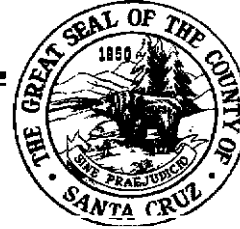

SANTA CRUZ COUNTY

REDEVELOPMENT AGENCY



To: Housing Advisory Commission
 From: Erik Schapiro, CAO's Office and Liaison to RDA
 Subject: Proposition 46
 Date: February 20, 2004

I understand that the Housing Advisory Commission requested an update on State Proposition 46, the Housing and Emergency Shelter Trust Fund Act of 2002.

On November 5, 2002, the voters of California passed Proposition 46, a \$2.1 billion housing bond measure. The Proposition received 58% of the vote Statewide and 65 % in Santa Cruz County.

Proposition 46 authorized the following programs:

- \$910 million for rental housing for low-income seniors, disabled persons, and families with children
- \$495 million for home ownership programs, including sweat equity housing and down payment assistance for low and moderate income families
- \$390 million for emergency shelters and permanent housing with support services for homeless seniors, battered women, mentally ill people and veterans
- \$200 million for farm worker housing
- \$100 million for incentives for local governments to approve housing developments
- \$5 million for local code enforcement to revitalize neighborhoods.

The attached chart provides a status of Proposition 46-funded programs. The chart includes the following information:

- J The type of entities eligible to apply for funding
- ✓ The future application schedule
- J Whether access to particular programs requires a State certified Housing Element
- ✓ The total funds made available through the Proposition
- ✓ Identifies existing or potential Proposition 46 funded projects in the unincorporated County.

It is worth noting that some funds previously included in the State budget for specific housing programs (e.g. Joe Serna Farm Worker Housing funds) were supplanted with Proposition 46 funds. As a result, the total amount of funds authorized by Proposition 46 did not represent a concomitant increase in State funding allocations to specific programs. In fact, in some cases (e.g. the Emergency Housing Assistance Program - EHAP), the total funds available under Proposition 46 represented **less** funding than the amount of EHAP funds previously budgeted by the State.

PROPOSITION 46 PROPOSED NOFA SCHEDULE					
Description	Eligible Applicants*	Status of funding Applications	Requires HCD Housing Element	Total Funds Available	Status of County Projects
FARM WORKER HOUSING					
Joe Serna - General	PA, NP, T	JUNE 04 (1 per yr for 5 yrs.)	Yes, if PA is applicant	\$135 M	Funded Projects: 2003: MPHC - Marmos, 51 units Potential Applications 2004: MPHC - Golden Torch; 68 units
Joe Serna - Migrant	PA, NP, T	fully expended	Yes, if PA is applicant (except emergency hsg)	\$25 M	
Joe Serna - Housing w/ Health Services	PA, NP, T	fully expended	Yes, if PA is applicant (except emergency hsg)	\$20 M	
RENTAL HOUSING					
Multi-Family Housing Program (MHP)	PA, FP, NP	APRIL04 (2 per yr for 4 yrs.)	NO	\$779 M	Funded Projects: 2003: MPHC - Marmos; 51 units Potential Applications 2004: Seacliff Highlands (McGregor), 35 units MPHC - Golden Torch; 68 units
MHP - Supportive Housing	PA, FP, NP	Over-the-counter	NO	\$190 M	Potential Applications 2004: potential funding for 25 unit SRO/Continuum of Care project
MHP - Health and Social Services Space	PA, FP, NP	fully expended	NO	\$20 M	
MHP - Student Housing	PA, FP, NP	fully expended	NO	\$15 M	

* The code for Eligible Applicants as is follows: PA= Public Agency; NP= Non Profit Agency; FP=For Profit Agency; T=Native American Tribe.

PROPOSITION 46 PROPOSED NOFA SCHEDULE

Description		Eligible Applicants	Status of funding Applications	Requires HCD Housing Element	Total Funds Available	Status of County Projects
Local Housing Trust Fund	Matching grants to local agencies who operate local housing trust funds	PA, NP	fully expended	Yes, if PA is applicant	\$24 M	
Accessibility Grants for renters	Grants by HCD to local agencies to fund accessibility improvements for disabled renters	PA, NP	fully expended	NO	\$5	
HOME OWNERSHIP PROGRAMS						
CalHome	Grants and loans to local public agencies and nonprofits for home ownership programs & developments	PA, NP	1 per yr. for 4 yrs	Yes, if PA is applicant	\$108 M	
BEGIN (Bldg Equity & Growth in Neighborhoods)	Down payment assistance for low and moderate income home buyers	PA, NP	1 per for 3	Extra points on application if HE is approved	\$72 M	
Calif. Self Help Housing Progr.	Grants to orgs. to assist low and moderate income hhs who build their own homes	PA, NP	1 per yr for 2/yr	Yes, if PA is applicant	\$9 M	
OTHER PROGRAMS						
Emergency Housing Ass. Program - EHAP	Grants for development of emergency shelters (no operating subsidy)	PA, NP	1/yr for 5 yrs	NO	\$186 M	Funded Projects: 20003: \$45,000 20004: \$20,000
Jobs Hsg Balance Incentive Grant Program	Grants to local governments that approve increased housing production	PA	fully expended	YES	\$99 M	
info ve I	Grants to local governments that approve increased housing production					

Michael A. Guth
Attorney at Law
2-2905 East Cliff Or.
Santa Cruz, CA 95062

TO: Housing Advisory Commission
FROM: Michael Guth
SUBJECT: Agenda Plan regarding Cabrillo Commons

February 23, 2004

Fellow Commissioners,

We shall be hearing a report from staff at the March meeting concerning the density determinations and issues for the Cabrillo Commons project which Supervisor Campos has brought to our attention. **As we have yet to discuss the issue of HAC participation on individual projects, the report from staff on the Cabrillo Commons project should be considered as an informative presentation of how policies which we have been involved with creating are actually implemented at the administrative level.** I feel that this will be helpful to those of us who are not actively involved with County administrative proceedings regardless of whether or not we pursue this issue further.

County Supervisor Tony Campos has requested the Housing Advisory Commission to make an advisory determination with regard to the Cabrillo Commons Project. Whether it is appropriate to comment on individual projects in general and **this** project in particular is a topic for discussion by this Commission (please see my letter on this topic elsewhere in the agenda package).

I **am** aware of two other County Supervisors who want to give input to this Commission regarding both the concept of the HAC reviewing individual projects and also regarding this project in particular. As they cannot attend the March meeting and would like to provide input at the April meeting, I feel it is appropriate to wait until that time to make any recommendation on this project, if we indeed to feel that any comment at all is appropriate.

Yours Sincerely,
Michael A. Guth



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

September 19, 2003

Agenda Date: September 23, 2003

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

Application Number: **03-0065**
 APN: **037-251-23**

Owner: **Atherton Place Development LLC**
 Applicant: **Atherton Place Development LLC**

SUBJECT: A public hearing to consider a preliminary General Plan consistency determination for the Cabrillo Commons project - a proposal to construct 43 attached townhouses on 14.6 acres with a net density of 5,193 square feet per unit. The density proposed is below the Residential Urban High (R-UH) General Plan density range of 1 unit per 2,500 to 4,000 square feet.

Members of the Board

On February 21, 2003, a proposal to construct a project at a density level lower than the allowed General Plan density range was submitted to the Planning Department. Per section 18.10.140 of the County Code, proposals to develop at less than the lowest end of the General Plan density range shall be evaluated by the Board of Supervisors for a preliminary General Plan consistency determination at a public hearing,

Specifically, County Code Section 18.10.140 was amended, June 18, 2002, to include language that requires *"all proposals for residential development of property within the USL . . . at less than the lowest end of the designated density range of the County General Plan. . . shall be subject to review by the Development Review Group. Following completion of the 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."* Section 18.10.140 also includes language which specifies that *"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."* (Entirety of Section 18.10.140 included as Attachment 4).

HISTORY

Your Board may recall that the Atherton Place Subdivision (98-0148) created a 26 unit project on one of two parcels that originally was one parcel that totaled approximately 17.85 acres in area before being subdivided. In the review of this subdivision, your Board directed, via deed restriction, that the portion of the subject property that was not developed would be required to

develop at no less than the minimum density range of the Residential Urban High (R-UH) General Plan designation. This requirement to develop within the General Plan density range was made a part of the Conditions of Approval for Subdivision 98-0148 (see Attachment 8 - Condition III.N).

At the time that the Atherton Place Subdivision was approved on March 12, 2002, the Board determined that the construction of 85 units would fall within the required density range for the entire subject property. The calculations performed at that time deducted portions of the project site due to topographic constraints and the presence of a riparian corridor (Porter/Tannery Gulch) on the subject property. These calculations were estimates of the amount of developable land on the subject property, which included a density credit for slopes under 30 percent located within the riparian buffer areas. Based on these earlier calculations, and deducting the 26 units that were approved in the Atherton Place Subdivision, it has been determined that this parcel can accommodate a total of 59 units which would fall within the required density range for the remaining portion of this overall site'. This is consistent with the findings by the Board in the approval of the Atherton Place Subdivision. The future development of this site was specifically addressed in Condition III N, which states: "*. . . All future development proposals for this parcel shall be at a density that is no less than the lowest end of that density range set by the Urban High Residential designation of the 1994 General Plan. . . unless the land use designation for the parcel is revised by amendment of the General Plan, . . .*" (See Conditions of Approval, No. III.N. - Attachment 8)

Following project approval by your Board and litigation initiated by surrounding neighbors, on September 18, 2002, the Applicant entered into a Stipulated Agreement that specifies that the Applicant will proceed with an application for a 43-unit project on this site. The goals of this agreement appear inconsistent with your Board's stated objective to create 85 units on the entire parcel – and thus 59 units on the subject property, as enumerated in the Subdivision Findings approved by your Board. In finding that the proposed project (Atherton Place) was consistent with the General Plan, the Findings specify that "*. . . up to 85 units could be constructed on the entire project site given the net developable land available and using the minimum threshold density specified by the General Plan . . .*" (Approved Subdivision Findings, No. 2 - Attachment 20).

URBAN HIGH DENSITY RESIDENTIAL GENERAL PLAN DESIGNATION

The Urban High Density Residential (R-UH) General Plan designation allows residential development at densities between 2,500 and 4,000 square feet of net developable parcel area per dwelling unit (General Plan Policy 2.10.1 – Minimum Parcel Sizes). The appropriate housing types (as listed in the General Plan) for this designation include: small lot detached houses, attached housing on separately owned parcels ("zero lot line" houses), duplexes, townhouses, garden apartments, mobile home parks, and congregate senior housing (see Attachment 5).

¹ The definition of "net developable" land and "density credit" can be found in the General Plan **glossary** and Riparian Corridors section (see Attachment 6 – Developable Land definition & Attachment 7 – General Plan Policy 5.2.6)].

Density is calculated by determining the amount of net developable land on a parcel and dividing the net developable land total by the number of proposed units. Vehicular rights-of-way, slopes in excess of 30 percent, riparian areas (with credit for slopes under 30 percent in the riparian buffer areas), and areas containing other resources or development constraints are deducted from the gross parcel area to determine the amount of net developable land. Shared driveways are considered as private rights of way within private ownership developments and are deducted from the net developable land total, but are not deducted from the net developable land total for rental apartment complexes. A large portion of the subject property is designated as Urban Open Space (O-U) in the General Plan. This designation indicates the presence of a riparian corridor which reduces the amount of developable land on the subject property (see Attachment 3).

DEVELOPER'S PROPOSED 43-UNIT PROJECT

The development proposal submitted on February 21st consists of 43 units (see Attachment 10) on a property that contains approximately 14.6 gross acres of land (637,406 square feet) (see Attachment 9). Using information provided by the project applicant, the net developable land totals approximately 5.8 acres (252,212 square feet). Approximately 2 acres of the net developable land total is within the riparian corridor buffer that is under 30 percent slope.

The total area of the shared driveways within the proposed development is 28,880 square feet. Since this proposal consists of individual ownership townhouses, all of the shared driveways are considered as private rights-of-way and this area is deducted from the net developable land total. The resulting net developable land total, after deducting the proposed shared driveways, is approximately 5.1 acres (223,331 square feet). When divided by the 43 proposed units, the proposed density for this development is approximately 5,193 square feet per residential unit.

While the developer has suggested that the density level would fall within the General Plan density range if the riparian buffer area (89,700 square feet) were further excluded from the density calculation, such an approach would be an attempt to circumvent established policies. This suggestion would be inconsistent with the findings made by the Board in approving the Atherton Place Subdivision (as discussed above), contrary to established practice, unprecedented and inconsistent with the Board's policy to approve projects within the density range of the General Plan.

On June 11, 2003, the Planning Department sent a letter to the Applicant summarizing the DRG findings. (Attachment 18). The Department's letter indicated a number of key concerns about the project:

- General Plan Density Range: The proposed project is below the minimum density range as specified in the Urban High Density Residential General Plan designation.
- Parking The proposed project does not comply with the requirements for on-site guest parking; the proposal to accommodate guest parking on Atherton Drive would increase the overall parking impact in the neighborhood.
- Useable Open Space The proposed project does not appear to provide the minimum

- amount of required usable common area open space
- Residential Site Standards: The proposed project does not comply with the required site standards for the RM-3 Multi-Family Residential - 3,000 square foot minimum zone district;
 - Access and Circulation: The road and circulation design does not allow for proper vehicular movement, creating numerous circulation problems which could result in injuries or property damage due to the need for drivers to make difficult turning and back-up maneuvers. Project design also places structures in locations that obscure a drivers' ability to see oncoming traffic as they pull out of garages. Project access should be off Atherton Drive; the proposed access off Soquel Drive is inconsistent with the County Code and presents numerous problems resulting in traffic hazards and neighborhood impacts.
 - Design for Accessibility: The current proposed road, circulation and parking design does not appear to accommodate persons with disability's in an adequate manner.

DEVELOPMENT WITHIN THE GENERAL PLAN DENSITY RANGE

Using the net developable land total above (252,212 square feet), the total number of units that would fall within the Urban High Density Residential General Plan designation density range (one unit per each 2,500 to 4,000 square feet of developable land) would be between 63 and 100 residential units. In developments with individual ownership units, proposed private road rights-of-way are deducted from the net developable land total (28,880 square feet in the current proposal) resulting in between 55 and 89 residential units falling within the General Plan density range.

ALTERNATIVES TO CURRENT PROPOSAL

To facilitate staff consideration of this proposal, the applicant has submitted five different alternatives to the 43 unit townhouse proposal. These alternatives assume a range of development densities for the project site. These alternative designs are discussed below.

I. 59-Unit Proposal - 61 to 65 Unit Scheme Submitted by Developer (Attachment 12)

At the request of the County, the Developer submitted a proposed alternative within the General Plan density range. The Developer's proposed alternative is a 61-65 unit project, which included a centrally located four-plex that exceeded the maximum height limit and should be removed from the project design. A reduction of an additional two units within the project (not shown on the plans) would result in a 59 unit project.

A preliminary review of this proposal indicates that a 59-unit project appears to be compatible with the neighborhood and surrounding pattern of development. A 59-unit proposal would be constructed at an approximate density of one residential unit per each 3,904 square feet (falling within the Urban High Density Residential General Plan designation density range (one unit per each 2,500 to 4,000 square feet of developable land. Based on a preliminary review of the 59-

unit alternative proposal, staff has made the following key findings:

- The proposed project would comply with the required site standards for the RM-3 Multi-Family Residential - 3,000 square foot minimum zone district;
- The interior circulation and usable outdoor open space appears to be adequate, and provides even more usable open ~~than~~ the 43-unit proposal;
- The circulation design and parking layout is also well thought out in *this* design, with access off of a local street (Atherton Drive) as opposed to an arterial street with limited site distance (Soquel Drive)
- There is a mixture of on street parking, parking lots, and driveways to break up the proposed parking areas
- Adequate usable private and common area open space appears to be provided in this design, while the structures and paved areas are kept away from the limits of the riparian corridor and riparian buffer areas

Based on this preliminary analysis, a proposal for development that is environmentally sensitive and within the required Urban High Density Residential General Plan designation density range is feasible on the project site

II. 88 Unit Alternative (Attachment 13)

This alternative was also within the General Plan density range, even with the deduction of the interior rights of way. However it is at the highest end of the density range for the category of project that includes privately owned units with rights of way deducted. It appears as though most of the project site would be taken up by buildings and parking areas. Only two mini park areas would be provided for usable outdoor open space. This alternative does appear to comply with maximum height requirements and, provides a mixture of both individual ownership units and rental apartments, (although the percent mixture of these two housing types is not specified).

III. Other Alternatives:

The Developer has also submitted a number of alternative proposals. Attachment 11 is a 50-unit alternative, which is similar to the 43 unit townhouse proposal, but it appears to provide for more usable interior open space. The density of this proposed alternative does not fall within the General Plan density range, therefore, further evaluation of this proposal is not appropriate. The Developer has also submitted two higher density proposals. Attachment 14 and Attachment 15 represent 100 and 114 unit projects respectively. While both of these alternatives are within the General Plan density range, it appears as though the level of density included in either of these two proposals has the potential to create higher volumes of urban runoff into the riparian comdor as additional structural mass and parking areas are components of these higher density designs. In addition, the proposed intensity of use is likely to be less visually compatible with the surrounding patterns of development and incompatible with the neighborhood character.

DISCUSSION

The development proposal preferred by the applicant locates 43 units on approximately 3 acres of land. The Developer's architect maintains that approximately 3 acres of land that can be developed without infringing on the adjacent riparian comdor (see Attachment 16). The applicant argues that the 43 unit proposal is necessary to reduce potential impacts and ensure neighborhood compatibility, even though this proposal does not fall within the required General Plan density range. (Attachment 17).

The General Plan (Policy 2.10.3 – Specific Density Determination) (see Attachment 4) specifies that a number of factors be considered in determining the appropriate density for a project site, including topography, presence of significant environmental resources, and the pattern of existing land use in the neighborhood. As discussed in this report, the construction of a higher density development alternative is at the upper level of the General Plan density range may result in undesirable impacts to the adjacent riparian comdor and may result in an intensity of use that is not compatible with the surrounding pattern of residential development. However, a project at the lower end of the density range can be accommodated on the project site that is consistent with the General Plan. A 59-unit proposal could be developed which provides for the optimal protection of the riparian corridor, addresses traffic and circulation issues, provides for neighborhood Compatibility and appropriate design, as well as addresses the County's housing objectives.

CONCLUSION AND RECOMMENDATION

The proposed 43 unit development falls well below the lowest end of the Residential Urban High (R-UH) General Plan density range of one unit per 2,500 to 4,000 square feet. While sensitive to site characteristics, it is not consistent with the General Plan since it does not meet the minimum required density for the project site. A 59 unit alternative is feasible, contextually sensitive in terms of surrounding development, and can be built within the Urban High Density Residential General Plan designation density range (at a density of approximately 3,500 to 4,000 square feet per unit). To this end, staff recommends that your Board authorize the Planning Director to advise the project sponsor that it does not appear as though a General Plan amendment would be recommended in order to accommodate a 43 unit project because a 59 unit project appears to be feasible on the project site.

It is worth noting that, in accordance with County Code Section 18.10.140 and inconsistent with the permit conditions approved by your Board for the Atherton Plan Subdivision (*See Condition III.N.*), in the event that the applicant chooses to proceed with an application for a project at a density level lower than the minimum density level specified in the General Plan, then the applicant would be advised to submit a proposed General Plan amendment along with their proposed development application. Your Board would then have an opportunity to consider the General Plan amendment concurrent with the proposed application. This would also be *the* appropriate process to follow if your Board determines that the application for 43 units should be advanced through the review process.

It is therefore RECOMMENDED that your Board determine:

- 1) That Application Number 03-0065 is NOT consistent with the Residential Urban High (R-UH) General Plan density range of one unit per 2,500 to 4,000 square feet;

AND

- 2) That the appropriate density for a development on the project site should be one unit per 3,500 to 4,000 square feet in order to respond to the limitations of the project site and to ensure compatibility of the proposed development with the surrounding neighborhood.

Sincerely,


Alvin D. James

Planning Director

RECOMMENDED:

SUSAN A. MAURIELLO
County Administrative Officer

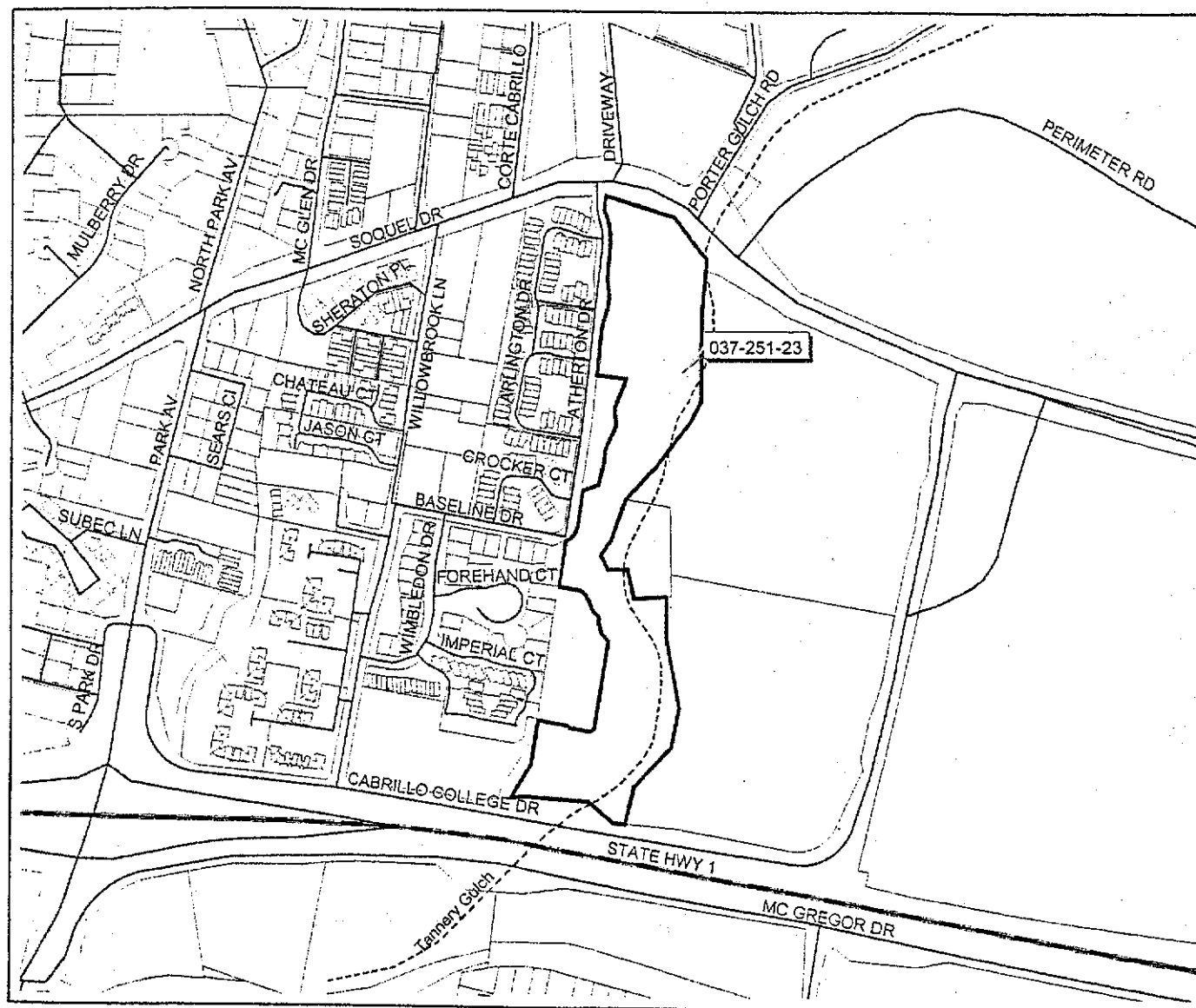
Cc: Atherton Place Development LLC, 2516 Samaritan Drive, Suite K, San Jose, Ca 95124.
Richard Beale Land Use Planning, 100 Doyle Street, Suite E, Santa Cruz, Ca 95062.

Attachments:

1. Location Map
2. Zoning Map
3. General Plan Map
4. County Code Section 18.10.140 – Conformity with the General Plan
5. General Plan - Urban High Density Residential Designation (R-UH)
6. General Plan – Definition of Developable Land
7. General Plan Policy 5.2.6 – Riparian Corridors and Development Density
8. Conditions of Approval – ILL.N. - Atherton Place Subdivision (98-0148)
9. Slope Map & Calculations of Net Developable Land, prepared by Ifland Engineers, dated 4/18/03
10. 43 unit development proposal
11. 50 unit development proposal
12. 61 to 65 unit development proposal
13. 88 unit development proposal
14. 100 unit development proposal

- 15: 115 unit development proposal
16. Letter regarding amount of developable land on project site, prepared by Kent Bourland - William Hezmalhalch Architects, dated 8/19/03.
17. Applicant's letter in support of 43 unit development, prepared by Richard Beale, dated 8/28/03.
18. Development Review Group (DRG) Letter, dated 6/11/03.
19. Applicant's letter regarding reducing 65 unit development to 61 units, prepared by Richard Beale, dated 9/3/03.
20. Approved Subdivision Findings for Atherton Place

Location Map



0.2 0 0.2 0.4 Miles

Map created by Santa Cruz County
Planning Department:
June 2003



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ATTACHMENT 1

Zoning Map



1000 0 1000 Feet

Legend

	APN 037-251-23
	Parcel boundaries
	State highways
	Streets
	Intermittent Stream
	PA
	R-1-X
	RM
	PR
	PF
	C-1



Map created by Santa Cruz County
Planning Department:
September 2003

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ATTACHMENT 2

General Plan Map



Legend

- APN 037-251-23
- Parcel boundaries
- State highways
- Streets
- Intermittent Stream
- Community Commercial
- Neighborhood Commercial
- Parks and Recreation
- Urban Open Space
- Public Facilities
- Residential - Urban High Density
- Residential - Urban Low Density
- Residential - Urban Medium Density

Map created by Santa Cruz County
Planning Department:
September 2003

ATTACHMENT 3

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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, except for second units and residential remodels, 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 18.10.210(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


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 effective date of this ordinance.

SECTION V

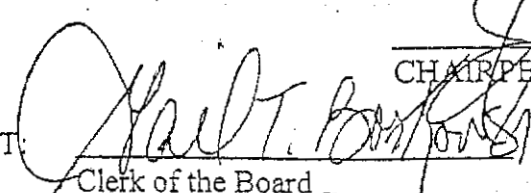
This ordinance shall take effect on the 31st day from the date of adoption outside the Coastal Zone and upon certification by the California Coastal Commission inside the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 18th day of June, 2002, by the following vote:

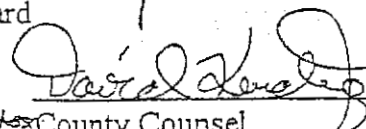
AYES:	SUPERVISORS	Wormhoudt, Almquist & Campos
NOES:	SUPERVISORS	Pirie & Beautz
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None


CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


County Counsel

Copies to: Planning
County Counsel

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ATTACHMENT 4

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

(LCP) To provide higher density residential development (10.9 to 17.4 ~~units~~ per net developable acre) in areas within the Urban Services Line (USL). **These** areas shall be located where increased density can be accommodated by a full range of urban services and in locations near collector and arterial ~~streets~~, transit service, and neighborhood, ~~community~~, or regional shopping facilities. Housing types appropriate to the Urban High Density designation may include: small lot detached houses, "zero lot line" houses, duplexes, townhomes, garden apartments, mobile home parks, and congregate senior housing.

Policies

2.10.1 Minimum Parcel Sizes

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

2.10.2 Minimum Lot Size

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

2.10.3 Specific Density Determination

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

2.10.4 Development Density Less than Lower Limit of Range

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

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

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

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

2.10.5 Live Oak: Pacific Family Mobile Home Park

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

5.

ATTACHMENT 5

Density Credit

(LCP) The **number** of dwelling units allowed to be built on a particular property determined by applying the designated General Plan and LCP Land Use designation **density** and implementing **zone** district to the developable portions of the *property* and to those non-developable portions of the property for which credit may be granted (*see* definition of Developable Land). Where credit is allowed for a non-developable portion of the property, the dwelling units must be **located in** the developable portion of the property.

The following areas which are **not** developable land shall be **granted density credit** for development density.

Outside the USL and RSL

- a) land with **slopes between** 30 and 50 percent

Inside the USL and RSL

- a) land with slopes less than 30 percent in the required buffer setback from the top of the arroyo or riparian corridor, up to a maximum of 50 percent of the total area of the property which is outside the riparian corridor.
- b) The Board of Supervisors may allow a credit of up to 50 percent of the property within the 100-year floodplain if the proposal is: served by sewers; bordered by existing similarly developed lots; not at a density higher than the surrounding area; consistent with the character of the surrounding area; and will **not** increase the likelihood of downstream or upstream flooding. The property designated as floodway **does** not qualify for density credit

Countywide Credits

The following areas are subject to special site and/or development criteria and shall be *granted* full density credit:

- a) Rare and endangered plant and animal habitats.
- b) Archaeological sites.
- c) Critical fire hazard areas.
- d) Buffer **areas** established **between** non-agricultural land uses and commercial agricultural land.
- e) Landslide areas determined by a geological study to be stable and suitable for development.
- f) Historic Sites

Design Earthquake

The values of seismically induced shaking that are used to mitigate the effects of a potential earthquake. These values are determined based upon forensic engineering geology, probability studies and educated **speculation**. Normally, these values represent the maximum probable earthquake for minor non-critical projects such as single-family dwellings. These values also represent the **maximum** credible earthquakes for critical structures such as hospitals, schools, hazardous materials containment structures, **certain** utilities, police stations, fire stations, and other emergency facilities.

Designated

Shown on the General Plan/Local Coastal Program Maps.

Detention

(LCP) Drainage facilities which collect and detain water from a project site during storm periods. The use of such facilities lessens the peak amounts of water in stream channels during storm periods by temporarily holding storm runoff water on-site.

Deteriorated Housing

Housing which, through time or neglect, **has** become substandard.

Developable Land

(LCP) Land which is suitable as a location for structures and which can be improved through normal and conventional means free of development hazards and without disruption or significant impact on natural resource areas.

The following areas shall not be considered developable land

- (1) Land with slope greater than 30 percent and coastal bluffs.
- (2) Riparian corridors, wooded arroyos, canyons, stream banks, areas of riparian vegetation and areas within a 50 foot riparian buffer setback from the riparian corridor.
- (3) Lakes, marshes, sloughs, wetlands, water areas, beaches and areas within the 100-year floodplain, and any associated buffer setback established by federal, state or County regulations.
- (4) Areas of recent or active landslides.
- (5) Land within 50 feet of an active or potentially active fault **tram**.
- (6) Commercial agricultural land and mined resource areas.
- (7) Areas subject to coastal inundation as defined by geological hazards assessment or full geologic report.

(*See* definition of Density Credit)

Santa Cruz County General Plan

52.5 Setbacks ~~From~~ Wetlands

- (LCP) Prohibit development within the 100 foot riparian corridor of all wetlands. Allow exceptions to this setback only where consistent with the Riparian Corridor and Wetlands Protection ordinance, and in all cases, maximize distance between proposed structures and wetlands. Require measures to prevent water quality degradation from adjacent land uses, **as outlined** in the Water Resources section.

52.6 Riparian Corridors and Development Density

- (LCP) Exclude land within riparian corridors in the calculation of development density or net parcel size. Grant *full* density credit for the portion of the property outside the riparian comdor which is within the required buffer setback, excluding areas over 30% slope, up to a maximum of 50% of the total area of the property which is outside the riparian corridor. (See policy 5.11.2.)

52.7 Compatible Uses **With** Riparian Corridors

- (LCP) Allow compatible uses in and adjacent to riparian corridors *that* do not impair or degrade the riparian plant and animal systems, or water supply values, such **as** non-motorized recreation and pedestrian trails, parks, interpretive facilities and fishing facilities. Allow development in these areas only in conjunction with approval of a riparian exception.

53.8 Environmental Review **for** Riparian Corridor and Wetland Protection

- (LCP) Require environmental review of all proposed development projects affecting riparian corridors or wetlands and preparation of an Environmental Impact Report or Biotic Report for projects which may have a significant effect on the corridors or wetlands.

52.9 Management Plans **for** Wetland Protection

- (LCP) Require development in or adjacent to wetlands to incorporate the recommendations of a management plan which evaluates: migratory waterfowl use December 1 to April 30; compatibility of agricultural use and biotic and water **quality** protection; maintenance of biologic productivity and diversity; **and** the permanent protection of adjoining uplands.

5.2.10 Development in Wetland Drainage Basins

- (LCP) Require development projects in wetland drainage basins to include drainage facilities or Best Management Practices (BMPs) which will maintain surface runoff patterns and water quality, unless a wetland management plan specifies otherwise, and minimize erosion, sedimentation, and introduction of pollutants.

52.11 Breaching of Lagoon, River, Stream **or** Creek Sandbars

- (LCP) Do not permit breaching of lagoon sandbars unless the breaching is consistent with an approved management

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



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AT THE BOARD OF SUPERVISORS MEETING

On the Date of September 23, 2003

REGULAR AGENDA Item No. 59

Closed public hearing;

Upon the motion of Supervisor Wormhoudt, duly seconded by Supervisor Campos, with Supervisors Beautz, Almquist and Pirie voting "no", motion to amend main motion to declare the project is not consistent with the density range that is established for the site pursuant to the General plan failed;

Upon the motion of Supervisor Pirie, duly seconded by Supervisor Beautz, with Supervisors Wormhoudt and Campos voting "no", the Board, approved a finding that 43 units is the appropriate General Plan density and directed Planning to return on October 21, 2003 with a recommendation to make that density consistent with the General Plan

cc:

CAO

County Counsel

Planning

✓ Randall Adams, Planning

Cathy Graves, Planning

Atherton Place Development LLC

Rich Beale, Land Use Planning

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

by *Susan A. Mauriello*, Deputy Clerk ON September 25, 2003



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

October 3, 2003

Agenda Date: October 7, 2003

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

Application Number: 03-0065
APN: 037-251-23

Owner: Atherton Place Development LLC
Applicant: Atherton Place Development LLC

SUBJECT: Recommendation regarding the method to achieve appropriate density for the Cabrillo Commons development, APN 037-251-23, which was the subject of DRG application 03-0065.

Members of the Board:

As you recall, your Board reviewed application number 03-0065 for preliminary General Plan consistency determination at a public hearing on September 23, 2003. One of the actions of your Board was a request that Planning Department staff perform additional analysis of the methods in which the proposed 43-unit development could be considered as consistent with the General Plan.

Although Planning Department staff has performed additional analysis to recommend different possible methods that would result in a 43-unit proposal being consistent with the Urban High Density Residential (R-UH) General Plan density range, it is typically the project applicant that makes a proposal that the Planning Department reviews in response. Planning Department management has discussed this matter with County Counsel and has determined that it would be most appropriate to require that the applicant propose the necessary General Plan or zoning ordinance amendments to achieve consistency. The Planning Department will, of course, be available to provide information and support to the applicant in developing a revised proposal for this development.

It is therefore RECOMMENDED that your Board:


- 1) Make a minor modification of the Board's order of September 23, 2003, concerning this project, to allow action on today's agenda. As a result of this action, the Planning Department will no longer be required to return to the Board for additional direction on October 21, 2003; and

- 2) Direct the Planning Department to require that the applicant, as part of any ~~new and separate~~ development application, request any amendment of the General Plan and/or zoning ordinance which they believe necessary to allow the Planning Department to prepare findings that the 43 unit Cabrillo Commons project is consistent with the Santa Cruz County General Plan, and which will also be protective of resources previously identified in the letter of September 19, 2003.

Sincerely,


Alvin D. James
Planning Director

RECOMMENDED:


SUSAN A. MAURIELLO
County Administrative Officer

Cc: Atherton Place Development LLC, 2516 Samaritan Drive. Suite K, San Jose, Ca 95124
Richard Beale Land Use Planning, 100 Doyle Street, Suite E, Santa Cruz, Ca 95062.

Attachments:

- A1. Minute Order - 9/23/03 Board of Supervisors hearing judgments
A2. Letter of the Planning Director - 9/23/03 Board of Supervisors hearing



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

October 7, 2003

Richard Beale Land Use Planning
100 Doyle Street, Suite E
Santa Cruz, Ca 95062

Subject: Application # **03-0065**; Assessor's Parcel #: **037-251-21**
Owner: **Atherton Place Development LLC**

Dear Richard Beale Land Use Planning:

This letter is to inform you of the status of your application. On 10/7/03, the above referenced application was heard at a public hearing before the Santa Cruz County Board of Supervisors for a density determination and a final action was taken regarding the proposed development. As stated in the 3/21/03 incomplete letter, you have 60 days from the final action date by the Board of Supervisors regarding the density determination to submit all of the information required in the 3/21/03 incomplete letter.

As final action was taken on 10/7/03 by the Board of Supervisors regarding the density determination, you now have until 5:00 PM on 12/7/03, to submit all of the information listed in the 3/21/03 incomplete letter. Additionally, you are advised to follow the Board's direction and to include a rezoning and General Plan Amendment (and any other necessary actions) in the project description (as well as the reasoning behind why such actions and amendments are justified), that will result in a 43 unit development being consistent with the County General Plan. Pursuant to Section 18.10.430 of the Santa Cruz County Code, failure to submit all of the required information may lead to abandonment of your application and forfeiture of fees.

Should you have further questions concerning this application, please contact me at:
(831) 454-3218, or e-mail: randall.adams@co.santa-cruz.ca.us

Sincerely,

Randall Adams
Project Planner
Development Review

COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of October 07, 2003

REGULAR AGENDA Item No. 61.1

Upon the motion of Supervisor Wornhoudt, duly seconded by Supervisor Beautz, the Board, by unanimous vote, made a minor modification of the Board's order of September 23, 2003, concerning this project, to allow action on today's agenda. As a result of this action, the Planning Department will no longer be required to return to the Board for additional direction on October 21, 2003; and (2) directed the Planning Department to require that the applicant, as a part of any development application, request an amendment of the General Plan and/or Zoning Ordinance to allow the Planning Department to prepare findings that the 43 unit Cabrilla Commons project is consistent with the Santa Cruz County General Plan, and which will also be protective of resources previously identified in the letter of September 19, 2003

cc:

CAO

County Counsel

Planning Department

Randall Adams, Planning

Cathy Graves, Planning

Atherton Place Development LLC

Richard Beale Land Use Planning

State of California, County of Santa Cruz-ss

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. in witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

by *Susan A. Mauriello* , Deputy Clerk ON October 08, 2003

ATTACHMENT 12

Michael A. Guth
Attorney at Law
72005 East Cliff Dr.
Santa Cruz, CA 95062

TO: **Housing** Advisory Commission

FROM: Michael Guth

SUBJECT: Cabrillo Commons

February 23, 2004

Fellow Commissioners,

We have ~~been~~ asked to comment upon the density of the Cabrillo Commons project. This poses at least the three following questions:

1. Should the Housing Advisory Commission offer recommendations on specific projects?
2. Should the Housing Advisory Commission offer recommendations that have already been subject to Board of Supervisors action in their administrative capacity?
3. Should the Housing Advisory Commission act on this project given the differing opinions as to whether the density of this project is compliant to the General Plan?

With regard to question 3, I have attached the pertinent portion of the staff report for this project giving both the staff planners viewpoint and the applicant's viewpoint. I have pointed out to our County Board of Supervisors, at hearings approximately three years ago when they were initiating the Development Working Group procedures, that there appeared to me to be a disconnect between long standing county procedure and the General Plan.

The staff report response to the project applicant's assertion that the project is compliant to density requirements mentions "established policies" and "established practice", but does not answer the applicant's assertions point by point. I feel that if the IIAC were to ever get involved in project specific recommendation that this project is not appropriate for comment due to the uncertainties involved here. In sum, I do not feel that the assertions made by Supervisor Campos in his letter can be substantiated by the record

Michael A. Guth

ATTORNEY AT LAW
200015 East Cliff Dr
Santa Cruz, CA 95062

at this point, and at a minimum an opinion from County Counsel should be sought prior to any HAC action with regard to this project.

For the foregoing reasons I recommend against any HAC action on the Cabrillo Commons project.

Yours Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Guth".

Michael A. Guth

ATTACHMENT 12

9/23/04 Staff Report to Board

develop at no less than the minimum density range of the Residential Urban High (R-UH) General Plan designation. This requirement to develop within the General Plan density range was made a part of the Conditions of Approval for Subdivision 08-0148 (see Attachment 8 - Condition III.N).

At the time that the Atherton Place Subdivision was approved on March 12, 2002, the Board determined that the construction of 85 units would fall within the required density range for the entire subject property. The calculations performed at that time deducted portions of the project site due to topographic constraints and the presence of a riparian corridor (Porter/Tannery Gulch) on the subject property. These calculations were estimates of the amount of developable land on the subject property, which included a density credit for slopes under 30 percent located within the riparian buffer areas. Based on these earlier calculations, and deducting the 26 units that were approved in the Atherton Place Subdivision, it has been determined that this parcel can accommodate a total of 59 units which would fall within the required density range for the remaining portion of this overall site. This is consistent with the findings by the Board in the approval of the Atherton Place Subdivision. The future development of this site was specifically addressed in Condition III.N, which states: "... All future development proposals for this parcel shall be at a density that is no less than the lowest end of that density range set by the Urban High Residential designation of the 1994 General Plan ... unless the land use designation for the parcel is revised by amendment of the General Plan ..." (See Conditions of Approval, No. III.N. - Attachment 8)

Following project approval by your Board and litigation initiated by surrounding neighbors, on September 18, 2002, the Applicant entered into a Stipulated Agreement that specifies that the Applicant will proceed with an application for a 43-unit project on this site. The goals of this agreement appear inconsistent with your Board's stated objective to create 85 units on the entire parcel and thus 59 units on the subject property, as enumerated in the Subdivision Findings approved by your Board. In finding that the proposed project (Atherton Place) was consistent with the General Plan, the Findings specify that "... up to 85 units could be constructed on the entire project site given the net developable land available and using the minimum threshold density specified by the General Plan ..." (Approved Subdivision Findings, No. 2 - Attachment 20).

URBAN HIGH DENSITY RESIDENTIAL GENERAL PLAN DESIGNATION

The Urban High Density Residential (R-UH) General Plan designation allows residential development at densities between 2,500 and 4,000 square feet of net developable parcel area per dwelling unit (General Plan Policy 2.10.1 - Minimum Parcel Sizes). The appropriate housing types (as listed in the General Plan) for this designation include: small lot detached houses, attached housing on separately owned parcels ("zero lot line" houses), duplexes, townhouses, garden apartments, mobile home parks, and congregate senior housing (see Attachment 5).

¹ The definition of "net developable" land and "density credit" can be found in the General Plan glossary and Riparian Corridors section (see Attachment 6 - Developable Land definition & Attachment 7 - General Plan Policy 5.2.6).

Density is calculated by determining the **amount** of net developable land on a parcel **and** dividing the net developable land total by the **number** of proposed units. Vehicular rights-of-way, slopes in excess of 30 percent, riparian areas (with credit for slopes under 30 percent in the riparian buffer areas), and areas containing other resources or development constraints are deducted **from** the gross parcel area **to** determine the amount of net developable land. Shared driveways are considered as **private** right-of-way within private ownership developments and are deducted **from** the net developable land total, but are not deducted **from** the net developable land total for rental apartment complexes. A large portion of the subject property is **designated** as Urban Open Space (O-U) in the General Plan. This designation indicates the presence of a riparian corridor which reduces the amount of developable land on the subject property (see Attachment 3).

DEVELOPER'S PROPOSED 43-UNIT PROJECT

The development proposal submitted on February 21st consists of 43 units (see Attachment 10) on a property that contains approximately **14.6 gross acres of land (637,406 square feet)** (see Attachment 9). Using information provided by the project applicant, the net developable land totals approximately 5.8 acres (**252,212 square feet**). Approximately **2 acres** of the net developable land total is within the riparian corridor buffer that is under 30 percent slope,

The total area of the shared driveways within the proposed development is **28,880 square feet**. Since this proposal consists of individual ownership townhouses, all of the shared driveways are considered as private rights-of-way and this area is deducted from the net developable land total. The resulting net developable land total, after deducting the proposed shared driveways, is approximately **5.1 acres (223,331 square feet)**. When divided by the 43 proposed units, the proposed density for this development is approximately **5,193 square feet per** residential unit.

* [while the developer has suggested that the density level would fall within the General Plan density range if the riparian buffer area (**89,700 square feet**) were further excluded **from** the density calculation, such an approach **would be** an attempt to circumvent established policies. This suggestion would **be** inconsistent with the findings made by the Board in approving the Atherton Place Subdivision (as discussed above), contrary to established practice, unprecedented and inconsistent with the Board's policy to approve projects within the density range of the General Plan.] AK

On June 11, 2003, the Planning Department sent a letter to the Applicant summarizing the DRG findings. (Attachment 18). The Department's letter indicated a number of key concerns about the project:

- **General Plan Density Range:** The proposed project is below the minimum density range as specified in the Urban High Density Residential General Plan designation.
- **Parking:** The proposed project does not comply with the requirements for on-site guest parking; the proposal to accommodate guest parking on Atherton Drive would increase the overall parking impact in the neighborhood.
- **Useable Open Space** The proposed project does not appear to provide the minimum

- amount of required usable common **area open space**
- **Residential Site Standards:** The proposed project does not comply with the required site **standards** for 1hr RM-3 Multi-Family Residential - **3,000 square foot minimum zone** district:
 - **Access and Circulation:** The road and circulation design **does** not allow for proper vehicular movement, **creating numerous** circulation problems which could result in injuries or property damage due **to the** need for drivers **to** make difficult **turning** and back-up maneuvers. Project design also **places** structures in locations that **obscure** a drivers' ability **to see** oncoming traffic **as** they pull out **of** garages. Project access should be **off** Atherton Drive; the **proposed access** off Soquel Drive is inconsistent **with the** County Code and presents numerous problems resulting in traffic hazards and and neighborhood impacts.
 - **Design for Accessibility:** **The** current proposed road, circulation and parking design **does** not appear to accommodate persons with disability's in **an adequate manner**.

DEVELOPMENT WITHIN THE GENERAL PLAN DENSITY RANGE

Using the net developable land total above (252,2 **12 square** feet), the total number of units that would fall within **the Urban High** Density Residential General **Plan** designation density **range** (one unit per each **2,500 to 4,000 square** feet of developable land) would be **between 63 and 100** residential units. In developments with individual ownership units, proposed private **road** rights-of-way **are** deducted **from** the net developable **land total (28,880 square** feet in the current proposal) resulting in **between 55 and 61** residential units **falling within the General Plan density** range.

ALTERNATIVES TO CURRENT PROPOSAL

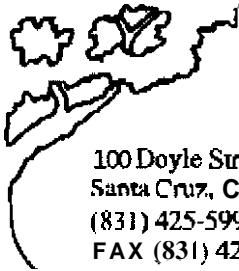
To facilitate staff consideration of this proposal, the applicant has submitted five different alternatives **to the 43 unit** townhouse proposal. These alternatives **assume a range of** development densities for the project site. These alternative designs are discussed below.

1. 59-Unit Proposal - 61 to 65 Unit Scheme Submitted by Developer (Attachment 12)

At the request of the County, the Developer submitted a proposed alternative within the General Plan density range. The Developer's proposed alternative is a 61-65 unit project, which included a centrally located four-plex that exceeded the maximum **height** limit and should **be** removed **from the project** design. A reduction of an additional **two** units within the project (not shown on the plans) **would result in a 59 unit project**.

A preliminary review of this proposal indicates that a 59-unit project appears to be compatible with the neighborhood and surrounding pattern **of** development. A 59-unit proposal would be constructed at an approximate density of one residential unit per each 3,904 **square** feet (falling within the Urban **High** Density Residential General Plan **designation density** range (one unit per each **2,500 to 4,000 square** feet of developable land. Based **on a preliminary review** of the 59-

ATTACHMENT 12

**RICHARD BEALE**Land Use Planning
Incorporated100 Doyle Street • Suite E
Santa Cruz, CA 95062
(831) 425-5999
FAX (831) 425-1565Masters of Architecture
Univ. of CA, Berkeley

August 28, 2003

Alvin James, Planning Director
County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060RE: Cabrillo Commons Application
APN: 037-251-21 (part)

Dear Alvin:

This letter is to respond to your request for additional information prior to scheduling this project for review by the Board of Supervisors.

Project Background • Historic Method of Calculating Density

When the original Atherton Place Development project was proposed for the entire site, the project included 85 units. The Planning Department historically subtracted all of the riparian corridor lands, all lands steeper than 30% slopes and all internal rights-of-way (Exhibit 5). Using this method, the 85-unit project was proposed at 1 unit per 4,033 square feet of net developable land (about 10.8 units/acre).

The 26-unit project that was approved would theoretically leave 59 units to be developed on the remaining portion of the site. The following represents the density calculations that would have been historically applied to the remaining portion of the site for a 59-unit project:

Net Developable Land outside of the 26-unit project area	252,212 sq. ft.
Minus internal rights-of-way (estimated)	- 28,880 sq. ft.
Remaining Net Developable Land	= 223,332 sq. ft.

223,332 sq. ft. divided by 59 units = 1 unit per 3,785 sq. ft. (11.5 units/acre)

This density is consistent with the Residential Urban I High General Plan designation.

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Justification for the current 43 unit proposal

Developable Portion of the Site

The attached Island Engineer's Exhibit 1 dated April 18, 2003 indicates a line adjacent to the 26-unit project that realistically forms the boundary between the development area of the previous 26-unit project and the proposed 43-unit project area. When the net developable land of the 43-unit project area is calculated, the net area is 160,683 sq. ft..

Subtracting the rights-of-way and common parking, the density is 1 unit per 2,957 sq. ft. (about 14.7 units/acre), consistent with the RM-3 zoning and the R-UH General Plan designation. If the common parking area is not deducted from the net developable land, the density will still be about 1 unit per 3,100 sq. ft. (about 14.1 units/acre), also consistent with the RM-3 zoning, the R-UH General Plan and the neighborhood.

However, if the Planning Department and Board of Supervisors do not view the development area as the appropriate method for calculating density, then the following analysis is for your consideration. The next sections include the full density credit for all the remaining non-developable open space land for the entire site.

Current General Plan and Zoning

Policy 2.10.3, Specific Density Determination, specifically requires consideration of terrain, adequacy of access, presence of environmental resources and the pattern of existing land use in the neighborhood.

When all these factors are considered, the proposed 43 unit project is appropriate for the site. Policy 2.10.4 allows developments to be considered at a density lower than the lowest end of the General Plan based on the above site-specific issues. "Nothing in this policy shall preclude the property owner from voluntarily filing an initial application for development less than the lowest end of the designated density range."

Section 18.10.140 of the Zoning Ordinance requires a special review of development when it is proposed at a density that is lower than the lowest end of the General Plan land use designation. This special review allows the decision-makers the ability to approve projects below the technical density range based on site-specific characteristics.

Section 18.10.140 (a) specifically states that the permits and approvals for a project "...must be in harmony with and compatible with the policies, objectives, and land use programs of the General Plan." The proposed project is in harmony and compatible with the designated R-UH

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Page 3 of 7

policies, objectives and land use programs. The purpose of the R-UH designation is to provide appropriate housing types including townhome development. The individual parcel sizes are consistent with the 2,500 to 4,000 square foot range per policy 2.10.1 and the ACTUAL density of the development area is about 3,100 sq. ft. per unit (about 14.1 units/acre), nearly identical to the neighboring Willowbrook Townhome development.

As proposed, the 43 unit development is consistent with General Plan policy 8.3.1, Clustering for Environmental Protection. The development is clustered away from the riparian corridor. Based on the design, no portion of the development is within the riparian corridor, the buffer setback or the construction setback. The County staff is indicating that a portion of the riparian corridor has developable land that can be counted toward density credit. It is only when the leftover density credit open space areas are added to the developable land that the proposed development density is reduced to below the R-UH range. This additional credit of developable land is basically density that cannot be used and still have the project remain compatible with the neighborhood or consistent with the RM-3 zoning standards. The applicant requests that this density credit not be granted for this development project. The project should not be considered a low-density development or penalized for maintaining open space that cannot be developed.

The proposed development is also consistent with General Plan policy 8.4.1, Neighborhood Character. The actual development area of the proposed plan will be constructed at a density to match the neighboring units west of Atherton Drive (about 3,500 sq. ft. per unit with rights-of-way included). The policy states that "Project density in established residential neighborhoods shall be compatible with existing neighborhood density, consistent with the land use designations ...but not to exceed densities designated in the General Plan and LCP Land Use Plan." The proposal is consistent with this policy.

It is not the intent of the General Plan mapped land use designations to be changed on a project by project basis, merely because site constraints do not allow the full density development. Changing the land use designation and zoning maps for each project could create a land use mosaic that is overly site-specific and not appropriate for a General Plan document. The physical townhome design for this property is appropriate at the same relative density as the neighboring properties. The General Plan language and the zoning ordinance, specifically section 18.10 as cited, allow the Planning Commission and Board of Supervisors to approve projects that do not completely fit into the mapped categories.

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ATTACHMENT 17

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The proposed unit types, design and density are consistent with the neighborhood types, design and density of the R-UH land use designation.

Analysis of Changing the General Plan and Zoning Maps

If the Planning staff and Board of Supervisors do not believe they can approve the project without a map change to the General Plan and Zoning, then the following information is offered for consideration.

General Plan Amendment from RU-H to R-UL and Rezoning from RM-3 to R-1-6

Using the County staffs recent method for calculating density, the project would be developed between 1 unit per 8,900 and 8,200 square feet or 4.9 to 5.3 units/acre. The corresponding zoning would be R-1-6 with a General Plan designation of R-UL, Urban Low Residential with a corresponding density range of 4.4 to 7.2 units/acre. This may appear to be the correct zoning and General Plan for the site to match the overall density that includes all the density credits, but it does not take into account the site restrictions or standard development restrictions of the zone district.

The R-UL designation does not allow for townhome development and the proposed actual lot sizes are not consistent with the R-1-6 zoning. The actual lot sizes are too small (2,500 to 4,000 square feet each) for the R-1-6 district. Therefore, the R-UL and R-1-6 map changes are not appropriate for the site.

While it may appear to be helpful to gain density credit for some of the open space areas, neither the R-1-6 or RM-3 development standards allow for the additional density for market rate projects with the typical 15% required inclusionary affordable housing. The 28-foot height limit would need to be exceeded and at least 3 story units would be required to achieve the increase in density as calculated by planning staff. The County currently does not have the necessary land use standards to allow a condominium/apartment complex and no Planned Unit Development ordinance exists to vary from the current standards. Use permits can be granted for affordable projects that could allow up to 3 stories (parking under 2 stories), but this raises the issue of neighborhood compatibility. Based on the character of the neighborhood, the most appropriate designation and zoning for the project area is R-UH and RM-3.

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General Plan Amendment from RU-II to O-U (Urban Open Space) and
Rezoning from RM-3 to PR

Per Section 13.01 of the Zoning Ordinance, a General Plan amendment process requires the Planning Commission to adopt a resolution with the following items:

- (a) The reason for recommendation.
- (b) A statement of the consistency of the proposal with other parts of the adopted General Plan.
- (c) Statement of required findings regarding compliance with the California Environmental Quality Act.

The site characteristics are such that the more appropriate map change would be to change the designation of the riparian corridor and buffer to Urban-Open Space with a corresponding zoning of PR, Parks and Recreation or SU, Special Use. Throughout the urban area, the General Plan maps were modified in 1994 to recognize these urban corridors as urban open space for environmental protection. Not all of the riparian corridors were mapped. Changing both the General Plan and zoning would be consistent with past practices in the urban areas, to specifically note the urban open spaces of riparian corridors. Redesignating the riparian corridor and open space on this parcel would recognize that the undeveloped areas are not appropriate for high density residential, while the developed portions of the site will remain consistent with the high density neighborhood.

No General Plan Amendment and Rezoning of Riparian Corridor from
RM-3 to PR

Another option to avoid any General Plan amendment is to rezone the riparian corridor and open space to PR, with no General Plan change. The PR zoning is an implementing zone district for all General Plan Residential land use designations. The PR district is consistent with of the open space protection of the recent Atherton Place subdivision, as well as the proposed open space protection included with the proposed development.

Based on the PR zone district being consistent with the R-UH designation, no General Plan amendment is required.

Rezoning Findings: Section 13.10.215

1. The proposed zone district will allow a density of development and types of uses which are consistent with objectives and land-use designations of the adopted General Plan; and

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Changing the riparian corridor portion of the site ~~from RM-3 to PR~~, Parks and Recreation recognizes the corridor ~~as~~ open space and inappropriate for residential development. The types ~~of~~ uses that would be allowed in the PR district are more consistent with the objectives of the Riparian Corridor protection policies ~~of~~ the General Plan and the ~~zoning~~ ordinance.

2. The proposed zone district is appropriate to the level of utilities and community services available to the land: nnd

The rezoning ~~is~~ appropriate since no development ~~is to~~ occur within these areas. This rezoning will have ~~no~~ impact ~~on~~ utilities or community services in the area.

3. One or more of the following findings can be made.

(i) The character of the development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district;

The character ~~of~~ the neighborhood has changed with the approval ~~of~~ the Atherton Place project ~~to~~ the south and west of this parcel. This rezoning recognizes the development pattern both in past practice and from the recent County approvals ~~to~~ preserve the riparian corridor area ~~as~~ open space.

(ii) the proposed rezoning is necessary to provide for a community-related use which was not anticipated with the Zoning Plan was adopted; or

The PR rezoning is appropriate for the riparian corridor and associated open space ~~on~~ the site. The current ~~zoning~~ plan did not address the open space areas ~~of~~ this site when the zoning was adopted. Now that a residential development ~~is~~ proposed, the ~~rezoning~~ will ~~be~~ a community service ~~to~~ recognize the open space areas ~~as~~ inappropriate ~~for~~ residential use.

(iii) the present zoning is the result of an error; or

While not a direct error, the rezoning of the riparian corridor could easily be viewed ~~as~~ a "clean-up" to specifically recognize the development pattern ~~of~~ the area, ~~as~~ well ~~as~~ to more formally designate the riparian corridor ~~as~~ open space, not suitable for residential development.

(iv) The present zoning is inconsistent with the designation on the General Plan.

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The present zoning and General Plan are consistent and the proposed PR zoning will be consistent with the R-UH designation.

Summary

Attached as Exhibit 6 is a letter from Kent Bourland, project architect with William Hezmalhalch AIA describing the relative densities of the 43 unit project, as well as the staff requested 88 unit project and a third 114 unit density bonus alternative. Graphic examples of higher density projects (24 to 56 units/acre) are included in the Appendix,

I hope this adequately responds to the questions raised by the Planning Department. Please let me know if you have any further questions.

Sincerely,


RICHARD BEALE

- Exhibits:
1. Island Engineers - Density Total Parcel and Density Developable Portion of Parcel, 4/ 18/03
 2. William Hezmalhalch AIA - Density Study - 43 Unit Townhomes, 8/28/03
 3. William Hezmalhalch AIA - Density Study - 88 Condominium/Apartments, 8/28/03
 4. William Hezmalhalch AIA - Density Study - 114 Condominium Units, 8/28/03
 5. Cabrillo Commons: Density Calculations History, 8/28/03
 6. William Hezmalhalch AJA, letter dated 8/ 19/03

Appendix: Density Examples

cc: Board of Supervisors
Brad Bowman
Charlene Atack
Randall Adams

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