

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV

# W10g



**Prepared November 20, 2008 (for December 10, 2008 hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, District Manager  
Susan Craig, Coastal Planner

**Subject: Santa Cruz County LCP Major Amendment Number 2-06 Part 2 (Neighborhood Compatibility).** Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's December 10, 2008 meeting to take place at San Francisco City Hall, Legislative Chamber Room 250, 1 Dr. Carlton Goodlett Place, San Francisco, CA

## Summary

Santa Cruz County is proposing to amend its certified Local Coastal Program (LCP) Implementation Plan (IP, also known as the LCP zoning code) to make three changes associated with residential development standards: (1) changing the definition of net site area (NSA) for residential properties within the Urban Services Line to exclude certain areas from the NSA calculation that is used for determining maximum allowable lot coverage and floor area ratio (FAR); (2) increasing the maximum allowable lot coverage from 30% to 40% on residential parcels between 5,000 to 16,000 square feet in size; and (3) allowing for required minimum front yard setbacks to be based on the average of adjacent front yard setbacks, subject to certain restrictions. Thus, the proposed amendment primarily affects residential siting and scale which, by extension, affects public viewsheds and community character. Both of these resources are strongly protected by the LCP's Land Use Plan (LUP), which is the standard of review for the proposed amendment.

The proposed changes are designed to address recent concerns that overly large residential development is having an adverse impact on community character and public viewsheds. The NSA modifications are designed to reduce NSA when bluffs, beaches, and submerged lands are part of underlying lots, thus reducing the LCP-allowed coverage and FAR, and thus leading to smaller scale residential development in such cases. The coverage increase, while at first somewhat counterintuitive in terms of lessening residential scale, is intended to encourage larger first-story footprints and smaller second-story footprints as a means of leading to articulation that avoids overly boxy and "looming" second-story massing. The front yard averaging is designed to provide for some variation and interest in the pattern of residential development as opposed to every house being at the same setback, and to also facilitate second stories set back from the first.

In general, these proposed measures are a good step in the right direction because it is clear that Santa Cruz County's residential built environment is at a crossroads of sorts, with ever increasing size and scale predominating in recent years, where this is perhaps most evident nearest the shoreline at one of



the most critical interfaces with the public viewshed. However, the measures proposed raise concerns because they could lead to unintended consequences (e.g., the front yard averaging and coverage increase could lead to residential massing even closer to significant viewshed areas) and they do not address critical issues (e.g., the NSA changes do not address the issue of residential development in bluffs and on beaches themselves). They also raise more fundamental questions regarding the most appropriate manner of best addressing the problems identified that precipitated the amendment in the first place. Although the County has chosen a blanket approach (that relies on countywide policies) in the LCP amendment, staff continues to believe that specific and focused sub-regional planning is necessary in this respect, and such efforts would better pinpoint and address residential mass, scale, and character issues that differ from area to area throughout the County. Such planning efforts are, however, more appropriately undertaken by the County through a local public planning process, and it is less appropriate for the Commission to undertake and develop such plans in this amendment context. Given the Commission's current severe staffing constraints, such an exercise is all the more impractical.

Thus, staff has recommended a series of mostly minor changes to the proposed amendment to ensure that the most sensitive shoreline areas are protected against inappropriate residential massing, and so the modified amendment can be found consistent with and adequate to carry out the LUP. These changes address NSA for bluff and beach properties (excluding sandy beach from NSA, and providing that in-bluff projects can be developed to a similar mass and scale as existing development similarly situated), and require certain findings be made ensuring that the proposed front yard setback and coverage allowances do not adversely impact significant public viewsheds (including for residential development along shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.). Staff believes that the modifications identified are best considered to be interim steps in the sense that the viewshed and character issues identified are probably best resolved in the long run by a series of new LCP tools focused on sub-regional planning (e.g., for Beach Drive, Live Oak, Pleasure Point, etc.) and more fundamental changes overall (e.g., residential design guidelines, decreased FAR, etc.). Until such efforts are undertaken and brought to fruition, the modified amendment should serve to better protect such resources than does the current LCP. As such, staff recommends that the Commission approve the modified LCP amendment. The necessary motions and resolutions can be found on pages 3 and 4 below.

**LCP Amendment Action Deadline:** The deadline for Commission action on this LCP amendment (per Coastal Act Sections 30510, 30512, 30513, and 30517) is June 8, 2009.



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## I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

### 1. Denial of Implementation Plan Major Amendment Number 2-06 Part 2 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (1 of 2).** I move that the Commission **reject** Implementation Plan Major Amendment Number 2-06 Part 2 as submitted by Santa Cruz County.

**Resolution to Deny.** The Commission hereby **denies** certification of Implementation Plan Major Amendment Number 2-06 Part 2 as submitted by Santa Cruz County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not consistent with and not adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse effect which the Implementation Plan Amendment may have on the environment.



2. Approval of Implementation Plan Major Amendment Number 2-06 Part 2 if Modified  
Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (2 of 2).** I move that the Commission **certify** Implementation Plan Major Amendment Number 2-06 Part 2 if it is modified as suggested in this staff report.

**Resolution to Certify with Suggested Modifications.** The Commission hereby **certifies** Implementation Plan Major Amendment Number 2-06 Part 2 to Santa Cruz County's Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

## II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Land Use Plan consistency findings. If Santa Cruz County accepts each of the suggested modifications within six months of Commission action (i.e., by June 10, 2009), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added.

**1. Net Site Area.** Replace Section 13.10.700-S to modify the definition of net site area as follows:

*Site Area, Net. The total site area less any site area associated with: (1) public and private rights-of-way designated for vehicle access; (2) coastal bluffs; (3) beaches; and (4) land seaward of the mean high tide line. For development located on the seaward side of Potbelly Beach Drive, Las Olas Drive, Beach Drive, or Via Gaviota, "beaches" shall mean all land extending seaward from the inland extent of shoreline armoring. For development located on the inland side of Beach Drive, net site area shall be determined in such a way as to result in maximum coverage and maximum FAR square footages that are equal to the average of coverage and FAR for existing residences located on the inland side of Beach Drive.*



- 2. Maximum Parcel Coverage.** Modify the LCP's R-1 and RM Site and Structural Dimensions Chart (LCP Section 13.10.323(b)) to add a double asterisk to the "Maximum Number Stories" column of each chart, and to add the following note at the bottom of each chart:

*\*\*All second story development located in significant public viewsheds (including adjacent to shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) shall be sited and designed so that it does not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character.*

- 3. Front Yard Averaging.** Modify Section 13.10.323(e)(7) of the Implementation Plan to add new subsection (E) as follows:

*(E) Front yard averaging shall only be allowed where the front setback so established does not adversely impact significant public viewsheds (including those associated with shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) and community character.*

### III. Findings and Declarations

The Commission finds and declares as follows:

#### A. Description of Proposed LCP Amendment

The amendment modifies multiple sections of the certified LCP zoning code:

First, it amends LCP Section 13.10.700-S (the definition of "Site Area, Net") for properties within the Urban Services Line to exclude certain areas from the net site area (NSA) calculation. Public and private vehicular rights of ways would continue to be excluded from NSA in all cases, and the amendment would then also exclude coastal bluff, beach, and Monterey Bay lands for blufftop parcels, and would exclude Monterey Bay lands for toe of bluff/beachfront properties.

Second, it amends the LCP's Site and Structural Dimension Charts for the R-1 (Single Family Residential) and RM (Multi-Family Residential) zone districts to change the maximum parcel coverage from 30% to 40%, and to modify one RM entry from "RM-6 to RM-9.9 5,000 to <6,000 sq.ft." to "RM-6 to RM-9.9 6,000 to < 10,000 sq.ft.".

Finally, it modifies Section 13.10.323 (Development Standards for Residential Districts) to add a provision allowing for calculating the minimum required front yard setback by front yard averaging in certain circumstances. Front yard averaging uses the average of existing adjacent and nearby front setback distances to arrive at an average that can then be applied to a site. As proposed, such averaging setback could only be applied to the first floor of structures, and not to garages or carports, and could be no less than 10 feet.



See Exhibit A for the County Board’s resolutions, and see Exhibit B for the proposed LCP changes.

## B. LUP Consistency Analysis

### 1. Standard of Review

The standard of review for proposed modifications to the County’s LUP is consistency with the Coastal Act. The standard of review for proposed modifications to the County’s IP is that they must be consistent with and adequate to carry out the policies of the LUP. In general, Coastal Act policies set broad statewide direction that are generally refined by local government LUP policies giving local guidance as to the kinds, locations, and intensities of coastal development. IP (zoning) standards then typically further refine LUP policies to provide guidance, including sometimes on a parcel by parcel level. Because this is an IP (only) LCP amendment, the standard of review is the certified LCP LUP.

### 2. Applicable Policies

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the LUP. The proposed amendment primarily affects visual resources and community character. Selected applicable LUP policies include:

***Objective 5.10.a (Protection of Visual Resources).*** To identify, protect, and restore the aesthetic values of visual resources.

***Objective 5.10.b (New Development in Visual Resource Areas).*** To ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources.

***LUP Policy 5.10.1 (Designation of Visual Resources).*** Designate on the General Plan and LCP Resources Maps and define visual resources as areas having regional public importance for their natural beauty or rural agricultural character. Include the following areas when mapping visual resources: vistas from designated scenic roads, Coastal Special Scenic Areas, and unique hydrologic, geologic and paleontology c features identified in Section 5.0.

***LUP Policy 5.10.2 (Development Within Visual Resource Areas).*** Recognize that visual resources of Santa Cruz County possess diverse characteristics.... Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section....

***LUP Policy 5.10.3 Protection of Public Vistas.*** Protect significant public vistas...from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations,... inappropriate landscaping and structure design.



**LUP Policy 5.10.6 (Preserving Ocean Vistas).** Where public ocean vistas exist, require that these vistas be retained to the maximum extent possible as a condition of approval for any new development.

**LUP Policy 5.10.7 (Open Beaches and Blufftops).** Prohibit the placement of new permanent structures which would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection and for public beach access. Use the following criteria for allowed structures: (a) Allow infill structures (typically residences on existing lots of record) where compatible with the pattern of existing structures. (b) Require shoreline protection and access structures to use natural materials and finishes to blend with the character of the area and integrate with the landform.

**LUP Policy 5.10.10 Designation of Scenic Roads.** The following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection...

**LUP Policy 5.10.12 (Development Visible from Urban Scenic Roads).** In the viewsheds of urban scenic roads, require new discretionary development to improve the visual quality through siting, architectural design, landscaping and appropriate signage.

**LUP Policy 8.6.6 (Protecting Ridgetops and Natural Landforms).** Protect ridgetops and prominent natural landforms such as cliffs, bluffs, dunes, rock outcroppings, and other significant natural features from development. In connection with discretionary review, apply the following criteria: (a) Development on ridgetops shall be avoided if other developable land exists on the property; (b) Prohibit the removal of tree masses when such removal would erode the silhouette of the ridgeline form. Consider the cumulative effects of tree removal on the ridgeline silhouette.

**Objective 8.8 (Villages, Towns and Special Communities).** To recognize certain established urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with the existing character of these areas.

**LUP Policy 8.8.1 (Design Guideline for Unique Areas).** Develop specific design guidelines and/or standards for well-defined villages, towns and communities.... New development within these areas listed in Figure 8-1...shall conform to the adopted plans for these areas, as plans become available.

**LUP Policy 8.8.2 (Coastal Special Community Designation).** Maintain a Coastal Special Community designation for the following areas shown on the General Plan and LCP Land Use Maps: Davenport, Seacliff Beach Area, Rio del Mar Flats/Esplanade, Harbor Area, East Cliff Village Tourist Area.



*LUP Figure 8-1 (Areas with Special Design Criteria or Guidelines)... Coastal Zone and Coastal Special Communities, Davenport, Live Oak Planning Area, North Coast Beaches, Rio Del Mar Flats/Esplanade Area, Seacliff Beach Area Special Community...*

### 3. Analysis

#### A. Net Site Area

The County has proposed the NSA changes to address neighborhood compatibility issues that have arisen over time as a result of allowing what is generally considered to be undevelopable land (i.e., bluff slopes, beach areas, submerged lands, etc.) to be counted towards NSA, which in turn leads to larger maximum allowed lot coverage and FAR, and thus larger houses. Such larger houses often appear out of scale with other houses in the neighborhood that do not include such undevelopable land, and these houses often appear overly massive from public viewing areas (i.e., typically beaches and immediate shoreline areas given that that is where such undevelopable land has been allowed to count towards NSA). The end result is houses that create visual impacts inconsistent with the visual resource protection and community character provisions of the LCP.<sup>1</sup> Really, when such areas count towards NSA, other LCP scaling tools (like lot coverage and FAR) no longer function for the LCP purpose intended for them.

The proposed NSA changes are intended to address these kinds of issues by excluding certain non-developable areas from the net site area definition, thus leading to reduced allowable maximum lot coverage and FAR overall in many circumstances. Specifically, the proposed new NSA definition would exclude vehicular rights of way (as is currently the case), and also exclude bluffs, beaches, and Monterey Bay submerged lands in certain circumstances. Although this is clearly a step in the right direction, the County has chosen to specify that for in-bluff cases (i.e., residential development where the bluff is excavated to allow residential development to be developed in the excavated bluff area) and for beach cases (i.e., residential development on what was historically beach), only vehicular areas and submerged lands would be excluded. However, such a distinction still allows for steep bluff and sandy beach areas to count toward NSA in such cases, and this leads to the same type of scale impacts identified above.<sup>2</sup> In fact, given that these sites are generally located in the most critical part of beach viewsheds (at the toe of bluffs and on beaches themselves), allowing the bluff and sandy areas to count

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<sup>1</sup> For example, if a lot is 10,000 square feet but appears to be 5,000 square feet because half of it is along a steep bluff face and the beach, the existing LCP allows for the full 10,000 square feet to apply to scale calculations (not just the 5,000 square feet of “flat” area), leading to development that is perceived as twice as large as parcels similarly sized to the blufftop area available. In other words, the existing LCP methodology allows for development of a much larger house than would be allowed if only the relatively flat coastal blufftop area of the parcel was used to calculate NSA.

<sup>2</sup> The County originally approved an ordinance that removed all coastal bluff faces, beaches, and Monterey Bay submerged lands from contributing to the determination of NSA. However, given that toe-of-coastal bluff parcels (which often consist almost entirely of coastal bluff face and little or no “flat” property on which to build) and beach properties would have little to no site area available for the calculation of allowable lot coverage and FAR (and would need to obtain variances for any new construction or additions under that scenario), the County modified its original approval to allow the counting of toe-of-coastal bluff properties and non-submerged beach area in NSA in such cases.





toward NSA has historically resulted in—and would continue to result in the future under the amendment—large beachfront houses that loom over the beach area and create negative visual impacts on significant public beach, ocean, and general shoreline vistas.

There are a variety of ways to address NSA for these anomalous situations in a way that protects community character and public viewsheds. The County has chosen to take a blanket definition approach. Unfortunately, such a solution only partially addresses the identified problem. For example, the proposed amendment allows the entire square footage of toe-of-bluff parcels to count towards NSA, when there may be more appropriate ways to apply standards that ensure that development on these unique sites is consistent with the pattern of development along this stretch of coast. Similarly, the amendment doesn't address the anomaly of development that is located on the beach itself in a way that scale requirements are directly related to what appears to be the developable area (i.e., the area inland of shoreline armoring).

Given the limited areas in the County where this type of non-traditional residential development phenomenon plays out, specific plans associated with these anomalous beach and in-bluff development areas would be the best way to address this issue. Such plans can hone in on site issues, including on a lot by lot basis, and would provide the most targeted response for them. There are only a few areas in the County where there are existing residentially developed areas on what was historically beach (i.e., at Potbelly Beach, Las Olas Drive, Beach Drive, and Via Gaviota in the south County area), and only one area in the County where there is development in bluffs at their toe (i.e., Beach Drive). Specific planning for these limited areas could respond more directly to the issues raised.<sup>3</sup> Such planning efforts are, however, more appropriately undertaken by the County through a local public planning process, and it is less appropriate for the Commission to undertake and develop such plans in this amendment context. Given the Commission's current severe staffing constraints, such an exercise is all the more impractical.

Thus, and as an interim measure, modifications are identified to ensure that the blanket definition approach can be found consistent with the LUP policies protecting public viewshed and community character. With respect to blufftop lots, the proposed NSA language appropriately excludes bluffs, beaches, and Monterey Bay lands, and is appropriate in that regard. However, NSA calculations for beach lots and in-bluff lots require modification.

### **Beach Parcels**

The three areas within the County in which residential development is located on what was historically beach (Beach Drive, Las Olas Drive, and Via Gaviota) are all located in the unincorporated Aptos area

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<sup>3</sup> As well as responding to related issues associated with development in these non-traditional settings. For example, development along Beach Drive cannot be approved absent LCP variances due to flood elevation and site stability issues. Variances have been routinely granted and, as a result, in place of specific regulations applicable to Beach Drive against which projects can be measured, each individual project is varied to lesser and greater degrees. The need for variances for such development along Beach Drive does not reflect a special circumstance, but rather constitutes a pattern of development that should be addressed through the specific planning and the LCP amendment process. Commission staff has long recommended such an approach to the County.



of south County. These residential areas pre-date the Coastal Act, and are almost entirely built out. Redevelopment is the primary residential development driver here, although some new development on undeveloped lots is also seen (i.e., exclusively “in-bluff” or “bunker house” development on Beach Drive). Although the beach viewshed is already impacted by residential development along these areas to lesser and greater degrees, it is still important that new development and redevelopment not contribute to the cumulative degradation of the public viewshed at these locations, but rather be sensitively sited and designed, including in terms of scale, in response to the special setting in which it is located. Given these areas are located in and adjacent to significant public beach areas (i.e., New Brighton State Beach, Seacliff State Beach, Hidden Beach County Park, etc.) that are heavily used by the public, such sensitive siting and design is even more critical.

All existing beach residential development in these areas is currently fronted by shoreline armoring (i.e., seawalls, bulkheads, and/or rip-rap revetments). In many cases, though, the underlying parcels extend seaward of the existing shoreline protection to take in sandy beach area.<sup>4</sup> Under the proposed amendment, any portion of a beach parcel that extends seaward of the existing shoreline armoring may be used to calculate NSA, except for any portion of the parcel that is located seaward of the mean high tide line. For many of these parcels, however, the area seaward of the shoreline armoring is located mostly or entirely above the mean high tide line. Thus, under the proposed amendment, the unusable and undevelopable sandy beach area located seaward of the shoreline structure (but above the mean high tide line) would continue to count towards NSA. This in turn allows for the development of larger beachfront residences that overwhelm what appear to be the developable portion of the site inland of shoreline armoring. Such residences in these areas can loom over the beach and create negative visual impacts in areas of significant public views. Allowing sandy beach seaward of the existing armoring at these locations to count toward NSA would continue the trend toward large, out-of-scale houses on the beach as redevelopment occurs.

Absent the aforementioned specific planning exercise, an appropriate standard is to allow only those beach areas inland of the armoring to be counted towards NSA. It is this area that is perceived by passers by as the area in which the development is to be scaled, and it is this area that is best used to identify NSA. The result will be to reduce allowable building coverage and FAR at these sensitive sites to that scaled to what appears to be the developable area. In other words, it will bring these sites back into the universe where maximum FAR and coverage calculations are appropriate LCP scaling tools, and will protect the character and visual resource value of the critical shoreline viewshed area. See suggested modification 1.

### **Toe of Bluff Parcels**

The “toe-of-bluff” parcels are located exclusively along the bluff side of Beach Drive in Aptos. In a number of cases, these bluff-side parcels consist solely of the bluff face with the entire site consisting of

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<sup>4</sup> Where such sandy beach area has historically been used by the public for general beach activities as if it were public for many, many years, and continues to be used in this manner without restriction today. Although publicly used in this manner, the underlying lots are still privately owned fee-title in most of these cases, and these sandy beach areas are counted toward NSA as part of such lots.



a slope ranging from 50% to sometimes over 70%. Other “toe-of-bluff” parcels along the inland side of Beach Drive do have some amount of flat land on the parcel that can accommodate residential development, but also include steeply-sloped land that extends up the bluff face. Given the steep nature of these parcels and a history of geological instability and landslides along Beach Drive, in recent years the County has required that new residential development on these parcels be constructed using reinforced concrete, and has also required that these residences are designed and engineered to withstand the impact of any expected landslides and storm surges. These types of reinforced residences are often referred to as “bunker” houses. Typically, new bunker houses approved by the County range in size from about 3,000 to 6,000 square feet, depending on the size of the parcel.

The toe-of-bluff parcels along the inland side of Beach Drive constitute an anomaly that does not exist elsewhere in the County. The amendment as proposed by the County, however, would have no impact on the vast majority of the toe-of-bluff parcels in terms of the NSA calculation because very few, if any, of these parcels extend seaward of the mean high tide line of Monterey Bay. While it would be possible to exclude the bluff face from contributing to the determination of NSA for parcels along Beach Drive, the end result would be that many of these parcels would have little or no site area available for the calculation of allowable lot coverage and FAR. This would either lead to such development not being approvable and/or the need for the issuance of variances to allow for new construction on these parcels.

Again, given the unique situation along the inland extent of Beach Drive, a specific plan exercise would be the most appropriate remedy. Absent such exercise, though, it is difficult to articulate a meaningful method of calculating NSA given the nature of the development sites in question. Given that the amendment would not impact these parcels in any meaningful way, the most appropriate interim step to ensure that NSA as a scale driver and tool functions for these sites as well is to require that lot coverage and FAR (i.e., the scaling tools that derive from NSA) are consistent with the existing pattern of development along this unique stretch of coast. Specifically, by taking the average of existing inland coverage and FAR for Beach Drive, representative and fair maximums can be placed on new development and redevelopment along the bluff itself. See suggested modification 1.

### **Other Issues**

The new amendment changes the NSA from a definition that applies countywide to one that is different in and out of the Urban Service Line. This is inappropriate. The same types of issues associated with NSA and related scaling tools at these bluff, beach, and Monterey Bay interfaces are expected whether a site is in or out of the Urban Service Line. In order to address this issue, modifications are necessary to continue to have NSA be calculated consistently throughout the County. See suggested modification 1.

#### **B. Maximum Parcel Coverage**

The purpose of the proposed change (i.e., to increase the maximum allowed site coverage from 30% to 40% for R-1 and RM properties) is to attempt to reduce the prevalence of boxy houses and overly large second stories that tend to appear more massive, and that adversely impact community character and public views, particularly at sensitive shoreline locations. The idea is that by increasing site coverage



limits, larger first stories could be pursued within the larger allowed footprints, and this would in turn lead to smaller second stories set back from the first (i.e., more massing would be allotted to first stories)<sup>5</sup> that would help residential structures appear more small scale. By extension, community character and public views would be better protected, and potentially enhanced. The LCP amendment does not require second stories to be smaller than first stories, and does not propose to change the maximum 50% FAR that applies to the LCP's R-1 and RM districts.

A smaller second story could address concerns about larger, boxy residential development in which the second story is as large as the first story and looms over neighboring properties or over public areas such as public streets, parks, or beaches. However, under the proposed amendment, a smaller second story could still be located such that it looms over a street or other public viewing areas (e.g., by placing the entire second story above the portion of the first story that is closest to a beach or public viewpoint in order to maintain maximum views from the second story). Also, the amendment, as proposed, would not mandate a larger first story, and many properties could continue to be developed with two-story residences in which each story was similar in size, leading to the same potential impacts to neighboring properties and public views from the "looming" effects of the second story. It also does not address the issue of cantilevered second story elements, including decks, that only exacerbate character/viewshed impacts.

There are a variety of ways to get at the massing issue that is being addressed here. It is true that the proposed amendment method could lead to some better mass/scale outcomes in this respect, but it is not guaranteed. Really, if the objective is to have second stories that are smaller than the first, then the rules would need to be written to require that to be the case (e.g., a requirement that all second story elements are set back some number of feet from first story elements). Also, if the objective is to have smaller-scale residential development, some FAR reductions and/or modifications would probably be necessary to ensure that smaller residential stock was the outcome.<sup>6</sup> Finally, residential design guidelines and/or some form of design/architectural review board may ultimately prove necessary.<sup>7</sup>

Although some combination of these various methods, including in tandem with that proposed, would probably be appropriate in Santa Cruz County, and particularly in certain more sensitive residential shoreline areas (e.g., Pleasure Point), developing such tools in an LCP sense is deserving of a public planning process that is better undertaken by the County than by the Commission through this LCP amendment request. The Commission encourages the County to pursue such tools for the LCP. In the interim, and to ensure that the proposed amendment works appropriately in sensitive coastal areas (and protects character and public viewsheds as intended), modifications are identified that require all second

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<sup>5</sup> The reduction in size of the second story would occur because the allowable FAR for these sites would not change. Thus, if a larger first story were constructed, the second story would have to be smaller in scale to meet FAR requirements.

<sup>6</sup> For example, reducing allowed FAR to 40% and/or allowing underground areas (basements, etc.) to be excluded from FAR calculations to encourage development that accommodated square footage needs underground as opposed to in the public view.

<sup>7</sup> Such tools have proven effective in other coastal communities interested in ensuring small-scale residential development and design (e.g., City of Carmel). Several years ago the County embarked on a residential design guidelines document that could have been useful in this regard, but the County has not recently pursued this avenue and it has not come to LCP fruition.



story development located in significant public viewsheds (including adjacent to shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) to be sited and designed so that it does not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character. See suggested modification 2.

### C. Front Yard Averaging

The front yard averaging component of the proposed amendment allows the required front yard setback for new first floor structures (other than garages and carports) to be determined based on either: a) the average of the front yards of the houses on each side of the site proposed for development; or b) for project sites that are not situated between sites improved with buildings and where sites comprising 40% of the frontage of the block are improved with buildings, the minimum front yard setback may be the average of the existing front yard depths on the block. In no case would the allowed front yard setback be less than 10 feet, and garages and carports would still need to meet existing LCP minimum front yard setbacks (currently ranging from 10 to 20 feet for the R-1 and RM districts in question).

The “front yard averaging” site regulation was in effect in the County from 1962 to 1983, and many houses in now established neighborhoods were built to this standard. More recent developments have had to meet fairly standard setback requirements (20 feet in most cases). Allowing new houses and additions to meet an average setback as proposed may help such development be more compatible with existing patterns of development relevant to front yards, which can vary quite a bit, particularly in older neighborhoods. It may provide for less uniformity in the front yard setback, leading to more visually interesting development patterns overall.<sup>8</sup> The proposed change would also return a number of existing houses built between 1962 and 1983 to conformity with the adopted site regulations and eliminate their nonconforming status.

Although the front yard averaging concept is valid, and it could lead to the type of visual interest in front yard articulation relative to certain neighborhoods, it would, over the long run, also lead to residential development that is located closer to the public streets than would occur under the existing setback regulations as new houses spring up that take advantage of the averaging rule. In other words, setbacks would only decrease under this proposal, leading to reduced setbacks cumulatively over time. In many neighborhoods, this may be appropriate and even contribute to neighborhood character. However, along certain public thoroughfares, prominent coastal viewshed areas, or areas adjacent to public paths or trails (such as portions of East Cliff Drive), locating residential development as close as within 10 feet of these public areas may negatively impact these visual and public resources.

Ideally, the proposed amendment would include some refinements that were case and site specific to be able to address these types of potential issues, but instead the proposed amendment applies to all residential zoning districts, including those residential areas that may be located in the sensitive areas mentioned above. Again, and as with the other amendment components described above, these issues

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<sup>8</sup> A neighborhood that is completely uniform in all its front setbacks and other design patterns (such as is typical of many residential subdivisions and tract homes in recent years) is less visually interesting than one that is varied.



speak to the need for more specific planning efforts based on sub-regional areas. The County has in recent years started and stopped some such efforts (e.g., the Live Oak Community Plan that has remained in draft form for many years), and has rekindled some others (e.g., the currently ongoing Pleasure Point Community Plan effort), but even these efforts to date have not dealt with the types of issues identified in a meaningful way (i.e., specific requirements for setbacks, FAR, design articulation, etc.). Again, the County is more appropriately the entity to pursue such efforts through a local public planning process (as opposed to the Commission through this LCP amendment), and the Commission encourages the County to pursue such tools for the LCP. In the interim, and to ensure that front yard averaging does not adversely impact particularly sensitive coastal areas through moving mass closer to public streets, modifications are identified that only allow front yard averaging where the front setback so established does not adversely impact significant public viewsheds (including those associated with shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) and community character. See suggested modification 3.

#### 4. Conclusion

The County has proposed a series of measures intended to address certain neighborhood compatibility and residential mass/scale issues. These measures require modification to ensure that the most sensitive shoreline areas are protected against inappropriate residential massing, and so the modified amendment can be found consistent with and adequate to carry out the LUP. The modifications identified are interim in the sense that the Commission believes that the viewshed and character issues identified are best resolved by a series of new LCP tools that can be applied to address the residential housing stock of Santa Cruz County in a manner that is more protective of coastal resources as directed by the Coastal Act and the LUP. Specific planning efforts for sub-regional areas with similar issues are appropriate and are encouraged (e.g., Beach Drive, Live Oak, Pleasure Point, etc.), as are other tools that should be considered overall (like residential design guidelines, FAR changes, etc.). Until such efforts are undertaken and brought to fruition, the modified amendment should serve to better protect such resources than does the current LCP.

It is clear that Santa Cruz County's residential built environment is at a crossroads of sorts, with ever increasing size and scale predominating in recent years, where this is perhaps most evident nearest the shoreline at one of the most critical interfaces with public viewsheds. If a competing vision is to be established that is based on a small scale community ethic, the LCP will need to be augmented and updated accordingly. Although relatively minor changes, like those proposed and modified here, can help, more substantive and fundamental LCP refinement is required. The Commission strongly supports and encourages such LCP planning efforts, and hopes that the County can pursue such efforts in the near future.

### C. 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 undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed.

The County, acting as lead agency, found the proposed LCP amendments to be categorically exempt from further environmental review under Sections 1805 and 1808 of the County's CEQA Guidelines and Sections 15303, 15308, and 15265 of the State CEQA Guidelines and Public Resources Code Section 21080.9.

This report has discussed the relevant coastal resource issues with the proposal, and has identified appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

0321

RESOLUTION NO. 388-2006

On the motion of Supervisor Wormhoudt  
duly seconded by Supervisor Beautz  
the following Resolution is adopted:

BOARD OF SUPERVISORS RESOLUTION REGARDING PROPOSED  
AMENDMENTS TO EXISTING COUNTY CODE SECTIONS 13.10.323(b),  
13.10.700-S, AND TO ADD NEW COUNTY CODE SECTION 13.10.323(e)(7)

WHEREAS, the California Coastal Commission has certified the County's Local Coastal Program, including County Code Chapter 13.10 as consistent with and legally adequate to carry out the California Coastal Act; and

WHEREAS, County Code Chapter 13.10, Zoning Regulations, provides standards for residential development; and

WHEREAS, several proposed residential developments governed by County Code Chapters 13.10, 13.11, or 13.20 have resulted in contentious appeals to the Board of Supervisors and have raised issues related to the compatibility of those proposed developments, and by extension, future residential development proposals, with existing development; and

WHEREAS, it is the desire of the County of Santa Cruz to ensure that new development proposals are compatible with the neighborhoods within which they are proposed; and

WHEREAS, on November 8, 2006, the Planning Commission held a duly noticed public hearing to consider proposed amendments to existing County Code Section 13.10.323(b), 13.10.700-S, and to add new County Code Section 13.10.323(e)(7); and

WHEREAS, the Planning Commission found that the proposed amendments are consistent with the policies of the General Plan and Local Coastal Program; and

WHEREAS, the Planning Commission found that the proposed amendments are consistent with the California Coastal Act; and

WHEREAS, the Planning Commission found that the proposed amendments are categorically exempt from further environmental review under CEQA Guidelines Section 15265 and Public Resources Code Section 21080.9, CEQA Guidelines Section 15308, and Section 1805 of the County's CEQA Guidelines (Attachment 2).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors approves the amendments to County Code Chapter 13.10 as shown in Exhibit A and that the amendments be submitted to the California Coastal Commission for certification as part of Coastal Rounds 3 of 2006.

CCC Exhibit A  
(page 1 of 4 pages) **39**



PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 5th day of December, 2006 by the following vote: 0322

AYES:	SUPERVISORS	Wormhoudt, Beautz, Pirie and Stone
NOES:	SUPERVISORS	Campos
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

**MARK W. STONE**  
Chair of the Board of Supervisors

ATTEST: **GAIL T. BORKOWSKI**  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

*[Signature]*  
COUNTY COUNSEL

cc: County Counsel  
Planning Department

STATE OF CALIFORNIA ) ss  
COUNTY OF SANTA CRUZ )  
SUSAN A. MAURIELLO, County Administrative  
Officer and ex-officio Clerk of the Board of Super-  
visors of the County of Santa Cruz, State of  
California do hereby certify that the foregoing is  
a true and correct copy of the resolution passed  
and adopted by and entered in the minutes of the  
said board. In witness whereof I have hereunto  
set my hand and affixed the seal of the said  
Board on 12/7/06  
SUSAN A. MAURIELLO, County  
Administrative Officer  
By *[Signature]* Deputy

CCC Exhibit A  
(page 2 of 4 pages)

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Supervisor  
duly seconded by Supervisor  
the following Resolution is adopted:

BOARD OF SUPERVISORS RESOLUTION REGARDING  
A PROPOSED ORDINANCE AMENDING SECTION 13.10.700-S  
OF THE SANTA CRUZ COUNTY CODE  
AND RESCINDING SECTION III OF ORDINANCE NO. 4841  
RELATING TO THE DEFINITION OF NET SITE AREA

WHEREAS, the California Coastal Commission has certified the County's Local Coastal Program, including County Code Chapter 13.10, as consistent with and legally adequate to carry out the California Coastal Act; and

WHEREAS, County Code Chapter 13.10, Zoning Regulations, provides standards for residential development; and

WHEREAS, several proposed residential developments governed by County Code Chapter 13.10 have resulted in contentious appeals to the Board of Supervisors and have raised issues related to the compatibility of those proposed developments, and by extension, future residential development proposals, with existing development; and

WHEREAS, it is the desire of the County of Santa Cruz to ensure that new development proposals are compatible with the neighborhoods within which they are proposed; and

WHEREAS, the adopted Net Site Area definition in Ordinance No. 4841 results in parcels located at the toe of bluffs or on the beachfront having no net site area thereby requiring variance approvals for increased residential square footage; and

WHEREAS, it was not the County's intention to render these parcels with no net site area and, therefore, Ordinance No. 4841 requires revision; and

WHEREAS, on April 25, 2007, the Planning Commission held a duly noticed public hearing to consider proposed amendments to County Code Section 13.10.700-S, Net Site Area Definition; and

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Billy  
Steve Graves

CCC Exhibit A  
(page 3 of 4 pages)

WHEREAS, the Planning Commission found that the proposed amendments are consistent with the General Plan/LCP and the California Coastal Act; and

WHEREAS, the Planning Commission found that the proposed amendments are categorically exempt from further environmental review under Sections 1805 and 1808 of the County's CEQA Guidelines and Sections 15305, 15308, and 15265 of the State CEQA Guidelines and Public Resources Code Section 21080.9 (Attachment 3).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the amendments to County Code Chapter 13.10 as shown in Exhibit A and that the amendments be submitted to the California Coastal Commission for certification.

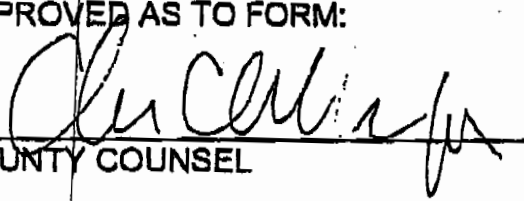
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2007 by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

\_\_\_\_\_  
Chair of the Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COUNTY COUNSEL

cc: County Counsel  
Planning Department

CCC Exhibit A  
(page 4 of 4 pages)

ORDINANCE NO. \_\_\_\_\_

0323

**ORDINANCE AMENDING SECTIONS 13.10.323 and 13.10.700-S OF THE SANTA CRUZ COUNTY CODE AND ADDING SUBSECTION (e) (7) TO SECTION 13.10.323 OF THE SANTA CRUZ COUNTY CODE ALL RELATING TO NEIGHBORHOOD COMPATIBILITY**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

The Site and Structural Dimensions Charts for the R-1 Single Family Residential Zone Districts and RM Multi-Family Residential Zone Districts in Subdivision (b) of Section 13.10.323 of the Santa Cruz County Code are hereby amended to read as follows:

1. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE\*\*\*\*" percentage designated for the Parcel Specific Condition of "Parcels >5,000 sq. ft." within the Zone District of "R-1-3.5 to R-1-4.9 0 to <5,000 sq. ft." is revised to read "40%" instead of the current "30%".
2. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE\*\*\*\*" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft." are each revised to read "40%" instead of the current "30%".
3. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE\*\*\*\*" percentage designated for the Parcel Specific Conditions of "General Requirements", "Corner lots", and "Parcels >4,000 to <5,000 sq. ft." within the Zone District of "R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft." are each revised to read "40%" instead of the current "30%".
4. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "PARCEL SPECIFIC CONDITION" described as "Parcels >4,000 to <5,000 sq. ft." within the Zone District of "R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft." is revised to read "Parcels >4,800 to <5,999 sq.ft." instead of the current "Parcels >4,000 to < 5,000 sq. Ft."
5. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE\*\*\*\*" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "R-1-10 to R-1-15.9 10,000 to <16,000 sq. ft." are each revised to read "40%" instead of the current "30%".

**CCC Exhibit** B  
(page 1 of 3 pages)

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6. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE\*\*\*\*" percentage designated for the Parcel Specific Condition of "Parcels >5,000 sq. ft." within the Zone District "RM-1.5 to RM-4.9 0 to <5,000 sq. ft." is revised to read "40%" instead of the current "30%".

7. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE\*\*\*\*" percentage designated for the Parcel Specific Conditions of "General Requirements and for all parcels >6,000 sq. ft." and "Corner lots" within the Zone District of "RM-5 to RM-5.9 5,000 to <6,000 sq. ft." are each revised to read "40%" instead of the current "30%".

8. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the Zone District described as "RM-6 to RM-9.9 5,000 to <6,000 sq. ft." is revised to read "RM-6 to RM-9.9 6,000 to < 10,000 sq.ft." instead of the current "RM-6 to RM-9.9 5,000 to < 6,000 sq. ft."

9. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART", the "MAXIMUM PARCEL COVERAGE\*\*\*\*" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "RM-6 to RM-9.9 6,000 to <10,000 sq. ft." are each revised to read "40%" instead of the current "30%".

**SECTION II**

The Santa Cruz County Code is hereby amended by adding Subsection (e) (7) to Section 13.10.323 to read as follows:

(7) Front Yard Averaging

(A) On a site situated between sites improved with buildings, the minimum front yard for the first floor of structures other than garages or carports may be the average depth of the front yards on the improved sites adjoining the side lines of the site but in no case shall be less than 10 feet.

(B) Where a site is not situated between sites improved with buildings and where sites comprising forty percent (40%) of the frontage on a block are improved with buildings, the minimum front yard for the first floor of structures other than garages or carports may be the average of the existing front yard depths on the block but in no case shall be less than 10 feet.

(C) In computing average front yard depths, the figure thirty (30) feet shall be used in lieu of any front yard depth greater than thirty (30) feet.

(D) Proposed garages or carports shall meet the minimum front yard setbacks shown in Section 13.10.323 Site and Structure Dimensions Charts or as allowed by Section 13.10.323(d)(5) Parcel with Steep Slopes. The required front yard setback for other accessory structures may be reduced as allowed by Section 13.10.323(e)(6).

AN ORDINANCE AMENDING SECTION 13.10.700-S  
OF THE SANTA CRUZ COUNTY CODE AND RESCINDING  
SECTION III OF ORDINANCE NO. 4841 RELATING TO THE  
DEFINITION OF NET SITE AREA

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 13.10.700-S of the Santa Cruz County Code—the definition of "Site Area,  
Net"—is hereby amended to read as follows:

Site Area, Net.

- a. Outside the Urban Services Line, the total site area less all public or private rights-of-way designated for vehicle access.
- b. Inside the Urban Services Line, for all coastal bluff-top parcels, the total site area less:
  - i. All public or private rights-of-way designated for vehicle access; and
  - ii. Coastal bluff, beaches, and all land seaward of the mean high tide line of Monterey Bay.
- c. Inside the Urban Services Line, for all parcels located at the toe of a bluff or on the beachfront, the total site area less:
  - i. All public or private rights-of-way designated for vehicle access; and
  - ii. All land seaward of the mean high tide line of Monterey Bay.

SECTION II

Section III of Ordinance No. 4841 is hereby rescinded.

~~Site Area, Net. Outside the Urban Services Line the total site area less all public or private rights of way designated for vehicle access. Inside the Urban Services Line, the total site area less:~~

~~a. All public or private rights of way designated for vehicle access, and Coastal bluffs, beaches, and Monterey bay submerged lands, including all the area from the top of a coastal bluff to the bayward property line, but not including coastal arroyos.~~

SECTION III

This ordinance shall become effective on the 31<sup>st</sup> day following adoption or upon certification by the California Coastal Commission, whichever occurs later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz  
this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS

★ SECTION 13.10.700-S - LANGUAGE AS CURRENTLY CERTIFIED  
(The language below is being replaced by the language shown in underline above)

Site Area, Net. The total site area less any public or private rights-of-way designated for vehicle access.

CCC Exhibit B  
(page 3 of 3 pages)