



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
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TOM BURNS, PLANNING DIRECTOR

October 11, 2006

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

AGENDA DATE: November 8, 2006

Item #: 11

Time: After 1PM

APN: N/A

County Wide

SUBJECT: UPDATE ON NEIGHBORHOOD COMPATIBILITY POLICY ISSUES

Commissioners:

Late last year, after considering two appeals of coastal permits related to the issue of compatibility of new home design with the surrounding neighborhood, the Board of Supervisors directed staff to bring forward proposals to improve the clarity of a number of County regulations. The ensuing discussions occurred in two stages, with the first focusing on revisions to the current regulations and the second phase exploring options for expanding the areas where compatibility standards are applied to new developments.

In order to implement those actions, staff was directed to proceed with a number of changes to the current regulations and to more closely review pending applications for a period of time to determine if further modifications to the standards for compatibility should be explored. The regulatory changes were reviewed by your Commission earlier this year. At that time, your Commission recommended approval of the changes to the Board and also directed staff to engage in additional public outreach before taking the changes back to the Board. The purpose of this letter is to request that your Commission review additional changes to those proposed regulations resulting from the additional public outreach and from Board direction.

Background

Commissioners may recall that the first phase of regulatory changes addressed a number of key issues, including:

- Amending Chapter 13.11 (Design Review), establishing a hierarchy of site and building standards with primary elements (e.g. bulk, massing and scale) and secondary elements (e.g. architectural style and detail).
- Amending the Coastal regulations (Chapter 13.20) to cross-reference to the proposed hierarchy of standards in Chapter 13.11.
- Add a definition of "Neighborhood" to Chapter 13.11.
- Amending the Residential site regulations to:
 - Increase the maximum lot coverage allowed on lots of 5,000 to 15,000 square feet from 30% to 40% to make it possible to reduce the scale of second story additions.

- o Amend the site regulations to once again allow front yard averaging.
- o Revise the definition of "Net Site Area" for residential properties to exclude certain areas not available for development – such as coastal bluffs, arroyos, riparian areas, lakes or the ocean – from being included in the lot size when calculating maximum allowable lot coverage and floor area ratio within the Urban Services Line.

Proposed Change to Net Site Area Definition

Changes to the Net Site Area definition have become more complex as we have spent more time developing the regulations and interacting with the public to better understand the consequences of the changes. At your Commission's meeting in March of this year and at a subsequent public meeting organized by concerned architects, we were able to receive public comments on the then proposed changes to the definition of net site area. The focus of the public comments was on the definition of "arroyo" in the General Plan and County Code and the implications of excluding arroyos from net site area.

Under the proposed definition of Net Site Area, arroyos would be excluded from consideration as part of net site area. There has been considerable confusion about the definition of arroyos over the years, including by the Coastal Commission. (An appeal to the Board earlier this year focused on the difference between the County and Coastal Commission's understanding of coastal bluffs and arroyos and related setbacks.) Additionally, under a strict interpretation of the General Plan arroyo definition, none of the parcels in the Rio del Mar flats area would be considered as having any net site area. This was not staff's intent and we did not believe that this was the Board's intent when conceptually approving the proposed amendment to net site area.

The Board confirmed this in September, directing staff to return to your Commission with a recommendation that the proposed amendment to the Net Site Area definition be scaled back to address only properties containing coastal bluffs, beaches, and submerged Monterey Bay areas.

Other Concerns About Proposed Ordinance Revisions

Over the past several months, in an effort to improve the compatibility review process, staff has met regularly to review pending coastal urban discretionary applications for compatibility issues. Part of this review includes viewing the proposed plans as well as viewing photographs of the subject property and properties along and across the street. While this effort is ongoing and will continue into the future, staff is already seeing some initial trends. One of these is that the surrounding area of interest when reviewing compatibility is frequently smaller than the area proposed in the definition of "Neighborhood". Another conclusion is that the proposed building materials are often a major factor when considering compatibility (such as an all-stucco house in a neighborhood of wooden homes).

In light of this ongoing review process, in September the Board directed staff to defer recommending the proposed changes to County Code Chapters 13.11 and 13.20, including the proposed definition of "Neighborhood" and the proposed hierarchy of building and site standards, until March 2007.

Unchanged Portion of Ordinance to go Forward

Two portions of the regulatory changes are proposed to go forward with no changes. These changes will amend the residential site regulations to allow the following:

- o Increase the maximum lot coverage allowed on lots of 5,000 to 15,000 square feet from 30% to 40% to make it possible to reduce the scale of second story additions.
- o Amend the site regulations to once again allow front yard averaging.

These proposed changes are shown in Sections I and II of Attachment B

Conclusion and Recommendation

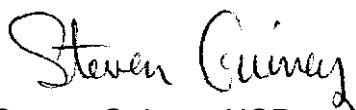
While it has taken some time to clarify the deficiencies of the initial proposals brought to your Commission last March, staff believes that the packet of regulatory changes proposed, as modified in this letter, will allow focused and effective changes to the current process. As well, as previously directed by the Board, staff will return early next year with additional observations and suggestions for further improving the neighborhood compatibility process.

Staff believes that the revised Net Site Area definition will appropriately focus attention on the area of most concern—the coastline. Deferring those sections of the proposed ordinance revisions concerning the definition of “Neighborhood” and the hierarchy of standards to early in 2007 will give staff the additional time needed to bring informed recommendations to the Board and subsequently to your Commission.

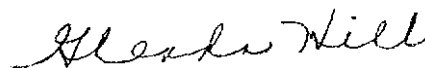
It is, therefore, RECOMMENDED that your Commission take the following actions:

1. Adopt the Resolution attached as Exhibit A recommending that the proposed amendments to the County Code Chapter 13.10 regarding neighborhood compatibility issues, as shown in Exhibit B, be approved by the Board of Supervisors; and
2. Recommend to the Board of Supervisors certification of the CEQA Notice of Exemption, attached as Exhibit C.

Sincerely,



Steven Guiney, AICP
Planner IV
Policy Section



Glenda Hill, AICP
Principal Planner
Policy Section

Exhibits:

- A. Resolution
- B. Proposed Ordinance Amendments

- C. CEQA Notice of Exemption
- D. Narrative *of* recommended changes

cc: Architects Association of Santa Cruz County
Cove Britton
Hugh Carter
Patricia Curtin
Lauren Greene and Glen Ceresa
Mike Guth
Viva I Harris
Martin Hess
Ellen Mellon
Susan and Barry Porter
Burnie Thomason
Matthew Thompson

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

RESOLUTION NO. _____

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

PLANNING COMMISSION RESOLUTION REGARDING PROPOSED
AMENDMENTS TO EXISTING COUNTY CODE SECTIONS 13.10.323(b),
13.10.700-S, AND TO ADD NEW COUNTY CODE SECTION 13.10.323(e)(7)

WHEREAS, the California Coastal Commission has certified the County's Local Coastal Program, including County Code Chapter 13.10 as consistent with and legally adequate to carry out the California Coastal Act; and

WHEREAS, County Code Chapter 13.10, Zoning Regulations, provides standards for residential development; and

WHEREAS; several proposed residential developments governed by County Code Chapter 13.10 have resulted in contentious appeals to the Board of Supervisors and have raised issues related to the compatibility of those proposed developments, and by extension, future residential development proposals, with existing development; and

WHEREAS, it is the desire of the County of Santa Cruz to ensure that new development proposals are compatible with the neighborhoods within which they are proposed; and

WHEREAS, on November 8, 2006, the Planning Commission held a duly noticed public hearing to consider proposed amendments to existing County Code Section 13.10.323(b), 13.10.700-S, and to add new County Code Section 13.10.323(e)(7); and

WHEREAS, the Planning Commission finds that the proposed amendments are consistent with the policies of the General Plan and Local Coastal Program; and

WHEREAS, the Planning Commission finds that the proposed amendments are consistent with the California Coastal Act; and

WHEREAS, the Planning Commission finds that the proposed amendments are categorically exempt from further environmental review under Section 1805 of the County's CEQA Guidelines and Section 15305 of the State CEQA Guidelines.

NOW: THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the amendment to County Code Chapter 13.10 as shown in Exhibit B be approved by the Board of Supervisors and submitted to the Coastal Commission as part of the Local Coastal Program Update.

EXHIBIT A

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2006 by the following **vole**:

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

Chairperson

ATTEST: _____
Cathy Graves, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department

EXHIBIT A

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 13.10.323 and 13.10.700-S OF THE SANTA CRUZ COUNTY CODE AND ADDING SUBSECTION (e) (7) TO SECTION 13.10.323 OF THE SANTA CRUZ COUNTY CODE ALL RELATING TO NEIGHBORHOOD COMPATIBILITY

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

SECTION I

The Site and Structural Dimensions Charts for the R-1 Single Family Residential Zone Districts and RM Multi-Family Residential Zone Districts in Subdivision (b) of Section 13.10.323 of the Santa Cruz County Code are hereby amended to read as follows:

1. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE***" percentage designated for the Parcel Specific Condition of "Parcels >5,000 sq. ft." within the Zone District of "R-1-3.5 to R-1-4.9 0 to <5,000 sq. ft." is revised to read "40%" instead of the current "30%".
2. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE***" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft." are each revised to read "40%" instead of the current "30%".
3. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE***" percentage designated for the Parcel Specific Conditions of "General Requirements", "Corner lots", and "Parcels >4,000 to <5,000 sq. ft." within the Zone District of "R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft." are each revised to read "40%" instead of the current "30%".
4. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "PARCEL SPECIFIC CONDITION" described as "Parcels >4,000 to <5,000 sq. ft." within the Zone District of "R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft." is revised to read "Parcels >4,800 to <5,999 sq.ft." instead of the current "Parcels >4,000 to < 5,000 sq. Ft."
5. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE***" percentage designated for the Parcel Specific Conditions of

EXHIBIT B

"General Requirements" and "Corner lots" within the Zone District of "R-1-10 to R-1-15.9 10,000 to <16,000 sq. ft." are each revised to read "40%" instead of the current "30%".

6. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Condition of "Parcels >5,000 sq. ft." within the Zone District "RM-1.5 to RM-4.9 0 to <5,000 sq. ft." **is** revised to read "40%" instead of the current "30%".

7. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements and for all parcels >6,000 sq. ft." and "Corner lots" within the Zone District of "RM-5 to RM-5.9 5,000 to <6,000 sq. ft." are each revised to read "40%" instead of the current "30%".

8. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the Zone District described as "RM-6 to RM-9.9 5,000 to <6,000 sq. ft." is revised to read "RM-6 to RM-9.9 6,000 to < 10,000 sq. ft." instead of the current "RM-6 to RM-9.9 5,000 to < 6,000 sq. ft."

9. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "RM-6 to RM-9.9 6,000 to 40,000 sq. ft." are each revised to read "40%" instead of the current "30%".

SECTION II

The Santa Cruz County Code is hereby amended by adding Subsection (e) (7) to Section 13.10.323 **to** read as follows:

(7) Front Yard Averaging

(A) On a site situated between sites improved with buildings, the minimum front yard for structures other than garages or carports may be the average depth of the front yards on the improved sites adjoining the side lines of the site but in no case shall be less than 10 feet.

(B) Where a site is not situated between sites improved with buildings and where sites comprising forty percent (40%) of the frontage on a block are improved with buildings, the minimum front yard for structures other than garages or carports may be the average of the existing front yard depths on the block but in no case shall be less than 10 feet.

(C) In computing average front yard depths, the figure thirty (30) feet shall be used in lieu of any front yard depth greater than thirty (30) feet.

EXHIBIT B

(D) Proposed garages or carports shall meet the minimum front yard setbacks shown in Section 13.10.323 Site and Structure Dimensions Charts or as allowed by Section 13.10.323(d)(5) Parcel with Steep Slopes. The required front yard setback for other accessory structures may be reduced as allowed by Section 13.10.323(e)(6).

SECTION III

The definition of "Site Area, Net" found in Santa Cruz County Code Section 13.10.700-S is hereby amended to read as follows:

Site Area, Net. Outside the Urban Services Line the total site area less any all public or private rights-of-way designated for vehicle access. Inside the Urban Services Line, the total site area less all public or private rights-of-way designated for vehicle access, coastal bluffs, beaches, and submerged Monterey Bay areas.

SECTION IV

This ordinance shall become effective on the 31st day following adoption or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 2007, by the following vote:

AYES: SUPERVISORS
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

EXHIBIT B

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: N/A
Assessor Parcel Number: N/A
Project Location: County-wide

Project Description: Proposal to amend County Code Chapter 13.10 to:

- a) modify County Code Section 13.10.323(b), the Residential Site and Structural Dimensions Chart, to increase the maximum lot coverage from 30% to 40% on residential lots that are 5,000 to 15,000 square feet in size;
- b) add new County Code Section 13.10.323(e)7 to allow front yard averaging on residential lots; and
- c) modify County Code Section 13.10.700-S by amending the definition of "Site Area, Net" for residential properties to exclude coastal bluffs, beaches, and submerged Monterey Bay areas from being considered in a parcel's size when determining lot coverage and floor area ratio maximums.

The proposed amendments to County Code Chapter 13.10 **are** amendments to the Local Coastal Program implementing ordinances.

Person or Agency Proposing Project: County of Santa Cruz

Staff Contact and Phone Number: Steven Guiney, (831) 454-3172

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. ☐ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
- D. ☐ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
- E. ☒ Categorical Exemption

Class 8. Actions by Regulatory Agencies for Protection of the Environment (Section 15308)

F. Reasons why the project is exempt: The proposed amendments **will** reduce developments impacts on environmentally sensitive areas.

In addition; none of the conditions described in Section 15300.2 apply to this project

Staff Planner: Steven Guiney Date: October 5, 2006

EXHIBIT

**NARRATIVE OF RECOMMENDED CHANGES
TO COUNTY CODE RELATED TO NEIGHBORHOOD COMPATIBILITY
CONCEPTUALLY APPROVED BY THE BOARD OF SUPERVISORS**

- Amend the Residential Site regulations to:
 - Revise the definition of "net site area" for residential properties. The amendment would exclude coastal bluffs, beaches, and submerged Monterey Bay areas from being included in the lot size when calculating maximum allowable lot coverage and floor area ratio within the Urban Services Line. Currently, including this non-developable land can result in structures out of scale with neighboring structures, particularly on coastal bluffs.
 - Increase the maximum lot coverage allowed on lots of 5,000 to 15,000 square feet from 30% to 40%. This change would allow larger sized first stories and reduced sized second stories if the property owner chooses to expand the first story. This amendment would not mandate a larger first story, and many owners might continue to choose equal story sized two-story houses. But it does provide an option currently not available. (This amendment does not propose to change the current 40% lot coverage and 50% floor area ratio regulations for lots less than 5,000 square feet in size, although this is an issue that we will explore for possible future consideration.)
 - Amend the site regulations to allow front yard averaging. Under this proposal, the required front yard for new houses and additions could be either: a) the average of the front yards of the houses on each side with a minimum of 10 feet to the house and 20 feet to the entrance of the garage/carport, or b) if an adjacent property is not developed, the average of the front yards of the houses on the same side of the street of the block with a minimum of 10 feet to the house and 20 feet to the entrance of the garage/carport. This site regulation was in effect from 1962 to 1983 and many houses in now established neighborhoods were built to this standard. Allowing new houses and additions to match these front yards would contribute to their compatibility with existing land use patterns. This ordinance change would also return a number of existing houses built between 1962 and 1983 to conformity with the adopted site regulations and eliminate their "nonconforming" status.

EXHIBIT D

ADDITIONS TO THE STAFF REPORT FOR THE PLANNING COMMISSION

ITEM 11

LATE CORRESPONDENCE



October 26, 2006

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

RE: Net Site Area definition Item 11 November 8, 2006,

Dear Planning Commission,

I believe that this community is looking for changes in many of the ordinances to do with neighborhood compatibility. But the change to the net site area is a concept that is fundamentally flawed. With all respect, this approach will only create delays to more productive discussions on how to actually find some legitimate community consensus on this issue.

1. The net site area definition will affect thousands of homes. Thousands of existing homes will become non-conforming. Thousands of homes will need variances in order to construct things as simple as a deck over 18" in height. This is a highly inefficient method to address "perception" based concepts of neighborhood compatibility.
2. Using geomorphic features to determine what the net site area is of an existing lot of record will put thousands of homeowners into a series of county planning processes that are expensive and time consuming, in order to determine the size of the lot. For example; a geologist and surveyor are required to locate the coastal bluff (and other geomorphic features). That location is then required to be reviewed by the County Geologist and "accepted" (It is also important to note that Coastal Commission staff and the County do not agree on what the definition of Coastal bluff is). This is the process that would be required for each and every property that needs a permit, even a permit for a deck. It would also be the process that would be necessary for a home owner to determine what size

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property they had (Currently for small projects, the assessor's information is accepted.). This is a highly inefficient method to address "perception" based concepts of neighborhood compatibility.

3. The Coastal Commission staff considers that the coastal arroyos are coastal bluffs (despite the Farley Drive decision). I understand that Coastal Commission **staff** is now in the process to create maps indicating this. This would mean that the coastal arroyos would also be included in this net site area reduction.

4. Each and every potentially affected property should be notified of the proposed ordinance, and open public meetings should be held with interested parties. By eliminating arroyos from the definition it has reduced those property owners directly affected from 10s of thousands, to thousands. That is a similar number to those notified in regards to the City of Santa Cruz stream issues, the County of Santa Cruz should do no less. There are many valuable comparisons on how to deal with this issue by merely looking at both the good steps and bad steps of how the City of Santa Cruz handled the riparian issues.

5. Neighborhood compatibility issues should be resolved under the Design review ordinances, not under the definition of net site area. People of good faith continue to disagree on what "compatibility" means based on the current ordinances. We have had various *interpretations* of that ordinance in the last few years, with out the ordinance changing.

6. The apparent reason that arroyos were removed from the proposed change to the net site area definition is that it would effect so many properties. If it is bad for many properties, why is it not bad for just some? What is of interest is that all properties contain areas that are unbuildable, for example set back areas are unbuildable. There are also thousands of properties that have special vistas, views, and geomorphic features. Why are only the coastal areas subject to this special circumstance of not counting towards the net site area? Are we trying to protect one group of special interests at the expense of another group of special interests? Why would we do that? Because they have the privilege and circumstances to live near the ocean? There appears to be a certain amount of elitism here that is out of character for this community as a whole to support.

7. The County of Santa Cruz is a diverse place. Unlike the vast tracts of inland valley homes that appear so much alike, Santa Cruz has properties of various sizes and homes of various sizes and styles, this is a long standing tradition of many coastal communities and Santa Cruz is no exception. Many of the most attractive homes in Santa Cruz are very large Victorians, on relatively small lots, often these were family compounds. I am not supporting large homes, but I am supporting that discussion of what may be biases towards change and socio- economic issues and how that actually denies the character and history of our existing community.

In other words, there should be discussion about what *really* is "compatible". Victorians tend to be vertical, Craftsman homes tend to be horizontal. Homes that look "big" or "little" have a great deal to do with what is fashionable at the time, Is morality being applied towards something that is merely fashion, personal preferences, and socio-economic biases? I have been wondering of late whether there will be some movement against people with multiple homes? Also the concept that some homes are family compounds, designed to hold a large number of people, while other homes are for only two people. Would it follow that a couple with a 1500 square foot home is "compatible" but an extended family of 6 could not have a home of 4000 square feet, even if both homes were the same proportion to the amount of property owned? There may be a number of clichés and assumptions that are being treated as facts.

Ultimately, there has been a great deal of vitriol over these issues. At least some of it appears to be based on biases against people that merely have different preferences and background. But my experience with the controversial projects that we have been involved in, is the majority of the neighbors supported our clients...if for no other reason is that they were aware that our clients had followed all the rules. I hope the amount of vitriol cast towards these individuals shall not be supported, it demeans us as community. The statement of "how could they move into a neighborhood where everyone hates them" is embarrassing.. and so *extraordinarily* untrue. That also goes toward the need to bring more of the community into the discussion and decision making process on what "neighborhood compatibility" actually is. I have seen facilitated meetings go a long way towards more honest, productive, and polite discussions. Right now there appears a great deal of personal attacks and dispersions made that are less than productive for everyone concerned. This vitriol has been fanned by some and will not stop until it is indicated that it is unacceptable. I sincerely hope that the neighborhood compatibility issue is addressed but addressed with a full spectrum of participants, and done so in a respectful manner.

Thank you for Planning Commissions' consideration.

Sincerely,

Cove Britton
Architect

