 Square Feet. Existing lots of 7,000 to 13,999 square feet of net lot area, inclusive, may be used as a building site for three (3) units, provided that all other regulations of the zone prescribed by this title are observed.

E. Lots of 14,000 Square Feet or More. For lots of fourteen thousand (14,000) square feet or more of net lot area, a minimum of three thousand five hundred (3,500) square feet of net lot area shall be provided for each dwelling unit hereafter erected.

F. Variable Density in Certain Zones. Lots in the R-3, R-4, C-1, C-2, C-M and R-O Zones, as well as lots in the HRC-2 and OC Zones where residential uses are allowed by the Local Coastal Plan, may be used as a building site for more units than permitted in paragraphs B, C, D and E above if the number of bedrooms in the dwelling unit is limited in accord with the following:

1. Studio unit - one (1) unit per 1,600 square feet of lot area;
2. 1 bedroom unit - one (1) unit per 1,840 square feet of lot area;
3. 2 bedroom unit - one (1) unit per 2,320 square feet of lot area;
4. 3 or more bedroom unit - one (1) unit per 2,800 square feet of lot area.

Existing lots with less than 5,000 square feet of net lot area shall not be used as a building site under this Subsection (F) for more than two (2) dwelling units. This Subsection (F) shall be applicable in the R-3, R-4, C-1, C-2, C-M, R-O, HRC-2 and OC Zones and not in any other zone. The fact that a lot may be subject to an overlay zone, including, but not limited to, the S-D-2 or S-D-3 Overlay Zones, does not prohibit the application of variable density if variable density is otherwise allowed in the base zoning of the lot. (Ord. 5459, 2008; Ord. 5343, 2005; Ord. 4772, 1992; Ord. 3950 §1, 1978; Ord. 3753, 1975.)

28.21.081 Outdoor Living Space.

Every lot in this zone shall provide outdoor living space in accordance with either of the following methods:

A. Private Outdoor Living Space Method. Lots providing outdoor living space in accordance with this method shall provide each of the spaces described in paragraphs 1-3 below:

1. **Private Outdoor Living Space.** Private outdoor living space shall be provided for each dwelling unit as follows:

a. Minimum size. The private outdoor living space shall be not less than the size specified below based on the number of bedrooms in the dwelling unit and the location where the private outdoor living space is provided:

- (1) Ground floor:
 - (a) Studio unit - 100 square feet
 - (b) 1 Bedroom unit - 120 square feet
 - (c) 2 Bedroom unit - 140 square feet
 - (d) 3 or more Bedroom unit - 160 square feet
- (2) Second or higher story:
 - (a) Studio unit - 60 square feet
 - (b) 1 Bedroom unit - 72 square feet
 - (c) 2 Bedroom unit - 84 square feet

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(d) 3 or more Bedroom unit - 96 square feet

h. Minimum Dimensions. The private outdoor living space shall have minimum dimensions as specified below, measured in perpendicular directions based on the location where the private outdoor living space is provided:

- (1) Ground floor: 10 feet
- (2) Second or higher story: 6 feet

c. Connectivity. Private outdoor living space shall be contiguous to and accessible from the dwelling unit for which it is provided.

d. Multi-story dwelling units. Dwelling units that occupy more than one story may provide the required private outdoor living space on any story.

e. Allowed amenities. Private outdoor living space may include planter areas totaling no more than fifty (50) square feet, patio areas, balconies, and decks.

f. Exclusions. Private outdoor living space shall not include stairs, entrance decks, or landings. In addition, private outdoor living space shall not include areas located under eaves, balconies, or other cantilevered architectural or building projections not providing additional floor area where the vertical clearance under the architectural or building projection is less than seven feet.

g. Allowed setback encroachments. Private outdoor living space may encroach into setbacks as follows:

- (1) Private outdoor living space provided on grade may encroach into interior and rear setbacks up to the property line.
- (2) Private outdoor living space provided on grade may be located up to ten (10) feet from the front lot line, subject to the following conditions:
 - (a) The area of the private outdoor living space located in the front yard may not exceed more than 50% of the front yard area, excluding driveways.
 - (b) The private outdoor living space provided in the front yard shall be enclosed by a solid fence having a minimum height of five (5) feet and a maximum height of six (6) feet. The exterior of the fence shall be landscaped. However, the design review body that reviews the project may reduce or waive the requirement for a fence or landscaping in order to preserve substantial views from the unit being served by the private outdoor living space or if the area does not abut a street.

2. Open Space. In addition to all setbacks, every lot satisfying the outdoor living space requirement in accordance with this private outdoor living space method shall provide on grade open space of an area not less than ten percent (10%) of the net lot area in accordance with the provisions of this paragraph 2. The intent of this provision is to provide relief from building volume, driveways and parking beyond that afforded by setbacks.

a. Examples of Permitted Open Space Improvements. The required open space may consist of landscaped or hardscaped areas unobstructed from the ground upwards, including, but not limited to:

- (1) Walks,
- (2) Patios,
- (3) Planted areas,
- (4) Decks no more than 18" above grade at all points, and
- (5) Swimming pool areas.

b. Examples of Open Space Improvements Not Permitted. The required open space shall not consist of the following:

- (1) Garages,
- (2) Carports,
- (3) Driveways,
- (4) Loading areas,
- (5) Parking and turnaround areas,
- (6) Balconies,
- (7) Porches,
- (8) Decks higher than 18" above grade at any point,
- (9) Roof decks, or
- (10) Areas located under trellises, arbors, eaves, balconies, bay windows, window seats, or other cantilevered architectural or building projections not providing additional floor area where the vertical clearance under the structure or architectural or building projection is less than seven feet.

3. Common Open Area. The common open area requirement specified in this Paragraph 3 shall only apply to lots developed with four (4) or more dwelling units. Every lot satisfying the outdoor living space requirement in accordance with this private outdoor living space method shall provide a common open area in accordance with this paragraph 3. The common open area shall have a minimum dimension of fifteen (15) feet measured in perpendicular directions and shall be accessible to all dwelling units on the lot. The common open area may be located on grade, on the second or higher story, or on a roof deck. On grade common open area may include portions of the interior setback or rear setback. On grade common open area may include portions of any remaining front yard, but shall not include any portion of the front setback. The common open area required in this paragraph 3 may be counted as part of the open space required in paragraph 2 as long as the other conditions of paragraph 2 are satisfied.

B. Common Outdoor Living Space Method. Lots providing outdoor living space in accordance with this method shall provide common outdoor living space in accordance with the following:

1. **Accessibility.** The common outdoor living space shall be accessible to all dwelling units on the lot.
2. **Minimum Size.** The common outdoor living space shall consist of at least fifteen percent (15%) of the net lot area.
3. **Minimum Dimensions.** The common outdoor living space may be provided in multiple locations on the lot, but at least one location shall have a minimum dimension of twenty (20) feet measured in perpendicular directions.
4. **Location.** Common outdoor living space must be located on grade. On grade common outdoor living space may be located in an interior setback or rear setback. On grade common outdoor living space may be located in the remaining front yard but shall not include any portion of the front setback.
5. **Exclusions.** Common outdoor living space shall not include any of the following areas:
 - a. Areas designed for use by motor vehicles, including, but not limited to, driveways, parking, and turnaround areas.
 - b. Areas located under trellises, arbors, eaves, balconies, bay windows, window seats, or other architectural or building projections not providing additional floor area where the vertical clearance under the structure or architectural or building projection is less than seven feet. (Ord. 5630, 2013; Ord. 5459, 2008.)

28.21.085 Regulations for Nonresidential Buildings, Structures and Uses.

A. SETBACKS. Setbacks for all buildings and structures used for nonresidential purposes shall be double the setback requirements for a dwelling as required for the zone in which such building or structure is located. Notwithstanding the foregoing, the following shall be exempt from the double setback requirement:

1. Conversions of existing residential structures to structures that contain nonresidential uses specifically allowed in Paragraph 28.21.030.B.2, and
2. Remodels of existing buildings that contain nonresidential uses specifically allowed in Paragraph 28.21.030.B.2.

B. LOT COVERAGE. Not more than twenty-five percent (25%) of the net area of a lot may be covered by buildings used for nonresidential purposes. Notwithstanding the foregoing, the following shall be exempt from the lot coverage limitation:

1. Conversions of existing residential structures to structures that contain nonresidential uses specifically allowed in Paragraph 28.21.030.B.2, and
2. Remodels of existing buildings that contain nonresidential uses specifically allowed in Paragraph 28.21.030.B.2.

C. ARCHITECTURAL APPROVAL. All buildings used for nonresidential purposes shall be subject to the approval of the Architectural Board of Review, or the Historic Landmarks Commission if the property is located within El Pueblo Viejo Landmark District or another landmark district or if the structure is a designated City Landmark. (Ord. 5459, 2008; Ord. 4946, 1996; Ord. 4851, 1994; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.090 Other Requirements.

The City Council may impose other requirements as may be deemed necessary to preserve the residential character of the neighborhood including the mailing of notices to property owners and the holding of a public hearing. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.100 Off-street Parking.

Off-street parking shall be provided as required in Chapter 28.90 of this title. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.110 Signs.

Signs shall be permitted in these zones only as prescribed in the Sign Ordinance of the City of Santa Barbara. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.120 Public Street Requirements.

A. When any person proposes to construct one (1) or more multiple-family dwellings, wherein the number of dwelling units is controlled by Section 28.20.060, on a lot or combination of lots, the size, shape, dimensions or topography of which, in relation to existing abutting public streets, require that there be an adequate access or internal circulation roadway for vehicular traffic, including, but not limited to, emergency vehicles and equipment traffic, the City's Chief Building Official may, prior and as a condition to the issuance of a building permit for such dwelling or dwellings, require the submission by the owner or applicant of a plot plan of such lot or combination of lots showing the location of all existing buildings and all buildings proposed to be constructed thereon and showing the location, width, and extent of improvements of an adequate access or internal circulation roadway thereon designed to connect with the abutting public street or streets.

The term adequate access or internal circulation roadway shall mean a dedicated public street established and improved to City standards and so located as to provide convenient and orderly traffic movement, ingress and egress and circulation upon, through and within the lot or combination of lots in relation to abutting streets, the multiple-family dwelling or dwellings, and the off-street parking areas required in connection with such dwelling or dwellings.

The plot plan and adequate access or internal circulation roadway shall be required by the Chief Building Official where:

1. The lot or combination of lots which is the site of the proposed construction exceeds five (5) acres; or
2. The maximum possible number of dwelling units which could be constructed on such lot or combination of lots, pursuant to Section 28.20.060 exceeds one hundred (100); or
3. Any portion of a multiple-family dwelling proposed to be constructed on the lot or combination of lots will be more than two hundred and fifty feet (250') from the right-of-way line of an abutting street.

When none of the three (3) foregoing categories are applicable to the lot or combination of lots, the adequate access or internal circulation roadway as defined herein shall not be required where the lot or combination of lots abut on a previously dedicated street or streets and where the private driveway access from the nearest entry to the required off-street parking area to the point of connection with such street or streets does not exceed one hundred and fifty (150) lineal feet.

B. When the plot plan required by the Chief Building Official is filed, the Building Official shall forthwith submit the same to the Community Development Department and the Public Works Department for investigation, report and recommendation. Such reports and recommendations shall be submitted to the Planning Commission for hearing at its earliest convenience, and such Planning Commission shall, following such hearing, approve, modify or reject such proposed adequate access or internal circulation roadway in respect to location and connection with existing abutting street or streets.

C. The owner or applicant may appeal any decision of the Planning Commission to the City Council in the manner provided by Chapter 1.30 of this Code.

D. Following approval by the Planning Commission or the City Council, as the case may be, of the proposed adequate access or internal circulation roadway shown on the plot plan, the owner or applicant shall:

1. By formal instrument offer to dedicate said proposed roadway as a public street; and
2. Either complete the required improvement of such public street to the satisfaction of the City Engineer or agree to complete such improvement within a period of one (1) year, such agreement to be secured by a good and sufficient surety bond in a principal sum equivalent to the estimated cost of such public street on the basis of estimates to be provided by the Department of Public Works, and conditioned on final completion of the construction of said street.

E. Upon completion of such public street improvement to the satisfaction of the City Engineer, or the execution and acceptance of an agreement to complete, secured by bond, a building permit shall then be issued if the requirements of other applicable ordinances have been met. The offer of dedication shall continue until, and shall not be accepted until, the required improvements have been completed to the satisfaction of the City Engineer. (Ord. 5630, 2013; Ord. 3710, 1974; Ord. 3119, 1966; Ord. 3118, 1966.)

28.21.130 Development Plan Approval.

Development plan review and approval by the Planning Commission are sometimes required by Chapter 28.85 of this Code. (Ord. 5609, 2013; Ord. 4140, 1982.)

28.21.131 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in Development Plan Approval, Chapter 28.85. (Ord. 5609, 2013; Ord. 4670, 1991.)

Chapter 28.22

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HRC-1 and HRC-2 HOTEL AND RELATED COMMERCE ZONES

Sections:

28.22.010 In General.

28.22.030 Land Uses Permitted.

28.22.035 Uses Permitted Upon the Issuance of a Conditional Use Permit.

28.22.040 Coastal Zone Review.

28.22.045 Development Potential.

28.22.050 Building Height Standards.

28.22.060 Setbacks.

28.22.010 In General.

This is a zone which, because of its proximity to the shoreline and its location along two major arteries, strives to promote, maintain and protect visitor-serving and commercial recreational uses. Tourist and traveler related uses shall be encouraged in this zone in a manner which does not detract from the desirability of the shoreline as a place to visit. Residential uses are appropriate in certain areas of the HRC-2 zone.

Land classified in the HRC-2 zone may also be overlaid with a second classification of being in the Ocean-Oriented Commercial zone (hereinafter referred to as the "OC zone.") The OC zone regulations shall apply to all development projects on land with a dual HRC-2 / OC zoning designation. (Ord. 5343, 2005; Ord. 4320, 1985; 4172, 1982.)

28.22.030 Land Uses Permitted.

The following land uses are allowed in the HRC zones indicated:

A. HRC-1 ZONE:

Hotels, motels and tourist courts, including related recreational, conference center and other auxiliary uses primarily for use by hotel guests and as permitted in Section 28.21.030.B.2 of this code. In addition, restaurants, including those with entertainment facilities used in conjunction with the restaurant, are allowed.

B. HRC-2 ZONE:

1. General. Any use permitted in the HRC-1 Zone and subject to the restrictions and limitations contained therein.

2. Specific. Any of the following uses which are primarily visitor-serving or of a commercial recreational nature specific to the Coastal Zone are allowed:

- a. Bicycle, roller skating, moped, dive gear and other recreational equipment rental stores.
- b. Stores which sell liquor, groceries and food, which do not exceed 2,500 sq. ft. in gross floor area.
- c. Specialty and gift shops.
- d. Art galleries.
- e. Bait and tackle shops, sales of boats, marine supplies and related equipment.
- f. Other visitor-serving or commercial recreational uses deemed appropriate by the Planning Commission.

3. General Office Use. The second and third floors of commercial buildings are allowed to be used for general office uses upon issuance of a Conditional Use Permit. A Conditional Use Permit may be granted by the Planning Commission or City Council on appeal for such uses in accordance with the provisions of Chapter 28.94 of this Code, subject to the following additional findings:

- a. The use is compatible with visitor-serving uses;
- b. Visitor-serving uses remain the primary use of the building; and
- c. Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building.

4. Restriction on Residential Use. Residential use is prohibited in the HRC-2 Zone except in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north. Any use permitted in the R-3 Zone is allowed in these areas subject to the restrictions and limitations contained in this Chapter.

5. Special Treatment Area. The following additional restrictions shall apply in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north, due to concerns about protection of the sensitive habitat character and aesthetics of the Andree Clark Bird Refuge:

- a. High Intensity Uses. The following high-intensity uses shall be prohibited:
 - i. fast food restaurants
 - ii. stores which sell liquor, groceries and food, except that off-site sale of beer and wine and picnic items may be allowed only when incidental to and related to the primary use of the establishment.
 - iii. automobile service station.

- b. Front Setback. There shall be a front setback of not less than: 0506
- i. Ten (10) feet for one-story buildings that do not exceed fifteen (15) feet in height; and
 - ii. one hundred (100) feet for the second-story portion of any building that exceeds fifteen (15) feet in height.
- c. Building Height. Three-story buildings and buildings in excess of thirty (30) feet in height shall be prohibited. (Ord. 5459, 2008; Ord. 5343, 2005; Ord. 4320, 1985; Ord. 4172, 1982.)

28.22.035 Uses Permitted Upon the Issuance of a Conditional Use Permit.

In the HRC-2 Zone, automobile rentals, parking lots, automobile service stations and automobile service station/mini-markets shall be permitted with a conditional use permit issued in accordance with the provisions of Chapter 28.94 of this Code, except where specifically prohibited elsewhere in this Chapter. (Ord. 4320, 1985; Ord. 4172, 1982.)

28.22.040 Coastal Zone Review.

All development in the Coastal Overlay Zone (S-D-3) is subject to review pursuant to Chapter 28.44 of this Code. (Ord. 5417, 2007; Ord. 4320, 1985; Ord. 4172, 1982.)

28.22.045 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989, unless the project complies with the provisions outlined in Development Plan Approval, Chapter 28.85. (Ord. 5609, 2013; Ord. 4670, 1991.)

28.22.050 Building Height Standards.

No building or structure in an HRC zone shall exceed three (3) stories or exceed forty-five (45) feet in height. (Ord. 5343, 2005; Ord. 4320, 1985; Ord. 4172, 1982.)

28.22.060 Setbacks.

- A. FRONT SETBACK. There shall be a front setback of not less than:
- 1. Ten (10) feet for one-story buildings that do not exceed fifteen (15) feet in height; and
 - 2. Twenty (20) feet for all other buildings.
- B. INTERIOR SETBACK. Buildings on property immediately adjacent to residentially-zoned property shall have an interior setback of no less than ten (10) feet or one-half (½) the height of the building, whichever is greater. (Ord. 5459, 2008; Ord. 4320, 1985; Ord. 4172, 1982.)

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Chapter 28.27

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R-H RESORT-RESIDENTIAL HOTEL ZONE**Sections:**

28.27.001	Title.	28.27.060	Land Coverage.
28.27.005	Legislative Intent.	28.27.070	Sleeping Unit Density.
28.27.010	Dual Zoning Classifications.	28.27.090	Development Plan as Prerequisite to R-H Zoning.
28.27.015	Regulations Applicable to R-H Zone/Exclusive Development and Use.	28.27.100	Development Plan as Prerequisite to Development.
28.27.030	Uses Permitted.	28.27.101	Development Potential.
28.27.040	Minimum Site Area.	28.27.110	Signs.
28.27.050	Building Regulations.		

28.27.001 Title.

R-H Resort-Residential Hotel Zone. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.005 Legislative Intent.

The purpose of the R-H Zone is to provide for the highly specialized uses that are associated with the development and operation of resort-residential hotels and to insure the least possible conflict with or disturbance of the amenities attached to and associated with adjoining residential areas. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.010 Dual Zoning Classifications.

Land classified and zoned as R-H shall also be classified and zoned as E-1, E-2, E-3, R-1, R-2 or R-3. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.015 Regulations Applicable to R-H Zone/Exclusive Development and Use.

The regulations contained in this part shall apply to property zoned R-H and developed for the uses permitted in Section 28.27.030.

Property classified and zoned R-H shall be developed and used either exclusively under the regulations contained in this part, or exclusively under the regulations applicable to the underlying residential zone. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.030 Uses Permitted.

The following uses are permitted in R-H Zones:

1. Resort-residential hotels, consisting of a main building containing dwelling units, and regularly maintained, customary and usual hotel facilities conducted for the convenience of the occupants and their guests including, without limitation, dining rooms, cocktail lounges, news stands and similar facilities, all of which have their main entrance from the lobby; and
 2. Together with, and operated under the same ownership as the main building, separate residential structures, hereinafter called guest buildings.
 - a. Dwelling units in guest buildings may be equipped with kitchens.
 - b. A single guest building may not contain in excess of twelve (12) bedrooms, nor in excess of six (6) dwelling units.
 - c. At least fifty percent (50%) of the total number of dwelling units shall be located in guest buildings.
- (Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.040 Minimum Site Area.

Property shall not be zoned R-H nor be used for R-H purposes unless the site so zoned and used consists of not less than four (4) acres. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.050 Building Regulations.

A. **SETBACK.** All buildings and structures shall be separated from interior lot lines and front lot lines a distance equal to or greater than twice the maximum front setback requirement for the underlying residential zone, and in no case less than thirty feet (30') nor less than the height of the building or structure.

B. **DISTANCE BETWEEN BUILDINGS.** No part of any building shall be located nearer to any part of any other building than the height of the taller of them, and in no case less than fifteen feet (15').

C. **HEIGHT LIMITATION, MAIN BUILDING.** The main building shall not be higher in number of feet than the building height limitation for the underlying residential zone.

D. **HEIGHT LIMITATIONS, ALL OTHER BUILDINGS.** Buildings, other than the main building, shall not exceed two (2) stories in height. (Ord. 5459, 2008; Ord. 3710, 1974; Ord. 2585, 1957.) 0509

28.27.060 Land Coverage.

No more than thirty-three and one-third percent (33-1/3%) of the property zoned and used as R-H may be covered with buildings and structures, to include parking structures, exclusive of porches, balconies and patios.

Not more than thirty-three and one-third percent (33-1/3%) of the property zoned and used as R-H may be covered by open parking spaces, turn-around areas and driveways. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.070 Sleeping Unit Density.

For the purpose of this section a sleeping unit is a room designed in whole or part for sleeping purposes for not more than two (2) persons. (For example, a two-bedroom apartment would contain two (2) sleeping units, a studio apartment would contain one (1) sleeping unit, a hotel room would be also one (1) sleeping unit, etc.)

The number of sleeping units per acre which may be constructed or maintained, or both, on property zoned and used as R-H shall be determined by the following formula:

BASIC UNDERLYING RESIDENTIAL ZONE	MAXIMUM NUMBER OF SLEEPING UNITS PER ACRE
E-1	5
E-2	8
E-3	10
R-1	15
R-2	20
R-3	40

(Ord. 3710, 1974; Ord. 2585, 1957.)

28.27.090 Development Plan as Prerequisite to R-H Zoning.

R-H zoning shall not be applied to any property until after a development plan and perspective renderings and elevations have been submitted to the Community Development Department for study and subsequently approved by the Planning Commission or City Council on appeal. The development plan shall include all existing and proposed buildings, driveways, turn-around and parking areas and a landscape plan. The landscape plan shall include the description and location of all landscaping features such as walls, patios, pools, recreation areas, walks, statuary, rockwork and areas to be planted.

Two (2) copies of the approved development plan shall be retained in the files of the Community Development Department. Subsequent development of the property under the regulations contained in this part shall comply with such approved development plan, except that such development plan shall be altered as necessary to conform to amended or added regulations and shall not be deemed nor held to give, convey or provide the source of vested rights to proceed in accord with the approved development plan. (Ord. 4361, 1986; 3948, 1978; Ord. 3710, 1974; Ord. 3068, 1965.)

28.27.100 Development Plan as Prerequisite to Development.

As a prerequisite to construction or relocation of any new buildings, structures, parking lot(s) or facilities, on any property zoned R-H, a development plan containing the information set forth in Section 28.27.090 pertaining to existing conditions and proposed construction or alteration of the property shall be submitted to the Planning Commission for approval or to the City Council on appeal. (Ord. 4361, 1986; 3948, 1978.)

28.27.101 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in Development Plan Approval, Chapter 28.85. (Ord. 5609, 2013; Ord. 4670, 1991)

28.27.110 Signs.

All signs on property zoned and used as R-H shall be subject to the requirements and limitations set out in the Sign Ordinance for signs in the R-4 Zone and shall be approved by the Sign Committee. (Ord. 4851, 1994; Ord. 3710, 1974; Ord. 2585, 1957.)

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**Chapter 17.40
RETAIL COMMERCIAL (C-R) ZONE****Sections:****17.40.010** Purpose and application.**17.40.020** Property development standards.**17.40.010 Purpose and application.**

The C-R zone is intended to provide for a wide range of retail sales, business, personal and professional services, as well as recreation, entertainment, transient lodging and some residential uses. The land uses allowed in this zone will generally serve the entire community and the region, as well as tourists and travelers. The C-R zone implements and is consistent with the general retail land use category of the general plan, and is intended to be applied primarily to areas with more public exposure on arterial streets than those reserved for manufacturing. (Ord. 1438 § 1 (part), 2003; Ord. 941 § 1 (part), 1982; prior code § 9203.9(A))

17.40.020 Property development standards.

The property development standards for the C-R zone are as follows:

- A. Maximum density: Thirty-six units per net acre for all dwellings, including dwelling units in hotels and motels, but not including other hotel or motel units (see also Section 17.16.010).
- B. Maximum street and other yards: See Section 17.16.020.
- C. Maximum height: Forty-five feet (see also Sections 17.16.020 and 17.16.040).
- D. Maximum coverage: One hundred percent.
- E. Maximum floor area ratio: The ratio of gross building floor area to site area shall not exceed 3.0; except, that in the downtown as mapped in the general plan land use element, a site which receives transfer of development credit for open space protection shall have a ratio not to exceed 4.0.
- F. Standard Lot Dimensions.
 - 1. Minimum lot area: Nine thousand square feet.
 - 2. Minimum lot width: Sixty feet.
 - 3. Minimum lot depth: One hundred feet.
 - 4. Minimum street frontage: Forty feet.
- G. Parking requirements: See Section 17.16.060.
- H. Maximum building size: No retail establishment (commercial building) shall exceed sixty thousand square feet of gross floor area, unless excepted by subsection (I) of this section and Section 17.16.035.
- I. A retail establishment may be allowed up to one hundred forty thousand square feet of gross floor area, if the planning commission determines that it meets the following standards:

1. The proposed use will serve the community, in whole or in significant part, and the nature of the use requires a larger size in order to function. 0512
2. The building in which the use is to be located is designed in discrete elements that respect the scale of development in the surrounding area.
3. The new building is designed in compliance with the city's design guidelines for large-scale retail projects. (Ord. 1500 § 3, (part), 2007; Ord. 1405 § 3 (part), 2001; Ord. 1365 § 3 (part), 2000; Ord. 1006 § 1 (part), 1984; Ord. 941 § 1 (part), 1982; prior code § 9203.9 (B))

The San Luis Obispo Municipal Code is current through Ordinance 1593 and legislation passed through October 1, 2013.

Disclaimer: The City Clerk's Office has the official version of the San Luis Obispo Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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**Chapter 17.44
TOURIST COMMERCIAL (C-T) ZONE**

0513

Sections:17.44.010 Purpose and application.17.44.020 Property development standards.**17.44.010 Purpose and application.**

The C-T zone is intended to provide accommodations and services for the traveling public. The C-T zone implements and is consistent with the tourist commercial land use category of the general plan. (Ord. 1438 § 1 (part), 2003; Ord. 941 § 1 (part), 1982; prior code § 9203.11(A))

17.44.020 Property development standards.

The property development standards for the C-T zone are as follows:

A. Maximum density: Twelve units per net acre, including dwelling units in hotels and motels, but not including other hotel or motel units (see also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum coverage: Seventy-five percent (see also Section 17.16.030).

D. Maximum height: Forty-five feet (see also Sections 17.16.020 and 17.16.040).

E. Maximum floor area ratio: The ratio of gross building floor area to site area shall not exceed 2.5.

F. Standard Lot Dimensions.

1. Minimum lot area: Nine thousand square feet.

2. Minimum lot width: Sixty feet.

3. Minimum lot depth: One hundred feet.

4. Minimum street frontage: Forty feet.

G. Parking requirements: See Section 17.16.060.

H. Maximum building size: No retail establishment (commercial building) shall exceed forty-five thousand square feet of total gross floor area, unless excepted by Section 17.16.035. (Ord. 1500 § 3 (part), 2007; Ord. 1405 § 3 (part), 2001; Ord. 1365 § 3 (part), 2000; Ord. 1006 § 1 (part), 1984; Ord. 941 § 1 (part), 1982; prior code § 9203.11(B))

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0514

January 23, 2014

VIA HAND DELIVERY AND EMAIL

Board of Supervisors
County of Santa Cruz
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

**Re: Continued Public Hearing to Consider Amending Local Coastal Program
Policy 2.16.10 and Chapter 13.10 of the Santa Cruz County Code Concerning
Hotels and Motels in Commercial Districts**

Dear Members of the Board:

As you know, this office represents the Aptos Council with respect to the above referenced agenda item. This letter is to inform you that we stand by our previous assertions in this matter regarding the lack of environmental review and piecemealing. We appeared before the Planning Commission on December 11, 2013 to reiterate our concerns and objections.

Furthermore, the Staff Report to the Planning Commission stated that we were incorrect in our assertions that other jurisdictions regulate hotel development. The ordinances we submitted to this Board clearly regulate hotels through a combination of height, lot coverage and through other design measures. The County's ordinance, if the amendments are adopted, will give hotel developers carte blanche unlike other jurisdictions. The Staff Report also asserted that we were incorrect about zero setbacks in the C2 and C2 District for side and rear yards. However, the attached chart shows that we were indeed correct.

Thank you for your consideration.

Very truly yours,
WITTWER PARKIN LLP



William P. Parkin

cc: Kathy Previsich (via email only)
Chris Cheleden, Esq. (via email only)

13.10.333 Development standards for commercial districts.

(A) Site and Structural Dimensions. The following minimum parcel size, frontage, yard dimensions, and building height limits shall apply within all commercial zone districts, except as noted elsewhere in this section or in the general exceptions as noted in SCCC 13.10.510, et seq.

COMMERCIAL SITE AND STRUCTURAL DIMENSIONS CHART

1,2

District Designation	Minimum Site Area per Parcel (net developable square feet)	Minimum Parcel Frontage (feet)	Minimum Yards (feet)			Maximum Building Height Limit (feet) ³
			Front	Side	Rear	
PA	10,000	60	10	Interior: 0 Street: 10	10	3 stories, but not to exceed 35 feet
VA	10,000	60	10	10	10	3 stories, but not to exceed 35 feet
CT	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-1	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-2	10,000	60	10	0	0	3 stories, but not to exceed 35 feet
C-4	10,000	60	10	0	0	3 stories, but not to exceed 35 feet

Footnotes: