



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 96060
(831) 454-2580 FAX: (831) 464-2131 TDD: (831) 464-2123

ALVIN D. JAMES, DIRECTOR

May 19, 1999

Agenda: May 25, 1999

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

**SUBJECT: REPORT ON PLANNING COMMISSION'S REVIEW OF THE GENERAL
PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN DESIGNATION
AND ZONING OF APN 038-081-36 (MCGREGOR/SEA RIDGE DRIVES)**

Members of the Board:

On November 24, 1998, your Board 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" (see Minute Order, Attachment 1). That report was considered by your Board on December 8 and 15, 1998. Following extensive public input, your Board referred the matter to the Planning Commission to "study the existing zoning and to consider the appropriateness of rezoning it to VA (Visitor Accommodations) or other appropriate district" (see Minute Order, December 15, 1998, Attachment 2).

On April 28, 1999, the Planning Commission held a public hearing to consider the zoning and General Plan/Local Coastal Program designations. In the staff report (Attachment 3), five options were presented for the Planning Commission's consideration. Staff recommended rezoning the property to the CT (Tourist Commercial) zone district, which in our judgement would best implement the policies of the General Plan/Local Coastal Program concerning the Seacliff Special Community while providing the property owner with economic latitude in the event a visitor accommodation use proved economically infeasible.

At the Planning Commission hearing, there was considerable public testimony (Planning Commission Minutes, Attachment 4), with about half of the public requesting a rezoning to the VA (Visitor Accommodations) zone district and about half requesting that the property be designated for park use. There was general public consensus that a community plan should be prepared for the Seacliff area and that a building moratorium be enacted until the plan is completed and adopted.

RECOMMENDATION OF THE PLANNING COMMISSION

After considerable discussion, the Planning Commission recommended that your Board:

61

1. Rezone the property to the VA (Visitor Accommodations) zone district;
2. Direct the Planning Department to prepare a **Seacliff** Community Plan, preferably within a year's time; and
3. Adopt an interim ordinance that would require review of any large project that might impede the efforts or recommendations of the **Seacliff** Community Plan.

DISCUSSION OF THE PLANNING COMMISSION'S RECOMMENDATION

Rezone the Property to the VA (Visitor Accommodations) Zone District

The procedure for initiating a rezoning is specified in County Code Section 13.10.215(b) (Attachment 5). As provided in this ordinance, a rezoning of a property may be initiated by adoption of a Resolution of Intention by the Board of Supervisors, upon its own motion or upon the recommendation of the Planning Commission, or through application by the property owner. As indicated above, the Planning Commission has forwarded a recommendation to your Board to rezone the property to the VA zone district,

Once a property rezoning is initiated, either by the Board or by the property owner, Chapter 18.10 of the County Code governs the rezoning process. This process includes CEQA review and 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 back 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. I 70(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, usually takes 4 to 6 months, depending upon the type of CEQA review necessary.

Preparation of a Seacliff Community Plan

The Planning Commission's recommendation regarding the preparation of a Seacliff Community Plan was well received by the members of the community in attendance. A community or village plan is described in the Local Coastal Program as one of the planned design documents to implement the "Special Community" designation. This Plan is intended to preserve and enhance the character of the commercial core area of the Seacliff area by providing a design framework for new development, renovations and community facilities.

The Planning Department, in conjunction with the community, would be able to prepare a Plan addressing the design issues of the Seacliff Special Community. At present, the Advanced Planning staff is in the midst of working on a number of tasks that were approved by your Board as a part of the 1998-99 Advanced Planning work program, as well as a number of additional tasks that arose mid-year. The Planning Department will be presenting to your Board the 1999-2000 Advanced Planning work program in September 1999. At that time, if so directed by your Board, the Seacliff Community Plan will be included as priority work item for your Board's consideration.

Adoption of an Interim Ordinance

The Planning Commission, in making their recommendation for the adoption of an interim ordinance, made it quite clear that they could not support an outright moratorium on development in the Seacliff or Aptos area as requested by the attending public. Instead, the Commission's recommendation was directed towards large projects, not single-family dwellings, and was intended to identify those projects which could possibly be in conflict with the pending community plan.

Government Code Section 65858 authorizes a jurisdiction to adopt, as an urgency measure, an interim ordinance prohibiting uses which may be in conflict with a contemplated General Plan, specific plan, or zoning proposal that the jurisdiction is studying, or intending to study within a reasonable period of time. Such a measure was adopted by your Board during the preparation of the 1994 General Plan update.

To adopt an urgency interim ordinance, your Board must make a finding that there is a current and immediate threat to the public health, safety, or welfare, or that approvals of additional land divisions or development permits would result in such a threat. The current owner is reportedly planning to file an application for a hotel use in the near future. A hotel would be consistent with the existing "C-2" and the Planning Commission recommended "VA" zone district. A community plan, as described in the Local Coastal Program, would certainly be beneficial to ensure that a proposed hotel would meet and not impede the Seacliff Village character; however, such a plan would not preclude the use of the property for a visitor accommodations site.

Interim urgency ordinances have statutory time limitations. They are effective for only 45 days from the date of adoption and require a four-fifths vote. No notice or hearing is required for first adoption. With notice and public hearing, your Board may extend the interim ordinance for ten months and 15

days, again requiring a four-fifths vote. No more than two extensions may be adopted. Alternatively, an interim ordinance may be adopted initially by a four-fifths vote following notice and hearing, in which case it is effective for 45 days and can be extended, after notice and hearing, by a four-fifths vote for 22 months and 15 days.

Due to the limitations of the interim ordinance adoption process which requires subsequent action within 45-days and in view of your legislative recess in July, the logical date to begin the Interim Ordinance process, if your Board elects to take this action, is to schedule the public hearing for early August.

Discussion/Recommendation

Planning staff has carried out the direction of your Board regarding the property at the corner of McGregor and Sea Ridge Roads. A public hearing was conducted by the Planning Commission to consider the General Plan/Local Coastal Program Land Use Plan designation and zoning of the property and three recommendations from the Commission have been forwarded to your Board. The first, to rezone the property to VA, will require additional staff time, but we believe the task can be initiated in this fiscal year. If your Board wishes to direct the Planning Department to begin the rezoning process, a Resolution of Intention to Rezone can be prepared for your consideration on August 10, 1999.

The second recommendation, preparation of a community plan, is a significant work program item. We are currently completing our work on a number of work program items approved by your Board as a part of the 1998-99 Advanced Planning work program. If approved by your Board, we will include the **Seacliff** Community Plan as a priority project in the proposed 1999-2000 Advanced Planning work program, for your Board's consideration in September 1999.

The third recommendation of the Planning Commission, to adopt an Interim Ordinance, could be considered by your Board on the August 10, 1999, agenda.

It is, therefore, RECOMMENDED that your Board:

1. Provide the Planning Department with direction concerning the recommendations of the Planning Commission regarding the community plan and interim ordinance for the **Seacliff** Area.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED: _____



SUSAN A. MAURIELLO
County Administrative Officer

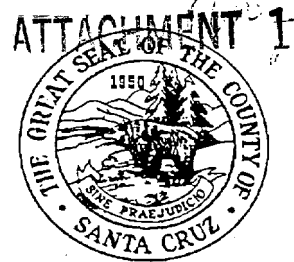
Attachments: 1. Minute Order of November 24, 1998

2. Minute Order of December 15, 1998
3. Planning Commission staff report dated April 16, 1999
4. Planning Commission meeting minutes of April 28, 1999
5. County Code Section 13.10.2 15(b)

cc: **Vimal and Nitin Kumar**
Richard **Beale** Land Use Planning
Housing Authority of the County of Santa Cruz
St. John the Baptist Episcopal Church
The Coalition to Save **Seacliff/Aptos**
Seacliff Improvement Association (Seacliff Park Incorporated)
Rio Del Mar Improvement Association, Tnc.
Sea Breeze Homeowners Association
Katharine P. Minott
Coastal Commission

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

(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

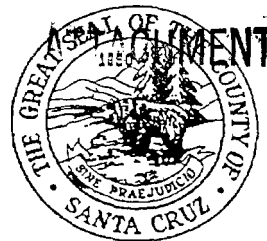
I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

Page 1 of 1

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

61

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of December 15, 1998

REGULAR AGENDA Item No. 059

(CONSIDERED report regarding the property located at
(the corner of McGregor and Sea Ridge Drives;
(accepted and filed report; and referred matter to the
(Planning Commission to study the existing zoning and
(to consider appropriateness of rezoning it to VA
((Visitor Accommodation) or other appropriate zone
(district....

Considered report regarding the property located at the corner
of McGregor and Sea Ridge Drives;

Upon the motion of Supervisor Symons, duly seconded by Supervi-
sor Almquist, the Board, by unanimous vote, accepted and filed re-
port; and referred matter to the Planning Commission to study the
existing zoning and to consider appropriateness of rezoning it to VA
(Visitor Accommodation) or other appropriate zone district

cc:

CAO
Planning
Barry Swenson

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, &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

, Deputy Clerk, on December 28, 1998.

61



County of Santa Cruz

ATTACHMENT 3

8

PLANNING DEPARTMENT

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

ALVIN D. JAMES, DIRECTOR

April 16, 1999

Agenda: April 28, 1999

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

**SUBJECT: PUBLIC HEARING TO REVIEW THE GENERAL PLAN/LOCAL
COASTAL PROGRAM LAND USE PLAN DESIGNATION AND
ZONING OF APN 038-081-36 (MCGREGOR/SEA RIDGE DFUVES)**

Members of the Commission:

On November 24, 1998, the Board of Supervisors 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" (see Exhibit A). This request was prompted by the large number of constituent contacts and petitions of 1500-2000 signatures (Exhibit B) from the community requesting a rezoning of the McGregor property to the VA (Visitor Accommodations) zone district to prevent the development of a retail commercial use on the property. The report (Exhibit C) was considered by the Board of Supervisors at their December 8 and December 15, 1998 meetings and referred to your Commission "to **study the** existing zoning and to consider appropriateness of rezoning it to VA (Visitor Accommodations) or other appropriate zone district" (Exhibit D). This matter is now before your Commission for review and recommendation.

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, mobile home park) to the west. The property gently rises from McGregor and Sea

61

'Ridge Drives to a flat, sparsely vegetated meadow. There are trees along a portion of its frontage with Sea Ridge Drive.

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 (Exhibit E). The two 2.5-acre parcels on the northern half of the property are designated Urban High Density Residential and zoned RM-3 (Multi-family Residential, 3,000 square feet per unit density). The Santa Cruz County Housing Authority is planning to build approximately 35 affordable housing units on one of these parcels. A church is 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 property is the subject of this report.

All three parcels are within the **Seacliff** Special Community and are designated in the General Plan/Local Coastal Program Land Use Plan as a Coastal Priority Site (Exhibit F).

BACKGROUND

The history of the zoning and General Plan/Local Coastal Program designation for this property is discussed at length in the December 3, 1998 staff report to the Board of Supervisors (Exhibit C). To summarize:

- 1974 - The parcel was designated as "Business/Industry" in the Aptos General Plan
- 1980 - As part of the 1980 General Plan adoption, the parcel was designated Urban Medium Density Residential
- 1982 - As part of the LCP adoption, the parcel was designated VA (Visitor Accommodations)
- 1993 - As part of the General Plan/LCP update, your Commission recommended that the parcel be designated high density residential
- 1994 - The Board of Supervisors adopted the 1994 General Plan/Local Coastal Program Land Use Plan and designated the parcel as C-2 (Community Commercial). This is the current designation.

For 23 out of the last 25 years, the property has been zoned commercial.

ANALYSIS

General Plan/LCP Land Use Plan Designation

In considering the appropriate zoning and General Plan/LCP designation for this parcel, there are two especially important points to consider: its inclusion in the **Seacliff** Special Community and its designation as a Coastal Priority Site.

The McGregor property has been a part of the **Seacliff** Special Community designation since its inception in 1982. As part of the 1994 General Plan/LCP Update, the Poor Clares site (to the

east) was added to the Seacliff Special Community. General Plan/LCP Objective 8.8 states “. . . recognize. . . Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with existing character of these areas.” Policy 8.8.3 states “Encourage the provision of tourist commercial services within Coastal Special Communities, as follows: . . . **Seacliff Beach Area: Entire Special Community; . . .**” The Seacliff community is in the process of exploring the various opportunities and constraints associated with the preservation and improvement of their coastal village character (see Exhibit G). It is important that the future uses allowed at the McGregor property be compatible with the village character and these sections of the General Plan/LCP.

As stated earlier, the McGregor property is designated as a Coastal Priority Site. Objective 2.22 of the General Plan/LCP states “To ensure priority for coastal-dependent and coastal-related development over other development on the coast.” For Coastal Priority Sites, Policy 2.22.1 further states “Maintain a hierarchy of land use priorities within the Coastal Zone:

- First Priority: Agriculture and coastal-dependent Industry;
- Second Priority: Recreation, including public parks; visitor serving commercial uses; and coastal recreation facilities;
- Third Priority: Private residential, general industrial, and general commercial uses.”

The specific Coastal Priority Site language for the original nine acre property (now three parcels) states: “Urban High Density Residential”: Affordable housing (4-5 acres) with remainder of site to be Community Commercial” (Exhibit F). The parcel in question currently has a Third Priority (general commercial uses) classification, as set by the Board of Supervisors as part of the 1994 General Plan/LCP update. First Priority uses are not appropriate for this property in that the land is not designated as Type 1, 2, or 3 agricultural land and the property is located too far inland for coastal-dependent industry such as mariculture. In making your recommendation to the Board of Supervisors, your Commission should consider whether a Second Priority use is more appropriate for this property.

The other Coastal Priority Site within the Seacliff Special Community is the Poor Clares site, across State Park Drive from this property. This 11 acre parcel is zoned VA (Visitor Accommodations) and the specific Coastal Priority Site language requires only Type A visitor accommodations such as hotels, motels, bed and breakfast inns (Exhibit F).

Zoning:

Five zone districts implement the current Community Commercial General Plan/LCP Land Use Plan designation for this property: C-2 (Community Commercial), C-1 (Neighborhood Commercial), CT (Tourist Commercial), VA (Visitor Accommodations), and PA (Professional and Administrative Offices). The current zoning is C-2 (Community Commercial). The following Table illustrates the types of uses allowed in each of these zone districts:

Type of Use	Allowed in C-2	Allowed in C-1	Allowed in CT	Allowed in VA	Allowed in PA
Visitor accommodations	Yes	No	Yes	Yes	No
Restaurants	Yes	Yes	Yes	A*	A*
Service Stations	Yes	Yes	Yes	No	No
Retail	Yes	Yes, but not all categories	A"	A*	No
Offices	Yes	Yes, up to 50% of building	No	No	Yes
Commercial Services	Yes	Yes, but not all categories	No	No	No
Museum, interpretive center	Yes	Yes	No	A"	Yes
Residential	A*	A*	No	No	A*
*Use allowed only if ancillary and incidental to a permitted use on the property					

Options

There are any number of options available for recommendation for this property. Five are discussed below along with staff comments:

1. Retain the existing C-2 zoning and Community Commercial/Priority Site language

Retaining the existing designations allows the most flexibility in the type of uses that can be considered for this property. Since December, staff has received inquiries about the feasibility of the property being used for a child care center or senior assisted living. There has been interest in the community for the property being used as a Monterey Bay Sanctuary interpretive center. As shown in the Table above, C-2 zoning allows the widest variety of commercial uses.

Staffs concern with this option is that Third Priority uses are as equally allowed as Second Priority uses and a proposed use may not totally implement General Plan/LCP Policy 8.8.3's directive to encourage tourist commercial services. If this option is recommended, it should include a request to exclude this property from the Seacliff Special Community.

2. Rezone the property to C-1 (Neighborhood Commercial), change the General Plan/LCP designation and Priority Site language to Neighborhood Commercial

This option would change the zoning and General Plan/LCP Land Use Plan designations to be consistent with the designations of the other parcels within the Seacliff Special Community (except for the Poor Clares site).

The purpose of the C-1 (Neighborhood Commercial) zone district is to provide compact, small scale, conveniently located shopping and services uses to meet the limited needs within walking distance of individual urban neighborhoods. While the rest of the Seacliff Special Community's parcels (excluding the Poor Clares site) are small and are located adjacent to residential areas, the McGregor property is large (3 acres) and bounded on two sides by commercial uses. The size and location of the McGregor property does not ideally meet the purposes of the C-1 (Neighborhood Commercial) zone district.

3. Rezone the property to VA (Visitor Accommodations) and retain the Community Commercial/Priority Site language

This is the option requested by the 1500-2000 person petition (Exhibit B). This change would allow only visitor accommodation uses — such as hotels, motels, bed and breakfast inns, recreational vehicle camping parks, tent camping parks — on the property. Other uses would be allowed only if ancillary and incidental to the visitor accommodation use (see the Table above).

Staff has two concerns with this option. The first is the feasibility of this property as a visitor accommodation site. Without a market study/feasibility study, it is unknown if a visitor accommodation use is viable. Factors of concern include the size of the parcel, having roads on all four sides, the cost of developing the property, and the fact that during the twelve years that the property had VA zoning (1982-1994), no application was submitted for a visitor accommodation use. If a visitor accommodation use is found to be not feasible, no other use is allowed by the zone district.

The second concern is the proximity of the Poor Clares property. This parcel is 11 acres in size, zoned VA, and has Coastal Priority Site language requiring only Type A visitor accommodations. It is possible that a developer interested in developing a visitor accommodation use will choose the 11 acre site over the 3 acre site. Since the Poor Clares site will eventually be a visitor accommodation use, it may be more appropriate to consider a complementary use at the McGregor site.

4. Retain C-2 zoning and Community Commercial designations. Change the Priority Site language to require visitor accommodations, unless found infeasible

This option requires that only visitor accommodations be allowed on the property, unless market/feasibility studies find the use to be not feasible. If found not feasible, all other uses in the C-2 zone district become available.

This option clearly states the preference for the property and allows other uses if visitor accommodations are not feasible. Priority Three uses would be allowed if visitor accommodations are found to be infeasible. Your Commission should consider if Priority

Two uses would better implement the Policy 8.8.3 directive to encourage tourist commercial services within the Seacliff Special Community.

5. Rezone the property to CT (Tourist Commercial) and retain the Community Commercial/Priority Site language

As shown in the Table above, the CT zone district allows visitor accommodations, restaurants, and service stations. If visitor accommodations are found to be infeasible, other tourist oriented uses are allowed.

These uses are Second Priority uses and are consistent with the General Plan/LCP Policy 8.8.3 directive to encourage tourist commercial services. These uses would also complement the future visitor accommodation use on the Poor Clares site. Staff is recommending that your Commission adopt this option.

CONCLUSION AND RECOMMENDATION

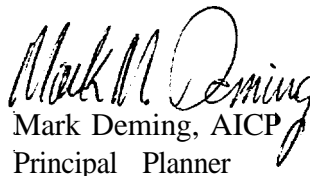
Based on the analysis of the five presented options, staff believes that Option #5 best implements the policies of the General Plan/LCP and the existing and future land uses within the Seacliff Special Community.

It is, therefore, RECOMMENDED that your Commission recommend Option #5 to the Board of Supervisors.

Sincerely,



Glenda Hill
Supervising Planner



Mark Deming, AICP
Principal Planner

Exhibits:

- A. Board of Supervisors Minute Order dated November 24, 1998
- B. Representative page of petition (petition on file with the Planning Department)
- C. Planning Department report dated December 3, 1998
- D. Board of Supervisors Minute Order dated December 15, 1998
- E. Copy of Parcel Map for 93-0437
- F. General Plan/LCP Priority Site language
- G. Letter of Robert A. Switzer, California Trade and Commerce Agency dated March 24, 1999

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

(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.

61

PETITION

ATTACHMENT 3 15

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.

Signature Patricia J Jackson Address 4202 Sea Ranch Ct Capitola Date 10/9/98

Print Name PATRICIA J. JACKSON Phone Number 831-477-1235

Signature Susan Hoffer Hoffman Address 1989 Seascapes Blvd. (408) 688-4732 Aptos Date 10-8-98

Print Name Jahise Reddman Phone Number 685-2852

Signature James Reddman Address 500 Redwood Hys 408 685-2852 Date 10-8-98

Print Name JUKTINE JOHNSON Address 6010 Soquel Dr. Apt 5 Phone Number 479497

Signature Conroy Johnson Address 6010 Soquel Dr. Apt 5 Date 10-8-98

Print Name MARY BOLDI Phone Number 835-4902

Signature Mary Boldi Address 2169 Perazutias Dr. Aptos Date 10-8-98

Print Name Colette CRAWFORD Phone Number 722-2954

Signature C Crawford Address 3 Linden Road Watsonville, CA Date 10/8/98

Print Name JUDITH ROHRBAUGH Address Box 15 Soquel, Ca Phone Number 479497

Signature Judith Rohrbach Address Box 15 Soquel, Ca Date 10/8/98

Print Name Karen Dixon Phone Number 4651573

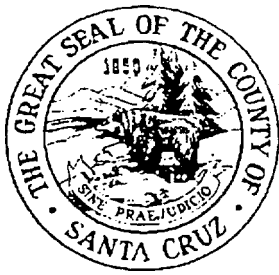
Signature KAREN DIXON Address Box 3076 Date 10/8/98

Print Name Nick Murphy Phone Number 464-9074

Signature Nick Murphy Address Box 3076 Date 10/8/98

Print Name Nick Murphy Phone Number 464-9074

61



County of Santa Cruz

ATTACHMENT 3 14

PLANNING DEPARTMENT

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

ALVIN D. JAMES, DIRECTOR

December 3, 1998

AGENDA: December 8, 1998

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

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

Members of the Board:

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

Property Description

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

61

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.), 10-unit employee housing, 2 tennis courts and 10,400 sq. ft. restaurant on entire site. The project, as proposed, would have required Local Coastal Program amendments and a rezoning to make entire site visitor serving and coastal commercial (no project application was filed).

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

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

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

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

December 1993 - The Board of Supervisors held public hearings on the General Plan/LCP update. Comments on the "McGregor" property were primarily focused on the affordable housing portion of the site. The Housing Authority and the church (St. John's Episcopal Church) wanted the residential designations to remain on the northern half of the property as they had expended funds for the purchase of the property for their proposed developments. The neighbors closest to the affordable housing site, the Sea Breeze Homeowners Association and Seacliff Park, wanted the residential designation changed to commercial (note: following the completion of the public hearings in December, the Board began their deliberations regarding the General Plan test, 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 tiled 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-3 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: _____

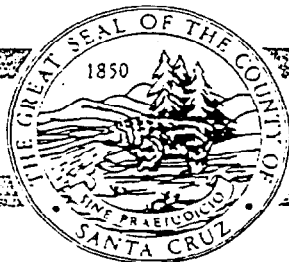
Susan A. Mauriello
County Administrative Officer

22

- 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

61

Figure 2-5 (Continued) Coastal Priority Sites-Aptos			
Site Name and Assessor's Parcel Number	Designated Priority Use	Special Development Standards	Circulation and Public Access 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) 042-011-06 (Poor Claros 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 from site to Seacliff State Beach.
Rio Del Mar Boulevard 044-011-44 (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 Seascape Boulevard. Affordable Housing Site of Seascape 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 045-201-11	"Proposed Park, Recreation, and Open Space": Development of coastal overlook and parking.	None	Provide pedestrian access to coastal bluff and beach, if feasible.



COUNTY OF SANTA CRUZ

BOARD OF SUPERVISORS

GOVERNMENTAL CENTER

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

JANET K. BEAUTZ
FIRST DISTRICT

WALTER J. SYMONS
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

RAY BELGARD
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 11/24/98

November 18, 1998

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

RE: MCGREGOR/SEACLIFF DEVELOPMENT

Dear Members of the Board:

I know Board members have been receiving E-mail, personal calls, and letters from members of the Seacliff community and from the general constituency of the Second District. Our office has been greatly impacted with frequent meetings and innumerable contacts regarding the issues and concerns which are arising from the proposed development o-f 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 t'nerefore 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.

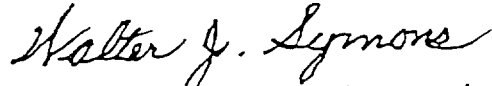
61

23.2

November 18, 1998
Page 2

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

Sincerely,



WALTER J. SYMONS, Supervisor
Second District

WJS:lg

cc: County Administrative Officer
Planning Department
Barry Swenson

1285C2

PETITION

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

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

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

Representative

Petition

Signature

Print

Signature

Print

Signature

Print

Signature

Print

Signature

Print

Signature

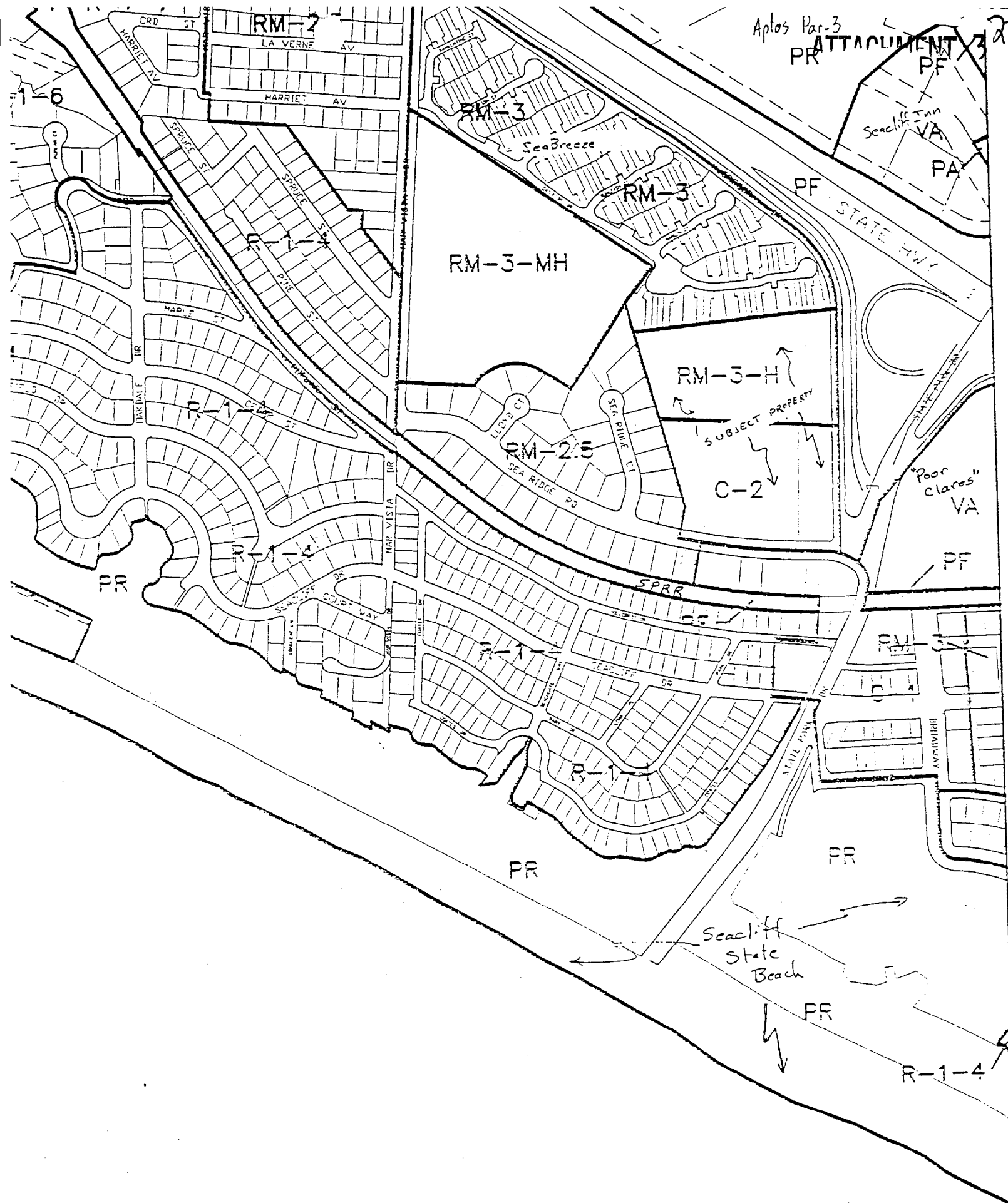
Print

Signature

Print

61

५२



Location Map

SITE NUMBER & DESCRIPTION	DESIGNATED USES	SPECIAL DEVELOPMENT STANDARDS	CIRCULATION REQUIREMENTS	PUBLIC ACCESS REQUIREMENTS
24 Alternate Gs2 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/communi- ty park use.	Se2 above.	Se2 above.	See above.
→ 25 McGrigor at Searidge	Affordable housing: 4-5 acres at urban medium density visitor accom- modations : b-5 acres.	Locate visitor accommodation use on this 4-5 acr2 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 leas: 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
PLANNING DEPARTMENT

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 aeneral 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; 639, 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)
- (10) 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 Tower Approval unless otherwise denoted with the letter "P" in the Commercial Uses Chart in paragraph (b) following. In the Coastal Zone, actions to approve uses other than principal permitted uses are appealable to the Coastal Commission in accordance with the provisions of Chapter 13.20 of the County Code relating to Coastal Zone Permits, and in some cases, as provided in Chapter 13.20, any development is appealable.

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

COMMERCIAL USES CHART

KEY:

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

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

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

2 = Approval Level II (administrative, plans required)

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

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

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

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

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

- = Use not allowed in this zone district

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

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

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

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

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

500-2,000 sq.ft.

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.

3 A

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
Recycling collection , facilities in accordance with Section 13.10.658:						
Reverse vending machines	1	1	1	1	1	
Small collection facilities	4	4	4	4	4	
Signs in accordance with Section 13.10.581	4	4	4	4	4	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*

USE	PA	VA	CT	C-1	C-Z	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> <u>Stations; subject to</u> <u>the provisions of</u> <u>Sections 13.10.656</u> <u>and 13.10.657</u>						
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, including:</u>	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> <u>services, such as:</u>	--	--	--	--	--	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-Z	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*

Commercial change of use
within existing
structures:

Change of use in accordance with an approved master occupancy program	1	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	1	
--	---	---	---	---	---	--

Change from a use conforming to a valid development (use) permit, to another use allowed in the zone district which will not result in an intensification of use:	1	4/5/6*	4/5/6*	1		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,

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

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

Flea markets

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

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

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

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

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

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

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,</u> (see Section 13.10.700-C definition)	--	--	--	4/5/6*	4/5/6*	4/5/6*
<u>"M-1" Districts, all</u> 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	-	--	--	--	--	4/5/6*

USE	PA	VA	CT	C-1	c-2	c-4
<u>Offices</u> , (not to exceed 50% of building area in C-1) such as:						
Administrative offices Travel Agencies	4/5/6*	4/5/6*A, --		4/5/6*	4/5/6*	4/5/6*A
Addressing services Business offices, general Catalog sales offices Dental offices Duplicating shops Editorial Offices Executive offices Finance offices Fortune tellers Insurance offices Interior decoration studios Laboratories, medical, optical, and dental, not including the manufacture of pharmaceutical or other similar products for general sale or distribution Medical offices and clinics Message services; answering services Optical offices Photographers; photographic studios Professional offices Radio and television programing stations, without transmitting towers Real Estate offices Telegraph offices Title companies	4/5/6*	--	--	4/5/6*	4/5/6/*	4/5/6*A
<u>Open space</u> 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</u> , such as:	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</u> with including transmitting towers	4/5/6*	--	--	4/5/6*	4/5/6*	4/5/6*
<u>Residential uses</u> , such as:						
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*	--	--	--	--	--

USE	P A	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

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

Retail Sales, requiring
large sites, large show-
rooms, or outdoor sales
areas, such as:

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

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

Boat sales and service

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

Feed and farm supply
stores

Firewood processing
and sales

Mobilehome sales and
service

Motorcycle sales and
services

Nurseries selling
plants centers in
containers; garden

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:

lime 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-N)

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

/6* /6* /6*

ORDI NANCES

(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 Disrricrs: 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; 2623, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 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; 3343, 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; 2623, 12/4/79; 3166, 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; 1506, 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)

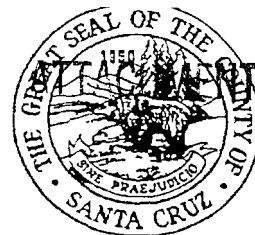
13.10.220 USE APPROVALS -----

(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

61

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of December 15, 1998

REGULAR AGENDA Item No. 059

(CONSIDERED report regarding the property located at
(the corner of McGregor and Sea Ridge Drives;
(accepted and filed report;- and referred matter to the
(Planning Commission to study the existing zoning and
(to consider appropriateness of rezoning it to VA
((Visitor Accommodation) or other appropriate zone
(district...

Considered report regarding the property located at the corner
of McGregor and Sea Ridge Drives;

Upon the motion of Supervisor Symons, duly seconded by Supervi-
sor Almquist, the Board, by unanimous vote, accepted and filed re-
port; and referred matter to the Planning Commission to study the
existing zoning and to consider appropriateness of rezoning it to VA
(Visitor Accommodation) or other appropriate zone district

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 Alicia Mauriello, Deputy Clerk, on December 28, 1998.

61



Figure 2-5 (Continued) Coastal Priority Sites-Aptos		Coastal Priority Sites-La Selva Beach	
Site Name and Assessor's Parcel Number	Designated Priority Use	Special Development Standards	Circulation and Public Access Requirements
McGregor Drive at Seardge 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 future walkway along State Park Drive.
Sieja Park Drive and Highway 1 (SE corner) 042-011-06 (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/Seacilff Drive intersection improvements Provide safe pedestrian and bicycle connection from site to Seacilff State Beach.
Rio Del Mar Boulevard 044-011-44 (Dennis site)	'Urban Low Density Residential'	The oak woodland on the slopes bordering Deer Park Center and the Maranal 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 Seacape Boulevard. (Affordable Housing Site 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.
Southern Pacific Railway near San Andreas Road 045-201-11	'Proposed Park, Recreation, and Open Space': Development of coastal overlook and parking	None	Provide pedestrian access to coastal bluff: and beach, if feasible.

June -

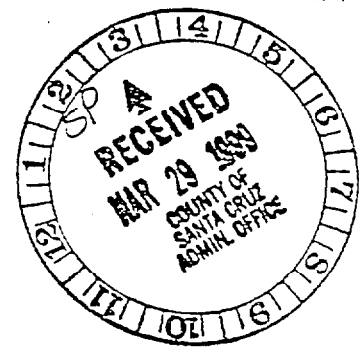
D. Lee
M. Downing
J. Akerman

ATTACHMENT 3

51



CALIFORNIA TRADE AND COMMERCE AGENCY



Gray Davis
Governor

March 24, 1999

Lon S. Hatamiya
Secretary

Coalition to Save Sea Cliff/Aptos
Attention: Mrs. Pepper Golesh
289 Bone Fish Drive
Aptos, California 95003

Subject: Sea Cliff Village Center

Dear Mrs. Golesh:

Thank you for the tour of the Sea Cliff village area and for your interest in the possible assistance of the California Trade and Commerce Agency as your Coalition explores the revitalization of this unique area.

Bay Area
Regional Office

I understand that the Coalition is currently advocating for a county moratorium on new development permits at the entry to Sea Cliff State Beach pending the inclusion of the area in the 1985 Aptos Village Plan (or completion of a new specific plan) in order to ensure that proposed new development is harmonious with the long term village-center vision of Sea Cliff residents.

Ph (650) 573-3880
FAX (650) 573-4347

While the Sea Cliff community seeks to prohibit inharmonious development, it must also take constructive steps to *partner* with the private sector in the revitalization of the village center. Private investment in the village center concept is currently discouraged by numerous dis-incentives. The most important obstacle appears to be the lack of consensus on a clear, concise inter-agency strategy to address these dis-incentives. The most visible disincentives appear to be:

- Some blighted and/or unattractive convenience retail activities in the village center in need of facade and landscape investment;
- Predominance of small, commercially unattractive parcels in the retail area interspersed with blighted or inharmonious residential or storage uses;
- Parking impacts of the Sea Cliff State Beach on the village center creating a lack of adequate parking spaces;
- Absence of distinct entryway and village area "street-scape" improvements to encourage pedestrian access from the beach visitors or residents;
- Flooding from inadequate storm drainage that further discourages pedestrian access;
- Unsightly overhead utilities wires and lighting.

1670 S. Amphlett Blvd.
Suite 123
San Mateo, CA
94402

61

Coalition to Save Sea Cliff/Aptos, Subject: Sea Cliff Village Center
 March 24, 1999
 Page Two

I would recommend that any effort to address the investment disincentives begin with the formulation of plan or strategy that would include the following elements:

- a) Retail Market Analysis to determine unmet *local* retail demand (local residents, beach visitors) for commercial services, and the resulting retail and parking space requirements;
- b) Capital Improvement Program (CIP) to include curb, gutter, storm drain and "street-scape" improvements, pedestrian walks, bike lanes, signs, parking, utility wire under grounding;
- c) A public land acquisition program for parking, pedestrian walkways, landscaped areas and the assembly of parcels to be offered for new commercial space in the village center;
- d) Zoning enforcement and nuisance abatement program, if necessary for RV storage that may have become temporary living quarters;
- e) Small business loan or financing program using the State's Central Coast Regional Corporation and the Small Business Development Center;
- f) State Beach impact mitigation program to accommodate overflow parking currently impacting the retail area;
- g) An affordable housing element co-partnering with the County Housing Authority and others to develop recreational playground space for current residents;
- h) Possible new tourist accommodations at the village entryway perhaps on Poor Claire s i r e .

The formulation of a long range vision as outlined above is an important pre-requisite for success in achieving a village centered revitalization program. It would be appropriate to address these in the proposed specific plan for the Sea Cliff Village Center area. There are three other important pre-requisites for successful revitalization efforts:

A forum of stakeholders to formulate and implement a strategy. It will be important to bring together in regular meetings the key local and state stakeholders to participate in a new mode! for consensus building and decision making to formulate and implement a strategy. Stakeholders include elected officials, State agencies, County and City departments, utilities, local homeowner/business associations and the Housing Authority.

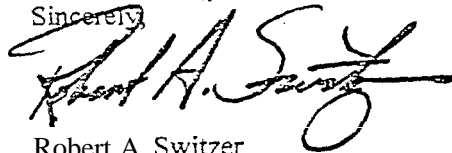
The authority to prepare and implement a strategy. The community should seek to empower *this forum with both community, county and state authority to be the decision making forum for the master planning and implementation effort. The authority can be granted in Board of Supervisor's resolutions, homeowner association resolutions, consultant contracts, master plans, zoning ordinances, etc.

Public and Private Funding. Any viable revitalization effort will require a public and private partnership in which each funding source is committed to the strategy that they have helped to formulate. To attract public and private funding the vision must be built on broad public consensus and the strategy must be composed of activities that are eligible for each funding source. Among the possible sources of state funding would be the budgets of Cal Trans and State Parks, as well as potentially the Community Development Block Grant managed by the California Department of Housing & Community Development.

Private investment - the more significant funding - will depend upon both the market demand and the economic climate created by the community's cooperative attitude as displayed in the process summarized above.

I hope these comments are helpful in your Coalition's revitalization effort. Please do not hesitate to contact me if I can answer any questions.

Sincerely,



Robert A. Switzer
Economic Development Representative

✓ CC: Susan Pearlman, Santa Cruz County Administrator's Office

COUNTY OF SANTA CRUZ PLANNING COMMISSION MINUTES

DATE: April 28, 1999

PLACE: Board of Supervisors Chambers, Room 525
County Government Center, 701 Ocean Street, Santa Cruz, CA

COMMISSIONERS PRESENT: ROBERT BREMNER, DENISE HOLBERT, LEO RUTH,
DALE SKILLICORN (PM ONLY), RENEE
SHEPHERD(CHAIRPERSON).

STAFF MEMBERS PRESENT: MARTIN JACOBSON, JACKIE YOUNG, CATHLEEN CARR,
MARK DEMING, GLENDA HILL, DAVID LEE.

COUNTY COUNSEL PRESENT: RAHN GARCIA

All legal requirements for items set for public hearing on the Santa Cruz County Planning Commission agenda for this meeting have been fulfilled before the hearing including publication, mailing and posting as applicable.

- A. ROLL CALL:**
Commissioners Bremner, Holbert, Ruth, Shepherd present at 9:00 a.m.
- B. PLANNING DIRECTOR'S REPORT:** None.
- C. COUNTY COUNSEL'S REPORT:** Dwight Herr, Rahn Garcia
Dwight Herr: Announced that the court has appointed a receiver for Marmo's Trailer Park.
- D. ADDITIONS AND CORRECTIONS
TO THE AGENDA:** None.
- E. ORAL COMMUNICATIONS:** None.
- F. CONSENT ITEMS:**

ITEM F.1

Proposal to rezone three parcels from "RA" Residential Agriculture, to "TP" Timber Production. Requires a Rezoning. Property located on the northwest corner of the intersection of Laurel Glen Road and Aurora Road.

OWNER: KUMARAN THAMBY & LOELIA H/W JT
 APPLICANT: KUMARAN THAMBY & LOELIA H/W JT
 SUPERVISORIAL DIST: 1
 PROJECT PLANNER: CATHLEEN CARR, 4543225

MOTION

COMMISSIONER BREMNER MOVED TO ACCEPT STAFF RECOMMENDATION.
 SECONDED BY COMMISSIONER RUTH.

VOICE VOTE 4-0

MOTION CARRIED AND SO ORDERED.

a . **SCHEDULED ITEMS:**

ITEM H-1

Proposal to create two, single-family residential parcels. Requires a Minor Land Division, a Coastal Development Permit and a Roadside Exception. Property located at the northeast corner of the intersection of 26th Avenue and East Cliff Drive (at 2-2611 East Cliff Drive).

OWNER: SANTA CRUZ PROPERTIES LLC ATTN: MR. ROBERT ERIKS
 APPLICANT: SANTA CRUZ PROPERTIES LLC ATTN: MR. ROBERT ERIKS
 SUPERVISORIAL DIST: 1
 PROJECT PLANNER: JACKIE YOUNG, 454-3181

JACKIE YOUNG: Showed slides, discussed project design, dedication of frontage to County, noted design review issues including architecture and landscaping, described access to lots, noted applicants request for changes to conditions, gave recommendation for action.

PUBLIC HEARING OPENED

STEPHANIE BARNES-CASTRO: Available for questions, asked for modification to project conditions.

PUBLIC HEARING CLOSED

COMMISSIONER BREMNER: Asked for response to condition change.

JACKIE YOUNG: No objection to change.

COMMISSIONER BREMNER: Only concern is no plan line is being proposed. East Cliff would be difficult. Dedication should be sufficient. No problem with project.

MOTION

COMMISSIONER BREMNER MOVED TO APPROVE AS PROPOSED. SECONDED BY COMMISSIONER HOLBERT.

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 4-0.

ITEM H-2**PLANNING COMMISSION STUDY SESSION**

Planning Commission Study session on rezoning to the timber production zone district.

PROJECT PLANNER: CATHLEEN CARR, 454-3225

MARK DEMING: Gave staff presentation. Dave Hope will give presentation upon his return. Discussed background of current timber rule status. County may determine where harvests occur but not how through its zoning ordinance. Noted recent increase in demand for timber, described relevant State law dealing with timber rezonings, listed submittal requirements for rezoning applications. County has discretion on minimum parcel size and compatible uses as provided by State law. No definition of Forest Management Plan in State law or County ordinances. Staff has established guidelines for Forestry Management Plan that is provided to Plan prepares. Noted specific cutting standards in Santa Cruz County that is implemented by State Forestry. Concluded by describing status of ordinance before Coastal Commission and Board of Forestry.

COMMISSIONER RUTH: What is the date of the rules we currently operate?

MARK DEMING: The rules in effect at the end of 1997. Those were the last changes that effect this County.

CATHLEEN CARR: Described a new type of timber rezoning that Commission will soon be considering. These applications do not require Timber Management Plans.

COMMISSIONER SHEPHERD: Can we change this?

MARK DEMING: No, this is specified by State law.

COMMISSIONER HOLBERT: Board can still deny rezoning.

DWIGHT HERR: Our office has issued an opinion on this issue. Board still has discretion.

COMMISSIONER HOLBERT: These could result in lots of problems.

COMMISSIONER BREMNER: Concerned about minimum parcel; should be larger than 5 acres. Doesn't make sense to have this small of Timber Production parcels. Need to explain compatibility use ordinance.

MARK DEMING: It's the use chart for the Timber Production zone district.

DWIGHT HERR: does not refer to general compatibility.

CATHLEEN CARR: State code is more restrictive than local ordinances. A home in Timber Production zone is not discretionary.

COMMISSIONER BREMNER: Criteria for rezoning is frustrating and hard to grasp. Need to make additional finding.

COMMISSIONER HOLBERT: Thinks the 5 acre minimum is low. Would like a comparison.

MARK DEMING: Set by the Board in mid-1970's.

COMMISSIONER SHEPHERD: Rezoning were seeing results in future residential development.

MARK DEMING: We don't have authority over roads in a timber harvest.

DWIGHT HERR: State pre-empts County on how harvests take place.

COMMISSIONER SHEPHERD: Parcel size is a problem and we are trying to encourage people to do this.

COMMISSIONER BREMNER: Summary of our comments should be sent to the Board in a letter.

COMMISSIONER SHEPHERD: We're all interested in the minimum parcel size being reviewed. Difference between Production and Preservation is significant and can be confusing and development additional zoning findings.

COMMISSIONER BREMNER: Another parcel should be compatible uses; maybe residential use should be discretionary.

COMMISSIONER HOLBERT: Could urge the Board to adopt the permanent ordinance until Board of Forestry takes action.

64

ITEM H-3**PLANNING COMMISSION STUDY SESSION**

To consider the direction of the Board of Supervisors on request for waivers of design review submittal requirements.

PROJECT PLANNER: MARTIN JACOBSON, 454-3 189

MARTIN JACOBSON: Reviewed direction given to staff by Board of Supervisors; noted changes in submittal requirements, meeting with developers, and changes in project conditions.

COMMISSIONER HOLBERT: Cumbersome procedure. Need someone with design experience.

COMMISSIONER BREMNER: Need design person on staff. Trying to legislate design. Need flexibility in design. Letters in packet are true. Two projects are to blame for this material. Need to go back to the basics.

COMMISSIONER HOLBERT: This process is too much.

COMMISSIONER SHEPHERD: When we had designer on staff, it was a pleasure.

DAVID LEE: The board on two occasions has given this direction. Without a waiver, no flexibility will occur.

COMMISSIONER BREMNER: The finding is too broad and subjective. Doesn't know what in means.

COMMISSIONER SHEPHERD: Need usable policy to give the public.

COMMISSIONER BREMNER: What the Board has done is not right. Need a joint study session with the Board.

COMMISSIONER SHEPHERD: Noted memo received before hearing.

COMMISSIONER RUTH: Would like public comments.

PUBLIC HEARING OPENED

STEVE GRAVES: This whole thing is still open for discussion: Listed concerns with new submittal requirements as outlined in his memorandum. Little incentive for the waiver process. Submittal requirements should be made optional. Described optional process that the Commission should consider.

61

JOHN SWIFT: Faced with providing complete designs. Waiver is a good idea but proposed administration is inappropriate. Waiver should be part of formal application. The waiver won't be binding. This is a tremendous burden. Listed some options to Board's submittal requirements. Concern for designing homes for lots that don't get approved.

KATHLEEN CASEY: Goal should be to come up with well designed projects. This proposal does not serve that goal. This proposal does not serve that goal. Thinks a joint session is a good idea. Concern for the lack of flexibility. Wants flexibility.

PUBLIC HEARING CLOSED

COMMISSIONER R HOLBERT: Does not believe this was the Board's intent.

DAVID LEE: Brought the attention of the minute order to the Commission.

JOHN SWIFT: Described a real world project. Needs to bring back to Commission for approval.

COMMISSIONER SHEPHERD: We should list our concerns.

COMMISSIONER BREMNER: General approach is flawed. Need to step back.

COMMISSIONER HOLBERT: Need to start over again. Take into consideration all concern noted.

COMMISSIONER SHEPHERD: Should acknowledge a new design review position be authorized by the Board. Process seems cumbersome. Board should look at Mr. Graves letter. Board should reconsider their decision. Open to working with the Board on a joint session.

MOTION

COMMISSIONER BREMNER MOVED TO DIRECT STAFF TO PREPARE A LETTER FOR THE CHAIRPERSON SIGNATURE FORWARDING THE CONCERNS EXPRESSED BY THE COMMISSION. SECONDED BY COMMISSIONER HOLBERT.

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 4-0.

MORNING AGENDA ADJOURNED AT 11:00 A.M.

RECONVENED FOR EVENING AGENDA AT 7:00 P.M.

COMMISSIONERS PRESENT: ROBERT BREMNER, DENISE HOLBERT, LEO RUTH,
DALE SKILLICORN, RENEE SHEPHERD(CHAIRPERSON).

ITEM H-1

The Santa Cruz County Planning Commission will hold a public hearing to review the General Plan/Local Coastal Program Land Use Plan designation and Zoning of APN 038-08 1-36 (McGregor/Sea Ridge Drives). The Property is located at the northwest corner of the intersection of McGregor and Sea Ridge Drives.

OWNER: N/A

APPLICANT: N/A

SUPERVISORIAL DIST. : 2

PROJECT PLANNER: GLENDA HILL/MARK DEMING

GLENDA HILL: Reviewed staff report, chronology from Board of Supervisor's letter (Exhibit B), zoning history, staff opinions. Also gave a review of 4 levels of designations, for the site including General Plan, priority of sites, zoning, and special community. Gave slide show of the site and maps and gave recommendation.

COMMISSIONER RUTH: Questions regarding status of the Minor Land Division improvements of the property and ownership.

GLENDA HILL: Minor Land Division improvements are bonded for. Property has recently changed recently changed ownership.

COMMISSIONER HOLBERT: Questions regarding moratoriums.

RAHN GARCIA: Discusses procedure and types of moratoria, including interim urgency ordinance.

PUBLIC HEARING OPENED

RICH BEALE(representing: Kumar brothers): Business is hotels, etc; purchased property; no interest in retail, min-mart, gas station, etc.

PEPER GOLESH (Representing the coalition to save Seacliff): Reads from letter. Wants VA on property, one year moratorium for any large scale projects, and a village plan prepared.

BRIAN SMITH(Member of the Coalition to Save Seacliff/Aptos). Disagrees with staff report. C-2 zoning is too broad. Wants "VA" zoning as it is most restrictive but does not want gas station. Restaurant/lodging most desirable and would like neighborhood park but elsewhere,

“VA” is what they want. Any development needs traffic study/infrastructure. One year moratorium on all large commercial sites (MC **Gregor**, Poor Clares, Par 3, **Seacliff**) and preparation of a community plan. Highest and best use is a park.

WALT FROLOFF (Representing two homeowners Associations): Community park needed. Lots of growth has happened. No Hotel/other uses; too many impacts.

KEITH SUGAR (Former Aptos resident): SCAN endorses Coalition’s position; supports control of growth in Aptos. Quality of life issue, and wider issue (County Wide)- growth pressure. Wants Moratorium. VA zoning would not be a “takings” issue.

GWYNNETH DAVIES (Coalition/resident/parent): Need neighborhood park. High density area/more density is proposed. Cites General Plan park standards in support of MC **Gregor** as a park site. Planned acquisition of parks does not meet real needs. Par 3 golf course/MC **Gregor** may be a priority of supervisor Symons. Wants Planning Commission to recommend a park site.

DOUG CARPENTIER (Seacliff resident): Discussed impacts on residents and also noise; traffic; trucks. No development/park.

CLAYTON ROSS (Seacliff resident): Against seven-eleven with gas pumps a la “CT”. Develop a plan. Koch property has been sold. Aptos Village subdivision applied for. Want moratorium and a plan.

DAVE HAWKINS (Aptos resident): Concerned about all the development. Stop/slow down development.

BOB KUHN (Aptos): Minor Land Division improvements are nothing but degradation. “Takings” to property owners surrounding development. Health, safety, and welfare impacted by traffic increase and water supply issues. Environmental degradation due to development. Water issue/long term is a big problem. Why have more **traffic** if we can’t handle existing **traffic**.

HOWARD MAZEE (Vice Chair of the Surf Riders Organization): Supports the position of the coalition.

CHERIE BOBBE (Seacliff resident of 25 years): Special Community and Coastal priority site sound strong; where is the protection. C-2 is the most intense type of commercial use. Reviews her view point and interpretation of staff report. One-year moratorium is needed. CT vs VA; only difference is service station. CT not needed; VA is it!

DAN HOLDREN (Seacliff Merchants Assoc.): Wants village plan; here is why. Adjacent to **Seacliff Site Beach** new Highway improvements, historic village atmosphere, integrated community. Scenic, historic. Compares to some nearby city’s transient occupancy tax money.

Beautiful area, tourism is good. **Seacliff** Village as a tourist destination on with a village plan makes sense. Need one year moratorium to develop a village plan. Reviews areas of State Parks in the area.

ELIZABETH GOLDRING: Need fields for recreation especially teenagers, not just for little kids.

RON SMITH (La Selva resident): Wants decision tonight. Traffic is a major issue. Would like a park. For his wife, a park and an art center for local artists (rentable studios).

FRANK GUILIANI (Owner of Seacliff Inn): Against VA ; would like park. Poor Clares site will generate lots of traffic where his church is located. New owners probably don't have ownership of the property.

DAVID BROWN (Coast Lands church): Concerned about restriction on "poor clares" property. Need larger scale plan for area. Discusses his concerns about zoning.

JACK BROSIO (Seacliff/Capitola resident): Don't see San Jose here. Wants park and wants his kids to have same life as he.

SUSAN FERRELLANDERSON (Supports coalition): Handed out stickers/most popular was park and one year moratorium. Questions how does the community's desires get met. Should have local accommodations and not cater to wealthy tourist. Wants park/community space.

CHARLIE BAILEY: Small business angle; service station. Need parks not big stores. The new owners; who are they/they don't know **Aptos/** they'll say anything. Needs to be local businesses. More traffic will be tragic. Already being choked. Impressed with turnout.

JIM MORLEY: Do Coastal Commission rules apply to this property?

GLENDA HILL: Explained the Role of the Coastal Commission.

PAUL ELERICK (Jennifer Dr., Aptos): Representing Aptos Neighbors Association and is in favor of one year moratorium. Against strip mall type development.

PUBLIC HEARING CLOSED

COMMISSIONER HOLBERT: Should recommend VA zoning request. One year to do a Village Plan. Isn't sure about Moratorium. Maybe modified to not allow certain applications.

DALE SKILLICORN: In support o **Seacliff** Village Plan. Don't need moratorium due to processing time of any project. Parks seems like over-kill with State Park's upland areas

available for development. Also, Porter-Session. Supports VA zoning.

COMMISSIONER RUTH: Enjoyed presentations. Supports "VA" (bothered about service station). No moratorium but **Seacliff V.** Plan is a good idea. The plan may end up recommending the property be designated for a park. Supervisor Symons work to acquire park acquisition would be great.

COMMISSIONER BREMNER: Very interesting, can tailor use chart in CT. **Seacliff Village** is a special place like Pleasure Point. V.A. ok; size of parcel is a concern. Community plan ok/need staff and money. Discussion with staff on park development processes. Would like a parks overlay. Do not support moratorium. Interim ordinance, ok (limited).

COMMISSIONER SHEPHERD: Community Plan is good. Likes the idea of an interpretive center. VA ok. No moratorium.

COMMISSIONER RUTH: Moves option number 3 in staff report to Board of Supervisors. Rezone to VA. Board of supervisors to direct staff to prepare community plan within one year.

COMMISSIONER BREMNER: Could add language about impending Special community effort.

COMMISSIONER HOLBERT: Only for large projects, not for new single family dwellings on existing lots.

MOTION

COMMISSIONER RUTH MOVED TO RECOMMEND TO BOARD OF SUPERVISORS. REZONE PROPERTY TO VA, DIRECT PLANNING TO PREPARE WITHIN ONE YEAR, A COMMUNITY PLAN FOR **SEACLIFF VILLAGE**, AND ENACT AN INTERIM ORDINANCE TO REVIEW NEW DEVELOPMENT APPLICATIONS FOR INCONSISTENCY WITH OBJECTIVES OF THE COMMUNITY PLANNING PROCESS SECONDED BY COMMISSIONER SKILLICORN.

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 5-0.

PLEASE NOTE: THESE MINUTES HAVE NOT BEEN APPROVED BY THE PLANNING COMMISSION AS OF MAY 14, 1999.



PATRICIA GAONA
PLANNING DEPARTMENT

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:

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

13.10.215 ZONING PLAN AMENDMENT

(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

61

 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; 2623, 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

61