

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

W5b

Prepared May 21, 2009 (for June 10, 2009 Hearing)

To: Coastal Commissioners and Interested Persons

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

**Subject: De Minimis Amendment Determination for Santa Cruz County Local Coastal Program
Amendment Number 1-09 Part 1 (Seacliff Village Plan - Site 4b)**

Santa Cruz County's Proposed Amendment

Santa Cruz County is proposing to amend its certified Local Coastal Program (LCP) Seacliff Village Plan (which is part of the certified Land Use Plan) to remove the two-story height limitation on Site 4b in Seacliff Village, delete the requirement that any proposed structure on the site be designed to resemble a residential building, and add more specificity regarding the uses allowed on this site. Site 4b is a 7,200 square foot vacant parcel located at the northeast corner of Broadway and North Avenue in Seacliff Village. Site 4b is zoned Visitor Accommodation and the Seacliff Village Plan calls for this parcel to be developed as an inn or a bed-and-breakfast accommodation. This is a project-driven amendment, intended to allow for the development of a three-story, 12-room hotel with restaurant and a gymnasium/spa (Seacliff Beach Hotel). See Exhibit A for the proposed text changes to the Seacliff Village Plan and see Exhibit B for a map showing the location of Site 4b.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis." In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more



commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on June 20, 2009).

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is de minimis.

Each of the de minimis criteria is discussed briefly below:

- 1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** Site 4b is located within the Seacliff Village area in a fairly urbanized section several blocks from the coast. The parcel is bounded to the north by an undeveloped alley and the railroad right-of-way and to the east by residential development along North Avenue. Commercial development is located two blocks from Site 4b along State Park Drive to the west and Center Avenue to the south (see Exhibit B).

The Seacliff Village Plan, which was certified by the Commission in 2003, designates the site for overnight visitor accommodations, consistent with the Plan's primary objective of enhancing Seacliff Village as a visitor destination. By eliminating the Village Plan's reference to a 2-story limit for Site 4b, the standard VA (Visitor Accommodations) zoning district story limits would instead apply. Thus, the proposed amendment would result in an increase in the maximum number of stories allowable on Site 4b from two to three. This is consistent with the VA zoning for the site, which allows up to three stories and a maximum height of 35 feet. In other words, development on the site is already allowed up to 35 feet in height. The proposed change would allow a 35-foot maximum structure with three as opposed to two stories. Thus, the maximum massing allowed would not change but, by allowing three stories, more articulation may be possible. The proposed amendment also deletes the Plan's requirement that future structures on the site resemble residential buildings. Given the Plan's visitor serving focus, and the fact that the LCP's public viewshed and character policies will continue to apply, this change is appropriate and will not adversely impact these resources. The proposed addition of language indicating that restaurants and spas/gyms associated with the overnight visitor use are allowed only reiterates what is already allowed in the VA zoning district.

Thus, the changes proposed are generally minor in nature, are designed to help facilitate visitor serving development consistent with Seacliff Village Plan, LCP, and Coastal Act land use priorities, and do not alter the basic parameters for development at the site inconsistent with coastal resource protection. For these reasons, the proposed amendment will not have an adverse impact, either individually or cumulatively, on coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.

- 2. Provision of public notice:** The County provided public notice in advance of both the Planning Commission hearing (held on October 8, 2008) and the Board of Supervisors hearings (held on



December 9, 2008 and January 13, 2009). For the Planning Commission hearing, notices were mailed to interested parties on September 2, 2008 and newspaper advertisement notice was printed on September 24, 2008. For the Board hearings, notices were mailed to interested parties on December 1, 2008 (for the December 9, 2008 hearing) and on December 17, 2008 (for the January 13, 2009 hearing) and newspaper advertisement notice was printed on January 3, 2009 (for the January 13, 2009 hearing). In addition, newspaper advertisement notice of the Negative Declaration with Mitigations for the project-driven LCP amendment was printed in two local newspapers on July 14, 2008. The proposed LCP amendment text was also made available on the County's website in advance of the Planning Commission and Board hearings. The amendment submittal was subsequently received by Commission staff on April 29, 2009, thus satisfying the 21-day requirement.

- 3. No change in use of land or allowable use of property:** The property is zoned VA (Visitor Accommodation). Inns, restaurants, spas, and gymnasiums/fitness centers are all allowable uses in the VA zoning district. Thus, the proposed amendment does not propose a change in use of land or allowable use of property.

Coastal Commission Concurrence

The Executive Director will report this de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its June 10, 2009 meeting at the Marina del Rey Hotel, 13534 Bali Way in Marina del Rey. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Susan Craig at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by June 5, 2009.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on May 8, 2009. It is LUP only and the 90-day action deadline is August 6, 2009. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until August 6, 2009 to take a final action on this LCP amendment.

Exhibits:

Exhibit A: Proposed Changes to Seacliff Village Plan

Exhibit B: Site 4b Location Map



Text of Amendments to Site 4b of the Seacliff Village Plan

0447

(amendments in **bold**, underline for new text, ~~double-strikeout~~ for text deleted)

3.2.3.d.2 Site 4-b

(APN 42-022-12, no name/situs)

This 7,200 square foot vacant parcel is located at the northeast corner of Broadway and North Avenue; Broadway Avenue, in this area is undeveloped and overgrown. The parcel is bounded to the north by an undeveloped alley and the railroad right-of-way and to the east by residential development along North Avenue.

~~Due to the adjacent residential use to the east, more intense commercial uses are not appropriate.~~ The use of this parcel shall be Type A visitor accommodations, such as an inn or bed and breakfast inn. ~~The structure shall be a maximum of two stories and shall be designed to resemble a residential building.~~ The inclusion of a restaurant and/or a gymnasium/spa facility shall be allowed in conjunction with the primary visitor accommodations use.

The undeveloped alley to the north and a portion of the Broadway right-of-way to the west of the parcel should be combined with this parcel to provide additional area for parking. However, sufficient land shall be left for vehicular access for site 4-a and pedestrian access connecting the railroad right-of-way to Broadway to allow for a potential public trail along the railroad tracks and/or public access to a potential rail transit station/platform. Future proposed development shall not preclude the provision of vehicular and pedestrian access as described.

As a condition of approval for development of this parcel, the owner shall contribute to roadway and roadside improvements of Broadway and improve North Avenue along its frontage.

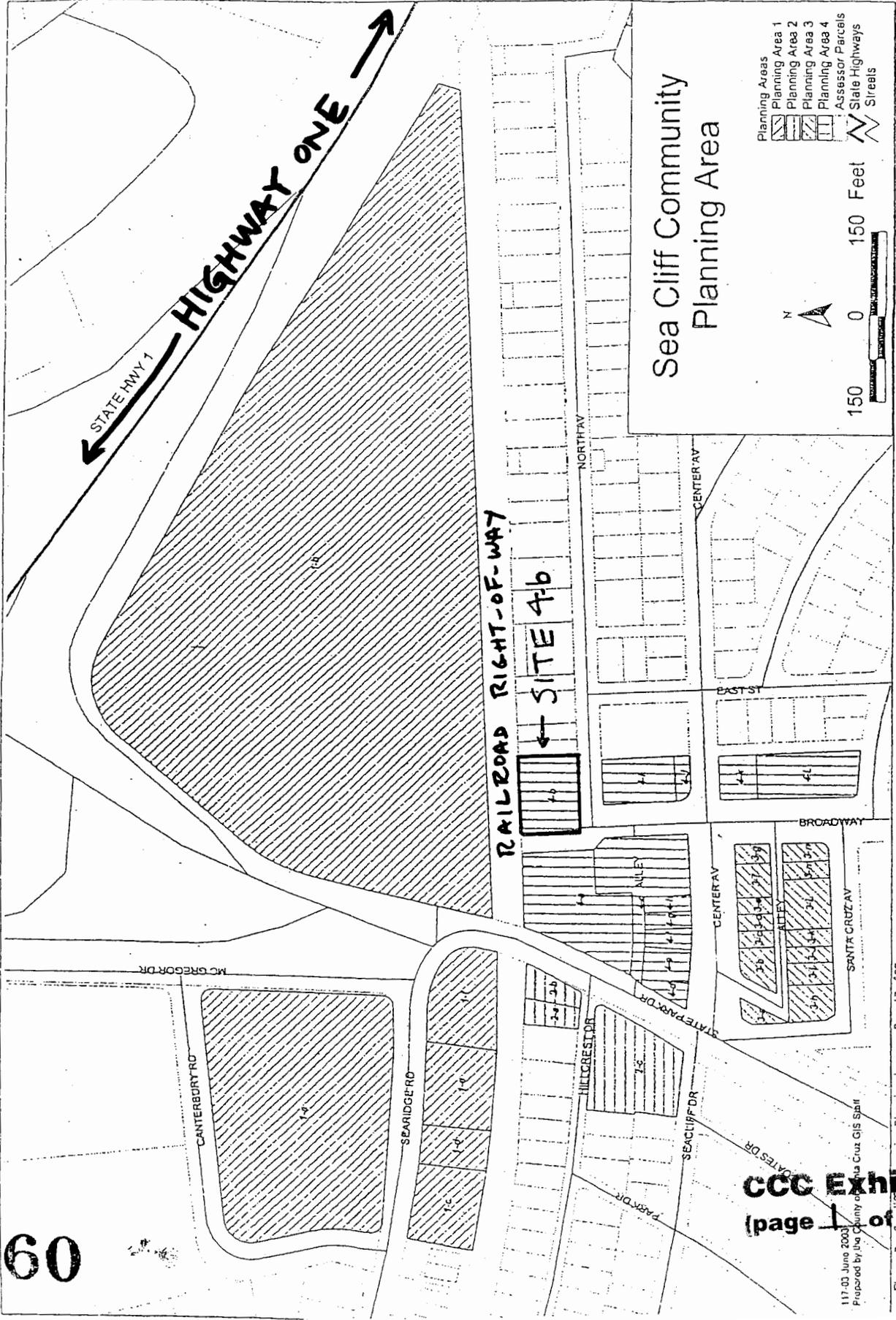
This parcel has been rezoned to the VA (Visitor Accommodations) zone district and the General Plan/LCP designation changed to Visitor Accommodations.

Parking Requirements:

Parking, as required by County Code Section 13.10.550 et seq., shall be provided on site.

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STATE HWY 1
← HIGHWAY ONE →

RAILROAD RIGHT-OF-WAY
← SITE 4b

Sea Cliff Community
Planning Area

- Planning Areas
- Planning Area 1
- Planning Area 2
- Planning Area 3
- Planning Area 4
- Assessor Parcels
- State Highways
- Sireals



150 0 150 Feet

SEACLIFF STATE BEACH
+
MBNMS



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CCC Exhibit B
(page 1 of 1 pages)

117-03 June 2003
Prepared by the County of Santa Cruz GIS Staff

Figure 7 Sea Cliff Community Planning Areas Page 17 of 77