



COUNTY OF SANTA CRUZ

0461

PLANNING DEPARTMENT

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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

September 17, 2015

AGENDA DATE: September 29, 2015

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

CONTINUED REVIEW OF PROPOSED DRAFT AMENDMENTS TO CHAPTER 13.10 OF THE COUNTY CODE PERTAINING TO LIMITATIONS ON COMMERCIAL WEDDINGS IN RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS, COMMUNITY EVENTS AND FUNDRAISERS IN RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS, RESIDENTIAL ACCESSORY STRUCTURES, TEMPORARY USES AND STRUCTURES, AND HOME OCCUPATIONS. THE DRAFT AMENDMENTS ARE PART OF THE CODE MODERNIZATION PROJECT

Members of the Board:

On June 9, 2015, your Board received public comment on this item, continued it to this date, and directed staff to work with your Board to hold community meetings to receive additional feedback for your Board to consider.

RESULTS OF THE PUBLIC MEETINGS

Five community meetings were held in the evening in five different locations in order to collect comments. Meetings were held in Bonny Doon, Zayante, Aptos, Live Oak and the Summit areas. Meetings were well attended, attracting between approximately 35 to 85 people each night. Staff presented information, including a PowerPoint and "Quick Facts" sheets summarizing the proposal in more detail, and then received input on the Code Modernization package as a whole, with emphasis on the proposed regulations addressing commercial weddings and similar celebrations in residential areas, large fundraising events on private property in residential areas, and temporary structures.

The meetings were lively and staff received much comment. The public expressed concerns ranging from noise, potential for unchecked commercialization in residential areas, the need for robust enforcement of regulations, and population growth increasing traffic and water use. Needs to consider economic sustainability, differences between urban and rural areas, and remaining inefficiencies and expense in the land use permit application process were also expressed. There were also comments praising the direction and content of the proposal.

REVISIONS TO THE CODE MODERNIZATION PROPOSAL

Comments were recorded and revisions were made to the proposal as a result of Board and public feedback received at the Board of Supervisors meeting on June 9th, and at the Community Meetings in September. Attachment 1 provides current proposed code language for Commercial Weddings, Community Events and Fundraisers, residential accessory structures, and temporary uses and structures. Attachment 3, Quick Fact Sheets, has been updated in response to public feedback and

summarizes the current proposals. The proposal for limiting commercial weddings in residential areas, for example, is completely revised and more restrictive than what was proposed on June 9th. Specifically in response to feedback from meetings, wedding regulations were further revised to require property owners to provide contact information to neighbors, similar to what is required in the vacation rental ordinance, and to require owners or representatives to be present on site during commercial weddings and similar celebrations. Other examples of revisions to the proposal include allowing more than one shipping container to meet storage needs on rural parcels, reducing the time for which a temporary use permit may authorize a temporary tent structure, and strengthening language to specifically recognize that minimum buffers may be required between the location of a commercial wedding celebration and adjacent property lines.

Staff received comments supporting the proposed standards for community fundraisers and events at farms, wineries and breweries. Comments received included that the size of allowed fundraisers should be reduced and that the size and number of marketing events at farms, wineries and breweries should be reduced. Because these types of limits can be reduced from whatever limits are analyzed for environmental impact in the EIR, but are unlikely to be increased beyond what is analyzed, staff believes it is prudent to evaluate the environmental impacts of the events as currently proposed. The number and size of events can be evaluated and adjusted during or after the EIR process based on the findings of the analysis and the future public hearings.

NEXT STEPS

Over the course of several previous Board meetings staff has received substantial direction from your Board on the main elements of the Code Modernization: the proposed new permit framework, proposed revisions of agricultural regulations and regulation for wineries and breweries, site standards revisions in the multi-family residential zone district and now regulations that address commercial weddings, fundraisers and temporary uses and structures. The bulk of the remaining work involves applying the new framework to existing use charts for zone districts other than agriculture. Remaining work on the other zoning districts is much less substantive. Staff is prepared to complete the remaining tasks to shift those districts to the new permit framework, and to initiate preparation of the Environmental Impact Report.

It is important that CEQA analysis be started at the earliest time after the scope and most details of the project are well understood. For that reason, and also because the pre-environmental review consultation with your Board on this project has created the impression for some members of the public that those consultations were actually decision making hearings that occurred before full public notice and before completion of CEQA environmental analysis, staff recommends that CEQA review be initiated at this time.

As stated in the Sustainable Santa Cruz County Plan (SSCC Plan) item also on this Board agenda, it is recommended that the initial phase of SSCC Plan implementation join the Code Modernization proposed regulations in being analyzed by the Environmental Impact Report. This approach would mean that the General Plan and Zoning Ordinance would be more fully modernized, with not only the existing zoning districts being updated, but also certain new zoning districts and sustainability policies resulting from the SSCC Plan.

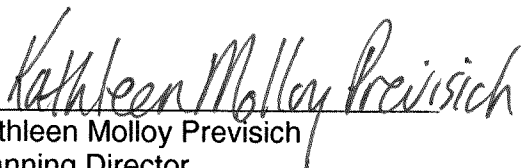
CONCLUSION AND RECOMMENDATION

Staff **RECOMMENDS** that your Board take the following actions:

1. Receive additional public comment;
2. Provide additional comments to staff and direct staff to finalize draft ordinance and policy amendments that incorporate your Board's comments; and

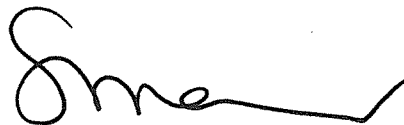
3. Direct staff to prepare an Environmental Impact Report (EIR) on the proposed code modernization amendments, and bring the amendments to public hearings before the Planning Commission and Board of Supervisors for consideration upon completion of the EIR.

Sincerely,



Kathleen Molloy Previsich
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO
County Administrative Officer

Attachments:

1. Proposed draft ordinance, strikeout/underline format
2. PowerPoint presentation from Community Meetings
3. Updated Handouts from Community Meetings
4. Summary of wedding regulations in other communities
5. Correspondence submitted to the Planning Department

DRAFT CODE AMENDMENTS LANGUAGE TO CHAPTER 13.10 FOR LIMITATIONS ON COMMERCIAL WEDDINGS IN RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS, COMMUNITY EVENTS AND FUNDRAISERS IN RESIDENTIAL AND AGRICULTURAL ZONE DISTRICTS, RESIDENTIAL ACCESSORY STRUCTURES, TEMPORARY USES AND STRUCTURES, AND HOME OCCUPATIONS

ADDITIONS AND AMENDMENTS TO SECTION 13.10.700 "DEFINITIONS" AS FOLLOWS:

13.10.700-C

"Community Event or Fundraiser" means a not-for-profit event with 100 or more guests of a civic, political, public, or educational nature such as a community dinner, festival or other public gathering, on private residential or agricultural property. Such events may include the collection of fees, donations, or the sale of food or other goods, where the proceeds from the event are provided to a school or nonprofit organization.

13.10.700-T

"Temporary Use or Structure" means an intermittent (not more than 4 times per year) commercial activity use or structure that is allowed to occur on a site for a limited time, subject to applicable regulations for temporary uses and structures, required permits, and site-specific permit conditions, the period of operation of which does not exceed 45 days at any one time.

ARTICLE I OF PART VI OF THE INDEX OF SCCC 13.10, THE ZONING ORDINANCE, SHALL BE REVISED AS FOLLOWS:

Part V. RESERVED

Part VI. REGULATIONS FOR SPECIAL USES

Article I. Accessory, Temporary and Secondary Structures and Uses

(Note: In Coastal Zone, Coastal Permit may be required per SCCC 13.20.

For regulations governing Accessory Dwelling Units, see 13.10.681.)

13.10.611 Accessory Structures for Residential Uses

13.10.612 Cargo and Shipping Containers Used as Accessory Structures

13.10.613 Home Occupations Temporary Permits, Uses and Structures

13.10.614 Community Events and Fundraisers on Private Residential Property

13.10.615 Secondary Commercial Weddings in the RA, RR, Ca and A Zone Districts

13.10.616 Home Occupations as Secondary Uses

13.10.611 Accessory structures for residential uses

(A) Purpose. It is the purpose of this section to provide for the orderly regulation of residential accessory structures allowed as a use in any zone district, to ensure that accessory structures are subordinate and incidental to the main structure or main use of the land, and to provide notice to future and current property owners that illegal conversion of any accessory structure is subject to civil penalties.

(B) Application Requirements.

- (1) The proposed use of the structure shall be specified.
 - (2) Applications for habitable accessory structures and nonhabitable accessory structures shall be processed as specified in Tables 13.10.611-1 and 13.10.611-2.
 - (3) The regulations of this section are intended to complement and be implemented consistent with the regulations for residential accessory structures found in SCCC Section 13.10.323(E)(6).
- (C) Restriction on Accessory Structures.
- (1) Any accessory structure shall be clearly appurtenant, subordinate and incidental to the main structure or main use of the land as specified in the purposes of the appropriate zone district.
 - (2) Regulations on amenities for accessory structures on parcels with a main residence are as indicated in Table 13.10.611-1:

Table 13.10.611-1

AMENITIES REGULATIONS FOR RESIDENTIAL ACCESSORY STRUCTURES

Note: For accessory dwelling unit regulations, see SCCC §13.10.681.

For structures in the Coastal Zone – see also SCCC Chapter 13.20 for possible Coastal Permit Requirements.

Amenity	Nonhabitable	Habitable
Utility Sink; outdoor non-enclosed shower	Allowed	Allowed
Toilet; Lavatory Sink	Pool cabanas: Allowed All other uses: Not allowed unless a Level IV use approval is obtained (see subsection (C)(6) of this section) Allowed	Not allowed unless a Level IV use approval is obtained (see subsection (C)(6) of this section) Allowed
Shower and/or bathtub	Pool cabanas: Shower Allowed All other uses: Not allowed	Not Allowed
Washer/dryer and water heater	Allowed	Allowed
Insulation/sheet rock or other finished wall covering	Both allowed	Both required
Built-in heating/cooling	Not allowed	Heating: Required Cooling: Allowed
Kitchen facilities, excluding sink, as defined in SCCC 13.10.700-K	Not allowed	Not allowed
Electrical service maximum	100A/220V/single phase maximum unless an Level IV use approval Administrative Site Development Permit is obtained	100A/220V/single phase maximum unless an Level IV use approval Administrative Site Development Permit is obtained,
Separate electric meter	Not allowed unless an Administrative Site Development Permit Level IV use approval is obtained	Not allowed unless an Administrative Site Development Permit Level IV use approval is obtained
Use for sleeping purposes	Not allowed	Allowed

Amenity	Nonhabitable	Habitable
Rent, let or lease as an independent <u>Accessory Dwelling Unit (ADU/ Second Unit)</u>	Not allowed	Not allowed. See <u>Accessory Dwelling Unit/ Second Unit Regulations in 13.10.681.</u>

(3) Regulations for level of review, size, number of stories and locational restrictions for accessory structures are as indicated in Table 13.10.611-2:

Table 13.10.611-2

LEVEL OF REVIEW PERMIT REQUIREMENTS, SIZE, HEIGHT, NUMBER OF STORIES AND LOCATIONAL REGULATIONS

Note: For structures in the Coastal Zone – see also SCCC Chapter 13.20 for possible Coastal Permit Requirements.

	Nonhabitable	Habitable
Size, story and height restrictions and permit required	<p>Within the urban <u>and rural services lines (USL/RSL): building permit only for up to 640-square-foot size, two-story and 28-foot height in compliance with zoning district site development standards.</u></p> <p>Outside the USL/RSL: building permit only for up to 1,000 square-foot size, three-story and 28-foot height <u>in compliance with zoning district site development standards.</u></p>	<p><u>Within the urban and rural services lines (USL/RSL): Building permit only for up to 640-square-foot size, one-story and 17-foot height in compliance with zoning district site development standards.</u></p> <p><u>Outside the USL/RSL: building permit only for up to 1,000 square-foot size, in compliance with zoning district site development standards.</u></p>
Permit required if exceeds size restrictions	<p>Outside the urban <u>or rural services line (USL/RSL): Level IV use approval <u>Administrative Site Development Permit</u></u></p> <p>Inside the USL/RSL: Level V use approval <u>Conditional Site Development Permit</u></p>	<u>Level V use approval Conditional Site Development Permit</u>
Permit required if exceeds <u>maximum height restrictions or story limits of the zone district (See SCCC 13.10.323(E)(5) for exceptions)</u>	Variance	<u>Level V use approval for structures exceeding 17 feet, up to 28 feet Variance to exceed 28 feet</u>
Permit required if exceeds story restrictions	Variance	<p>Inside the USL: <u>Level V use approval for two stories</u></p> <p>Outside the USL: <u>Level V use approval for two or three stories</u></p> <p><u>Variance for exceeding three stories</u></p>

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	Nonhabitable	Habitable
Number of accessory structures allowed	No limit, if in compliance with the site regulations of the zone district	One with building permit only; Maximum of two with Level V use approval <u>Administrative Site Development Permit; Conditional Site Development Permit for more than two</u>
<u>Locational restrictions related to the distance from the main residence, and access to accessory structures</u>	None, if in compliance with the site regulations of the zone district	In addition to the site regulations of the zone district, shall be no more than 100 feet from the main residence, shall not be accessed by a separate driveway or right-of-way, nor constructed on a slope greater than 30 percent, unless a <u>Minor Site Development Permit</u> Level IV use approval is obtained.

~~(4) No habitable accessory structure incidental to a residential use shall be located more than 100 feet from the main dwelling, or be accessed by a separate driveway or right of way, or be constructed on a slope greater than 30 percent, unless a Level V use approval is obtained. Accessory structures are prohibited on vacant residential properties, as zoned by the Zoning Map or as designated by the General Plan Land Use Map, in that a primary residential use is not established.~~

(5) No accessory structure shall be mechanically heated, cooled, humidified or dehumidified unless the structure or the conditioned portion thereof meets the energy conservation standards of the California Energy Code, Title 24, as adopted by Chapter 12.10 SCCC.

~~(6) No non-habitable accessory structure (other than a pool cabana) shall have a toilet shower or bathtub installed, and no pool cabana shall have a bathtub installed, but may install a shower. An The Planning Director may grant an exception may be granted to allow a bathtub in a pool cabana as a reasonable accommodation. toilet and appropriately sized drain lines, subject to a Level IV use approval, for structures smaller than those defined as habitable under the State Building Code (less than 70 square feet), or where required under the particular circumstance, for example, facilities required for employees.~~

~~(7) An accessory structure shall not have any waste line(s) installed which are larger than one and one half inches in size. An exception to allow two inch drain line(s) may be granted, subject to Level IV use approval, when more than one plumbing fixture is needed in the structure.~~

~~(8) Any building permit for the construction of, or conversion to, an independent dwelling unit shall require an allocation for one housing unit as provided in SCCC 12.02.030 and shall comply with the dwelling density allowed for the zone district in which the parcel is located, except as provided by SCCC 13.10.681 for accessory/second dwelling units.~~

(D) Required Conditions-Standards – Accessory Structures.

(1) Any building or development permit issued for the construction or renovation of a nonhabitable accessory structure shall include a restriction or condition requiring an agreement not to convert the structure into a dwelling unit or into any structure for human habitation in violation of this code. Any building or development permit issued for the construction, conversion to or renovation of a habitable accessory structure shall include a condition requiring an agreement not to convert the structure into a dwelling unit or into any other independent habitable structure in violation of this code. Each agreement required by this subsection shall provide the recovery by the

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County of reasonable attorney's fees and costs in bringing any legal action to enforce the agreement together with recovery of any rents collected for the illegal structure or, in the alternative, for the recovery of the reasonable rental value of the illegally converted structure or, in the alternative, for the recovery of the reasonable rental value of an illegally converted structure from the date of construction. The amount of any recovery of rents or of the reasonable rental value of an illegally converted structure shall be deposited into a fund designated by the Board of Supervisors. The agreement shall provide for periodic condition compliance inspections by Planning Department staff. Nothing in this section or the agreement shall be deemed to be a waiver of any property owner's rights to due process or to avoid unreasonable searches. The agreement shall be written so as to be binding on future owners of the property, include a reference to the deed under which the property was acquired by the present owner, and shall be filed with the County Recorder. Proof that the agreement has been recorded shall be furnished to the County prior to the granting of any building permit permitting construction on the property.

(2) The Planning Director may charge a fee, as stated in the uniform fee schedule, for the cost of periodic condition compliance inspections.

13.10.612 Cargo and Shipping Containers used as accessory structures

(A) This section governs installation of any intermodal, Sea Train or other commercial / shipping cargo container ("cargo container") or structure of analogous appearance and function, for use as habitable or non-habitable permanent accessory structures in any zoning district, or as commercial structures on commercial sites. Cargo containers integral to a lawful shipping or storage business are exempt from these provisions and are regulated by the site standards of the applicable zoning district.

(B) Cargo containers may be used as accessory structures outside of the urban and rural services lines in all zoning districts, subject to approval of a Minor Site Development Permit. Inside the urban and rural service lines, cargo containers may be allowed on commercial properties only.

(C) Standards

- (1) Cargo containers accessory to residential uses shall comply with SCCC 13.10.611.
- (2) More than one accessory cargo container structure may be approved per parcel, based on demonstrated need and compliance with other provisions of this section 13.10.612. Multiple cargo containers attached into one structure are considered to be one cargo container structure.
- (3) Cargo containers shall meet the following design standards:
 - (a) Painted and maintained a neutral color such as medium brown, gray brown, or medium green; or painted to complement existing buildings on the site; or painted in a manner that is considered aesthetically pleasing to persons of ordinary sensibilities.
 - (b) Located outside the boundaries of all mapped scenic resource areas and out of view or screened from view from any scenic roads.
 - (c) Screened from view, including from public views and views from adjacent properties, to the greatest extent possible, by any combination of topographic features, other buildings, landscaping, natural vegetation or other screening measures. Where visible from public view or adjacent properties, the container exterior shall be modified as appropriate to be compatible with the architectural style and materials of other structures on the site or in the vicinity, or otherwise treated per (a) above.
 - (d) Where used as a habitable accessory structure, the design, color and materials shall complement the existing structures on the parcel.

13.10.613 Home Occupations Temporary Permits, Uses and Structures

(A) Purpose. The purposes of this section are as follows:

- (1) To ensure that temporary uses and structures are developed in an orderly fashion consistent with the purpose of the applicable zoning district;
- (2) To ensure that temporary uses and structures remain secondary to primary uses that exist and are allowed on the site, and are compatible with neighboring land uses; and to limit temporary uses and structures on vacant properties;
- (3) To promote and protect the public health, safety, peace, convenience, and general welfare;
- (4) To protect the character, visual and environmental resources, and quality of residential, commercial, industrial, agricultural, recreational, and open space areas of the County;
- (5) To allow and establish regulations for temporary uses and structures that are not otherwise subject to regulations pertaining to permanent accessory or ancillary uses and structures, such as those governing home occupations, agritourism activities, commercial weddings or celebrations secondary to the primary use, and community events and fundraisers on private residential and agricultural properties; and/or
- (6) To accommodate temporary uses and activities that contribute to the quality of life, economic vitality or public interest of Santa Cruz County.

(B) Temporary Permits. A Temporary Permit may be required for any temporary use or structure, as provided by this Section 13.10.613.

- (1) Temporary Permits shall be processed in accordance with procedures in SCCC Chapter 18.10 for Minor Use Permits, except that temporary uses involving amplified music shall be processed in accordance with procedures in SCCC Chapter 18.10 for an Administrative Use Permit.
- (2) Temporary permits are subject to the following provisions:
 - (a) The term of the temporary permit shall be in accordance with the provisions SCCC sections 13.10.613(C) and 13.10.613(E), and shall not exceed three years.
 - (b) A temporary permit may be renewed for one additional term, as appropriate to site circumstances and as specified by the conditions of approval. A temporary permit may be renewed no more than once.
 - (c) The permitted temporary uses shall cease and associated temporary structures be removed from the parcel, no more than fifteen days following the date the temporary permit expires.
 - (d) Temporary uses and/ or structures may be approved subject to conditions to ensure public health and safety, but may be exempted from some or all permanent site improvements standards normally required for permanent uses and structures, such as site frontage improvements.

(C) Temporary Uses. Unless exempted by SCCC Section 13.10.613(D), temporary uses shall require a temporary permit and shall comply with the following standards:

- (1) A temporary use may be approved in any zoning district.
- (2) A temporary use and associated structures may remain on the site for up to 180 days in a given year. Where a demonstrated need exists, a temporary use and associated structures may remain on the site for more than 180 days in a given year and up to 3 years, where appropriate for the use and as specified by conditions of the permit.
- (3) A temporary use on developed property shall be secondary to the primary use of the parcel.
- (4) Other than temporary storage uses associated with an active building permit, temporary uses are prohibited on vacant residential properties, but are allowed on vacant non-residential properties.
- (5) No temporary use for shall, for any length of time, displace more than 35% of the parking spaces required by 13.10.550 et.seq. for the existing uses on site, subject to the following exceptions: