



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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

January 10, 2013

AGENDA DATE: January 23, 2013

AGENDA ITEM: 7

TIME: After 9:00 am

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

Subject: Public Hearing to consider an ordinance amending Chapters 13.10 and 13.11 of the Santa Cruz County Code, and corresponding amendment to the General Plan/ Local Coastal Program, to reduce the threshold for discretionary review of large dwellings from 7,000 square feet to 5,000 square feet.

On September 25, 2012, the Board of Supervisors approved the basic principles of an ordinance to reduce the threshold for discretionary review of large dwellings from 7,000 square feet to 5,000 square feet, and referred the matter to your Commission. Staff has therefore prepared amendments to the relevant sections of the County Code and to Policy 8.6.4 of the General Plan / Local Coastal Plan (GP/LCP) for consideration by your Commission.

Responding to a letter from the Rural Bonny Doon Association, the Board of Supervisors also directed the Planning Director to review that letter's recommendations about review of large dwellings as part of the ongoing regulatory reform program – and to incorporate suggestions as appropriate when residential development standards and design criteria are amended as part of that larger program at a later date.

Ordinance and General Plan / LCP amendment

Dwellings that are between 5,000 and 7,000 square feet or greater in size warrant discretionary review for several reasons:

- Dwellings larger than 5,000 square feet have the potential to substantially alter the character of a neighborhood, degrade the visual qualities of a public viewshed, affect private views from adjoining parcels or impact habitat resources.
- The potentially adverse effects of such dwellings can be mitigated by permit conditions that improve site and building design, require screening and protect natural habitat.
- Discretionary review provides greater opportunity for public notice and comment, staff evaluation, imposition of permit conditions or denial of a project.

Reducing the threshold for large dwelling review requires amending six sections of the County code: the agricultural and residential use charts (sections 13.10.312 and 13.10.322, respectively) and sections 13.10.322(B), 13.10.323(E)(3), 13.10.325(A) and

13.11.040(C). The proposed ordinance is attached as Exhibit B; a strikeout copy is attached as Exhibit E. The proposed GP/LCP amendment is attached as Exhibit C; the strikeout version is Exhibit F.

Pipeline Projects

The proposed ordinance provides that it will apply to any discretionary project not approved by the date the ordinance is finally certified by the Coastal Commission. Alternatives to this could be that the 5,000 square foot threshold would apply to projects that had not filed a discretionary application by that date, or discretionary project applications that had not yet been deemed complete. (Building permits are subject to the regulations in effect at the time an application is filed, and therefore where there is no discretionary permit involved, the 5,000 square foot threshold will only apply to applications filed after final certification by the Coastal Commission.)

Environmental Review

A Notice of Exemption (Exhibit D) has been completed for the proposed ordinance and GP/LCP amendment. The proposed project is a minor change to the Santa Cruz County Code that will increase by a relatively small amount the number of single family dwelling projects in the unincorporated area that will require a conditional use permit in addition to a building permit. The project is therefore exempt from further review under the California Environmental Quality Act, pursuant to Section 15305 of the Public Resources Code, "Minor Alterations in Land Use Limitations."

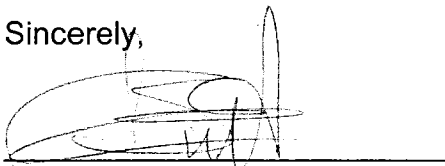
Conclusion and Recommendation

The proposed change to large dwelling review was recommended to the Planning Commission by the Board of Supervisors. It would establish a threshold for large dwelling review commensurate with the potential adverse effects of such dwellings.


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

1. Conduct a public hearing on the proposed ordinance and General Plan / Local Coastal Program amendments (Exhibits B & C) to reduce the threshold for discretionary review of large dwellings; and
2. Adopt the attached resolution (Exhibit A) recommending that the Board of Supervisors determine the proposed ordinance and GP/LCP is exempt from further review under the California Environmental Quality Act and adopt the proposed ordinance and GP/LCP amendment.

Sincerely,



Jerry Busch
Planner III



Paia Levine
Principal Planner

Large Dwellings

Planning Commission Agenda – January 23, 2013

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Exhibits:

- A. Resolution recommending action by Board of Supervisors
- B. Proposed ordinance
- C. Proposed GP/LCP amendment
- D. Proposed Notice of Exemption
- E. Strike-through version of proposed code amendments
- F. Strike-through version of proposed GP/LCP amendment

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 is adopted:

**PLANNING COMMISSION RESOLUTION RECOMMENDING AMENDMENT
OF CHAPTERS 13.10 AND 13.11 OF THE SANTA CRUZ COUNTY CODE
AND CHAPTER 8 OF THE GENERAL PLAN / LOCAL COASTAL PROGRAM
RELATING TO THE SIZE OF RESIDENTIAL STRUCTURES
SUBJECT TO A LARGE DWELLING PERMIT AND DESIGN REVIEW**

WHEREAS, Chapter 8, Community Design, of the Santa Cruz County General Plan and Local Coastal Program (LCP) establishes a goal to preserve and enhance the quality of life in Santa Cruz County through protecting open space, maintaining neighborhood quality and shaping development to achieve an aesthetic and functional community; and

WHEREAS, Policy 8.6.4 of the General Plan / LCP recognizes that large single residences may have significant adverse visual impacts on the community; and

WHEREAS, Policy 8.6.4 requires new single family residences with a floor area equal to or greater than 7,000 square feet to be consistent with all design criteria of the Visual Resources section of the General Plan / LCP and the Zoning Ordinance; and

WHEREAS, the Visual Resources section of the General Plan / LCP regulates structure height, setbacks and design to minimize disruption of scenic resources; and

WHEREAS, Santa Cruz County Code Section 13.10.325 establishes guidelines and findings regarding neighborhood compatibility, site and structural design, screening and public views for any single family dwelling project with a floor area equal to or greater than 7,000 square feet; and

WHEREAS, these goals and purposes in the County Code and the General Plan / LCP would be furthered by reducing the threshold for review of large dwellings from 7,000 square feet to 5,000 square feet; and

WHEREAS, the Board of Supervisors on September 25, 2012, considered the draft text of an ordinance that would reduce the threshold for large dwelling review from 7,000 square feet to 5,000 square feet, and directed staff to bring the proposed ordinance and environmental documentation to the Planning Commission for a public hearing and recommendation; and

WHEREAS, at its regular meeting on January 23, 2013, the Planning Commission conducted a duly noticed public hearing to consider the proposed amendments to chapters 13.10 and 13.11 of the County Code and to Policy 8.6.4 of the General Plan / LCP that would accomplish reduction of the threshold to 5,000 square feet, and considered all testimony and evidence received at the public hearing; and

WHEREAS, the Environmental Coordinator has determined that the project is exempt from further review under CEQA, pursuant to Section 15305 of the Public Resources Code, "Minor Alterations in Land Use Limitations," and a Notice of Exemption (Exhibit D) has been prepared; and

WHEREAS, the Planning Commission finds that the proposed amendments to the County Code and to the General Plan / LCP are consistent with all other provisions of the County Code and the General Plan / LCP, and with State law; and

WHEREAS, Chapters 13.10 and 13.11 of the County Code are implementing ordinances of the LCP and amendments of these chapters constitute amendments to the LCP; and

WHEREAS, the Planning Commission finds that the proposed amendments to the LCP are consistent with the Coastal Act,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors: determine that the proposed amendments to the General Plan / LCP and to the Santa Cruz County Code are exempt from further review under the California Environmental Quality Act, and adopt the Notice of Exemption (Exhibit D); adopt the proposed amendment to Policy 8.6.4 of the General Plan / LCP (Exhibit B); adopt the proposed ordinance amending chapters 13.10 and 13.11 of the Santa Cruz County Code (Exhibit C) and direct staff to submit the adopted amendments to the California Coastal Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2013 by the following vote:


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

LARRY PERLIN, Chairperson

ATTEST:

Ken Hart, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

ORDINANCE NO. ____

**ORDINANCE AMENDING CHAPTERS 13.10 AND 13.11
OF THE SANTA CRUZ COUNTY CODE
RELATING TO THE SIZE OF RESIDENTIAL STRUCTURES
SUBJECT TO A LARGE DWELLING PERMIT AND DESIGN REVIEW**

The Board of Supervisors of the County of Santa Cruz does ordain as follows:

SECTION I

Section 13.10.312(B), “Uses in agricultural districts, Allowed Uses,” of the Santa Cruz County Code, is hereby amended by revising the category, “Dwelling unit, one detached single-family per parcel, 7,000 square feet or larger, exclusive of accessory structure(s) associated with the residential use, but specifically excluding barn or similar accessory structures subject to the provisions of SCCC 13.10.314 and 13.10.325” to be:

Dwelling unit, one detached single-family per parcel,	5	5	5
5,000 square feet or larger, exclusive of accessory			
structure(s) associated with the residential use, but specifically			
excluding barn or similar accessory structures subject to the			
provisions of SCCC 13.10.314 and 13.10.325.			

SECTION II

Subsection (A)(2) of Section 13.10.313, “Development Standards,” of the Santa Cruz County Code is hereby amended to read as follows:

(2) Size and Design of Structures—Exceptions. No residential structure shall be constructed or enlarged which will result in 5,000 square feet of floor area or larger, exclusive of accessory structures associated with the residential use, unless a Level V approval is obtained pursuant to the provisions of SCCC 13.10.325.

SECTION III

Section 13.10.322(B), “Residential uses, Allowed Uses” of the Santa Cruz County Code, is hereby amended by revising the category, “Dwelling unit, one detached single-family per parcel 7,000 square feet or larger, exclusive of accessory structures, but specifically excluding barns or similar accessory structures subject to the provisions of SCCC 13.10.325” to be:

Dwelling unit, one detached single-family per	5	5	5	5	–
parcel, 5,000 square feet or larger, exclusive					
of accessory structures, but specifically excluding					
barns or similar accessory structures subject to					
the provisions of SCCC 13.10.325.					

SECTION IV

Subsection (E)(3) of Section 13.10.323, "Development standards for residential districts," of the Santa Cruz County Code is hereby amended to read as follows:

(3) Structures Larger Than 5,000 Square Feet. No residential structure shall be constructed which will result in 5,000 square feet of floor area or larger, exclusive of accessory structures, unless a Level V approval is obtained pursuant to the provisions of SCCC 13.10.325.

SECTION V

Subsection (A) of Section 13.10.325, "Large dwelling permit requirements and design guidelines," of the Santa Cruz County Code is hereby amended to read as follows:

(A) Approvals. No residential structure shall be constructed which will result in 5,000 square feet of floor area or larger, exclusive of accessory structures associated with the residential use, unless a Level V approval is obtained pursuant to the provisions of this section.

SECTION VI

Subsection (C) of Section 13.11.040, "Projects requiring design review," of the Santa Cruz County Code is hereby amended to read as follows:

(C) New single-family residences or remodels of 5,000 square feet or larger as regulated by SCCC 13.10.325.

SECTION VII

This ordinance shall apply to any discretionary application not approved prior to the effective date of this ordinance.

SECTION VIII

This Ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever is later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2013, by the following vote:

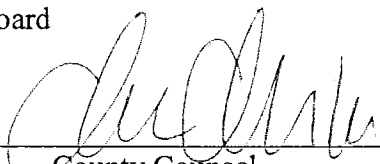
AYES: SUPERVISORS
NOES: SUPERVISORS

ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: Planning Department, County Counsel

**AMENDMENT TO THE SANTA CRUZ COUNTY GENERAL PLAN/
LOCAL COASTAL PROGRAM**

SECTION I

Amend Policy 8.6.4 in Chapter 8, "Community Design," of the Santa Cruz County General Plan / Local Coastal Program, to read as follows:

8.6.4 Review of Large Dwellings

Recognize that large single residences may have significant adverse visual impacts on the community and require new single-family residences larger than 5,000 square feet in floor area, and additions larger than 10 percent of existing residential structures larger than 5,000 square feet in floor area, to be consistent with all design criteria of the Visual Resources section of the General Plan and LCP Land Use Plan and the Zoning ordinance.

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.

Project Location: Countywide

Project Description: Adoption of an amendment to Chapter 8 of the General Plan / Local Coastal Program, and adoption of an ordinance amending chapters 13.10 and 13.11 of the Santa Cruz County Code, relating to the size of residential structures subject to a large dwelling permit and design review.

Person or Agency Proposing Project: County of Santa Cruz.

Contact Phone Number: 831-454-3234

- 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).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: Class 5 - Minor Alterations in Land Use Limitations (Section 15305)

F. Reasons why the project is exempt:

The proposed project is a minor change to the Santa Cruz County Code that will increase by a relatively small amount the number of single family dwelling projects in the unincorporated area that will require a conditional use permit in addition to a building permit.

None of the conditions described in Section 15300.2 apply to this project.



Jerry Busch, Project Planner

Date: 1-17-2013

**PROPOSED AMENDMENTS TO CHAPTERS 13.10 AND 13.11
SHOWING ADDED AND DELETED TEXT
RELATING TO THE SIZE OF RESIDENTIAL STRUCTURES
SUBJECT TO A LARGE DWELLING PERMIT AND DESIGN REVIEW**

SECTION I

Section 13.10.312(B), “Uses in agricultural districts, Allowed Uses,” of the Santa Cruz County Code, is hereby amended by revising the category, “Dwelling unit, one detached single-family per parcel, 7,000 square feet or larger, exclusive of accessory structure(s) associated with the residential use, but specifically excluding barn or similar accessory structures subject to the provisions of SCCC 13.10.314 and 13.10.325” to be:

Dwelling unit, one detached single-family per parcel,	5	5	5
7,000 <u>5,000</u> square feet or larger, exclusive of accessory			
structure(s) associated with the residential use, but specifically			
excluding barn or similar accessory structures subject to the			
provisions of SCCC 13.10.314 and 13.10.325.			

SECTION II

Subsection (A)(2) of Section 13.10.313, “Development Standards,” of the Santa Cruz County Code is hereby amended to read as follows:

(2) Size and Design of Structures—Exceptions. No residential structure shall be constructed or enlarged which will result in ~~7,000~~ 5,000 square feet of floor area or larger, exclusive of accessory structures associated with the residential use, unless a Level V approval is obtained pursuant to the provisions of SCCC 13.10.325.

SECTION III

Section 13.10.322(B), “Residential uses, Allowed Uses” of the Santa Cruz County Code, is hereby amended by revising the category, “Dwelling unit, one detached single-family per parcel 7,000 square feet or larger, exclusive of accessory structures, but specifically excluding barns or similar accessory structures subject to the provisions of SCCC 13.10.325” to be:

Dwelling unit, one detached single-family per	5	5	5	5	—
parcel, 7,000 <u>5,000</u> square feet or larger, exclusive					
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the provisions of SCCC 13.10.325.					

SECTION IV

Subsection (E)(3) of Section 13.10.323, “Development standards for residential districts,” of the Santa Cruz County Code is hereby amended to read as follows:

(3) Structures Larger Than ~~7,000~~5,000 Square Feet. No residential structure shall be constructed which will result in ~~7,000~~5,000 square feet of floor area or larger, exclusive of accessory structures, unless a Level V approval is obtained pursuant to the provisions of SCCC 13.10.325.

SECTION V

Subsection (A) of Section 13.10.325, "Large dwelling permit requirements and design guidelines," of the Santa Cruz County Code is hereby amended to read as follows:

(A) Approvals. No residential structure shall be constructed which will result in ~~7,000~~5,000 square feet of floor area or larger, exclusive of accessory structures associated with the residential use, unless a Level V approval is obtained pursuant to the provisions of this section.

SECTION VI

Subsection (C) of Section 13.11.040, "Projects requiring design review," of the Santa Cruz County Code is hereby amended to read as follows:

(C) New single-family residences or remodels of ~~7,000~~5,000 square feet or larger as regulated by SCCC 13.10.325.

SECTION VII

This ordinance shall apply to any discretionary application, except for tentative map applications, not approved prior to the effective date of this ordinance.

SECTION VIII

This Ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever is later.

**PROPOSED AMENDMENT TO THE SANTA CRUZ COUNTY GP/LCP,
SHOWING ADDED AND DELETED TEXT**

SECTION I

Amend Policy 8.6.4 in Chapter 8, "Community Design," of the Santa Cruz County General Plan / Local Coastal Program, to read as follows:

8.6.4 Review of Large Dwellings

Recognize that large single residences may have significant adverse visual impacts on the community and require new single-family residences larger than ~~7,000~~5,000 square feet in floor area, and additions larger than 10 percent of existing residential structures larger than ~~7,000~~5,000 square feet in floor area, to be consistent with all design criteria of the Visual Resources section of the General Plan and LCP Land Use Plan and the Zoning ordinance.