

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200

RECORD PACKET COPY

Wild



February 19, 1997

TO: Commissioners and Interested Persons

FROM: Tami Grove, District Director
Diane Landry, Interim Planning Manager
Steve Monowitz, Coastal Planner

SUBJECT: **SAND CITY LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 1-96**
For public hearing and Commission action at its meeting of March 11-14, 1997,
to be held at the Carmel Mission Inn, 3665 Rio Road, Carmel.

I. SYNOPSIS**A. LCP Background:**

Sand City's Local Coastal Program (LCP), consisting of the required Land Use Plan (LUP) and Implementation Plan (IP), was formulated in the early 1980's. The City's LUP was adopted by the City Council on March 23, 1982, then submitted to the Commission for certification. On June 3, 1982, the Commission determined that the LUP raised a substantial issue regarding conformance with Coastal Act policies. It denied the plan, and then on September 7, 1982, approved with modifications the portion of the LUP that applied to the areas of Sand City inland of highway One and west of Highway One and north of Bay Avenue. The City resubmitted the LUP for these areas and it was certified by the Commission on December 2, 1982. On July 19, 1983, the City resubmitted the LUP for the area west of Highway one and south of Bay Avenue, which was denied by the Commission on September 15, 1983. The LUP for that area was resubmitted as second time on October 15, 1984, and was approved with modifications on April 11, 1985. The City accepted the modifications, and this portion of the LUP was certified on March 14, 1986.

The City's Implementation Plan (IP) was certified with modifications on November 30, 1983. The City accepted the modifications, and on March 15, 1984, the Commission determined that the City's LCP was legally adequate, except for the area south of Bay Avenue seaward of Highway One and the area landward and seaward of the old sewage treatment plant. Although the LUP has been certified for the entire City as discussed in the previous paragraph, implementation remains incomplete in the area south of Bay Avenue and landward and seaward of the old sewage treatment plant west of Highway One. Several options for this area are listed by the LUP, including a Transfer of Development Credits (TDC) program. The submitted IP did not contain a TDC program for that area, and as a result, certification of the IP for this area was deferred until the TDC program is either amended out of the LUP or into the IP.

Sand City's LCP was the subject of a periodic review undertaken by the Commission in 1990, under the authority of Coastal Act Section 30519.5. The result of that review was the transmittal to the City of 59 recommendations approved by the Commission. Some of those

involved revisions to the LCP; the remainder involved other actions for the City to take. To date, these recommendations have not been officially acted upon by the City.

Since Commission certification, the Sand City Local Coastal Program has been amended six times. Most recently, in June, 1995 and April, 1996, the Commission approved modified versions of an amendment submitted by the Monterey Peninsula Regional Park District to establish public parks and open space as permitted uses throughout the Sand City coastal zone. As amended, the LCP currently allows for public parks and open space as conditional uses within the entire Sand City coastal zone west of Highway One, except within the Sterling, McDonald, and Lonestar parcels north of Tioga Avenue (see Exhibit 2, attached).

B. Amendment Description:

(Please refer to Exhibits 3 and 4 for the exact language of the proposed amendment; Exhibits 5 and 6 provide the existing ordinances and policies of the certified LCP that would be affected by the amendment.)

The amendment submittal proposes to revise page 30 of the certified Implementation Plan (IP), and Chapter 18.36 of the Sand City Zoning Ordinance, which contains regulations for development within areas designated as "Coastal Zone Light Commercial" (CZ-C1). Specifically, it would replace existing language listing those uses permitted in such areas with a reference to those principal, accessory, and conditional permitted uses allowed within non-coastal C1 areas.

This change would result in further specification of land uses currently allowed within CZ-C1 areas by the certified LUP. In addition, the amendment proposes a change to the density standard for CZ-C1 areas contained in the certified IP. These proposed changes are described in more detail beginning on page 4 of this staff report. This amendment would not affect other regulations for development within these areas such as height restrictions and coastal zone development requirements (e.g., natural resource protection, maintenance and provision of coastal access and recreation opportunities, etc.).

Approximately three acres of land within Sand City's coastal zone are designated as CZ-C1; three non-contiguous parcels fronting the east side of highway one comprise this area (see map attached as Exhibit 2).

C. Summary of Staff Recommendation:

The Commission staff recommends that the Commission, after conducting the public hearing, deny the proposed IP amendment as submitted, then approve it with suggested modifications designed to ensure consistency with the certified LUP and internal LCP consistency. Specifically, the suggested modifications:

- replace the proposed amendment's references to C1 regulations with the exact language being referenced. This is necessary to avoid the possibility that non-coastal C1 regulations may be amended in the future without Coastal Commission review, and, as a result, conflict with those uses the Coastal Commission has certified as being allowable within CZ-C1 areas; and

- revise a proposed change to the maximum density of development allowed within CZ-C1 areas in a manner which maintains the density requirements contained in the IP as currently certified.

D. Analysis Criteria:

Coastal Act Section 30513 and the Commission's Administrative Regulations Section 13542(c) require implementation actions to conform with, and be able to carry out, the certified land use plan. Section 13542(c) specifies that "the standard of review of the implementing actions shall be the land use plan as certified by the Commission. If the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan...". Therefore, the analysis criteria established by this section requires that proposed amendments to certified implementation plans conform with, and be able to carry out the land use plan as certified by the Commission.

E. Additional Information:

For further information about this amendment, the amendment process, or the Commission's public hearing process, contact Steve Monowitz at (408) 427-4863, 725 Front Street, Suite 300, Santa Cruz, CA 95060.

II. LIST OF EXHIBITS

1. Sand City Location Map
2. Sand City Zoning Map
3. Amendment Proposal
4. Non-coastal C1 Zoning Ordinance
5. Certified CZ-C1 Implementation Ordinance
6. Certified LUP Coastal Resources Map
7. Certified LUP Land Use Map

III. STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following four resolutions:

A. DENIAL OF AMENDMENT # 1-97 TO THE IMPLEMENTATION PLAN AS SUBMITTED

MOTION I:

"I move that the Commission reject amendment # 1-97 to the Implementation portion of the Sand City Local Coastal Program as submitted."

Staff recommends a YES vote which would deny the amendment as submitted. An affirmative vote by a majority of the Commissioners present is needed to uphold the motion according to the staff recommendation (otherwise the amendment is approved).

RESOLUTION I:

The Commission hereby rejects amendment # 1-97 to the Implementation portion of the Sand City Local Coastal Program for the specific reasons discussed in the following findings, on the grounds that it does not conform with the provisions of the certified Land Use Plan.

B. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT # 1-97 IF MODIFIED AS SUGGESTED

MOTION II:

"I move that the Commission certify amendment # 1-97 to the Implementation portion of the Sand City Local Coastal Program if modified as suggested."

Staff recommends a YES vote which would approve the amendment as modified. An affirmative vote by a majority of the Commissioners present is needed to uphold the motion.

RESOLUTION II:

The Commission hereby certifies amendment # 1-97 to the Implementation Plan of the Sand City Local Coastal Program according to the suggested modifications, for the specific reasons discussed in the findings of this staff report, on the grounds that, as modified, the amendment conforms with, and is adequate to carry out, the certified Land Use Plan.

IV. Text of the Proposed Amendments

Please refer to Exhibits 3 and 4 for the exact language of the proposed amendment; Exhibits 5 and 6 provide the existing ordinances and policies of the certified LCP that would be affected by the amendment.

The amendment submittal proposes to revise page 30 of the certified Implementation Plan (IP), and Chapter 18.36 of the Sand City Zoning Ordinance, which contain regulations for development within areas designated as "Coastal Zone Light Commercial" (CZ-C1). Specifically, it would replace existing language listing those uses permitted in such areas with a reference to those principal, accessory, and conditional permitted uses allowed within non-coastal C1 areas. This change would result in further specification of the land uses currently allowed within CZ-C1 areas by the certified LUP.

Currently, both the certified LUP and IP specify the following uses as being allowed within CZ-C1 areas:

- "stores, shops, and offices supplying commodities or performing services for residents of the City as a whole or the surrounding communities"; and,
- "research and experimental laboratories".

The subject amendment submittal further specifies those uses allowed within the CZ-C1 district by listing the following as principally permitted uses:

- stores, shops, and offices supplying commodities or performing services for residents of the City as a whole or the surrounding communities;
- garages, including those having facilities for automobile storage and minor repair;
- telephone booths and communication equipment buildings;
- administrative or executive offices;
- hotels and motor hotels;
- retail businesses and service establishments, such as automobile parts and accessories, electrical and household appliances, and general hardware merchandise;
- new automobile sales;
- restaurants, cocktail lounges, theaters and similar enterprises;
- existing residential units as conforming uses, which will be allowed accessory uses, buildings, and mobile homes as deemed appropriate by the City Council.

The amendment also lists the following uses as being conditionally permitted within CZ-C1 areas:

- public and quasi-public uses;
- bakeries, creameries, retail laundries, cleaning and dyeing establishments;
- nightclubs, bowling alleys, dancehalls and roller skating rinks;
- used car sales within an enclosed building;
- automobile service stations;
- sidewalk cafes
- printing and publishing or lithographic shops;
- public utility substation;
- secondary rental units as part of new commercial and industrial developments and as part of existing residential units under certain criteria.

The proposed amendment also revises the density standards for CZ-C1 areas. Currently, the certified IP limits the maximum density of development to 40% lot coverage except on lots greater than 12,000 square feet, where 45% lot coverage is allowed when the development is clustered. As contained in the proposed amendment, the maximum density of development

allowed in CZ-C1 areas would be "40% building coverage for existing lots greater than twelve thousand square feet, or where lot consolidation occurs to create lots greater than twelve thousand square feet and where cluster development is provided". The revised standard does not specify the maximum density allowed on lots under 12,000 square feet.

Other regulations for development within CZ-C1 areas, such as height restrictions and coastal zone development requirements (e.g., natural resource protection, maintenance and provision of coastal access and recreation opportunities, etc.) would not be affected by the proposed amendment.

Approximately three acres of land within Sand City's coastal zone are designated as CZ-C1; three non-contiguous parcels fronting the east side of highway one comprise this area (see map attached as Exhibit 2).

V. Suggested Modifications

In order to maintain conformance between the certified IP and LUP, the amendment submittal must be modified as follows. Additions to the subject amendment submittal are identified with underlines, deletions with ~~strikethroughs~~.

A. Allowable Uses:

The proposed amendment, as submitted, would replace the listing of permitted uses on page 30 of the certified IP (Exhibit 5), and in Chapter 18.36 of the Sand City Zoning Ordinance, with a reference to those principal, accessory, and conditional uses allowed within the non-coastal C-1 district. This suggested modification replaces such references with the exact language being referenced (Exhibit 4).

B. Density Standards:

The subject amendment submittal revises density standards for development in CZ-C1 areas in a manner which eliminates density standards for parcels under 12,000 square feet. In addition, the proposed changes would reduce the maximum coverage for lots greater than 12,000 square feet from 45% lot coverage to 40%. In discussing these changes with City staff, the revisions to CZ-C1 density standards contained in the submittal were unintentional. This suggested modification maintains the density standard contained in the certified IP.

As suggested to be modified, the amendment would read as follows:

CZ C-1 COASTAL ZONE LIGHT COMMERCIAL DISTRICT

Purpose. The purpose of the CZ C-1 district is to provide for a light commercial district with commercial uses and services to service the entire city and local area.

Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ C-1 district, subject to coastal development permit approval are as follows:

~~All permitted uses allowed in the C-1 district.~~

A. Stores, shops and offices supplying commodities or performing services for residents of the city as a whole or surrounding communities;

B. Garages, including those having facilities for automobile storage and minor repairs, as defined herein and commercial parking lots;

C. Telephone booths and communication equipment buildings;

D. Administrative or executive offices;

E. Hotels and motor hotels;

F. Retail business and service establishments, such as:

1. Automobile parts and accessories,
2. Electrical and household appliances, and
3. General hardware merchandise;

G. New automobile sales;

H. Restaurants, cocktail lounges, theaters and similar enterprises;

I. Any other retail business or service establishment which the council finds to be consistent with the purpose of this chapter and which will not impair the present or potential use of adjacent properties;

J. Existing residential units shall remain as conforming uses in the CZ-C1 district and will be allowed accessory uses, buildings, and mobile homes as deemed appropriate by the city council. Site plans will be required for all construction or physical alterations in the C-1 district.

Accessory uses, subject to coastal development permit approval. Accessory uses in the CZ C-1 district, subject to coastal development permit approval are as follows:

Accessory uses and buildings customarily appurtenant to a permitted use.

Conditional uses, subject to coastal development permit approval. Conditional uses in the CZ C-1 district, subject to coastal development permit approval are as follows:

~~All conditional uses allowed within the C-1 district.~~

A. Public and quasi-public uses appropriate in the light commercial district;

B. Bakeries, creameries, retail laundries, cleaning and dyeing establishments;

C. Nightclubs, bowling alleys, dancehalls, and roller skating rinks;

D. Used car sales within an enclosed building;

E. Automobile service stations;

F. Sidewalk cafes;

G. Printing and publishing or lithographic shops;

H. Public utility substation;

I. 1. Allow construction of secondary rental units as part of new commercial and industrial developments and as part of existing residential units after City review per the following criteria:

a. Limit amount of residential square footage per commercial/industrial square footage to no more than fifty percent of the total commercial/industrial square footage.

b. Limit maximum size of a secondary unit to six hundred fifty square feet.

c. Require that the residential unit be suitable for living with regard to all health and safety requirements, noise conditions of surrounding uses, etc..

d. Acknowledge priority of commercial/industrial uses by requiring that a statement be issued to potential renters advising them of potential nuisances of surrounding uses, and that subsequent complaints may not be valid. The statement will be provided by the city.

e. At least one parking space per unit is provided and any traffic concerns addressed. The parking requirement may be waived for one unit if dual parking use is feasible.

f. Projects will be evaluated on a case-by-case basis, utilizing those criteria.

2. As an incentive allow a waiver of development tax, plan check and building permit fees up to two thousand dollars for construction of a secondary residential rental unit. Require that secondary units be used for rental purposes only. Require a minimum of five-year residential rental [period through deed restriction if a waiver of fees has been granted by the city.

Height regulations. No building in the CZ C-1 district shall exceed thirty-six (36) feet as measured from the existing grade. All development within one hundred feet of the freeway right-of-way (considered as the main thoroughfare right-of-way, excluding on/off ramps) shall be designed to minimize adverse visual impacts and shall be limited to twenty-five feet in height.

Minimum requirements. Minimum requirements in the CZ C-1 district are as follows:

Density: allow forty percent (40%) building coverage for existing lots greater than twelve thousand square feet, or where lot consolidation occurs to create lots greater than twelve thousand square feet and where cluster development is provided. allow 40 percent (40%) lot coverage except in Special Treatment zone allow 45% lot coverage for existing lots over 12,000 square feet, or where lot consolidation occurs to create lots over 12,000 square feet and where cluster development is provided.

Other required conditions. Other required conditions in the CZ-C1 district are as follows:

A. Coastal development permit required; coastal zone combining district regulations apply;

B. Off-street parking, signing, fencing, and landscaping shall be in accordance with coastal zone requirements and applicable implementation plan sections related to these topics.

C. In a CZ C-1 district directly across a street or thoroughfare from any R district designated for future residential use in the local coastal plan or general plan, the parking and loading facilities shall maintain an average distance of eight feet from such street.

VI. Analysis

A. Specification of Uses Allowed:

The subject implementation plan amendment provides greater specificity regarding the types of commercial uses currently allowed in areas designated as light commercial (CZ-C1) by the certified LCP. The certified LUP currently allows "stores, shops and offices supplying commodities or performing services for residents of the City as a whole or the surrounding communities, and research and experimental laboratories" (LUP Policy 6.4.1.g., IP page 30). The principal, conditional, and accessory land uses listed as being allowable by the proposed amendment, the following fall within the category of uses currently allowed by the LCP.

While Land Use Plans set out policies for coastal development, Implementation Plans provide the details and performance standards necessary to carry out such policies. It is therefore appropriate for an IP to contain more detailed descriptions of specific land uses allowed by the general categories of development identified by the LUP. Consistent with this planning framework, the subject amendment will provide greater specificity regarding LUP implementation.

Expanding upon the existing IP language in the manner proposed will not result in new development which would be inconsistent with the LUP as currently certified. Although it could be argued that uses such as hotels, restaurants, and public uses (specified by the amendment) are not "stores, shops, or offices", these uses fall within the category of providing services to City residents and the surrounding community, consistent with LUP Policy 6.4.1.g.. With respect to the residential uses that are secondary to commercial development specified by the amendment, such uses can be currently allowed by LUP Policy 6.4.1.g. if they are an essential component of the commercial service being developed (e.g., a manager's unit for a self-storage facility). No new uses are proposed by the amendment which would not be typically allowed in a light commercial district. Furthermore, the proposed IP amendment will not result in a different level of impacts to coastal resources than that already regulated by the LUP, as described in the following analyses. Therefore, the proposed IP amendment can be considered to be consistent with, and adequate to carry out the certified LUP, as required by Coastal Act Section 30513 and Section 13542(c) of the Commission's Administrative Regulations.

B. Potential Impacts on Coastal Resources:

Because the subject amendment must conform with, and be able to carry out the certified LUP, it is necessary to analyze whether or not the additional specified by the proposed amendment conform with the coastal resource protection policies of the certified LUP.

1. Environmentally Sensitive Habitat Areas:

The entirety of Sand City's coastal zone comprises a portion of the Monterey Sand Dunes Complex, a unique and sensitive resource which supports a fragile ecological dune community. A number of plant and animal species which exist within this area have been federally listed as endangered or threatened, including the Smith's blue butterfly, Monterey ceanothus, Sandmat manzanita, and Coast wallflower. The Black legless lizard, recently listed as a candidate species for federal listing as endangered, also exists within the dune environment of Sand City.

While many of the vacant dune areas of the City have been previously disturbed and are dominated by exotic species such as ice plant, they still support pockets of habitat for the above sensitive species, and have the potential to be restored. Therefore, these areas must be considered as environmentally sensitive habitat areas.

Of the three parcels designated as CZ-C1 by the certified LCP (all of which are east of Highway One), the two parcels located on either side of Tioga Avenue are adjacent to areas that have been identified as supporting habitat for the Smith's blue butterfly; these areas are identified by the LCP as sensitive habitat (see Coastal Resources map attached as Exhibit 6). The parcel designated for light commercial on the north side of Tioga Avenue is also adjacent to a habitat preserve area east of the parcel, which connects with a dune area outside of the coastal zone that has been successfully restored as mitigation for development of the existing Sand Dollar shopping mall. The parcel designated for light commercial on the south side of Tioga Avenue is partly overlain by a resource management designation (see LUP Land Use Map attached as Exhibit 7).

The Sand City LCP contains many policies and ordinances regulating development within or adjacent to environmentally sensitive habitat areas, habitat preserves, and restoration areas. These requirements, which have been previously certified by the Commission as conforming to the Chapter 3 policies of the Coastal Act, will not be revised by the proposed amendment. Examples of such policies and ordinances which will apply to the development of any land use within CZ-C1 areas include:

LUP Policy 4.3.19: "Designate general areas as sensitive habitats as shown on the Coastal Resources Map (Figure 7 [attached as Exhibit 6]). Where development is proposed in these areas, require field surveys by qualified biologists or agencies in order to determine exact locations of environmentally sensitive habitat areas and to recommend mitigation measures to minimize habitat impacts..."

LUP Policy 4.3.20: "Environmentally sensitive habitat areas shall be protected as follows:

a) Habitat Areas 1 and 2 (shown on Figure 7 [attached as Exhibit 6]; south of Tioga along the inland side of the freeway) are designated as habitat consolidation and preservation areas. In these small-lot areas, where a specific plan is required for future

development, habitat areas shall be consolidated, enhanced, and preserved thereafter, and development shall be clustered. Any adverse impacts of such a specific development plan on native plant habitat (destruction of individual plants, elimination of natural dune area) may be mitigated, in addition to the required consolidation, off-site in designated restoration areas..."

LUP Policy 4.3.21: "Protect environmentally sensitive habitat areas by developing and implementing standards for development ... [which] include, but may not be limited to:

- a) encourage retention of open space through deed restrictions or conservation easements;
- b) restrict land disturbance to and the removal of indigenous plants to the minimum amount necessary for structural improvements;
- c) require incorporation of appropriate mitigation measures such as setbacks, buffer strips, landscape plans, drainage control plans and restoration;
- d) where appropriate and feasible, allow the exchange of existing resource areas for other open space areas that would provide a more logical location for open space that could be planted with those species found in the resource area; and,
- e) require landscaping with native coastal plants in development proposals."

LUP Policy 4.3.25: Enhance coastal plant communities by requiring new developments to utilize appropriate native coastal plants in landscaping plans that are compatible with existing native species. Prohibit the use of invasive plants in landscaping schemes.

IP, p. 42-43: Coastal Zone Combining District.

... Permit Conditions.

(a) The City Council may impose such conditions as it deems necessary to achieve consistency with the Local Coastal Program, and to protect adjacent properties.

(b) At the minimum, the following shall be required for issuance of any coastal development permit:

... (3) Utilization of appropriate native plants in landscaping;

(4) Provision of buffers between conflicting land uses...

(c) In considering a coastal development permit application, the City Council shall ... make findings that approval of the permit is consistent with the Local Coastal Program, including but not limited to:

... (5) Project complies with measures in approved habitat restoration plan to protect identified environmentally sensitive habitats ...

... (14) New uses proposed adjacent to locations of known environmentally sensitive habitat shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas ...

IP, p. 46-47: Resource Management Overlay District.

... Minimum Requirements.

(a) A biological field survey and habitat protection plan is required prior to the approval of any development or specific plan which may affect habitat preserve areas ...

(b) New uses proposed adjacent to locations of identified environmentally sensitive habitats shall be sited and designed to prevent impacts which would significantly

degrade such areas and shall be compatible with the continuance of such habitat areas...

(c) Projects within environmentally sensitive habitat areas shall utilize only native coastal plants in landscape plans.

(d) Permanent protection shall be ensured for areas designated as habitat preserves ... through easements or dedications to public agencies ...

All new development within the two parcels designated CZ-C1 and adjacent to areas designated for resource management must conform with the above listed policies and ordinances, regardless of the type of use proposed. These policies have previously been determined by the Commission to conform with the habitat protection policies of the Coastal Act, and the ordinances determined by be adequate to carry out the LUP, when the Commission certified the Sand City LCP. The land uses specified as being allowed within CZ-C1 areas by the amendment must comply with these requirements in order to be approved for development by the City.

2. Public Access:

Because all of the \pm 3 acres of CZ-C1 area within the Sand City coastal zone is located on the east side of Highway One, the primary issue related to coastal access is the impact of new development on traffic and circulation. High intensity development in this area could have adverse impacts on Highway One traffic, which serves as the primary coastal access roadway for the region.

In the case of the subject amendment, the uses allowed within CZ-C1 areas (such as hotels, motels, restaurants, theaters, and residential units) may place a higher strain upon roadway capacity when compared to other types of uses allowed in such areas. As modified, the density of such development would be limited by a maximum lot coverage of 45% over a total acreage of \pm 3 acres, with a maximum height of 25 feet. As a result of the limited development that can be accommodated in CZ-C1 areas, insignificant impacts to Highway One traffic can be attributed to this amendment. It is also noted that according to the City staff, the City does not anticipate allowing any hotels or motels in the CZ-C1 areas east of Highway One, as these areas are too small to accommodate such uses. Therefore, the subject amendment does not contradict the coastal access policies contained in the Sand City certified LUP.

C. LUP Conformance

As submitted, the subject amendment lists allowable uses within CZ-C1 areas within the IP by referencing the uses allowed in the non-coastal C1 zoning district. This results in the potential that if future changes are made to C1 regulations, which would not require Coastal Commission review, then CZ-C1 regulations would conflict with the certified LUP. To rectify this situation, the suggested modifications replace such references with the actual text being referenced. In this way, Coastal Commission oversight of any future changes to IP ordinances regulating development of CZ-C1 areas will be ensured.

D. Density of Development

As submitted, the subject amendment proposes to revise existing density standards for the development of CZ-C1 areas. Currently, the certified IP limits the maximum density of development to 40% lot coverage except on lots greater than 12,000 square feet, where 45% lot coverage is allowed when the development is clustered. As contained in the proposed amendment, the maximum density of development allowed in CZ-C1 areas would be "40% building coverage for existing lots greater than twelve thousand square feet, or where lot consolidation occurs to create lots greater than twelve thousand square feet and where cluster development is provided". The revised standard does not specify the maximum density allowed on lots under 12,000 square feet.

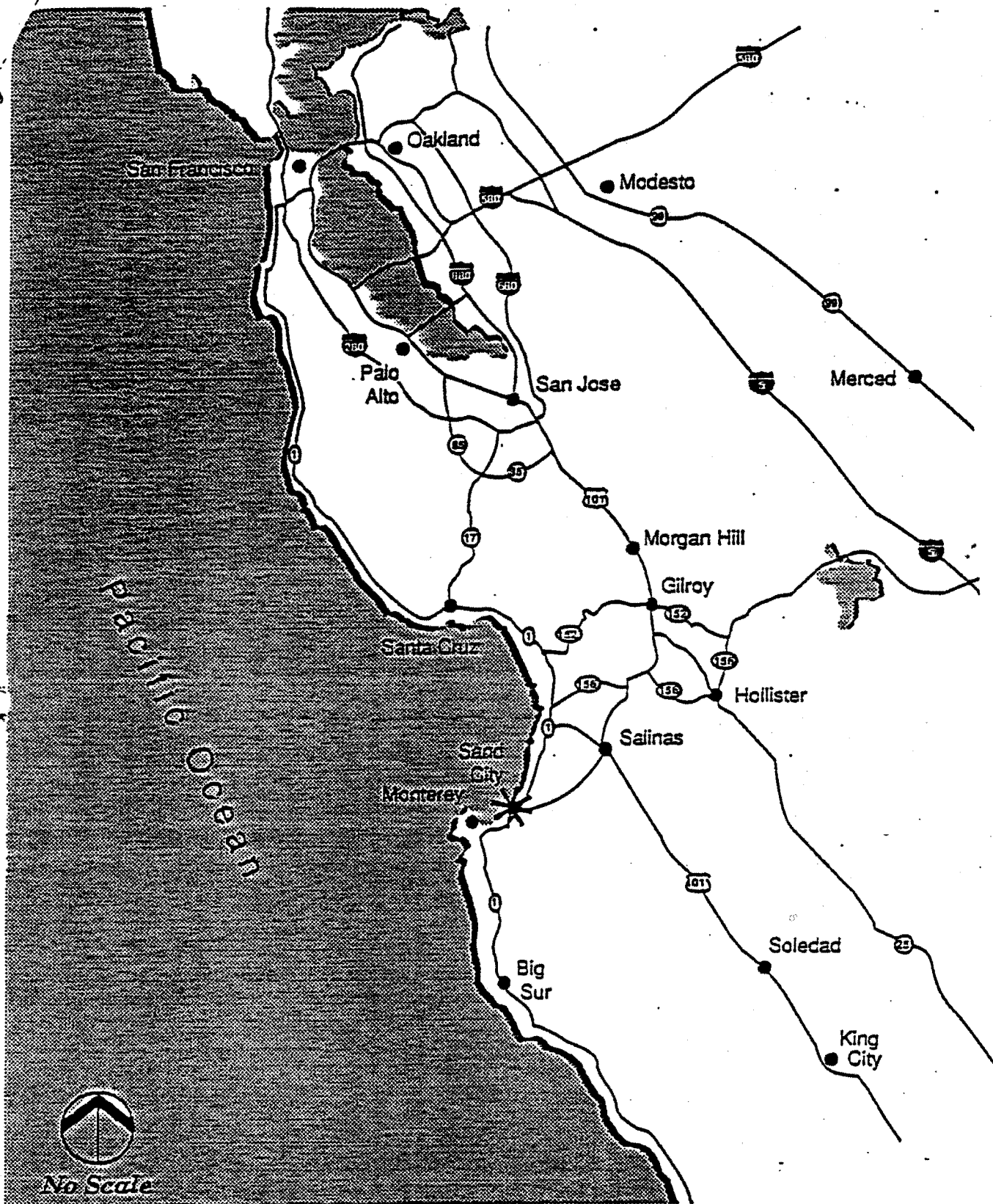
The proposed density standard revision could therefore lead to an interpretation of CZ-C1 regulations which would allow 100% lot coverage on lots less than 12,000 square feet. Such an interpretation would more than double the intensity of development allowed on the \pm 3 acres of CZ-C1 areas. This would conflict with LUP policies requiring on-site dune restoration and stabilization, appropriate buffers to resource management areas, and other habitat protection measures, which would be impossible to comply with under 100% site coverage. Furthermore, such an increase in the allowable intensity of development could adversely impact Highway One traffic, resulting in diminished coastal access and recreation opportunities inconsistent with LUP objectives.

As a result, the suggested modifications restore the density standard contained in the currently certified IP. The Commission previously determined that this standard conforms with, and will effectively carry out, the policies contained in the certified LUP.

VII. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to prepare CEQA documents for LCP amendments; however, in many instances, local governments do prepare CEQA documents as a means to provide the environmental information necessary to process LCP submittals and amendments consistent with Coastal Act requirements.

On November 19, 1996, the City of Sand City certified a Negative Declaration regarding the subject amendment, finding that there will be no significant affect on the environment as a result of the revised regulations. However, during the processing of this amendment, additional environmental issues which were not addressed by the City's Negative Declaration were identified, such as those associated with the proposed change in density standards for light commercial areas. As a result, the Commission has suggested modifications to the amendment submittal which would avoid such impacts, consistent with CEQA's requirement that alternatives to the proposed action be reviewed, and that the least environmentally damaging feasible alternative be pursued. As modified, approval of the amendment will not result in significant environmental impacts within the meaning of the California Environmental Quality Act.



Source: California State Automobile Association and EMC Planning Group Inc.

Regional Location

EXHIBIT NO. 1

APPLICATION NO.

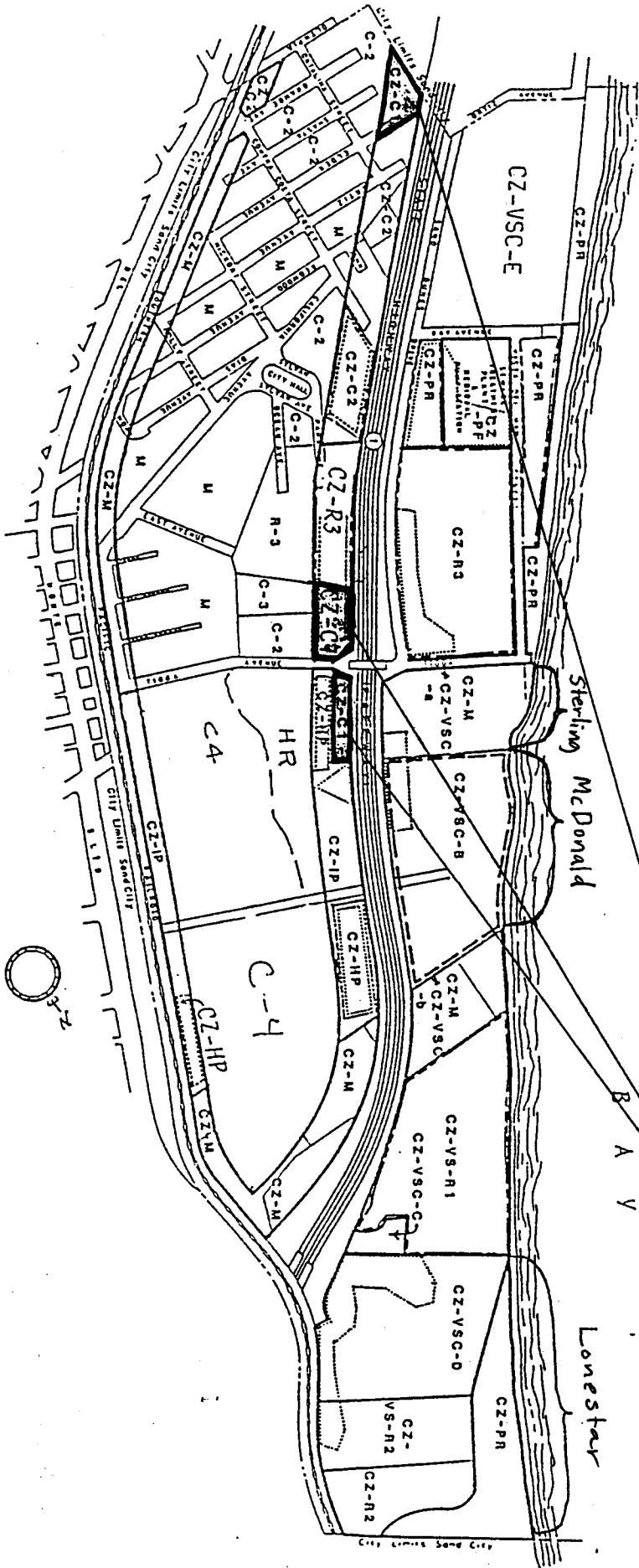
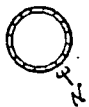
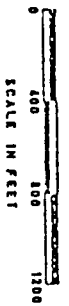
Sand City LCPA 1-17

Location Map



M O N T E R Y

ZONING MAP



Sterling McDonald

B A Y

Lonestar

COASTAL ZONE LIGHT
(CZ-C-1) COMMERCIAL
ZONING DISTRICTS

EXHIBIT NO. 2
APPLICATION NO. Sand City LCPA 1-97
Sand City Zoning Map

Page 30 of the Sand City Local Coastal Program Implementation Plan is hereby amended to read:

CZ C-1 COASTAL ZONE LIGHT COMMERCIAL DISTRICT

Purpose. The purpose of the CZ C-1 district is to provide for a light commercial district with commercial uses and services to service the entire city and local area.

Permitted uses, subject to coastal development permit approval. Permitted uses in the CZ C-1 district, subject to coastal development permit approval are as follows:

All permitted uses allowed in the C-1 district.

Accessory uses, subject to coastal development permit approval. Accessory uses in the CZ C-1 district, subject to coastal development permit approval are as follows:

Accessory uses and buildings customarily appurtenant to a permitted use.

Conditional uses, subject to coastal development permit approval. Conditional uses in the CZ C-1 district, subject to coastal development permit approval are as follows:

All conditional uses allowed within the C-1 district.

Height regulations. No building in the CZ C-1 district shall exceed thirty-six (36) feet as measured from the existing grade. All development within one hundred feet of the freeway right-of-way (considered as the main thoroughfare right-of-way, excluding on/off ramps) shall be designed so as to minimize adverse visual impacts and shall be limited to twenty-five feet in height.

Minimum requirements. Minimum requirements in the CZ C-1 district are as follows:

Density: allow forty percent (40%) building coverage for existing lots greater than twelve thousand square feet, or where lot consolidation occurs to create lots greater than twelve thousand square feet and where cluster development is provided.

Other required conditions. Other required conditions in the CZ C-1 district are as follows:

- A. Coastal development permit required; coastal zone combining district regulations apply;

EXHIBIT NO. 3
APPLICATION NO. Sand City LCPA 1-97
Amendment Proposal

- B. Off-street parking, signing, fencing and landscaping shall be in accordance with coastal zone requirements and applicable implementation plan sections related to these topics.
- C. In a CZ C-1 district directly across a street or thoroughfare from any R district designated for future residential use in the local coastal plan or general plan, the parking and loading facilities shall maintain an average distance of eight feet from such street.

D. Design control district regulations apply. (Ord. 84-1 §7-6, 1984)

Chapter 18.14

C-1 LIGHT COMMERCIAL DISTRICT

Sections:

- 18.14.010 Purpose.
- 18.14.020 Principal permitted uses.
- 18.14.030 Accessory uses.
- 18.14.040 Conditional uses.
- 18.14.050 Area requirements.
- 18.14.060 Other required conditions.

18.14.010 Purpose. The purpose of the C-1 district is to provide for a light commercial district with commercial uses and services necessary to service the Sand City area as a whole. (Ord. 84-1 §8-1, 1984)

18.14.020 Principal permitted uses. Principal permitted uses in the C-1 district are as follows:

A. Stores, shops and offices supplying commodities or performing services for residents of the city as a whole or the surrounding communities;

B. Garages, including those having facilities for automobile storage and minor repairs, as defined herein and commercial parking lots;

C. Telephone booths and communication equipment buildings;

D. Administrative or executive offices;

E. Hotels and motor hotels;

F. Retail business and service establishments, such as:

1. Automobile parts and accessories,
2. Electrical and household appliances, and
3. General hardware merchandise;

G. New automobile sales;

H. Restaurants, cocktail lounges, theaters and similar enterprises;

I. Any other retail business or service establishment which the council finds to be consistent with the purpose of this chapter and which will not impair the present or potential use of adjacent properties;

J. Existing residential units shall remain as conforming uses in the C-1 district and will be allowed accessory uses, buildings and mobile homes, as deemed appropriate by the city council. Site plans will be required for all

EXHIBIT NO. 4
APPLICATION NO. Sand City LCPA 1-97
Non-coastal C1
Zoning Ordinance

construction or physical alterations in the C-1 district.
(Ord. 84-1 §8-2, 1984)

18.14.030 Accessory uses. Accessory uses permitted in the C-1 district are the accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 84-1 §8-3, 1984)

18.14.040 Conditional uses. Conditional uses permitted in the C-1 district are as follows:

- A. Public and quasi-public uses appropriate in the light commercial district;
- B. Bakeries, creameries, retail laundries, cleaning and dyeing establishments;
- C. Nightclubs, bowling alleys, dancehalls and roller skating rinks;
- D. Used car sales within an enclosed building;
- E. Automobile service stations;
- F. Sidewalk cafes;
- G. Printing and publishing or lithographic shops;
- H. Public utility substation;
- I. 1. Allow construction of secondary rental units as part of new commercial and industrial developments and as part of existing residential units after city review per the following criteria:
 - a. Limit amount of residential square footage per commercial/industrial square footage to no more than fifty percent of the total commercial/industrial square footage shall be residential,
 - b. Limit maximum size of a secondary unit, such as to six hundred fifty square feet,
 - c. Require that the residential unit be suitable for living with regard to all health and safety requirements, noise conditions of surrounding uses, etc.,
 - d. Acknowledge priority of commercial/industrial uses by requiring that a statement be issued to potential renters advising them of potential nuisances of surrounding uses, and that subsequent complaints may not be valid. The statement will be provided by the city,
 - e. At least one parking space per unit is provided and any traffic concerns addressed. The parking requirement may be waived for one unit if dual parking use is feasible,
 - f. Projects will be evaluated on a case-by-case basis, utilizing those criteria.
2. As an incentive allow a waiver of development tax, plan check and building permit fees up to two thousand dollars for construction of a secondary residential rental unit. Require that secondary units be used for rental purposes only. Require a minimum five-year residential rental period through deed restriction if a waiver of fees has been granted by the city. (Ord. 84-1 §8-4, 1984)

18.14.050 Area requirements. Area requirements in the C-1 district are as follows:

No parcel located in the C-1 district shall be divided into lots containing less than three thousand seven hundred fifty square feet.

- A. Front yard setback, zero feet, with the provision that all parking requirements can be met;
- B. Side and rear yard setback, zero feet;
- C. Building height (maximum), thirty-six feet;
- D. Parking, to be in accordance with Chapter 18.64;
- E. Signing and fencing to be in accordance with Chapter 18.64 and Sections 18.62.050 and 18.62.060. (Ord. 84-1 §8-5, 1984)

18.14.060 Other required conditions. Other required conditions in the C-1 district are as follows:

A. In a C-1 district directly across a street or thoroughfare from any R district designated for future residential use in the general plan, the parking and loading facilities shall maintain an average distance of eight feet from such street;

B. All uses shall be conducted wholly within a completely enclosed building, except for service stations, public utility substations, and off-street parking and loading facilities; except that the council may permit the outdoor operation of any permitted use by approving a conditional use permit therefor;

C. Site plan review by the city council for all construction or physical alterations in the C-1 zoning district;

D. Design control regulations apply. (Ord. 84-1 §8-6, 1984)

Chapter 18.16

C-2 HEAVY COMMERCIAL DISTRICT

Sections:

- 18.16.010 Purpose.
- 18.16.020 Principal permitted uses.
- 18.16.030 Accessory uses.
- 18.16.040 Conditional uses.
- 18.16.050 Area requirements.
- 18.16.060 Other required conditions.

18.16.010 Purpose. The purpose of the C-2 district is to provide a location for the wholesale and heavy commercial uses and services necessary within the city, and not suited to other commercial districts. C-2 districts are to be

- (d) All uses within this district shall be visitor serving timeshare units and shall be restricted to purchase in 31-day maximum increments and to occupancy for 31-day maximum periods with the following exception: units may be constructed as fee-simple specifically to accommodate the Transfer of Density Credit Program as established in the Local Coastal Land Use Plan.
- (e) Dune restoration programs are required as indicated on the Zoning Map and per the Habitat Restoration (HR) Zone and LUP Standards.

Other required conditions.

- (a) Coastal development permit required; Coastal Zone (CZ) district regulations apply.
- (b) Off-street parking required for all uses as indicated above.

Coastal Zone Light Commercial

Purpose.

To provide for a light commercial district with commercial uses and services to service Sand City as a whole.

Permitted uses, subject to Coastal Development Permit approval.

- (a) Stores, shops, and offices supplying commodities or performing services for residents of the City as a whole or the surrounding communities.
- (b) Research and experimental laboratories.

Height regulations.

No building shall exceed thirty-six (36) feet as measured from the existing grade. All development within one hundred (100) feet of the freeway right-of-way (considered as the main thoroughfare right-of-way, excluding on/off ramps) shall be designed so as to minimize adverse visual impacts and shall be limited to 25 feet in height.

Minimum requirements.

- (a) Density: Allow 40% lot coverage except in Special Treatment zone allow 45% lot coverage for existing lots over 12,000 square feet, or where lot consolidation occurs to create lots over 12,000 square feet and where cluster development is provided.

Other required conditions.

- (a) Coastal development permit required; Coastal Zone (CZ) district regulations apply.
- (b) Off-street parking signing, fencing, and landscaping shall be in accordance with coastal zone requirements and Articles 32, 33 and 34.
- (c) In a CZ-C-1 District directly across a street or thoroughfare from any R district designated for future residential use in the Local Coastal Plan or General Plan, the parking and loading facilities shall maintain an average distance of eight (8) feet from such street.

EXHIBIT NO. 5
APPLICATION NO. Sand City LCPA 1-97
Certified CZ-C1
Implementation Ordinance

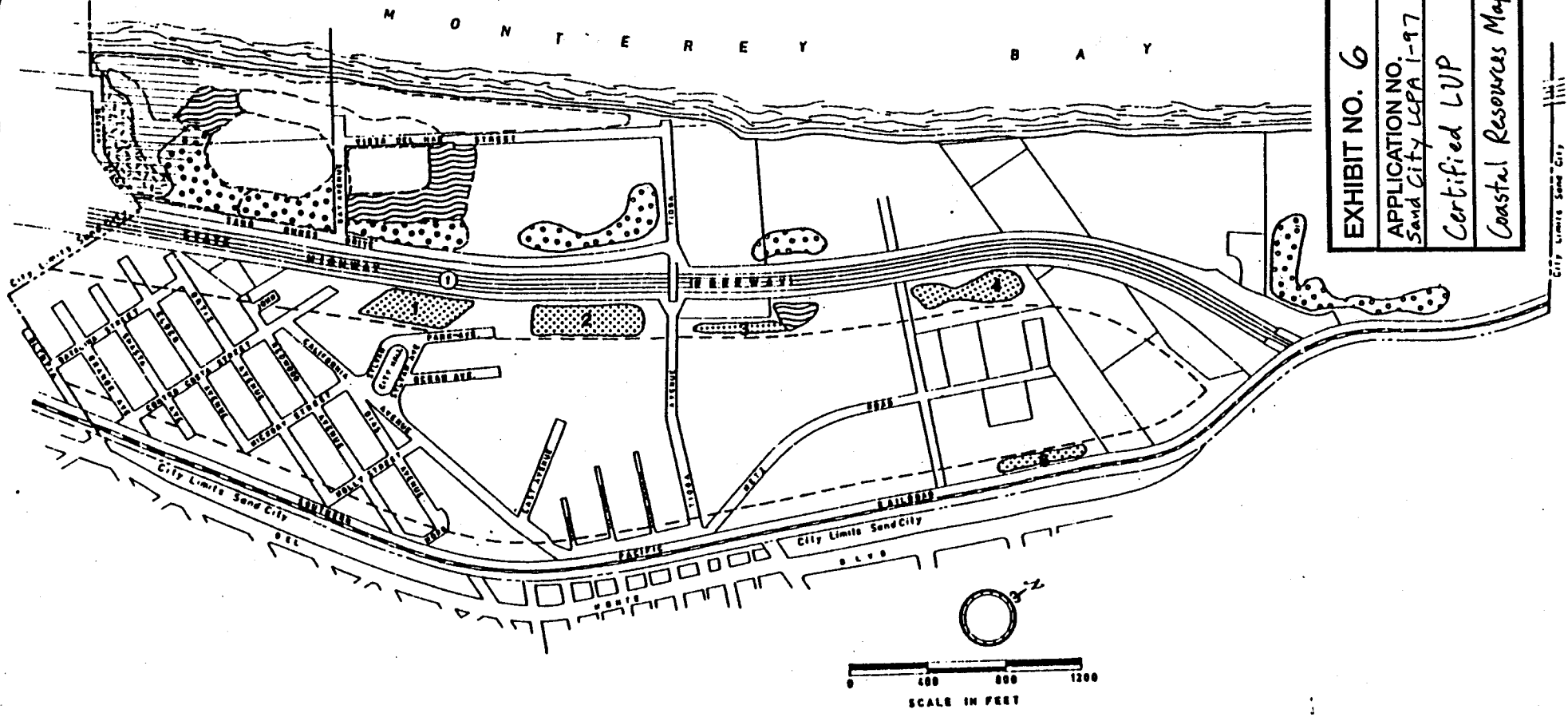


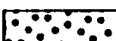
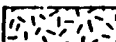



EXHIBIT NO. 6
APPLICATION NO. Sand City LCPA 1-97
Certified LUP
Coastal Resources Map

Legend :

-  SENSITIVE HABITAT AREAS
(Generalized Locations)
-  HABITAT RESTORATION AREAS
-  DUNE STABILIZATION/RESTORATION AREAS
(Within Future Development) Note: For more detail and additional
land uses allowed south of Bay Avenue, refer to Figure 12
-  BUTTERFLY HABITAT RESTORATION ZONE
-  AREA OF HIGH ARCHAEOLOGICAL SENSITIVITY

000176

SAND CITY LCP LAND USE PLAN

COASTAL RESOURCES

Figure 7

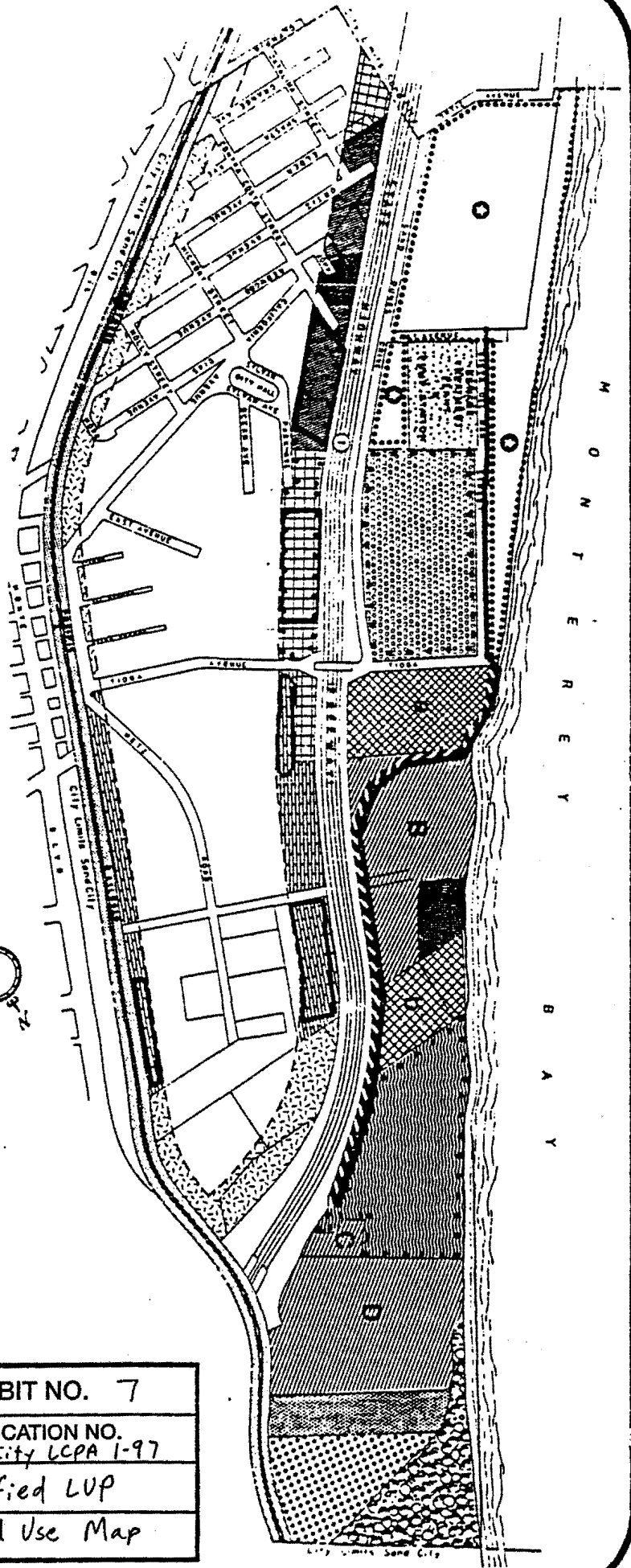


EXHIBIT NO. 7
APPLICATION NO. Sand City LCPA 1-97
Certified LUP
Land Use Map

LAND USES

- Visitor Serving Commercial
- Coastal Dependent Industrial
- Industrial Manufacturing, Visitor Serving Commercial
- Visitor Serving Residential, Low Density
- Visitor Serving Residential, Medium Density
- Residential, Medium Density
- Residential, High Density
- Light Commercial
- Heavy Commercial
- Industrial Manufacturing
- Industrial Park
- Public Recreation

COMBINING DISTRICTS

- Special Treatment Area
- Resource Management
- Special Treatment Area, South of Bay Avenue

CIRCULATION

- Transportation Corridor
- Pivotal Plan Line
- Bike Path

B,C,D,a,b
see density standards

000220

Refer to figures 12 and 13 for specific land use designations for these areas.

***** Designate Boundary and Special Treatment Combining District the South of Bay Avenue Land Use Area

SAND CITY LCP LAND USE PLAN
LAND USE PLAN MAP

Figure 11

1952

