

CALIFORNIA COASTAL COMMISSION

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Prepared February 16, 2011 (for March 11, 2011 Hearing)

To: Coastal Commissioners and Interested Persons

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

**Subject: Minor Amendment Determination for Santa Cruz County Local Coastal Program
Amendment Number 2-10 Part 3 (Second Unit Owner Residency, Public Agencies)**

Santa Cruz County's Proposed Amendment

Santa Cruz County is proposing to amend the certified Local Coastal Program (LCP) Implementation Plan's (IP) second unit ordinance (Section 13.10.681) to remove the requirements for owner-occupancy and the need to obtain a homeowner's property tax exemption for properties with a second residential unit that are owned by public agencies that provide housing to special populations. See Exhibit A for the cross-through and underlined proposed changes. These proposed changes would apply throughout the County.

Minor LCP Amendment Determination

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on March 11, 2011).

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

The proposed amendment would remove the requirements for owner-occupancy and a homeowner's property tax exemption on properties with a second unit that are owned by public agencies that provide



housing to special populations. The Gemma House Improvement Project prompted the proposed ordinance amendment. The Gemma House, which is owned by the County's Redevelopment Agency (RDA), provides transitional housing for women leaving the Blaine Street jail. The Gemma House is a single-family home that includes a 400-square-foot habitable second unit on the property. Currently LCP Section 13.10.681 requires owners of second units to obtain a homeowner's property tax exemption and to reside on the property. Gemma House is owned by the RDA, which is a public agency and thus is not able to meet the requirements of IP Section 13.10.681 with respect to the habitable second unit on the property, i.e. as a public agency the RDA cannot reside on the property and cannot obtain a homeowner's property tax exemption. In the rare case where a public agency owns property and would be subject to the proposed ordinance amendment, the proposed amendment will increase the availability of rental housing and furthers County objectives to address housing needs for special populations. The proposed amendment will not have any impact on coastal resources.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its March 11, 2011 meeting at the Santa Cruz Board of Supervisors' Chambers in Santa Cruz. 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 minor LCP amendment determination, please do so by March 7, 2011.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 3, 2011. It is IP only and the original 60-day action deadline was March 4, 2011. On February 11, 2011, the Commission extended action deadline by one year to March 4, 2012. Thus, the Commission has until March 4, 2012 to take a final action on this LCP amendment.

Exhibit:

Exhibit A: Proposed Changes to LCP Section 13.10.681



ORDINANCE NO. 5079AN ORDINANCE AMENDING SUBSECTION (E) of SECTION 13.10. 681
OF THE SANTA CRUZ COUNTY CODE RELATING SECOND UNITS

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

SECTION I

Subsection (e) of Section 13.10.681 of the Santa Cruz County Code is hereby amended to read as follows:

(e) Occupancy Standards. The following occupancy standards shall be applied to every second unit and shall be conditions for any approval under this section:

(1) Occupancy Restrictions. The maximum occupancy of a second unit may not exceed that allowed by the State Uniform Housing Code, or other applicable state law, based on the unit size and number of bedrooms in the unit.

(2) Owner Residency. Unless owned by a public agency that is providing housing for special populations, the property owner shall permanently reside, as evidenced by a Homeowner's Property Tax Exemption on the parcel, in either the main dwelling or the second unit. If the second unit is newly constructed on a parcel within a subdivision, then the purchaser of said property shall permanently reside in either the main dwelling or the second unit, shall be required to submit a property tax exemption prior to occupancy of the second unit, and shall be subject to the deed restriction noted in subsection (3) below.

(3) Deed Restriction. Prior to the issuance of a building permit, the property owner shall provide to the Planning Department proof of recordation of a Declaration of Restrictions containing reference to the deed under which the property was acquired by the present owner and stating the following:

(A) The property owner shall permanently reside, as evidenced by a Homeowner's Property Tax Exemption on the parcel, in either the main dwelling or the second unit, unless owned by a public agency that is providing housing for special populations, in which case the Declaration of

Restrictions shall indicate that any subsequent non-public agency owner shall abide by the terms of this subsection and subsection (e)(2) above.

(B) The Declaration is binding upon all successors in interest;

(C) The Declaration shall include a provision for the recovery by the County of reasonable attorney fees and costs in bringing legal action to enforce the Declaration together with recovery of any rents collected during any occupancy not authorized by the terms of the agreement or, in the alternative, for the recovery of the reasonable value of the unauthorized occupancy.

SECTION II

This ordinance shall take effect on the 31st day after the date of final passage outside the Coastal Zone and on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later, inside the Coastal Zone.

PASSED AND ADOPTED this 16th day of November, 2010, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS	Pirie, Leopold, Coonerty, Stone & Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

TONY CAMPOS

Chairperson, Board of Supervisors

TESS FITZGERALD

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

Chris Chiles
County Counsel

Distribution: Planning
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE AT TEST MY HAND AND SEAL THIS 17th DAY OF November, 2010
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
BY *Susan A. Mauriello* DEPUTY

CCC Exhibit A
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