



# County of Santa Cruz

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

December 3, 1998

AGENDA: December 8, 1998

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

RE: REPORT ON THE PROPERTY LOCATED AT THE CORNER OF MC GREGOR AND SEA RIDGE DRIVES. SEACLIFF AREA

Members of the Board:

On November 24, 1998, your Board, on the recommendation of Supervisor Symons, directed the Planning Department to prepare a report on "the issues surrounding the McGregor property, the chronology of events that occurred from the development of the General Plan to the present time, and the processes and time sequences necessary for the process involved in any rezoning decision (Attachment 1)." This request from Supervisor Symons was based on a large number of constituent contacts and meetings regarding a potential development on the McGregor property, including a petition with 1500-2000 signatures from the community requesting a rezoning of the property to Visitor Accommodations to prevent the development of a retail commercial use on the property (Attachment 2). The following report will provide a chronology of the property in terms of its General Plan designation and zoning, an analysis of the land uses allowed in the various zone districts and a discussion of the processes necessary to rezone the property.

### Property Description

The "McGregor" property, also known as "McGregor-Sea Ridge", is a vacant piece of land located at the intersection of McGregor and Sea Ridge Drives in the Seacliff area of the Aptos Planning Area. The entire property is approximately 9 acres in size, and is surrounded by the Sea Breeze Townhouse development on the north, the State Park Drive interchange and a church to the east, commercial development (service station, restaurant, offices) to the south and residential uses (multi-family, mobilehome park) to the west (see Attachment 3). The property, as a result of a 1994 minor land division, consists of three parcels and a road right-of-way connecting McGregor and Sea Ridge Drives (Attachment 4). The two 2.5-acre parcels on the northern half of the property are designated Urban High Density Residential and zoned RM-3 (Multi-family Residential, 3,000 square feet per unit

density). The Santa Cruz County Housing Authority is planning to build approximately 35 affordable housing units on one of these parcels. A church is tentatively planned for the other parcel, adjacent to McGregor Drive. These potential future uses will require development permits from the County and will be the subject of future public hearings.

The third parcel, located on the corner of McGregor and Sea Ridge Drives, is about 3 acres and is designated Community Commercial by the Local Coastal Program Land Use Plan and is zoned C-2 (Community Commercial). This piece of the property is the subject of the current controversy.

### Chronology of Zoning and Parcel History

The following is a chronology of the zoning designations and the history of development proposals on the property since 1982.

November 1982 - The Local Coastal Program Land Use Plan was adopted as a part of the County General Plan. The "McGregor" property was designated as one-half "H" (affordable housing) and one-half "V" (visitor accommodations), see Attachment 5. No applications were made for any development on the site although there were many inquiries in the subsequent years regarding the development requirements for the site.

December 1987 - Development Review Group (the Development Review Group (DRG) is a pre-application review with a developer and land use agencies) reviews a proposed project to construct a 102-unit hotel (with restaurant, lounge, swimming pool, etc), retail development (32,900 sq. ft.), offices (32,900 sq. ft.), 1 O-unit employee housing, 2 tennis courts and 10,400 sq. ft. restaurant on entire site. The project, as proposed, would have required Local Coastal Program amendments and a rezoning to make entire site visitor serving and coastal commercial (no project application was filed).

October 1991 - The DRG reviews a proposal for a 35-unit affordable housing project and a church development on northern half of property (residential area).

October 1993 - The Draft General Plan/LCP is presented to the Planning Commission. Public hearing notices were published as display advertisements in the Santa Cruz Sentinel and Register-Pajaronian. The entire site is proposed for high density residential development, including reservation of the former affordable housing designation for the northern portion of the site (note: there were more than 35 "study sessions" on the proposed General Plan update before the Planning Commission over a period of 3 years preceding the public hearings, all advertised in the local newspapers; in addition, there were 35 community meetings conducted throughout the County with 4 meetings specifically in the Aptos area). Correspondence from Seacliff Park Incorporated requested that the entire site be designated for visitor accommodations.

November 1993 - Public hearings before the Board of Supervisors commence, including a public hearing at Mar Vista School on November 16, 1993. Public hearing notices were published, including display advertisements in the Sentinel and Pajaronian.

December 1993 - Planning Commission completes its review of the proposed General Plan/LCP update and recommends that the entire "McGregor" site be designated as high density residential, with the northern portion designated for affordable housing.

December 1993 - The Board of Supervisors held public hearings on the General Plan/LCP update. Comments on the "McGregor" property were primarily focused on the affordable housing portion of the site. The Housing Authority and the church (St. John's Episcopal Church) wanted the residential designations to remain on the northern half of the property as they had expended funds for the purchase of the property for their proposed developments. The neighbors closest to the affordable housing site, the Sea Breeze Homeowners Association and Seacliff Park, wanted the residential designation changed to commercial (note: following the completion of the public hearings in December, the Board began their deliberations regarding the General Plan text, maps and other documents by scheduling a series of meetings, beginning in February 1994, to consider the material on a page-by-page basis).

March 1994 - The Board reviews the priority site description of the "McGregor" site. The Board changes the residential designation of the corner portion of the "McGregor" site to Community Commercial (and zoning to C-2) to allow for commercial development (see Attachment 6). The property owner concurred with the proposed change.

May 1994 - Final adoption of the General Plan/LCP approved by the Board of Supervisors. Local Coastal Program amendments forwarded to the California Coastal Commission.

November 1994 - Minor Land Division approved to create three parcels on the "McGregor" property for future use by the Housing Authority, the church and the property owner.

December 19, 1994 - The 1994 General Plan/LCP becomes effective, with the northern half of the "McGregor" property designated as residential and the southern half as Community Commercial.

No applications have been filed for the two parcels residentially designated properties. A preliminary application has been tiled for the development of commercial use on the southern half of the "McGregor" property. This proposal includes a food market, restaurant and retail stores of about 35,000 square feet. The processing of this application is on-hold until all of the required submittal materials and fees are received. Once the application is complete, there will review by land use agencies, CEQA, and a public hearing before the Planning Commission.

#### Allowed Uses

This discussion will focus on the commercial portion of the "McGregor" property. This portion of the property has a priority site designation of Community Commercial. This land use designation is implemented by the application of one of five different zone districts, depending on the types of uses desired or appropriate for the particular site. These zone districts include the C-2 (Community Commercial), the C-1 (Neighborhood Commercial), the CT (Tourist Commercial), the VA (Visitor

H

Accommodations) and the PA (Professional and Administrative Offices) districts. A summary of the allowed uses for each of these zone districts is presented below. The Commercial Uses Chart is included as Attachment 7.

<b>ZONE DISTRICT</b>	<b>ALLOWED USES</b>
C-2 (Community Commercial)	automobile service stations, banks, commercial recreation, neighborhood and community services, community facilities, <b>offices</b> , physical culture facilities, residential <b>uses</b> (up to 50% of the floor area of a commercial development), restaurants, neighborhood and community retail sales, schools, visitor accommodations
C-I (Neighborhood Commercial)	automobile service stations, banks, neighborhood services, community facilities, <b>offices</b> (up to 50% of the floor area), physical culture facilities, restaurants, residential <b>uses</b> (up to 50% of the floor area of a commercial development), neighborhood retail sales
CT (Tourist Commercial)	Automobile service stations, restaurants, visitor accommodations (a number of other uses, such as personal services, neighborhood retail sales, physical culture facilities, and commercial recreation, are allowed as ancillary uses to primary uses)
VA (Visitor Accommodations)	Visitor Accommodations (all other uses must be incidental and ancillary to the visitor accommodation use)
PA (Professional and Administrative Offices)	Banks, community facilities, offices, residential <b>uses</b> (up to 50% of the floor area of a commercial development), convalescent hospitals, nursing homes, schools

As illustrated in the table, the C-2 zone district allows the widest range of commercial uses, from retail to visitor accommodations. The VA zone, on the other hand, is the most restrictive district, allowing only visitor accommodations. The C-I and CT districts are primarily intended for use on small parcels that serve a specific neighborhood, coastal area or rural community. The PA district is used for areas where office uses predominate.

The C-2 zone district was applied to the property in recognition that there had not been any interest in developing visitor accommodations, that visitor accommodations and residential development were not considered to be complimentary uses and that developing the entire property as residential did not serve the needs of the community. As nothing has occurred to change the conditions under which the General Plan/Local Coastal Program Land Use Plan and zoning was adopted, the existing zoning appears to be appropriate. The Community Commercial (C-2) zoning allows for a wide range of commercial uses that provide the property owner, community and the Board the maximum amount of flexibility in determining the ultimate use of the property.

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## Rezoning Process

The process for initiating a rezoning is specified in County Code Section 13.10.215(b), included as Attachment 8. As provided in this ordinance, a rezoning of a property can be initiated either by application by the property owner (in conjunction with a development permit application and with fees to cover the cost of the processing) or by adoption of a Resolution of Intention by the Board of Supervisors, upon its own motion or upon the recommendation of the Planning Commission. In either case, the process for the rezoning, as specified in Chapter 18.10 of the County Code, includes CEQA review, followed by public hearings at the Planning Commission and the Board of Supervisors.

The Planning Commission, in forwarding its recommendation for approval of a rezoning to the Board, must make specific findings. These findings include the following:

- the proposed zone district will allow a density of development and types of uses which are consistent with objectives and land use designations of the adopted General Plan, and
- the proposed zone district is appropriate to the level of utilities and community services available to the site, and
- one or more of the following findings can be made:
  - the character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district, or
  - the proposed rezoning is necessary to provide for a community-related use which was not anticipated when the zoning plan was adopted, or
  - the present zoning is the result of an error, or
  - the present zoning is inconsistent with the designation on the General Plan.

If the Planning Commission disapproves of the proposed rezoning, the Commission's action is final unless brought before the Board under an appeal **filed** by the applicant or by the Board of Supervisors under special consideration.

The Board of Supervisors may approve, modify or disapprove the proposed rezoning following their public hearing. If the Board makes substantial changes to the proposed zoning plan amendment, the proposed change must be referred to the Planning Commission for a recommendation prior to final adoption. If the rezoning is consistent with the General Plan and the Zoning Implementation Table in Section 13.10.170(d) of the County Code, no review by the California Coastal Commission is required.

This process, from the adoption of the Resolution by the Board (or application by the applicant), usually takes 6 to 8 months, depending upon the type of CEQA review necessary. Usually, the County only considers applications for rezonings in conjunction with a project application so that the purpose of the rezoning is clear.

Conclusion/Recommendation

The General Plan/Local Coastal Program update completed in 1994 was conducted with extensive public outreach and opportunities for members of the community to express their concerns and wishes regarding the policies, land use designations and zoning of properties in the County. The correspondence and testimony provided at the public hearings indicate that the primary concern regarding the "McGregor" site was the development of the affordable housing on the site. The Board considered this information and designated half the site as residential and half the site as Community Commercial. This was based partly on the fact that the Housing Authority had expended significant funds to purchase the property under the 1983 Local Coastal Program Land Use Plan designation as an affordable housing site, but also because the Board did not believe that there was any chance that a motel or hotel would ever be built on the remaining piece of property and that developing the entire site as residential was not desirable.

The Board of Supervisors, in adopting the current Community Commercial designation and C-2 zoning for the southern portion of the property, established a policy framework for the review of individual project applications on this site. Under this framework, many types of commercial projects are possible, including retail, office, and visitor accommodations. The request of some members of the community to amend the zoning of the property to prevent development of the site in a particular way prevents the whole community from participating in a process which is designed to determine whether proposed uses are appropriate.

This process is the development review process. The development review process exists to determine whether a particular project is consistent with the policies and implementing ordinances of the General Plan/Local Coastal Program, and to solicit all possible information to determine if the project meets the needs of the community. This process requires an assessment of environmental impacts, review by all responsible land use agencies, and at least one public hearing before the Planning Commission, and can include appeals to the Board of Supervisors. There is no guarantee that a particular application will be approved, however, this process allows the property owner to present a project and allows a full review on that specific project. This is the appropriate process for addressing the "McGregor" property controversy and is consistent with established County procedures. There is no project ready for consideration by your Board.

It is, therefore, RECOMMENDED that your Board accept and file this report on the "McGregor" property.

Sincerely,



Alvin D. James/  
Planning Director

RECOMMENDED:



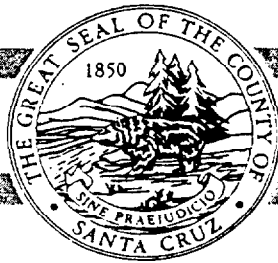
Susan A. Mauriello  
County Administrative Officer

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- Attachments:
1. Letter of Supervisor Symons, dated November 18, 1998
  2. Petition (representative copy only)
  3. Location Map
  4. Parcel Map - 1994 Minor Land Division
  5. 1982 Local Coastal Program Priority Site Designation - McGregor/SeaRidge
  6. 1994 Local Coastal Program Priority Site Designation - McGregor/SeaRidge
  7. County Code Section 13.10.332(b) - Commercial Uses Chart
  8. County Code Section 13.10.215

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BOARD OF SUPERVISORS

COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

 701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060-4069  
 (408) 454-2200 ATSS 564-2200 FAX (408) 454-3262 TDD (408) 454-2123

 JANET K. BEAUTZ  
 FIRST DISTRICT

 WALTER J. SYMONS  
 SECOND DISTRICT

 MARDI WORMHOUDT  
 THIRD DISTRICT

 RAY BELGARD  
 FOURTH DISTRICT

 JEFF ALMQUIST  
 FIFTH DISTRICT

AGENDA: 11/24/98

November 18, 1998

 BOARD OF SUPERVISORS  
 County of Santa Cruz  
 701 Ocean Street  
 Santa Cruz, CA 95060

RE: MCGREGOR/SEACLIFF DEVELOPMENT

Dear Members of the Board:

I know Board members have been receiving E-mail, personal calls, and letters from members of the **Seacliff** community and from the general constituency of the Second District. Our office has been greatly impacted with frequent meetings and innumerable contacts regarding the issues and concerns which are arising from the proposed development of the parcel referred to as the McGregor property.

I am in receipt of a petition reflecting somewhere in the neighborhood of 1,500 to 2,000 signatures of community members who are requesting the McGregor property be rezoned to Visitor Accommodation (VA), as it was prior to the General Plan completed in 1994. The **Seacliff** Improvement Association, which is the lead organization representing the overall community, has requested that the issues involved in the development of the property be presented to the Board in a public hearing. There is substantial need for a discussion of the processes necessary for an understanding of the sequences necessary for any rezoning that might be proposed, as well as a presentation to clear the misinformation and rumors that presently surround the County's role in the current zoning.

It is therefore recommended that:

1. The County Administrative Officer be directed to have the Planning Department prepare a report including the issues surrounding the McGregor property, the chronology of events that occurred from the development of the General Plan to the present time, and the processes and time sequences necessary for the process involved in any rezoning decision.

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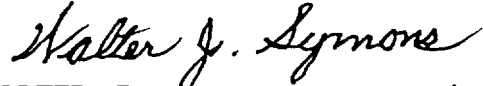
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November 18, 1998  
Page 2

2. That a public meeting be held at 7:30 p.m. on the evening of December 8, 1998, to present the report by the Planning Department and offer the community a forum for its **discussion as well as** an opportunity for the developer to present his views.

Sincerely,



WALTER J. SYMONS, Supervisor  
Second District

WJS:lg

cc: County Administrative Officer  
Planning Department  
Barry Swenson

1285C2

## PETITION

Barry Swenson, builder, proposes to build a strip mall, "Seacliff Plaza" on the 2 1/2 acre parcel at Searidge Road and McGregor Drive. The undersigned do not wish a retail mall on this parcel. This scenic Monterey Bay view property one short block from the entrance to the Seacliff State Beach had been zoned "Visitor Accommodation" It is now zoned commercial. We would like the original zoning reinstated to prevent this unwelcome project in our community.

We do not support a development that would result in high traffic use, promote sprawl and displace our existing small business community. Any development at this site must be part of a larger plan to support the natural resource of our State Park.

This petition to be forwarded to Alvin James, Director County Planning Department, Barry Swenson Developer, Walt Symons, Second District Supervisor, and the Coastal Commission.

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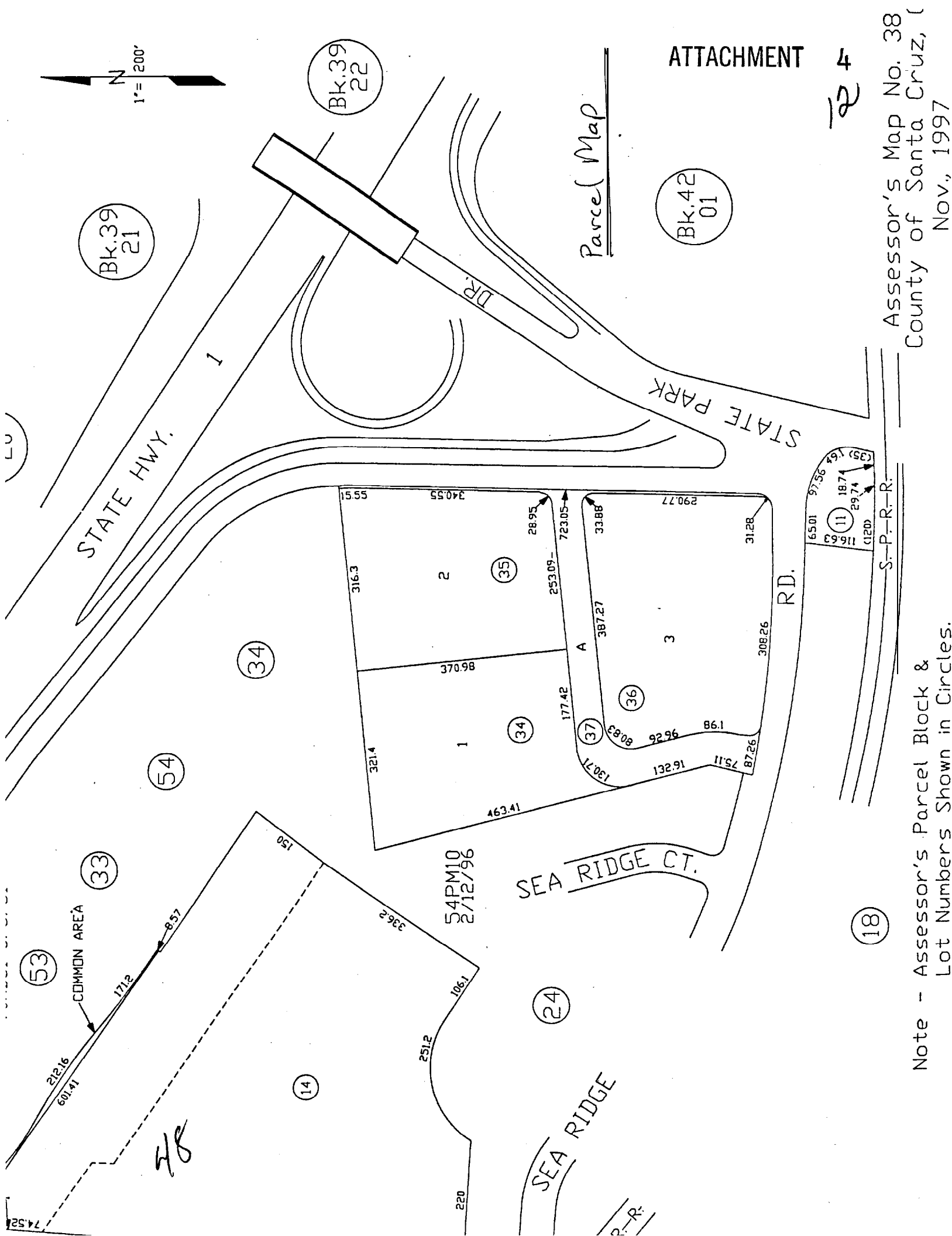
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Petition





ATTACHMENT

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Assessor's Map No. 38  
County of Santa Cruz,  
Nov., 1997

Note - Assessor's Parcel Block &  
Lot Numbers Shown in Circles.

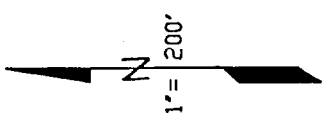
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SEA RIDGE CT.

RD.

STATE PARK

STATE HWY. 1



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Bk.39  
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SITE NUMBER& DESCRIPTION	DESIGNATED USES	SPECIAL DEVELOPMENT STANDARDS	CIRCULATION REQUIREMENTS	PUBLIC ACCESS REQUIREMENTS
24 Alternate Use Porter Sesnon	Proposed Park and Recreation: Privately devel- oped public recreation and visitor accommodations/ conference facility of 115-130 units, including 15 acres of neigh- borhood/commun- ity park use.	See above.	See above.	See above.
→ 25 McGregor at Searidge	Affordable housing: 4-5 acres at urban medium density. visitor accom- modations: 4-5 acres.	Locate visitor accommodation use on this 4-5 acre site adjacent to Searidge: 100% affordable housing on the remainder of the site.	Participate in beach shuttle. participate in intersection improvements at State Park Dr. Participate in Mar Vista pedes- trian-overpass.	Provide connection to future walkway along State Park. Dr.
26 Dennis v property	Neighborhood Park: 5-6 acres. Urban Low Density Residential: 25% inclu- sionary housing required.	Full density credit to other portion of site will be consid- ered to obtain a dedication for a neighborhood park of 5-6 acres; at least 5 acres of which shall be developable.	Contribute to improvement of Rio Del Mar Blvd./Club- House Dr. Intersection.	Provide pedestrian access to Deer Park Shopping Center.
28 Seascape Uplands	Affordable Housing: at Urban Medium Density, approx. 3 acres. Neigh- borhood Park: 6 acres Urban Reserve: (remain- der of site).			

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Figure 2-5 (Continued) Coastal Priority Sites-Aptos			
Site Name and Assessor's Parcel Number	Designated Priority Use	Special Development Standards	Circulation and Public Access Aequlrements
McGregor Drive at <b>Searidge</b> Avenue 038-081-27,32	"Urban High Density Residential": Affordable housing (4-5 acres) with remainder of <b>site</b> to be Community <b>Commercial</b> .	Locate affordable housing adjacent to <b>Seabreeze Subdivision</b> .	Participate in intersection improvements at State Park Drive and In Mar Vista pedestrian overpass. Access to be limited to <b>Searidge</b> Avenue. Provide connection to future walkway along State Park Drive.
State Park Drive and Highway 1 (SE corner) 042-01 I-08 (Poor <b>Clares</b> site)	"Visitor Accommodations": Type A visitor accommodations.	Development should be <b>screened</b> from Highway 1.	Participate In beach shuttle. Major <b>Participant</b> In State Park Drive/Highway 1/ <b>Seacliff Drive Intersection Improvements</b> . Provide safe <b>pedestrian</b> and bicycle connection <b>from</b> site to <b>Seacliff</b> State Beach.
<b>Rio</b> Del Mar Boulevard 044-01 I-44 (Dennis site)	"Urban Low Density Residential"	The oak woodland on the slopes bordering Deer Park Center and the Maranl Apple Orchard shall be maintained. Site development plans shall Include <b>common</b> open space/recreational <b>facilities</b> appropriate for the type and density of development proposed.	Contribute to improvement of the <b>Rio</b> Del Mar/Clubhouse Drive Intersection. Provide pedestrian access to Deer Park Shopping Center.
San <b>Andreas</b> Road and <b>Seascape</b> Boulevard. (Affordable Housing Site of <b>Seascape</b> Uplands) 053-131-18,-19	"Urban Medium Density <b>Residential</b> ": Development of <b>approximately</b> 3 acres of medium <b>density</b> affordable housing.	Development of affordable housing shall comply with Master Plan for entire <b>site</b> and shall Include measures for <b>protection</b> of salamander habitat.	Development of affordable housing shall comply with Master Plan for entire site.
Coastal Priority Sites-La Selva Beach			
Southern <b>Pacific Railway</b> near San <b>Andreas</b> Road 045-201-I 1	"Proposed Park, <b>Recreation</b> , and Open <b>Space</b> ": Development of coastal overlook and parking.	None	Provide pedestrian access to coastal bluff! and beach, if feasible.

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**COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT**

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**13.10.330 COMMERCIAL DISTRICTS**  
-----**Sections:**  
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- 13.10.331 Purposes of Commercial Districts
- 13.10.332 Uses in Commercial Districts
- 13.10.333 Development Standards for Commercial Districts
- 13.10.334 Design Criteria for Commercial Districts
- 13.10.335 Special Standards and Conditions for Commercial Districts

**13.10.331 PURPOSES OF COMMERCIAL DISTRICTS**

In addition to the general objectives of this Chapter (13.10) the Commercial Districts are included in the Zoning Ordinance in order to achieve the following purposes:

(a) **General Purposes.**

- (1) To provide for retail stores, offices, service establishments, recreational establishments, and wholesale businesses offering a range of commodities and services adequate to meet the needs of County residents and visitors, of different geographical areas in the county and of their various categories of patrons.

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- (2) To contain commercial facilities in appropriately located areas, avoiding new freeway oriented development and new strip commercial uses, and providing opportunities for commercial uses to concentrate for the convenience of the public and in mutually beneficial relationships to each other.
  - (3) To ensure that commercial facilities and uses are compatible with the level of available public facilities and services, minimizing traffic congestion and preventing the overloading of utilities and public services.
  - (4) To ensure that commercial development is compatible with natural resource protection, environmental quality, and the scenic setting of the County.
  - (5) To ensure that commercial facilities are constructed and operated such that they are compatible with adjacent development, and that high standards of urban design are maintained, minimizing impacts on residential areas and providing for adequate site layout, protection of solar access to adjacent property, landscaping, sign and building design and size, and on-site parking, loading, and circulation. (Ord. 3501, 3/6/84)
  - (6) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses, and from fire, explosion, noxious fumes and other hazards.
  - (7) To provide space for community facilities and institutions which appropriately may be located in commercial areas.
  - (8) To provide for a mixture of commercial and residential uses where the advantages of such a mixture, such as convenience, atmosphere, and low energy use, can be maximized, and the conflicts, such as noise, traffic, and lack of adequate visual amenities, can be reduced to an acceptable level. Residential uses are intended to be incidental or secondary to commercial use of a site, or as otherwise provided by a Village Design Plan.
  - (9) To maximize efficient energy use and energy conservation in commercial uses, and to encourage the use of locally available renewable energy resources (Ord. 560, 7/14/58; 681, 5/8/61; 839, 11/28/82; 2762, 9/4/79; 1891, 6/19/73; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3501, 3/6/84)
- (b) Specific "PA" Professional-Administrative Office District Purposes. To provide for professional and administrative office uses in areas where such use is designated on the General Plan, or in areas designated for neighborhood, community or service commercial use, particularly where an office use can provide a buffer use between residential areas and the more intensive commercial or industrial activities. Professional and administrative office uses are intended to be low impact, non-retail activities. The "PA" District is intended to allow a compatible collection of related services within a development and may include a

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variety of retail and service uses where they are accessory to office uses on a site. (Ord. 1834, 2/27/73; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

- (c) Specific "VA" Visitor Accommodations District Purposes. To provide areas specifically reserved for visitor accommodations and limited appurtenant uses. To allow a broad range of such overnight or extended stay lodging for visitors and to recognize these as commercial uses. The Visitor Accommodations District is intended to be located primarily in areas designated Visitor Accommodation or in areas designated as Community Commercial on the General Plan, and in locations where there are existing or approved (at the date of this section) visitor accommodations developments. All visitor accommodations are intended to be located where adequate access and public services and facilities are available, and to be designed and operated to be compatible with adjacent land uses, utilize and complement the scenic and natural setting of the area, and provide proper management and protection of the environment and natural resources. (Ord. 1891, 6/19/73; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)
- (d) Specific "CT" Tourist Commercial District Purposes: To encourage and recognize a narrow range of visitor serving uses in appropriate locations in the County on major transportation corridors or in commercial centers where properties have a land use designation on the General Plan of Neighborhood or Community Commercial. Visitor serving uses allowed in this zone district include primarily food services, auto fueling, visitor accommodations, and related accessory uses.
- (e) Specific "C-1" Neighborhood Commercial District Purposes. To provide compact and conveniently located shopping and service uses to meet the limited needs within walking distance of individual urban neighborhoods or centrally located to serve rural communities. Neighborhood Commercial uses and facilities are intended to be of a small scale, with a demonstrated local need or market, appropriate to a neighborhood service area, and to have minimal adverse traffic, noise, or aesthetic impacts on the adjacent residential areas.
- (f) Specific "C-2" Community Commercial District Purposes. To provide centers of concentrated commercial uses accommodating a broad range and mixture of commercial activities, serving the general shopping and service needs of community-wide service areas, and including visitor accommodations. This district is intended to be applied to areas designated on the General Plan as Community Commercial. The Community Commercial districts are intended to have definite boundaries to promote the concentration of commercial uses.
- (g) Specific "C-4" Commercial Services District Purposes. To meet the commercial services needs of the various communities in the County by allowing a broad range of commercial services uses in areas reserved for and designated as Commercial Services on the General Plan. Commercial service uses are intended primarily to be non-retail in nature, such as building material suppliers, auto repair, or freight terminals, and to be non-polluting. These uses usually need large sites, proximity to major streets to handle truck traffic, and in some cases need

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access to rail transportation. The Commercial Services districts are intended to be located in areas where the impacts of noise, traffic, and other nuisances and hazards associated with such uses will not adversely affect other land uses. Commercial recreational uses needing large sites and good access, such as drive-in theaters or indoor arenas, are also included in this district.

(Entire section updated: Ord. 4346, 12/13/94)

### 13.10.332 COMMERCIAL USES

#### (a) Principal Permitted Uses

- (1) In the Coastal Zone, the principal permitted uses in the Commercial Districts shall be as follows:

"PA" Professional and administrative offices;  
 "VA" Visitor accommodations;  
 "CT" Visitor serving uses and facilities;  
 "C-1" Neighborhood-serving, small-scale commercial services and retail uses;  
 "C-2" Community-serving, large-scale retail uses and small-scale commercial services;  
 "C-4" Commercial services of all types and uses needing large sites or outdoor use areas; including appurtenant uses and structures.

- (2) Principal permitted uses are all denoted as uses requiring a Level IV or lower Approval unless otherwise denoted with the letter "p" in the Commercial Uses Chart in paragraph (b) following. In the Coastal Zone, actions to approve uses other than principal permitted uses are appealable to the Coastal Commission in accordance with the provisions of Chapter 13.20 of the County Code relating to Coastal Zone Permits, and in some cases, as provided in Chapter 13.20, any development is appealable.

- (b) Allowed Uses. The uses allowed in the commercial districts shall be as provided in the following Commercial Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the commercial zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

COMMERCIAL USES CHART**KEY:**

**A = Use must be ancillary and incidental to a principal permitted use on the site**

**P = Principal permitted use (see Section 13.10.332(a)); no use approval necessary if "P" appears alone**

**1 = Approval Level I (administrative, no plans required)**

**2 = Approval Level II (administrative, plans required)**

**3 = Approval Level III (administrative, field visit required)**

**4 = Approval Level IV (administrative, public notice required)**

**5 = Approval Level V (public hearing by Zoning Administrator required)**

**6 = Approval Level VI (public hearing by Planning Commission required)**

**7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)**

**- = Use not allowed in this zone district**

**\* = Level IV for projects of less than 2,000 square feet**

**Level V for projects of 2,000 to 20,000 square feet**

**Level VI for projects of 20,000 square feet and larger**

USE	PA	VA	CT	C-1	c-2	c-4
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Accessory Structures  
and uses (not principal  
permitted uses unless  
associated with a  
principal permitted  
use), including:

Accessory structures,  
non-habitable, not  
including warehouses  
(subject to Section  
13.10.611)

Less than 500 sq. ft.	3	3	3	3	3	3
500-2,000 sq. ft.	4	4	4	4	4	4

Outdoor storage,  
incidental to an  
allowed use, and  
screened from public  
streets and adjacent  
property

Less than 500 sq. ft.	3A	3A	3A	3A	3A	3A
500-2,000 sq. ft.	4A	4A	4A	4A	4A	4A

Parking, on-site, in  
accordance with  
Section 13.10.550,  
et seq

4	4	4	4	4	4	4
---	---	---	---	---	---	---

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USE	PA	VA	CT	C-1	c-2	c-4
Parking facilities for off-site, uses when developed according to Section 13.10.550, et seq.	4	4	4		4	4
Recycling collection facilities in accordance with Section 13.10.658:						
Reverse vending machines	1	1	1	1	1	
Small collection facilities	4	4	4	4	4	
Signs in accordance with Section 13.10.581	4	4	4	4	4	
<u>Adult Entertainment,</u> subject to Sections 13.10.621, 13.10.622 and 13.10.623 including adult bookstores; adult motion picture theaters, bath establishments	--	--	--	--	5/6*	--
<u>Agricultural Service</u> <u>Establishments not</u> engaged in hazardous chemicals	--	--	--	--	--	5/6*
<u>Animal Services</u> (subject to Section 13.10.642), including:						
Animal grooming services and other animal services where the animals do not stay overnight	--	--	--	4/5/6*	4/5/6*	4/5/6*

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USE	PA	VA	CT	C-1	c-2	c-4
Boarding kennels, veterinarians offices small animal hospitals, animal shelters and pounds, including the short-term boarding of animals	--	--	--	--	--	4/5/6*
Outdoor exercise yards in connection with the above	--	--	--	--	--	.5/6*
Veterinary Clinics or offices with no overnight boarding of animals	--	--	--	--	415/6	4/5/6
<u>Automobile Service</u> Stations; subject to the provisions of Sections 13.10.656 and 13.10.657						
Gas stations with car washes, service bays and/ or vehicle repair services	--	--	5/6*	--	5/6*	5/6*
Gas stations or gas pumps with no service bays nor vehicle repair service	--	--	5/6*	5/6*	5/6*	5/6*
<u>BANKS</u> , including:	4/5/6*	4/5/6*A	--	4/5/6*	4/5/6*	--
Automated Bank Teller Facilities Savings and loan companies						
<u>Boat and marine</u> services, such as:	--	--	--		--	4/5/6*
Boat building						
Boat rentals, sales, and services						
Boat storage						
Commercial fishing facilities						
Marine services and launching facilities						

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USE	PA	VA	CT	C-1	C-Z	c-4
<u>Clubs, private, including garden clubs, fraternal lodges, community service organizations, meeting halls and conference rooms</u>	4/5/6*	4/5/6*A	4/5/6*A	4/5/6*	4/5/6*	4/5/6*
<u>Commercial change of use within existing structures:</u>						
Change of use in accordance with an approved master occupancy program	1	1	1		1	
Change of use within the Town Plan areas of the San Lorenzo Valley, to a use in conformance with a Town Plan, and not resulting in an intensification of use	1	1	1			1
Change from a use conforming to a valid development (use) permit, to another use allowed in the zone district which will not result in an intensification of use:	1	4/5/6*	4/5/6*	1	1	4/5/6*
Change from a use conforming to a valid development (use) permit, to another use allowed in the zone district which will result in an intensification of use:	4	4/5/6*	4/5/6*	4		4/5/6*

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USE	PA	VA	CT	C-1	c-z	c-4
-----	----	----	----	-----	-----	-----

Change from a use not approved by a valid development (use) permit, to another use allowed in the zone district: for projects of:

under 2,000 sq. ft.	3	4	4		3	4
2,000-20,000 sq. ft.	4	5	5		4	5
over 20,000 sq. ft.	4	6	6		5	6

(For legal, non-conforming uses, see Section 13.10.260 for additional requirements)

Commercial Recreation and Entertainment,

indoor, subject to  
Section 13.10.654,  
such as:

-- 4/5/6\*A 4/5/6\*A -- 4/5/6\* 4/5/6\*

Auditoriums, indoor  
Bowling alleys  
Card rooms  
Dancing establishments;  
dance halls; discos  
Game establishments;  
pin-ball and video  
game rooms (see  
Section 13.10.700-G,  
- V definitions)  
Nightclubs  
Pool halls  
Theaters, indoor

Commercial Recreation,

General,  
involving outdoor  
facilities, public  
assembly, or large  
sites, such as:

-- -- -- -- -- 5/6\*

Flea markets

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USE	PA	VA	CT	C-1	c-2	c-4
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Miniature golf course;  
 putting greens; par 3  
 golf; driving ranges.  
 Skateboard parks  
 Skating rinks  
 Sports arenas, stadiums  
 Swimming pools, public  
 Theaters,  
 drive-in (subject  
 to Section 13.10.623)

Commercial Services,  
Personal, such as: 4/5/6\*A 4/5/6\*A -- 4/5/6\* 4/5/6\* - -

Barber shops  
 Beauty shops

Commercial Services,  
Neighborhood, such as: -- -- -- 4/5/6\* 4/5/6\* 4/5/6\*

Copy and Duplicating  
 services  
 Dressmakers  
 Dry cleaners using,  
 non-flammable,  
 nonexplosive  
 solvents  
 Film Processing,  
 ancillary and  
 incidental to a  
 permitted retail  
 or service use  
 Food lockers  
 Laundries; self-  
 service laundries  
 Locksmiths  
 Picture framing shops  
 Printing shops, light;  
 duplicating services  
 Repair shops, for the  
 repair of small  
 appliances; radio,  
 stereo, and  
 television repair  
 Shoe repair shops  
 Tailors  
 Tool or cutlery  
 sharpening or  
 grinding services

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USE	PA	VA	CT	C-1	C-2	C-4
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Commercial Services,

Community such as:                   --                   --                   --                   --                   4/5/6\*                   4/5/6\*

Auction rooms  
Catering services  
Gunsmiths  
Mortuaries (not  
including crematories)  
Rental shops: medical,  
clothing, household  
goods, etc; indoor  
Taxidermists  
Upholstery shops,  
(auto upholstery  
allowed only in C-4)

Commercial Services,

general, indoor,  
such as:                               --                   --                   --                   --                   --                   4/5/6\*

Commercial cleaning  
services, including:  
linen services; dry  
cleaning and dyeing  
plants; carpet cleaning  
shops; diaper supply  
services; mattress  
reconditioning  
Contractor's shops  
including: glass shops;  
plumbing shops; sheet  
metal shops; heating  
and ventilating shops  
Exterminators  
Laboratories and related  
facilities for research,  
experimentation, testing,  
film processing  
Printing, lithographing,  
engraving, book binding  
Repair shops, including  
household and office  
equipment repair; safe  
and vault repair  
Storage Buildings for  
household goods, mini-  
storage

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USE	PA	VA	CT	C-1	c-2	c-4
-----	----	----	----	-----	-----	-----

Commercial Services,  
general, involving  
outdoor use, heavy  
trucking, or vehicle use  
and storage, such as:

-- -- -- -- -- 4/5/6\*

Automobile repair and  
 service shops operated  
 partly out of doors  
 Automobile rental enterprises  
 Automobile washing, polishing,  
 and detailing services  
 Parcel Shipping and  
 delivering services  
 Taxi company with vehicle  
 parking and storage  
 Contractors' and heavy  
 equipment storage and  
 rental yards, including  
 storage yards for  
 commercial vehicles; bus  
 or transit service yards  
 for the storage,  
 servicing and repair of  
 transit vehicles  
 Outdoor storage yards for  
 recreational vehicles,  
 trailers, boats  
 Recycling centers,  
 including large collection  
 facilities and processing  
 facilities  
 Shipping terminals,  
 including trucking  
 terminals, packing and  
 crating services,  
 shipping services, freight  
 forwarding terminals  
 Storage facilities,  
 including cold-storage  
 plants; ice storage ware-  
 houses, excluding the  
 storage of fuel or  
 flammable liquids

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USE	PA	VA	CT	C-1	c-2	c-4
<u>Community Facilities,</u> such as:	4/5/6*	4/5/6*A	--	4/5/6*	4/5/6*	4/5/6*
Bus or transit stations, (storage, servicing or repair of vehicles allowed only in C-4)						
Churches and other religious centers or institutions						
Community centers						
Day-care centers (see, Section 13.10.900-D definition)						
Energy systems, community (subject to Section 13.10.661 and .700-E definition)						
Fire stations						
Libraries						
Museums						
Post offices						
Restrooms, public						
Utilities, public, structures and uses energy facilities (see Section 13.10.700-E definition)						
<u>Cottage industry, (see Section 13.10.700-C definition)</u>	--	--	--	4/5/6*	4/5/6*	4/5/6*
<u>"M1" Districts, all allowed uses, provided that not more than 20 persons shall be engaged in the production, repair, or processing of materials on any one shift and provided further that regulations for the "M-1" District as stated in Section 13.10.345 shall apply to every use</u>						
	--	--	--	--	--	4/5/6*

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USE	PA	VA	CT	C-1	c-2	c-4
Offices, (not to exceed - building area in C-1) such as:						
Administrative offices Travel Agencies	4/5/6*	4/5/6*A	--	4/5/6*	4/5/6*	4/5/6*A
Addressing services Business offices, general Catalog sales offices Dental offices Duplicating shops Editorial Offices Executive offices Finance offices Fortune tellers Insurance offices Interior decoration studios Laboratories, medical, optical, and dental, not including the manufacture of pharmaceutical or other similar products for general sale or distribution Medical offices and clinics Message services; answering services Optical offices Photographers; photographic studios Professional offices Radio and television programming stations, without transmitting towers Real Estate offices Telegraph offices Title companies	4/5/6*	--	--	4/5/6*	4/5/6/*	4/5/6*A
Open space uses according to the PR District Chart (Section 13.10.352)	--	P	P	--	--	--

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2<sup>4</sup>

USE	PA	VA	CT	C-1	c-2	c-4
<u>Physical culture facilities, such as:</u>	4/5/6*A	4/5/6*A	4/5/6*A	4/5/6*	4/5/6*	4/5/6*
Bath establishments; hot tubs, sauna establishments (subject to Chapter 9.88)						
Fitness centers						
Gymnasiums						
Massage establishments (subject to Chapter 9.88)						
Physical culture studios						
Racquet clubs, indoor						
Spas						
<u>Radio and television broadcasting stations with including transmitting towers</u>	4/5/6*	--	--	4/5/6*	4/5/6*	4/5/6*
<u>Residential uses, such as:</u>						
Dwelling units, single-family and multi-family, up to 50% (67% if project is 100% affordable) of the floor area of the entire development, developed according to development standards of Urban High Residential						
1 - 4 units	5	--	--	5	5	--
5 - 19 units	6	--	--	6	6	--
20 + units	7	--	--	7	7	--
Expansion of dwelling units which are not consistent with the General Plan up to a one time total of an additional 500 square feet	3	3	3	3	3	3
Convalescent hospitals	4/5/6*	—	--	--,	--	--

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USE	PA	VA	CT	C-1	c-2	c-4
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Nursing homes  
(see Section  
13.10.700-N  
definition)

4/5/6\* — — — — --

Restaurants; bars, food  
service subject to  
13.10.651 in the "PA"  
Zone district; such as:

Bars, micro-breweries,  
brew pubs, subject to  
Section 13.10.654,  
(ancillary to  
restaurants in C-1)  
Bakeries; baked foods  
stores  
Candy stores  
Cheese stores  
Delicatessens  
Donut shops  
Ice cream shops  
Restaurants  
Sandwich shops  
Other food specialty  
outlets

In buildings of 500  
square feet or less

4A 4A 4 4 4 4

In buildings of  
larger than 500  
square feet

4/5/6\*A 4/5/6\*A 4/5/6\* 4/5/6\* 4/5/6\* - -

Outdoor food service

4/5/6\*A 4/5/6\*A 4/5/6\* 4/5/6\* 4/5/6\* - -

Retail Sales,  
Neighborhood, such as:

Antique stores  
Art and handicraft  
sales and service  
Art galleries  
Bicycle rentals  
Bicycle shops  
Bookstores  
Candy stores

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USE	PA	VA	CT	C-1	c-2	c-4
Clock and watch sales and repair						
Clothing stores						
Flower shops						
Food stores; grocery stores, limited to 20,000 square feet in the C-1 district						
Gift shops						
Hardware stores						
Jewelry stores						
Liquor stores						
Luggage Stores						
Musical instrument and recordings sales and repair						
Newspaper and Magazine sales						
Pet shops						
Photographic equipment and supplies						
Plant shops, for indoor sales of plants in containers						
Produce markets						
Recreational equipment sales, rentals and services, such as sporting goods, bait and tackle, marine hardware and supplies, diving equipment, bicycles, roller skates, surfboards, windsurfers						
Shoe Stores						
Sporting goods stores						
Stationery stores						
Toy stores						
Tobacco shops						
Variety stores						
Video sales and rentals						
Wine tasting and sales rooms	--	4/5/6*A	4/5/6*A	4/5/6*	4/5/6*	4/5/6*A
Drug stores; pharmacies medical appliances and supplies	4/5/6*A	4/5/6*A	4/5/6*A	4/5/6*	4/5/6*	4/5/6*A

4/8

USE	PA	VA	CT	C-1	C-2	C-4
<u>Retail Sales, Community,</u> such as:	--	--	--	--	4/5/6*	4/5/6*A
Appliance showrooms						
Automobile supply stores						
Business machine stores						
Computer sales and service						
Department stores						
Fabric and sewing materials stores						
Floor covering showrooms						
Furniture stores						
Garden supply stores						
Home furnishing and decorating stores						
Household appliances stores						
Kitchen/bath/housewares . stores						
Orthopedic appliances sales and rentals						
Paint stores						
Pawnshops						
Scientific instrument stores						
Secondhand stores						
Stamp and coin stores						
Stores for display and retail sales of lighting, plumbing, heating, refrigeration, ventilation, fixtures and equipment						
Warehouse stores selling to members or the general public						

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USE	PA	VA	CT	C-1	C-2	C-4
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Retail Sales, requiring  
large sites, large show-  
rooms, or outdoor sales  
areas, such as:

-- -- -- -- -- 4/5/6\*

Automobile sales and service, including auto mobile repair and service garages operated entirely within enclosed buildings or screened from public streets; automobile sales; automobile upholstery installers, indoor; tire stores, including installation; used car sales lots.

Boat sales and service

Building materials yards, including: lumber yards, not including planning mills or sawmills; building materials yards other than gravel, rock or cement yards; storage, bulk, of rock, gravel sand, and aggregates in bins not to exceed a capacity of 5 yards each, limited to a maximum of 10 bins per site

Feed and farm supply stores

Firewood processing and sales

Mobilehome sales and service

Motorcycle sales and services

Nurseries selling plants centers in containers; garden

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USE	PA	VA	CT	C-1	c-2	c-4
Recreational vehicle and trailer sales and service						
Retail sales of large appliances or equipment needing large showrooms						
Wholesale suppliers						
<u>Schools, studios and Conference Facilities,</u> such as:	4/5/6*	4/5/6*A	--	4/5/6*	4/5/6*	4/5/6*
Arts and crafts studios or schools						
Conference and seminar facilities without overnight accommodations						
Dance studios or schools						
Music studios or schools						
Pre-school, elementary secondary and college facilities						
Professional, trade, business and technical schools						
<u>Temporary uses, (See Section 13.10.700-T definition) such as:</u>						
Carnivals and circuses	--	--	--	--	3	3
Christmas tree sales lots	--	--	--	3	3	3
Outdoor sales not to exceed 4 per year on any site	--	--	--	3	3	3

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USE	PA	VA	CT	C-1	c-2	c-4
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**Visitor Accommodations,**  
**subject to Section**  
**13.10.335(b), such as:**

**Time Share, visitor**  
**accommodations**  
**subject to Section**  
**13.10.693**

1-4 units	--	5	--	--	--	--
5-19 units	--	6	--	--	--	--
20+ units	--	7	--	--	--	--

**Type A uses: Hotels;**  
**inns, pensions,**  
**lodging houses, "bed**  
**and breakfast" inns,**  
**motels, recreational**  
**rental housing units**  
**(see Section**  
**12.02.020(11))**

1-4 units	--	5P	5	II	5	--
5-19 units	--	6P	6	II	6	--
20+ units	--	7P	7	--	7	--

**Type B uses: Organized**  
**camps; group camps;**  
**conference centers,**  
**(subject to Sec.**  
**13.10.692; hostels;**  
**recreational vehicles**  
**camping parks; tent-**  
**camping parks.**

1-4 units	--	5	:	II	--	--
5-19 units	--	6	:	II	--	--
20+ units	--	7	7	--	--	--

**Wineries**

**\* definition**

<b>Section 13.10.700-W)</b>	--	--	--	--	--	4/5/6*
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/6\* /6\* /6\*

**ORDINANCES**

(Ord. 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3593,  
 11/6/84; 3632, 3/26/85)

**Zone Districts: 2824, 12/4/79;**

**Combining Zone Districts: 560, 7/14/58; 1891, 6/19/73; 1985,**  
**2/19/74; 2874, 12/4/79;**

**PA uses: 1834, 2/27/73; 2661, 4/17/79; 2769, 9/11/79; 3593,**  
**11/6/84; 3632, 3/26/85**

PART II  
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13. 10. 200 ORDINANCE AND PERMIT ADMINISTRATION  
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Sections:

- 13.10.200 Ordinance and Permit Administration
- 13.10.210 Zoning Plan
- 13. 10. 215 Zoning Plan Amendment
- 13. 10. 220 Use Approvals
- 13.10.225 Emergency Use Approval
- 13.10.230 Variance Approvals
- 13.10.240 Previous Permits
- 13.10.250 Interpretation
- 13.10.260 Nonconforming Uses
- 13.10.265 Nonconforming Structures
- 13.10.270 Appeal
- 13.10.275 Violations of Zoning Use Regulations
- 13.10.276 Violations of Conditions of Development Permits  
Authorizing Uses and Variances
- 13.10.277 Violations of Development Standards
- 13.10.278 Violations of Density Limitations
- 13.10.280 Enforcement

13. 10. 210 ZONING PLAN. A Zoning Plan shall be established pursuant  
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to this Chapter containing the designations, locations and boundaries of the various zone districts delineated on sectional district maps, each map covering one square mile. An index map to the sectional district maps shall be provided. The Zoning Plan and maps shall be considered an integral part of this Chapter. (Ord. 560, 7/14/58; 1891, 6/19/73; 2761, 9/4/79; 2824, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

13. 10. 215 ZONING PLAN AMENDMENT  
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(a) Amendment Policy. The County Zoning Plan is intended to be a  
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comprehensive, detailed appraisal of the County's present and future needs for land-use allocations which are shown broadly on the adopted General Plan. In order to maintain a stable, desirable, well-balanced pattern of development throughout the unincorporated County area, amendments to the Zoning Plan are to be discouraged and made only upon adequate justification. (Ord. 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(b) Amendment Initiation. Amendment to the Zoning Plan may be  
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initiated by a Resolution of Intention adopted by the Board of Supervisors upon its own motion or upon the recommendation of the Planning Commission, or an application by a property owner or other interested party having the owner's authorization.

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(Ord. 560, 7/14/58; 1029, 11/16/64; 1508, 4/21/70; 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

**(c) Amendment Procedures. -Amendments to the County Zoning Plan**

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shall be processed as an Approval Level VII project pursuant to Chapter 18.10 and in accordance with the requirements of this Section.

**(d) Planning Commission Recommendation. After a public hearing,**

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which may be continued from time to time, the Planning Commission shall send a written recommendation to the Board within 90 days after the first notice of the hearing, unless the time limit has been extended by mutual agreement of the applicant and the Commission. The Commission's recommendation shall include the reasons for the recommendation, the relationship of the proposed zoning amendment to the General Plan, and a statement regarding compliance with the California Environmental Quality Act. The Planning Commission shall recommend approval of a rezoning only if it determines that:

1. The proposed zone district will allow a density of development and types of uses which are consistent with objectives and land-use designations of the adopted General Plan; and
2. The proposed zone district is appropriate to the level of utilities and community services available to the land; and
3. One or more of the following findings can be made.
  - (i) The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district;
  - (ii) The proposed rezoning is necessary to provide for a community-related use which was not anticipated when the Zoning Plan was adopted; or
  - (iii) The present zoning is the result of an error; or
  - (iv) The present zoning is inconsistent with designation on the General Plan.

(Ord. 560, 7/14/68; 1029, 11/16/64; 1508, 4/21/70; 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

**(e) Planning Commission Recommendation Against Amendment. If the**

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 Planning Commission recommends against a proposed amendment, their action shall be final unless the matter is subsequently considered upon appeal or special consideration by the Board of Supervisors, or unless the action is being processed concurrently with a project which requires Level VII approval.

(Ord. 560, 7/14/68; 1029, 11/16/64; 1508, 4/21/70; 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3593, 11/6/84)

(f) Board of Supervisors Action. The Clerk of the Board shall set a

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 public hearing before the Board of Supervisors within 30 days after the receipt of the report recommending a zoning amendment from the Planning Commission. The Board may approve, modify, or disapprove the Planning Commission's recommendation, provided that any substantial modification of the proposed zoning amendment (including the imposition of regulations which are less restrictive than those proposed by the commission or changes in proposed dwelling density or use) which was not previously considered by the Planning Commission shall be referred to the Planning Commission for their report and recommendation. The Planning Commission is not required to hold a public hearing on the referral, and their failure to respond within forty days shall constitute approval. Any hearing may be continued from time to time. (Ord. 560, 7/14/68; 1029, 11/16/64; 1508, 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(g) Finality of Action on Amendments. No new application for a zoning

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 amendment shall be filed for the same or substantially the same purpose on the same parcel within one year after its denial without the consent of the Planning Commission if no appeal was made, or without the consent of the Board of Supervisors if denied by the Board. A denial without prejudice shall allow the filing of a new application at any time for the same or substantially the same purpose. (Ord. 560, 7/14/68; 1029, 11/16/64; 1508, 4/21/70; 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

### 13.10.220 USE APPROVALS

(a) Description. A Use Approval is a discretionary author-

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 ization of a land use allowed in accordance with the regulations of the governing zone district and issued as part of a Development Permit pursuant to Chapter 18.10. A Use Approval shall be granted at the approval level specified by the governing zone district for the project property, and may only authorize such development or use of the property as is allowed

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