



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

October 1st, 2007

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

AGENDA DATE: October 24th, 2007

Item #: 8

Time: After 9 AM

APN: 071-161-05

SUBJECT: REDESIGNATION AND REZONING OF APN 071-161-05, 6950 HIGHWAY 9, FELTON TO CORRECT SIGNIFICANTLY NONCONFORMING USE

Commissioners:

In October of 2003 staff brought a comprehensive rezoning plan for over 100 properties in the San Lorenzo Valley (the Highway 9 Corridor Rezoning Study) before the Board of Supervisors. The intention of the rezoning process was to correct inconsistencies between land use designations and zoning, and to ensure that both were appropriate for each property. Recently, the specifics of one of these rezoned properties have come to staffs attention. The owners of the residence located at 6950 Highway 9 in Felton (APN 071-161-05), applied to rebuild their home after it was significantly damaged in a fire. Because the use of the property is residential, but the current zoning and general plan land use designation are commercial, the house is considered significantly non-conforming, and the owners are not allowed to rebuild their home under existing regulations due to the extent of the damage to the structure.

On August 7th, 2007, the Board of Supervisors directed the Planning Department to process a rezoning and General Plan Amendment to redesignate the property to be consistent with its historic use.

History

The rezoning of properties along the Highway 9 corridor in 2003 took place in order to correct mismatches between zoning and General Plan designation that had occurred as the result of the 1980 and 1994 General Plan updates. When the General Plan was updated, the zoning of parcels was not updated simultaneously to maintain consistency between the two. This resulted in many properties zoned as residential and developed with single family homes being redesignated as commercial property and created many difficulties for property owners whose zoning and designation were in conflict. The 2003 action brought to the Board by the Planning Department sought to correct these inconsistencies for the properties along Highway 9.

A review of the zoning history of the property indicates that prior to 2003, the subject parcel retained a Neighborhood Commercial zoning that was inconsistent with the Suburban Residential land use designation. In 2003 the Board agreed with staffs

recommendation and approved a general plan amendment to change the land use designation to C-0 (Commercial Offices), and to rezone the property to PA (Professional and Administrative Offices) accordingly. The change in land use designation, while correcting inconsistencies between the general plan designation and zoning on the property, in effect created a significantly non-conforming land use that did not exist prior to the rezoning and General Plan Amendment.

After additional evaluation, staff now believes that the recommendations that we provided to the Board of Supervisors in 2003 for this property were in error and that the property should be returned to a Suburban Residential land use designation and rezoned as Single-Family Residential to recognize the historical use of this property as residential.

Findings

Zoning Ordinance Section 13.10.215 governs the rezoning of parcels. The Planning Commission is required to determine that:

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
2. The proposed zone district is appropriate to the level of utilities and community services available to the land; and
3. One or more of the following findings can be made:
 - (i) The character of 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; or
 - (ii) The proposed rezoning is necessary to provide for a community-related use which was not anticipated when the zoning Plan was adopted; or
 - (iii) The present zoning is the result of an error; or
 - (iv) The present zoning is inconsistent with the land use designation on the General Plan.

Staff has determined that the proposed rezoning will not affect the existing density of development or type of use; it will create a consistent use where currently a significantly non-conforming use exists.

The proposed rezoning is very appropriate for level of utilities and community services available to the land due to the fact that the parcel is bounded by similarly zoned parcels and was zoned R-1-15 in the past.

Finally, it has become clear to staff, that the current zoning and land use designation are the result of an error or oversight.

CEQA Review


Because this action will not change the use of the property, and is simply meant to correct an error, the Environmental Coordinator has determined that this rezoning does not constitute a project under the CEQA.

Conclusion and Recommendation

The property owners of this parcel have endured a more complicated planning process due to an inappropriate zone district and land use designation being applied to their property. This action will correct the situation and allow the landowners to continue to use and repair their home as they have in the past. The necessary findings can be made and the action does not require CEQA review.

It is therefore RECOMMENDED that your Commission adopt the resolution included as Exhibit A, recommending approval of the general plan amendment to return the property to a Suburban Residential (R-S) land use designation and rezone the property to the Single-Family Residential (R-1-15) zoning district as is consistent with the proposed land use designation.

Sincerely,



Sarah Neuse
Planner, Policy Section

Glenda Hill, AICP
Principal Planner
Policy Section

Exhibits:

- A. Resolution and Ordinance
- B. CEQA Environmental Determination

cc: Dale and Suzanne Scofield, property owners
Doug Herfurch, Sun Mountain Design

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:

RESOLUTION RECOMMENDING ADOPTION OF ORDINANCE AMENDMENTS TO
COUNTY CODE CHAPTER 13 AND A GENERAL PLAN AMENDMENT TO CHANGE
A PARCEL FROM COMMERCIAL TO RESIDENTIAL DESIGNATION

WHEREAS, the 1980 and 1994 Santa Cruz County General Plan update changed the land use designations for many parcels throughout the county;

WHEREAS, most of the parcels affected by this update were not simultaneously rezoned;

WHEREAS, this action left many parcels with inconsistent land use designations and zone districts, causing difficulties for landowners;

WHEREAS, the Planning Department sought to correct this situation in 2003 by rezoning and changing the land use designation for a few hundred properties along the Highway 9 corridor;

WHEREAS, APN 071-161-05 was incorrectly rezoned and designated for commercial use despite the existing and historic use of the property as single family residential;

WHEREAS, the County now finds that the existing situation should be corrected by rezoning the property to the R-1-15 zone district and establishing a land use designation of Suburban Residential for the parcel;

WHEREAS, an amendment to the County Code and the County General Plan is necessary to achieve this goal;

WHEREAS, the Planning Commission has held a duly noticed public hearing and has considered the proposed amendment, and all testimony and evidence received at the public hearing;

WHEREAS, the Planning Commission finds that the proposed General Plan amendment and proposed amendment to the Santa Cruz County Code will be consistent with the policies of the General Plan and other provisions of the County

Code, is appropriate to the level of utilities and community services available to the property, and is necessary to correct an error; and

WHEREAS, pursuant to the California Environmental Quality Act, the action was evaluated and determined to not meet the definition of a project.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that the ordinance amendments proposed serve a public benefit; and

BE IT FURTHER RESOLVED, that the Planning Commission recommends the proposed amendment to County Code amending Chapter 13 as set forth in Attachment 1 to Exhibit A and the General Plan amendment to change the land use designation for APN 071-161-05 from Commercial Office to Suburban Residential, and the Environmental Coordinator's determination under the California Environmental Quality Act as set forth in Exhibit B, and incorporated herein by reference, be adopted by the Board of Supervisors.

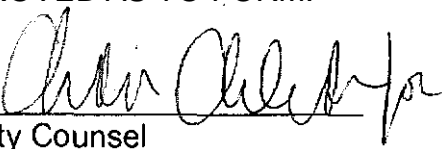
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, California, this _____ day of _____, 2007 by the following vote:

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

Chairperson

ATTEST: _____
Secretary

APPROVED AS TO FORM:



County Counsel

Cc: County Counsel
Planning Department

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 13
OF THE SANTA CRUZ COUNTY CODE
CHANGING APN 071-161-05 FROM THE PA ZONE DISTRICT TO THE R-1-15
ZONE DISTRICT**

	APN	Recorded Zoning	New Zoning

EXHIBIT A
ATTACHMENT 1

SECTION IV

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

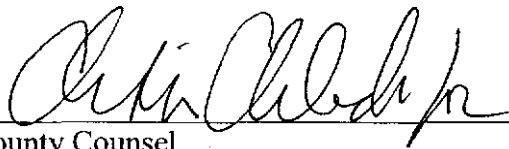
AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____

County Counsel



Copies to: Planning
 County Counsel

EXHIBIT A
ATTACHMENT 1

MEMORANDUM

Date: 7/20/07

To: Annie Murphy

From: Matt Johnston

Re: Rezoning and GPA for APN 071-161-05

Following our discussion of this rezoning action I have determined that this rezoning does not constitute a project. The rezoning and General Plan amendment will correct an error and will not change either the use or development intensity that exists on the property.

A handwritten signature in black ink, appearing to read "Matt Johnston", with a stylized flourish extending from the end.

EXHIBIT, B