



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
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ALVIN JAMES, DIRECTOR

April 3, 2002

AGENDA: April 16, 2002

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

### **PUBLIC HEARING TO CONSIDER ADOPTION OF A PLANNED UNIT DEVELOPMENT ORDINANCE**

Members of the Board:

Your Board is being asked to consider an ordinance to reestablish the Planned Unit Development Ordinance for use in the development of residential projects. This proposed ordinance is one of several measures that were recommended by the County Administrative Officer to increase the production of affordable housing. A discussion of Planned Unit Development (PUD), its use in the past and the current practices in lieu of PUDs is presented below. The proposed PUD ordinance is included as Exhibit 1-A of Attachment 1 this staff report.

#### **Background:**

On November 6, 2001, your Board considered a number of recommendations by the County Administrative Officer regarding various actions to increase the production of affordable housing. One of the recommendations was to reestablish a PUD ordinance in the County's Zoning Code. The previous PUD provisions were removed from the Zoning Ordinance in 1982. On November 20, 2001, the Board of Supervisors gave preliminary approval to a conceptual PUD ordinance, and directed staff to refer the proposed PUD ordinance to the Planning Commission and to return to your Board in April 2002 for final ordinance adoption (see Attachment 4).

#### **Discussion:**

Planned Unit Developments - The County Code was amended in 1962 to create a process for reviewing and approving certain types of projects that met the objectives of the Zoning Ordinance but did not meet all of the specific requirements of the residential or commercial site standards. This process, and the permits that were issued as a result of the process, were called Planned Unit Developments or PUDs. The County's PUD ordinance allowed for the development of mixed use projects (residential and commercial) as well as for projects such as townhouse developments where required setbacks and separation between structures could not otherwise be approved. In practice,

PUDs were used for the development of residential only projects where there was a need and appropriate justification to vary from the strict application of the specific zone district.

As is shown in the attached copy of the 1982 Zoning Ordinance (which was the last year this was in the County Code - Attachment 4), the PUD ordinance established standards, findings and procedures for the review of these special permits. Most notably, the procedures require the PUD permit to be approved by the Board of Supervisors, based on a recommendation from the Planning Commission, through the adoption of an ordinance. Examples of PUDs include Sand Dollar Beach, Cañon del Sol, Woodland Heights, Willowbrook Village, and Paradise Park. Because the PUD was adopted by the Board of Supervisors as an ordinance, amendments to the PUD were processed as ordinance amendments. This process included the required hearings before the Planning Commission and the Board of Supervisors.

Current Practice - In 1983, as a part of the implementation of the Local Coastal Program Land Use Plan, the PUD ordinance was eliminated and language was added to the County Code to allow flexibility in the design of residential land division projects. This language, Section 13.10.324(d)1(i) of the County Code, is as follows:

*1. Parcels Created from New Land Divisions*

*(i) Within any new land division project, all development standards on all lots or parcels which abut the periphery of the project site are subject to all the restrictions stated in this section unless a variance is obtained. No parcel shall be created smaller than 3,500 square feet in area. On individual lots or parcels within any land division project not abutting the periphery of the project site, site and structural dimensions may vary from the General Requirements for the zone district, provided that the approved standards and dimensions for each new lot or parcel are specifically indicated on the approved tentative map.*

This section allows creative approaches to project siting by only requiring that the setbacks around the perimeter of the project site meet the standards of the zone district, thus limiting the impacts of the project on adjacent properties. However, inside the project, buildings can be oriented in any manner. This section allows townhouse and condominium projects that have zero setbacks between units to be constructed without the need of a variance. Projects are processed at the level of review appropriate for the project (e.g. a 5-unit townhouse = Planning Commission; a 22-unit condominium project = Planning Commission and Board of Supervisors). In addition, amendments to projects are processed according to the requirements of Chapter 18.10 with the level of review commensurate with the type of amendment (anywhere from Level III to Level VII).

This section has been used to approve many projects in the County, including the Chanticleer apartments, Merrill Street project, the Farm Project and Vista Verde (all apartment projects). It was also used to approve the Pajaro Lane project, a mixed apartment and townhouse project with differing densities. It has not, however, been used by the private sector in recent years.

Although the current Zoning Ordinance language provides for flexibility in the application of the site development standards to specific projects, there are a number of problems that can occur. If the zoning of the site or the site development standards change after the project is built, the project may become non-conforming and the new standards would have to be met if rebuilding were required.

On the other hand, if a project is approved as a PUD, the adoption of the ordinance locks in the zoning and site development standards until amendments by an ordinance amendment to the PUD. This gives these types of projects protection from changes in the Zoning Ordinance and allows for appropriate modifications by an ordinance amendment.

In addition, while the existing language in the Zoning Ordinance allows flexibility in the application of site standards, it still requires that all exterior setbacks be maintained. The PUD ordinance would allow the development to vary from these standards if all findings could be made. These findings require that the project approved by the PUD not be materially injurious to properties or improvements in the vicinity nor adversely affect the light, air and open space of adjacent properties.

Proposed PUD Ordinance - In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance, although they deviate in certain respects from the zoning map and the district regulations, the proposed PUD Ordinance empowers your Board to grant use permits for planned unit developments. The proposed ordinance acknowledges that in certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern prescribed in the Zoning Ordinance. The proposed PUD Ordinance states that a planned unit development may include a combination of different dwelling types which complement each other and harmonize with existing and proposed land uses in the vicinity. The proposed ordinance allows planned unit developments to be located in any residential zoning district, upon the granting of a use permit, and requires that development standards and density limits be consistent with those set forth in the General Plan. In addition, the proposed PUD Ordinance specifies noticing and hearing procedures, and also the findings necessary for project approval. The proposed ordinance also requires that PUDs be approved by the Planning Commission, and describes the appeals process.

The proposed PUD ordinance, amending the Zoning Ordinance, has been found by Planning Department staff to be categorically exempt from CEQA and a CEQA Categorical Exemption form has been prepared (Attachment 3).

### **Planning Commission Action:**

The Planning Commission considered the proposed PUD ordinance on February 27, 2002 but, by a 3-2 vote, recommended *against* its adoption by your Board. The majority of Planning Commissioners believed the PUD ordinance would not significantly contribute to the construction of affordable housing, and would also add unnecessary processing time to projects.

### **Conclusion and Recommendation:**


Planned Unit Developments can be an effective tool that public and private developers can use to develop residential projects that require variations from the normal site development standards. The proposed re-establishment of the Planned Unit Development ordinance would make another tool available to developers and the County, and thus could potentially help the County to address the need for additional affordable housing, especially higher density attached housing. While the conclusions of a majority of the Planning Commission members are valid that adoption of the proposed PUD ordinance might not, in and of itself, create significant amounts of affordable housing, and that it would add a layer of processing, PUDs can provide a valuable tool for innovative site design and utilization, which in combination with other programs can facilitate

affordable housing production. Since the PUD would be a developer option, considerations relative to processing time and cost would be part of the developer’s considerations on whether to pursue a PUD approach. In addition, projects approved as a Planned Unit Development are protected from future ordinance and site standard changes. Again, the availability of the approach is to provide additional tools for use by developers and the County.

It is, therefore, RECOMMENDED that your Board:

- 1. Adopt the attached Resolution Amending County Code Sections 18.10.180 re-instating the County’s Planned Unit Development Ordinance (Attachment 1, which includes Exhibit 1-A, the proposed ordinance amending County Code section 18.10.180); and
- 2. Adopt the attached Ordinance Amending County Code Sections 18.10.180 re-instating the County’s Planned Unit Development Ordinance (Attachment 2); and
- 3. Certify the CEQA Exemption (Attachment 3); and
- 4. Direct the Planning Department to transmit the amendments to the California Coastal Commission as a Local Coastal Program Implementation Plan amendment for their approval and certification; and
- 5. Direct the Planning Department to return to the Board with a review of the program, two years after implementation of the program.

Sincerely,

  
 Alvin D. James  
 Planning Director

RECOMMENDED \_\_\_\_\_  
 Susan A. Mauriello  
 County Administrative Officer

ATTACHMENTS:

- 1. Resolution Recommending Amendment to County Code Section 18.10.180 Reinstating the County’s Planned Unit Development Ordinance  
  
 Exhibit 1-A: Proposed Ordinance No. \_\_\_\_ Amending County Code Section 18.10.180 Reinstating the County’s Planned Unit Development Ordinance
- 2. Proposed Ordinance No. \_\_\_\_ Amending County Code Section 18.10.180 Reinstating the County’s Planned Unit Development Ordinance
- 3. CEQA Exemption

4. Letter of November 13, 2001 from Alvin James, Planning Director, to the Board of Supervisors
- 5.. Minutes of Planning Commission Meeting of February 27, 2002
6. Planning Commission staff report

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

RESOLUTION NO. \_\_\_\_\_

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

RESOLUTION RECOMMENDING AMENDMENT TO COUNTY CODE SECTION 18.10.180  
REINSTATING THE COUNTY'S PLANNED UNIT DEVELOPMENT ORDINANCE

WHEREAS, on November 6, 2001, the Board of Supervisors considered a number of recommendations by the County Administrative Officer regarding various actions to increase the production of affordable housing, one of which was to reestablish a Planned Unit Development (PUD) ordinance in the County's Zoning Code, which had previously been removed from the Zoning Ordinance in 1982; and

WHEREAS, on November 20, 2001, the Board of Supervisors gave preliminary approval to a conceptual PUD Ordinance, and directed the Planning Department to formally process the PUD Ordinance through the Planning Commission, and to report back to the Board in April 2002; and

WHEREAS, the proposed reestablishment of the Planned Unit Development (PUD) ordinance creates a process for reviewing and approving certain types of projects that met the objectives of the Zoning Ordinance but do not meet all of the specific requirements of the residential or commercial site standards; and

**WHEREAS**, the proposed PUD ordinance allows for the development of mixed use projects (residential and commercial) as well as for projects such as townhouse developments where required setbacks and separation between structures can not otherwise be approved; and

WHEREAS, Planned Unit Developments can be an effective tool that public and private developers can use to develop residential and mixed use projects that require variations from required site development standards; and

WHEREAS, the proposed reestablishment of the Planned Unit Development ordinance would make this tool available to developers, and thus, may help address the need for additional affordable housing; and

WHEREAS, a majority of the County Planning Commission recommended against adoption of the proposed PUD ordinance on February 27, 2002, because they believed it would not create affordable housing and would add unnecessary processing time to projects, the PUD ordinance would, nevertheless, provide an additional tool that could facilitate affordable housing production; and

WHEREAS, the proposed PUD Ordinance has been found to be categorically exempt from the California Environmental Quality Act (CEQA), and consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

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**Attachment 1**

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors approves the ordinance amending County Code Section 18.10.180 to reinstate the County's Planned Unit Development ordinance, as set forth in Exhibit 1-A, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the next round of LCP Amendments.


BE IT FURTHER RESOLVED AND ORDERED that these amendments will become effective upon certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2002 by the following vote:

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

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:   
\_\_\_\_\_  
County Counsel

cc: County Counsel  
Planning Department

Exhibits:

1-A: Proposed Ordinance No. \_\_\_ amending County Code Sections 18.10.180 to reinstate the County's Planning Unit Development Ordinance

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING CHAPTER 18.10  
OF THE SANTA CRUZ COUNTY CODE REINSTATING THE PLANNED UNIT  
DEVELOPMENT ORDINANCE**

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

**SECTION I**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

**18.10.180 -- PLANNED UNIT DEVELOPMENTS ("PUD's")**

(a) Purpose

In certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map or the district regulations prescribed by this ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance although they deviate in certain respects from the zoning map and the district regulations, the County Board of Supervisors may approve planned unit development permits, provided the developments comply with the regulations prescribed in this Chapter and are consistent with the County General Plan/Local Coastal Program Land Use Plan.

(b) Where Allowed:

A planned unit development may be located in any residential zoning district upon the granting of a Planned Unit Development Permit in accordance with the provisions of this Chapter.

(c) Permitted Uses:

A planned unit development shall include only uses permitted either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located.

**SECTION II**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:



**EXHIBIT 1-A**

**18.10.181 -- PLANNED UNIT DEVELOPMENT APPLICATIONS**

An application for a Planned Unit Development Permit shall conform to the following specific requirements:

(a) Contents:

The application shall be accompanied by a development plan of the entire planned unit development that includes all of the required application submittal requirements of Section 18.10.210.

(b) Density:

In addition to the data and drawings prescribed in Section 18.10.210, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average density in the area or areas proposed to be devote to residential use.

**SECTION III**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

**18.10.183 -- PLANNED UNIT DEVELOPMENT PERMIT FINDINGS**

The Planning Commission may recommend the approval of a Planned Unit Development Permit as was applied for or in modified form if, on the basis of the application and evidence submitted, the Planning Commission makes the following findings in addition to the findings required by Section 18.10.230:

- (a) That the proposed location of the uses are in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- (b) That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detriment to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (c) That the proposed planned unit development will comply with each of the applicable provisions of this Chapter.
- (d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of this Chapter.

**EXHIBIT 1-A**

- (e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities.
- (f) That the combination of different dwelling types or the variety of land use in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
- (g) That the proposed use is consistent with the General Plan/Local Coastal Program Land Use Plan.

**SECTION IV**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.184 to read as follows:

**18.10.184 -- PLANNED UNIT DEVELOPMENT; OFFICIAL ACTION**

- (a) Action by Planning Commission:

Following the public hearing, the Planning Commission may deny the planned unit development, continue consideration of the planned unit development, or recommend approval of the planned unit development, with or without modification. Planning Commission action to approve a planned units development shall be in the form of a resolution recommending to the Board of Supervisors approval, with or without modifications, of the planned unit development.

- (b) Appeals of the Action of the Planning Commission:

If the Planning Commission recommends against a proposed planned unit development, it's action shall be final unless the matter is considered upon appeal or special consideration by the Board as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of planned unit developments which include land division applications shall be subject to the procedures of Section 14.10.312.

- (c) Action of the Board of Supervisors:

The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a planned unit development. Notice of the public hearing shall be given pursuant to Section 18.10.223. Following the public hearing, the Board of Supervisors may deny the planned unit development, continue consideration of the planned unit development, or approve the planned unit development, with or without modification. Actions to approve the planned unit development shall be

**EXHIBIT 1-A**

by adoption of an ordinance amending County Code Chapter 13.10 to establish specific zoning and site standards for the planned unit development.

(d) Finality of Action on Planned Unit Development:

No new application for a Planned Unit Development permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.

**SECTION V**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

**18.10.185 -- PLANNED UNIT DEVELOPMENT STANDARDS**

(a) District Regulations:

Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking and off-street loading facilities and landscaped areas shall in the aggregate be at least equivalent to the standards prescribed by the regulations for the district in which the planned unit development is located.

(b) Density:

The average number of dwelling units per net acre shall not exceed the maximum number of dwelling units prescribed by the site regulations or the site area per dwelling unit regulation for the district in which the planned unit development is located subject, however, to the exception that the average number of dwelling units per developable acre may exceed the maximum number of dwelling units prescribed for a district by not more than ten percent in a planned unit development on a site of ten acres or more, but not to exceed the density specified by the General Plan/Local Coastal Program Land Use Plan.

(c) In "SU" Districts:

The development standards and density requirements of subsections (a) and (b) above shall not apply in the "SU" Districts wherein the standards and density must be consistent with the applicable General Plan/Local Coastal Program Land Use Plan, as determined the Planning Commission and the Board of Supervisors.

(d) In Residential Districts:

The following conditions shall be required in planned unit developments located in an "R-1", "RA", "RR" or "RM" district:

**EXHIBIT 1-A**

- (1) All products produced on the site of any of the permitted uses shall sold primarily at retail on the site where produced.
- (2) Not more than five persons shall be engaged in this production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains.
- (3) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission or the Board of Supervisors to be injurious to property located in the vicinity by reason of excessive odor, fume dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare unsightliness or heavy truck traffic, or to involve any hazard of fire or explosion.
- (4) All planned unit developments shall meet the requirements of Chapter 13.11 - Site, Architectural and Landscape Design Review.

**SECTION VI**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180to read as follows:

**18.10.332 -- PLANNED UNIT DEVELOPMENT HEARINGS**

- (a) Notice:

The Planning Commission shall hold a public hearing on each application for a planned unit development. Notice of said hearings shall be given as specified in Section 18.10.223.

- (b) Hearing Procedure:

The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for its consideration. At the public hearing, the Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in Section 18.10.183.

12

EXHIBIT 1-A

**SECTION VII**

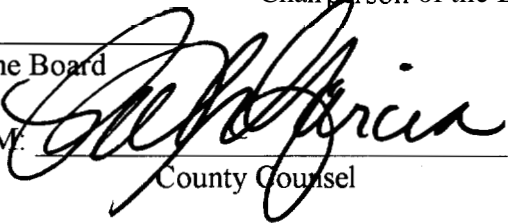
This ordinance shall take effect on the 3 1st day after the date of final passage outside the Coastal Zone, and upon certification by the California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTESTED: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:   
\_\_\_\_\_  
County Counsel

DISTRIBUTION: County Counsel, Planning, CAO

33

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING CHAPTER 18.10  
OF THE SANTA CRUZ COUNTY CODE REINSTATING THE PLANNED UNIT  
DEVELOPMENT ORDINANCE**

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

**SECTION I**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

**18.10.180 -- PLANNED UNIT DEVELOPMENTS ("PUD's")**

(a) Purpose

In certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map or the district regulations prescribed by this ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance although they deviate in certain respects from the zoning map and the district regulations, the County Board of Supervisors may approve planned unit development permits, provided the developments comply with the regulations prescribed in this Chapter and are consistent with the County General Plan/Local Coastal Program Land Use Plan.

(b) Where Allowed:

A planned unit development may be located in any residential zoning district upon the granting of a Planned Unit Development Permit in accordance with the provisions of this Chapter.

(c) Permitted Uses:

A planned unit development shall include only uses permitted either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located.

**SECTION II**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

**18.10.181 -- PLANNED UNIT DEVELOPMENT APPLICATIONS**

**An** application for a Planned Unit Development Permit shall conform to the following specific requirements:

(a) Contents:

The application shall be accompanied by a development plan of the entire planned unit development that includes all of the required application submittal requirements of Section 18.10.210.

(b) Density:

In addition to the data and drawings prescribed in Section 18.10.210, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average density in the area or areas proposed to be devote to residential use.

**SECTION III**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

**18.10.183 -- PLANNED UNIT DEVELOPMENT PERMIT FINDINGS**

The Planning Commission may recommend the approval of a Planned Unit Development Permit as was applied for or in modified form if, on the basis of the application and evidence submitted, the Planning Commission makes the following findings in addition to the findings required by Section 18.10.230:

- (a) That the proposed location of the uses are in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- (b) That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detriment to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (c) That the proposed planned unit development will comply with each of the applicable provisions of this Chapter.
- (d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of this Chapter.

15

ATTACHMENT 2

- (e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities.
- (f) That the combination of different dwelling types or the variety of land use in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
- (g) That the proposed use is consistent with the General Plan/Local Coastal Program Land Use Plan.

**SECTION IV**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section **18.10.184** to read as follows:

**18.10.184 -- PLANNED UNIT DEVELOPMENT; OFFICIAL ACTION**

- (a) Action by Planning Commission:

Following the public hearing, the Planning Commission may deny the planned unit development, continue consideration of the planned unit development, or recommend approval of the planned unit development, with or without modification. Planning Commission action to approve a planned units development shall be in the form of a resolution recommending to the Board of Supervisors approval, with or without modifications, of the planned unit development.

- (b) Appeals of the Action of the Planning Commission:

If the Planning Commission recommends against a proposed planned unit development, it's action shall be final unless the matter is considered upon appeal or special consideration by the Board as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of planned unit developments which include land division applications shall be subject to the procedures of Section 14.10.312.

- (c) Action of the Board of Supervisors:

The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a planned unit development. Notice of the public hearing shall be given pursuant to Section 18.10.223. Following the public hearing, the Board of Supervisors may deny the planned unit development, continue consideration of the planned unit development, or approve the planned unit development, with or without modification. Actions to approve the planned unit development shall be

33



16

**ATTACHMENT 2**

by adoption of an ordinance amending County Code Chapter 13.10 to establish specific zoning and site standards for the planned unit development.

(d) Finality of Action on Planned Unit Development:

No new application for a Planned Unit Development permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.

**SECTION V**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

**18.10.185 -- PLANNED UNIT DEVELOPMENT STANDARDS**

(a) District Regulations:

Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking and off-street loading facilities and landscaped areas shall in the aggregate be at least equivalent to the standards prescribed by the regulations for the district in which the planned unit development is located.

(b) Density:

The average number of dwelling units per net acre shall not exceed the maximum number of dwelling units prescribed by the site regulations or the site area per dwelling unit regulation for the district in which the planned unit development is located subject, however, to the exception that the average number of dwelling units per developable acre may exceed the maximum number of dwelling units prescribed for a district by not more than ten percent in a planned unit development on a site of ten acres or more, but not to exceed the density specified by the General Plan/Local Coastal Program Land Use Plan.

(c) In "SU" Districts:

The development standards and density requirements of subsections (a) and (b) above shall not apply in the "SU" Districts wherein the standards and density must be consistent with the applicable General Plan/Local Coastal Program Land Use Plan, as determined the Planning Commission and the Board of Supervisors.

(d) In Residential Districts:

The following conditions shall be required in planned unit developments located in an "R-1", "RA", "RR" or "RM" district:

33

- (1) All products produced on the site of any of the permitted uses shall sold primarily at retail on the site where produced.
- (2) Not more than five persons shall be engaged in this production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains.
- (3) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission or the Board of Supervisors to be injurious to property located in the vicinity by reason of excessive odor, fume dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare unsightliness or heavy truck traffic, or to involve any hazard of fire or explosion.
- (4) All planned unit developments shall meet the requirements of Chapter 13.11 - Site, Architectural and Landscape Design Review.

**SECTION VI**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

**18.10.332-- PLANNED UNIT DEVELOPMENT HEARINGS**

- (a) Notice:

The Planning Commission shall hold a public hearing on each application for a planned unit development. Notice of said hearings shall be given as specified in Section 18.10.223.

- (b) Hearing Procedure:

The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for its consideration. At the public hearing, the Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in Section 18.10.183.

**SECTION VII**

This ordinance shall take effect on the 3 1st day after the date of final passage outside the Coastal Zone, and upon certification by the California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2002, by the Board of Supervisors of the County of Santa Cruz by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTESTED: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:



\_\_\_\_\_  
County Counsel

DISTRIBUTION: County Counsel, Planning, CAO

NOTICE OF EXEMPTION FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. *N/A*

Assessor Parcel No. *N/A*

Project Location: *Countywide*

Project Description: *Proposed Planned Unit Development Ordinance*

Person or Agency Proposing Project: *Santa Cruz County Planning Department*


Phone Number: *(831) 454-3183*

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
- B. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.
- C. X Statutory Exemption other than a Ministerial Project.  
Specify type:

D. Categorical Exemption

- |  |   |
|--|---|
| <input type="checkbox"/> 1. Existing Facility  | <input type="checkbox"/> 17. Open Space Contracts or Easements                                  |
| <input type="checkbox"/> 2. Replacement or Reconstruction                                    | <input type="checkbox"/> 18. Designation of Wilderness Areas                                    |
| <input type="checkbox"/> 3. New Construction of Small Structure                              | <input type="checkbox"/> 19. Annexation of Existing Facilities/Lots for Exempt Facilities       |
| <input type="checkbox"/> 4. Minor Alterations to Land  | <input type="checkbox"/> 20. Changes in Organization of Local Agencies                          |
| <input checked="" type="checkbox"/> 5. Alterations in Land Use Limitations                   | <input type="checkbox"/> 21. Enforcement Actions by Regulatory Agencies                         |
| <input type="checkbox"/> 6. Information Collection   | <input type="checkbox"/> 22. Educational Programs   |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings              |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources  | <input type="checkbox"/> 24. Regulation of Working Conditions                                   |
| <input type="checkbox"/> 9. Inspection   | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| <input type="checkbox"/> 10. Loans   |   |
| <input type="checkbox"/> 11. Accessory Structures  | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs             |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales                                    | <input type="checkbox"/> 27. Leasing New Facilities   |
| <input type="checkbox"/> 13. Acquisition of Land for Wildlife Conservation Purposes          | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing Facilities                |
| <input type="checkbox"/> 14. Minor Additions to Schools                                      | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities                       |
| <input type="checkbox"/> 15. Minor Land Divisions  |   |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks                   |   |

E. \_\_\_\_\_ Lead Agency Other Than County: \_\_\_\_\_

  
\_\_\_\_\_  
Mark Deming, AICP  
Project Planner

Date: \_\_\_\_\_



# County of Santa Cruz

0843

## PLANNING DEPARTMENT

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

ALVIN D. JAMES, DIRECTOR

November 13, 2001

Agenda: November 20, 2001 ■

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

### RE: PLANNED UNIT DEVELOPMENTS

Members of the Board:

On November 6, 2001, your Board considered a number of recommendations by the County Administrative Officer regarding various actions to increase the production of affordable housing. One of the recommendations concerned the adoption of an ordinance to recreate the Planned Unit Development Ordinance for use in the development of residential and mixed use projects. A discussion of Planned Unit Developments (PUD), their use in the past and the current practices in lieu of PUDs is presented below. A preliminary PUD ordinance is attached as Attachment 1.

Planned Unit Developments - The County Code was amended in ~~1962~~ to create a process for reviewing and approving certain types of projects that met the objectives of the Zoning Ordinance but did not meet all of the specific requirements of the residential or commercial site standards. This process, and the permits that were issued as a result of the process, were called Planned Unit Developments or PUDs. The County's PUD ordinance allowed for the development of mixed use projects (residential and commercial) as well as for projects such as townhouse developments where required setbacks and separation between structures could not otherwise be approved. In practice, PUDs were used for the development of residential only projects where there was a need and appropriate justification to vary from the strict application of the specific zone district.

As is shown in the attached copy of the 1982 Zoning Ordinance which was the last year this was in the County Code (Attachment 2), the PUD ordinance established standards, findings and procedures for the review of these special permits. Most notably, the procedures require the PUD permit to be approved by the Board of Supervisors, based on a recommendation

from the Planning Commission, through the adoption of an ordinance. Examples of PUDs include Sand Dollar Beach, Canon del Sol, Woodland Heights, Willowbrook Village, and Paradise Park. Because the PUD was adopted by the Board of Supervisors as an ordinance, amendments to the PUD were processed as ordinance amendments. This process included the required hearings before the Planning Commission and the Board of Supervisors.

Current Practice - In 1983, as a part of the implementation of the Local Coastal Program Land Use Plan, the PUD ordinance was eliminated and language was added to the County Code to allow flexibility in the design of residential land division projects. This language, Section 13.10.324(d)1(i) of the County Code, is as follows:

*1. Parcels Created from New Land Divisions*

*(i) Within any new land division project, all development standards on all lots or parcels which abut the periphery of the project site are subject to all the restrictions stated in this section unless a variance is obtained. No parcel shall be created smaller than 3,500 square feet in area. On individual lots or parcels within any land division project not abutting the periphery of the project site, site and structural dimensions may vary from the General Requirements for the zone district, provided that the approved standards and dimensions for each new lot or parcel are specifically indicated on the approved tentative map.*

**This** section allows creative approaches to project siting by only requiring that the setbacks around the perimeter of the project site meet the standards of the zone district, thus limiting the impacts of the project on adjacent properties. However, inside the project, buildings can be oriented in any manner. This section allows townhouse and condominium projects that have zero setbacks between units to be constructed without the need of a variance. Projects are processed at the level of review appropriate for the project (e.g. a 5-unit townhouse = Planning Commission; a 22-unit condominium project = Planning Commission and Board of Supervisors). In addition, amendments to projects are processed according to the requirements of Chapter 18.10 with the level of review commensurate with the type of amendment (anywhere from Level III to Level VII).

This section has been used to approve many projects in the County, including the Chanticleer apartments, Merrill Street project, the Farm Project and Vista Verde (all apartment projects). It was also used to approve the Pajaro Lane project, a mixed apartment and townhouse project with differing densities. It has not, however, been used by the private sector in recent years.

Although the current Zoning Ordinance language provides for flexibility in the application of the site development standards to specific projects, there are a number of problems that can occur. If the zoning of the site or the site development standards change after the project is built, the project may become non-conforming and the new standards would have to be met if rebuilding were required.

On the other hand, if a project is approved as a PUD, the adoption of the ordinance locks in the zoning and site development standards until amendments by an ordinance amendment to the PUD. This gives these types of projects protection ~~from~~ changes in the Zoning Ordinance and allows for appropriate modifications by an ordinance amendment.

In addition, while the existing language in the Zoning Ordinance allows flexibility in the application of site standards, it still requires that all exterior setbacks be maintained. The PUD ordinance would allow the development to vary from these standards if all findings could be made. These findings require that the project approved by the PUD not be materially injurious to properties or improvements in the vicinity nor adversely affect the light, air and open space of adjacent properties.

Planned Unit Developments can be an effective tool that public and private developers can use to develop residential and mixed use projects that require variations from the normal site development standards. The re-enactment of the Planned Unit Development ordinance will make this tool available to developers.

It is, therefore, RECOMMENDED that you Board:

1. Consider the attached Ordinance re-establishing the Planned Unit Development; and
2. Refer the ordinance to the Planning Commission for review, input and recommendation; and
3. Direct the Planning Department to report back to the Board on this matter on April 9, 2002.

Sincerely,

*Alvin D. James*  
**Alvin D. James**  
 Planning Director

RECOMMENDED: *Susan A. Mauriello*  
 Susan A. Mauriello  
 County Administrative Officer

- Attachments
1. Proposed Planned Unit Development Ordinance
  2. 1982 Planned Unit Development Ordinance

ATTACHMENT 1

18.10.180-- PLANNED UNIT DEVELOPMENTS ("PUD's")

(a) Purpose

In certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map of the district regulations prescribed by this ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance although they deviate in certain respects from the zoning map and the district regulations, the County Board of Supervisors is empowered to grant use permits for planned unit developments, provided the developments comply with the regulations prescribed in this Chapter and are consistent with the County General Plan/Local Coastal Program Land Use Plan.

(b) Where Allowed

A planned unit development may be located in any zoning district upon the granting of a use permit in accordance with the provisions of this Chapter.

(c) Permitted Uses

A planned unit development shall include only uses permitted either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located, subject to the following exception:

- (1) Any use permitted in any residential or "C-1" district either as a permitted use or a conditional use, or any combination of such uses may be included in a planned unit development on a site often (10) acres or more, located in an "R-1", "RR", "RA", or "RM" district, where consistent with the General Plan.

18.10.181 -- PLANNED UNIT DEVELOPMENT APPLICATIONS

Applications for Planned Unit Development Permits shall conform to the following specific requirements:

(a) Contents

The application shall be accompanied by a development plan of the entire planned unit development that includes all of the required application submittal requirements of Section 18.10.210.



ATTACHMENT 1

(b) Density

In addition to the data and drawings prescribed in Section 18.10.210, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average density in the area or areas proposed to be devote to residential use.

13.10.332 -- PLANNED UNIT DEVELOPMENT HEARINGS

(a) Notice

The Planning Commission shall hold a public hearing on each application for a planned unit development. Notice of said hearings shall be given as specified in Section 18.10.223.

(b) Hearing Procedure

The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for its consideration. At the public hearing, the Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in Section 18.10.183.

18.10.183 -- PLANNED UNIT DEVELOPMENT PERMIT FINDINGS

The Planning Commission may recommend the granting of a Planned Unit Development as was applied for or in modified form if, on the basis of the application and evidence submitted, the Planning Commission makes the following findings in addition to the findings required by Section 18.10.230:

- (a) That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- (b) That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detriment to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (c) That the proposed planned unit development will comply with each of the applicable provisions of this Chapter.
- (d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard

## ATTACHMENT 1

spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of this Chapter.

(e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

(f) That the combination of different dwelling types or the variety of land use in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.

(g) That the proposed use is consistent with the General Plan/Local Coastal Program Land Use Plan.

## 18.10.184-- PLANNED UNIT DEVELOPMENT; OFFICIAL ACTION

## (a) Action by Planning Commission

Following the public hearing, the Planning Commission may deny the planned unit development, continue consideration of the planned unit development, or recommend approval of the planned unit development, with or without modification. Planning Commission action to approve a planned units development shall be in the form of a resolution recommending to the Board of Supervisors approval, with or without modifications, of the planned unit development.

## (b) Appeals of the Action of the Planning Commission

If the Planning Commission recommends against a proposed planned unit development, its action shall be final unless the matter is considered upon appeal or special consideration by the Board as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of planned unit developments which include land division applications shall be subject to the procedures of Section 14.10.312.

## (c) Action of the Board of Supervisors

The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a planned unit development. Notice of the public hearing shall be given pursuant to Section 18.10.223. Following the public hearing, the Board of Supervisors may deny the planned unit development, continue consideration of the planned unit development, or approve the planned unit development, with or without modification. Actions to approve the planned unit development shall be by adoption of an ordinance amending County

ATTACHMENT 1

Code Chapter 13.10 to establish specific zoning and site standards for the planned unit development.

(d) Finality of Action on Planned Unit Development

No new application for a Planned Unit Development permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.

18.10.185-- PLANNED UNIT DEVELOPMENT STANDARDS

(a) District Regulations

Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking and off-street loading facilities and landscaped areas shall in the aggregate be at least equivalent to the standards prescribed by the regulations for the district in which the planned development is located.

(b) Density

The average number of dwelling units per net acre shall not exceed the maximum number of dwelling units prescribed by the site regulations or the site area per dwelling unit regulation for the district in which the planned unit development is located subject, however, to the exception that the average number of dwelling units per developable acre may exceed the maximum number of dwelling units prescribed for a district by not more than ten percent in a planned unit development on a site of ten acres or more, but not to exceed the density specified by the General Plan/Local Coastal Program Land Use Plan.

(c) In "SU" Districts

The development standards and density requirements of subsections (a) and (b) above shall not apply in the "SU" Districts wherein the standards and density must be consistent with the applicable General Plan/Local Coastal Program Land Use Plan, as determined the Planning Commission and the Board of Supervisors.

(d) In Residential Districts

The following conditions shall be required in planned unit developments located in an "R-1", "RA", "RR" or "RM" district:

- (1) All products produced on the site of any of the permitted uses shall sold primarily at retail on the site where produced.

ATTACHMENT 1

- (2) Not more than five persons shall be engaged in this production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains.
- (3) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission or the Board of Supervisorsto be injurious to property located in the vicinity by reason **of** excessive odor, **fume** dust, smoke, cinders, dirt, **refuse**, water-carried waste, noise, vibration, illumination, glare unsightliness or heavy truck traffic, or to involve any hazard of fire or explosion.
- (4) All planned unit developments shall meet the requirements of Chapter 13.11 - Site, Architectural and Landscape Design Review.

13.10.330--PLANNED UNIT DEVELOPMENTS ("PUD's")

(a) Purpose

In certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map of the district regulations prescribed by this ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance although they deviate in certain respects from the zoning map and the district regulations, the County Planning Commission, notwithstanding the provision of section 13.10.033 and section 13.10.410, et seq., is empowered to grant use permits for planned unit developments, provided the developments comply with the regulations prescribed in this Chapter.

(b) Where Allowed

A planned unit development may be located in any zoning district upon the granting of a use permit in accordance with the provisions of this Chapter.

(c) Permitted Uses

A planned unit development shall include only uses permitted either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located, subject to the following exception:

- (1) Any use permitted in any residential or "C-1" district either as a permitted use or a conditional use, or any combination of such uses may be included in a planned unit development on a site often (10) acres or more, located in an "R-1", "RR", "RA", or "RM" district, where consistent with the General Plan.

(Ord. 839, 11/28/62; 878, 5/13/63; 1714, 5/9/72; 3344, 11/23/82)

13.10.331 -- PLANNED UNIT DEVELOPMENT APPLICATIONS

Applications for Planned Unit Development Permits shall conform to the following specific requirements and exceptions from the above-listed sections:

(a) Contents

The application shall be accompanied by a development plan of the entire planned unit development, drawn to scale and showing the contours of the site at intervals of not more than five (5) feet; provisions for drainage surface waters; watercourses; railroad and public utility rights-of-way; streets; driveways; pedestrian walks; off-street parking and off-street loading facilities; reservations for public uses, including parks, playgrounds and other open spaces; private

uses, including dwelling types; lot layout; locations and heights of structures; and landscaped areas; letters from the appropriate sanitation and water districts indicating that there will be adequate sewer and water service to the project; a letter from the appropriate fire district indicating all fire protection requirements for the project.

(b) Density

In addition to the data and drawings prescribed in Section 13.10.411 the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density per net acre and per gross acre in the area or areas proposed to be devoted to residential use.

(Ord. 1749, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3344, 11/23/82)

13.10.332 -- PLANNED UNIT DEVELOPMENT HEARINGS

(a) Notice

The Planning Commission shall hold a public hearing on each application for a use permit for a planned unit development. Notice of said hearings shall be given as follows:

(1) Publication

Notice of said hearing shall be given by publication in a newspaper of general circulation printed and published within the County at least ten days prior to the date set for hearing.

(2) Posting

Notice of said hearings shall be posted in conspicuous places adjacent to the property

(3) Contents of Notice

The notice shall state the general location of the proposed use, the name of the applicant and the use for which the permit is sought.

(b) Hearing Procedure

The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for their consideration. At the public hearing, the said Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in Section 13.10.373.

(Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3344, 11/23/82)

13.10.333 -- PLANNED DEVELOPMENT PERMIT FINDINGS

The Planning Commission may recommend the granting of a use permit for a Planned Unit Development as the use permit was applied for on or in modified form if, on the basis of the application and evidence submitted, the Zoning Administrator makes the following findings:

- (a) That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- (b) That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (c) That the proposed planned development will comply with each of the applicable provisions of this Chapter.
- (d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of this Chapter.
- (e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.
- (f) That the combination of different dwelling types or the variety of land use in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
- (g) That the proposed use is consistent with the General Plan

(Ord. 839, 1/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3344, 11/23/8

13.10.334 -- PLANNED UNIT DEVELOPMENT; OFFICIAL ACTION

- (a) Action by Planning Commission

Following the aforesaid hearing the Planning Commission shall make a report of its findings and recommendations with respect to the proposed planned unit development and shall file with the

Board of Supervisors an attested copy of such report within 90 days after the notice of the first of said hearings provided that such time limit may be extended upon mutual agreement of the parties having an interest in the proceedings. Failure of the Planning Commission to so report within 90 days without the aforesaid agreement shall be deemed to be approval of the proposed Planned Unit Development by the Planning Commission

(b) Action of Board of Supervisors

If the report of the Planning Commission recommends against a proposed Planned Unit Development, it's action shall be final unless the matter is considered upon appeal or special consideration by the Board as provided in Section 13.10.240, et seq. Upon receipt of the report recommending a Planned Unit Development from the Planning Commission, or upon expiration of the 90 days as aforesaid, the Board of Supervisors may approve the proposed Planned Development or any part thereof in such form as said Board may deem advisable, by ordinance. The decision of the Board of Supervisors shall be rendered within 90 days after the receipt of a report and recommendation from the Planning Commission, or after the expiration of such 90 days as aforesaid.

(c) Finality of Action on Planned Unit Development

No new application for a Planned Unit Development permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Planning Commission, if no appeal was taken, or without the consent of the Board of Supervisors if denied by the Board upon appeal.

(Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3344, 11/23/82)

13.10.335 -- PLANNED UNIT DEVELOPMENT STANDARDS

(a) District Regulations

Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking and off-street loading facilities and landscaped areas shall in the aggregate be at least equivalent to the standards prescribed by the regulations for the district in which the planned development is located.

(b) Density

The average number of dwelling units per net acre shall not exceed the maximum number of dwelling units prescribed by the site regulations or the site area per dwelling unit regulation for the district in which the planned unit development is located subject, however, to the exception that the average number of dwelling units per developable acre may exceed the maximum number of dwelling units prescribed for a district by not more than ten percent in planned unit



development on a site of ten acres or more, but not to exceed the density specified by the General Plan.

(c) In "SU" Districts

The development standards and density requirements of subsections (a) and (b) above shall not apply in the "SU" Districts wherein the standards and density must be consistent with the applicable General Plan as determined the Planning Commission, or Board, as the case may be.

(d) In Residential Districts

The following conditions shall be required in planned unit developments located in an "R-1", "RA", "RR" or "RM" district:

- (1) All products produced on the site of any of the permitted uses shall sold primarily at retail on the site where produced.
- (2) Not more than five persons shall be engaged in this production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains.
- (3) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission to be injurious to property located in the vicinity by reason of excessive odor, fume, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare unsightliness or heavy truck traffic, or to involve any hazard of fire or explosion.

(Ord. 839, 11/28/62; 1714, 5/9/72; 3344, 11/23/82)

# PLANNING COMMISSION MINUTES 2-27-02

Proceedings of the  
Santa Cruz County  
Planning Commission

Volume 2002, Number 4  
February 27, 2002

LOCATION: Board of Supervisors Chambers, County Government Center,  
701 Ocean Street, Room 525, Santa Cruz, CA 95060

## ACTION SUMMARY MINUTES

### VOTING KEY

Commissioners: Shepherd, Chair: Osmer, Bremner, Durkee  
Alternate Commissioners: Hancock, Hummel, Messer, DeAlba

*All original commissioners except Holbert were present. Marilyn Hummel, Holbert's alternate was present instead.*

### **F.** CONSENT AGENDA

- F-1.** Approval of 2-13-02 Planning Commission Meeting Minutes  
Bremner made motion to approve the minutes and Durkee seconded.  
Voice Vote, carried 5-0, with ayes from commissioners Bremner, Durkee, Hummel, Osmer, and Shepherd.

### **G.** CONTINUED ITEMS

There were no continued on this agenda.

### **H.** SCHEDULED ITEMS

- H-1.** Public hearing to consider revisions to County Code Sections 13.10.322(b), 13.10.323(e)6 and 13.10.700-D concerning accessory structures.  
APPLICANT: COUNTY OF SANTA CRUZ  
PROJECT PLANNER: GLENDA HILL, 454-3216

Motion made by Shepherd to approve staff recommendation with modification to limit height within USL on parcels >15,000 sq. ft. to be equal to or less than the height of the main structure. Osmer seconded the motion.  
Voice Vote, carried 3-2, with ayes from Durkee, Osmer and Shepherd. Bremner and Hummel voted no.

- H-2.** Public hearing to consider amendments to county code sections 13.10.312(B) and 13.10.681, to allow second units on agricultural parcels.  
PROJECT PLANNER: FRANK BARRON, 454-2530

Bremner made motion to approve staffs recommendation as amended by APAC and as recommended by staff. Durkee seconded the motion. Voice Vote, carried 5-0, with ayes from Bremner, Durkee, Hummel, Osmer, and Shepherd.

- H-3.** Public hearing to consider amendments to county code chapter 18.10, establishing procedures for considering requests for reasonable zoning and building code accommodation for disabled persons.  
PROJECT PLANNER: FRANK BARRON, 454-2530

Durkee made motion to approve staffs recommendation and Shepherd seconded.  
Voice Vote, carried 5-0, with ayes from Bremner, Durkee, Hummel, Osmer, and Shepherd.

**H-4.** Public hearing to consider amendments to county code 18.10 re-establishing a planned unit development (PUD) ordinance.  
PROJECT PLANNER: FRANK BARRON, 454-2530

Shepherd made motion to recommend that B.O.S. *not* adopt ordinance. Hummel seconded the motion. Voice Vote, carried 3-2, with ayes from Bremner, Durkee, and Osmer. Hummel and Shepherd voted no.



ATTACHMENT

6 <sup>35</sup> H-4

# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
ALVIN JAMES, DIRECTOR

February 14, 2002

AGENDA: February 27, 2002

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

### **PUBLIC HEARING TO CONSIDER THE PROPOSED PLANNED UNIT DEVELOPMENT ORDINANCE**

Commissioners:

Your Commission is being asked to consider an ordinance to reestablish the Planned Unit Development Ordinance for use in the development of residential and mixed use projects. This proposed ordinance is one of several measures that were recommended by the County Administrative Officer to increase the production of affordable housing. A discussion of Planned Unit Development (PUD), its use in the past and the current practices in lieu of PUDs is presented below. The proposed PUD ordinance is included as Attachment A-1 of Exhibit A to this staff report.

#### **Background:**

On November 6, 2001, the Board of Supervisors considered a number of recommendations by the County Administrative Officer regarding various actions to increase the production of affordable housing. One of the recommendations was to reestablish a PUD ordinance in the County's Zoning Code. The previous PUD provisions were removed from the Zoning Ordinance in 1982. On November 20, 2001, the Board of Supervisors gave preliminary approval to a conceptual PUD ordinance, and directed staff to refer the proposed PUD ordinance to the Planning Commission and to return to the Board of Supervisors on April 9, 2002 for final ordinance adoption (see Exhibit C).

#### **Discussion:**

Planned Unit Developments - The County Code was amended in 1962 to create a process for reviewing and approving certain types of projects that met the objectives of the Zoning Ordinance but did not meet all of the specific requirements of the residential or commercial site standards. This process, and the permits that were issued as a result of the process, were called Planned Unit Developments or PUDs. The County's PUD ordinance allowed for the development of mixed use projects (residential and commercial) as well as for projects such as townhouse developments where required setbacks and separation between structures could not otherwise be approved. In practice, PUDs were used for the development of residential only projects where there was a need and appropriate justification to vary from the strict application of the specific zone district.

As is shown in the attached copy of the 1982 Zoning Ordinance which was the last year this was in the County Code (Attachment 2 of Exhibit C), the PUD ordinance established standards, findings and procedures for the review of these special permits. Most notably, the procedures require the PUD permit to be approved by the Board of Supervisors, based on a recommendation from the Planning Commission, through the adoption of an ordinance. Examples of PUDs include Sand Dollar Beach, Cañon del Sol, Woodland Heights, Willowbrook Village, and Paradise Park. Because the PUD was adopted by the Board of Supervisors as an ordinance, amendments to the PUD were processed as ordinance amendments. This process included the required hearings before the Planning Commission and the Board of Supervisors.

Current Practice - In 1983, as a part of the implementation of the Local Coastal Program Land Use Plan, the PUD ordinance was eliminated and language was added to the County Code to allow flexibility in the design of residential land division projects. This language, Section 13.10.324(d)1(i) of the County Code, is as follows:

*1. Parcels Created from New Land Divisions*

*(i) Within any new land division project, all development standards on all lots or parcels which abut the periphery of the project site are subject to all the restrictions stated in this section unless a variance is obtained. No parcel shall be created smaller than 3,500 square feet in area. On individual lots or parcels within any land division project not abutting the periphery of the project site, site and structural dimensions may vary **from** the General Requirements for the zone district, provided that the approved standards and dimensions for each new lot or parcel are specifically indicated on the approved tentative map.*

This section allows creative approaches to project siting by only requiring that the setbacks around the perimeter of the project site meet the standards of the zone district, thus limiting the impacts of the project on adjacent properties. However, inside the project, buildings can be oriented in any manner. This section allows townhouse and condominium projects that have zero setbacks between units to be constructed without the need of a variance. Projects are processed at the level of review appropriate for the project (e.g. a 5-unit townhouse = Planning Commission; a 22-unit condominium project = Planning Commission and Board of Supervisors). In addition, amendments to projects are processed according to the requirements of Chapter 18.10 with the level of review commensurate with the type of amendment (anywhere from Level III to Level VII).

This section has been used to approve many projects in the County, including the Chanticleer apartments, Merrill Street project, the Farm Project and Vista Verde (all apartment projects). It **was** also used to approve the Pajaro Lane project, a mixed apartment and townhouse project with differing densities. It has not, however, been used by the private sector in recent years.

Although the current Zoning Ordinance language provides for flexibility in the application of the site development standards to specific projects, there are a number of problems that can occur. If the zoning of the site or the site development standards change after the project is built, the project may become non-conforming and the new standards would have to be met if rebuilding were required.

On the other hand, if a project is approved as a PUD, the adoption of the ordinance locks in the zoning and site development standards until amendments by an ordinance amendment to the PUD. This gives these types of projects protection from changes in the Zoning Ordinance and allows for appropriate modifications by an ordinance amendment.

In addition, while the existing language in the Zoning Ordinance allows flexibility in the application of site standards, it still requires that all exterior setbacks be maintained. The PUD ordinance would allow the development to vary from these standards if all findings could be made. These findings require that the project approved by the PUD not be materially injurious to properties or improvements in the vicinity nor adversely affect the light, air and open space of adjacent properties.

Proposed PUD Ordinance - In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance, although they deviate in certain respects from the zoning map and the district regulations, the proposed PUD Ordinance empowers the Board of Supervisors to grant use permits for planned unit developments. The proposed ordinance acknowledges that in certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern prescribed in the Zoning Ordinance. The proposed PUD Ordinance states that a planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. The proposed ordinance allows planned unit developments to be located in any residential zoning district, upon the granting of a use permit, and requires that development standards and density limits be consistent with those set forth in the General Plan. In addition, the proposed PUD Ordinance specifies noticing and hearing procedures, and also the findings necessary for project approval. The proposed ordinance also requires that PUDs be approved by the Planning Commission, and describes the appeals process.

### **Conclusion and Recommendation:**

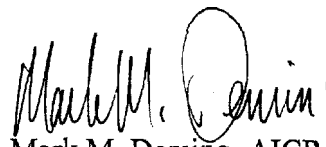
Planned Unit Developments can be an effective tool that public and private developers can use to develop residential and mixed use projects that require variations from the normal site development standards. The proposed reestablishment of the Planned Unit Development ordinance will make this tool available to developers, and thus will help the County to address the need for additional affordable housing .

The proposed PUD ordinance, amending the Zoning Ordinance, has been found by Planning Department staff to be categorically exempt from CEQA and a CEQA Categorical Exemption form has been prepared (Exhibit B). It is RECOMMENDED that your Commission approve of the attached Resolution recommending Board of Supervisors adoption of an ordinance amending County Code Section 18.10.180 Reinstating the County's Planned Unit Development Ordinance (Exhibit A).

Sincerely,



Frank Barron, AICP  
Planner



Mark M. Deming, AICP  
Principal Planner

EXHIBITS:

- A. Resolution Recommending Amendment to County Code Section 18.10.180 Reinstating the County's Planned Unit Development Ordinance

Attachment A-1: Proposed Ordinance No. \_\_\_\_ Amending County Code Section 18.10.180 Reinstating the County's Planned Unit Development Ordinance

- B. CEQA Exemption
- C. Letter of November 13, 2001 from Alvin James, Planning Director, to the Board of Supervisors

Exhibit A

BEFORE THE PLANNING COMMISSION  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Commissioner  
duly seconded by Commissioner  
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION RECOMMENDING AMENDMENT TO COUNTY  
CODE SECTION 18.10.180 REINSTATING THE COUNTY'S PLANNED UNIT  
DEVELOPMENT ORDINANCE

WHEREAS, on November 6, 2001, the Board of Supervisors considered a number of recommendations by the County Administrative Officer regarding various actions to increase the production of affordable housing, one of which was to reestablish a Planned Unit Development (PUD) ordinance in the County's Zoning Code, which had previously been removed from the Zoning Ordinance in 1982; and

WHEREAS, on November 20, 2001, the Board of Supervisors gave preliminary approval to a conceptual PUD Ordinance, and directed the Planning Department to formally process the PUD Ordinance through the Planning Commission, and to report back to the Board on April 9, 2002; and

WHEREAS, the proposed reestablishment of the Planned Unit Development (PUD) ordinance creates a process for reviewing and approving certain types of projects that met the objectives of the Zoning Ordinance but do not meet all of the specific requirements of the residential or commercial site standards; and

WHEREAS, the proposed PUD ordinance allows for the development of mixed use projects (residential and commercial) as well as for projects such as townhouse developments where required setbacks and separation between structures can not otherwise be approved; and

WHEREAS, Planned Unit Developments can be an effective tool that public and private developers can use to develop residential and mixed use projects that require variations from required site development standards; and

WHEREAS, the proposed reestablishment of the Planned Unit Development ordinance will make this tool available to developers, and thus, may help address the need for additional affordable housing; and

WHEREAS, the proposed PUD Ordinance has been found to be categorically exempt from the California Environmental Quality Act (CEQA), and consistent with the provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the ordinance amending County Code Section 18.10.180 to reinstate the County's Planned Unit Development ordinance, as set forth in Attachment A-1, and the CEQA Categorical Exemption,

*[Handwritten mark]*



**Exhibit A**

incorporated herein by reference, be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update.

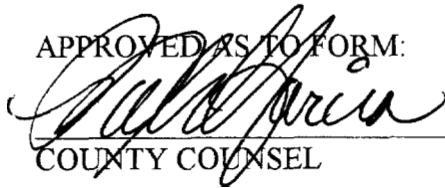
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2002 by the following vote:

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

\_\_\_\_\_  
Chairperson

ATTEST: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COUNTY COUNSEL

cc: County Counsel  
Planning Department

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING CHAPTER 18.10  
OF THE SANTA CRUZ COUNTY CODE REINSTATING THE PLANNED UNIT  
DEVELOPMENT ORDINANCE**

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

**SECTION I**

Chapter 18.10 of the Santa Cruz County Code is hereby amended by adding Section 18.10.180 to read as follows:

**18.10.180 -- PLANNED UNIT DEVELOPMENTS ("PUD's")**

(a) Purpose

In certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map or the district regulations prescribed by this ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance although they deviate in certain respects from the zoning map and the district regulations, the County Board of Supervisors may approve planned unit development permits, provided the developments comply with the regulations prescribed in this Chapter and are consistent with the County General Plan/Local Coastal Program Land Use Plan.

(b) Where Allowed:

A planned unit development may be located in any residential zoning district upon the granting of a Planned Unit Development Permit in accordance with the provisions of this Chapter.

(c) Permitted Uses:

A planned unit development shall include only uses permitted either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located.

**18.10.181 -- PLANNED UNIT DEVELOPMENT APPLICATIONS**

An application for a Planned Unit Development Permit shall conform to the following specific requirements:

(a) Contents:

The application shall be accompanied by a development plan of the entire planned unit development that includes all of the required application submittal requirements of Section 18.10.210.

(b) Density:

In addition to the data and drawings prescribed in Section 18.10.210, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average density in the area or areas proposed to be devote to residential use.

**18.10.332 -- PLANNED UNIT DEVELOPMENT HEARINGS**

(a) Notice:

The Planning Commission shall hold a public hearing on each application for a planned unit development. Notice of said hearings shall be given as specified in Section 18.10.223

(b) Hearing Procedure:

The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for its consideration. At the public hearing, the Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in Section 18.10.183.

**18.10.183 -- PLANNED UNIT DEVELOPMENT PERMIT FINDINGS**

The Planning Commission may recommend the approval of a Planned Unit Development Permit as was applied for or in modified form if, on the basis of the application and evidence submitted, the Planning Commission makes the following findings in addition to the findings required by Section 18.10.230:

- (a) That the proposed location of the uses are in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- (b) That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detriment to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (c) That the proposed planned unit development will comply with each of the applicable provisions of this Chapter.

- (d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of this Chapter.
- (e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities.
- (f) That the combination of different dwelling types or the variety of land use in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
- (g) That the proposed use is consistent with the General Plan/Local Coastal Program Land Use Plan.

**18.10.184 -- PLANNED UNIT DEVELOPMENT; OFFICIAL ACTION**

- (a) Action by Planning Commission:

Following the public hearing, the Planning Commission may deny the planned unit development, continue consideration of the planned unit development, or recommend approval of the planned unit development, with or without modification. Planning Commission action to approve a planned units development shall be in the form of a resolution recommending to the Board of Supervisors approval, with or without modifications, of the planned unit development.

- (b) Appeals of the Action of the Planning Commission:

If the Planning Commission recommends against a proposed planned unit development, it's action shall be final unless the matter is considered upon appeal or special consideration by the Board as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of planned unit developments which include land division applications shall be subject to the procedures of Section 14.10.312.

- (c) Action of the Board of Supervisors:

The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a planned unit development. Notice of the public hearing shall be given pursuant to Section 18.10.223. Following the public hearing, the Board of Supervisors may deny the planned unit development, continue consideration of the planned unit development, or approve the planned unit development, with or without modification. Actions to approve the planned unit development shall be

by adoption of an ordinance amending County Code Chapter 13.10 to establish specific zoning and site standards for the planned unit development.

(d) Finality of Action on Planned Unit Development:

No new application for a Planned Unit Development permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.

**18.10.185 -- PLANNED UNIT DEVELOPMENT STANDARDS**

(a) District Regulations:

Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking and off-street loading facilities and landscaped areas shall in the aggregate be at least equivalent to the standards prescribed by the regulations for the district in which the planned unit development is located.

(b) Density:

The average number of dwelling units per net acre shall not exceed the maximum number of dwelling units prescribed by the site regulations or the site area per dwelling unit regulation for the district in which the planned unit development is located subject, however, to the exception that the average number of dwelling units per developable acre may exceed the maximum number of dwelling units prescribed for a district by not more than ten percent in a planned unit development on a site of ten acres or more, but not to exceed the density specified by the General Plan/Local Coastal Program Land Use Plan.

(c) In "SU" Districts:

The development standards and density requirements of subsections (a) and (b) above shall not apply in the "SU" Districts wherein the standards and density must be consistent with the applicable General Plan/Local Coastal Program Land Use Plan, as determined the Planning Commission and the Board of Supervisors.

(d) In Residential Districts:

The following conditions shall be required in planned unit developments located in an "R-1", "RA", "RR" or "RM" district:

- (1) All products produced on the site of any of the permitted uses shall sold primarily at retail on the site where produced.

45

- (2) Not more than five persons shall be engaged in this production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains.
- (3) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission or the Board of Supervisors to be injurious to property located in the vicinity by reason of excessive odor, fume dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare unsightliness or heavy truck traffic, or to involve any hazard of fire or explosion.
- (4) All planned unit developments shall meet the requirements of Chapter 13.11 - Site, Architectural and Landscape Design Review.

**SECTION II**


This ordinance shall take effect on the 31st day after the date of final passage outside the Coastal Zone, and upon certification by the California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2002, by the Board of Supervisors of the County of Santa **Cruz** by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

\_\_\_\_\_  
Chairperson of the Board of Supervisors

ATTESTED: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:   
County Counsel

DISTRIBUTION: County Counsel, Planning, CAO

33

NOTICE OF EXEMPTION FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT

Exhibit B

46

The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. N/A

Assessor Parcel No. N/A

Project Location: *Countywide*

Project Description: *Proposed Planned Unit Development Ordinance*

Person or Agency Proposing Project: *Santa Cruz County Planning Department*

Phone Number: *(831)454-3183*

A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.

B. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.

C. X Statutory Exemption other than a Ministerial Project.  
Specify type:

D. Categorical Exemption

- |  |   |
|--|---|
| <input type="checkbox"/> 1. Existing Facility  | <input type="checkbox"/> 17. Open Space Contracts or Easements                                  |
| <input type="checkbox"/> 2. Replacement or Reconstruction                                    | <input type="checkbox"/> 18. Designation of Wilderness Areas                                    |
| <input type="checkbox"/> 3. New Construction of Small Structure                              | <input type="checkbox"/> 19. Annexation of Existing Facilities/Lots for Exempt Facilities       |
| <input type="checkbox"/> 4. Minor Alterations to Land  | <input type="checkbox"/> 20. Changes in Organization of Local Agencies                          |
| <input checked="" type="checkbox"/> 5. Alterations in Land Use Limitations                   | <input type="checkbox"/> 21. Enforcement Actions by Regulatory Agencies                         |
| <input type="checkbox"/> 6. Information Collection   | <input type="checkbox"/> 22. Educational Programs   |
| <input type="checkbox"/> 7. Actions by Regulatory Agencies for Protection of the Environment | <input type="checkbox"/> 23. Normal Operations of Facilities for Public Gatherings              |
| <input type="checkbox"/> 8. Actions by Regulatory Agencies for Protection of Nat. Resources  | <input type="checkbox"/> 24. Regulation of Working Conditions                                   |
| <input type="checkbox"/> 9. Inspection   | <input type="checkbox"/> 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| <input type="checkbox"/> 10. Loans   |   |
| <input type="checkbox"/> 11. Accessory Structures  | <input type="checkbox"/> 26. Acquisition of Housing for Housing Assistance Programs             |
| <input type="checkbox"/> 12. Surplus Govt. Property Sales                                    | <input type="checkbox"/> 27. Leasing New Facilities   |
| <input type="checkbox"/> 13. Acquisition of Land for Wildlife Conservation Purposes          | <input type="checkbox"/> 28. Small Hydroelectric Projects at Existing Facilities                |
| <input type="checkbox"/> 14. Minor Additions to Schools                                      | <input type="checkbox"/> 29. Cogeneration Projects at Existing Facilities                       |
| <input type="checkbox"/> 15. Minor Land Divisions  |   |
| <input type="checkbox"/> 16. Transfer of Ownership of Land to Create Parks                   |   |

E. \_\_\_\_\_ Lead Agency Other Than County: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Mark Deming, AICP  
Project Planner





from the Planning Commission, through the adoption of an ordinance. Examples of PUDs include Sand Dollar Beach, Canon del Sol, Woodland Heights, Willowbrook Village, and Paradise Park. Because the PUD was adopted by the Board of Supervisors as an ordinance, amendments to the PUD were processed as ordinance amendments. This process included the required hearings before the Planning Commission and the Board of Supervisors.

Current Practice - In 1983, as a part of the implementation of the Local Coastal Program Land Use Plan, the PUD ordinance was eliminated and language was added to the County Code to allow flexibility in the design of residential land division projects. This language, Section 13.10.324(d)1(i) of the County Code, is as follows:

*1. Parcels Created from New Land Divisions*

*(i) Within any new land division project, all development standards on all lots or parcels which abut the periphery of the project site are subject to all the restrictions stated in this section unless a variance is obtained. No parcel shall be created smaller than 3,500 square feet in area. On individual lots or parcels within any land division project not abutting the periphery of the project site, site and structural dimensions may vary from the General Requirements for the zone district, provided that the approved standards and dimensions for each new lot or parcel are specifically indicated on the approved tentative map.*

This section allows creative approaches to project siting by only requiring that the setbacks around the perimeter of the project site meet the standards of the zone district, thus limiting the impacts of the project on adjacent properties. However, inside the project, buildings can be oriented in any manner. This section allows townhouse and condominium projects that have zero setbacks between units to be constructed without the need of a variance. Projects are processed at the level of review appropriate for the project (e.g. a 5-unit townhouse = Planning Commission; a 22-unit condominium project = Planning Commission and Board of Supervisors). In addition, amendments to projects are processed according to the requirements of Chapter 18.10 with the level of review commensurate with the type of amendment (anywhere from Level III to Level VII).

This section has been used to approve many projects in the County, including the Chanticleer apartments, Merrill Street project, the Farm Project and Vista Verde (all apartment projects). It was also used to approve the Pajaro Lane project, a mixed apartment and townhouse project with differing densities. It has not, however, been used by the private sector in recent years.

Although the current Zoning Ordinance language provides for flexibility in the application of the site development standards to specific projects, there are a number of problems that can occur. If the zoning of the site or the site development standards change after the project is built, the project may become non-conforming and the new standards would have to be met if rebuilding were required.

On the other hand, if a project is approved as a PUD, the adoption of the ordinance locks in the zoning and site development standards until amendments by an ordinance amendment to the PUD. This gives these types of projects protection from changes in the Zoning Ordinance and allows for appropriate modifications by an ordinance amendment.

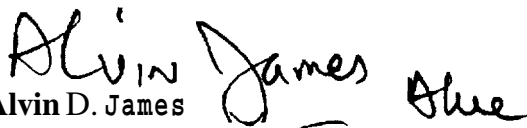
In addition, while the existing language in the Zoning Ordinance allows flexibility in the application of site standards, it still requires that all exterior setbacks be maintained. The PUD ordinance would allow the development to vary from these standards if all findings could be made. These findings require that the project approved by the PUD not be materially injurious to properties or improvements in the vicinity nor adversely affect the light, air and open space of adjacent properties.

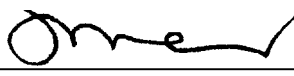
Planned Unit Developments can be an effective tool that public and private developers can use to develop residential and mixed use projects that require variations from the normal site development standards. The re-enactment of the Planned Unit Development ordinance will make this tool available to developers.

It is, therefore, RECOMMENDED that you Board:

1. Consider the attached Ordinance re-establishing the Planned Unit Development; and
2. Refer the ordinance to the Planning Commission for review, input and recommendation; and
3. Direct the Planning Department to report back to the Board on this matter on April 9, 2002.

Sincerely,

  
 Alvin D. James  
 Planning Director

RECOMMENDED:   
 Susan A. Mauriello  
 County Administrative Officer

- Attachments
1. Proposed Planned Unit Development Ordinance
  2. 1982 Planned Unit Development Ordinance

ATTACHMENT 1

18.10.180-- PLANNED UNIT DEVELOPMENTS ("PUD's")

(a) Purpose

In certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map of the district regulations prescribed by this ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance although they deviate in certain respects from the zoning map and the district regulations, the County Board of Supervisors is empowered to grant use permits for planned unit developments, provided the developments comply with the regulations prescribed in this Chapter and are consistent with the County General Plan/Local Coastal Program Land Use Plan.

(b) Where Allowed

A planned unit development may be located in any zoning district upon the granting of a use permit in accordance with the provisions of this Chapter.

*Yes only*

(c) Permitted Uses

A planned unit development shall include only uses permitted either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located, subject to the following exception:

*Yes only*

- (1) Any use permitted in any residential or "C-1" district either as a permitted use or a conditional use, or any combination of such uses may be included in a planned unit development on a site of ten (10) acres or more, located in an "R-1", "~~R-2~~", "~~R-3~~", or "RM" district, where consistent with the General Plan.

18.10.181 -- PLANNED UNIT DEVELOPMENT APPLICATIONS

Applications for Planned Unit Development Permits shall conform to the following specific requirements:

(a) Contents

The application shall be accompanied by a development plan of the entire planned unit development that includes all of the required application submittal requirements of Section 18.10.210.

ATTACHMENT 1

(b) Density

In addition to the data and drawings prescribed in Section 18.10.210, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average density in the area or areas proposed to be devote to residential use.

13.10.332-- PLANNED UNIT DEVELOPMENT HEARINGS

(a) Notice

The Planning Commission shall hold a public hearing on each application for a planned unit development. Notice of said hearings shall be given as specified in Section 18.10.223.

(b) Hearing Procedure

The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for its consideration. At the public hearing, the Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in Section 18.10.183.

18.10.183-- PLANNED UNIT DEVELOPMENT PERMIT FINDINGS

The Planning Commission may recommend the granting of a Planned Unit Development as was applied for or in modified form if, on the basis of the application and evidence submitted, the Planning Commission makes the following findings in addition to the findings required by Section 18.10.230:

- (a) That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- (b) That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detriment to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (c) That the proposed planned unit development will comply with each of the applicable provisions of this Chapter.
- (d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard

ATTACHMENT 1

spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of this Chapter.

(e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

(f) That the combination of different dwelling types or the variety of land use in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.

(g) That the proposed use is consistent with the General Plan/Local Coastal Program Land Use Plan.

18.10.184-- PLANNED UNIT DEVELOPMENT; OFFICIAL ACTION

(a) Action by Planning Commission

Following the public hearing, the Planning Commission may deny the planned unit development, continue consideration of the planned unit development, or recommend approval of the planned unit development, with or without modification. Planning Commission action to approve a planned units development shall be in the form of a resolution recommending to the Board of Supervisors approval, with or without modifications, of the planned unit development.

(b) Appeals of the Action of the Planning Commission

If the Planning Commission recommends against a proposed planned unit development, its action shall be final unless the matter is considered upon appeal or special consideration by the Board as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of planned unit developments which include land division applications shall be subject to the procedures of Section 14.10.312.

(c) Action of the Board of Supervisors

The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a planned unit development. Notice of the public hearing shall be given pursuant to Section 18.10.223. Following the public hearing, the Board of Supervisors may deny the planned unit development, continue consideration of the planned unit development, or approve the planned unit development, with or without modification. Actions to approve the planned unit development shall be by adoption of an ordinance amending County

ATTACHMENT 1

Code Chapter 13.10 to establish specific zoning and site standards for the planned unit development.

(d) Finality of Action on Planned Unit Development

No new application for a Planned Unit Development permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.

18.10.185-- PLANNED UNIT DEVELOPMENT STANDARDS

(a) District Regulations

Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking and off-street loading facilities and landscaped areas shall in the aggregate be at least equivalent to the standards prescribed by the regulations for the district in which the planned development is located.

(b) Density

The average number of dwelling units per net acre shall not exceed the maximum number of dwelling units prescribed by the site regulations or the site area per dwelling unit regulation for the district in which the planned unit development is located subject, however, to the exception that the average number of dwelling units per developable acre may exceed the maximum number of dwelling units prescribed for a district by not more than ten percent in a planned unit development on a site of ten acres or more, but not to exceed the density specified by the General Plan/Local Coastal Program Land Use Plan.

(c) In "SU" Districts

The development standards and density requirements of subsections (a) and (b) above shall not apply in the "SU" Districts wherein the standards and density must be consistent with the applicable General Plan/Local Coastal Program Land Use Plan, as determined the Planning Commission and the Board of Supervisors.

(d) In Residential Districts

The following conditions shall be required in planned unit developments located in an "R-1", "RA", "RR" or "RM" district:

- (1) All products produced on the site of any of the permitted uses shall sold primarily at retail on the site where produced.

ATTACHMENT 1

- (2) Not more than five persons shall be engaged in this production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains.
  - (3) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission or the Board of Supervisors to be injurious to property located in the vicinity by reason of excessive odor, fume dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare unsightliness or heavy truck traffic, or to involve any hazard of fire or explosion.
- ¶ All planned unit developments shall meet the requirements of Chapter 13.11- Site, Architectural and Landscape Design Review.

13.10.330--PLANNED UNIT DEVELOPMENTS ("PUD's")

(a) Purpose

In certain instances the objectives of the zoning ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map of the district regulations prescribed by this ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the zoning ordinance although they deviate in certain respects from the zoning map and the district regulations, the County Planning Commission, notwithstanding the provision of section 13.10.033 and section 13.10.410, et seq., is empowered to grant use permits for planned unit developments, provided the developments comply with the regulations prescribed in this Chapter.

(b) Where Allowed

A planned unit development may be located in any zoning district upon the granting of a use permit in accordance with the provisions of this Chapter.

(c) Permitted Uses

A planned unit development shall include only uses permitted either as permitted uses or conditional uses, in the zoning district in which the planned unit development is located, subject to the following exception:

- (1) Any use permitted in any residential or "C-1" district either as a permitted use or a conditional use, or any combination of such uses may be included in a planned unit development on a site of ten (10) acres or more, located in an "R-1", "RR", "RA", or "RM" district, where consistent with the General Plan.

(Ord. 839, 11/28/62; 878, 5/13/63; 1714, 5/9/72; 3344, 11/23/82)

13.10.331-- PLANNED UNIT DEVELOPMENT APPLICATIONS

Applications for Planned Unit Development Permits shall conform to the following specific requirements and exceptions from the above-listed sections:

(a) Contents

The application shall be accompanied by a development plan of the entire planned unit development, drawn to scale and showing the contours of the site at intervals of not more than five (5) feet; provisions for drainage surface waters; watercourses; railroad and public utility rights-of-way; streets; driveways; pedestrian walks; off-street parking and off-street loading facilities; reservations for public uses, including parks, playgrounds and other open spaces; private



uses, including dwelling types; lot layout; locations and heights of structures; and landscaped areas; letters from the appropriate sanitation and water districts indicating that there will be adequate sewer and water service to the project; a letter from the appropriate fire district indicating all fire protection requirements for the project.

(b) Density

In addition to the data and drawings prescribed in Section 13.10.411 the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density per net acre and per gross acre in the area or areas proposed to be devoted to residential use.

(Ord. 1749, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3344, 11/23/82)

13.10.332-- PLANNED UNIT DEVELOPMENT HEARINGS

(a) Notice

The Planning Commission shall hold a public hearing on each application for a use permit for a planned unit development. Notice of said hearings shall be given as follows:

(1) Publication

Notice of said hearing shall be given by publication in a newspaper of general circulation printed and published within the County at least ten days prior to the date set for hearing.

(2) Posting

Notice of said hearings shall be posted in conspicuous places adjacent to the property,

(3) Contents of Notice

The notice shall state the general location of the proposed use, the name of the applicant and the use for which the permit is sought.

(b) Hearing Procedure

The Director shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission for their consideration. At the public hearing, the said Commission shall review the application and the report, and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings prescribed in Section 13.10.373.

(Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3344, 11/23/82)

13.10.333 -- PLANNED DEVELOPMENT PERMIT FINDINGS

The Planning Commission may recommend the granting of a use permit for a Planned Unit Development as the use permit was applied for on or in modified form if, on the basis of the application and evidence submitted, the Zoning Administrator makes the following findings:

- (a) That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
- (b) That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- (c) That the proposed planned development will comply with each of the applicable provisions of this Chapter.
- (d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of this Chapter.
- (e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.
- (f) That the combination of different dwelling types or the variety of land use in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.
- (g) That the proposed use is consistent with the General Plan

(Ord. 839, 1/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3344, 11/23/82)

13.10.334 -- PLANNED UNIT DEVELOPMENT; OFFICIAL ACTION

- (a) Action by Planning Commission

Following the aforesaid hearing the Planning Commission shall make a report of its findings and recommendations with respect to the proposed planned unit development and shall file with the

Board of Supervisors an attested copy of such report within 90 days after the notice of the first of said hearings provided that such time limit may be extended upon mutual agreement of the parties having an interest in the proceedings. Failure of the Planning Commission to so report within 90 days without the aforesaid agreement shall be deemed to be approval of the proposed Planned Unit Development by the Planning Commission

(b) Action of Board of Supervisors

If the report of the Planning Commission recommends against a proposed Planned Unit Development, its action shall be final unless the matter is considered upon appeal or special consideration by the Board as provided in Section 13.10.240, et seq. Upon receipt of the report recommending a Planned Unit Development from the Planning Commission, or upon expiration of the 90 days as aforesaid, the Board of Supervisors may approve the proposed Planned Development or any part thereof in such form as said Board may deem advisable, by ordinance. The decision of the Board of Supervisors shall be rendered within 90 days after the receipt of a report and recommendation from the Planning Commission, or after the expiration of such 90 days as aforesaid.

(c) Finality of Action on Planned Unit Development

No new application for a Planned Unit Development permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Planning Commission, if no appeal was taken, or without the consent of the Board of Supervisors if denied by the Board upon appeal.

(Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3344, 11/23/82)

13.10.335-- PLANNED UNIT DEVELOPMENT STANDARDS

(a) District Regulations

Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking and off-street loading facilities and landscaped areas shall in the aggregate be at least equivalent to the standards prescribed by the regulations for the district in which the planned development is located.

(bj) Density

The average number of dwelling units per net acre shall not exceed the maximum number of dwelling units prescribed by the site regulations or the site area per dwelling unit regulation for the district in which the planned unit development is located subject, however, to the exception that the average number of dwelling units per developable acre may exceed the maximum number of dwelling units prescribed for a district by not more than ten percent in planned unit

59

ATTACHMENT 2

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development on a site of ten acres or more, but not to exceed the density specified by the General Plan.

(c) In "SU" Districts

The development standards and density requirements of subsections (a) and (b) above shall not apply in the "SU" Districts wherein the standards and density must be consistent with the applicable General Plan as determined by the Planning Commission, or Board, as the case may be.

(d) In Residential Districts

The following conditions shall be required in planned unit developments located in an "R-1", "RA", "RR" or "RM" district:

- (1) All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced.
- (2) Not more than five persons shall be engaged in this production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains.
- (3) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission to be injurious to property located in the vicinity by reason of excessive odor, fume, dust, smoke, cinders, dirt, refuse, water-carrying waste, noise, vibration, illumination, glare, unsightliness or heavy truck traffic, or to involve any hazard of fire or explosion.

(Ord. 839, 11/28/62; 1714, 5/9/72; 3344, 11/23/82)

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