

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

Interpretation No.: RES-MU-01 (Residential uses in mixed use developments)
Effective Date: 04/17/06
Originally Issued: None

Questions:

Is residential development allowed to be detached from commercial development in mixed use projects? What are the appropriate density and site regulations for the residential development?

**Applicable Ordinance Section(s)
And/or General Plan/LUP Policy(ies)**
13.10.322(b) Residential Uses in Commercial Uses Chart
General Plan Policy 2.12.3

INTERPRETATION:

1. The Planning Department discourages stand alone residential development in mixed use projects but will consider it if there are site specific overriding considerations.
2. Residential development in mixed use projects may be approved at RM-3 density if General Plan, Development Permit and 13.11 findings can be made.
3. When residential uses are part of a structure containing commercial uses, the commercial site regulations will apply. When residential uses stand alone in a mixed use project, the RM-3 residential site regulations will apply to the residential structures.

Reasons:

A. The General Plan (Objective and Policy 2.12.13) and the Commercial Uses Chart allow mixed commercial/residential development in the PA, C-1, and C-2 zone districts. Some Village/Community Plans allow them in other zone districts. It was envisioned, when these regulations were adopted, that the mixed uses would be located together in structures, such as retail on the first floor and residential on the second floor of a building. There may be some situations, however, where site-specific conditions mandate stand-alone residential development as a preferred design. Examples of site-specific conditions include buffering from adjacent residential development, topographic changes, or buffering from intense or noxious adjacent commercial development. In these rare situations, projects will be evaluated on a case-by-case basis.


B. The Commercial Uses Chart allows mixed use development "developed according to development standards of Urban High Residential." The RM-3 zone district implements and is consistent with the Urban High Residential land use designation; therefore, RM-3 residential density is allowed in mixed use projects as long as it is found consistent with the General Plan, any applicable Community/Village Plan density, Development Permit and 13.11 findings can be made, and the project is found consistent with General Plan Policy

2.12.3: "...Limit residential uses to densities which allow good site design that meets the standards of Chapter 13.11 of the County Code and commercial utilization of the property, and which are secondary to the commercial use..."

C. When residential uses are located within a commercial use structure, the commercial site regulations apply to the structure. This allows third story residential use within the Urban Services Line. While zero-foot side yards can be considered, the building must be designed to be consistent with the Uniform Building Code requirements regarding required setbacks for openings. RM-3 site regulations apply to stand alone residential components. In all cases, the Usable Open Space regulations, found in Section 13.10.323(f) apply to the project.



Tom Burns
Planning Director



Date