

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA

0257



AT THE BOARD OF SUPERVISORS MEETING

On the Date of April 4, 2000

CONSENT AGENDA Item No. 055

(ACCEPTED AND FILED report on the expanded design review
(submittal requirements including a draft ordinance and
(scheduled the matter for consideration on May 9, 2000 at
(7:30 p.m., and approved related actions...

Upon the motion of Supervisor Symons, duly seconded by Supervisor **Beautz**, the Board, by unanimous vote, accepted and filed report on the expanded design review submittal requirements including a draft ordinance and scheduled the matter for consideration on May 9, 2000 at **7:30** p.m., and approved related actions

CHANGED MEETING TIME:

meeting time changed to **7:30** p.m., instead of **1:30** p.m.

c c:

CAO

Planning Department
Martin Jacobson, Planning
David Lee, Planning

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.

by *Susan A. Mauriello*, Deputy Clerk, ON April 7, 2000. **40**



0258 ~~0421~~

County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) **454-2123**
ALVIN D. JAMES, DIRECTOR

Agenda Date: April 4, 2000

March 23, 1999

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

Subject: Report on the Expanded Design Review Submittal Requirements and
Consideration of a Draft Ordinance

Members of the Board:

BACKGROUND

On December 15, 1998, your Board considered a report from the Planning Department, and a separate report from Supervisors Beautz and Symons, regarding design review and related permit processing issues. Your Board adopted the recommendations in those reports, resulting in the following new requirements:

- ▶ An expanded list of application materials for projects subject to the County's Design Review ordinance;
- Recordation of the final permit conditions in the Office of the County Recorder;
- ▶ A requirement for any changes between the approved plans and the final plans to be referred to the decision-making body for approval; and
- ▶ A requirement for the final conditions to be included on all construction plans.

As you will recall, the purpose of these additional requirements and actions is to better evaluate the impact of new developments on surrounding neighborhoods, alert any subsequent developer of the conditions associated with an entitlement, and ensure that the project approved by the decision-maker is that which is ultimately constructed. A copy of your December 15 minute order, and the new filing requirements, are included as Attachments 1 and 2, respectively.

Board of Supervisors
Agenda date: April 4, 2000

On December 15, your Board also directed Planning and Public Works to continue to work together to improve coordination in our joint review of tentative maps and improvement plans, to meet with the development community to discuss these new requirements, and to return to your Board with any additional recommendations.

In response to your directives, we met with the development community on February 8, 1999, and prepared a supplemental report for your Board's consideration on March 23, 1999. At that time, your Board clarified the types of projects to which the expanded design review requirements apply, referred a proposal for a design review waiver procedure to the Planning Commission for their consideration and recommendation back to your Board, and directed Planning to report back after the first of this year with an evaluation of these new requirements, along with any additional recommendations for your consideration (Attachment 3).

After considering comments provided by the Planning Commission, your Board on June 8, 1999, approved a waiver process for projects subject to Design Review. Currently, the ordinance grants the authority to waive submittal requirements to the Planning Director. However, your Board directed that any waivers be granted only after considering such a request at a noticed public hearing before the Zoning Administrator (Attachment 4).

IMPLEMENTATION OF THE NEW REQUIREMENTS

The Planning Department began requiring the new submittal requirements immediately after your Board's action in December, 1998. Since that time, the Zoning Administrator and the Planning Commission have approved twenty-two development projects which were subject to the new submittal requirements and other provisions. Seven of these projects were returned to the Planning Commission on their consent agenda to consider and approve minor differences between the approved plans and the final construction documents. All seven were approved by the Commission as proposed. Each project was conditioned to require recordation of the final permit conditions in the Office of the County Recorder, and to have the final conditions attached to all construction plans. The Department has one pending application for a waiver of the submittal requirements.

We have met on numerous occasions with the Department of Public Works. Our departments have developed and implemented new administrative procedures to improve the plan review process, especially for land divisions.

During the consideration of another matter earlier this year, Supervisor Beautz suggested, and we concurred, that the new design review and processing requirements should be incorporated into the County Code. Our Work Program was amended to include this project. Accordingly, a draft ordinance has been prepared for your review and consideration (Attachment 5).

Board of Supervisors
Agenda date: April 4, 2000

PROPOSED ORDINANCE

Various amendments to Chapters 13.11 and 18.10 are recommended to codify your Board's previous directions. During our review of these Chapters, we also identified areas that need minor correction or clarification. The proposed ordinance would:

1. Codify the directions of your Board regarding the supplemental Design Review requirements,
2. Vest the authority to grant a waiver of the application submittal requirements to the Zoning Administrator following a noticed public hearing,
3. Require that any changes between an approved project subject to the new requirements, and the final construction plans, be returned to the decision-making body,
4. Complement, expand, and clarify the current submittal requirements for development proposals subject to Design Review, and
5. Require that the development permit be signed by the owner indicating acceptance and agreement with the conditions, that the development permit conditions be recorded in the Office of the County Recorder, and that the development permit conditions be attached to the construction plans.

The proposed changes in the ordinances are marked by highlighting, deletions are shown as ~~strikeout~~. In addition, comments and discussions regarding the proposed amendments are in *italics*, and "boxed."

PROCESSING PROCEDURE

Ordinarily, we bring draft ordinances to your Board for conceptual review, and then request your approval to initiate the formal review process, which includes environmental review, consideration by any appropriate advisory Commissions (such as the Housing Advisory Commission or the Agricultural Policy Advisory Commission), and schedule noticed public hearings before the Planning Commission and your Board. Ordinances which apply County-wide must also be approved by the California Coastal Commission. Due to the substantial interest expressed in this proposal by members of the development community, we are recommending that your Board expand the conceptual review phase to include input from local architects, engineers, designers, developers and any other interested members of the community. Our recommendation is to provide specific notice to individuals who have expressed concerns regarding the new requirements, or who attended the prior public meeting, and to set this matter for consideration by your Board at time certain on a future agenda.

Providing for such input will ensure that the critical issues are discussed by your Board at the earliest possible opportunity. Subsequent approval of a conceptual ordinance would signal your Board's

strong interest in adopting these new requirements.

RECOMMENDATION

It is therefore, RECOMMENDED, that your Board:

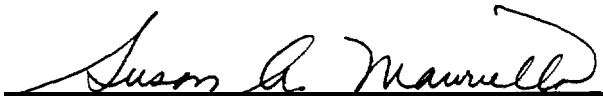
1. Accept and file this report on the progress of the design review submittal requirements,
2. Continue consideration of this matter, including the draft ordinance, to your Board's regular agenda on May 9, 2000 at 1:30 p.m., and
3. Direct the Planning Department to distribute a copy of this report to parties expressing interest in this issue in the past and notify them of your Board's scheduled consideration on May 9, 2000.

Sincerely,



Alvin D. James
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Minute Order of Item 66.1 from the December 15, 1998 Board of Supervisors agenda
2. Design Review Submittal Requirements
3. Minute Order of Item 74 from the March 23, 1999 Board of Supervisors agenda
4. Minute Order of Item 74 from the June 8, 1999 Board of Supervisors agenda
5. Strike-out version of Proposed Ordinance

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COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



0262

AT THE BOARD OF SUPERVISORS MEETING

On the Date of December 15, 1998

REGULAR AGENDA Item No. 066.1

(CONSIDERED report on changes to submittal requirements ~~0425~~
(and processing procedures for development projects
(subject to Design Review;
(1) motion made to approve recommendations in letter of
(Planning Director dated December 4, 1998;
(2) motion made to amend the main motion to direct
(Planning staff to immediately begin requesting from
(applicants, the materials specified by the "Submittal
(Requirements: Design Review," form. These items shall
(be deemed the minimum submittal requirements for a
(project to be deemed complete for processing; require
(the recordation of permit conditions in the Office of
(the County Recorder, following project approval;
(require that **any changes** to approved projects be
(returned to the decision-making body in the form of a
(hearing setting letter and placed on such body's
(Consent Agenda for appropriate consideration and
(action; require that the final Conditions of Approval
(be included on all construction plans. A complete set
(of plans including the final Conditions of Approval
(shall be provided by the project sponsor prior to
(issuance of building permits; direct the Planning
(Director and the Director of Public Works to continue
(working together to improve coordination and condition
(compliance relative to tentative and final land
(division review and approvals; with an additional
(directive to direct the Planning Director to **meet with**
(local businesses to determine the effectiveness of the
(actions and return to the Board with any
(recommendations for Board consideration; passed main
(motion, as amended...

Considered report on changes to submittal requirements
and processing procedures for development projects subject to Design
Review;

Motion made by Supervisor Wormhoudt, duly seconded by Supervi-
sor Beautz, with Supervisors Symons and Belgard voting "no", to
approve recommendations in letter of planning Director dated Decem-
ber 4, 1998;

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.

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COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA

ATTACHMENT 1



0263

AT THE BOARD OF SUPERVISORS MEETING

On the Date of December 15, 1998

REGULAR AGENDA Item No. 066.1

Motion made by Supervisor Symons, duly seconded by Supervisor Almuist, to amend the main motion to direct Planning staff to immediately begin requesting from applicants, the materials specified by the "Submittal Requirements: Design Review," form. These items shall be deemed the minimum submittal requirements for a project to be deemed complete for processing; require the recordation of permit conditions in the Office of the County Recorder, following project approval; require that any changes to approved projects be returned to the decision-making body in the form of a hearing setting letter. and placed on such body's Consent Agenda for appropriate consideration and action; require that the final Conditions of Approval be included on all construction plans. A complete set of plans including the final Conditions of Approval shall be provided by the project sponsor prior to issuance of building permits; direct the Planning Director and the Director of Public Works to continue working together to improve coordination and condition compliance relative to tentative and final land division review and approvals; with an additional directive to direct the Planning Director to meet with local businesses to determine the effectiveness of the actions and return to the Board with any recommendations for Board consideration; passed main motion, as amended

cc:

CAO
Planning

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.

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by

, Deputy Clerk, on December 28, 1998.

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SUPPLEMENTAL REQUIREMENTS: DESIGN REVIEW

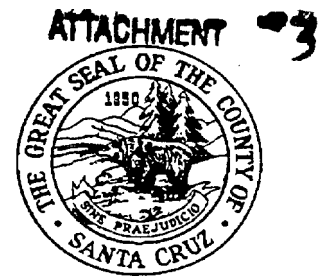
COUNTY OF SANTA CRUZ - PLANNING DEPARTMENT
GOVERNMENTAL CENTER
701 OCEAN STREET - 4TH FLOOR
SANTA CRUZ CA 95060
(831) 454-2130

Chapter 13.11 and Section 18.10.210(e) of the County Code set forth the procedures and requirements for development projects located in Santa Cruz County that are subject to Design Review. In order to expedite our review of your application, please provide each of the items checked on this sheet. copies of plans are required. Without these materials, your application will not be accepted. Certain types of applications are accepted by appointment only. For information call (831) 454-2130; for an appointment to submit an application call 454-3252.

- ☐ 1. A **Vicinity Map**, drawn to an appropriate scale, showing the location of the project in relation to major roads, streams, or other physical features
- ☐ 2. **Site Plan**, drawn to an appropriate scale, showing:
 - ☐ Layout of all streets immediately abutting and/or providing access to the project; include street widths
 - ☐ All existing and proposed property lines
- ☐ 3. **Site Analysis Diagram**, drawn to an appropriate scale, showing:
 - ☐ All building footprint outlines and dimensions including percentage of site coverage, square footage of floor area, and floor-area-ratio
 - ☐ Setbacks from all property lines
 - ☐ Contiguous land uses and uses across the street from the project site
 - ☐ Location of improvements on contiguous parcels including the size, and location of mature landscaping
 - ☐ A perspective drawing depicting the elevations visible from all -street frontages and contain sufficient information to gauge the projects impact on the surrounding neighborhood. This material shall, at a minimum, include a 3-D perspective or an axonometric view of the proposed improvements with emphasis placed on the interface with adjacent lots as well as section illustrations depicting topography and building outlines. Where land divisions are proposed, this emphasis shall be placed on the adjacent neighborhoods
- ☐ 4. **Design Guidelines** for the project consisting of a written statement establishing the parameters of site planning, landscaping, and architectural design
- ☐ 5. **Preliminary Architectural Plans**, drawn to an appropriate scale, including:
 - ☐ All exterior elevations showing building height, exterior materials, and the location and size of glazing (**Note: The location of windows on the preliminary architectural plans will constitute final approval unless changed by the decision-maker(s).**)

- ☐ All floor plans (calculate and note on the plan the floor area of each plan)
- 6. A **Landscaping Plan**, including:
 - ☐ Location, size, and species of existing plants
 - ☐ Location, size, and species of proposed plantings
 - ☐ Irrigation plan and specifications
 - ☐ Location, height, material, color, and elevation of any proposed retaining walls
- ☐ 7. **Material and Color Sample Board** showing a complete inventory of proposed materials and colors displayed on an 8-1/2" x 11" board. Include manufacturers specifications.

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of March 23, 1999

0429

REGULAR AGENDA Item No. 074

0266

(CONSIDERED report on Design Review **Issues**;
(directed the Planning Department to require additional
(Design Review submittal requirements for the following
(projects: a) All Land Divisions within the Urban
(Services Line; b) Subdivisions outside the Urban
(Services Line; c) Single-family dwellings in the
(Coastal Zone in a designated Special Community; d)
(Single-family dwellings greater than 7,000 square
(feet; e) Residential developments of 3 or more units;
(and f) All new Commercial or Industrial construction
(projects; referred the proposal to have the Planning
(Commission decide request for waiver of design
(submittal requirements to the Planning Commission for
(consideration and recommendation back to the Board on
(or before May 25, 1999; directed the Planning Director
(to report back in January 2000 to discuss the results
(of the direction approved in connection with this
(Board action and to include recommendations as
(appropriate; with an additional directive that the
(Planning Commission report back regarding waiver
(requests and anything else it chooses to report on;
(and further directed Planning **staff** to report back on
(the issue of recording conditions...

Considered report on Design Review Issues;

Upon the motion of Supervisor **Beautz**, duly seconded by Supervi-
sor Symons, the Board, by unanimous vote, directed the Planning
Department to require additional Design Review submittal require-
ments for the following projects: a) All Land Divisions within the
Urban Services Line; b) Subdivisions outside the Urban Services
Line; c) Single-family dwellings in the Coastal Zone in a designated
Special Community; d) Single-family dwellings greater than 7,000
square feet; e) Residential developments of 3 or more units; and f)
All new Commercial or Industrial construction projects; referred the
proposal to have the Planning Commission decide request for waiver
of design submittal requirements to the Planning Commission for
consideration and recommendation back to the Board on or before May
25, 1999; directed the Planning Director to report back in January
2000 to discuss the results of the direction approved in connection
with this Board action and to include recommendations as appropri-
ate; with an additional directive that the Planning Commission **re-**

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.

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COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of March 23, 1999

REGULAR AGENDA Item No. 074

0430

0267

port back regarding waiver requests and anything else it chooses to report on; and further directed Planning staff to report back on the issue of recording conditions

cc:

CAO

Planning

Public Works

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.

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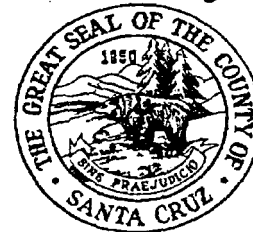
by _____, Deputy Clerk, on March 30, 1999.

CC NTY OF SANTA CRUZ

STATE OF CALIFORNIA

ATTACHMENT

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0268

AT THE BOARD OF SUPERVISORS MEETING

0431

. On the Date of June 8, 1999

REGULAR AGENDA Item No. 074

(CONSIDERED report regarding the Planning Commission's
(study session to consider design review waiver
(procedures;
(considered comments provided by the Planning
(Commission; with an additional directive regarding the
(waiver process to be a noticed public hearing before
(the Zoning Administrator...

Considered report regarding the Planning Commission's
study session to consider design review waiver procedures;

Upon the motion of Supervisor Beautz, duly seconded by Supervi-
sor Symons, the Board, with Supervisors Campos and Almquist voting
"No", considered comments provided by the Planning Commission; with
an additional directive regarding the waiver process to be a noticed
public hearing before the Zoning Administrator

CC:

CAO

Planning

Martin Jacobson, Planning

David Lee, Planning

State of California, County of Santa Cruz-ss.

1, 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 June 11, 1999

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**ORDINANCE AMENDING CHAPTERS 13.11 AND 18.10
OF THE SANTA CRUZ COUNTY CODE RELATING TO
PROJECTS SUBJECT TO CHAPTER 13.11 OF THE COUNTY CODE**

0269

The Board of Supervisors of the County of Santa Cruz, State of California, does ordain as follows:

SECTION I

Section 13.11.040, is hereby amended to read as follows:

13.11.040 PROJECTS REQUIRING DESIGN REVIEW

Design review shall be required for the following private and public activities for which a development, coastal or land division permit approval is required by the County of Santa Cruz:

- (a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.
- (b) Residential development of three (3) or more units.
- (c) New single family residences or remodels of 7,000 square feet or larger as regulated by Section 13.10.325.
- (d) All minor land divisions, as defined in Chapter 14.01, occurring within the Urban Services Line or Rural Services Line, as defined in Chapter 17.02; all minor land divisions located outside the Urban Services Line and the Rural Services Line, which affect sensitive sites; and, all land divisions of 5 parcels (lots) or more. ~~For all subdivisions where actual construction of homes is not part of the application, design guidelines for development shall be required as part of the application submittal package. For all subdivisions where actual construction of homes is part of the application, both design guidelines and prototypical house and landscape design plans shall be required as part of the application submittal package, or design guidelines for future home construction. Any major revisions to approved construction prototypes or design guidelines shall be processed pursuant to Section 18.10.134 and shall be subject to the Design Review process.~~

On March 23, 1999, your Board directed that the additional submittal requirements for development subject to design review were limited to specific projects. You directed that architectural plans are required for all land divisions within the Urban Services Line and Rural Services Line and subdivisions outside the Urban Services Line. For this reason, we have deleted reference to the differentiation between land divisions proposing construction of homes and those that do not propose construction.

- (e) All ~~commercial remodels or new~~ commercial construction: ~~except~~ for interior remodels that will not affect the exterior of the structure.

- (f) All ~~industrial remodels or new~~ industrial construction ~~except~~ for interior remodels that will not affect the exterior of the structure.
- (g) All ~~institutional remodels or new~~ institutional construction: ~~except~~ for interior remodels that will not affect the exterior of the structure. 0270
- (h) All County projects, including, but not limited to, public buildings, park and open spaces, streets and streetscapes.
- (i) Except for large dwellings as defined in this Chapter, all agriculturally-related uses and structures proposed in the A, AP, CA, SU, TP or RA zoning districts are exempt from the standards and guidelines contained herein.
- (j) Design review requirements may be waived if the Planning Director, or his/her designee, certifies that the nature of the project is minor or incidental in respect to the purpose of design review as defined in this Chapter. Conversely, in addition to the activities enumerated in (a) through (i) above, design review requirements may be imposed on a project if the Planning Director, or his/her designee, certifies that the nature of the project is significant in respect to the purpose of design review as defined in this Chapter.
- ~~(k) The landscape water conservation requirements set forth in Section 13.11.075(c) apply only to the common landscape areas of land divisions and of residential developments of three or more units; to commercial, industrial and institutional construction or remodels of 2,000 square feet in size or larger; and to all County projects including, but not limited to, public buildings, parks and open spaces, streets and streetscapes.~~

The paragraph is proposed for relocation to Section 13.11.075(c), because it does not belong under the title of this section which reads "Projects Requiring Design Review."

SECTION II

Section 13.11.051, is hereby amended to read as follows:

SUBMITTAL REQUIREMENTS

All projects subject to this Chapter shall submit the documentation prescribed in Section 18.10.21 O(e) of this Code. ~~The Planning Department may, however, waive any of the prescribed requirements upon a determination that specific items are not relevant to the application due to project characteristics.~~ The Zoning Administrator may, however, waive any or all submittal requirements following a public hearing in accordance with Section 18.10.223 of the County Code, provided the Zoning Administrator makes the following finding:

Because of special circumstances applicable to the property, including, but not limited to, topography, vegetation, location, or pattern of adjacent development, or due to the insignificant nature of the particular improvement, the necessity for the complete list of submittal requirements is unnecessary.

On June 8, 1999, after considering comments provided by the County Planning Commission, your Board decided to vest the authority to grant waivers to the design review ordinance with the Zoning Administrator following a noticed public hearing.

Conversely, any other information deemed necessary by the Planning Director or his/her designee, such as photographs, visual analysis, sketches and renderings, shall be required, if determined necessary for a complete design analysis.

An approval of a waiver of submittal requirements does not infer nor convey any entitlement to development. Notwithstanding the approval of a waiver of submittal requirements, an approving body in the course of processing a development application may subsequently require full design-review submittal requirements based on information not presented or reasonably available at the time the waiver was granted.

This amendment will insure that a decision-maker, such as the Planning Commission or your Board is not bound to a grant of a waiver of a requirement for filing an application.

SECTION III

Subdivision (a) of Section 13.11.060, is hereby amended to read as follows:

- (a) Compliance. Building permit application plans shall be in strict conformance with the approved exhibits. Any and all changes proposed for an approved project subject to this Chapter, ~~including but not limited to~~, changes to the approved exhibits for preliminary grading, drainage, erosion control, architectural, and landscaping plans, and the final plans, must be submitted for the review and approval of a Design Amendment by the Approving Body. Such proposed changes will be evaluated in a report to the Approving Body to determine if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any proposed changes that deviate in any way from the already approved final conditions of approval shall be specifically illustrated on a separate set of plans submitted to the County for review. All required improvements on the approved building permit application package shall be installed or, in some cases, secured, as shown on the plans prior to final inspection and/or issuance of a certificate of occupancy.

Parcel and Final maps shall be in strict conformance with the approved Tentative Map and all related exhibits. Any and all changes proposed for an approved project subject to this Chapter, including but not limited to; changes to the approved exhibits for preliminary grading, drainage, erosion control, architectural, and landscaping plans, and the Parcel or Final map, must be submitted for the review and approval of a Design Amendment by the Approving Body. Such proposed changes will be evaluated in a report to the Approving Body to determine if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any proposed changes that deviate in any way from the already approved final conditions of approval shall be specifically illustrated on a separate set of plans

submitted to the County for review.

To insure that what the decision-maker approves is what gets built, your Board directed that any changes between the approved plans and the construction drawings, or between the approved tentative map and the parcel or final map, be returned to the decision-maker for final approval. The concept of a "Design Amendment" is introduced in Section VI of this ordinance.

SECTION IV

Subdivision (c) of Section 13.11.075, is hereby amended to read as follows:

- (c) **It** shall be an objective of the landscape design to conserve water and to maximize water use efficiency through plant selection, soil conditioning and irrigation management (the following requirements apply only to the common landscape areas of land divisions and of residential developments of three or more units; and to commercial, industrial and institutional construction or remodels of 2,000 square feet in size or larger; and to all County projects including, but not limited to, public buildings, parks and open spaces, streets and streetscapes ~~those projects listed in section 13.11.040(k)~~).

This language is being relocated from Section 13.11.040.

SECTION V

Subdivisions (b) and (c) of Section 18.10.134, are hereby amended to read as follows:

- (b) Types of Amendment. The following types of amendment apply to all planning approvals, including (without limitation) development permits and land division approvals.
1. Minor Variations. A minor variation is an amendment to a planning approval, including (without limitation) project design, improvements, or conditions of approval, if the amendment does not affect the overall concept, density, or intensity of use of the approved project, and if it does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.
 2. Design Amendments. Any change involving an exhibit to a planning approval which is subject to Chapter 13.11.060(a) of the County Code.
 - 2 3. Corrections. A correction is a change which corrects an error or omission in a planning approval which is at variance with the decision of the approving body or at variance with County ordinances or regulations, and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

3 4. **Modifications.** A modification is a change to a final map or parcel map based on a finding that changed circumstances or new information make one or more aspects of such planning approval no longer appropriate or necessary, which change does not impose any additional burden on the present fee owner of the property and does not alter any right, title, or interest in the real property reflected in any recorded map (see Government Code Section 66472.1 and any successor provisions), and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

4 5. **Major Amendments.** Any change to a planning approval which does not qualify as a minor variation, design amendment, correction, or modification shall be deemed a major amendment.

Because your Board has directed that changes to approved plans be returned to the decision-making body for approval, we are recommending a new type of permit amendment to implement that direction. This new amendment would be termed a "Design Amendment."

(c) Procedures for Amendments.

1. Initiation. Except as otherwise provided herein, any amendment (including a minor variation, design amendment, correction, modification, or major amendment) may be initiated by the current holder of the planning approval, the Planning Director, the Planning Commission, or the Board of Supervisors.

2. Processing Level.

(i) Except as otherwise provided herein, including 13.20.100(a), the processing level and applicable application, notice, hearing and other requirements shall be as follows:

(1) Level III for Minor Variations and Corrections;

(2) The processing level for Major Amendments and Modifications initiated by the current holder of the planning approval shall be the processing level applicable to the planning approval sought, and the processing level for Major Amendments or Modifications initiated by the Planning Commission or the Board of Supervisors shall be Level VI or the processing level applicable to the planning approval to be amended, whichever is the higher level.

(3) Design Amendments initiated by the current holder of the planning approval shall be considered on the consent agenda of the original approving body. The approving body may thereafter direct that the amendment be considered at a public hearing noticed in accordance with the provisions set forth in Section 18.10.223.

This section is added to specify the processing level of a Design Amendment.

(ii) If the Board of Supervisors or the Planning Commission initiates any type of amendment, such Board or Commission may order that the Processing Level be at Level VI or VII rather than at the Level established by subparagraph (i) above. Furthermore, all types of amendment decisions are subject to the appeal and special consideration provisions set forth in Sections 18.10.300 through 18.10.360 of this Code.

(iii) The provisions of Section 18.10.124 of this Code authorizing referral to the next higher level are applicable to all types of amendments, and any amendment which was a matter of substantial controversy at the public hearing at which the original planning approval was given shall be immediately referred to such approving official or body.

SECTION VI

Subdivision (e) and (f) of Section 18.10.210, are hereby amended to read as follows:

(e) Projects Requiring Design Review as enumerated in Section 13.11.040:

(1) Items 1 through 5, ~~7~~ 8 through 11 from paragraph (a) above.

(i) Plot Plan. In addition to the submittal requirements ~~listed as described~~ in item 8, paragraph (a) above, the following is required: access to the site from adjacent rights of way, streets, and/or arterials; private and shared outdoor recreation spaces; service areas for uses such as mail delivery, recycling and garbage storage and pick-up, above-ground utilities, loading and delivery; exterior lighting design; and any other site elements and spaces which would assist design review and evaluation of development.

This amendment is proposed to correct the list of submittal requirements and improve the grammar of the ordinance.

(ii) Landscaping Plan. In addition to the submittal requirements listed in item 8, paragraph (a) above, the following is required to be included as a part of the plot plan or as a separate landscape planting plan: location and identification of existing plants on site to remain and location and identification of proposed plants, keyed to a plant list which indicates botanical name, common name, size at planting and any special information regarding plant form, installation or maintenance. The plan shall identify the percentage of the landscape area planted in turf.

(2) Statement of project concept, design goals, design constraints, and an explanation of the design approach taken.

(3) Site Analysis Diagram. A site plan, drawn to scale, indicating all property lines; all

building footprint outlines and dimensions including percentage of site coverage, square footage of floor area, and floor-area ratio; setbacks from all property lines; contiguous land uses and uses across the street from the proposed project site; location and species of trees greater than six inches diameter breast height, as defined in Section 16.32.040; sensitive habitats, as defined in Section 16.32.040; information about significant environmental influences, including views, solar potential, and wind direction; and structures and natural features having a visual or other significant relationship to the site.

- (4) Material and Color Sample Board. A complete inventory of proposed materials and colors displayed on an 8- 1/2"x11" or 11"x14" board. Manufacturer's drawings/photographs, shop drawings, or photographic examples from the built landscape are required to illustrate any special or custom design features. (Ord. 43 12, 5/24/94)
- (f) In addition to the submittal requirements listed in 18.10.2 1 O(e), all residential subdivisions, minor land divisions within the Urban Services Line, and commercial and industrial applications shall include the following materials:
 - (1) Perspective Drawing. A drawing depicting the elevations visible from all street frontages and containing sufficient information to evaluate the project's impact on the adjacent parcels and surrounding neighborhoods. This material shall, at a minimum, include a three-dimensional perspective or axonometric view of the proposed improvements with emphasis placed on the interface with the adjacent lots and sectional illustrations depicting topography and building outlines. Where land divisions are proposed, this emphasis shall be placed on the adjacent neighborhoods.
 - (2) Architectural. Plans. drawn to an appropriate scale including all exterior elevations showing building height, exterior materials, all floor plans (calculate and note on the plan the floor area of each plan), and the location and size of glazing.

These additional submittal requirements were directed by your Board to better understand the impact of new development on the surrounding neighborhoods.

SECTION VII

Subdivisions (f), (g), and (h) of Section 18.10.240, are hereby amended to read as follows:

- (f) Unless waived by the Planning Director, all development permits shall contain a condition requiring that the final conditions of approval be included on all construction plans.
- (g) Unless waived by the Planning Director, each development permit shall be signed and dated by the owner or authorized agent to indicate acceptance and agreement with the conditions of approval. Failure to sign and return the permit within 30 calendar days after the end of the appeal period shall invalidate the permit unless an extension of time is authorized in writing by the Planning Director.

- (h) Unless waived by the Planning Director, each development permit shall contain a condition that requires the final conditions of approval be recorded in the official records of the County of Santa Cruz in the Office of the County Recorder within 30 calendar days after the end of the appeal period.

This amendment would codify your Board's previous direction to the Planning Department including requiring the owner to sign the permit to indicate they accept and agree with conditions imposed on an entitlement.

SECTION VIII

If any section, subsection, division, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this ordinance and each section, subsection, division, sentence, clause, phrase, or portion thereof, irrespective of any such division.

SECTION IX

This ordinance shall take effect on the 3^{1st} day after the date of final passage or upon certification of the California Coastal Commission, which ever occurs later.

PASSED AND ADOPTED this _____ day of _____, 2000, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson
Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM:

County Counsel



Civil Engineering ■
Structural Design ■
Land Surveying ■
Development Planning ■

0277

April 20, 2000

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

**RE: Design Review Submittal Requirements and
Proposed Ordinance**

Dear Members of the Board:

I have completed a review of the report addressing the referenced topic that has been provided to me by the Planning Department. As a professional Civil Engineer, practicing in a local consulting firm, I am extremely disturbed by the onerous provisions of the proposed policies and ordinance. While I am involved in the design and development of properties within the County of Santa Cruz, I rarely involve myself in the consideration or adoption of regulatory standards used for evaluation of project applications. However, as I have seen the current proposal evolve into the process and ordinance now under consideration, I feel it necessary to provide some comments. Hopefully, you will reconsider your present predisposition to adoption of the ordinance and the implementing policies. For clarity, my general comments and analysis are included on the following pages.

Very truly yours,

IFLAND ENGINEERS, INC

H. Duane Smith, Senior Engineer

HDS/jh

c: Susan Mauriello, County Administrative Officer
Alvin James, Planning Director
John Fantham, Director of Public Works

GENERAL COMMENTS:

As one who has daily contact with current policies, staffs of your departments involved in development processing, and clients who seek our assistance in the development or improvement of their property, I am amazed that you are heading down a pathway that furthers the exclusivity of our county. I hold no great hope of convincing you of my perspective; however, I feel that I would be remiss if I did not tell you how I see it. For those of you who are predisposed to the policies under consideration, you need read no further because this is written to those who believe that the professional community, property owners, contractors and support industries are for the most part honorable and committed to seeing Santa Cruz County continue to be a desirous home for all of us.

With 20 years' experience in development design, I have yet to have one client who wasn't willing to do what was right and necessary for the betterment of the community, because what is good for the community is going to be right for the development, as well. That doesn't mean that there isn't discussion between client, professional, and approving agency to determine project impact issues, as long as it is a healthy process. However, when policies are adopted that become unreasonable, even capricious, the process becomes unhealthy.

The preceding paragraph may be particularly interesting to you since I work for the engineering firm involved in the Rio Highlands Subdivision development. While I am not at liberty to comment on the matter, I am deeply disappointed that members of your staff were maligned over the issues of concern with that development. I have the HIGHEST respect for Martin Jacobson and Glenn Goepfert, both as fellow professionals and as individuals. Doing the right thing is the professional way of doing business, not attempting to sneak something by an "approving" agent. As such, I have always been honest with them and they in turn have been honest with me. But, if you think that the proposed policies and ordinance are going to be the solution to the "Rio Highlands" experience, my opinion is that you are mistaken.

While your proposal will create a revenue source at the expense of further taxing already overburdened Public Works and Planning staffs, it should be just as apparent that your staff will begin to consider other employment opportunities where the workload is less and the compensation greater. You have already experienced the loss of key people and the remaining staff is forced to assume an even heavier workload. That prospect leads to yet another consideration; that of your ability to meet regulatory processing deadlines. I know that your staff is continually under pressure to meet those timelines, by having to handle 50 or more projects, all the while having to answer the MANY phone calls from applicants and professionals requesting status up-dates, etc. I honestly don't know how they can maintain their sanity. And the length of time it takes to process a project DOES affect the cost of the product, especially in the current tight housing market. If for no other reason than to protect your employees, other ways to approach the perceived problem should be considered.

So, what is the answer to the concerns both you and the development community face? I believe it lies in the adoption of reasonable Board policies that vest with your PROFESSIONAL staff the authority to review and approve project elements based on those policies. They should be making their recommendations a matter of reporting to you how applications meet those standards and thereby making your review and approval to a large extent ministerial. You have hired competent people who should be allowed to perform their job without the threat of Board criticism. That may sound radical, but have you ever considered that you already have a General Plan and corresponding zoning for the County? So, why do you allow every project to be scrutinized by whomever wants to oppose

development? Isn't it to be expected that only the opposition will comment on an application while those who don't care will stay at home? Certainly, review for compliance with adopted policies and regulatory statutes are required and expected, but in effect what is occurring is reconsideration of adopted zoning designations for EVERY project.

ORDINANCE COMMENTS:

I don't understand why you would want to imbed yourself in the rigidity imposed by this ordinance. The continual use of the words "any" and "strict", as applied to changes between the development permit issuance and construction plan preparation is too confining to be practical, in implementation. The interim implementation of these policies has already imposed additional "red tape" with little benefit to affected parties. Some ways to provide some flexibility in the process would be to permit deviations in grading quantities amounting to 10% of the estimated quantity and building pad deviations of 6". We are not designing watches, we are working with *Mother Earth*, and all of her imperfections.

Another area of "making work" is the requirement for a Neighborhood Plan. It seems to me that this requirement is a step backward in the planning process. Isn't it true that you have zoned property for development based on properly noticed meetings and that you have considered public testimony in the adoption of said zoning? If so, then isn't it reasonable for an applicant to comply with the regulatory guidelines for a submittal? While, it is expected that CEQA review, public testimony and sound planning and engineering must be considered in the approval of any project, the need to submit a seemingly endless array of plans seems unnecessary. People have to draw them, print them, review them and to what end? We are creating more work for everyone with no redeeming purpose.

The whole process of the Planning Director considering waivers of the design review requirements is extremely cumbersome and speculative. Why can't we have a process that is predictable? How is an applicant to know to what extent the proposed ordinance will be applied or waived? I don't know about you, but I believe in the Biblical principal of "counting the cost" before one builds his house, yet your process is so mysterious that it makes it impossible to do so.

SECTION I

13.11.040 – What is the purpose for the requirement for preliminary architectural plans for ALL subdivisions. This requirement preempts ANY "lot for sale" subdivisions. Why not work on revisions to the design standards within the County Code rather than require ALL subdivisions to provide house plans that can't be changed without additional time and expense? If window locations and sizes are a problem to you, then provide a standard that limits size and location of windows on the second story of homes abutting existing residential (and commercial) properties.

In section (j), the Planning Director may waive (or impose) design review requirements at his/her discretion. Won't this encourage every applicant to request the waiver? And, won't it add additional work to your already over-burdened staff to review and respond to the request?

SECTION II

13.11.051 – A reliable list of required submittals is preferable to a public hearing before the Zoning Administrator, even if it were to result in a waiver of some of the submittals. Every level of review adds time to the process and cost that must be added to the "bottom line". We are accustomed to the existing submittal requirements and can live with them.

SECTION III

13.11.060 – As stated in my general comments, some flexibility in the final design as opposed to the preliminary design needs to be provided. Otherwise, the Zoning Administrator, the Planning Commission and the Board of Supervisors will be looking at most projects twice. Certainly, there are ways acceptable tolerances can be written into your standards.

Another way to look at it is that once the Tentative Map or Development Permit is approved no other review is required. What you approve IS the construction document. Currently, as applied, your policy is for the final design to be completed prior to any public hearing or approval. The only exception is the preparation and approval of a Final Parcel or Subdivision Map.

SECTION V

18.10.134 – Under subdivision (c) the processing level should be kept to an administrative level to the extent practical. I have commented on this previously. Let's not make additional work, unless the staff feels that the issue is significant. At this time, I feel that staff is intimidated by the Board and is predisposed to bring everything to you. Confidence needs to be restored for your staff to be able to assume their proper function.

SECTION VII

18.210.24 – I agree that the owner/agent should sign the conditions of approval, but I do not see the purpose of including them on the construction plans. We should assume that staff is making sure in their review that all conditions are being met. The construction plans are for the contractor to implement and for the inspector to insure compliance.

I also see no purpose in the recordation of the conditions of approval. If the plans are reviewed and approved using the "approved" conditions consistency is insured and if the inspector has the "approved" plans to make sure the construction is being performed per plan, there is no value in adding more information to plans. We expect and welcome the comments of the inspector because our concern is the same as yours; that the contractor implements what designer and reviewer have agreed to be the constructable project. The outlined process works EVEN if a project is sold to a subsequent developer who wants to alter the design. He/She must go back to the county staff and engineer before starting the work. I certainly don't want a contractor "doing their own thing" and ignoring plans that I have "stamped" as acceptable to me and that have subsequently been approved by the Director of Public Works. I don't even know how forcibly I can impress upon you that fact, except to say that it is too difficult to obtain a license as a professional engineer to have it abused for the sake of a developer's whim.

SUMMARY:

I am not opposed to stringent standards, equally applied to development proposals. In fact they make everyone's task easier. But, I feel it is important for you, as a Board, to recognize an administrative process that you are comfortable with is superior to one that involves legislative approval that is exposed to subjective considerations. An administrative/legislative process works for other communities, so I fail to see why you don't think it works for Santa Cruz County.