



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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TOM BURNS, DIRECTOR

August 25, 2004

Agenda: September 8, 2004

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

SUBJECT: Rescission of Planning Commission Policy Action Regarding Allowed Uses in the Residential Agriculture (RA) Zone District

Dear Commissioners:

On October 9, 2002, the Planning Commission considered application 01-0151, Hospice Caring Project; a referral from the County Environmental Coordinator relating to project consistency with the Residential Agriculture (RA) zone district and the Rural Residential (R-R) General Plan designation; and as to whether the proposed site design was consistent with General Plan policies intended to minimize grading.

After discussion at the public hearing, the Planning Commission determined that the proposed Hospice Project use was consistent with the allowed uses in the RA zone district and was also consistent with the R-R General Plan designation. The Planning Commission referred the proposed project back to the Environmental Coordinator with additional direction to collect information relating to several potential project-specific impacts. A copy of the Minutes reflecting the Commission's action is included as Attachment 1.

The Planning Commission's decision was appealed to the Board of Supervisors by the Rural Aptos Community Association (RACA), and the Board accepted jurisdiction on November 19, 2002. At the Board's February 11, 2003 meeting, it denied the appeal and upheld the Commission's determination. A copy of the Board's action is included as Attachment 2.

However, notwithstanding the action by the Planning Commission and the Board, the applicant, Hospice Caring Project, did not actively pursue the application. Ultimately, the application was withdrawn by the applicant on September 11, 2003.

At the same time, the RACA threatened legal action against the County challenging the appropriateness of the Board's action. In response to that threat, the Board of Supervisors has entered into a Settlement Agreement with RACA, which, among other things, requires the County to consider rescinding the prior policy actions with respect to the Hospice application.

In light of the withdrawal of the application by Hospice, and in order to avoid the cost of needless litigation, I believe that it would be appropriate to rescind the prior action. In doing so, however, it *is* important to preserve the County's ability to consider the issue of General Plan and zoning consistency of a future project when the specific circumstances of such a project are known. In other words, I recommend that the rescission of this determination would be "without prejudice" to a future action, so neither the action nor the rescission of the action would tie the County's hands in evaluating whether a future project is, or is not, consistent with the General Plan and Zoning designations.

I therefore recommend that the Planning Commission rescind its October 2002 policy action regarding Application 01-0151, APN 041-281-59, Hospice Caring Project, relating to project consistency with the Residential Agriculture (RA) zone district and the Rural Residential (R-R) General Plan designation, with the specific finding that such action is taken without prejudice to any future actions in this regard.

Sincerely,



Tom Burns

Planning Director

cc: Rural Aptos Community Association
Owner of APN 041-281-59 (former Hospice property)

Attachments:

1. Minutes of Planning Commission's October 9, 2002 meeting
2. Minutes of Board's February 11, 2003 meeting

PLANNING COMMISSION MINUTES- 10/9/02

Proceedings of the Santa Cruz County
Planning Commission

Volume 2002, Number 18
October 9, 2002

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

ACTION SUMMARY MINUTES

VOTING KEY

Commissioners: Holbert, Shepherd, Chair: ~~Osmer~~, Bremner, Vice Chair: Durkee
Alternate Commissioners: Hancock, Hummel, Quintanilla, Messer, DeAlba

Commissioners present were Holbert, Shepherd, Chair: Osmer, Messer, and Hancock

F. CONSENT AGENDA

F-1. APPROVAL OF MINUTES

To approve the minutes of the September 11, 2002 Planning Commission meeting as submitted by the Planning Department.

September 11, 2002 Minutes were approved as submitted. Holbert made the motion and Shepherd seconded. Voice Vote, carried 4-0, with ayes from Messer, Holbert, Osmer, and Shepherd. Hancock abstained.

G. CONTINUED ITEMS

G-1. 98-0234 () SITUS NO SITUS APN: 058-091-01**

Proposal to demolish the Davenport Barn and construct a mixed use commercial and residential building. Requires a Master Occupancy Program, a Commercial Development Permit, a Coastal Development Permit, Preliminary Grading Approval and a Significant Tree Removal Permit. Located on the northeast side of the intersection of Highway 1 and Old coast Highway.

OWNER: DAVID LUERS

APPLICANT: TERRY FISHER, ARCHITECT

SUPERVISORIAL DIST: 3

PROJECT PLANNER: DAVID CARLSON, 454-3 173

Continued until 10-23-02. Holbert made the motion and Shepherd seconded. Voice Vote, carried 5-0, with ayes from Messer, Hancock, Holbert, Osmer, and Shepherd.

H. SCHEDULED ITEMS

H-1. 01-0151 NO SITUS APN (S): 041-281-59

Public hearing to consider the referral of the Environmental Coordinator for a Planning Commission policy determination relating to site design to minimize grading and related General Plan policies and the referral by Development Review for a policy determination relating to project consistency with the Residential Agriculture (RA) zone district and the Rural Residential (R-R) General Plan designation. Property located on the east side of Freedom Blvd., at the intersection with Valencia Road, Aptos.

OWNER: SIEMSEN JO ANN M/W SS

APPLICANT: HOSPICE CARING PROJECT

SUPERVISORIAL DIST 2

PROJECT PLANNER: CATHLEEN CARR, 454-3225

(Two motions were made)

1st Motion: Find that the proposed use is consistent with allowed uses in the RA zone district and is consistent with the RR General Plan designation. Direct that the project return to the PC for hearing (rather than ZA). Motion made by Holbert and seconded by Shepherd. Voice Vote, carried 4-1, with ayes from Holbert, Shepherd, Osmer, and Messer. Hancock voted no.

2nd Motion: Refer to EC for more information on groundwater recharge, underground parking option, less impervious surfacing, reduction of building size, less tree removal, minimize removal of oaks. Need deed restriction so that project cannot be converted to office. No report back until project returns for hearing at commission.

Added by Maser: include clarification of septic capacity to assure septic is designed — full occupancy. All plans (including grading) should address impact of tree removal, look at south parking lot to see if less fill could be used, look at turn lane and realignment of ditch. Turn lane should stay if riparian impacts can be mitigated

Added by Hancock: look at left turn movements for southbound traffic turning into facility. Motion made by Holbert and Messer seconded. Voice Vote, carried 5-0, with ayes from Holbert, Shepherd, Chair: Osmer, Messer, and Hancock

H-2. 00-0368 GRAHAM HILL RD. FELTON APN (S): 066-092-15 & 16, 066-163-14, 15, 16; 066-211-44 & 05, 066-212-02 & 04, 066-222-01 & 02, 066-221-06

Proposal to make road, drainage, and safety improvements on up to 3000' of Graham Hill Road. Requires a Riparian Exception, Environmental Review, and a preliminary grading approval to grade approximately 15,000 cubic yards of earth. Project includes adding turn lane pockets, bike lanes and shoulders, removal of an estimated 185 trees, construction of retaining walls between 4 and 18' high, and construction of drainage improvements including new culverts. Property is located along north and south sides of Graham Hill Road beginning at Roaring Camp and extending south 3000'.

OWNER: LAJEUNESSE CLYDE & JUDITH H/W JT + Others

APPLICANT: SANTA CRUZ CO. DEPT. OF PUBLIC WORKS

SUPERVISORIAL DIST 5

PROJECT PLANNER: PAIA LEVINE, 454-3178

**PROCEEDINGS OF THE
SANTACRUZ COUNTY
BOARD OF SUPERVISORS**

**VOLUME 2003, NUMBER 5
Tuesday, February 11, 2003**

53. Continued De Novo public ~~hearing~~ to ~~consider~~ the ~~appeal~~ of the Planning Commission's policy determination that the use proposed under Application 01-0151 is consistent with the allowed ~~uses~~ in the Residential Agriculture zone district and with the Rural-Residential *General* Plan designation. (A ~~maximum of one hour of~~ public ~~testimony~~ will be heard); *Assessor's* Parcel No.: **041-281-59**; Appellant: Rural Aptos Community Association (RACA); Owner: JoAnn Siemsen;
- (1) closed public hearing;
- (2) ~~denied~~ appeal and upheld the Planning Commission's policy interpretation that the use proposed ~~under~~ Application 01-0151 is **consistent** with the allowed ~~uses~~ in the Residential Agriculture zone ~~district~~ and with the Rural-Residential General Plan designation
AWBCp