



County of Santa Cruz

PLANNING DEPARTMENT

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

June 12,2002

Agenda: June 18,2002

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

**ADOPTION OF AN AMENDMENT TO COUNTY CODE CHAPTER 18.10 TO
PROVIDE FOR A PROCEDURE TO REVIEW AND ANALYZE
APPLICATIONS FOR RESIDENTIAL DEVELOPMENT PROPOSED AT
DENSITIES LESS THAN THE LOWEST END OF THE GENERAL PLAN
DENSITY RANGE**

Members of the Board:

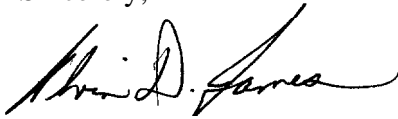
On June 11,2002, your Board considered amendments to Chapter 18.10 to establish a procedure for the review of development applications for residential projects at densities less than the lowest end of the General Plan density range. Following deliberations, your Board adopted the ordinance with several revisions. In order to adopt the complete ordinance, with all of the revisions, your Board directed staff to present the revised ordinance to the Board on today's consent agenda for final adoption.

As directed by your Board, staff has prepared the revised ordinance for your Board's approval. The revisions include language that limits the applicability of the ordinance to properties where there is the potential for three or more new units, requires specific processing times for projects of 4 or fewer lots (or units) and exempts those applications that have been deemed complete by the time the ordinance becomes effective. The ordinance, as revised, will also become effective outside the Coastal Zone in 31 days.

It is, therefore, RECOMMENDED that your Board:

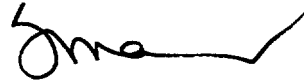
1. Adopt the Resolution approving the Local Coastal Program Implementation Plan amendments to Chapter 18.10 to add a process to review applications that are not consistent with the General Plan density range (Attachment 1); and
2. Adopt the Ordinance Amending Chapter 18.10 to add a process to review applications that are not consistent with the General Plan density range (Attachment 2)
3. Certify the CEQA exemption (Attachment 3); and
4. Direct the Planning department to include this amendment as a part of the next round of amendments to be submitted to the California Coastal Commission for review and certification.

Sincerely,



Alvin D. Jamks
Planning Director

RECOMMENDED:



Susan A. Mauriello
County Administrative Officer

Attachments:

1. Resolution Approving Amendment to the General Plan – Local Coastal Program Implementation Plan
2. Ordinance amending County Code Section Chapter 18.10.140
3. CEQA Exemption

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:

BOARD OF SUPERVISORS RESOLUTION AMENDING
THE GENERAL PLAN/LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN,
COUNTY CODE SECTION 18.10.140 TO REQUIRE REVIEW OF THE
APPROPRIATENESS OF RESIDENTIAL DEVELOPMENT APPLICATIONS
BELOW THE MINIMUM GENERAL PLAN – LOCAL COASTAL PROGRAM LAND
USE DESIGNATION DENSITY RANGE

WHEREAS, the Board of Supervisors, on May 24, 1994, adopted the County General Plan/Local Coastal Program Land Use Plan (GP/LCP) which designated certain properties as future County park sites and on December 19, 1994, the County General Plan/Local Coastal Program was certified by the California Coastal Commission; and

WHEREAS, on October 2, 2001, the Board of Supervisors hosted an affordable housing workshop and directed various County departments to return with a report addressing issues related to the current housing crisis in the County; and

WHEREAS, on November 6, 2001, and December 11, 2002, the Board of Supervisors considered the report and the issues discussed therein and directed County Counsel to return with a report on the development of General Plan – Local Coastal Program residential development policies and directed the Planning Department to return with potential alternatives to ensure that residential development was consistent with the land use designation density range; and

WHEREAS, on February 26, 2002, the Board of Supervisors considered the report of County Counsel that concluded that the current General Plan – Local Coastal Program residential development policies could and in fact had been read by Planning staff and others as allowing for the approval of residential development below the minimum density of the land use designation density range; and

WHEREAS, on February 26, 2002, the Board of Supervisors also considered various alternatives to for ensure that proposals for residential development be consistent with the Land use designation density range; and

WHEREAS, on May 22, 2002, the Planning Commission considered and rejected a Planning Department staff report recommending that the Planning Commission recommend approval of an amendment to County Code Section 18.10.140 to require a

process to review applications that propose residential development at densities less than the lowest density of the land use designation density range; and

WHEREAS, on June 11, 2002, the Board of Supervisors considered the recommendation of the Planning Commission and, notwithstanding that recommendation, finds that the proposed amendment is consistent with the California Coastal Act; and

WHEREAS, the proposed amendment to the Local Coastal Program Implementation Plan (County Code Section 18.10.140) have been found to be categorically exempt from the California Environmental Quality Act (CEQA), consistent with applicable provisions of CEQA and the County of Santa Cruz Environmental Review Guidelines;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors approves the amendment to the Local Coastal Program Implementation Plan as set forth in Attachment 1, Exhibit 1, Exhibit A, and the CEQA Categorical Exemption, incorporated herein by reference, and authorizes their submittal to the California Coastal Commission as part of the Local Coastal Program Update.

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:



Asst. COUNTY COUNSEL

cc: County Counsel
Planning Department

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 18.10.140 OF THE SANTA CRUZ COUNTY
CODE REGARDING DEVELOPMENT AT LESS THAN THE LOWEST END OF
THE GENERAL PLAN DENSITY RANGE

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

SECTION I

The Board of Supervisors finds that the public convenience, necessity, and general welfare require the amendment of the County Zoning Ordinance Permit and Approval Procedures to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the density of residential development listed below in Section III; finds that the proposed amendment herein is consistent with all elements of the Santa Cruz County General Plan and the Local Coastal Program; and finds and certifies that the proposed action is categorically exempt from the California Environmental Quality Act .

SECTION II

The Board of Supervisors hereby rejects the recommendation of the Planning Commission that the Board not approve the amendment to the Zoning Ordinance Permit and Approval Procedures Section as described in Section III, and adopts the following finding in support thereof as set forth below:

The proposed amendment will ensure a density of residential development that is consistent with the objectives and land use designations of the adopted General Plan.

SECTION III

The County Zoning Ordinance Permit and Approval Procedures Section 18.10.140 is hereby amended by adding a new subsection (b) as shown below, with the new language shown underlined:

18.10.140 Conformity with the general plan and other legal requirements.

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

(b) All proposals for residential development of property within the urban services line at less than the lowest end of the designated density range of the County General Plan – LCP land use designation where there is the potential that three or more new units could be accommodated on-site at the lowest end of the density range shall be subject to review by the Development Review Group (see 18.10.2 10(c) 1). Following completion of the Development Review Group (DRG) process, the proposal and the information developed as a result of the DRG process shall be referred to the Board of Supervisors for a preliminary General Plan consistency determination at a public hearing. Proposals of 4 or fewer lots (or units) shall have their DRG meeting within 45 days from the date of application, and shall be considered by the Board of Supervisors at a public hearing within 60 days from the date of the DRG meeting.

SECTION IV

For a project located outside the Coastal Zone, the requirements of subdivision (b) of Section 18.10.140 of Section III of this ordinance shall not apply to any application deemed complete as of the date of final adoption for that area outside the Coastal Zone.

SECTION V

This ordinance shall take effect on the 31st day from the date of adoption outside the Coastal Zone and upon certification by the California Coastal Commission inside the Coastal Zone.

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NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: 
County Counsel

Copies to: Planning
County Counsel

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ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:


County Counsel

Copies to: Planning
County Counsel

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. NA

Assessor Parcel No. County Wide

Project Location: County Wide

Project Description: Proposal to amend section 18.10.140 of the Zoning Ordinance by adding a subsection that will require certain reviews for General Plan (GP) and Ordinance consistency if a project proposes development at a lesser density than the range given for the property in the 1994 GP.

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

Phone Number: Steve Guinney, 83 1454 3 172

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.

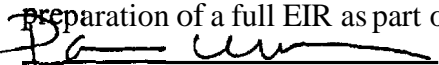
C. ☐ Statutory Exemption other than a Ministerial Project.
Specify type: Article 17, Section 1703. Timberland Preserves

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:

*The amendment does not have the potential to create environmental impacts because it does not actually increase density or modify the density range given in the General Plan. Further, any potential impacts of the density range given in the General Plan have been analyzed through the preparation of a full EIR as part of the General Plan approval process in 1994.


Paia Levine, Resource Planner

4-9-02
Date