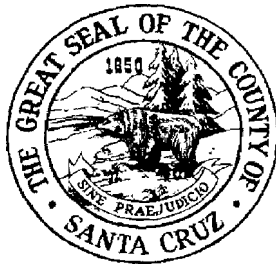

PLANNING DEPARTMENT

GOVERNMENTAL CENTER



COUNTY OF SANTA CRUZ

701 OCEAN STREET
FAX (831) 454.2131

SANTA CRUZ, CALIFORNIA 95060
(831) 454.2580

July 29, 1999

Agenda: August 10, 1999

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

SUBJECT: CONTINUED CONSIDERATION OF THE REPORT ON THE 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 December 15, 1998, your Board directed the Planning Commission to study the existing zoning and consider the appropriateness of rezoning APN 038-081-36, the parcel at the corner of McGregor and Sea Ridge Drives in the Aptos area, to the VA (Visitor Accommodations) zone district.

Based on your direction, the Planning Commission held a public hearing on April 28, 1999, and recommended to your Board that the property be rezoned to the VA zone district, that a Seacliff Community Plan be prepared (preferably within a year's time), and that an interim ordinance be enacted that would require review of any large project that might impede the efforts or recommendations of the Seacliff Community Plan.

Your Board then considered the Planning Commission's recommendations on May 25, 1999. There was public testimony supporting an interim ordinance and the preparation of a Seacliff Community Plan. There was testimony both in favor of rezoning the property to the VA zone district and designating the property for park use.

Your Board continued discussion of the appropriate designation of APN 038-081-36 until August 10, 1999, with the intent to adopt an interim ordinance prohibiting uses which may in conflict with a Seacliff Community Plan, and directed staff to:

1. Include the Seacliff Community Plan in the 1999-2000 Work Program;
2. Return with a resolution of intent to rezone APN 038-081-36 to the VA (Visitor Accommodations) zone district; and

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3. Return with processes and timelines for developing park sites (see Minute Order, Attachment 4)

The scope and timing of the Seacliff Community Plan will be included as part of the materials submitted for your Board's consideration of the Planning Department's Advanced Planning Work Program, which will come before your Board at your last meeting in August or first meeting in September. At that time, your Board may choose to include a larger area for study (such as the Caltrans right-of-way and State park land) than is proposed for the interim ordinance.

DISCUSSION AND ANALYSIS

Interim Ordinance During Preparation and Adoption of the Seacliff Community Plan

Your Board has stated your intention to adopt an interim ordinance prohibiting uses which may be in conflict with the proposed Seacliff Community Plan. An interim ordinance is included in your packet (Attachment 1) for your consideration.

The interim ordinance sets forth the following provisions of the interim zoning regulations. These provisions would:

1. Prohibit approval of any discretionary use within the area until the preparation and final adoption of the community plan. If an application were submitted, it would be denied if findings could not be made of consistency with the interim ordinance. Due to a recent court case, County Counsel has advised staff that prohibition of the acceptance of discretionary permit applications may not be legally defensible;
2. Allow exceptions to the above prohibition in the following cases:
 - a. Applications for discretionary uses that have been deemed complete on or before August 9, 1999. There is one complete application pending within the Seacliff Beach Special Community for a grading permit that will correct a drainage problem;
 - b. Applications for discretionary uses made for the sole purpose of addressing a violation, for which a property owner has been notified in writing by a government body on or before August 9, 1999. There are currently five active Code Compliance cases within the Seacliff Beach Special Community. This exception would allow continued enforcement action by Code Compliance, and other government agencies, during the preparation and adoption of the Seacliff Community Plan;
 - c. Applications for discretionary uses made for the sole purpose of addressing an imminent threat to life or property, as determined by the Planning Director, Building Official, or County Geologist. This provision is added to deal with possible natural disasters, such as an earthquake or severe winter weather.
3. Allow the processing and issuance of building permits found consistent with the General Plan/Local Coastal Program Land Use Plan (LCP). Building permits for projects that do not also require discretionary permit approval could be allowed.

Staff is RECOMMENDING that the boundaries of the area included in the interim ordinance be that of the Seacliff Beach Special Community, as defined in the General Plan/LCP and illustrated in Attachment 3. Seacliff Beach Special Community is the well-defined, predominately commercial area of Seacliff and includes the McGregor property. Policy 8.8.1 of the General Plan/LCP encourages development of special design guidelines for well-defined villages, towns and communities. The inclusion of a more extensive area would impact existing residentially developed neighborhoods. Adoption of the interim ordinance requires that your Board make findings that the ordinance is necessary for the protection of the public health, safety, and general welfare and is consistent with Government Code Section 65858. The required findings are included in the proposed interim ordinance (Attachment 1).

Staff is not recommending inclusion of the two vacant parcels to the north of the McGregor property in the interim ordinance area. These parcels are zoned for residential uses and, therefore, are not part of the commercial area of Seacliff. Because of their proximity to the Seacliff Community area, however, it is appropriate that any development proposed on these two parcels should be complementary to the design standards established in the Seacliff Community Plan.

Approval of the interim ordinance requires a 4/5 vote and would be in effect for 45 days, at which time your Board may extend the interim ordinance for one year, again by a 4/5 vote, after a duly noticed public hearing. Staff will notify all property owners within the interim ordinance area of the public hearing. An additional one year extension is possible, if necessary.

Resolution of Intention to Rezone

During the meeting on May 25, 1999, your Board received public testimony requesting that the McGregor parcel be rezoned to the VA (Visitor Accommodations) zone district or be designated as a park site. During the Planning Commission public hearing, members of the public also suggested that the property be designated for a Marine Interpretive Center or a Community Center. The public's testimony has clearly shown that the McGregor parcel is considered a key gateway parcel to the Seacliff Beach area.

Your Board has directed that a Seacliff Community Plan be prepared and that uses that may be in conflict with the preparation of the Plan be prohibited. Because of the great public interest in this site, the need for the preparation of an infrastructure needs analysis for the area, and the uncertainty of what uses will be found appropriate for the Seacliff area, your Board may find it prudent to defer rezoning the McGregor property until after the appropriate research has been compiled and/or preparation of the Plan is completed.

If your Board adopts the interim ordinance, no use can be approved for the McGregor site until completion of the Seacliff Community Plan; therefore, the urgency to protect the site from potentially incompatible uses no longer exists. Rezoning the property now to the VA zone district implies that your Board has already decided the appropriate use for the site, prior to the beginning of the development of the Seacliff Community Plan. In our judgement, the zoning for the parcels in the Plan area, including this parcel, should be considered in conjunction with the Plan itself.

Staff is, therefore, RECOMMENDING that your Board not adopt a Resolution of Intention to rezone APN 038-081-36 at this time.

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If your Board believes that a rezoning is appropriate now, a Resolution of Intention is included as Attachment 2 for your consideration. It is requested that your Board direct staff on the appropriate timing for processing the rezoning — whether you prefer to have the rezoning come back to your Board prior to your consideration of the Seacliff Community Plan; at the same time as the Seacliff Community Plan; or subsequent to your action on the Seacliff Community Plan, so as to preserve your options for this site.

Processes and Timelines for Developing Park Sites

To begin a County-initiated designation of a park site, your Board would direct staff to process a rezoning to add the “D” (Designated Park Site) combining district to a property’s zoning and a General Plan/LCP amendment to change the designation of the property to Proposed Park.

The rezoning and General Plan/LCP amendment would require review by the Parks and Recreation Commission, Environmental Review, and public hearing before the Planning Commission. If your Board then approved the rezoning and General Plan/LCP amendment, the proposal would be forwarded to the Coastal Commission, as part of a General Plan round, for hearing and certification. Your Board could then direct the Real Property division to enter into negotiations with the property owner on a purchase price, or wait for a development application to be submitted for the property, thereby initiating the Park Site Review Process.

The timeline for processing the rezoning and General Plan/LCP amendment would be approximately six to nine months. The appropriateness of a park site for the McGregor property should be explored as part of the preparation of the Seacliff Community Plan.

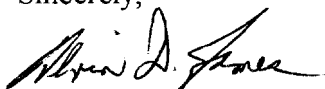
CONCLUSION AND RECOMMENDATION

Preparation of a Seacliff Community Plan will implement Policy 8.8.1 of the General Plan/LCP and will facilitate orderly development of the area. Deferring rezoning of APN 03 8-08 1-36 until preparation of the Seacliff Community Plan will give your Board the facts needed to select the most appropriate zoning for the parcels in the Plan area, including the McGregor/Searidge parcel.

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

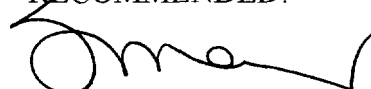
1. Adopt the attached interim ordinance (Attachment 1), as an urgency measure, including the boundaries as set forth in Attachment 3; and
2. Defer initiation of a rezoning for the McGregor parcel until preparation of the Seacliff Community Plan; and
3. Direct the Clerk of the Board to schedule a public hearing on September 21, 1999 to consider the extension of the interim ordinance.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Proposed Interim Ordinance
2. Resolution of Intention
3. Map of proposed Seacliff Community Plan area boundaries
4. Minute Order of May 25, 1999

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, Inc.
Sea Breeze Homeowners Association
Katherine P. Minott
Parks, Open Space and Cultural Services Department
Coastal Commission

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF SANTA CRUZ
ESTABLISHING INTERIM ZONING REGULATIONS FOR THE
SEACLIFF BEACH SPECIAL COMMUNITY AREA**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors of the County of Santa Cruz make the following findings:

1. Policy 8.8.2 of the General Plan/Local Coastal Program Land Use Plan designates the Seacliff Beach Area as a Special Community.
2. Policy 8.8.1 of the General Plan/Local Coastal Program Land Use Plan encourages development of special design guidelines for well-defined villages, towns and communities.
3. Commercial and residential development taking place within and around the Seacliff Beach area has impacted the traffic, availability of water, utility infrastructure, community services, and quality of life in the area.
4. Approximately 17.5% of the land within the Seacliff Beach Special Community area is vacant and available for development. There is development proposed within the Seacliff Beach Special Community.
5. The Board of Supervisors determined on May 25, 1999, that it is necessary that a land use and design plan be prepared for the Seacliff area. The Board of Supervisors has directed the County Planning Department to include preparation of a Seacliff Beach Community Plan as part of the 1999-2000 Work Program.
6. Such a plan could include determination of appropriate land uses, design requirements such as parking standards, landscaping standards, signage standards, and infrastructure improvements such as drainage, road and roadside improvements, and the undergrounding of utilities.
7. The current General Plan/Local Coastal Program Land Use Plan designations within the Seacliff Beach Community Plan area may no longer be appropriate for the level of transportation facilities, water, utility infrastructure, and community services that exist or that may become

available.

8. New uses proposed for property within the Seacliff Beach area during the development of the Seacliff Beach Community Plan, may conflict with the density of development, types of land uses, and design standards that will ultimately result from the Plan, thus impeding development of the plan itself

SECTION II

Interim Regulation. No discretionary permit shall be approved for any property located within the Seacliff Beach Special Community area, as identified in Exhibit "A", until the preparation and final adoption of the Seacliff Beach Community Plan has been completed, except for any of the following:

1. Applications for discretionary uses that have been deemed complete on or before August 9, 1999;
2. Applications for discretionary uses made for the sole purpose of rectifying a violation, for which a property owner has been notified in writing by a government agency on or before August 9, 1999;
3. Applications for discretionary uses made for the sole purpose of addressing an imminent threat to life or property, as determined by the Planning Director, Building Official, or County Geologist.
4. This ordinance shall not affect the issuance of building permits which are determined to be consistent with the General Plan/LCP, zoning ordinance, and other environmental regulations of the County.

SECTION III

Severability. If any provision of this section or its application to any person or circumstance is declared invalid or unenforceable by a court of competent jurisdiction, this section, to the extent it can be given effect, or the application of this section to persons other than the person to whom it is held invalid, shall not be affected thereby, and to this end, the provisions of this section are severable.

SECTION IV

This ordinance shall take effect immediately based on the findings by the Board of Supervisors that this ordinance is adopted consistent with Government Code Section 65858, and is necessary for the protection of the public health, safety, and general welfare. The facts

constituting the need for this ordinance are set forth in the findings contained in subdivision (a) of Section 13.10.698. Pursuant to Government Code Section 65858, this ordinance shall be in full force and effect for 45 days from the date of its adoption by the Board of Supervisors, unless, following a public hearing noticed pursuant to Government Code Section 65090 and four-fifths vote of its members, the Board of Supervisors extends the interim ordinance in accordance with the provisions of Government Code Section 65858.

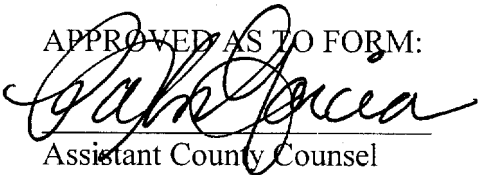
PASSED AND ADOPTED this ____ day of _____, 1999, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairperson of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

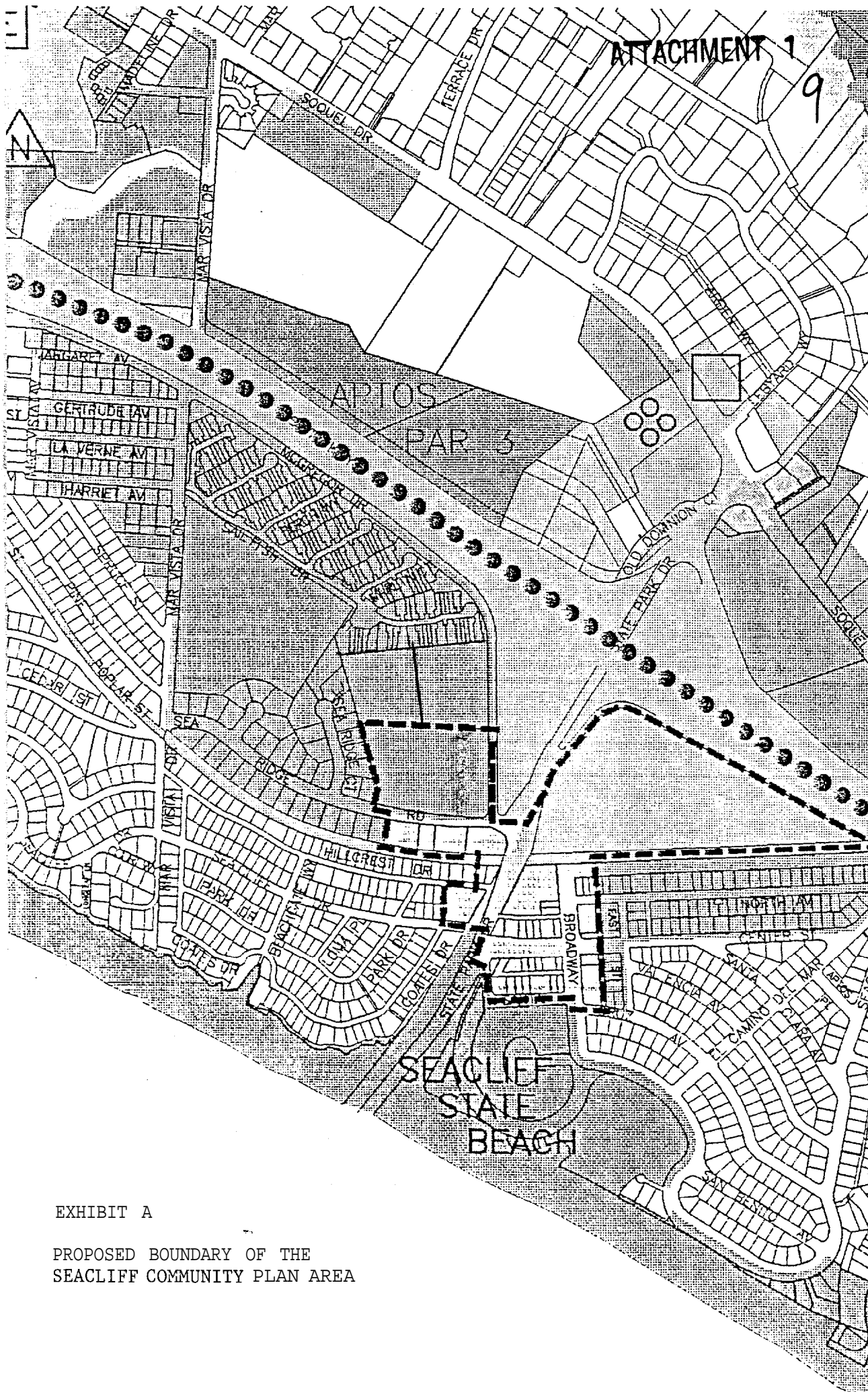


EXHIBIT A

PROPOSED BOUNDARY OF THE
SEACLIFF COMMUNITY PLAN AREA

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

RESOLUTION NO. _____

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

RESOLUTION OF INTENTION
TO REZONE APN 038-08 1-36 ("MCGREGOR PROPERTY")
FROM THE "C-2" COMMUNITY COMMERCIAL ZONE DISTRICT
TO THE "VA" VISITOR ACCOMMODATIONS ZONE DISTRICT

WHEREAS, at their December 15, 1998 meeting, the Board of Supervisors directed the Planning Commission to study the existing zoning of APN 038-08 1-36 and the appropriateness of rezoning it to the "VA" Visitor Accommodations zone district; and

WHEREAS, on April 28, 1999, the Planning Commission held a public hearing to determine the appropriate zoning, and recommended to the Board of Supervisors that APN 038-08 1-36 be rezoned to the "VA" Visitor Accommodations zone district; and

WHEREAS, on May 25, 1999, the Board of Supervisors considered the Planning Commission's recommendation and directed Planning staff to prepare a Resolution of Intention to rezone APN 038-081-36 to the "VA" Visitor Accommodations zone district; and

WHEREAS, APN 038-081-36 is located within the Coastal Zone; and

WHEREAS, APN 038-08 1-36 is designated as part of the Seacliff Special Community by the Local Coastal Program Land Use Plan; and

WHEREAS, Policy 8.8.3 of the General Plan/LCP states: "Encourage the provision of tourist commercial services within Coastal Special Communities, as follows: . . . Seacliff Beach Area: Entire Special Community"; and

WHEREAS, APN 038-08 1-36 is currently designated as Community Commercial by the General Plan/Local Coastal Program Land Use Plan; and

WHEREAS, APN 038-08 1-36 is zoned "C-2" Community Commercial which allows a variety of commercial uses including non tourist commercial uses; and

WHEREAS, the "VA" Visitor Accommodations zone district allows only tourist commercial services; and

WHEREAS, rezoning APN 038-08 1-36 to "VA" Visitor Accommodations would implement Policy 8.8.3 of the General Plan/LCP; and

WHEREAS, the "VA" Visitor Accommodations zone district is an implementing zone district for the Community Commercial General Plan/LCP land use designation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors hereby states its intention to rezone APN 038-08 1-36 from the "C-2" Community Commercial zone district to the "VA" Visitor Accommodations zone district and directs Planning staff to process the rezoning.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 1999 by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

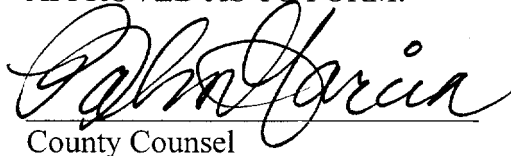
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



County Counsel

DISTRIBUTION: County Counsel
Planning Department

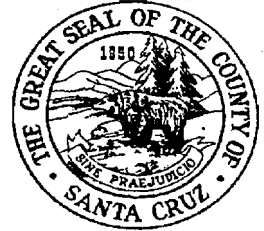


PROPOSED BOUNDARY OF THE
SEACLIFF COMMUNITY PLAN AREA

COUNTY OF SANTA CRUZ

STATE OF CALIFORNIA

ATTACHMENT 4



AT THE BOARD OF SUPERVISORS MEETING

On the Date of May 25, 1999

REGULAR AGENDA Item No. 061

(CONSIDERED report of the Planning Commission's review (of the General Plan/Local Coastal Program Land Use (Plan designation and zoning on APN: 038-081-36 ((McGregor/Sea Ridge Drives); (continued to August 10, 1999 the McGregor discussion (with the intent to adopt an interim ordinance (prohibiting uses which may be in conflict with the (Seacliff Town Plan currently underway; directed staff (to return on August 10, 1999 with a resolution of (intent to rezone the McGregor Parcel to Visitor (Accommodation (VA); directed the Planning Department (to include the **Seacliff** Town Plan or Community Plan in (the 1999-2000 Work Program; and further directed to (return with processes and timelines for developing (park sites...

Considered report of the Planning Commission's review of the General Plan/Local Coastal Program Land Use Plan designation and zoning on APN: 038-081-36 McGregor/Sea Ridge Drives);

Upon the motion of Supervisor Symons, duly seconded by Supervisor Wormhoudt, the Board, by unanimous vote, continued to August 10, 1999 the **McGregor discussion** with the intent to adopt an interim ordinance prohibiting uses which may be in conflict with the **Seacliff** Town Plan currently underway; directed staff to return on August 10, 1999 with a resolution of intent to rezone the McGregor Parcel to Visitor Accommodation (VA); directed the Planning Department to include the **Seacliff** Town Plan or Community Plan in the 1999-2000 Work Program; and further directed to return with processes and timelines for developing park sites

cc:

CAO

Planning

Glenda Hill, Planner

Mark Deming, Planning

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, k-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 May 28, 1999.