



County of Santa Cruz

PLANNING DEPARTMENT

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ALVIN D. JAMES, DIRECTOR

February 7, 2002

Agenda: February 12, 2002

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

SUBJECT: CONTINUED CONSIDERATION OF A POLICY TO REQUIRE THAT THE APPROVING BODY MAKE CERTAIN FINDINGS AS PART OF APPROVAL OF A RESIDENTIAL DEVELOPMENT THAT IS BELOW THE GENERAL PLAN DENSITY RANGE, INCLUDING INFORMATION ABOUT THE AMOUNT OF AFFORDABLE HOUSING IN EACH DISTRICT INCLUDING THE INCORPORATED CITIES.

Members of the Board:

On October 2, 2001, your Board hosted an affordable housing workshop that discussed a variety of issues. Some of those issues included the high cost of new housing (average price currently = \$695,000), the lack of affordable for-sale and rental units, the limited supply of available land for new development and the urgent need for housing to address the workforce housing needs and to serve special groups such as farmworkers and the elderly. During the workshop, your Board was presented with a comprehensive overview of the wide range of issues impacting housing prices in the community, and that local government played a limited role in impacting the overall housing market. One area, however, that was identified as a key area where local government could impact the housing market involved whether the remaining housing opportunity sites are approved for development projects which maximize housing opportunities for the community as a whole.

On November 6, 2001, a follow-up report, entitled the Affordable Housing Action Plan, was presented to your Board that responded to the issues raised on October 2nd. (Attachment 1, November 6th minute order) Although that report also made clear that the housing issues in Santa Cruz County are the result of many complex factors, the County could take steps to modify local requirements and practices in order to create more affordable housing opportunities in the County. One of the central features of the proposed Housing Action Plan presented to your Board, stated the following:

Approval of a policy to require [that] the Approving Body must make certain findings as part of approval of a residential development that is below the General Plan density range and that the proposed use is consistent with the General Plan and appropriate, given the need for housing in the community, and return to the Board on December 11, 2001 with specific program recommendations;

The purpose of the recommendation was to revise current practices to better ensure that properties currently zoned for residential use be developed at a density level consistent with the density range designated by the General Plan and the zoning. Your Board continued this issue to December 11, 2001, and staff prepared a report outlining in more detail its interpretation of the General Plan policies and presenting a process for the review of applications for development at densities less than the lowest end of the General Plan density range. In addition, in the context of your Board discussing the overall distribution of affordable units throughout the County, your Board directed staff to provide additional information regarding the number of affordable units in each supervisorial district, including affordable housing that is located in the incorporated cities. That information was provided to your Board on December 11*.

On December 11, 2001, the item was again continued and County Counsel was requested to conduct additional research on the development of the General Plan policies. County Counsel, with the assistance of the Planning Department, has complete the historical research on the formation of the current General Plan policies and is presenting that report in a separate letter to your Board. (Attachment 2) In brief, County Counsel's conclusion is that the General Plan policies approved by the Board as a part of the 1994 General Plan update allows the County to approve projects at any density within or below the designated residential density range of the General Plan. While this is not clearly worded in the General Plan, in practice this is direction that staff and the Planning Commission have been acting under since 1994. It is this practice that served as the impetus of the recommendation for change in this area.

Proposed Policy Regarding: Approval of Housing Development under Existing General Plan and Zoning

The Affordable Housing Action Plan addressed the issue of multi-residential zoning by presenting statistics regarding the current availability of RM zoned properties, discussing the recent history of development on these types of land and presented a number of recommendations focusing on ways that the Board could ensure that properties designated for multi-family development are developed at the densities designated by the General Plan. The changes proposed called for the development of a requirement for supplemental General Plan consistency findings where development was proposed for approval below the density range set forth in the General Plan. The intent of this policy

was to require the Approving Body (Zoning Administrator, Planning Commission or your Board) to consciously make a determination that the density of the proposed project was appropriate, based on General Plan policies and the need for housing in the community.

Discussion of General Plan Density Issues

One of the issues identified in the Affordable Housing Action Plan was the fact that there are not many parcels remaining that are suitable for higher density residential development. Meanwhile, projects have been approved in the past at densities that are below the levels set forth in the General Plan land use designation. While the General Plan permits these types of projects to be approved, since the adoption of the General Plan in 1994, things have changed significantly. Housing prices have skyrocketed and the supply of new housing units, especially those for lower and middle income households, and available land for new development has dwindled. These are some of the reasons why your Board hosted the October housing workshop and directed the preparation of the Housing Action Plan. That Plan identified a number of initiatives to address affordable housing issues, including a proposal to encourage the development residential properties at the specified density levels.

Potential Alternatives

There are a number of actions that your Board could consider to address the issue of maintaining the densities established by the specific General Plan designations. One approach would be for your Board to adopt a new General Plan policy superceding the existing policy language that allows approval of residential development outside the designated density range. This approach would involve an amendment to the General Plan.

Another approach which would not require a General Plan amendment would be to require that a specific action be taken for applications that seek approval at densities below the designated density range. The recommended action in the Affordable Housing Action Plan to address this issue was the development of a policy that required the Approving Body to make specific findings for a project with density less than the General Plan density range. The findings would specifically document how the project was consistent with the General Plan and appropriate given the need for housing in the community and the lower densities proposed. These findings would be in addition to, but complementary to, the existing findings required by the County Code. While these findings would be useful in determining whether the particular site was appropriately designated, staff is concerned that a project applicant would not discover whether there was support for the project at a less than designated density until late in the application

process.

In order to address this concern, staff has refined the approach recommended in the October Report. It is proposed that staff establish a procedure to analyze and review an application proposed at a density less than the lowest end of the density range as early in the process as possible. This would give the developer a preliminary determination as to whether the proposed density is appropriate, given the site characteristics, environmental issues, surrounding development and the need for housing in the community. Staff has prepared the following draft language to implement this alternative.

The proposed procedure which could be added to the existing language to County Code Section 18.10.140 (Conformity with the General Plan and other legal requirements), would be as follows:

18.10.140 Conformity with the general plan and other legal requirements.

(a) All permits and approvals issued under this Chapter shall be consistent with the provisions of the adopted County General Plan. Any proposed permit or approval which is not consistent with the existing adopted General Plan may be issued or approved only concurrently with the adoption of appropriate amendments to the General Plan necessary to maintain consistency. "Consistent with" as used in this section means that the permits and approvals must be in harmony with and compatible with the policies, objectives, and land use programs of the General Plan.

(b) All proposals for development of property at less than the lowest end of the designated density range of the County General Plan/LCP land use designation shall be subject to review by the Development Review Group. Following completion of the Development Review Group process, the proposal and the information developed as a result of the Development Review Group process shall be referred to the Board of Supervisors for a preliminary General Plan consistency determination discussing whether the proposed density is appropriate given the need for housing in the community.

As indicated in the proposed language, the referral to the Board of Supervisors would occur following the Development Review Group (DRG) process. Staff is recommending this particular process for a number of reasons. First, the DRG process is intended to gather a great deal of information regarding the property including infrastructure constraints, environmental issues, and consistency with County ordinances and General Plan policies. This information will give the Board of Supervisors a basis to conduct the policy review. Second, the DRG process, an advisory process, is conducted in the

earliest stage of the development review process and is prior to the filing of applications for a project. This means that there are no Permit Streamlining Act, CEQA or Subdivision Map Act issues. And third, because the DRG is a relatively inexpensive review (\$1,376 plus DPW charges) and the application requirements are much less rigorous than for a permit application, the applicant's investment in the project and the process will be minimized.

Following the Board's review, a preliminary determination will be made regarding whether the proposed density is generally appropriate for the site. If the proposed density level is deemed to be inappropriate for the site, the applicant would be free to proceed with the proposal, but they would be aware of this critical issue prior to investing further resources into their project.

Because the approach recommended by staff will require review by the Planning Commission and the Coastal Commission, the final ordinance is proposed to return to your Board in June, 2002.

Discussion and Recommendation

As identified in the Affordable Housing Action Plan considered by your Board on November 6, 2001, the amount of land suitable for residential development is limited. Although residential properties have been designated with specific density ranges, development has occurred below the lowest end of the density range, and County Counsel's opinion confirms the past practice that the General Plan policy allows their development at any density below the maximum density established for the particular land use designation. If this practice continues, the few remaining sites appropriate for residential development are likely to be developed in this same fashion, creating a fewer number of larger and more expensive homes on the remaining housing opportunity sites. As a result, this is the practice that is recommended for change.

In order to prevent the inappropriate development of the remaining residential properties at densities below the designated density range, the Affordable Housing Action Plan recommended that your Board adopt a policy that would require the Approving Body to make additional findings to approve projects at densities less than the density range.

The refined approach discussed in this report would allow the Board of Supervisors to determine whether proposed density of a project is appropriate for a specific site, and to do so at the earliest stage of the development review process. The proposed process would provide a means for the County to make site specific determinations on the appropriate densities for future development on the few remaining residential sites, while addressing the site specific issues regarding infill development.

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Given the urgent need for housing for those who live and work here, we RECOMMEND that your Board:

1. Accept and file this report; and
2. Approve, in concept, the proposed amendments to County Code Chapter 18.10, presented above, to add a process to review applications that are not consistent with the General Plan density range; and
3. Direct the Planning Department to process the ordinance amendments and to develop any required administrative procedures, and to return on or before June 11, 2002, for final adoption of the ordinance.
4. Accept and file the report of County Counsel regarding the history of the General Plan policies (Attachment 2)

Sincerely,


Alvin D. James
Planning Director

RECOMMENDED: _____


Susan A. Mauriello
County Administrative Officer

Attachments 1. Minute Order, Item No. 63, November 6, 2001
2. County Counsel letter, February 5, 2002

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COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA

AT THE BOARD OF SUPERVISORS MEETING

On the Date of November 6, 2001

CONSENT AGENDA Item No. 063

ATTACHMENT 1



(from having more stringent requirements by State Law;
(u) directed the County Administrative Officer to
(report back on April 9, 2002 on the feasibility of
(working with the City of Santa Cruz, private
(foundations and churches to finance and develop a
(permanent homeless shelter in the County of Santa
(Cruz; and (v) approved staff recommendations as
(amended. ..

CONSIDERED report on Affordable Housing Action Plan;

Upon the motion of Supervisor Beautz, duly seconded by Supervisor Pirie, the Board, by unanimous vote, accepted and filed report; considered the Proposed Affordable Housing Action Plan and Implementation Schedule and took action on the following items:

Upon the motion of Supervisor Beautz, duly seconded by Supervisor Pirie, with Supervisor Wormhoudt and Almquist, voting "no", continued to December 11, 2001 approval of a policy to require the Approving Body must make certain findings as part of approval of a residential development that is below the General Plan density range and that the proposed use is consistent with the General Plan and, appropriate, given the need for housing in the community, with an additional direction to include information on the total amount, of affordable housing in each district irrespective of city developments;

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Beautz, with Supervisor Almquist and Campos voting "no"; substituted the language contained in Supervisor Wormhoudt's letter, of October 27, 2001, item #7, for the language in 2b and c, of the County Administrative Officer's letter of November 1, 2001, as follows: "directed Planning staff to include in the work program for the upcoming General Plan Amendment process an analysis of the potential for designating additional affordable housing sites";

Upon the motion of Supervisor Beautz, duly seconded by Supervisor Pirie, the Board, by unanimous vote, directed staff to return on December 11, 2001 with proposed recommendations to increase the inclusionary affordability requirement from 15% to 20%; directed the Chair of the Board to write to LAFCO requesting LAFCO adopt a policy requiring a minimal level of affordability for annexed properties;

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 of said Board of Supervisors.



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

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February 5, 2002

Agenda: February 12, 2002

Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, California 95060

Re: REPORT ON GENERAL PLAN/LOCAL COASTAL PROGRAM DENSITY ISSUES

Dear Members of the Board:

On December 11, 2001, your Board began consideration of a staff report proposing a policy that would require certain findings as part of an approval of a residential development whose density was less than the density range designated by the County's General Plan/Local Coastal Program Land Use Plan (GPLCP). The report was prepared in response to your Board's direction following the affordable housing workshop conducted on October 2, 2001.

Contained within the report was a discussion of certain GP/LCP policies, specifically, Policies 2.8.3, 2.9.3, and 2.10.4 (refer to Exhibit "A"), relating to development approvals where the proposed density of the project is less than the lower limit of the density range. These three policies relate to Low, Medium and **High** Density Urban Development, and share identical language. Conformity with these policies is required in order that general plan consistency findings can be made. A general plan consistency finding is required for each land use project approval.

Staff's recent analysis of the language contained in these provisions resulted in a conclusion that they operated to prohibit the approval of a project at less than the lower limit of the applicable GPLCP density range. Subsequent review of the drafting and

approval of these particular provisions has clarified that the last sentence of each of these three sections operates to authorize a person to voluntarily apply for and potentially gain approval of, a development with a density that is less than the lowest end of the designated density range. This letter will examine the policies at issue, and then review the circumstances leading up to their inclusion within the 1994 General Plan.

GENERAL PLAN POLICIES REGARDING DEVELOPMENT AT LESS THAN THE LOWEST END OF THE DESIGNATED DENSITY RANGE

General Plan Policies 2.8.3, 2.9.3, and 2.10.4 address the situation where a residential project with a density at less than the lower end of the density range is considered for approval. Each section identifies three circumstances relating to applications for residential development projects that are within the applicable GPLCP density range:

1. Where the proposed project fails to comply with the applicable GPLCP, zoning or development policies (other than density range) then in effect.
2. Where the findings of Government Code Section 65589.5 (refer to Exhibit "B") have been made to authorize the denial of a very low, low, or moderate income residential housing project have been made.
3. Where planning or environmental review determine that significant health, safety, nuisance or other significant policy or environmental impacts that could not be feasibly mitigated would result from allowing density within the designated density range.

Whenever any one of these three circumstances is present, the policy requires that the project be denied and that the County initiate a GPLCP amendment, and any necessary rezoning, to establish an appropriate density range for the subject property.

The final sentence of these sections reads as follows:

“Nothing in this policy shall preclude a property owner from voluntarily filing an initial application for development at less than the lowest end of the designated density range.”

As previously stated, this sentence was initially read within the context of the entire section as also being governed by the requirement for denial of the project and initiation by the County of a GPLCP amendment. As such, it was seen as ~~an~~ authorization for the Planning

Department to accept the application, even though it was facially inconsistent with the GPLCP density range requirement. However, questions were raised about this interpretation by a member of the Board who served during the time of the adoption of the 1994 GPLCP.

This Office was then requested to examine the documents and records leading up to the approval of the policies in question, to determine if there was evidence which might bear on the question of their interpretation. A review of the written and audio record of the County Planning Commission and Board of Supervisor's hearings on the adoption of the 1994 General Plan provide some guidance bearing on what the Board intended when it adopted these particular policies.

THE 1994 GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN

The 1994 GPLCP, which updated the 1980 General Plan, was adopted by the Board of Supervisors on May 24, 1994. Public hearings were held to gather suggestions and comments from the public. The document itself was initially drafted by staff, then reviewed by the Planning Commission prior to its final adoption by the Board of Supervisors. The adopted plan was subsequently certified by the California Coastal Commission as meeting the requirements of the California Coastal Act on December 15, 1994.

COUNTY PLANNING COMMISSION ACTIONS

During its consideration of the draft General Plan, the County Planning Commission reviewed the staff's recommendations for General Plan Policies 2.8.3, 2.9.3, and 2.10.4. On November 5, 1993, Planning staff recommended changes to the then proposed General Plan policy relating to "Development Density Less than Lower Limit of Range" (refer to Exhibit "C".) Originally, the language for this policy would have allowed approval of a project at less than the lower end of the density range if certain findings were made which would demonstrate that it would be "unfeasible" to meet the designated density range. Staff recommended substitute language that would have allowed approval at less than the designated density range only under two circumstances:

1. Where a portion of the parcel developed at lower density would be sited so as not to preclude future development of the entire site within the designated density range, and a master plan for such development had been approved.

2. The maintenance, enlargement or replacement of existing development that does not conform to the designated density range.

Finally, staff recommended language requiring denial of projects whose proposed density would lead to significant environmental impacts which could not be mitigated. Once denied, the County would then be required to initiate a General Plan amendment to redesignate the property with a more appropriate density range.

On December 1, 1993, the Planning Commission met to consider the **draft** General Plan, which included the Planning staff's November 5, 1993, proposed revisions, as well as a revision to Policies 2.8.3, 2.9.3 and 2.10.4, proposed by the County Counsel's Office (refer to Exhibit "D".) County Counsel's proposal added language authorizing a property owner to voluntarily file an initial application at less than the designated density range where:

1. An approved site plan and master circulation plan would not preclude future development within the required density range, or
2. The maintenance, enlargement or replacement of existing development that does not conform to the designated density range.

During its discussion of these proposed revisions, the Planning Director advised the Commission that under both their recommended language and County Counsel's proposed language, these policies would prohibit a project proposed at less than the lowest end of the density range, unless accompanied by a site plan allowing for the required density at a later time. The Director stated that the proposed language would operate to prevent his staff **from** accepting and filing any application for new development that was inconsistent with the designated density range.

During the Commission's deliberations, one member expressly advocated his support for a policy that would allow a person to voluntarily apply for and have approved, a residential development with a density lower than the designated density range. Another Commissioner argued that such a policy could frustrate the County's attempt to meet its planned housing needs. Staff also noted that such a policy could be inconsistent with the General Plan's goal of redirecting growth from the rural to the urbanized areas of the county.

Following their discussions the Commissioner advocating that there be no limits on the approval of an application at less than the designated density range if submitted voluntarily, moved to amend the language. His motion amended the last paragraph in the County Counsel's proposed revision to read as follows:

“Nothing in this policy shall preclude a property owner from voluntarily filing an initial application for development at less than the lowest end of the designated density range; ~~under the following circumstances:~~

~~(a) Where a site plan and a master circulation plan are approved demonstrating that the proposed development will not preclude future development within the designated density range; or~~

~~(b) Where existing residential development that does not conform to the designated density range is maintained, enlarged, or replaced.”~~

This motion was approved by a three to one vote. The revised language was forwarded to the Board of Supervisors as part of the Planning Commission’s recommendation dated January 25, 1994 (refer to Exhibit “E”).

BOARD OF SUPERVISORS DELIBERATIONS

The Board of Supervisors conducted its review of the draft General Plan over the course of several months during 1994. The Board conducted a page by page examination of the draft General Plan recommended by the Planning Commission, and its consideration of the language contained in Policies 2.8.3, 2.9.3 and 2.10.4, took place on March 2, 1994. Supervisor Beautz initiated the discussion of these policies by seeking clarification of its meaning. She noted that the language originally before the Planning Commission would have precluded development at less than the designated density range of the General Plan, but that the Commission revised it to allow voluntary submission of applications at less than the range. Planning staff confirmed that the Commission rejected the recommendation by Planning staff and County Counsel that a project with less than the designated density range be found inconsistent with the General Plan, for a policy which would allow such a project. Staff stated that the Planning Commission’s recommended language would authorize:

“...a property owner to come in and develop his property at any density they wish...as long as it doesn’t go beyond the General Plan density range. You could go way below it.”

On May 10, 1994, the Board of Supervisors adopted the Planning Commission’s recommended language for Policies 2.8.3, 2.9.3 and 2.10.4 without further discussion or revision.

CONCLUSION

When the Board of Supervisors adopted the 1994 GP/LCP, they were aware that the language recommended for Policies 2.8.3, 2.9.3 and 2.10.4 was revised by the Planning Commission to allow a person to voluntarily apply for, and potentially gain approval of, a residential development project whose density was less than the lowest end of the density range designated for that property.

IT IS THEREFORE RECOMMENDED that your Board accept and file this report.

Very truly yours,

DANA McRAE, COUNTY COUNSEL

By: 
RAHN GARCIA
Chief Assistant County Counsel

RECOMMENDED:


SUSAN A. MAURIELLO
County Administrative Officer

Exhibits

Objective 2.8 Urban Low Density Residential Designation (R-UL)

(LCP) To provide low density residential development (44 to 72 units per net developable acre) in areas with the Urban Services Line which have a full range of urban services, or in Urban or Rural Services Line areas currently developed to an urban density. Housing types appropriate to the Urban Low Density designation may include detached houses, duplexes, and clustered small lot detached units at allowable densities.

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Policies

2.8.1 Minimum Lot Sizes

(LCP) Allow residential development at densities equivalent to 6,000 to 10,000 square feet of net developable parcel area per unit. Increased density incentives for projects with a large percentage of very low, or lower income housing are also allowed in accordance with State law. (See section 2.1.1.)

2.8.3 Specific Density Determination

(LCP) Consider terrain, adequacy of access, presence of significant environmental resources, the pattern of existing land use in the neighborhood, and unique circumstances of public value for instance, the provision of very low or lower income housing in accordance with State law, in determining the specific density to be permitted within the Urban Low Density Residential designation. (See chapter 8: Community Design.)

2.8.3 Development Density Less than Lower Limit of Range

Where an applicant has filed an application for residential development within the designated density range, do not approve the application at a density less than the lowest end of the designated density range, except in the following circumstances:

- (a) Where the proposed residential development fails to comply with the General Plan and LCP, zoning or development policies in effect at the time that the application for such residential development is determined to be complete; or
- (b) Where the written findings required by Government Code Section 655895 have been made.

When planning or environmental review demonstrates that development in the designated density range will cause significant health, safety, nuisance or other significant policy or environmental impacts that cannot be feasibly mitigated, the proposed development shall be denied and the County shall initiate a General Plan and LCP amendment and rezoning (as appropriate) to redesignate the parcel with density range consistent with those unmitigable impacts.

Nothing in this policy shall preclude a property owner from voluntarily filing an initial application for development at less than the lowest end of the designated density range.

2.8.4 Aptos: Parcel Size Restrictions

Prohibit reduction in parcel size on those parcels in the Deer Park Villas area with a Salamander Protection (SP) Combining Zone District. Cooperate with Fish and Game Commission efforts to create a wildlife refuge in this area.

Program

a Implement the Urban Low Density land use designation through the zone districts shown in section 13.10.170 of the Santa Cruz County Code. (Responsibility: Planning Department, Planning commission, Board of Supervisors)

Objective 2.9 Urban Medium Density Residential Designation (R-UM)

(LCP) To provide medium density residential development (7.3 to 10.8 units per net developable acre) in areas within the Urban Services Line (USL) served by a full range of urban services, with access onto collector or arterial streets, and location near neighborhood, community or regional shopping facilities. Housing types appropriate to the Urban Medium Density Residential designation may include: detached houses, duplexes, townhomes, mobile home parks, and small lot detached units at allowable densities.

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Policies

29.1 Minimum Parcel Sizes

(LCP) Allow residential development at densities equivalent to 4,000 to 6,000 square feet of net developable parcel area per unit. Increased density incentives for projects with a large percentage of very low or low income housing and for senior housing projects are also allowed in accordance with State law. (See section 21.1.)

29.2 Specific Density Determination

(LCP) Consider terrain, adequacy of access, presence of significant environmental resources, the pattern of existing land use in the neighborhood, and unique circumstances of public value, for instance, the provision of very low or lower income housing in accordance with State law, in determining the specific density to be permitted within the Urban Medium Density Residential designation. (See chapter 8: Community Design.)

29.3 Development Density Less than Lower Limit of Range

Where an applicant has filed an application for residential development within the designated density range, do not approve the application at a density less than the lowest end of the designated density range, except in the following circumstances:

- (a) Where the proposed residential development fails to comply with the General Plan and LCP, zoning or development policies in effect at the time that the application for such residential development is determined to be complete; or
- (b) Where the written findings required by Government Code Section 65589.5 have been made.

When planning or environmental review demonstrates that development in the designated density range will cause significant health, safety, nuisance or other significant policy or environmental impacts that cannot be feasibly mitigated, the proposed development shall be denied and the County shall initiate a General Plan and LCP amendment and rezoning (as appropriate) to redesignate the parcel with density range consistent with those unmitigable impacts.

Nothing in this policy shall preclude a property owner from voluntarily filing an initial application for development at less than the lowest end of the designated density range,

Program

- a Implement the Urban Medium Density land use designation through the zone districts shown in section 13.10.170 of the Santa Cruz County Code. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)

Objective 2.10 Urban High Density Residential Designation (R-UH)

(LCP) To provide higher density residential development (10.9 to 17A units per net developable acre) in areas within the Urban Services Line (USL). These areas shall be located where increased density can be accommodated by a full range of urban services and in locations near collector and arterial streets, transit ~~serve~~ and neighborhood, community, or regional shopping facilities. Housing types appropriate to the Urban High Density designation may include: small lot detached houses, "zero lot line" houses, duplexes, townhomes, garden apartments, mobile home parks, and congregate senior housing. 0321

Policies

2.10.1 Minimum Parcel Sizes

Allow residential development at densities equivalent to 2,500 to 4,000 square feet of net developable parcel area per unit. Include increased density incentives for projects with a large percentage of very low or lower income housing and for senior housing projects in accordance with State law. (See section 2.11)

2.103 Minimum Lot Size

(LCP) Establish a minimum lot size of 3,500 square feet of net developable parcel area per residential parcel for the creation of new lots in detached unit residential subdivisions.

2.103 Specific Density Determination

(LCP) Consider terrain, adequacy of access, presence of significant environmental resources, the pattern of existing land use in the neighborhood, and unique circumstances of public value for instance, the provision of very low or lower income housing in accordance with State law, in determining the specific density to be permitted within the Urban High Density Residential designation. (See chapter 8: Community Design)

2.10.4 Development Density Less than Lower Limit of Range

Where an applicant has filed an application for residential development within the designated density range, do not approve the application at a density less than the lowest end of the designated density range, except in the following circumstances:

- (a) Where the proposed residential development fails to comply with the General Plan and LCP, zoning or development policies in effect at the time that the application for such residential development is determined to be complete; or
- (b) Where the written findings required by Government Code section 655895 have been made.

When planning or environmental review demonstrates that development in the designated density range will cause significant health, safety, nuisance or other significant policy or environmental impacts that cannot be feasibly mitigated, the proposed development shall be denied and the County shall initiate a General Plan and LCP amendment and rezoning (as appropriate) to redesignate the parcel with density range consistent with those unmitigable impacts.

Nothing in this policy shall preclude a property owner from voluntarily filing an initial application for development at less than the lowest end of the designated density range.

2.105 Live Oak: Pacific Family Mobile Home Park

Recognize the Pacific Family Mobile Home Park (025-161-13) as existing residential area and allow a density bonus to increase the park from 34 to 37 spaces subject to obtaining all appropriate development permits.

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65589.5. (a) The Legislature finds all of the following:

(1) The lack of affordable housing is a critical problem which threatens the economic, environmental, and social quality of life in California.

(2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments which limit the approval of affordable housing, increase the cost of land for affordable housing, and require that high fees and exactions be paid by producers of potentially affordable housing.

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(3) Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions which result in disapproval of affordable housing projects, reduction in density of affordable housing projects, and excessive standards for affordable housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible affordable housing developments which contribute to meeting the housing need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without meeting the provisions of subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands to urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project affordable to very low, low- or moderate-income households or condition approval in a manner which renders the project infeasible for development for the use of very low, low- or moderate-income households unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588 and that is in substantial compliance with this article, and the development project is not needed for the jurisdiction to meet its share of the regional housing need for very low, low-, or moderate-income housing.

(2) The development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households.

(4) Approval of the development project would increase the concentration of lower income households in a neighborhood that already has a disproportionately high number of lower income

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households and there is no feasible method of approving the development at a different site, including those sites identified pursuant to paragraph (1) of subdivision (c) of Section 65583, without rendering the development unaffordable to low- and moderate-income households.

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(5) The development project is proposed on land zoned for agriculture or resource preservation which is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(6) The development project is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a housing element pursuant to this article.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with written development standards, conditions, and policies appropriate to, and consistent with, meeting the quantified objectives relative to the development of housing, as required in the housing element pursuant to subdivision (b) of Section 65583. Nothing in this section shall be construed to prohibit a local agency from imposing fees and other exactions otherwise authorized by law which are essential to provide necessary public services and facilities to the development project.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of affordable housing is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Affordable to very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate income eligibility limits are based.

(3) "Area median income" shall mean area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code.

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The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(4) "Neighborhood" means a planning area commonly identified as such in a community's planning documents, and identified as a neighborhood by the individuals residing and working within the neighborhood. Documentation demonstrating that the area meets the definition of neighborhood may include a map prepared for planning purposes which lists the name and boundaries of the neighborhood.

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(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (8) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including a reduction of allowable densities or the percentage of a lot which may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, which have a substantial adverse effect on the viability or affordability of a housing development affordable to very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of very low, low-, or moderate-income households without properly making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project. The

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court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled.

(1) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure, all or part of the record may be filed (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

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Page 2-5:

2.1.2 Maintaining an Urban Services Line

(LCP) Require that any proposal to expand the Urban Services Line demonstrate that:

- Full urban services, including water supply, sewage treatment and highway capacity, are available or planned to serve the expansion area; and,
- The proposed expansion will not have an adverse impact on service levels for existing development or future development accommodated in the General Plan, and
- No significant adverse impact on regional infrastructure will occur from the proposed expansion, and
- ~~No significant adverse impact on agricultural lands will occur from the proposed expansion, or~~
- There are overriding public benefits from the proposed expansion which outweigh the unavoidable adverse effects on regional infrastructure and agricultural lands.

2.1.4 Public Services Adequacy

(LCP) Consider the adequacy of public service capacity (sewer, water, roads), public school capacity, terrain, access, pattern of existing land use in the neighborhood, unique circumstances of public value, location with respect to regional or community shopping and other community facilities; ~~access to transportation facilities including transit, rail, bicycle and pedestrian facilities;~~ and parcel size in determining the specific density to be permitted for individual projects within each residential density range, as appropriate.

Page 2-6 - After programs add:

(Also see programs in sections 2.2 and 7.28.)

Page 2-17:

2.8.3 Development Density Less than Lower Limit of Range

~~To make findings necessary to approve development at less than the lower limit of the density range, consider existing, non-conforming densities, environmental constraints that may prevent development at higher densities, the number of units in the proposed development, and other factors that may make the minimum density limit unfeasible.~~

Do not permit development at less than the lowest allowed density, except in the following circumstances:

- (a) A portion of a parcel may be developed if the proposed construction will not preclude future development at required densities and a master circulation plan is submitted and approved for the remainder of the development at required densities.
- (b) Existing residential development that does not conform to required densities may be maintained, enlarged or replaced.

When environmental review determines that required densities will cause significant environmental impacts that can not be mitigated by modifying design or clustering units, the proposed project shall be denied without prejudice and the County shall initiate a General Plan amendment to redesignate the parcel with a more appropriate residential density range.

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Page 2-18:

2.9.3 Development Density Less than Lower Limit of Range

~~Require findings to approve development at less than the lower limit of the density range. Consider existing, non-conforming densities, environmental constraints that may prevent development at higher densities, the number of units in the proposed development, and other factors that may make the minimum density limit unfeasible.~~

~~Do not permit development at less than the lowest allowed density, except in the following circumstances:~~

~~(a) A portion of a parcel may be developed if the proposed construction will not preclude future development at required densities and a master circulation plan is submitted and approved for the remainder of the development at required densities.~~

~~(b) Existing residential development that does not conform to required densities may be maintained, enlarged or replaced.~~

~~When environmental review determines that required densities will cause significant environmental impacts that can not be mitigated by modifying design or clustering units, the proposed project shall be denied without prejudice and the County shall initiate a General Plan amendment to redesignate the parcel with a more appropriate residential density range.~~

Page 2-19:

2.10.4 Development Density Less than Lower Limit of Range

~~Require findings to approve development at less than the lower limit of the density range. Consider existing, non-conforming densities, environmental constraints that may prevent development at higher densities, the number of units in the proposed development, and other factors that may make the minimum density limit unfeasible.~~

~~Do not permit development at less than the lowest allowed density, except in the following circumstances:~~

~~(a) A portion of a parcel may be developed if the proposed construction will not preclude future development at required densities and a master circulation plan is submitted and approved for the remainder of the development at required densities.~~

~~Existing residential development that does not conform to required densities may be maintained, enlarged or replaced.~~

~~When environmental review determines that required densities will cause significant environmental impacts that can not be mitigated by modifying design or clustering units, the proposed project shall be denied without prejudice and the County shall initiate a General Plan amendment to redesignate the parcel with a more appropriate residential density range.~~

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Sections 2.8.3, 2.9.3, and 2.10.4.

Development Density Less than Lower Limit of Range

Where an applicant has filed an application for residential development within the designated density range, do not approve the application at a density less than the lowest end of the designated end of the designated density range, except in the following circumstances:

(a) Where the proposed residential development fails to comply with the general plan, zoning, or development policies in effect at the time that the application for such residential development is determined to be complete; or

(b) Where the written findings required by Government Code Section 65589.5 have been made.

When planning or environmental review demonstrates that development in the designated density range will cause significant health, safety, nuisance or other significant policy or environmental impacts that cannot be feasibly mitigated, the proposed development shall be denied and the County shall initiate a General Plan Amendment and Rezoning (as appropriate) to redesignate the parcel with density range consistent with those unmitigable impacts.

Nothing in this policy shall preclude a property owner from voluntarily filing an initial application for development at less than the lowest end of the designated density range under the following circumstances:

(a) Where a site plan and a master circulation plan are approved demonstrating that the proposed development will not preclude future development within the designated density range; or

(b) Where existing residential development that does not conform to the designated density range is maintained, enlarged, or replaced.

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Page 2-16:

2.7.1 Minimum Lot Sizes

(LCP) Allow residential development at densities equal to or less than 4.3 units per net developable ~~acre~~. This density range is equivalent to 10,000 square feet to one acre of net developable parcel area per dwelling unit. Include increased density incentives for projects with a large percentage of very low or low income housing. (See section 2.11.)

Page 2-17:

2.8.1 Minimum Lot Sizes

(LCP) Allow residential development at densities equivalent to 6,000 to 10,000 square feet of net developable parcel area per unit. Increased density incentives for projects with a large percentage of very low, or low income housing are also allowed. (See section 2.11.)

2.8.3 Development Density Less than Lower Limit of Range

~~To make findings necessary to approve development at less than the lower limit of the density range, consider existing, non-conforming densities, environmental constraints that may prevent development at higher densities, the number of units in the proposed development, and other factors that may make the minimum density limit unfeasible.~~

Where an applicant has filed an application for residential development within the designated density range, do not approve the application at a density less than the lowest end of the designated density range, except in the following circumstances:

- (a) Where the proposed residential development fails to comply with the General Plan, zoning or developer policies in effect at the time that the application for such residential development is determined to be complete; or
- (b) Where the written findings required by Government Code Section 65589.5 have been made.

When planning or environmental review demonstrates that development in the designated density range will cause significant health, safety, nuisance or other significant policy or environmental impacts that cannot be feasibly mitigated, the proposed development shall be denied and the County shall initiate a General Plan Amendment and Rezoning (as appropriate) to redesignate the parcel with density range consistent with those unmitigable impacts.

Nothing in this policy shall preclude a property owner from voluntarily filing an initial application for development at less than the lowest end of the designated density range.

Page 2-18:

2.9.1 Minimum Parcel Sizes

(LCP) Allow residential development at densities equivalent to 4,000 to 6,000 square feet of net developable parcel area per unit. Increased density incentives for projects with a large percentage of very low or low income housing and for senior housing projects are also allowed. (See section 2.11.)

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2 9 3 Development Density Less than Lower Limit of Range

~~Require findings to approve development at less than the lower limit of the density range. Consider existing, non-conforming densities, environmental constraints that may prevent development at higher densities, the number of units in the proposed development, and other factors that may make the minimum density limit unfeasible.~~

Where an applicant has filed an application for residential development within the designated density range, do not approve the application at a density less than the lowest end of the designated density range, except in the following circumstances:

- (a) Where the proposed residential development fails to comply with the General Plan, zoning or development policies in effect at the time that the application for such residential development is determined to be complete; or
- (b) Where the written findings required by Government Code Section 65589.5 have been made.

When planning or environmental review demonstrates that development in the designated density range will cause significant health, safety, nuisance or other significant policy or environmental impacts that cannot be feasibly mitigated, the proposed development shall be denied and the County shall initiate a General Plan Amendment and Rezoning (as appropriate) to redesignate the parcel with density range consistent with those unmitigable impacts.

Nothing in this policy shall preclude a property owner from voluntarily filing an initial application for development at less than the lowest end of the designated density range.

2.10.1 Minimum Parcel Sizes

Allow residential development at densities equivalent to 2,500 to 4,000 square feet of net developable parcel area per unit. Include increased density incentives for projects with a large percentage of very low or low income housing and for senior housing projects. (See section 2.11)

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Page 2-19:

2.10.4 Development Density Less than Lower Limit of Range

~~Require findings to approve development at less than the lower limit of the density range. Consider existing, non-conforming densities, environmental constraints that may prevent development at higher densities, the number of units in the proposed development, and other factors that may make the minimum density limit unfeasible.~~

Where an applicant has filed an application for residential development within the designated density range, do not approve the application at a density less than the lowest end of the designated density range, except in the following circumstances:

- (a) Where the proposed residential development fails to comply with the General Plan, zoning or development policies in effect at the time that the application for such residential development is determined to be complete; or
- (b) Where the written findings required by Government Code Section 65589.5 have been made.

When planning or environmental review demonstrates that development in the designated density range will cause significant health, safety, nuisance or other significant policy or environmental impacts that cannot be feasibly mitigated, the proposed development shall be denied and the County shall initiate a General Plan Amendment and Rezoning (as appropriate) to redesignate the parcel with density range consistent with those unmitigable impacts.

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Nothing in this policy shall preclude a property owner from voluntarily filing an initial application for development at less than the lowest end of the designated density range.

Add new program (after policy 2.11.1) :

a. Review and update County policies applicable to projects serving special needs populations, such as single resident occupancy (SRO) development. Consider developing a combining district to establish criteria for SROs and other housing types with limited impacts. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)

Page 2-22:

2.12.2 Public Facility ~~Uses~~ in Commercial Designations

Limit public and quasi-public facility ~~uses~~ in areas designated for commercial use to public utility and public service activities, child care facilities and small art and technical schools (such as music studios and schools, professional, trade, business and technical schools), to reserve commercially designated land for retail and employment generating ~~uses~~.

2.133 Allowed ~~Uses~~ in the Neighborhood Commercial Designation

Allow a variety of retail and service facilities, including neighborhood or visitor oriented retail sales, recreational equipment sales, personal services, limited offices, restaurants, community facilities including child care facilities, schools and studios, rental services, and **similar types of retail** and service activities.

Page 2-23:

Add new policy:

2.13.8 Live Oak: 17th Avenue Neighborhood Commercial

Allow a Neighborhood Commercial use of APNs 026-193-47 and -48 if commercially developed as an integral part of the adjacent neighborhood commercial center without separate vehicle access from 17th Avenue.

2.14.2 Allowed ~~Uses~~ in the Community Commercial Designation

(LCP) Allow a wide variety of retail and service facilities, including retail sales, personal services, offices, restaurants, community facilities including child care facilities, schools and studios, **hotels** and recreational rental housing ~~units~~, rental services, and **similar types** of retail and service activities.

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