



# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

June 17, 2014

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

**AGENDA DATE: June 25, 2014**

Agenda Item #: 4

Time: After 9:00 a.m.

**Subject: Consider Proposal to Update the Permit Framework and Zoning District Use Charts**

Members of the Commission:

The attached letter to the Board of Supervisors outlines a proposal to update the permitting framework in the Santa Cruz County Code for land use projects, and the description of uses allowed in the Zoning Districts. The purpose of the proposed update is to clarify permit requirements, streamline review processes where appropriate, and modernize regulations.

At the Board of Supervisors meeting on June 17, 2014 planning staff presented the proposal to the Board for consideration and feedback to staff. The Board direct staff to prepare draft ordinance amendments implementing the proposed update as outlined in the attached letter, and further directed that your Commission be provided the opportunity to review and comment on the proposal prior to drafting of ordinance amendments by staff.

As directed by the Board of Supervisors, after receiving comments from your Commission today, planning staff will draft ordinance amendments to implement the proposed update, and meet with focus groups to receive additional input on the proposed amendments. In the fall of this year, staff will bring the proposed package of ordinance amendments to the Board for review and comment. After receiving feedback from the Board of Supervisors, staff will complete CEQA review, and then bring the proposed amendments to public hearings of your Commission and the Board of Supervisors for final consideration.

It is therefore **RECOMMENDED** that your Commission provide comments to staff regarding the proposal and provide the public the opportunity to comment.

Sincerely,

Annie Murphy  
Planner III

Paia Levine  
Principal Planner

Exhibits:

A: Letter to the Board of Supervisors dated June 6, 2014



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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

June 6, 2014

**AGENDA DATE:** June 17, 2014

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

### **Consider Proposal to Modernize Land Use Permit Framework in Titles 13, 16 and 18 of the Santa Cruz County Code**

#### Members of the Board:

Your Board has previously requested that staff analyze the County's existing land use permit regulations and develop recommendations for how they could be amended in order to modernize, clarify and streamline permit requirements and application review procedures. The Planning Department and your Board frequently hear from applicants that the existing Code is complex, and difficult to understand and use. Frequently, this requires applicants to visit the County building to interact with county staff to obtain instructions and interpretations. Some applicants conclude they must hire consultants to navigate through the process. There can be issues with inconsistent interpretations by different staff. For some types of land use activities, permit requirements are thought to be excessive, leading to a perception of higher risk, and lengthy and expensive reviews. At times, applicants choose to simply not make improvements to their properties, or applicants elect to proceed with improvements or undertake a use without the benefit of permits.

Staff has diagnosed the following factors which should be addressed through code amendments:

- Unclear terminology with regard to what is a "permit", as opposed to a permit "process" or a component of the county's review of an application for a permit.
- The Code lacks distinctions between "ministerial" and "discretionary" permits, which also creates lack of clarity regarding which permits are subject to CEQA (ministerial permits are exempt from CEQA).
- Under the current code a "Development Permit" is used to regulate both "use" and "physical development", such that permit requirements for a use going into an existing building are the same as for proposed physical development of a new building.
- Outdated and inflexible use charts, with few "principally permitted uses" and confusion between how "principally permitted uses" are defined and treated in the zoning district use charts as opposed to in the coastal regulations.
- Temporary structures and temporary uses are not sufficiently addressed by the Code.

Staff has identified a set of amendments to address these factors. Today your Board is being asked to direct staff to complete draft ordinance amendments, prepare a CEQA Initial Study, and schedule public hearings before the Planning Commission and Board of Supervisors. Staff will hold focus group workshops as warranted.

The proposal is to amend the Code to provide a revised permit framework, in order to modernize, provide greater clarity, and streamline permitting for certain land use activities. Existing actual development standards of the various existing zoning districts (such as setbacks, heights and so forth) are not proposed for amendment. The proposal addresses permit terminology and thresholds for whether and what type of permit and application review processes apply to land use activities. As such, existing Code provisions about where a building would be sited, and what sizes of buildings are allowed, are generally not proposed to change. More substantial changes would be proposed only within the Agricultural regulations, so that county requirements better address modern agricultural practices and needs. The proposal would also include better provisions for regulating temporary structure and uses. Therefore, the proposal would maintain current community values related to massing and design, and protection of environmental resources.

Information about the aspects of the existing County Code that are proposed to be addressed is discussed in this staff report, followed by a description of the proposed amendments.

## **REVIEW OF CHALLENGING ASPECTS OF EXISTING COUNTY CODE**

The existing County Code use charts each incorporate the following Key:

### **KEY:**

- A = Use must be ancillary and incidental to a principal permitted use on the site
- P = Principal permitted use (see subsection (A) of this section); no use approval necessary if P appears alone
- 1 = Approval Level I (administrative, no plans required)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
- = Use not allowed in this zone district
- \* = Level IV for projects of less than 2,000 square feet  
Level V for projects of 2,000 to 20,000 square feet  
Level VI for projects of 20,000 square feet and larger
- BP = Building Permit Only
- BP1 = Approval Level I (administrative, no plans required)
- BP2 = Approval Level II (administrative, plans required)
- BP3 = Approval Level III (administrative, field visit required)

Many of the challenges of the existing Code are illustrated by the Key, as reviewed below.

- **Unclear terminology with regard to what is a “permit”, as opposed to a permit “process” or a component of the County’s process of reviewing an application for a permit**

The Key does not clearly distinguish between the name of a permit and the name of a process, and often the terms are used interchangeably. Many users believe that the Level 1 through 7 terms relate to the type of permit review process. Yet the Code also frequently refers to the Level terms as though they are the names of permits themselves – e.g. a Level 1 permit, Level 3 Approval and so forth. The left hand column of the chart at the bottom refers to Building Permits – which can be interpreted to mean that the numbers 1 – 7 above the BPs in the left hand column are also types of permits.

Communities typically provide descriptive terms for permits, such as “Use Permit”, “Coastal Permit” and “Site Development Permit”; and a different set of terms for the permit review process, such as “administrative” (no public hearing) or “conditional” (public hearing).

The unique approach of the existing Santa Cruz County Code is challenging for applicants unfamiliar with the County’s land use regulations, and reduces the clarity and transparency of our permit process.

- **The Code lacks distinctions between “ministerial” and “discretionary” permits, which also creates lack of clarity regarding which permits are subject to CEQA (ministerial permits are exempt from CEQA)**

City and county codes typically specify which permits are ministerial (permits which conform to fixed standards, and are not subject to CEQA) and which are discretionary (permits involving discretion by the decision maker, require CEQA review, findings for approval, and often there are conditions imposed on a project). A building permit is an example of a ministerial permit. Review for conformance with the building code, grading standards, flood regulations, soils report recommendations, drainage regulations and so forth are typically part of the process of reviewing an application for a building permit. Each separate step is not an approval, but rather a review and acceptance of the plans as conforming to applicable regulations.

As noted above, the Key in each of the use charts includes both building permits, which are ministerial, as well as with discretionary permits. It is not clear which Levels of permits are considered ministerial and which are discretionary. There is language in the Code that seems to say that Levels 1 and 2 are ministerial – meaning that as long as defined criteria or standards are met, then the permit will be issued. However, many users are confused and think that any permit that is subject to a Level 1 through 7 type of review is a discretionary permit.

Chapter 18.10, which prescribes the required permit review process (which includes the type of noticing requirements, the decision-making body, and the appeals procedure for each level of approval), does not indicate whether each level of review is discretionary or ministerial. This lack of clear distinction between ministerial and discretionary permits also exists in Title 16 (Environmental and Resource Protection).

Many communities have a purely ministerial zoning clearance process. Planners check to see that a proposed use is allowed by the zoning district, and whether a discretionary use permit is required. If not, then the use is cleared for the proposed location (usually in an existing building) and a permit for any tenant improvements may be issued with a building permit (a ministerial review).

- **Under the current code a “Development Permit” is used to regulate both “use” and “physical development”, such that permit requirements for a use going into an existing building are the same as for proposed physical development of a new building**

Most communities, including the cities of Santa Cruz, Watsonville, Capitola, and Scotts Valley, provide separate “Use permits” for discretionary uses such as grocery stores and restaurants, and “Design Permits” or “Site Development Permits” for physical development such as new office buildings, stores or apartments. In contrast, the Santa Cruz County Code combines permits for the use and for physical site development into one discretionary permit, referred to as a “Development Permit.” The combined permit introduces unpredictability into the review of projects involving either a “use only” or “physical site development only”. This can increase project costs and reduce project feasibility.

While the Code seems to call all zoning permits Development Permits, there are also terms in the Code that refer to “use approvals” and “biotic approvals” and so forth. However, a “use approval” is issued through approval of the Development Permit. Approvals of technical reports such as geologic reports, biotic reports and soils reports should be considered as a part of the permit review process, and the term “acceptance” is preferred in order to clarify that these are not themselves “approvals” of biotic permits, or geologic permits, and so forth.

The current approach of a combined “Development Permit” means that the County Code allows only a very limited set of uses to locate in an existing building without going through a discretionary permit process. The “Level 1 Change of Use” and “Master Occupancy Permit” processes have attempted to address this situation, but these approaches can be either unclear or unnecessarily complex.

Separate permits allow a community to establish more clear criteria that apply to a “use” as opposed to a “new building”, and to create findings appropriate either to a use or to physical site development. Conditions of approval can be better tailored to the scope a proposed project, facilitating a more focused and predictable permit review process.

- **Outdated and inflexible use charts, with few “principally permitted uses” and confusion between how “principally permitted uses” are defined and treated in the zoning district use charts as opposed to in the coastal regulations**

Compared with other communities, Santa Cruz County use charts provide a very detailed list of specific uses allowed in each zone district. Therefore, some interpret the Code to mean that only those uses specifically mentioned in the list can be considered in the zone district, even though certain uses contain the words “such as”. The City of Santa Cruz, provides more generalized lists of allowed uses in order to express the intent of each zoning district, and makes it clear that uses similar to those listed may also be allowed. In addition, the County’s use charts include outdated uses and lack various modern uses such as technology businesses.

The zoning codes of many communities also identify more uses that are “principally permitted” and thus may be allowed without any sort of use permit or development permit. For example, new businesses needing office space may locate within an existing office building with no need for a development permit or use approval. Likewise, small retail or commercial service uses are allowed to locate in existing commercial buildings without a development permit. The uses need to maintain consistency with any conditions placed on the discretionary permit that was issued for construction of the building itself, but the process of businesses moving in and out of approved buildings is greatly simplified as compared to how the County currently treats this common situation.

The Santa Cruz County Code is also unusual in that the Key defines the type of permit review process required for all uses by the size of the proposed physical development – as conveyed by an asterisk in the Key.

- \* = Level IV for projects of less than 2,000 square feet
- Level V for projects of 2,000 to 20,000 square feet
- Level VI for projects of 20,000 square feet and larger

All projects are subject to the above thresholds, with the exception that the threshold for Level IV processing for commercial uses was increased to 5,000 square feet through an amendment about two years ago. Other communities establish the type of permit or permit process required for a use according to the nature of the use and its potential impacts rather than by the size of the space the use will occupy.

Separate permits for the use and for the physical structure or site development also enable a community to allow “by right” certain uses that are consistent with the zone district and unlikely to create impacts. Each zoning district can identify those uses that are “principally permitted” and do not require a use permit. Actual development of new buildings would still require a discretionary design permit or site development permit. In other words, the use itself may not be of concern but the physical development is reviewed for conformance with development standards and design criteria. Through the design or site development permit requirement, the County is able to subject proposals to CEQA review, and to impose conditions of approval as warranted to ensure consistency with county standards and to mitigate potential environmental impacts.

Allowing principally permitted uses can be particularly useful in commercial zoning, facilitating the movement of business into existing buildings and promoting vibrant commercial areas.

Staff will also propose language to clarify the term “principal permitted use” as applied in the use charts, and as used differently in the context of applying coastal development regulations, when it conveys whether a proposed development is appealable to the Coastal Commission or not.

#### **Temporary structures and temporary uses are not sufficiently addressed by the Code**

Presently, the County Code contains provisions for regulating only certain identified temporary commercial uses: carnivals and circuses, Christmas tree sales lots, outdoor sales four times per year (45 days for any one time). Temporary structures are not addressed by the zoning code. Recently, residents have become concerned about the increased frequency of temporary storage structures and shipping containers being used for storage on residential and other properties. Staff has researched how other communities handle these situations and is proposing to incorporate provisions for both temporary uses and temporary structures in various zoning districts.

## **SUMMARY OF PROPOSED AMENDMENTS TO COUNTY CODE TO ESTABLISH NEW PERMIT FRAMEWORK**

In order to modernize, clarify and streamline permit requirements and application review procedures, staff recommends revising the permit framework to:

- Clearly indicate which permits are discretionary and which are ministerial
- Replace terms for permits and reviews such as “level” with more descriptive terms
- Create separate discretionary permits for uses and for physical site development
- Identify which uses do not require use permits, and are considered “principally permitted”
- Modernize use charts and use “such as” to clearly indicate intent of each district
- Create provisions for temporary uses and temporary structures in the zoning districts

As noted earlier, more substantive amendments are proposed to the Agricultural zoning district regulations, in order to better accommodate modern farming practices and needs.

Attachments 1 and 2 provide draft Ministerial Permit and Discretionary Permit frameworks in greater detail, listing the new permit types and their current permit equivalent.

Attachment 3 provides a draft sample of how the use charts are proposed to be revised for the Residential Districts, and Attachment 4 is the existing Residential Uses Chart for comparison.

It is important to note that while certain aspects of the permit framework and use charts are proposed to be changed, the essential aspects of the permit review process and the regulatory standards that protect the environment and neighborhood quality and provide for oversight by decision-makers and opportunity for public input will not change. Discretionary projects will continue to be subject to the same environmental review process as they are currently, and existing performance standards in Title 16 that protect the environment will remain. Current discretionary permit review processes including noticing, administrative and public hearing review processes will remain, and projects will be assigned the appropriate review process to maintain transparency, opportunity for public input, and the ability of the decision-maker to apply findings and to condition projects. Existing site standards establishing setbacks, lot coverage, and so forth will remain. Design review, as provided in Chapter 13.11 will continue to be required for significant non-residential projects, residential multi-family projects and large dwellings.

The revised framework would replace the current discretionary Development Permits with separate discretionary Use Permits and Site Development Permits. Site development permit requirements for physical development would be provided in charts for each zone district, similar to the existing zoning district use charts. Projects requiring both a Use Permit and a Site Development Permit would be processed as one application so that processing time and costs would not increase. As is currently the case for development permits, use permits and site development permits could be processed administratively or with a public hearing, depending on the permit requirements prescribed in the use and site development charts.

The Use Charts for each zone district would be modernized, deleting outdated uses and adding modern uses. As shown in Attachment 3, a draft sample of a revised Use Chart for Residential Zone Districts, the new format would replace the long list of uses with a more generalized description of each use. Permit requirements will also be clarified in each use chart. As noted, use charts will also be revised to

designate principal permitted uses. In each zone district, a comparable chart would be provided specifying permit requirements for physical site development.

The new framework provides a separate Site Development Permit to review and condition physical development, ensuring that all impacts of physical development such as potential environmental impacts, design compatibility and location of required parking would be fully addressed.

The following example illustrates how separate use permits and site development permits would provide for a more functional permit framework and support economic vitality. Under the existing County Code, a new administrative office use locating in a building on land zoned “Professional-Administrative Office” (PA) could require a discretionary Use Approval/Development Permit with the hearing body determined by the size of the office. Larger offices, even offices proposed to be located within an existing building, could require a public hearing. Recent code revisions expanded the change-of-use process and provided some streamlining of the discretionary review process for commercial uses that locate in existing buildings, but greater clarity and streamlining is needed.

In the proposed new framework, uses such as administrative offices in the PA zone district, and other uses that do not involve concerns related to their operation would be designated as principally permitted. A principally permitted use that complied with all zoning requirements would be allowed in an existing building without requiring a discretionary permit. The Zoning Clearance would also be used to review proposed uses for consistency with zoning regulations and/or existing permits that have been previously issued for the development. For example, zoning clearances would be used to review Commercial Changes of Use - a new commercial use proposed at a site with an existing discretionary permit - for compliance with zoning regulations and to identify conditions of approval from a previous permit that remain applicable to the new use at the existing site.

Other discretionary permits, including Coastal Permits and Land Division Permits, would be processed as they are currently.

## **TITLE 16 ENVIRONMENTAL REGULATIONS**

Title 16 of the County Code, “Environment and Resource Protection”, would be revised to clearly indicate which permits and reviews are ministerial and which require discretionary review. Additionally, Chapter 16.01 will be amended to remove references to a separate County CEQA Guidelines (and rescind Guidelines adopted in 1991 by the County), and instead simply provide that the County shall abide by the most current versions of the State CEQA Statute and State CEQA Guidelines.

In the revised framework, projects requiring review for compliance with specified chapters in Title 16, and submitted as a building permit application, would initially be reviewed through the “Environmental Clearance” process. This is based on the model currently used to administer requirements in Chapter 16.10 (Geologic Hazards). Through the Environmental Clearance review, applicable requirements of Title 16 and recommendations in required technical reports, such as biotic reports, would be applied through the building permit process. The Title 16 chapters, which pertain to Geologic, Flood, Sensitive Habitat, Riparian and other natural resources generally already contain clear standards with which a project must comply. If a project meets these standards (such as by staying out of the riparian area, or incorporating all recommendations of a geologic, soils or biotic report) then the project is ministerial. Specifications on the building plans demonstrate compliance with standards. As needed, reviewers make plan check comments and the applicant must revise plans in order to demonstrate compliance with applicable Title 16 and other standards so that the building permit can be approved and issued.



In cases where applicable environmental standards are not met, then the project would no longer be considered ministerial, a discretionary permit would be required, and the project would be subject to CEQA. For example, if a project does not stay out of the riparian area, then a discretionary Riparian Exception is required. In the case of the Grading regulations, there will be clear thresholds for when a grading project may be ministerial, based on amount of grading as well as compliance with applicable grading performance standards. Minor grading projects less than 1,000 cubic yards and meeting the other applicable standards will be reviewed as part of a building permit application.

In summary, when projects are determined not to comply with recommendations in a technical report or Title 16 requirements, the project would not receive an environmental clearance and the building permit would not be approved as a ministerial permit. In order to pursue the same project, the applicants would need to apply for a discretionary permit that would be subject to CEQA. The goal would be to have applicants revise their projects in order to maintain a ministerial permit status and not be required to undertake CEQA review. Staff believes that this approach would ensure continued protection of environmental resources and clarify permit processing requirements in Title 16.

### **UPDATE OF AGRICULTURAL REGULATIONS**

In addition to updating the use charts for agricultural zone districts, planning staff is proposing a more comprehensive update of the agricultural regulations in the County Code. The goal of the revisions is to modernize existing regulations while continuing to provide for long term protection of agricultural land. Planning staff has met with stakeholders from the farming community, as well as with representatives of wineries and the Farm Bureau. Additional public workshops are anticipated in the future to solicit feedback from the broader community regarding the proposed updates to agricultural regulations.

Proposed revisions to agricultural regulations will accommodate modern farming practices such as the desire to sell directly to consumers via a roadside or on-property farm market stand, update regulations for agricultural fencing, allow for the consideration of non-crop, associated agricultural uses on Commercial Agricultural (CA) and Agricultural (A) zoned land, to support a successful, long-term, agricultural industry.

The wineries ordinance is proposed to be updated to modernize outdated regulations and address farm to table and special events and tastings and their associated impacts.

Regulations for farmworker housing are also proposed for amendment, in order to provide consistency with state law requirements for agricultural employee housing.

### **UPDATE OF CHAPTER 18.10 “PERMIT AND APPROVAL PROCEDURES”**

Chapter 18.10 would be updated to accommodate the revised framework. Additional Chapters would be added to Title 18.10, with separate chapters for ministerial permits and discretionary permits in order to clearly separate the two distinct permit types. The information in Chapter 18.10 for processing permits would be reformatted to follow a more logical order, with a section on processing requirements common to all discretionary permits, followed by requirements for specific review processes.

A few specific provisions in Chapter 18.10 would be clarified and revised to help expedite project reviews. For example, Chapter 18.10 indicates that any decisions or actions of any staff person related to permit levels 1 – 3 are appealable to the Planning Director. The phrase “any decisions or actions of any staff” can be interpreted broadly to include statements made at the Planning Counter, such as what may or may not be allowed in a zone district, or what types of projects are likely to be approved. Planning staff believes that these types of public inquiries are better addressed through open and responsive customer service, and working with managers as appropriate to quickly resolve any

disputes with applicants, rather than through a formal appeals process. Consequently, existing provisions would be clarified to state that only certain staff determinations specifically referenced in the County Code would be appealable, such as completeness determinations and determinations about the type of CEQA review that is needed. At the same time, the existing language would be broadened to clarify that staff actions to approve, conditionally approve or deny a discretionary permit are appealable.

### **CONCLUSION AND RECOMMENDATION**

Staff believes that the proposals outlined in this letter for revising the permit framework and modernizing use charts will provide a more clear and appropriate permit framework for applicants and property owners throughout the unincorporated area, while continuing to protect the environment and neighborhood quality.

It is recommended that staff prepare draft County Code amendments as generally outlined in this report, and meet later this summer with focus groups that include local architects and designers, business and real estate interests, and neighborhood and environmental groups. Staff will incorporate community input, carry out CEQA review, and then schedule public hearings before the Planning Commission and your Board later this year.

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

1. Provide comments to staff regarding the proposal and provide the public the opportunity to comment; and
2. Direct staff to draft ordinance amendments required to implement the proposed revisions, incorporating direction from your Board, meet with focus groups, carry out CEQA review of the proposed amendments, and bring the amendments to public hearings of the Planning Commission and Board of Supervisors for consideration.

Sincerely,

RECOMMENDED:

Kathleen Molloy Previsich  
Planning Director

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SUSAN A. MAURIELLO  
County Administrative Officer

Attachments:

1. Proposed Framework for Discretionary Permits
2. Proposed Framework for Ministerial Permits
3. Draft Proposed Residential Use Chart
4. Existing County Code Residential Use Chart

# DRAFT PROPOSED DISCRETIONARY PERMIT FRAMEWORK

## Attachment 1

NEW PERMIT (Current permit equivalent)	PERMIT DESCRIPTION	PUBLIC NOTICE	APPROVING BODY	APPEALS
<b>Minor Site Development Permit (MSP)</b> (Level 3 development approvals)	Administrative non-noticed discretionary permit for the physical development of a site at or below established threshold for minor permit. Applies to new buildings, additions and exterior remodels; and physical site development such new parking lots, site access and circulation. Criteria provided in zone district regs.	No public notice Approval posted on site	PD/ Designee	Applicant, to ZA
<b>Administrative Site Development Permit (ASP)</b> (Level 4 development approvals)	Administrative discretionary permit with public notice for the physical development of a site as noted for minor SDP, where site development exceeds the criteria for a minor SP.	Administrative (Level 4-type notice)	PD/ Designee	Anyone, to ZA
<b>Conditional Site Development Permit (CSP)</b> (Levels 5, 6, 7 Development Approvals)	Public hearing discretionary permit for the physical development of a site as noted for minor SDP, where site development exceeds threshold for ASP.	Public Hearing	ZA default-- PC if noted	Anyone, to PC/ BOS
<b>Minor Use Permit (MUP)</b> (Level 3 development approvals)	Administrative non-noticed permit for a new discretionary use, or for the intensification of an existing legal use lacking a valid use permit.	No public notice- Approval posted on site	PD/ Designee	Applicant, to ZA
<b>Administrative Use Permit (AUP)</b> (Level 4 Development Approvals)	Administrative Permit with public notice for a new discretionary use exceeding threshold for minor permit, or for the intensification of an existing legal use lacking a valid use permit. (For intensification of a legal use with a valid use permit, see permit amendments.)	Administrative	PD/ Designee	Anyone, to ZA
<b>Conditional Use Permit (CUP)</b> (Levels 5, 6)	Public hearing permits for a new discretionary use, exceeding administrative threshold.	Public Hearing	ZA default- PC if noted	Anyone, to PC/ BOS
<b>Temporary Permit (TP)</b> (Temporary uses, Level 3)	Discretionary non-noticed Admin. Permit for temporary uses and associated temporary site modification such as parking, site access and temporary structures. Example: Christmas tree lots	No public notice- Approval posted on site	PD/ Designee	Applicant only, to ZA
<b>Coastal Development Permit (CDP)</b> <b>CDP-- Minor Development</b> (Levels 4, 5 Coastal Development Permits)	Discretionary approval for Development in the Coastal Zone per Chapter 13.20. CDP's will include projects that involve a new use, site development, or both. Revised 13.20 will include Admin CDP (with notice) for "Minor Development."	Public Hearing/ Administrative	Regular: ZA default Minor: PD/ Designee	Anyone, to next highest hearing body/ CCC appeals per 13.20

# DRAFT PROPOSED DISCRETIONARY PERMIT FRAMEWORK

## Attachment 1

NEW PERMIT (Current permit equivalent)	PERMIT DESCRIPTION	PUBLIC NOTICE	APPROVING BODY	APPEALS
<b>Lot Line Adjustments, Cert. of compliance, Land Divisions</b> (Levels 3, 4, 5, 6, 7)	Discretionary approvals for subdivisions, lot line adjustments, certificates of compliance in accordance with Chapter 14.10. Existing permit/ approval names to be retained.	Varies, Per 14.01, 18.10	Per 14.01, 18.10	Per 14.01, 18.10
<b>Title 16 Permits, including Riparian Exceptions, Biotic Permits, Mining permits</b> (Existing Title 16 permits and approvals)	Administrative or public hearing discretionary approval of development as required per Title 16. Requirements for noticing and approving body per Title 16. Required for stand-alone Title 16 approvals, or where project as submitted does not comply with Title 16 and cannot be processed as an environmental clearance. Subject to CEQA.	Varies, per Title 16	Admin: PD/ Designee PH: Approving body specified in Title 16	Admin: Applicant only to ZA PH: anyone to next highest hearing body
<b>Grading Permit (Discretionary)</b> (Grading >8,000 cu yd; some level 3's)	Discretionary Administrative and Public Hearing Grading Permits for stand-alone grading projects, grading greater than 1,000 cubic yards, or grading on sensitive sites.	Admin – NA PC – level 6	As noted in 16.20 (Admin or PC)	Admin: Anyone to ZA PC: Anyone to BOS
<b>Minor Exception</b> (no changes proposed)	Discretionary authorization for minor exceptions to site standards.	Admin	PD/ Designee	Anyone, to ZA
<b>Variance</b> (no changes proposed)	Discretionary authorization for exceptions to site standards (no changes proposed)	Public hearing	ZA	Anyone, to PC
<b>Minor Amendment</b> (Minor variation/ Level 3)	For minor changes to use permits and site development permits, and other discretionary permits. To apply more broadly than current minor variation.	No public notice	PD/ Designee	Applicant only, to ZA
<b>Major Amendment</b>	For permit amendments exceeding threshold for minor amendments.	Varies	Original hearing body	To next hearing body
<b>Permit Extension</b>	For extensions of permits – no changes proposed.			Anyone, to next highest hearing body

# PROPOSED FRAMEWORK FOR MINISTERIAL PERMITS AND REVIEWS **DRAFT**

Review against adopted standards; plan check comments and modification of plans as needed to demonstrate compliance with applicable codes.

Permit or Review (Current Equivalent)	Purpose of Permit or Review	Reviewing Agencies; Approval Process	Approving Entity	Notice	Approval Criteria	Appeals
<b>Building Permit</b> (Building Permit)	To ensure compliance with adopted standards that apply to proposed construction activities	Planning Dept. routes to agencies with review jurisdiction; consolidates plan check comments; re-routes re-submittal; issues permit once project plans determined to meet applicable standards	Staff: PD/CBO (or Designee)	None	Determined to be compliant with Chapter 12.10 (Building Code) and other applicable County Code standards e.g. drainage, septic, fire, environmental health, DPW encroachment/traffic. Also any applicable standards of other agencies, e.g. Monterey Bay Air Pollution Control Dist.	Anyone, to BAF CAB, per 12.12
<b>Grading Permit</b> (under 1,000 cubic yards) (Subset of Level 3 Grading Permits)	To ensure compliance with adopted applicable County, Regional and State requirements	Plan check comments on grading plan applied to building permit approval requirements	Staff: PD/CBO (or Designee)	None	Review grading plan and any required technical reports for compliance with Chapters 12.10, 16.20 and other standards. Ensure grading plan contains notes as required for compliance with erosion control, SWPPP, etc.	Anyone, to BAF CAB, Per 12.12
<b>Zoning Clearance Review</b> (Level 1 Change of Use)	To check for compliance with zoning ordinance and any existing permits that apply to the site. May be associated with previous use approval, Master Occupancy Permit, and with a new building permit application.	Check to ascertain that proposed use is allowed by the zoning district; whether previous discretionary permit conditions of approval remain applicable	Staff: PD/CBO (or Designee)	None	Plan check comments as needed to ensure compliance with zoning regulations or previously approved discretionary permit conditions that remain applicable to project or site.	Applicant only, to PD
<b>Environmental Clearance Review</b> (Biotic Report Approvals; other technical report "approvals" / "acceptance")	To review proposed applications for ministerial grading and building permits to ensure compliance with applicable Title 16 Environmental Standards. Ministerial projects are not subject to CEQA, but must comply with Title 16.	Plan check comments to require modification of plans for consistency with Title 16. May involve review of technical reports, acceptance of report recommendations to be incorporated.	PD/ designee	None	Review and acceptance of tech reports. Ensure report recommendations incorporated into project plans; ensure compliance with Title 16, SCCC. If plans do NOT comply with Title 16, or if project requires monitoring, then a Discretionary Permit is required and project subject to CEQA.	Applicant only, to PD

# DRAFT

## PROPOSED RESIDENTIAL USES CHART

Symbol	Permit Requirement	Code Section
P	Principal Permitted Use	13.10.xxx
A	Administrative Use, -Admin Use Permit Required	13.10.xxx
C	Conditional Use – Conditional Use Permit Required	13.10.xxx
T	Temporary Use – Temporary Use Permit Required	13.10.xxx
-	Use Not Allowed in the Zone District	13.10.xxx

### Allowed Uses and Permit Requirements for Residential Zone District

LAND USE	PERMIT REQUIRED BY ZONE					KEY CODE REFERENCES AND USE LIMITATIONS
	RA/SU	RR	R-1	RB	RM	
RESIDENTIAL USES						
Accessory Structure: habitable	P	P	P	P	P	13.10.611(c)(2)
Accessory Structure: non-habitable	P	P	P	P	P	13.10.611(c)(2)
Dwelling unit, Manufactured	P	P	P	C	P	13.10.682
Dwelling unit, Multi-Family	-	-	-	-	P/C	
Dwelling Unit, single-family, 1 unit, detached	P	P	P	P	P	
Dwelling unit, single-family (2 or more units)	C	C	C	C	C/P	
Home Occupations	P/C	P/C	P/C	P/C	P/C	13.10.613
Child Care	P	P	P	P	P	13.10700-C
Foster Home	P	P	P	P	P	13.10.700-F
Foster Home: 8 or more children	C	C	C	C	C	13.10.700-F
Mobile Home Park	-	-	-	-	C	13.10.684
Residential Care Home (7 or fewer)	P	P	P	P	P	13.10.700-R
Residential Care Homes (8 or more)	C	C	C	C	C	13.10.700-R
Second Unit (Accessory Dwelling Unit)	P	P	P	P	P	13.10.681

# DRAFT

<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES, SUCH AS:</b>						
Clubs, Lodges, Private Meeting Halls, including Country Clubs, Golf Courses, Tennis Club	C	C	C	-	C	
Community Centers	C	C	C	-	C	
Facilities, Public Structures	C	C	C	C	C	
Parks: local, public and associated facilities	C	C	C	C	C	
Religious Facilities	C	C	C	-	C	
Schools: Public and private, not including business, professional or trade schools	C	C	C	-	C	
Tents	T	T	T	T	T	
<b>COMMERCIAL USES</b>						
Nursing homes, convalescent care hospitals	C	C	C	-	C	13.10.700-N
Temporary uses (e.g. seasonal sales, street fairs, special events, etc.)	T	T	T	T	T	
<b>VISITOR ACCOMMODATIONS</b>						
Bed and Breakfast Inns	A	A	A	-	A	13.10.691
Lodging: Boarding Houses						
Vacation Rentals	A	A	A	A	A	13.10.694
Visitor Accommodations, small scale, coastal special community	-	-	C	-	C	13.20, 13.10.300 et seq.
Visitor Accommodations, small scale, Coastal, conversion of existing structure	C	C	-	-	-	13.20, 13.10.300 et seq.
<b>AGRICULTURE, SUCH AS:</b>						
Agriculture, Small scale commercial, such as raising of specialty crops	P	-	-	-	-	
Agriculture, with on-site retail (e.g. Christmas Tree farm)	C	-	-	-	-	
Animal Keeping	P	-	-	-	-	13.10.643
Animal Raising: Family	P	P	P	-	-	13.10.644
Bee Keeping, commercial	C	-	-	-	-	13.10.700-B
Fish Hatcheries	C	C	C	-	-	

Gardening, Family	P	P	P	P	P	
Greenhouse, private: 500 sq ft or less	P	P	P	P	P	
Kennels (5 or more dogs or cats over 4 months old)	C	-	-	-	-	13.10.642
Nurseries, commercial	C	-	-	-	-	
Stables, Paddocks, private (see accessory structures)	P	C	C/P	-	-	13.10.641
Wineries (<1,000 gallons annual production: home occupation)	P	P	P	P	P	13.10.613
Wineries (<1,000 gallons annual production, exceeding home occupation)	A	A	-	-	-	13.10.637
Wineries (> 1,000 gallons)	C	C	-	-	-	13.10.637
<b>TRANSPORTATION, COMMUNICATION &amp; UTILITY USES</b>						
Wireless Facilities	C	C	C	C	C	13.10.660 – 13.10.668
Energy Systems, community	C	C	C	C	C	13.10.661/13.10 .700-E
<b>TEMPORARY USES, SUCH AS:</b>						
Farmers Markets, Christmas Tree Sales, Special Events	T	T	T	T	T	



**13.10.322 Residential uses.****(B) Allowed Uses.**

(1) The uses allowed in the residential districts shall be as provided in the following residential uses chart. A discretionary approval for an allowed use is known as a "use approval" and is given as part of a "development permit" for a particular use. The type of permit processing review, or "approval level," required for each use in each of the residential zone districts is indicated in the chart. The processing procedures for development permits and for the various approval levels are detailed in Chapter 18.10 SCCC, Permit and Approval Procedures. The approval levels given in this chart for structures incorporate the approval levels necessary for processing a building permit for the structure. Higher approval levels than those listed in this chart for a particular use may be required if a project requires other concurrent approvals, according to SCCC 18.10.123.

(2) Timber harvesting and associated operations, requiring approval of a timber harvesting plan by the California Department of Forestry, are not allowed uses in the residential zone districts.

**RESIDENTIAL USES CHART****KEY:**

- A = Use must be ancillary and incidental to a principal permitted use on the site
- P = Principal permitted use (see subsection (A) of this section); no use approval necessary if P appears alone
- 1 = Approval Level I (administrative, no plans required)
- 2 = Approval Level II (administrative, plans required)
- 3 = Approval Level III (administrative, field visit required)
- 4 = Approval Level IV (administrative, public notice required)
- 5 = Approval Level V (public hearing by Zoning Administrator required)
- 6 = Approval Level VI (public hearing by Planning Commission required)
- 7 = Approval Level VII (public hearing by Planning Commission and Board of Supervisors required)
- = Use not allowed in this zone district
- \* = Level IV for projects of less than 2,000 square feet  
Level V for projects of 2,000 to 20,000 square feet

## RESIDENTIAL USES CHART

## KEY:

Level VI for projects of 20,000 square feet and larger

BP = Building Permit Only

BP1 = Approval Level I (administrative, no plans required)

BP2 = Approval Level II (administrative, plans required)

BP3 = Approval Level III (administrative, field visit required)

USE	RA	RR	R-1	RB	RM
<b>Accessory structures and uses, including:</b>					
One accessory structure, habitable (subject to SCCC <u>13.10.323</u> and <u>13.10.611</u> )	BP/4/5	BP/4/5	BP/4/5	BP/4/5	BP/4/5
Accessory structures, nonhabitable, subject to SCCC <u>13.10.323</u> and <u>13.10.611</u> , comprised of:					
Animal enclosures: barns, stables, paddocks, hutches and coops (subject to the provisions of SCCC <u>13.10.641</u> , stables and paddocks; <u>13.10.643</u> , animal keeping in the RA Zone; <u>13.10.644</u> , family animal raising; <u>13.10.645</u> , bird and small animal raising; <u>13.10.646</u> , turkey raising; these provisions require Level V in some cases. Also subject to SCCC <u>13.10.611</u> (C)(3)).	BP/4/5	BP/4/5	BP/4/5	—	—
Carports, detached; garages, detached; garden structures; storage sheds (subject to SCCC <u>13.10.323</u> and <u>13.10.611</u> )	BP/4/5	BP/4/5	BP/4/5	BP/4/5	BP/4/5
Air strips (see SCCC <u>13.10.700</u> -A definition)	7	7	—	—	—
Parking, including:					
Parking, on-site, for principal permitted uses (subject to SCCC <u>13.10.550</u> et seq.)	BP2	BP2	BP2	BP2	BP2
Parking, on-site, for nonprincipal permitted uses (subject to SCCC <u>13.10.550</u> et seq.)	4	4	4	4	4

# Existing Residential Uses Chart

Attachment 4

USE	RA	RR	R-1	RB	RM
Recycling collection facilities in association with a permitted community or public facility, subject to SCCC <u>13.10.658</u> , including:					
<b>Reverse vending machines</b>	BP1	BP1	BP1	BP1	BP1
<b>Small collection facilities</b>	3	3	3	3	3
Signs, including:					
<b>Signs for nonprincipal permitted uses (subject to SCCC <u>13.10.580</u>, et seq.)</b>	4	4	4	4	4
<b>Signs for principal permitted uses (subject to SCCC <u>13.10.580</u>, et seq.)</b>	P	P	P	P	P
Storage tanks, water or gas, for use of persons residing on-site					
<b>Less than 5,000 gallons</b>	BP2	BP2	BP2	—	—
<b>More than 5,000 gallons</b>	BP3	BP3	BP3	—	—
Swimming pools, private and accessory equipment	BP3	BP3	BP3	—	—
<b>Agricultural uses, including:</b>					
Agriculture, small-scale commercial, such as the raising of specialty crops (see also animal keeping)	P	—	—	—	—
Agriculture, with on-site retail sales, such as Christmas tree farms	5	—	—	—	—
Beekeeping, commercial (see SCCC <u>13.10.700-B</u> definition)	5	—	—	—	—
Gardening, family (see SCCC <u>13.10.700-G</u> definition)	P	P	P	P	P
Greenhouse, one private of 500 square feet or smaller	BP2	BP2	BP2	BP2	BP2
Greenhouses, private, larger than 500 square feet	5	5	5	—	—
Greenhouse replacement, reconstruction, or structural alteration (see SCCC <u>13.10.636(B)</u> and (C))	BP2	BP2	BP2	—	—
Nurseries, commercial	5	—	—	—	—

# Existing Residential Uses Chart

Attachment 4

USE	RA	RR	R-1	RB	RM
<b>Animal-related uses, including:</b>					
Animal keeping (subject to SCCC <u>13.10.643</u> ) (see also “animal enclosures” above)	P	—	—	—	—
Animal-raising, family (subject to SCCC <u>13.10.644</u> ) (see also “animal enclosures” above) (Minimum parcel size: 6,000 square feet gross)	P	P	P	—	—
Cats and dogs	P: 4 cats or dogs or combo	P: 4 cats or dogs or combo	P: 2 cats and 2 dogs per unit	P: 2 cats and 1 dog per unit	P: 2 cats and 1 dog per unit
Kennels for five or more dogs or cats over the age of four months (subject to SCCC <u>13.10.642</u> )	5	—	—	—	—
Stables, private, and paddocks (subject to SCCC <u>13.10.641</u> ) (see also “animal enclosures” above)	P	5	P: ABOVE R-1-32 5: up to R-1- 32	—	—
<b>Commercial uses, including:</b>					
Nursing homes; convalescent care hospitals (see SCCC <u>13.10.700-N</u> definition)	5	5	5	—	5
Radio and TV transmission tower (subject to SCCC <u>13.10.655</u> )	5	5	5	5	5
Tract offices	5	5	5	5	5
<b>Community facilities, including</b>					
Churches and other religious centers	5	5	5	—	5
Community centers	5	5	5	—	5
Day-care centers (see SCCC <u>13.10.700-D</u> definition)	5	5	5	—	5
Schools: preschools and K-12 including church schools, and incidental art, craft, music or dancing schools but not including business, professional or trade schools or	5	5	5	—	5

# Existing Residential Uses Chart

Attachment 4

USE	RA	RR	R-1	RB	RM
colleges					
Energy systems, community (see SCCC <u>13.10.700-E</u> definition and subject to SCCC <u>13.10.661</u> )	5	5	5	5	5
Facilities, public structures and facilities	5	5	5	5	5
<b>Open space and recreation uses, including:</b>					
Clubs, private, such as garden clubs, fraternal lodges, community service organizations	5	5	5	—	5
Conference centers (subject to the provisions of the PR District, SCCC <u>13.10.351</u> et seq.)	5	5	5	—	5
Country clubs, private, associated with residential development; including such facilities as club houses, golf courses, tennis courts, swimming pools	5	5	5	—	5
Fish hatcheries	5	5	5	—	—
Organized camps (subject to the provisions of the PR District, SCCC <u>13.10.351</u> et seq.)	5	5	5	—	5
Open space uses, private, noncommercial, not involving structures, such as:	P	P	P	P	P
<b>Beach uses</b>					
<b>Ecological preserves; wildlife and biotic habitat reserves</b>					
<b>Hiking and horseback riding trails</b>					
<b>Open space</b>					
<b>Picnicking facilities</b>					
<b>Playgrounds, nonpaved</b>					
<b>Sports fields, nonpaved</b>					
<b>Watershed management</b>					
Parks, local, public, and associated facilities	5	5	5	5	5
Stables, boarding and public riding (subject to SCCC <u>13.10.641</u> )	5	—	—	—	—

# Existing Residential Uses Chart

Attachment 4

USE	RA	RR	R-1	RB	RM
<b>Residential uses:</b>					
Child care homes, large family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.700-C</a> definition)	P	P	P	P	P
Child care homes, small family (must be in conjunction with residential use) (see SCCC <a href="#">13.10.700-C</a> definition)	P	P	P	P	P
Congregate senior housing					
<b>2—19 units</b>	—	—	—	—	6
<b>20+ units</b>	—	—	—	—	7
Day-care homes, family (see SCCC <a href="#">13.10.700-D</a> definition)	P	P	P	P	P
Dwelling unit, one detached single-family per parcel, 7,000 square feet or larger, exclusive of accessory structures, but specifically excluding barns or similar accessory structures subject to the provisions of SCCC <a href="#">13.10.325</a>	5	5	5	5	—
Dwelling unit, one detached single-family per parcel	BP3	BP3	BP3	BP3	BP3
Dwelling unit, one semi-detached (in RB and RM in groups of 6 units or less; in R-1 only in R-1-4 or R-1-3.5 with maximum of 2 units per group)					
<b>2—4 units</b>	—	—	5	5P	5P
<b>5—19 units</b>	—	—	6	6P	6P
<b>20+ units</b>	—	—	7	7P	7P
Dwelling units, dwelling groups (subject to rural residential density determinations, Chapter <a href="#">13.14</a> SCCC; in R-1: detached units only)					
<b>2—4 units</b>	5	5	5	—	5P
<b>5—19 units</b>	6	6	6	—	6P
<b>20+ units</b>	7	7	7	—	7P
Dwelling units, multifamily					
<b>2—4 units</b>	—	—	—	—	5P

# Existing Residential Uses Chart

Attachment 4

USE	RA	RR	R-1	RB	RM
<b>5—19 units</b>	—	—	—	—	6P
<b>20+ units</b>	—	—	—	—	7P
Foster homes for 7 or fewer children, not including those of the proprietary family (see SCCC <a href="#">13.10.700-F</a> definition)	P	P	P	P	P
Foster homes for 8 or more children, not including those of the proprietary family (see SCCC <a href="#">13.10.700-F</a> definition)	5	5	5	5	5
Home occupations (subject to SCCC <a href="#">13.10.613</a> : Level V approval required in certain cases)	P	P	P	P	P
Lodging houses; boarding houses (see SCCC <a href="#">13.10.700-L</a> definition)	—	—	—	—	5
Manufactured home as a single-family dwelling on the property (subject to SCCC <a href="#">13.10.682</a> )	BP3	BP3	BP3	5	BP3
Mobile home parks (subject to SCCC <a href="#">13.10.684</a> )					
<b>2—4 units</b>	—	—	—	—	5
<b>5—19 units</b>	—	—	—	—	6
<b>20+ units</b>	—	—	—	—	7
Residential care homes for 7 or fewer persons (see SCCC <a href="#">13.10.700-R</a> definition)	P	P	P	P	P
Residential care homes for 8 or more persons (see SCCC <a href="#">13.10.700-R</a> definition)	5	5	5	5	5
Second unit, subject to SCCC <a href="#">13.10.681</a>	BP3	BP3	BP3	BP3	BP3
<b>Visitor accommodations, such as</b>					
Bed and breakfast inns (subject to SCCC <a href="#">13.10.691</a> )	4	4	4	—	4
Vacation rentals (subject to SCCC <a href="#">13.10.694</a> )	2P	2P	2P	2P	2P
Visitor accommodations, small-scale, in special communities in the Coastal Zone (subject to Chapter <a href="#">13.20</a> SCCC and VA District regulations, SCCC <a href="#">13.10.331</a> , et seq.)	—	—	5	—	5

## Existing Residential Uses Chart

Attachment 4

USE	RA	RR	R-1	RB	RM
Visitor accommodations, small scale, in the Coastal Zone, upon conversion of existing structure (subject to Chapter <u>13.20</u> SCCC and VA District regulations, SCCC <u>13.10.331</u> , et seq.)	5	5	—	—	—
Wineries, under 1,000 gallons annual production as a home occupation, subject to the provisions of SCCC <u>13.10.613</u>	P	P	P	P	P
Wineries, subject to the provisions of SCCC <u>13.10.637</u> :					
Under 1,000 gallons and not a home occupation	3	3	—	—	—
Over 1,000 gallons and under 20,000 gallons annual production:					
On parcels under 2.5 acres in size	5	5	—	—	—
On parcels 2.5 acres or larger	3	5	—	—	—
Over 20,000 gallons and under 50,000 gallons annual production on any size parcel	5	5	—	—	—
Over 50,000 gallons annual production on any size parcel	6	6	—	—	—
Wireless communication facilities, subject to SCCC <u>13.10.660</u> through <u>13.10.668</u> , inclusive	5	5	5	5	5