

# PLANNING AND BUILDING DEPARTMENT

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TO: Planning Commission

Agenda of: May 11, 2023

FROM: Tom Purciel, Senior Planner

DATE: March 31, 2023

RE: Z23-0003/Cool Design Review Overlay Project

Project Information and Staff Recommendations

## **Project Background:**

On December 15, 2015 (File No. 11-0356, Item No. 42) the Board of Supervisors approved a comprehensive update to Title 130 of the County Ordinance Code (Zoning Ordinance). Prior to the 2015 Countywide Zoning Ordinance Update (2015 ZOU), previous Zoning Ordinance regulations, including former Section 17.14.130 (Architectural Supervision), required a discretionary Planning Commission review of all new buildings or structures on commercial and multifamily-zoned parcels visible from a state highway in order to ensure new development would be compatible with the architectural character of the neighborhood and not impair the desirability of investment or occupation in the neighborhood.

As all commercial and multifamily-zoned parcels within the Cool Rural Center either directly front or are visible from State Highways 49 or 193, previous zoning regulations therefore required a discretionary Planning Commission design review of all new commercial and multifamily development projects within the Cool Rural Center (Exhibits A and B).

After the 2015 ZOU, staff discovered that the above architectural supervision regulations for commercial and multifamily-zoned lands fronting state highways were inadvertently removed from the Zoning Ordinance. This resulted in inconsistent design oversight for commercial and multifamily-zoned lands within the Cool Rural Center based on whether a parcel is located within a Design Review-Community Combining Zone (-DC) or a Planned Development (-PD) Combining Zone overlay or not. For parcels located within one (1) of the above overlays, the design of new development projects, or substantial modifications to approved projects, would still require a discretionary approval by County decision-makers, typically the Planning Commission, based on the scope of the proposed development. However, there are 11 individual commercial or multifamily-zoned parcels, or portions of parcels, that are not located within either of the above zoning overlays (Exhibit C). Therefore, under current zoning regulations, no discretionary design approval is required prior to obtaining a building or grading permit on those parcels.

On March 7, 2023 (File No. 23-0256, Item No. 23), the Board of Supervisors directed staff to restore County design oversight for affected parcels (Exhibit D) by adding a new Design Review-Community Combining Zone (-DC) overlay to the remaining 11 commercial or multifamily-zoned parcels, or portions of parcels, that are not currently located within an existing (-DC) or (-PD) Combining Zone overlay.

### **Existing Land Uses (Affected Parcels and Adjacent Lands):**

Of the 11 affected parcels, six (6) parcels are currently developed with rural residential uses, including single family residences and associated accessory structures, and five (5) affected parcels are undeveloped. With the exception of a single parcel (Assessor's Parcel No. 071-500-026) adjacent to existing commercial uses (retail, restaurant and storage), all other adjacent parcels are currently vacant/undeveloped or developed with rural residential uses (Exhibit B).

#### **California Environmental Quality Act (CEQA):**

Staff reviewed the project for consistency with CEQA and found the project exempt from environmental review under Section 15305 of the CEQA Guidelines (Minor Alterations in Land Use Limitations) because the proposed zone change would not result in any changes to land use or density as specified in this Section.

#### **Staff Recommendations:**

Staff recommends the Planning Commission forward the following recommendations to the Board of Supervisors:

- 1. Find Rezone Z23-0003 exempt from CEQA under Section 15305 of the CEQA Guidelines (Minor Alterations in Land Use Limitations); and
- 2. Approve Rezone Z23-0003 to rezone 11 identified multifamily or commercially-zoned parcels, or portions of parcels, adding a new Design Review Community Combining Zone (-DC) to the base zone of each commercial or multifamily-zoned parcel (Exhibit C).

#### **Exhibits:**

- A. Vicinity Map
- B. Site Aerial Photo
- C. Affected Parcels Map
- D. Board of Supervisors Resolution of Intention No. 39-2022