

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

Interpretation No.: CCUP-01 (Level I Changes of Use Approval)  
Effective Date: 01/01/03  
Originally Issued: 11/01/96 (Dan Shaw, Commercial Change of Use Procedures)

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**Question**

*Must an existing commercial development have a current master occupancy approval for the property in order to change from one use to another with only a Level I approval?*

**Applicable Ordinance Section(s)  
And/or General Plan/LUP Policy(ies)**

§ 13.10.322(b)

§ 13.10.700-I

**INTERPRETATION:**

**To be eligible for a Level I approval, one of the following three situations must apply:**

- 1) There must be a current master occupancy approval for the property that expressly states that changes of use to other specified uses consistent with the permit may be processed at Level I; or**
- 2) The property is located in the PA, C-1, or C-2 zone districts and the proposed change is from a use conforming to a valid permit, to another use allowed in the same zone district where the proposed change of use will not result in an intensification of use; or**
- 3) The property is located in one of the Town Plan areas of the San Lorenzo Valley and the proposed change is to a use conforming to the Town Plan, and the proposed change of use will not result in an intensification of use.**

**Reason**

The logic behind allowing Level I changes of use pursuant to an approved master occupancy program is that the range of uses have already been evaluated in terms of environmental impact, neighborhood compatibility, parking, traffic, and so forth. In most cases, these approvals have gone to a public hearing. On the other hand, older permits that have a blanket approval for any use in the zone district typically include uses that would result in intensification of use on the site. That type of approval is distinctly different from a master use approval where the mix of uses was specifically analyzed.

In the PA, C-1, and C-2 zone districts, a change of use from a use conforming to a valid permit to another use allowed in the same zone district, that will not result in an intensification of use, is eligible for a Level I approval. While this may seem at odds

**13.10.332(b)**

with the discussion in the previous paragraph, it is expressly authorized by the Zoning Ordinance. The key here is that this can occur only when there will be no intensification of use as defined in Chapter 13.10.700-I.

In the San Lorenzo Valley, a proposed change of use to a use that conforms to one of the Town Plans and that does not result in an intensification of use is approvable at Level I, because the development and approval of the Town Plans incorporated analysis of commercial uses.

Changes of use where there is no master occupancy approval may present problems or issues that deserve more review and analysis. So, unless 1) there is a master occupancy approval, or 2) the property lies in the PA, C-1, or C-2 zone district and the change is one from a use conforming to a valid development permit to another use allowed in the zone district, that will not result in an intensification of use, or 3) the change is to a use in conformance with a Town Plan within the Town Plan area of the San Lorenzo Valley that will not result in an intensification of use, commercial changes of use cannot be processed at Level I.

Absent a master occupancy approval, the key test for determining whether a Level I change of use is appropriate for the two other situations discussed above, is whether the change of use will result in an intensification of use as defined in the Zoning Ordinance. The criteria for intensification of use is set forth at 13.10.700-I. If the proposed change of use does not satisfy this requirement, then the change of use application cannot be approved at Level I, but must be evaluated at the level required by the commercial use charts.

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Tom Burns, Planning Director

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Date