

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of November 24, 1998

REGULAR AGENDA Item No. 068.1

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(DIRECTED the County Administrative Officer to have the
(Planning Department prepare a report including the
(issues surrounding the McGregor property to be
(submitted on the consent agenda of December 8, 1998...

Motion made by Supervisor Symons, seconded by Supervisor Beautz, 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; motion failed with Supervisors Wormhoudt, Belgard and Almquist voting "no";

Upon the motion of Supervisor Symons, duly seconded by Supervisor Almquist, the Board, by unanimous vote, directed the County Administrative Officer to have the Planning Department prepare a report including the issues surrounding the McGregor property to be submitted on the consent agenda of December 8, 1998

cc:

CAO
Planning
Barry Swenson

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, 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 order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

Page 1 of 1

by *Susan A. Mauriello*, Deputy Clerk, on December 4, 1998.

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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.), IO-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 tiled).

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 Seaclyff 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 filed 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

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.

ZONE DISTRICT	ALLOWED USES
C-2 (Community Commercial)	automobile service stations, banks, commercial recreation, neighborhood and community services, community facilities, offices , physical culture facilities, residential uses(up to 50% of the floor area of a commercial development), restaurants, neighborhood and community retail sales, schools, visitor accommodations
C- 1 (Neighborhood Commercial)	automobile service stations, banks, neighborhood services, community facilities, offices (up to 50% of the floor area), physical culture facilities, restaurants, residential uses(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 uses(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-1 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.

Rezoning Process

The process for initiating a rezoning is specified in County Code Section 13.10.2 15(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

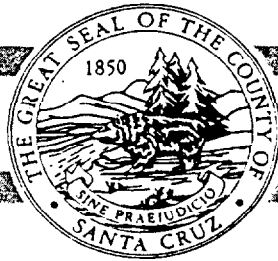
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Attachments:

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) 454-2123JANET K. BEAUTZ
FIRST DISTRICTWALTER J. SYMONS
SECOND DISTRICTMARDI WORMHOUDT
THIRD DISTRICTRAY BELGARD
FOURTH DISTRICTJEFF 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.

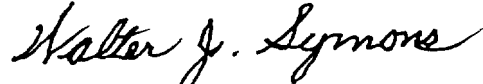
It is therefore recommended that:

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.

November 18, 1998
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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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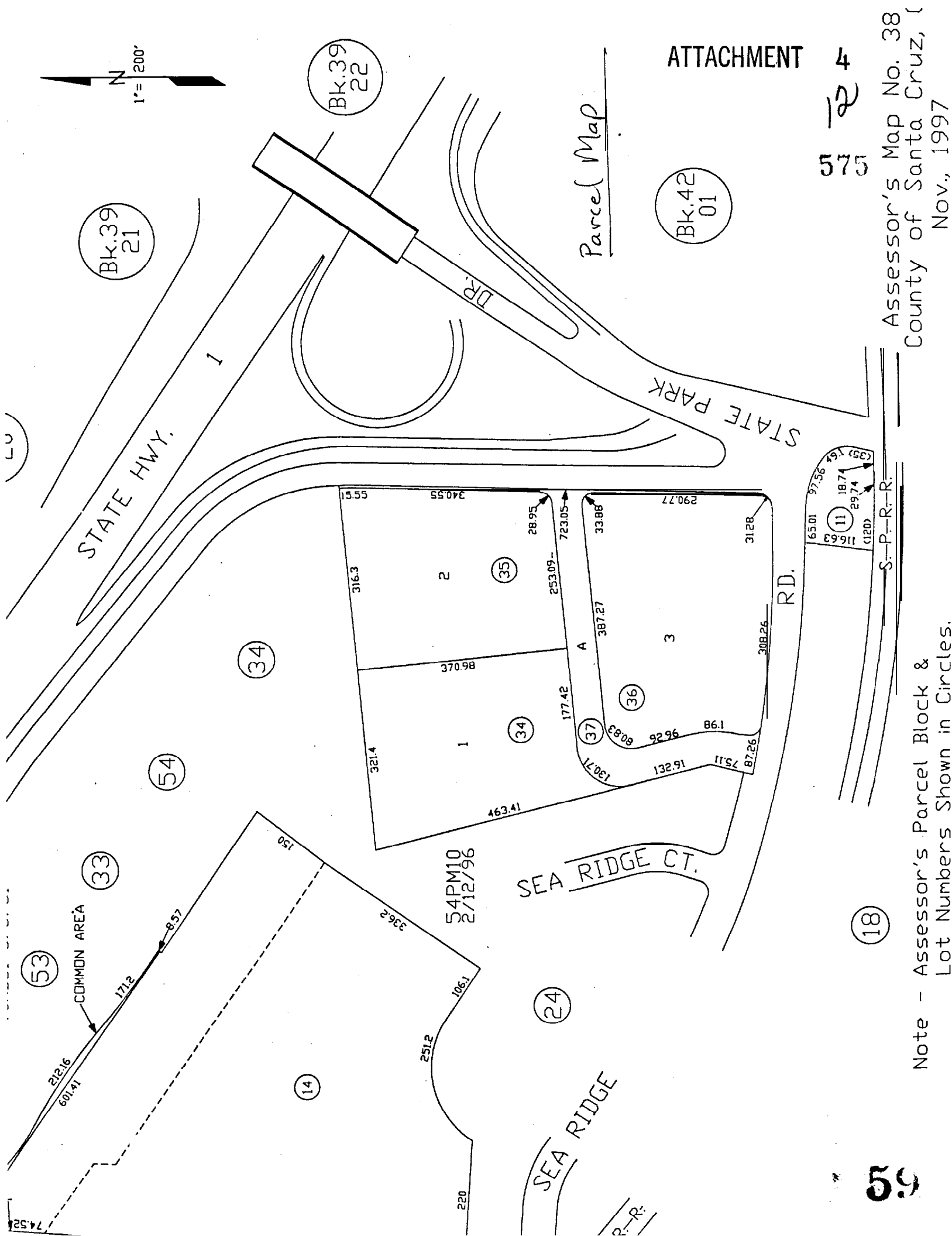
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Petition



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 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).			



County of Santa Cruz

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PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 464.2123

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

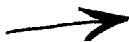
RE: REPORT ON THE PROPERTY LOCATED AT THE CORNER OF MC GREGOR AND SEA RIDGE DRIVES, SEACLIFF AREA

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



: Figure 2-5 (Continued) Coastal Priority Sites-Aptos			
She Name and Assessor's Parcel Number	Designated Priority Use	Special Development Standards	Circulation and Public Access Requirements
McGregor Drive at Searidge Avenue 038-081-27,32	"Urban High Density Residential": Affordable housing (4-5 acres) with remainder of site to be Community Commercial.	Locate affordable housing adjacent to Seabreeze Subdivision.	Participate in intersection improvements at State Park Drive and In Mar Vista pedestrian overpass. Access to be limited to Searidge Avenue. Provide connection to future walkway along State Park Drive.
State Park Drive and Highway 1 (SE corner) 042-01 I-08 (Poor Clares site)	"Visitor Accommodations": Type A visitor accommodations.	Development should be screened from Highway 1.	Participate in beach shuttle. Major Participant in State Park Drive/Highway 1/Seacliff Drive Intersection Improvements. Provide safe pedestrian and bicycle connection front site to Seacliff State Beach.
Rio 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 Mariani Apple Orchard shall be maintained. Site development plans shall include common open space/recreational facilities appropriate for the type and density of development proposed.	Contribute to Improvement of the Rio Del Mar/Clubhouse Drive Intersection. Provide pedestrian access to Deer Park Shopping Center.
San Andreas Road and Seascapes Boulevard. (Affordable Housing Site of Seascapes Uplands) 053-131-18,-19	"Urban Medium Density Residential": Development of approximately 3 acres Of medium density affordable housing.	Development of affordable housing shall comply with Master Plan for entire site and shall include measures for protection of salamander habitat.	Development of affordable housing shall comply with Master Plan for entire site.
Coastal Priority Sites-La Selva Beach			
Southern Pacific Railway near San Andreas Road 045-201-I 1	"Proposed Park, Recreation, and Open Space": 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:**

- 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.

- (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

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

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

5 8 2

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
-----	----	----	----	-----	-----	-----

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
---	---	---	---	---	---

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	4
Recycling collection facilities in accordance with Section 13.10.658:						
Reverse vending machines	1	1	1	1	1	1
Small collection facilities	4	4	4	4	4	4
Signs in accordance with Section 13.10.581	4	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</u> not 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	--	--	--	--	4/5/6	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						

USE	PA	VA	CT	C-1	c-2	c-4
Clubs, private, including garden clubs, fraternal lodges, community service organizations, meeting halls and conference rooms	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</u> within existing structures:						
Change of use In accordance with an approved master occupancy program	1	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 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*

USE	PA	VA	CT	C-1	c-2	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	3	4
2,000-20,000 sq. ft.	4	5	5	4	4	5
over 20,000 sq. ft.	4	6	6	5	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
-----	----	----	----	-----	-----	-----

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

USE	PA	VA	CT	C-1	c-2	c-4
<u>Commercial Services,</u> <u>Community such as:</u>	--	--	--	--	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)						
<u>Commercial Services,</u> <u>general, indoor,</u> <u>such as:</u>	--	--	--	--	--	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

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>"M-1" 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
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Offices, (not to exceed
50% of building area in
C-1) such as:

Administrative offices	4/5/6*	4/5/6*A	--	4/5/6*	4/5/6*	4/5/6*A
Travel Agencies						
Addressing services	4/5/6*	--	--	4/5/6*	4/5/6/*	4/5/6*A
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						

Open space uses according
to the PR District Chart
(Section 13.10.352)

--	P	P	--	--	--
----	---	---	----	----	----

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
-----	----	----	----	-----	-----	-----

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

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						

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

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

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	--	5	--
5-19 units	--	6P	6	--	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	5	--	--	--
5-19 units	--	6	6	--	--	--
20+ units	--	7	7	--	--	--

Wineries

(see definition

Section 13.10.700-W)

--	--	--	--	--	--	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

13. 10. 200 ORDINANCE AND PERMIT ADMINISTRATION

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

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; 3 4 3 2, 8/23/83)

13. 10. 215 ZONING PLAN AMENDMENT
-----(a) Amendment Policy. The County Zoning Plan is intended to be a

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

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.

(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

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,

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

 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

 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

 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-

 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

W

Mr. Walt Symons, Supervisor Second District
Board of Supervisors, County of Santa Cruz
701 Ocean St. Santa Cruz, CA 95060-4069

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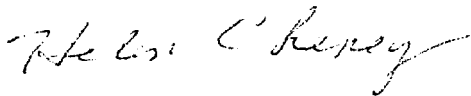
Dear Mr. Symons:

Thank you for your time today. We appreciate your ongoing efforts on behalf of your constituents. Our purpose today, as you are aware, was to review what actions you will undertake on our behalf at the Board of Supervisors meeting on Dec. 8. As agreed, you will make a motion to initiate the rezoning of the parcel at **Searidge** and McGregor to Visitor Accommodation and refer the process to the Planning Commission.

In our meeting you mentioned that it might be more expeditious for you to write a letter to your fellow Board members to formally initiate the process. You assured us, however, that whether or not a letter is written, the rezoning request would be made no later than the December 8 Board meeting. In addition, you said that irrespective of any zoning recommendation the Planning Department might make, you would follow through on our request that the Visitor Accommodation be restored to this parcel.

It is our understanding that the Planning Department intends to recommend that the Community Commercial zoning be retained. As our Supervisor, we ask that you explain to your fellow Board members the importance of this parcel to an over-all Seacliff Village vision and future plan. As a community, we need the opportunity to consider what is the best use for this parcel. The C-2 designation allows the proposed mall to go forward and deprives us of meaningful participation on this important land use issue.

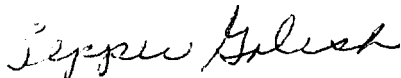
Sincerely,



Helen Cheney,
Executive Co-Chair,
Coalition To Stop The Seacliff Strip-Mall



Bryan Smith
Co-Chair



Pepper Golech,
Meeting Coordinator

December 2, 1998

CC: Board of Supervisors

W

BARRY SWENSON

BUILDER

829 FRONT STREET • SANTA CRUZ, CALIFORNIA 95060 • TEL (408) 425-1786 • FAX (408) 425-1110

-Hand Delivered-

603

December 4, 1998

Mr. Walter Symons
 Second District
 Board of Supervisors
 County of Santa Cruz
 701 Ocean Street
 Santa Cruz, California 95060

RE: SEA RIDGE ROAD & MCGREGOR DRIVE PROPERTY

Dear Walt:

Given the intense controversy over the proposed New Leaf Plaza development on the property located at Sea Ridge Road and McGregor Drive in Aptos, we feel that it is imperative to hold community wide meetings to discuss alternatives for the site.

We would appreciate your support in allowing us time to work with the community to decide the best use and zoning for the property. Although the site has been rejected by several hotel operators (as evidenced by the two attached letters), we are willing to discuss the potential for a hotel with any viable operator. We met with one such operator today who is interested in researching a 100 unit facility on approximately 2 acres of the property. However, they are unwilling to spend much time on the project until we can assure them that the residents and business interests would not object to their proposal. We are also interested in discussing other alternatives such as senior housing, restaurants or community uses.

It is important to us that the Board of Supervisors allow us with the time to work with the community rather than commencing the immediate re-zoning of the property to a use that the larger community may find objectionable. As you will recall, the property owner repeatedly tried to develop the site with a hotel during the past 20 years. There may be a better use for the property and only a comprehensive planning process with community input will resolve this situation.

We are committed to working with the community to find an appropriate type of development for the McGregor property. To achieve that end, we are interested in undertaking a community out-reach effort to inform the community about viable development options for this site and to elicit the community's input. We would hope to be able as a result of that process to bring a development proposal to the County that will be acceptable to the community. Any action by the Board of Supervisors to initiate a rezoning process at this time, however, would undermine our attempts to undertake such a dialog with the community.

We appreciate your support in this effort, and your critical role in deferring any action on rezoning by the Board of Supervisors at this time so that we can effectively work with the community. I am confident that by working together with the Seacliff Community, we can find a solution that is in the community's interest as well as our own.

Sincerely,

Mark H. Hansen

c.c. Janet K. Beautz
 Mardi Wormhoudt
 Ray Belgard
 Jeff Almquist

59



604

BEST WESTERN
SEACLIFFINN7500 Old Dominion Court
Aptos, California 95003
(800) 367-2003
Fax (831) 6853603

November 23, 1998

Mr. Mark Hansen
Barry Swenson Developers

I appreciate your interest in the background of our property as it relates to the current zoning changes requested by the public on your property.


In the past I have been approached concerning development of the site for use as a Hotel/Motel site, In my experience as a developer and contractor in the area for over 30 years I feel it would not be a financially sound investment at this time.

Currently there are an additional 340 Hotel/Motel units being added to the room inventory in our county. As the market is in a current upswing these units are being financed and built with the intention of turning a good profit. However according to all industry studies and forecasts this trend will not continue and financing for such projects will be hard to come by.

Profitability in this business is not a sure thing, our property struggled for years to attain the market position and in turn the profit which we are currently enjoying. However we must pay constant attention to the market in order to keep our business profitable and competitive. Certainly competition and diversity in the market is a good thing and we have experienced an increase in occupancy due to some projects recently built. But I must say that should your property be re-zoned at this time I feel you would be hard-pressed to find a tenant who would find this a financially viable site.

I wish you luck in getting your current plans approved as I feel that the additional retail space is needed in the Aptos community.

Sincerely,


Frank Giuliani
Owner/General Manager

Best Western





605

ONCOR INTERNATIONAL

KELLY NICHOLLS
VICE PRESIDENT

Via Facsimile 871-0827

October 8, 1998

Mark Hensen
Barry Swanson Builders
2501 East Hamilton Avenue, Suite G
Campbell, Ca 95008

Re: Aptos Sea Cliff Site

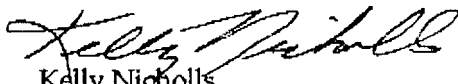
Dear Mark:

Thank you again for the opportunity to review the Aptos Sea Cliff Site.
Regrettably, it does not meet my corporate hotel users profile. Rather, it appears to be a shallow destination hotel site. Moreover, the area appears to be serviced by existing services that are sufficient and in place.

Please keep us in mind for other corporate sites.

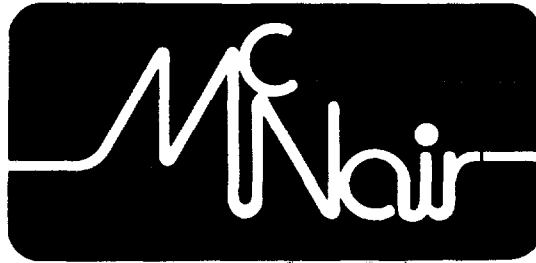
Best Regard,

CORNISH & CAREY COMMERCIAL


Kelly Nicholls
Vice President

KN:ta

59



ROSE MARIE McNAIR • BROKER

606

December 8, 1998

Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060

RE: APN38-081-36 Searidge McGregor Land

To the Board of Supervisors:

I have spoken with my client, Jim Lass, whose option on the Searidge McGregor parcel is being finalized now. Currently zoned C-2, under the Community Commercial General Plan, he requests that there be no movement toward re-zoning the property and to allow the current proposed retail project to move forward through the County's regulatory process. The project developer, Barry Swenson, can then provide accurate information to the community about the benefits the area will derive from the retail center.

When the General Plan was finalized in 1994, this parcel went through a very lengthy process in public hearings before the public. At that time, the community favored the General Plan and the zoning. We believe that, in compliance with the County's regulations, the land use requirement and the best interests of the Seacliff community are being met with this project.

Very truly yours,

Rose Marie McNair

cc: James Lass, Barry Swenson

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December 7, 1998

607

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

RE: THE PROPERTY AT SEARIDGE AND MCGREGOR ON THE DEC. 8
AGENDA AND OUR RESPONSE TO THE PLANNING DEPT REPORT DATED
DECEMBER 3, 1998

Dear Members of the Board:

In response to the Planning Department report referred to above, we would like to make the following points.

On page 4, the C-2 or Community Commercial zoning designation is described as allowing for the widest range of commercial uses; whereas the VA or Visitor Accommodation designation is the most restrictive. We couldn't agree more. And that is precisely why we are requesting the restoring of the VA zoning. The McGregor parcel is a "gateway" property; located at the physical entrance to the historic Seacliff Beach Colony. It is less than 100 yards from the entrance to Seacliff Beach, and another 200 hundred yards to the sand. It is described in the 1993 version of the County General Plan this way:

"To summarize . . . the presence of public open spaces and substantial tree cover add significantly to the area's quality; and several major parcels [McGregor], must be planned very carefully since they have potential to significantly change the area and impact services."

The residents of Seacliff and Aptos understand the significance of this parcel and see it as an integral part of a community plan, being developed at the grass-roots level. What we have heard and continue to hear from our fellow residents is the desire to protect and promote the great natural resource of the State Park, revitalize the existing older business district (a village concept) and to make sure that development on this parcel serves a greater community need than retail or commercial can provide. (We are in receipt of a letter from the State encouraging community members to pursue the idea of a historical maritime/environmental museum and visitor center.) Moreover, there is a great deal of concern over any project that encourages high traffic use and contributes to sprawl.

On page 2 of the Planning Department report, the argument is made that a good


deal of community input was solicited when this property was rezoned in 1994 when the County General Plan was amended. Although true in a strict, technical sense, the reality is that any zoning change made at a time when a document the size and complexity of the General Plan is revised can be overlooked and misunderstood by citizens who will be affected by this change. This, we believe, is the case here. It should also be noted that the Seacliff Improvement Association, with over 700 members, recommended that the parcel(s) be zoned Visitor Accommodation in 1993. At no time did they request A C-2 zoning change. As the lead community organization of Seacliff, it is unfortunate that their recommendations were not heeded.


Crucially, we make reference to Planning Department attachment 7, 1310.33, "Purpose of Commercial Districts," items 2 and 3:

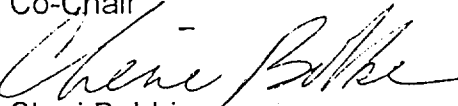
"To contain commercial facilities in appropriately located areas, avoiding new freeway oriented development and new strip commercial uses . . . to ensure that commercial facilities and uses are compatible with the level of available public facilities and services, minimizing traffic congestion and preventing the overloading of utilities and public services."

Nothing could be clearer and nothing so contradicts the Planning Department's own constraint guidelines described in the General Plan noted above as this ill-conceived commercial zoning. We urge the members of the Board to support Supervisor Symons motion to request that this parcel be restored to Visitor Accommodations and referred to the Planning Commission for further study. In this way the fullest democratic participation on this important land use issue will be realized.


Sincerely,



Helen Cheney,
Executive Co-Chair,
Coalition to Stop the Seacliff Strip Mall

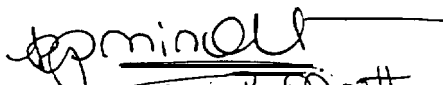

Dan Holdren,
Co-Chair


Cheri Bobbi,
Executive Committee

See Attachments No.'s 1-8


Manuel Santana,
Executive Co-Chair


-Bryan Smith,
Co-Chair


-Katherine P. Minott
- Executive Committee

Seacliff Park Incorporated

AN IMPROVEMENT ASSOCIATION

POST OFFICE BOX 533 • APTOS, CALIFORNIA 95001-0533

December 1, 1998

Dear Members of the Board of Supervisors,

The Seacliff Improvement Association supports The Coalition to Stop the Seacliff Mall (also referred to as the New Leaf Mall) in its request to the Supervisors to vote to rezone that parcel to Visitor Accommodations.

Seacliff has been striving to enhance its natural beauty and become another Jewel of Santa Cruz county.

Our citizens work as volunteers, planting and caring for gardens in the area.

The Seacliff Improvements Association has established Beautification Awards given to residents of the community, who have been an inspiration, through the care of their property, to other residents.

We have worked with the State Park on many beautification projects.

Our merchants have formed an association and are working with the Planning Department to improve the area of State Park and Seacliff Drive through underground utilities, tree plantings and gardens.

WE HAVE A VISION FOR OUR COMMUNITY. A strip mall would be a negative impact on that dream.

We ask the Supervisors to share Seacliff's vision to become a unique part of Santa Cruz County's future.

This is a land use issue, an environmental issue, and a quality of life issue.

Please vote to rezone this valuable scenic parcel to Visitor's Accommodations.

Sincerely,

Helen Jenkins, President

Rio Del Mar Improvement Association, Inc.

P. O. BOX 274 APTOS, CALIFORNIA 95001-0274

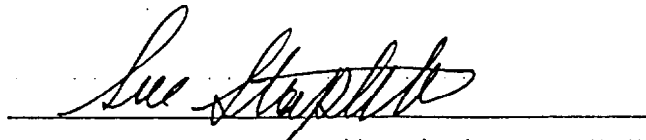
610

MEMO TO: SANTA CRUZ COUNTY BOARD OF SUPERVISORS
 701 OCEAN STREET
 SANTA CRUZ, CA. 95060

REGARDING: REZONING THE PROPERTY ON MCGREGOR DR. AJACENT TO
 SEA RIDGE RD.

THE RIO DEL MAR IMPROVEMENT ASSOCIATION, AT IT'S DEC. 5TH, 1998
BOARD MEETING, UNANIMOUSLY APPROVED A MOTION TO SUPPORT THE
"COALITION TO STOP THE SEACLIFF MALL" IN THEIR EFFORTS TO HAVE
THE PROPERTY REZONED BACK TO VISITOR'S ACCOMMODATION STATUS.

THIS AREA IS A HIGHLY USED DESTINATION FOR RECREATION FOR MANY
TOURISTS AND THE PROPERTY SURROUNDING SUCH USEAGE SHOULD BE
IN KEEPING WITH THE ESTABLISHED USE.



SUE STAPLETON, PRESIDENT R.D.M.I.A.

COPIES TO: COALITION TO STOP THE SEACLIFF MALL
 JIM MURRAY, EDITOR RDMIA NEWS LETTER
 FILE

DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-8380



JUN 15 1998

Mr. Dan Holdren
Seacliff Park Incorporated
Post Office Box 533
Aptos. California 93003

Dear Mr. Holdren:

Let me begin by complimenting you and the Seacliff Improvement Association for your evident and strong commitment to your community. It is obvious that you care a great deal about the appearance and services your community provides to your fellow neighbors and visitors. It appears that you have a number of ideas that will revitalize the business district around Seacliff State Beach.

Generally, the Department does not comment on community projects that do not either directly or indirectly affect one of our park units. In this case, you are asking for the Department's support on several projects that have the potential to benefit Seacliff State Beach. I will only comment on those projects that we foresee as having a potential impact on this unit.

Obviously, any landscaping effort that helps beautify the approach to Seacliff State Beach is welcomed. It is my understanding that your Association has a longstanding tradition of cooperation with staff at Seacliff. This partnership has benefited both the community and the park. Other similar beautification efforts you have planned will continue to be supported by State Parks within the constraints of the resources available to us. I appreciate the kind words about the efforts of Park Maintenance Assistant, Donna Boewer.

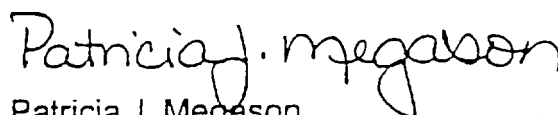
You have also requested the use of the upper parking lot for a number of special events. As long as these events have some tie into the mission and purpose of State Parks, I believe it will be possible to accommodate a number of these each year. I must leave much of this to the discretion of the District staff. They are familiar with the demands for that space and I know that they will be willing to work with your Association.

As far as the concept of a museum/exploritorium, the Department generally supports the development of facilities within the community that help the public better understand their natural and cultural history. You are proposing a facility that would help visitors better understand the marine environment. We applaud you for your efforts. You should know that there is an Interagency Task Force for the Monterey Bay National Marine Sanctuary that is looking to develop a similar facility. District Superintendent, Dave Vincent represents our Department on this task force. You may consider contacting Susan Pearlman, Chair of the Interagency Task Force at (408) 454-3412 about your idea for a museum in Aptos

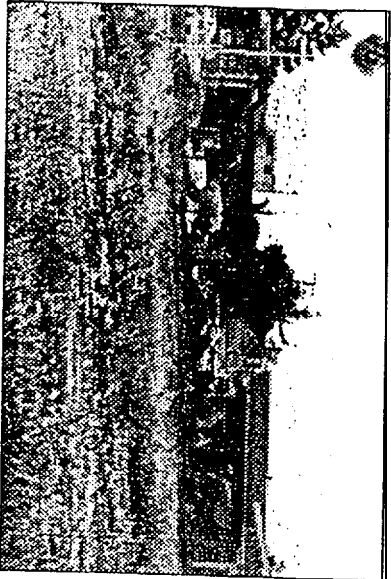
to make sure your efforts do not overlap. Also for your information, the Department is interested in sanctuary interpretation due to its having so much property along the Monterey Bay. If there were an appropriate opportunity to develop a facility to interpret the sanctuary in one of our coastal units we may opt to explore this concept. While I can express general support for the concept of a marine museum/exploritorium, it would not be appropriate for the Department to endorse this project at a specific location. The most appropriate location remains a local issue.

Thank you for the opportunity to learn about your Association and its efforts to improve your community. Again, I am impressed with your efforts to date and wish you the best in achieving your long-term goals.

Sincerely,


Patricia J. Megason
Interim Director

I have gotten tons of phone calls and letters, 99 percent of which are very much opposed to the development. ... I have also received a petition signed by at



least 1,500 people opposing this thing. When you get that many people telling you this is what they want in their community, you are obligated to do something about it.

— Supervisor Walt Symons



Subject: Sales Tax article

Date: Sat, 31 Oct 1998 17:29:10 -0700

From: dancin@scruznet.com

To: Brian Smith <brybeth@cruzio.com>

614

The Sales Tax Mirage
by Glenn Hanna

Contrary to public opinion, the retail revolution in Santa Cruz County is a zero sum game. As the county's municipalities scurry to capture mightier malls for the sales tax income they should bring, actual county-wide tax numbers show little gain from the big-box frenzy.

The long-awaited recovery of downtown Santa Cruz from the devastation of the Loma Prieta Earthquake is a justifiable source of civic pride. When combined with the economic success of Costco, one would expect the Santa Cruz City treasury to be awash with local sales tax monies generated by this heightened retail activity. Unfortunately, it only looks that way if you ignore inflation. When measured in constant 1987 dollars, current sales tax revenues for the city are 10 percent below pre-earthquake levels. Using 1987 CPI as a base, 1988 Santa Cruz sales tax revenues were \$5.1 million. On the same basis, 1997 sales tax revenues were \$4.6 million.

The City of Santa Cruz is not alone. For the county as a whole (unincorporated Santa Cruz County plus its four cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville), current sales tax revenues for fiscal year 1996-1997 are essentially identical with 1988 revenues when measured in constant 1987 dollars.

Of the five political jurisdictions in Santa Cruz County, only Capitola collects more local sales tax today than it did ten years ago when measured in constant dollars. The majority of the growth in Capitola's revenues occurred mainly after the earthquake when downtowns of Santa Cruz and Watsonville were devastated. Capitola's success also relates to the relocation of several new car dealerships from other jurisdictions.

While the size of the slices changes, the size of the pie remains the same. For each retail winner in this county, there is a loser. Toys R Us opened and Kiddie World closed. For each Costco, there's an Opal Cliffs Market; for each Circuit City, there's a Burdick's; for each Blockbuster, there's a Cymbaline. People's shopping habits shift and change, but in the aggregate, no more money is spent. The same pool of dollars just moves around. On a per capita basis, we're actually spending less than we were ten years ago.

The sales history of the county's new car dealers is a microcosm of the problem. In 1987, the county's 23 new car dealers produced \$164 million in sales, with 60 percent of these sales within the City of Santa Cruz. By 1997, the county had 17 new car dealers who produced \$167 million in sales, with Santa Cruz accounting for 32 percent. Adjusting for inflation, current sales are \$119 million or a 27 percent decline over the last decade in real terms. Because the dealers were enticed to Capitola, Capitola's sales tax revenues increased at the expense of the City of Santa Cruz during a period when overall new car dealer sales were declining county-wide.

It is difficult to reconcile this lack of real growth in retail spending with the claims made by developers seeking approval for their retail projects. Based on the results of the last decade, it appears unlikely that additional retail projects within the county will increase sales tax revenues available to local governments.

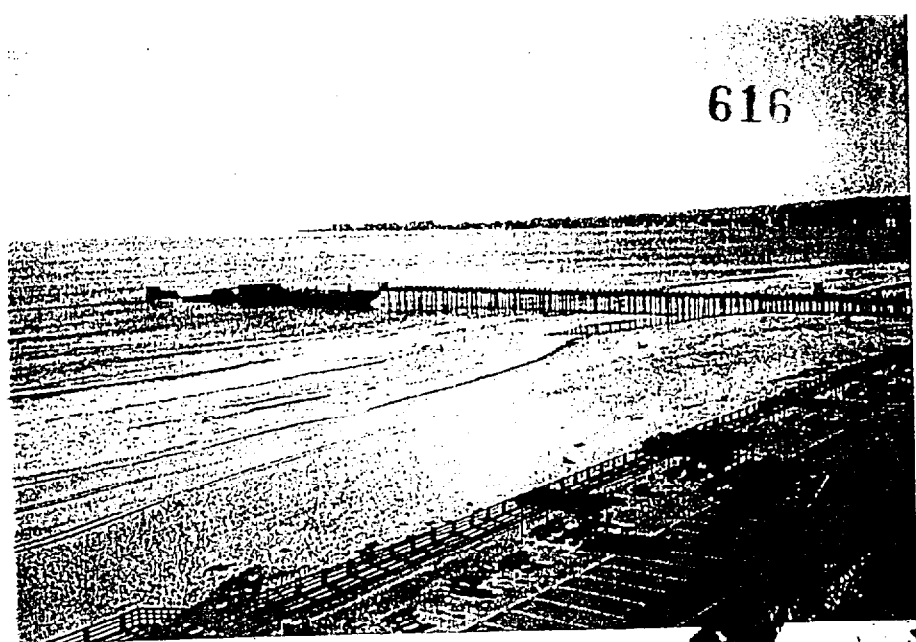
Over the past ten years, retail developments have failed to produce promised incremental sales tax. Any local increase is generally at the expense of another jurisdiction. There is no economic reason to think that Santa Cruz's River St. project, Capitola's Redtree project, and any additional retail development in Watsonville will change this pattern. To sales tax generation as a reason to approve these projects is totally

inappropriate, if past history is any guide. These projects must stand on other merits, keeping in mind the unaccounted for social costs of increased traffic with resulting pollution, decreased quality of life in neighborhoods, and increased public services spent supporting new retail developments.

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City officials and developers have the "build it and they will come" philosophy of stimulating economic growth. They have come, but they came from around the corner. More higher-paying jobs, not larger retail stores, will stimulate economic growth. It's time we stop kidding ourselves that creating more shopping opportunities creates wealth. All that more shopping options create are more shopping options.

Glenn Hanna holds a Master's Degree in Finance and Accounting from Harvard University. He lives in Capitola, where he has served as City Treasurer for the past five years. This article was researched with the assistance of the Statistics Section of the State Board of Equalization.



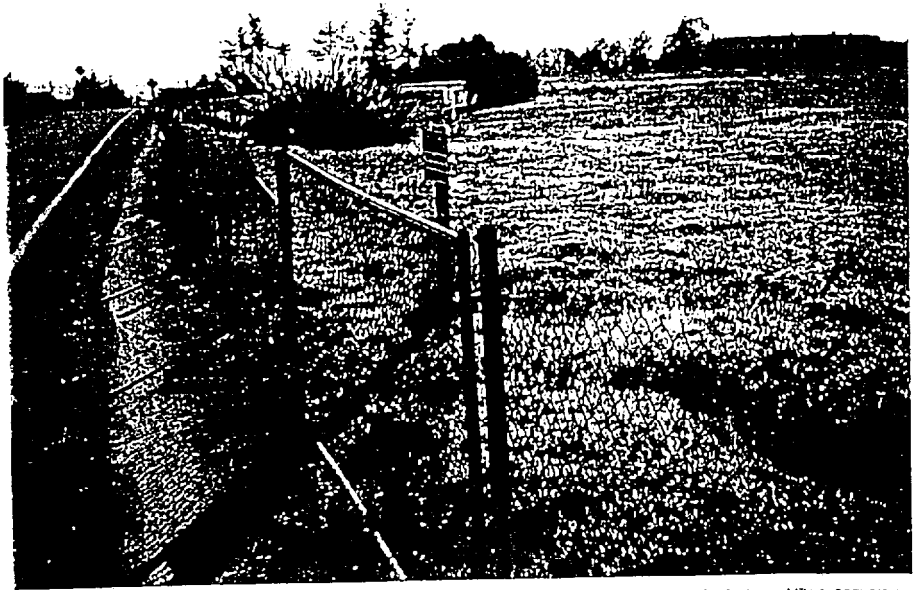
Seacliff Beach
State Park

The Only Beach
Picnic and RV Camping
in N. California

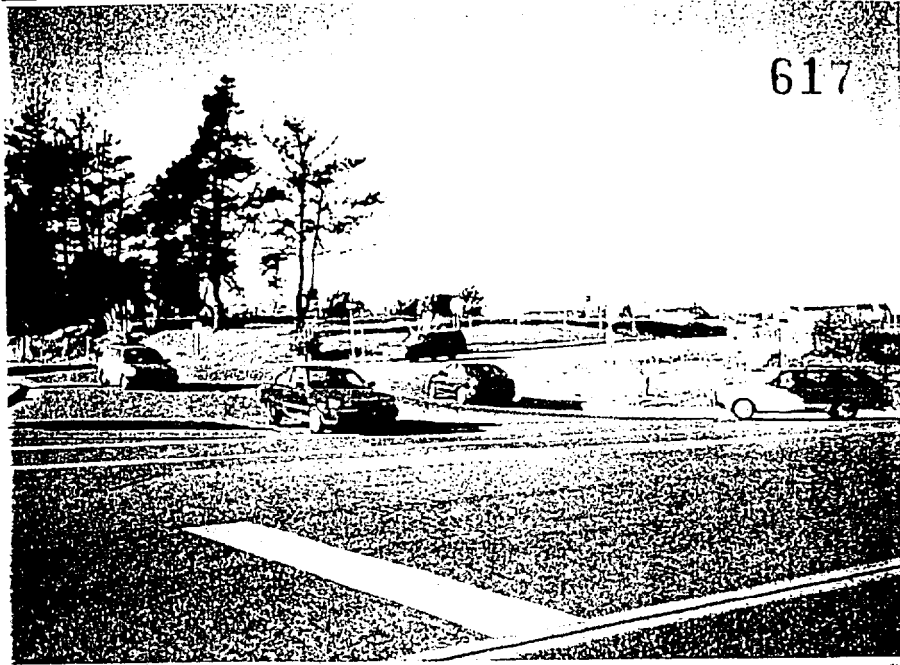
(35 Acres)

Entrance to Beach →

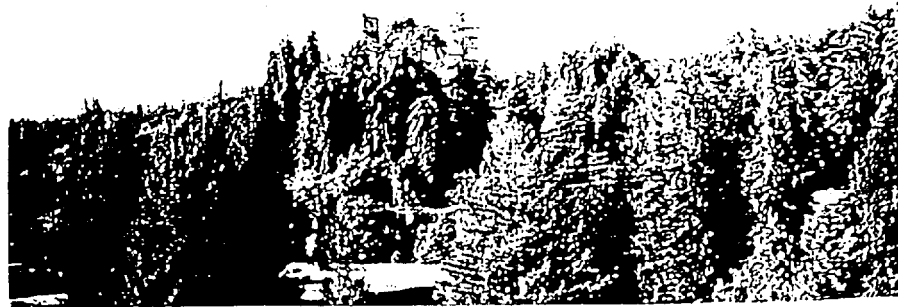
Possible Inn
and
Museum Site



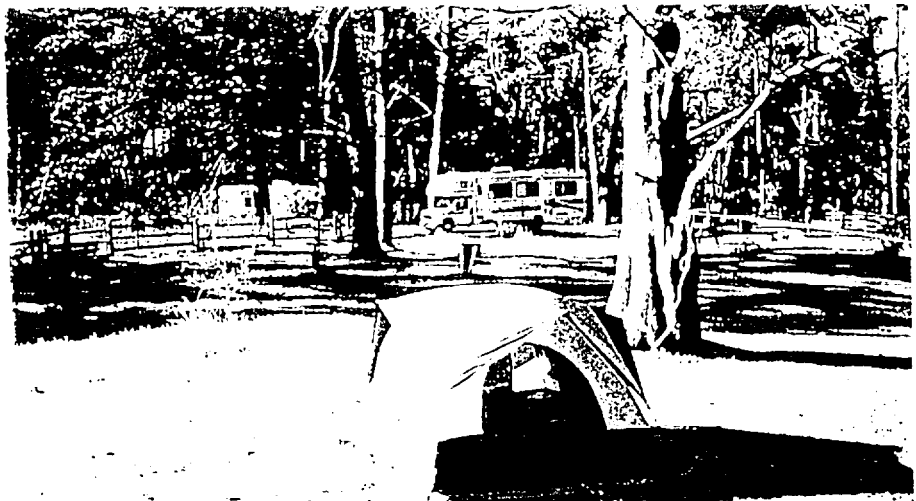
Freeway Offramp
and Entrance



Looking West
across freeway
to Nisene Marks
State Park
(12 thousand acres)



New Brighton
State Beach



618

Camping
With
Ocean
View



59





THE COALITION TO STOP THE SEACLIFF STRIP MALL

P.O. 868 . APTOS, CA 95001

TEL: (831) 685-0964 . E-MAIL: nomall@cruzio.com

"DREAMS OF FIELDS: THE NEW POLITICS OF URBAN SPRAWL"

BY TIMOTHY EGAN

WHAT THE AUTHOR TOM WOLFE DID FOR RADICAL CHIC IN THE 1960's, NARCISSISM IN THE 70's, AND GREED IN THE 80's, HE MAY NOW BE DOING FOR RUNAWAY REAL ESTATE DEVELOPMENT IN HIS NEW NOVEL ON AMERICA AT CENTURY'S END. URBAN SPRAWL, WITH ALL ITS STRIP-MALL EXCESS AND SOUL-DEADENING HOMOGENEITY, IS NOT JUST A CENTRAL BACKDROP, BUT ALMOST A CHARACTER IN "**A MAN IN FULL**," THE AUTHOR'S LATEST PEN POKE AT CONTEMPORARY LIFE.

"THE ONLY WAY YOU COULD TELL YOU WERE LEAVING ONE COMMUNITY AND ENTERING ANOTHER WAS WHEN THE FRANCHISES STARTED REPEATING AND YOU SPOTTED ANOTHER 7-ELEVEN, ANOTHER WENDY'S, ANOTHER COSTCO, ANOTHER HOME DEPOT," **MR.** WOLFE WRITES. HE WAS DESCRIBING THE BAY **AREA** OF CALIFORNIA, BUT IT COULD HAVE BEEN ANY METRO AREA IN THE COUNTRY.

ON ELECTION DAY, VOTERS FROM SOUTHERN CALIFORNIA TO **NEW** JERSEY SHOWED THAT THE SPRAWL ISSUE MAY HAVE BECOME A POLITICAL DRIVING FORCE NO LESS THAN A NARRATIVE FUNCTION IN THE FICTIONAL WORLD OF **MR.** WOLFE.

VOTERS ACROSS THE COUNTRY AND ACROSS PARTY LINES, FROM DESERT SUBURBS IN THE **WEST** TO LEAFY **CUL** DE SACS IN THE EAST, VOTED TO STOP THE MARCH OF NEW MALLS, HOMES AND BUSINESS PARKS AT THE BORDERS OF THEIR COMMUNITIES, AND TO TAX THEMSELVES TO BUY OPEN SPACE AS A HEDGE AGAINST FUTURE DEVELOPMENT.

FOR VICE PRESIDENT **AL** GORE, WHO HAS BEEN **RATCHETING** UP THE SPRAWL ISSUE AS A TOP GREEN CONCERN, EDGING ASIDE MORE CONTENTIOUS AND SOMEWHAT ABSTRACT ENVIRONMENTAL CONCEPTS LIKE GLOBAL WARMING, THE VOTES ARE SEEN AS THE START OF A WINNING NATIONAL CAMPAIGN. WHO, AFTER ALL, COULD BE AGAINST WHAT THE SIERRA CLUB NOW DESCRIBES AS AN ATTEMPT TO RETURN TO BEAVER CLEAVER'S AMERICA, ALBEIT WITH SMALLER LOT SIZES?

PAVING PARADISE

"I'VE COME TO THE CONCLUSION THAT WHAT WE REALLY ARE FACED WITH HERE IS A SYSTEMATIC CHANGE FROM A PATTERN OF UNCONTROLLED SPRAWL TOWARD A BRAND NEW PATH

THE COALITION TO STOP THE SEACLIFF STRIP MALL

THAT MAKES QUALITY OF LIFE THE GOAL OF ALL OUR URBAN, SUBURBAN AND FARMLAND POLICIES," **MR. GORE** SAID IN AN INTERVIEW.

BUT REPUBLICANS LIKE **GOV. CHRISTINE TODD WHITMAN** OF **NEW JERSEY**, HAVE ALSO LISTENED TO THE SAME COMPLAINTS AROUND THE BARBECUE. AT THE VERY EDGE OF WHAT THE AUTHOR **JOEL GARREAU** FAMOUSLY LABELED "EDGE CITIES," PEOPLE SAY THEIR NEW COMMUNITIES HAVE BECOME TOO DEPENDENT ON THE CLUTTER OF BOXY RETAIL STORES.

PAVING PARADISE, ALMOST A REFLEX REACTION IN **SOUTHERN CALIFORNIA**, WAS HALTED BY A HUGE MAJORITY IN **VENTURA COUNTY**, WHERE VOTERS APPROVED A SERIES OF URBAN BOUNDARIES AROUND THE FAST-GROWING NEW CITIES WEDGED BETWEEN **Los ANGELES** AND **SANTA BARBARA**, AND STRIPPED THEIR ELECTED SUPERVISORS OF THE POWER TO APPROVE NEW SUBDIVISIONS AND PUT IT IN THE HANDS OF VOTERS INSTEAD.

DEVELOPERS NOW WILL HAVE TO GET VOTER APPROVAL TO PUSH THE FLOOD OF TILE-ROOFED SUBDIVISIONS ANY FURTHER INTO LAND THAT HAS SOME OF THE LAST BIG LEMON GROVES IN CALIFORNIA. ABOUT **80** PERCENT OF THE COUNTY WILL BE OFF-LIMITS TO DEVELOPERS, UNLESS VOTERS SAY DIFFERENTLY, SUPPORTERS OF THE MEASURE SAID. THE **LOS ANGELES TIMES** HERALDED THE VOTE AS A "REVOLUTION."

IN **NEW JERSEY**, THE MOST-DENSELY POPULATED STATE IN THE NATION, VOTERS IN **43** CITIES AND SIX COUNTIES DECIDED TO RAISE THEIR TAXES TO BUY AND PRESERVE OPEN SPACE. STATEWIDE, BY A TWO-TO-ONE MARGIN, VOTERS ALSO APPROVED SPENDING NEARLY \$1 BILLION OVER **10** YEARS TO BUY HALF OF THE GARDEN STATE'S REMAINING GARDEN SPACE.

GRASS ROOTS

NATIONWIDE, VOTERS APPROVED NEARLY **200** STATE AND LOCAL BALLOT INITIATIVES ON CURBING SPRAWL.

THE IDEA OF **AL GORE** TALKING GROWTH MANAGEMENT FOR THE NEXT TWO YEARS AND BEYOND MAY BE NO MORE APPEALING THAN HEARING ANOTHER FLAT TAX SPEECH FROM **STEVE FORBES**. THE VICE PRESIDENT HAS BEEN POUNDING THE ANTI-SPRAWL BULLY PULPIT FOR MONTHS, PROCLAIMING THE DAWN OF "AN AMERICAN MOVEMENT TO BUILD MORE LIVABLE COMMUNITIES." THE ISSUE IS SEEN BY HIS SUPPORTERS AS A KEY TO ALL THOSE JEEP CHEROKEE DRIVING SUBURBANITES WITH FEW POLITICAL PASSIONS BEYOND THE AFTERNOON TRAFFIC JAM. THE ELECTIONS EARLIER THIS MONTH, BASED LARGELY ON GRASS-ROOTS INITIATIVES, HAVE ONLY BOLSTERED **MR. GORE'S** CASE, HIS AIDES SAY.

BUT BEFORE **MR. GORE** TRIES TO LAY A DEMOCRATIC CLAIM TO AN ISSUE THAT CUTS BEYOND MOST POLITICAL LINES, HE WILL HAVE TO GO THROUGH THE REPUBLICAN GOVERNOR OF **NEW JERSEY**. JUST FIVE YEARS AGO, **MRS. WHITMAN** WAS HELD UP BY HER PARTY AS A YOUNG **MARGARET THATCHER**, WITH TAX CUTS AS HER BANNER.

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Now, A YEAR INTO A SECOND TERM, MRS. WHITMAN HAS MADE PROTECTING OPEN SPACE THE PRIMARY ISSUE -- AND PERHAPS HER LEGACY -- FOR THE STATE. IN WHAT MAY BE AN ACT OF HERESY TO THE TAX-CUTTING WING OF HER PARTY, THE GOVERNOR HAS BEEN CAMPAIGNING FOR TAX INCREASES TO KEEP LAND OUT OF THE HANDS OF DEVELOPERS. INITIALLY, SHE PROPOSED AN INCREASE IN THE GAS TAX, BUT HAS SE-I-I-LED ON THE KIND OF SELECTIVE PROPERTY TAX INCREASES THAT WERE APPROVED ACROSS **NEW** JERSEY ON ELECTION DAY.

"WE HAVE GOT TO UNDERSTAND THAT ONCE LAND IS GONE, IT'S GONE FOREVER," SAID MRS. WHITMAN WHILE PUSHING THE NEW OPEN SPACE MEASURES. SHE COULD HAVE BEEN JUST ANOTHER DOORBELLER FROM THE SIERRA CLUB, WHICH, IN RESPONSE TO A SURVEY OF MEMBERS, HAS PUT SPRAWL AT THE TOP OF ITS LIST OF ENVIRONMENTAL CONCERNS. THE CLUB SAYS **400,000** ACRES OF OPEN SPACE ARE LOST TO DEVELOPMENT EVERY YEAR.

THE SUCCESSFUL ANTI-SPRAWL CAMPAIGNS STEERED AWAY FROM TALK OF GOVERNMENT CONTROL OR ZONING ARCANA. THEY DWELLED INSTEAD ON IMAGES OF LEMON GROVES AND TAWNY HILLS IN SOUTHERN CALIFORNIA, PUMPKIN PATCHES AND HORSE FARMS IN **NEW** JERSEY, AND WIND-WHIPPED DUNES IN CAPE COD -- ALL JUST BEYOND THE EXURBAN FRINGE.

"WE'RE NOT TRYING TO SUBVERT THE AMERICAN DREAM -- WE'RE TRYING TO GET BACK TO IT," SAID LARRY BOHLEN, CO-CHAIRMAN OF THE SIERRA **CLUB'S** NATIONAL CAMPAIGN TO FIGHT SPRAWL. "IT'S THAT 'LEAVE IT TO BEAVER' TOWN WHERE ALL THE KIDS WALK TO SCHOOL."

OPPONENTS OF THESE MEASURES, LED IN CALIFORNIA BY HOME BUILDERS AND DEVELOPERS, SAY THE NEW POLITICAL CALCULATION COULD CHANGE IN THE BLINK OF AN EYE IF THE ECONOMY TURNS BAD. IN BAD TIMES, PEOPLE ARE LESS LIKELY TO VOTE TO RESTRICT GROWTH. BUT IN OREGON, WHICH PIONEERED BOUNDARIES AROUND ALL ITS MAJOR CITIES IN THE 1970's, VOTERS HAVE UPHELD THE STATE'S FAR-REACHING ANTI-SPRAWL LAWS EVEN DURING THE DEPTHS OF TWO RECESSIONS OVER THE LAST **20 YEARS**.

DEVELOPERS SAY THE VOTES THIS MONTH WERE NOT SO MUCH AN ANTI-GROWTH CHORUS AS THEY WERE A REFLECTION OF THE FRUSTRATION PEOPLE FEEL OVER TRAFFIC AND CROWDED SCHOOLS.

STILL, THE OPPONENTS SAY THEY ARE STUNNED BY HOW QUICKLY SUBURBAN GROWTH HAS BECOME A PEJORATIVE. "WE SEEM TO BE AT A POINT NOW WHERE THE WORD SPRAWL HAS BEEN TOTALLY DEMONIZED," SAID CLAYTON TRAYLOR, VICE PRESIDENT FOR POLITICAL ISSUES FOR THE NATIONAL ASSOCIATION OF HOME BUILDERS, WHICH HAS **195,000** MEMBERS.

WASHINGTON POLITICIANS MAY FIND IT DIFFICULT TO NATIONALIZE WHAT IS BASICALLY A LOCAL ISSUE. **MR.** GORE HAS RAISED THE POSSIBILITY OF USING THE FEDERAL TAX CODE OR MAJOR TRANSPORTATION BILLS TO DISCOURAGE GROWTH THAT GOES AGAINST COMMUNITY PLANNING GOALS.

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"IN THE FAST, WE ADOPTED NATIONAL POLICIES THAT SPEND LOTS OF TAXPAYER MONEY TO SUBSIDIZE OUT-OF-CONTROL SPRAWL," **MR. GORE** SAID. "THEY SUCK THE LIFE OUT OF URBAN AREAS, INCREASE CONGESTION IN THE SUBURBS AND RAISE TAXES ON FARMS."

MR. GORE IS VAGUE ON WHAT, PRECISELY, COULD BE DONE ON A NATIONAL LEVEL. BUT WHATEVER HE ATTEMPTS TO DO WILL BE MET BY STIFF OPPOSITION IF IT ENDS UP SLOWING DEVELOPMENT, **MR. TRAYLOR** SAID. BUILDING LOBBIES FOR HIGHWAYS AND SOME CONSERVATIVES WERE OUTRAGED THAT THE \$217 BILLION TRANSPORTATION BILL THAT WAS JUST APPROVED BY CONGRESS CONTAINED A SMALL AMOUNT OF MONEY FOR BIKE PATHS.

"TO THE EXTENT THAT THE VICE PRESIDENT OR ANYONE ELSE AT THE FEDERAL LEVEL TRIES TO TURN OFF THE SPIGOT FOR NEW INFRASTRUCTURE, WE'LL BE THERE TO FIGHT THEM," **MR. TRAYLOR** SAID.

IN MARYLAND, HOWEVER, TURNING OFF THE SPIGOT PROVED TO BE A WINNING POLITICAL CRY, AS SUPPORTERS OF NEW DEVELOPMENTS WERE HASTILY DISPATCHED ON ELECTION DAY. A REPUBLICAN WHO FAVORED TWO HUGE PROJECTS IN ANNE ARUNDEL COUNTY, COUNTY EXECUTIVE JOHN G. GARY, WAS VOTED OUT OFFICE, WHILE REPUBLICANS WHO VOWED TO PULL THE PLUG ON NEW WATER AND SEWAGE SYSTEMS IN NEIGHBORING CALVERT COUNTY TOOK CONTROL OF THE BOARD OF COMMISSIONERS.

HOMEBUILDERS HEARTENED

IN OTHER STATES, DEVELOPERS HAVE TRIED TO CO-OPT THE ANTI-SPRAWL MOVEMENT. ARIZONA VOTERS NARROWLY APPROVED A MEASURE, SPONSORED BY THE STATE'S BANKING AND BUILDING INDUSTRY, THAT WOULD SET ASIDE \$20 MILLION A YEAR FOR 11 YEARS TO BUY OPEN SPACE. BUT IN RETURN, THE LAW WOULD BAN DEVELOPMENT FEES AND URBAN GROWTH RESTRICTIONS.

THE HOMEBUILDERS WERE HEARTENED BY AT LEAST ONE OF THE SPRAWL VOTES THAT WENT THE OTHER WAY. IN GEORGIA, VOTERS TURNED DOWN A MEASURE TO USE A REAL ESTATE TRANSFER TAX TO PRESERVE HISTORICAL SITES AND OPEN SPACE. GEORGIA IS THE MAIN SETTING FOR **MR. WOLFE'S** NOVEL, A PLACE WHERE A HUGE, TROUBLED DEVELOPMENT AT THE FAR EDGE OF SUBURBAN ATLANTA IS AT THE CORE OF ONE MAN'S DECLINE.

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YES: ☐ I / WE WANT TO VOLUNTEER TO STOP CONSTRUCTION OF THE SEACLIFF STRIP MALL.
YES: ☐ I / WE WANT TO FIND OUT MORE ABOUT PROTESTING THE SEACLIFF STRIP MALL.

NAME: _____

ADDRESS: _____

PHONE: _____ E-MAIL: _____