

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: MU-01 (Mixed-Use: Condos and Townhouses outside USL)

Effective Date: September 3, 2009

Revised:

Question

Are condominiums or townhouses allowed in mixed-use developments located outside the Urban Services Line?

Applicable Ordinance Section(s)

13.10.332(b)

7.38.054.D.6

INTERPRETATION:

Condominiums, but not townhouses, are allowed in mixed-use developments outside of the Urban Services Line but only if the property is located both within a Village/Town Plan area and within the Rural Services Line.

Reason:

Several Village/Town Plans in the San Lorenzo Valley encourage mixed use development, such as the Felton Town Plan--Page 35: "Residential use on second floors shall be encouraged, both to create a mix of uses in the Village, provide needed Village housing opportunities, and create the least impact on off-street parking requirements."

The Village/Town Plans carry the same authority as the General Plan, and these Plans encourage mixed-use development. There is no material difference in impacts from renter occupied multi-family versus ownership condominium mixed-use projects; therefore, condominiums can be considered in mixed-use projects if the project is located within the Village/Town Plan area and also within the Rural Services Line. Parcels within the Rural Services Line are not subject to the Rural Density Matrix.

The sewage disposal regulations require a one-acre minimum lot size within the San Lorenzo Watershed; however, County Code Section 7.38.054.D.6—regarding minimum lot size for sewage disposal systems—states:

"6. Within water supply watersheds, existing parcels of record less than one acre in size may be approved for development utilizing a sewage disposal system for commercial use if the parcels meet all of the following criteria:

- (i) The parcel has a designation of Community Commercial, Neighborhood Commercial, Office or Service Commercial, in the General Plan that was adopted on May 24, 1994;
- (ii) It is to be developed for commercial use;
- (iii) It is within the Rural Services Line;

- (iv) The sewage disposal system will meet the standards contained in Sections 7.38.120 through 7.38.186 and the sewage disposal system utilizes the enhanced treatment provided for in Section 7.38.152.”

This County Code section clearly disallows the creation of townhouses, as they are a division of land and do not maintain the existing parcel of record; however, this is not the case for condominiums. Condominiums divide only air space not land and, therefore, the parcel remains in one ownership (the Homeowner’s Association). In addition, since the amount of residential development is limited for mixed-use projects in the commercial zone districts, the residential use can be considered ancillary to the commercial use allowed in 7.38.054.D.6(ii).

Tom Burns, Planning Director

Date