



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

TOM BURNS, PLANNING DIRECTOR

May 6, 2009

AGENDA DATE: May 13, 2009

Item #: 8

Time: After 9 AM

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

**SUBJECT: Public Hearing to consider amendments to the County Code Regulations
Relating to Planned Unit Developments**

Members of the Commission:

Earlier this year, your Commission considered ordinance amendments expanding the provisions of the Planned Unit Development Ordinance for use in the development of residential, commercial and mixed-use projects. Presently the ordinance is applicable only to residential designated properties. In addition, minor wording changes including revisions to the required findings were also proposed.

Subsequent to your Commission's action in February 2009, additional revisions to the ordinance were found to be warranted by the Board of Supervisors. These revisions are before you today for your consideration.

Background

The provisions of Chapter 18.10 relating to Planned Unit Developments were reestablished in the Zoning Ordinance in 2003. The intent of the Planned Unit Development (PUD) is generally to foster more creative designs that might not ordinarily be pursued due to the rigidity of zoning district standards. The present PUD Ordinance allows for the development of projects that don't necessarily meet all development standards of the underlying residential zone districts (e.g., for height, setback, etc.), but is otherwise consistent with the underlying zoning ordinance and General Plan/ Local Coastal Plan objectives. However, because the current ordinance limits where a PUD may be utilized, worthy commercial and mixed use projects are not able to use this planning tool, thus limiting design possibilities and potentially resulting in a less than superior project. In addition, the current ordinance requires findings to be made which are both duplicative and not needed.

Proposed Ordinance

The proposed amendments to the provisions of Chapter 18.10 relating to Planned Unit Developments will revise wording and allow for mixed-use projects in addition to commercial PUDs. The proposed revisions would continue to allow for the development of projects that don't necessarily meet all development standards of the underlying commercial or residential zone districts (e.g., for height, setback, etc.), but is otherwise consistent with the underlying zoning ordinance and General Plan/ Local Coastal Plan objectives. A summary of the key revisions follows:

- Revise the list of zone districts where a PUD may be utilized.
- Revise the findings required to remove duplicative wording.
- Revise the wording at various locations in the ordinance to provide clarity and avoid confusion.
- Reference 13.11 (Site, Architectural and Landscape Design Review) in the ordinance.

Board of Supervisors Action

The Board of Supervisors indicated that they desired more revisions to the existing and proposed language than the "light touch " initially done by staff. While the revisions appear to be substantial, overall, they could be characterized as minor in nature. A summary of these changes follows:

- Revised wording at various locations in the ordinance to provide clarity and avoid confusion.
- Delete reference to density modification.
- Include language protecting the environment.
- Include reference to the General Plan and Local Coastal Program in the findings.

Local Coastal Program Consistency

The proposed ordinance amendments involve changes to the PUD procedures and, in and of itself, will not result in any loss of agricultural land, any loss of coastal access, or any negative impacts to public view sheds within the Coastal Zone. Further, any project that utilizes the PUD will be subject to additional review for consistency determinations with all applicable policies and ordinances and the project driven PUD Ordinance will be subject to Coastal Commission consideration for projects in the Coastal Zone. The ordinance amendments therefore meet the requirements of, and are consistent with, the County's certified Local Coastal Program (LCP) and the California Coastal Act.

Environmental Review

The proposed amendments to sections 18.20.180 through 18.10.185 relating to Planned Unit Developments have undergone environmental review and have been found to have no significant negative environmental impacts and to be consistent with the California Environmental Quality Act. Staff has prepared a CEQA Initial Study (Exhibit C), which has undergone its 28-day review period, and a Negative Declaration with no Conditions has been proposed for consideration.

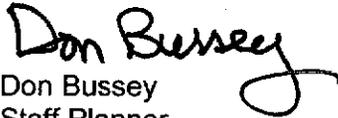
The revised wording was reviewed by the Environmental Coordinator, who determined that the original CEQA determination for these ordinance revisions remains valid. Included in Exhibit C is a memo reflecting this determination.

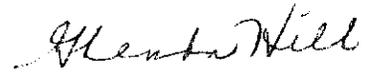
Recommendation

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

1. Conduct a public hearing on the Ordinance Amendments;
2. Adopt the attached Resolution (Exhibit A) recommending that the Board of Supervisors adopt the proposed ordinance amendments and certify the environmental determination (Exhibit C).

Sincerely,


Don Bussey
Staff Planner


Glenda Hill, A.I.C.P.
Principal Planner

Exhibits:

- A. Resolution and Proposed Ordinance
- B. Clean Copy of the Proposed ordinance
- C. CEQA Determination
- D. Correspondence

cc: California Coastal Commission

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 ADOPTION OF
AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 18.10 OF THE
SANTA CRUZ COUNTY CODE RELATING TO PLANNED UNIT DEVELOPMENTS.

WHEREAS, Planned Unit Developments can be an effective tool that allow public and private developers to develop superior projects that require variations from required site development standards; and

WHEREAS, the present Planned Unit Development Ordinance creates a process for reviewing and approving projects in Residential Zone Districts that meet the objectives of the Zoning Ordinance but do not meet all of the specific requirements of the residential site standards; and

WHEREAS, it is appropriate to expand the use of Planned Unit Developments to other zone districts to allow for project innovation; and

WHEREAS, the proposed amendments to the Planned Unit Development Ordinance allows for the development of Residential and Commercial including mixed use projects that cannot otherwise be approved; and

WHEREAS, the proposed amendments to the Planned Unit Development Ordinance will make this tool available for a wider variety of projects and thus, may help facilitate the production of affordable housing; and

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

WHEREAS, the Environmental Coordinator issued a Negative Declaration for these amendments and the Planning Commission has reviewed the environmental documents and finds that the proposed amendments have been processed consistent with applicable provisions of the California Environmental Quality Act (CEQA) and any adopted County of Santa Cruz environmental guidelines; and

EXHIBIT A

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

WHEREAS, Chapter 18.10 is an implementing ordinance of the Local Coastal Program (LCP) and the proposed amendments to Chapter 18.10 constitute amendments to the Local Coastal Program; and

WHEREAS, the proposed amendments have been determined to be consistent with the California Coastal Act.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends the proposed amendments to County Code Chapter 18.10 of the Santa Cruz County Code relating to Planned Unit Developments as set forth in Attachment 1 to this resolution and the California Environmental Quality Act Determination, incorporated herein by reference, be approved by the Board of Supervisors and submitted to the California Coastal Commission as part of the Local Coastal Program Update.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2009 by the following vote:

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

Chairperson

ATTEST:

Mark Deming AICP, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

REVISIONS NOT CONSIDERED BY THE PLANNING COMMISSION
PREVIOUSLY ARE EITHER DOUBLE STRIKEOUT OR DOUBLE UNDERLINED

ORDINANCE NO. _____

AN ORDINANCE AMENDING SANTA CRUZ COUNTY CODE
SECTIONS 18.10.180 THROUGH 18.10.185 RELATING TO PLANNED
UNIT DEVELOPMENTS

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

SECTION I

Section 18.10.180 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.180 Planned Unit Developments (“PUDs”).

(a) Purpose. In certain instances the objectives of the General Plan/Local Coastal Program Land Use Plan and the County Code may be achieved by the development of planned units which do not conform in all respects with the land use ~~pattern designated on the zoning map or the district~~ regulations prescribed by the County Code. A Planned Unit Development may include a combination of different dwelling and structure types and/or a variety of land uses, which complement each other and harmonize with existing and proposed land uses and structures in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the County Code although they deviate in certain respects from the ~~zoning map and the~~ underlying zone district and design review standards regulations, the County Board of Supervisors may approve Planned Unit Development Permits, provided the developments comply with the regulations prescribed in this Chapter and are consistent with the County General Plan/Local Coastal Program Land Use Plan.

(b) Where Allowed. A Planned Unit Development may be located in the R-1, RA, RR, or RM residential zoning districts, the VA, PA, C-1 or C-2 Commercial Zoning districts upon the granting of a Planned Unit Development Permit in accordance with the provisions of this Chapter.

(c) Permitted Uses. A Planned Unit Development shall include only uses permitted either as permitted uses or conditional uses in the zoning district, general plan or adopted village or town plan in which the Planned Unit Development is located.

SECTION II

Section 18.10.181 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.181 Planned Unit Development--Permit applications.

A Planned Unit Development Permit is a type of development permit that is subject to all the same application processing requirements for development permits specified in this Chapter, including the Coastal Zone Permit review process specified in Chapter 13.20 (Coastal Zone Regulations). As a Level VII application, an application for a Planned Unit Development Permit shall conform to the following specific requirements:

(a) Contents. The application shall be accompanied by a development plan of the entire Planned Unit Development that includes all of the required application submittal requirements of Section 18.10.210.

~~(b) Density. In addition to the data and drawings prescribed in Section 18.10.210, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average density in the area or areas proposed to be devoted to residential use.~~

(b) Development Standards. Any application for a Planned Unit Development shall provide a written description of the proposed alternative development and design standards that would apply to the project (property).

SECTION III

Section 18.10.183 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.183 Planned Unit Development--Permit findings.

~~The Planning Commission (if recommending approval to the Board of Supervisors) or t~~The Board of Supervisors may approve a Planned Unit Development Permit as was applied for or in modified form if, on the basis of the application and evidence submitted, the approving body makes the Board of Supervisors makes the following findings in addition to the findings required by Section 18.10.230, and in addition to the findings required by Section 13.20.110 if located in the Coastal Zone:

~~(a) That the proposed location of the uses are in accordance with the objectives of the County Code and the purposes of the district in which the site is located;~~

~~(b) That the proposed location of the Planned Unit Development and the conditions under which it would be operated or maintained will not be detrimental to the public's health, safety or welfare, or materially injurious to properties or improvements in the vicinity;~~

~~(c) That the proposed Planned Unit Development will comply with each of the applicable provisions of this Chapter;~~

- (d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce a development that is compatible with and integrated into the surrounding built and natural environment consistent with the objectives of the County Code;
- (e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, off-street parking, and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities;
- (f) That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;
- (g) That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located; and
- (h) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

Non-Residential and Mixed Use Projects

- (a) That any nonresidential uses shall be appropriate in area, location and overall planning for the purpose intended, and that the design and development standards shall create a nonresidential environment of ongoing desirability and stability, and where applicable, that adequate open space shall be provided;
- (b) That the combination of different structure types and the variety of uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;
- (c) That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the Planned Unit Development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of a Planned Unit Development, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval.
- (d) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

Residential Projects:

- (a) That any residential development shall contribute to the ongoing desirability and character of the surrounding neighborhood;
- (b) That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;
- (c) That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the Planned Unit Development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of a Planned Unit Development, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval.

(d) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

SECTION IV

Section 18.10.184 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.184 Planned Unit Development--Official action.

(a) Action by Planning Commission. Following the public hearing, the Planning Commission may deny the Planned Unit Development, continue consideration of the Planned Unit Development, or recommend approval of the Planned Unit Development, with or without modification. Planning Commission action to approve a Planned Unit Development shall be in the form of a resolution recommending ~~to that~~ the Board of Supervisors ~~approval~~ approve the Planned Unit Development, with or without modifications, ~~of the Planned Unit Development.~~

(b) Appeals of the Action of the Planning Commission. If the Planning Commission ~~denies~~ ~~recommends against~~ a proposed Planned Unit Development, its action shall be final unless the matter is considered upon appeal or special consideration by the Board of Supervisors as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of Planned Unit Developments, which include land division applications, shall also be subject to the procedures of Section 14.01.312.

(c) Action of the Board of Supervisors. The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a Planned Unit Development. Notice of the public hearing shall be given pursuant to Section 18.10.223. Following the public hearing, the Board of Supervisors may deny the Planned Unit Development, continue consideration of the Planned Unit Development, or approve the Planned Unit Development, with or without modification. Actions to approve the Planned Unit Development shall, at a minimum, be by approval of a Planned Unit Development permit and adoption of an ordinance amending County Code Chapter 13.10 and/ or 13.11 to establish specific zoning and site and design standards for the Planned Unit Development.

(d) Planned Unit Developments Approvals in the Coastal Zone. If any portion of a Planned Unit Development is located in the Coastal Zone, then, in addition to the actions specified in subsection (c) above, an action to approve the Planned Unit Development shall also include approval of a Coastal Permit. The Board's action on the Coastal Permit shall not be considered final, and notice of the Board's action on the Coastal Permit shall not be transmitted to the Coastal Commission, unless and until: (1) the ordinance (specified in subsection (c) above) has been submitted to the Coastal Commission as a Local Coastal Program amendment; and (2) the Coastal Commission has certified the ordinance. In the event that the Coastal Commission's certification of the required ordinance modifies the Planned Unit Development that was approved by the Board, then the Board shall re-review

the Planned Unit Development Permit and Coastal Permit application and make any modifications to these permits that are necessary to ensure that they are in conformance with the certified ordinance. After the Board has made any necessary modifications to their action on the Coastal Permit, the Board's action on the Coastal Permit shall be considered final, and notice of said action ~~may~~ shall be transmitted to the Coastal Commission.

(e) Finality of Action on Planned Unit Development. No new application for a Planned Unit Development Permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.

(f) Expiration of a Planned Unit Development Ordinance. Each Planned Unit Development Ordinance adopted pursuant to subsections (c) and (d) above shall specify that all Chapter 13.10 or 13.11 text associated with it shall expire at the same time that the Planned Unit Development Permit and Coastal Permit (if located in the Coastal Zone) expire or are denied, unless development pursuant to those permits has commenced by that time. This expiration requirement shall be noted directly in any certified Chapter 13.10 or 13.11 text associated with a Planned Unit Development Ordinance.

SECTION V

Section 18.10.185 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.185 Planned Unit Development--Standards.

Any departure from strict conformance with ~~General Plan/Local Coastal Program Land Use Plan and~~ County Code site and design standards that is granted through a Planned Unit Development Permit is a privilege. ~~The degree of departure~~ Departures from the otherwise required development and site and design standards (for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking, off-street loading facilities, and landscaped areas) or the standards found in Chapter 13.11 and density (as specified in subsections (a) and (b) below) shall be described in the adopted Planned Unit Development, and shall be roughly proportional to the provide specific benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located. These benefits shall be in the form of the provision of enhanced resource protection, exceptional public amenities, design excellence, affordable housing, public viewshed preservation, and superior mixed use development and enhancement, etc. Such benefits shall be specified by the Board of Supervisors in connection with its approval of a Planned Unit Development, and any conditions required to achieve such benefits shall be incorporated into the project and made conditions of approval.

(a) District Regulations. ~~Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking, off-street loading facilities, and landscaped areas~~ Development site and design standards shall for each standard in the aggregate be as prescribed by the

adopted Planned Unit Development within the allowed limit for that standard as prescribed by the regulations for the district in which the Planned Unit Development is located.

~~(b) Density. The number of dwelling units allowed (per net developable acre and per minimum site area) may exceed the maximum prescribed by the General Plan/Local Coastal Program Land Use Plan and County Code site regulations for the district in which the Planned Unit Development is located for an individual legal parcel that is part of a Planned Unit Development Permit provided that the overall number of dwelling units does not exceed the maximum that would be allowed (per net developable acre and per minimum site area) for the overall property that is the subject of the Planned Unit Development. If the overall property that is the subject of the Planned Unit Development is ten (10) acres or more, up to ten (10) percent more dwelling units than the maximum that would be allowed (per net developable acre and per minimum site area) for the overall property shall be allowed as long as the number of dwelling units in total does not exceed the number of dwelling units specified by the General Plan/Local Coastal Program Land Use Plan for the overall property.~~

~~(b) (e) Other Requirements. The following conditions shall also be required in Planned Unit Developments:~~

~~(1) All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;~~

~~(2) Not more than five persons shall be engaged in the production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains;~~

~~(1)(3) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission or the Board of Supervisors to be injurious to property located in the vicinity by reason of excessive odor, fume, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion; and~~

~~(2) (4) All Planned Unit Developments shall meet the requirements of Chapter 13.11, Site, Architectural and Landscape Design Review unless specifically amended by the Planned Unit Development.~~

~~(c) (d) Other General Plan/Local Coastal Program and County Code Standards Not Suspended. Nothing in this section shall be read to allow variation to other standards not specified in subsections (a) and (b) above. All other standards that apply, including but not limited to General Plan/Local Coastal Program standards, standards contained in Title 16 of the County Code, and County Code standards designed to protect natural resources, riparian and wetland areas, sensitive habitats, agriculture, public viewsheds, and open space, either as found in Title 16 or in other provisions of the County Code, shall continue to apply.~~

SECTION VI

If any section, subdivision, paragraph, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the

ordinance. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause or phrase of the ordinance codified in this chapter.

SECTION VII

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

PASSED AND ADOPTED this _____ day of _____, 2009, by the Board of Supervisors of the County of Santa Cruz 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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SANTA CRUZ COUNTY CODE
SECTIONS 18.10.180 THROUGH 18.10.185 RELATING TO PLANNED
UNIT DEVELOPMENTS**

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

SECTION I

Section 18.10.180 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.180 Planned Unit Developments ("PUDs").

(a) Purpose. In certain instances the objectives of the General Plan/Local Coastal Program Land Use Plan and the County Code may be achieved by the development of planned units which do not conform in all respects with the land use regulations prescribed by the County Code. A Planned Unit Development may include a combination of different dwelling and structure types and/or a variety of land uses, which complement each other and harmonize with existing and proposed land uses and structures in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the County Code although they deviate in certain respects from the underlying zone district and design review standards, the County Board of Supervisors may approve Planned Unit Development Permits, provided the developments comply with the regulations prescribed in this Chapter and are consistent with the County General Plan/Local Coastal Program Land Use Plan.

(b) Where Allowed. A Planned Unit Development may be located in the R-1, RA, RR, or RM residential zoning districts, the VA, PA, C-1 or C-2 Commercial Zoning districts upon the granting of a Planned Unit Development Permit in accordance with the provisions of this Chapter.

(c) Permitted Uses. A Planned Unit Development shall include only uses permitted either as permitted uses or conditional uses in the zoning district, general plan or adopted village or town plan in which the Planned Unit Development is located.

SECTION II

Section 18.10.181 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.181 Planned Unit Development--Permit applications.

A Planned Unit Development Permit is a type of development permit that is subject to all the same application processing requirements for development permits specified in this Chapter, including the Coastal Zone Permit review process specified in Chapter 13.20 (Coastal Zone Regulations). As a Level VII application, an application for a Planned Unit Development Permit shall conform to the following specific requirements:

- (a) Contents. The application shall be accompanied by a development plan of the entire Planned Unit Development that includes all of the required application submittal requirements of Section 18.10.210.
- (b) Development Standards. Any application for a Planned Unit Development shall provide a written description of the proposed alternative development and design standards that would apply to the project (property).

SECTION III

Section 18.10.183 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.183 Planned Unit Development--Permit findings.

The Board of Supervisors may approve a Planned Unit Development Permit as applied for or in modified form if, on the basis of the application and evidence submitted, the Board of Supervisors makes the following findings in addition to the findings required by Section 18.10.230, and in addition to the findings required by Section 13.20.110 if located in the Coastal Zone:

Non-Residential and Mixed Use Projects

- (a) That any nonresidential uses shall be appropriate in area, location and overall planning for the purpose intended, and that the design and development standards shall create a nonresidential environment of ongoing desirability and stability, and where applicable, that adequate open space shall be provided;
- (b) That the combination of different structure types and the variety of uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;
- (c) That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the Planned Unit Development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of a Planned Unit Development, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval.
- (d) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

Residential Projects:

- (a) That any residential development shall contribute to the ongoing desirability and character of the surrounding neighborhood;
- (b) That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;
- (c) That the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the Planned Unit Development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of a Planned Unit Development, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval.
- (d) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

SECTION IV

Section 18.10.184 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.184 Planned Unit Development--Official action.

- (a) Action by Planning Commission. Following the public hearing, the Planning Commission may deny the Planned Unit Development, continue consideration of the Planned Unit Development, or recommend approval of the Planned Unit Development, with or without modification. Planning Commission action to approve a Planned Unit Development shall be in the form of a resolution recommending ~~to~~ that the Board of Supervisors approve the Planned Unit Development, with or without modifications.
- (b) Appeals of the Action of the Planning Commission. If the Planning Commission denies a proposed Planned Unit Development, its action shall be final unless the matter is considered upon appeal or special consideration by the Board of Supervisors as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of Planned Unit Developments, which include land division applications, shall also be subject to the procedures of Section 14.01.312.
- (c) Action of the Board of Supervisors. The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a Planned Unit Development. Notice of the public hearing shall be given pursuant to Section 18.10.223. Following the public hearing, the Board of Supervisors may deny the Planned Unit Development, continue consideration of the Planned Unit Development, or approve the Planned Unit Development, with or without modification. Actions to approve the Planned Unit Development shall, at a minimum, be by approval of a Planned Unit Development permit and adoption of an ordinance amending County Code Chapter 13.10 and/ or 13.11 to establish specific zoning and site and design standards for the Planned Unit Development.

(d) Planned Unit Developments Approvals in the Coastal Zone. If any portion of a Planned Unit Development is located in the Coastal Zone, then, in addition to the actions specified in subsection (c) above, an action to approve the Planned Unit Development shall also include approval of a Coastal Permit. The Board's action on the Coastal Permit shall not be considered final, and notice of the Board's action on the Coastal Permit shall not be transmitted to the Coastal Commission, unless and until: (1) the ordinance (specified in subsection (c) above) has been submitted to the Coastal Commission as a Local Coastal Program amendment; and (2) the Coastal Commission has certified the ordinance. In the event that the Coastal Commission's certification of the required ordinance modifies the Planned Unit Development that was approved by the Board, then the Board shall re-review the Planned Unit Development Permit and Coastal Permit application and make any modifications to these permits that are necessary to ensure that they are in conformance with the certified ordinance. After the Board has made any necessary modifications to their action on the Coastal Permit, the Board's action on the Coastal Permit shall be considered final, and notice of said action may shall be transmitted to the Coastal Commission.

(e) Finality of Action on Planned Unit Development. No new application for a Planned Unit Development Permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.

(f) Expiration of a Planned Unit Development Ordinance. Each Planned Unit Development Ordinance adopted pursuant to subsections (c) and (d) above shall specify that all Chapter 13.10 or 13.11 text associated with it shall expire at the same time that the Planned Unit Development Permit and Coastal Permit (if located in the Coastal Zone) expire or are denied, unless development pursuant to those permits has commenced by that time. This expiration requirement shall be noted directly in any certified Chapter 13.10 or 13.11 text associated with a Planned Unit Development Ordinance.

SECTION V

Section 18.10.185 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.185 Planned Unit Development--Standards.

Any departure from strict conformance with County Code site and design standards that is granted through a Planned Unit Development Permit is a privilege. Departures from the otherwise required site and design standards or the standards found in Chapter 13.11 shall be described in the adopted Planned Unit Development plan, and shall provide specific benefits to the neighborhood and/or the community in which the Planned Unit Development is located. These benefits shall be in the form of the provision of enhanced resource protection, exceptional public amenities, design excellence, affordable housing, public viewshed preservation, and superior mixed use development, etc. Such benefits shall be specified by the Board of Supervisors in connection with its approval of a Planned

Unit Development, and any conditions required to achieve such benefits shall be incorporated into the project and made conditions of approval.

(a) District Regulations. Development site and design standards shall be as prescribed by the adopted Planned Unit Development

(b) Other Requirements. The following conditions shall also be required in Planned Unit Developments:

(1) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission or the Board of Supervisors to be injurious to property located in the vicinity by reason of excessive odor, fume, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion; and

(2) All Planned Unit Developments shall meet the requirements of Chapter 13.11, Site, Architectural and Landscape Design Review unless specifically amended by the Planned Unit Development.

(c) Other General Plan/Local Coastal Program and County Code Standards Not Suspended. Nothing in this section shall be read to allow variation to other standards not specified in subsections (a) and (b) above. All other standards that apply, including but not limited to General Plan/Local Coastal Program standards, standards contained in Title 16 of the County Code, and County Code standards designed to protect natural resources, riparian and wetland areas, sensitive habitats, agriculture, public viewsheds, and open space, either as found in Title 16 or in other provisions of the County Code, shall continue to apply.

SECTION VI

If any section, subdivision, paragraph, sentence, clause or phrase of the ordinance codified in this chapter is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portion of the ordinance. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance irrespective of the unconstitutionality or invalidity of any section, subdivision, subsection, paragraph, sentence, clause or phrase of the ordinance codified in this chapter.

SECTION VII

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

PASSED AND ADOPTED this _____ day of _____, 2009, by the Board of Supervisors of the County of Santa Cruz 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



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

TOM BURNS, PLANNING DIRECTOR

NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

Application Number: N/A

County of Santa Cruz

This project consist of County Code amendments to the County's Planned Unit Development (PUD) Ordinance (County Code Section 18.10.180-185). These amendments would: (1) expand the list of zone districts where a PUD may be used; (2) revise and clarify awkward wording; and (3) delete duplicative wording. The intent of these amendments is to expand the zone districts which would allow the use of the PUD and "clean up" wording within the existing ordinance. Countywide.

APN: Countywide

Don Bussey, Staff Planner

Zone District: Various

ACTION: Negative Declaration

REVIEW PERIOD ENDS: January 12, 2009

This project will be considered at a public hearing by the Planning Commission. The time, date and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.

Findings:

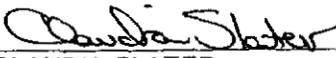
This project, if conditioned to comply with required mitigation measures or conditions shown below, will not have significant effect on the environment. The expected environmental impacts of the project are documented in the Initial Study on this project attached to the original of this notice on file with the Planning Department, County of Santa Cruz, 701 Ocean Street, Santa Cruz, California.

Required Mitigation Measures or Conditions:

None
 Are Attached

Review Period Ends January 12, 2009

Date Approved By Environmental Coordinator February 5, 2009


CLAUDIA SLATER
Environmental Coordinator
(831) 454-5175

If this project is approved, complete and file this notice with the Clerk of the Board:

NOTICE OF DETERMINATION

The Final Approval of This Project was Granted by _____
on _____ . No EIR was prepared under CEQA.

THE PROJECT WAS DETERMINED TO NOT HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT

Date completed notice filed with Clerk of the Board: - 19 -

EXHIBIT C

MEMORANDUM

Date: April 23, 2009
To: Don Bussey
From: Matthew Johnston
Re: Revisions to section 18.10.180 and the CEQA determination

Don,

On December 28, 2008 the proposed amendments to section 18.10.180 of the Santa Cruz County Code were considered in the Environmental Coordinators meeting. The Environmental Coordinator issued a Negative Declaration on February 5, 2009, and the Planning Commission approved the proposal on February 25, 2009. This item was brought to the Board of Supervisors for consideration on April 14, 2009, and was continued at that time for further revision to the proposed amendment.

The Environmental coordinator has reviewed the additional language changes and has determined that the CEQA determination of a Negative Declaration is still valid and applicable to the revised amendment to section 18.10.180 of the Santa Cruz County Code.



Matthew Johnston,
Deputy Environmental Coordinator

For

Claudia Slater, Environmental Coordinator



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

TOM BURNS, PLANNING DIRECTOR

NOTICE OF ENVIRONMENTAL REVIEW PERIOD

SANTA CRUZ COUNTY

APPLICANT: County of Santa Cruz

APPLICATION NO.: N/A

APN: Countywide

The Environmental Coordinator has reviewed the Initial Study for your application and made the following preliminary determination:

- XX Negative Declaration
(Your project will not have a significant impact on the environment.)
- Mitigations will be attached to the Negative Declaration.
- XX No mitigations will be attached.
- Environmental Impact Report
(Your project may have a significant effect on the environment. An EIR must be prepared to address the potential impacts.)

As part of the environmental review process required by the California Environmental Quality Act (CEQA), this is your opportunity to respond to the preliminary determination before it is finalized. Please contact Matt Johnston, Environmental Coordinator at (831) 454-3201, if you wish to comment on the preliminary determination. Written comments will be received until 5:00 p.m. on the last day of the review period.

Review Period Ends: **January 12, 2009**

Don Bussey
Staff Planner

Phone: 454-3182

Date: December 17, 2008



Environmental Review Initial Study

Application Number: N/A

Date: December 15, 2008
Staff Planner: Don Bussey, Policy Section

I. OVERVIEW AND ENVIRONMENTAL DETERMINATION

APPLICANT: County of Santa Cruz

APN: N/A

OWNER: N/A

SUPERVISORAL DISTRICT: Countywide

LOCATION: Countywide

SUMMARY PROJECT DESCRIPTION: This project consists of County Code amendments to the County's Planned Unit Development (PUD) Ordinance (County Code Section 18.10.180-185). These amendments would: (1) expand the list of zone districts where a PUD may be used; (2) revise and clarify awkward wording; and (3) delete duplicative wording.

The intent of these amendments is to expand the zone districts which would allow the use of the PUD and "clean up" wording within the existing ordinance.

ALL OF THE FOLLOWING POTENTIAL ENVIRONMENTAL IMPACTS ARE EVALUATED IN THIS INITIAL STUDY. CATEGORIES THAT ARE MARKED HAVE BEEN ANALYZED IN GREATER DETAIL BASED ON PROJECT SPECIFIC INFORMATION.

- | | |
|---|---|
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Hydrology/Water Supply/Water Quality | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Energy & Natural Resources | <input type="checkbox"/> Public Services & Utilities |
| <input type="checkbox"/> Visual Resources & Aesthetics | <input type="checkbox"/> Land Use, Population & Housing |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Cumulative Impacts |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Growth Inducement |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Mandatory Findings of Significance |

DISCRETIONARY APPROVAL(S) BEING CONSIDERED

- | | |
|---|---|
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Land Division | <input type="checkbox"/> Grading Permit |

Rezoning
 Development Permit
 Coastal Development Permit
 Riparian Exception
 Other: County Code Amendment

NON-LOCAL APPROVALS

Other agencies that must issue permits or authorizations: Calif. Coastal Commission

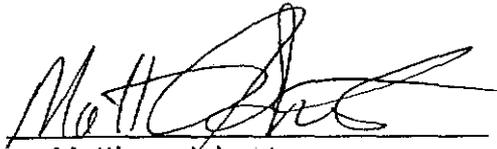
ENVIRONMENTAL REVIEW ACTION

On the basis of this Initial Study and supporting documents:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the attached mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.



Matthew Johnston
Deputy Environmental Coordinator

12/17/08
Date

For: Claudia Slater
Environmental Coordinator

II. BACKGROUND INFORMATION

EXISTING SITE CONDITIONS

Parcel Size: N/A (Countywide)

Existing Land Use: N/A (Countywide)

Vegetation: N/A (Countywide)

Slope in area affected by project: N/A (Countywide)

Nearby Watercourse: N/A (Countywide)

Distance To: N/A (Countywide)

ENVIRONMENTAL RESOURCES AND CONSTRAINTS

Groundwater Supply: N/A

Water Supply Watershed: N/A

Groundwater Recharge: N/A

Timber or Mineral: N/A

Agricultural Resource: N/A

Biologically Sensitive Habitat: N/A

Fire Hazard: N/A

Floodplain: N/A

Erosion: N/A

Landslide: N/A

Liquefaction: N/A

Fault Zone: N/A

Scenic Corridor: Possibly

Historic: N/A

Archaeology: N/A

Noise Constraint: N/A

Electric Power Lines: N/A

Solar Access: N/A

Solar Orientation: N/A

Hazardous Materials: N/A

SERVICES

Fire Protection: N/A

School District: N/A

Sewage Disposal: N/A

Drainage District: N/A

Project Access: N/A

Water Supply: N/A

PLANNING POLICIES

Zone District: Various

General Plan: N/A

Urban Services Line:

Coastal Zone:

X Inside

X Inside

Special Designation: N/A

X Outside

X Outside

PROJECT SETTING AND BACKGROUND: When the present Santa Cruz County Planned Unit Development (PUD) Ordinance was originally written and approved in 2003, it was thought that this planning tool would only be utilized in the residential zone districts. However, it has become clear that to encourage mixed use development, the expansion of the PUD planning tool to include the commercial zone districts is needed.

The areas to be affected by this countywide policy change include numerous sites, all of which would be located in either residential and limited non-residential (commercial) areas, and generally on sites where the majority of the site is developable land. The sites may be within or outside of the Urban Service Limit Line.

DETAILED PROJECT DESCRIPTION: The major focus of the proposed amendments is to expand the applicability of the PUD ordinance. These amendments consist of County Code amendments to the County's PUD Ordinance (County Code Section 18.10.180-185). These amendments would:

- (1) Expand the list of zone districts which would be allowed to utilize the PUD. This would be accomplished through an amendment to County Code Section 18.10.180 to add the VA (Visitor Accommodations), PA (Professional-Administrative Office), C-1 (Neighborhood Commercial) and C-2 (Community Commercial) zone districts (see Attachment 1).
- (2) Revisions to the existing ordinance wording to remove duplicative wording. An example of this would be the revisions to 18.10.183 (see Attachment 1).
- (3) Revisions to the existing ordinance wording to revise and clarify awkward wording. An example of this would be the revisions to 18.10.184 (see Attachment 1).

Any future development application utilizing this PUD process will be subject to further CEQA review.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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2. Subject people or improvements to damage from soil instability as a result of on- or off-site landslide, lateral spreading, to subsidence, liquefaction, or structural collapse?

_____ X _____

See A.1.A.

3. Develop land with a slope exceeding 30%?

_____ X _____

Any new development that would result from the proposed policy change will be subject to County Code Chapters 16.10 (Geologic Hazards Ordinance) and 16.20 (Erosion Control Ordinance). No change to those ordinances is being proposed as part of this ordinance revision.

4. Result in soil erosion or the substantial loss of topsoil?

_____ X _____

Any new development that would result from the proposed policy change will be subject to County Code Chapter 16.20 (Erosion Control Ordinance); which would prevent excessive loss of soil.

5. Be located on expansive soil, as defined in Table 18-1-B of the Building Code, creating substantial risks to property?

_____ X _____

The proposed project would not change the County's regulations regarding expansive soils, and thus would result in only minimal, if any, additional risks from construction on such soils. Any development resulting from this ordinance change would be subject to preparation of soils and geologic reports and meeting any identified mitigations. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

6. Place sewage disposal systems in areas dependent upon soils incapable of adequately supporting the use of septic tanks, leach fields, or alternative waste water disposal systems?

_____ X _____

The proposed project would not result in the installation of any additional septic systems that do not comply with the EHS requirements for individual septic systems or alternative systems.

7. Result in coastal cliff erosion?

_____ X _____

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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Any new development that would result from the proposed ordinance change will be subject to County Code Chapters 16.10 (Geologic Hazards Ordinance), 16.20 (Erosion Control Ordinance), and 13.20 (Coastal Zone Regulations) and would generally be prohibited from creating coastal cliff erosion. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

B. Hydrology, Water Supply and Water Quality

Does the project have the potential to:

1. Place development within a 100-year flood hazard area? _____ **X** _____

The project affects multiple parcels Countywide but would not, in and of itself, result in any change in the flooding or inundation risk to County residents or structures. Any new development that would result from the proposed policy change will be subject to County Code Chapter 16.10 (Geologic Hazards Ordinance). The proposed project does not constitute a significant additional flooding/inundation risk to County residents or structures.

2. Place development within the floodway resulting in impedence or redirection of flood flows? _____ **X** _____

See B-1.

3. Be inundated by a seiche or tsunami? _____ **X** _____

See B-1.

4. Deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit, or a significant contribution to an existing net deficit in available supply, or a significant lowering of the local groundwater table? _____ **X** _____

The proposed project would not affect the County's regulations regarding groundwater recharge areas or result in significant additional groundwater use, and thus would result in only minimal, if any, additional impact on groundwater resources. The project affects multiple parcels Countywide but would not, in and of itself, result in any significant change in groundwater supplies or recharge. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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5. Degrade a public or private water supply? (Including the contribution of urban contaminants, nutrient enrichments, or other agricultural chemicals or seawater intrusion).

_____ X _____

The proposed project would not affect the County's regulations regarding water quality protection, and thus could result in only minimal, if any, additional water quality degradation. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

6. Degrade septic system functioning?

_____ X _____

No degradation of septic systems functions could result from the proposed policy change, as all applicable requirements of EHS will remain in effect. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

7. Alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which could result in flooding, erosion, or siltation on or off-site?

_____ X _____

The proposed project would not affect the County's regulations regarding drainage or erosion control and all future development would be subject to these regulations, thus the project would result in only minimal, if any, additional drainage or erosion-related impacts. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

8. Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems, or create additional source(s) of polluted runoff?

_____ X _____

The proposed project would not affect the County's regulations regarding drainage or erosion control and all future development would be subject to these regulations (including review by County Public Works and Environmental Planning staff), thus the project would result in only minimal, if any, additional drainage/runoff or erosion-related water quality impacts. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

	Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
9. Contribute to flood levels or erosion in natural water courses by discharges of newly collected runoff?	_____	_____	X	_____
See B.8.				
10. Otherwise substantially degrade water supply or quality?	_____	_____	X	_____

See B.7 & B.8.

C. Biological Resources

Does the project have the potential to:

1. Have an adverse effect on any species identified as a candidate, sensitive, or special status species, in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife Service?	_____	_____	X	_____
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Any new development resulting from this policy change would be subject to the County's Sensitive Habitat Ordinance, the Riparian Corridor Protection Ordinance, the Erosion Control Ordinance, and Significant Tree Removal regulations, thus the project would result in only minimal, if any, additional sensitive habitat or species impacts. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

2. Have an adverse effect on a sensitive biotic community (riparian corridor, welland, native grassland, special forests, intertidal zone, etc.)?	_____	_____	X	_____
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See C.1.

3. Interfere with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native or migratory wildlife nursery sites?	_____	_____	X	_____
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See C.1.

	Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
4. Produce nighttime lighting that will illuminate animal habitats?	_____	_____	X	_____
See C.1.				
5. Make a significant contribution to the reduction of the number of species of plants or animals?	_____	_____	X	_____
See C.1.				
6. Conflict with any local policies or ordinances protecting biological resources (such as the Significant Tree Protection Ordinance, Sensitive Habitat Ordinance, provisions of the Design Review ordinance protecting trees with trunk sizes of 6 inch diameters or greater)?	_____	_____	X	_____
See C.1.				
7. Conflict with the provisions of an adopted Habitat Conservation Plan, Biotic Conservation Easement, or other approved local, regional, or state habitat conservation plan?	_____	_____	X	_____

See C.1. Any new development on sites with an approved Habitat Conservation Plans (HCPs) would be subject the requirements of those HCPs.

D. Energy and Natural Resources

Does the project have the potential to:

1. Affect or be affected by land designated as "Timber Resources" by the General Plan?	_____	_____	X	_____
--	-------	-------	---	-------

The proposed project would not affect the County's regulations regarding timber resources. All future development affected by the proposed amendments would be subject to these regulations. The project would result in only minimal, if any, timber resource-related impacts.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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2. Affect or be affected by lands currently utilized for agriculture, or designated in the General Plan for agricultural use? _____ X _____

The proposed project would not affect the County's regulations regarding agricultural resources. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

3. Encourage activities that result in the use of large amounts of fuel, water, or energy, or use of these in a wasteful manner? _____ X _____

The proposed amendments would not result in development that would require significant additional use of fuel, water or energy. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

4. Have a substantial effect on the potential use, extraction, or depletion of a natural resource (i.e., minerals or energy resources)? _____ X _____

The proposed amendments would not result in development that would require significant additional use, extraction or depletion of natural resources. Any future development application utilizing this PUD process will be subject to further CEQA review.

E. Visual Resources and Aesthetics

Does the project have the potential to: _____

1. Have an adverse effect on a scenic resource, including visual obstruction of that resource? _____ X _____

The proposed amendments would not remove or change these existing protections of scenic resources contained in the General Plan/ LCP or the County Code. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

2. Substantially damage scenic resources, within a designated scenic corridor or public view shed area including, but not limited to, trees, rock outcroppings, and historic buildings? _____ X _____

The proposed amendments would not remove the existing protections contained in the General

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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Plan/ LCP or the County Code. Any future development application utilizing this PUD process will be subject to further CEQA review.

- Degrade the existing visual character or quality of the site and its surroundings, including substantial change in topography or ground surface relief features, and/or development on a ridge line?

_____ X _____

The proposed amendments will not alter existing policy and ordinance regarding visual impacts or development on a ridgeline. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

- Create a new source of light or glare which would adversely affect day or nighttime views in the area?

_____ X _____

The proposed amendments would not result in any additional sources of light or glare that would not already be allowed under the current Ordinance language. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

- Destroy, cover, or modify any unique geologic or physical feature?

_____ X _____

The proposed amendments are not likely to result in any impacts to unique geological or physical features. Any future development application utilizing this PUD process will be subject to further CEQA review.

F. Cultural Resources

Does the project have the potential to:

- Cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines 15064.5?

_____ X _____

The proposed ordinance amendments would not affect the County's regulations regarding historical resources and all future development would be subject to these regulations, thus the project would result in only minimal, if any, additional impacts to such resources. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
---	---	---	-------------------

2. Cause an adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5?

_____ X _____

The proposed ordinance amendments would not affect the County's regulations regarding archeological resources and all future development would be subject to these regulations, thus the project would result in only minimal, if any, additional impacts to such resources. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

3. Disturb any human remains, including those interred outside of formal cemeteries?

_____ X _____

The proposed ordinance amendments would not affect the County's regulations regarding archeological resources including human burial sites. All future development would be subject to these regulations, and thus the project would result in only minimal, if any, additional impacts to such resources. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

4. Directly or indirectly destroy a unique paleontological resource or site?

_____ X _____

The proposed ordinance amendments would not affect the County's regulations regarding paleontological resources and all future development would be subject to these regulations, thus the amendments would result in only minimal, if any, additional impacts to such resources. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

G. Hazards and Hazardous Materials

Does the project have the potential to:

1. Create a significant hazard to the public or the environment as a result of the routine transport, storage, use, or disposal of hazardous materials, not including gasoline or other motor fuels?

_____ X _____

The proposed project would not result in the creation of any additional significant hazard to the public or the environment as a result of the transport, storage, use, or disposal of hazardous materials. Any future development application utilizing this PUD process will be subject to further CEQA review.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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2. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

_____ X _____

The proposed project would not, in and of itself, result in development on sites included in the County's list of hazardous materials sites. Any future development application utilizing this PUD process will be subject to further CEQA review.

3. Create a safety hazard for people residing or working in the project area as a result of dangers from aircraft using a public or private airport located within two miles of the project site?

_____ X _____

The proposed project will not, in and of itself, result in development which would be a safety hazard for any public or private airport. Any future development application utilizing this PUD process will be subject to further CEQA review.

4. Expose people to electro-magnetic fields associated with electrical transmission lines?

_____ X _____

The proposed amendments will not affect the County's regulations regarding EMFs, and all future development would be subject to these regulations, thus the amendments would result in no additional related impacts.

5. Create a potential fire hazard?

_____ X _____

The proposed project would not affect the County or State's regulations regarding fire safety, and all future development would be subject to these regulations.

6. Release bio-engineered organisms or chemicals into the air outside of project buildings?

_____ X _____

The proposed amendments will not result in the release of bio-engineered organisms or chemicals into the air. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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H. Transportation/Traffic

Does the project have the potential to:

1. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

_____ X _____

The proposed amendments will not result in significant traffic-related impacts. Any future development application utilizing this PUD process will be subject to further CEQA review.

2. Cause an increase in parking demand which cannot be accommodated by existing parking facilities?

_____ X _____

The proposed amendments will not result in significant parking-related impacts. Any future development application utilizing this PUD process will be subject to further CEQA review.

3. Increase hazards to motorists, bicyclists, or pedestrians?

_____ X _____

The proposed amendments will not result in significant hazards to motorists, bicyclists, or pedestrians. Any future development application utilizing this PUD process will be subject to further CEQA review.

4. Exceed, either individually (the project alone) or cumulatively (the project combined with other development), a level of service standard established by the county congestion management agency for designated intersections, roads or highways?

_____ X _____

The proposed amendments will not result in significant LOS reduction. Any future development application utilizing this PUD process will be subject to further CEQA review.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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I. Noise

Does the project have the potential to:

1. Generate a permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

_____ X _____

It is likely that the proposed project would not result in the creation of any additional significant noise generation experienced by the public. Any future development application utilizing this PUD process will be subject to further CEQA review.

2. Expose people to noise levels in excess of standards established in the General Plan, or applicable standards of other agencies?

_____ X _____

The proposed project would not result in an increase in noise levels above the threshold limits specified by the General Plan. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

3. Generate a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

_____ X _____

It is likely that the proposed project would not result in the creation of any additional significant noise generation experienced by the public. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

J. Air Quality

Does the project have the potential to:

(Where available, the significance criteria established by the MBUAPCD may be relied upon to make the following determinations).

1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

_____ X _____

The proposed amendments will not result in any significant air quality impacts and would not be inconsistent with the Monterey Bay Regional Air Pollution Control Plan. Any future development application utilizing this PUD process will be subject to further CEQA review.

	Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
2. Conflict with or obstruct implementation of an adopted air quality plan?			X	
See J.1.				
3. Expose sensitive receptors to substantial pollutant concentrations?			X	
See J.1.				
4. Create objectionable odors affecting a substantial number of people?			X	
See J.1.				

K. Public Services and Utilities

Does the project have the potential to:

1. Result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

a. Fire protection?

X

The proposed amendments will not result in any significant additional need for new or physically altered public facilities for fire protection. Any future development application utilizing this PUD process will be subject to further CEQA review.

b. Police protection?

X

The proposed amendments will not result in any significant additional need for new or physically altered public facilities for police protection.

c. Schools?

X

The proposed amendments will not result in any significant additional need for new or physically altered public school facilities. Any future development application utilizing this PUD process will be subject to further CEQA review.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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d. Parks or other recreational activities? _____

X

The proposed amendments will not result in any significant additional need for new or physically altered public park/recreational facilities. Any future development application utilizing this PUD process will be subject to further CEQA review.

e. Other public facilities; including the maintenance of roads? _____

X

The proposed amendments will not result in any significant additional need for new or physically altered public facilities or road maintenance. Any future development application utilizing this PUD process will be subject to further CEQA review.

2. Result in the need for construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? _____

X

The proposed amendments will not result in any significant additional need for new or expanded drainage facilities. Any future development application utilizing this PUD process will be subject to further CEQA review.

3. Result in the need for construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? _____

X

The proposed amendments will not result in any additional need for new or expanded water or wastewater treatment facilities. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

4. Cause a violation of wastewater treatment standards of the Regional Water Quality Control Board? _____

X

The proposed amendments will not result in any wastewater treatment standard violation. No change to those standards is proposed as part of this ordinance revision. Any future development application utilizing this PUD process will be subject to further CEQA review.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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5. Create a situation in which water supplies are inadequate to serve the project or provide fire protection?

_____ X _____

The proposed amendments will not result in any significant additional water supply constraints. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

6. Result in inadequate access for fire protection?

_____ X _____

The proposed amendments will not result in inadequate access for fire protection. No change to the adopted access requirements is proposed as part of these ordinance revisions. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

7. Make a significant contribution to a cumulative reduction of landfill capacity or ability to properly dispose of refuse?

_____ X _____

The proposed amendments will not result in a significant additional cumulative reduction of landfill capacity or the ability to dispose of refuse properly. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

8. Result in a breach of federal, state, and local statutes and regulations related to solid waste management?

_____ X _____

The proposed amendments will not result in a breach of regulations related to solid waste management. In addition, any future development application utilizing this PUD process will be subject to further CEQA review.

L. Land Use, Population, and Housing

Does the project have the potential to:

1. Conflict with any policy of the County adopted for the purpose of avoiding or mitigating an environmental effect?

_____ X _____

The proposed amendments constitute a partial shift from the previous policy of the County's PUD Ordinance to allow the use of the PUD only in the Residential zone districts. Due to changes in the types of development proposed, this policy is being amended to allow the use of the PUD in various Commercial Zone Districts. However, this minor policy shift does not

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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California Coastal Commission certification of the proposed County Code amendment is required since this would constitute a Local Coastal Program amendment.

Significant OR Potentially Significant Impact	Less than Significant with Mitigation Incorporation	Less than Significant OR No Impact	Not Applicable
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N. Mandatory Findings of Significance

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant, animal, or natural community, or eliminate important examples of the major periods of California history or prehistory? Yes _____ No X

2. Does the project have the potential to achieve short term, to the disadvantage of long term environmental goals? (A short term impact on the environment is one which occurs in a relatively brief, definitive period of time while long term impacts endure well into the future) Yes _____ No X

3. Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of reasonably foreseeable future projects which have entered the Environmental Review stage)? Yes _____ No X

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Yes _____ No X

Significant
 OR
 Potentially
 Significant
 Impact

Less than
 Significant
 with
 Mitigation
 Incorporation

Less than
 Significant
 OR
 No Impact

Not
 Applicable

TECHNICAL REVIEW CHECKLIST

	<u>REQUIRED</u>	<u>COMPLETED*</u>	<u>N/A</u>
Agricultural Policy Advisory Commission (APAC) Review	_____	_____	<u>X</u>
Archaeological Review	_____	_____	<u>X</u>
Biotic Report/Assessment	_____	_____	<u>X</u>
Geologic Hazards Assessment (GHA)	_____	_____	<u>X</u>
Geologic Report	_____	_____	<u>X</u>
Geotechnical (Soils) Report	_____	_____	<u>X</u>
Riparian Pre-Site	_____	_____	<u>X</u>
Septic Lot Check	_____	_____	<u>X</u>
Other:	_____	_____	<u>X</u>
	_____	_____	
	_____	_____	

Attachments:

- Proposed County Code Amendments

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 18.10 OF THE COUNTY CODE RELATING TO PLANNED UNIT DEVELOPMENTS

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

SECTION I

Section 18.10.180 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.180 Planned Unit Developments ("PUDs").

(a) Purpose. In certain instances the objectives of the General Plan/Local Coastal Program Land Use Plan and the County Code may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map or the district regulations prescribed by the County Code. A Planned Unit Development may include a combination of different dwelling and structure types and/or a variety of land uses, which complement each other and harmonize with existing and proposed land uses and structures in the vicinity. In order to provide locations for well-planned developments which conform with the objectives of the County Code although they deviate in certain respects from the zoning map and the underlying district regulations, the County Board of Supervisors may approve Planned Unit Development Permits, provided the developments comply with the regulations prescribed in this Chapter and are consistent with the County General Plan/Local Coastal Program Land Use Plan.

(b) Where Allowed. A Planned Unit Development may be located in the R-1, RA, RR, or RM residential zoning districts, ~~the VA, PA, C-1 or C-2 Commercial zoning districts~~ upon the granting of a Planned Unit Development Permit in accordance with the provisions of this Chapter.

(c) Permitted Uses. A Planned Unit Development shall include only uses permitted either as permitted uses or conditional uses in the zoning district, ~~as a special adopted village or town plan~~ in which the Planned Unit Development is located.

SECTION II

Section 18.10.181 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.181 Planned Unit Development--Permit applications.

A Planned Unit Development Permit is a type of development permit that is subject to all the same application processing requirements for development permits specified in this Chapter, including the Coastal Zone Permit review process

Environmental Review Initial Study
ATTACHMENT 1
APPLICATION W/A (Amend. to Co. Code Sec. 18.10.180-185)

specified in Chapter 13.20 (Coastal Zone Regulations). ~~As a Level VII application,~~
~~an~~ application for a Planned Unit Development Permit shall conform to the following specific requirements:

(a) Contents. The application shall be accompanied by a development plan of the entire Planned Unit Development that includes all of the required application submittal requirements of Section 18.10.210.

(b) Density. In addition to the data and drawings prescribed in Section 18.10.210, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average density in the area or areas proposed to be devoted to residential use.

~~(c) Development Standards. In addition to (a) and (b) above, any application for a Planned Unit Development shall provide a written description of the proposed alternative development and design standards for the property.~~

SECTION III

Section 18.10.183 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.183 Planned Unit Development--Permit findings.

The Planning Commission (if recommending approval to the Board of Supervisors) or ~~the~~ Board of Supervisors may approve a Planned Unit Development Permit as was applied for or in modified form if, on the basis of the application and evidence submitted, ~~the approving body makes the following findings in addition to the findings required by Section 18.10.230, and in addition to the findings required by Section 13.20.110 if located in the Coastal Zone~~ ~~are made:~~

~~(a) That the proposed location of the uses are in accordance with the objectives of the County Code and the purposes of the district in which the site is located;~~

~~(b) That the proposed location of the Planned Unit Development and the conditions under which it would be operated or maintained will not be detrimental to the public's health, safety or welfare, or materially injurious to properties or improvements in the vicinity;~~

~~(c) That the proposed Planned Unit Development will comply with each of the applicable provisions of this Chapter;~~

~~(d) That the standards of dwelling unit density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between off-street loading facilities and landscaped areas will produce a development that is compatible with and integrated into the surrounding built and natural environment consistent with the objectives of the County Code;~~

~~(e) That the standards of dwelling unit density, site coverage, yard spaces, heights of structures, distances between structures, off-street parking, and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry and will not overload utilities;~~

~~(f) That the combination of different dwelling and/or structure types and the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity;~~

~~(g) That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood~~

and/or the community in which the Planned Unit Development is located; and
(h) That the proposed development is consistent with the General Plan/Local Coastal Program Land Use Plan.

Non-Residential and Mixed Use Projects

(a) That any nonresidential uses shall be appropriate in area, location and overall planning for the purpose intended, and the design and development standards shall create a nonresidential environment of ongoing desirability and stability, and where applicable, adequate open space shall be provided.

(b) That the combination of different structure types and the variety of uses in the development will complement each other and will harmonize with existing and proposed land uses, structures, and the natural environment in the vicinity.

(c) That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located.

Residential Projects:

(a) That any residential development shall contribute to the ongoing desirability and character of the surrounding neighborhood.

(b) That the combination of different dwelling and/or structure types and the variety of uses in the development will complement each other and will harmonize with the existing and proposed land uses, structures, and the natural environment in the vicinity.

(c) That the degree of departure from the required development and density standards is roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located.

SECTION IV

Section 18.10.184 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.184 Planned Unit Development--Official action.

(a) Action by Planning Commission. Following the public hearing, the Planning Commission may deny the Planned Unit Development, continue consideration of the Planned Unit Development, or recommend approval of the Planned Unit Development, with or without modification. Planning Commission action to approve a Planned Unit Development shall be in the form of a resolution recommending to the Board of Supervisors approval, with or without modifications, of the Planned Unit Development.

(b) Appeals of the Action of the Planning Commission. If the Planning Commission ~~denies~~ recommends against a proposed Planned Unit Development, its action shall be final unless the matter is considered upon appeal or special consideration by the Board of Supervisors as provided in Sections 18.10.340 and 18.10.350, respectively. Appeals of Planned Unit Developments, which include land division applications, shall also be subject to the procedures of Section 14.01.312.

(c) Action of the Board of Supervisors. The Board of Supervisors shall schedule a public hearing to consider the recommendations of the Planning Commission regarding applications for a Planned Unit Development. Notice of the public hearing shall be given pursuant to Section 18.10.223. Following the public hearing,

Environmental Review Initial Study

ATTACHMENT 6, 3 of 6
APPLICATION WA Amend. to Co.
Code Sec. 18.10.180-185.

the Board of Supervisors may deny the Planned Unit Development, continue consideration of the Planned Unit Development, or approve the Planned Unit Development, with or without modification. Actions to approve the Planned Unit Development shall, at a minimum, be by approval of a Planned Unit Development permit and adoption of an ordinance amending County Code Chapter 13.10 ~~and of 13.11~~ to establish specific zoning and site ~~and design~~ standards for the Planned Unit Development.

(d) Planned Unit Developments Approvals in the Coastal Zone. If any portion of a Planned Unit Development is located in the Coastal Zone, then, in addition to the actions specified in subsection (c) above, an action to approve the Planned Unit Development shall also include approval of a Coastal Permit. The Board's action on the Coastal Permit shall not be considered final, and notice of the Board's action on the Coastal Permit shall not be transmitted to the Coastal Commission, unless and until: (1) the ordinance (specified in subsection (c) above) has been submitted to the Coastal Commission as a Local Coastal Program amendment; and (2) the Coastal Commission has certified the ordinance. In the event that the Coastal Commission's certification of the required ordinance modifies the Planned Unit Development that was approved by the Board, then the Board shall re-review the Planned Unit Development Permit and Coastal Permit application and make any modifications to these permits that are necessary to ensure that they are in conformance with the certified ordinance. After the Board has made any necessary modifications to their action on the Coastal Permit, the Board's action on the Coastal Permit shall be considered final, and notice of said action may ~~may~~ **shall** be transmitted to the Coastal Commission.

(e) Finality of Action on Planned Unit Development. No new application for a Planned Unit Development Permit shall be filed for the same or substantially the same use on the same or substantially the same property within one year after denial of same without the consent of the Board of Supervisors.

(f) Expiration of a Planned Unit Development Ordinance. Each Planned Unit Development Ordinance adopted pursuant to subsections (c) and (d) above shall specify that all Chapter 13.10 ~~or 13.11~~ text associated with it shall expire at the same time that the Planned Unit Development Permit and Coastal Permit (if located in the Coastal Zone) expire or are denied, unless development pursuant to those permits has commenced by that time. ~~This expiration requirement shall be noted directly in any certified Chapter 13.10 or 13.11 text associated with a Planned Unit Development Ordinance.~~

SECTION V

Section 18.10.185 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.185 Planned Unit Development--Standards.

Departure from strict conformance with General Plan/Local Coastal Program Land Use Plan and County Code standards through a Planned Unit Development Permit is a privilege. The degree of departure from the required development ~~and site~~ standards (for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off street parking, off street loading facilities, and landscaped areas) ~~of the standards found in Chapter 13.11 and~~

Environmental Review Initial Study

ATTACHMENT 1
APPLICATION

to 4 of 6
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Code Sec. 18.10.180-185

density (as specified in subsections (a) and (b) below) shall be roughly proportional to the benefits provided to the neighborhood and/or the community in which the Planned Unit Development is located. These benefits shall be in the form of the provision of enhanced resource protection, exceptional public amenities, design excellence, affordable housing, public viewshed preservation, and superior mixed use, development and enhancement, etc.

(a) District Regulations. ~~Development standards for site area and dimensions, site coverage, yard spaces, heights of structure, distances between structures, off-street parking, off-street loading facilities, and landscaped areas~~ Development site and design standards shall for each standard in the aggregate ~~be as prescribed by the adopted development plan~~ within the allowed limit for that standard as prescribed by the regulations for the district in which the Planned Unit Development is located.

(b) Density. The number of dwelling units allowed (per net developable acre and ~~per minimum site area~~) may exceed the maximum prescribed by the General Plan/Local Coastal Program Land Use Plan and County Code site regulations for the district in which the Planned Unit Development is located ~~for an individual legal parcel that is part of a Planned Unit Development Permit~~ provided that the overall number of dwelling units does not exceed the maximum that would be allowed (per net developable acre and ~~per minimum site area~~) for the overall property that is the subject of the Planned Unit Development. If the overall property that is the subject of the Planned Unit Development is ten (10) acres or more, up to ten (10) percent more dwelling units than the maximum that would be allowed (per net developable acre and ~~per minimum site area~~) for the overall property shall be allowed as long as the number of dwelling units in total does not exceed the number of dwelling units specified by the General Plan/Local Coastal Program Land Use Plan for the overall property.

(c) Other Requirements. The following conditions shall also be required in Planned Unit Developments:

(1) ~~All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;~~

(2) ~~Not more than five persons shall be engaged in the production, repair or processing of materials, except that this provision shall not apply to cafes, restaurants and soda fountains;~~

(3) No uses shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Commission or the Board of Supervisors to be injurious to property located in the vicinity by reason of excessive odor, fume, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic, or to involve any hazard of fire or explosion; and

(4) All Planned Unit Developments shall meet the requirements of Chapter 13.11, Site, Architectural and Landscape Design Review unless specifically amended by the Planned Unit Development.

(d) Other General Plan/Local Coastal Program and County Code Standards Not Suspended. Nothing in this section shall be read to allow variation to other standards not specified in subsections (a) and (b) above. All other standards that apply, including but not limited to General Plan/Local Coastal Program and

County Code standards designed to protect sensitive habitats, agriculture, public views sheds, and open space, shall continue to apply.

SECTION VI

This ordinance shall become effective on the 31st day following adoption by the Board of Supervisors or upon certification by the California Coastal Commission; whichever event is latest.

PASSED AND ADOPTED this _____ day of _____, 2008, by the Board of Supervisors of the County of Santa Cruz 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

Environmental Review Initial Study
ATTACHMENT 1
APPLICATION N/A (Amend. to Co. Code Sec. 18.10.180-185)

Jonathan Wittwer
William P. Parkin
Jennifer M. Bragar
Ryan D. Moroney

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OF COUNSEL
Gary A. Patton

April 13, 2009

Neal Coonerty, Chairperson
Santa Cruz County Board of Supervisors
County Governmental Center
701 Ocean Street, Room 500
Santa Cruz, CA 95060

RE: Proposed Amendments To County Code Regulations Relating To
Planned Unit Developments [Agenda Item #72, April 14, 2009]

Dear Chairperson Coonerty and Board Members:

On April 14, 2009, the Board will consider possible changes to current County Code provisions relating to Planned Unit Developments. We are writing on behalf of our client, Friends of Aptos Creek, to bring an important concern to your Board's attention. We are asking you to clarify the language of the proposed ordinance before adoption, to eliminate any possible ambiguity, and to ensure full compliance with the California Environmental Quality Act (CEQA).

In general, the proposed changes you are considering are intended to expand and make more flexible the use of "PUD" techniques, to allow the approval of development projects that are judged to have a superior design, even though the proposed project might be inconsistent with the strict site development requirements of the zoning district in which the project is proposed. In addition, the proposed changes to the County Code expand the number of zone districts in which approval of a PUD development can be considered.

We do not believe that it is the Board's intention for the new language to reduce protections for natural resources, or to allow proposed developments to escape rigorous compliance with County Code provisions that provide protection for such natural resources. For the most part, these provisions are currently found in Title 16 of the County Code. Title 16 contains a number of very specific requirements related to the possible impacts of proposed developments on wetlands and riparian areas (Chapter 16.30), sensitive habitats (Chapter 16.32), and significant trees (Chapter 16.34), just to cite a few examples. Other important values are also protected through the provisions of Title 16.

Nonetheless, while we believe that it is not the Board's intention to allow the "waiver" of the provisions of the County Code relating to the protection of natural resources, the actual ordinance language relating to this issue, as proposed for Section 18.10.185 (d), is not as clear as we think it should be, particularly as it relates back to the language of subparagraphs (a) and (b) of proposed Code Section 18.10.185.

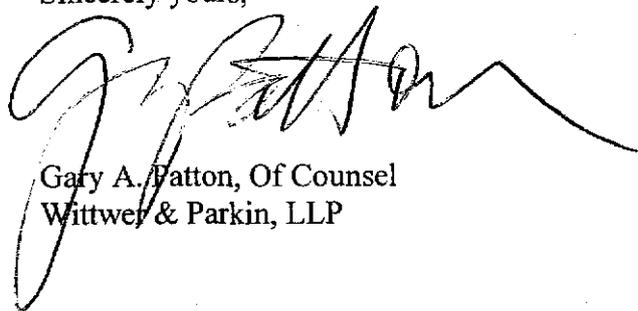
We believe that it is very important that the ordinance language be modified to provide more certainty that "PUD" procedures cannot result in a "waiver" of those provisions of the County Code intended to provide protection to natural resources. Again, we think that this is the intent of the language you are considering, and though we credit the current language with an effort to make this clear, we request the Board to provide even more certainty by the modest amendment suggested below. We note that if the proposed new language "might" have an effect of reducing protection for natural resources, then a Negative Declaration under CEQA would not be permissible.

In order to make the language of the ordinance clearer, we request that the Board amend the proposed language of Section 18.10.185 (d) as shown below:

(d) Other General Plan/Local Coastal Program and County Code Standards Not Suspended. Nothing in this section shall be read to allow variation to other standards not specified in subsections (a) and (b) above. All other standards that apply, including but not limited to General Plan/Local Coastal Program standards, standards contained in Title 16 of the County Code, and County Code standards designed to protect natural resources, riparian and wetland areas, sensitive habitats, agriculture, public viewsheds, and open space, either as found in Title 16 or in other provisions of the County Code, shall continue to apply.

Thank you for your consideration of our views in this matter.

Sincerely yours,



Gary A. Patton, Of Counsel
Wittwer & Parkin, LLP

cc: County Counsel
Planning Director