

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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# W14a

**Prepared May 23, 2014 (for June 11, 2014 Hearing)**

**To:** Coastal Commissioners and Interested Persons  
**From:** Madeline Cavalieri, Central Coast District Manager  
Adrian Kamada, Coastal Program Analyst  
**Subject:** **Certification Review for the County of Santa Cruz's Local Coastal Program Amendment Number LCP-3-SCO-13-0228-1 Part A (Chapter 13.20 Update).**

On February 13, 2014 the Coastal Commission approved County of Santa Cruz's Local Coastal Program (LCP) Major Amendment Number LCP-3-SCO-13-0228-1 Part A. This amendment updates Chapter 13.20 (Coastal Zone Regulations), which codifies the County's coastal zone regulations and procedures, of the County of Santa Cruz Implementation Plan.

By action taken April 8, 2014, the County of Santa Cruz adopted the amending LCP text (see Exhibit 1). The Executive Director has determined that the actions taken by the County are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., June 11, 2014), and notification of this certification and Commission concurrence will be forwarded to the County.

**Motion.** I move that the Commission concur with the Executive Director's determination that the actions taken by the County of Santa Cruz to accept the Commission's approval of LCP Amendment Number LCP-3-SCO-13-0228-1 Part A are legally adequate. I recommend a yes vote.

**Executive Director's Recommendation.** The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the County of Santa Cruz LCP consistent with the Commission's approval of LCP Amendment Number LCP-3-SCO-13-0228-1 Part A; the amended LCP will be certified as of today's date (i.e., June 11, 2014). The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **Exhibits**

Exhibit 1: County of Santa Cruz Board of Supervisors Resolution No. 86-2014 (Acceptance of the Coastal Commission's Approval)

ATTACHMENT

1

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

0468

RESOLUTION NO. 86-2014

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

**BOARD OF SUPERVISORS RESOLUTION ACCEPTING COASTAL COMMISSION  
SUGGESTED MODIFICATIONS RELATING TO AMENDMENTS TO CHAPTER 13.20  
AND RELATED SECTIONS OF THE SANTA CRUZ COUNTY CODE REGARDING THE  
COUNTY'S COASTAL REGULATIONS AND DIRECTING THE PLANNING DIRECTOR  
TO TRANSMIT THE ACCEPTANCE TO THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, pursuant to authority delegated to the County of Santa Cruz by the California Coastal Commission, the County of Santa Cruz regulates development in the portion of the coastal zone that lies in the unincorporated area of the County and that is outside of the original jurisdiction of the California Coastal Commission; and

WHEREAS, Chapter 13.20 of the County Code contains the County's coastal regulations; and

WHEREAS ON August 27, 2013, at a duly noticed public hearing, the Board of Supervisors adopted amendments to Chapter 13.20 and to related parts of County Code that reference the coastal regulations and directed the Planning Director to submit those amendments to the California Coastal Commission for certification; and

WHEREAS, on February 13, 2014, the California Coastal Commission held a public hearing on the amendments adopted by the Board of Supervisors and approved those amendments subject to the Board of Supervisors accepting certain suggested modifications to the amendments to Chapter 13.20; and

WHEREAS, Chapter 13.20 is an implementing ordinance of the Local Coastal Program (LCP) and the proposed amendments to that chapter constitute amendments to the LCP; and

WHEREAS, insofar as the proposed code changes are amendments to the Local Coastal Program, the application of the proposed amendments in the Coastal Zone is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15265 and the California Public Resources Code Section 21089.9.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors hereby accepts each of the suggested modifications and incorporates them into the ordinance amendments attached as Exhibit A.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors hereby directs that the acceptance of the suggested modifications be submitted to the State of California Coastal Commission for a finding that this acceptance has been properly accomplished.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 8th day of April, 2014 by the following vote:

AYES:	SUPERVISORS	Leopold, Coonerty, Caput, McPherson & Friend	0469
NOES:	SUPERVISORS	None	
ABSENT:	SUPERVISORS	None	
ABSTAIN:	SUPERVISORS	None	

**ZACH FRIEND**

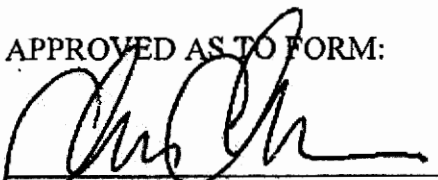
Chairperson of the Board of Supervisors

ATTEST:

**TESS FITZGERALD,**

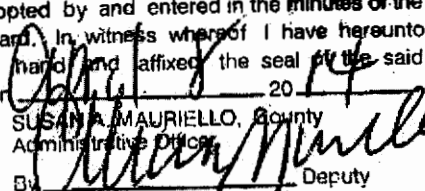
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

DISTRIBUTION: County Counsel  
Planning Department

STATE OF CALIFORNIA	)	ss
COUNTY OF SANTA CRUZ	)	
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors 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 <u>April 8</u> , 20 <u>14</u> .		
SUSAN A. MAURIELLO, County Administrative Officer		
By 		Deputy



# COUNTY OF SANTA CRUZ 0461

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

March 25, 2014

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

APPROVED AND FILED  
BOARD OF SUPERVISORS  
DATE: 4/8/14  
COUNTY OF SANTA CRUZ  
SUSAN MAURIELLO  
EX-OFFICIO CLERK OF THE BOARD  
BY: *[Signature]* DEPUTY

AGENDA DATE: April 8, 2014

**Subject: Public Hearing to Consider Coastal Commission Suggested Modifications to Proposed Amendments to County Code Chapter 13.20 Regarding Coastal Development Regulations**

Members of the Board:

On August 27, 2013 your Board adopted amendments to County Code Chapter 13.20, the County's coastal development regulations, that were intended to address inconsistencies between Chapter 13.20 and the County's certified Land Use Plan (that portion of the General Plan that applies only in the coastal zone) and to ensure consistency between the County's regulations and the State coastal development regulations.

On February 13, 2014, the Coastal Commission considered and approved the amendments subject to your Board accepting suggested modifications to the amendments. According to Coastal Commission regulations, your Board has six months to accept and act on the suggested modifications or the amendments will become void. Staff is recommending that your Board act today on the suggested modifications and accept each one as detailed below.

### Suggested Modifications

Planning staff worked with Coastal staff to ensure that the modifications preserve the substance of the amendments approved by your Board. The modifications are intended to ensure that the amendments are consistent with and adequate to carry out the Land Use Plan portion of the County's certified Local Coastal Program. Underlined text represents the new language of the Coastal Commission's suggested modifications. ~~Struck-through text~~ represents language deleted by the Coastal Commission's suggested modifications. Planning staff's comments follow each suggested modification, in *italics*.

#### 1. Modify Definitions Section 13.20.040 "Appealable Area" as follows:

Appealable Area. The area that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) ~~the area~~ within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; ~~and~~ (3) on tidelands, submerged lands, and public trust lands. ; and/or (4) in a sensitive coastal resource area as defined by Section 13.20.040. In

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addition to CDP approval decisions for development in such appealable areas that are appealable to the Commission, the following types of CDP decisions are also appealable: (1) approval of CDPs for any development that is not designated as the principal permitted use; and (2) approval or denial of any CDPs for any development which constitutes a major public works project (including a publicly financed recreational facility and/or a special district development) or a major energy facility (as defined by Section 13.20.040).

*The suggested additional language (4) applies to types of development that requires a Coastal Development Permit (CDP) that are is appealable, regardless of their location. Planning staff pointed out to Coastal staff that similar information is already located in Chapter 13.20. However, Coastal staff felt it was important to place the language here as well, so that the appeal information is at in one section. The suggested additional language is not a substantive change and so Planning staff does not object to this minor modification and recommends that your Board accept it.*

## **2. Delete Definitions Section 13.20.040 "Reconstruction".**

~~Reconstruction. Modification or replacement of 65% or more of the major structural components of an existing structure within any consecutive five year period. The extent of alterations to major structural components will be calculated in accordance with "Administrative guidelines for evaluating the extent of modifications to existing structures", which can be found on the Planning Department website at <http://www.sccoepanning.com/PlanningHome/ZoningDevelopment/NonConformingRegulations/ModificationEvaluation/Overview.aspx>, in the LCP appendices, and as a handout at the Planning Department.~~

*The Coastal Commission has the authority, from Coastal Act Section 30610(e), to exclude any category of development from Coastal Development Permit requirements by adopting, with a two-thirds vote, a Categorical Exclusion Order. These Exclusion Orders operate independently of the Local Coastal Program (LCP), but the general text of the Order, or at least a reference to it, typically is included in the LCP. The Coastal Commission suggested deletion of the definition of reconstruction because adding this definition would in effect amend the Categorical Exclusion Order as it pertains to residential development (see Section 13.20.071(A)(1)). Such an amendment cannot be achieved through an amendment to the County's LCP, but requires a separate application and process to amend the Categorical Exclusion Order. Staff recommends that your Board accept this suggested modification.*

## **3. Modify Replacement After Disaster Section 13.20.063 as follows:**

~~(D) Be sited in the same location on the affected property as the destroyed structural resources and greater conformance with current site development standards.~~

*This subsection of Chapter 13.20 dealing with replacing a structure after a disaster is one of the exemptions from the requirement to obtain a Coastal Development Permit listed in the Coastal Act. The Coastal Commission acknowledged the intent of the County's proposed language to streamline the appropriate location of structures after disasters, but could not approve the proposed language because it would broaden the applicability of the exemption as listed in the Coastal Act. Because the Coastal Act is codified as state law (California Public Resources Code Division 20 Sections 30000 through 30900), neither the County nor the Coastal Commission is authorized to change the language of the exemptions; only the legislature may*

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do so. Although Planning staff believes that the County-proposed language is sensible, given that neither the County nor the Coastal Commission has authority to modify the exemption language, Planning staff recommends that your Board accept the suggested modification.

**4. Modify Agricultural Exclusions Section 13.20.073 to add the soil-dependent greenhouses exclusion as follows:**

The agricultural exclusions identified below are excluded by virtue of Coastal Commission Exclusion Orders E-82-4 and E-82-4-A5, and are only valid provided that the Exclusion Orders themselves remain valid, and provided that the terms and conditions of the Exclusion Orders are met.

(A) Soil Dependent Greenhouses. The construction, improvement, or expansion of soil dependent greenhouses which comply with the requirements of Sections 13.10.313(A) and 13.10.636, and are not located on natural slopes of greater than 25% nor on sensitive habitat areas as defined in Section 16.32.040.

*This language regarding soil dependent greenhouses was deleted because the existence of the Coastal Commission Exclusion Order could not be verified by Coastal staff or Planning staff. After your Board adopted the amendments, including deleting the soil dependent greenhouse exclusion, Coastal staff discovered the document and Planning staff requested the Coastal Commission include this suggested modification to reinstate the exclusion language. Planning staff recommends that your Board accept the suggested modification.*

**5. Modify Agriculture Exclusion Section 13.20.073 as follows and renumber this section accordingly:**

~~(A)~~ (B) Agricultural Support Facilities. The construction, improvement, or expansion of barns, storage buildings, equipment buildings and other buildings necessary for agricultural support purposes, including facilities for the processing, packing, drying, storage and refrigeration of produce generated on-site; provided, that such buildings will not exceed 40 feet in height; will not cover more than a total of 10,000 square feet of ground area including paving; and will not include agricultural processing plants, greenhouses or mushroom farms. Building construction or expansions of more than 2,000 square feet of ground area in ~~mapped~~ rural scenic corridors shall comply with Section 13.20.130(C)(4).

*The first modification here is to re-letter this section as Subsection (A) due to the inclusion of the soil dependent greenhouse exclusion. The second suggested modification is based on the Coastal Commission's determination that the County-proposed word "mapped" would modify the language of a Coastal Commission Exclusion Order and, in the words of the Coastal Commission staff report, "it has the potential to have a substantive effect (i.e., modifying what a rural scenic corridor is)". Although Planning staff believes that the use of the word "mapped" would clarify the issue, rather than confuse it, deletion of the word "mapped" will not substantively change the application of the exclusion and will avoid any issue related to modification of a Categorical Exclusion Order (see discussion under Suggested Modification number 2, above). Therefore, staff recommends that your Board accept this suggested modification.*

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(l) The Planning Director shall provide public notice of the emergency work, with the extent and type of notice to be determined on the basis of the nature of the emergency. The designated local official may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Planning Director finds that:

(1) An emergency exists that requires action more quickly than permitted by the procedures for regular permits, and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit.

(2) Public comment on the proposed emergency action has been reviewed, if time allows; and

(3) The work proposed would be consistent with the requirements of Santa Cruz County's certified LCP.

The Planning Director shall not issue an emergency permit for any work that falls within any tidelands, submerged lands, or public trust lands, whether filled or unfilled, lying within the coastal zone.

*All of the items in this suggested modification either exist in County Code Chapter 18.10, which contains the permit processing procedures, or is done as a matter of course. The Coastal Commission determined that the details of these emergency Coastal Development Permit procedures need to be described in the emergency Coastal Development Permit section. While Planning staff did not believe it was necessary to describe the procedures here as well, the change would not result in a substantive change and so staff recommends that your Board accept this modification.*

**8. Modify Definitions Section 13.20.040 " Intensification of Use, Residential" to fix typographical error as follows:**

Intensification of Use, Residential. Any change to a residential use which will result in (1) an increase of its number of bedrooms, as defined in Section 13.10.700(B), or (2) new or increased impacts on coastal resources, shall be considered an intensification of residential use.

*The suggested modification corrects a typographical error and staff recommends that your Board accept it.*

**9. Modify Section 13.20.071 Residential Exclusions to make language consistent with the categorical exclusion order as follows:**

~~(6)\_\_\_~~ - Within a highly-scenic resource area as designated by the General Plan and Local Coastal Program visual resources maps, or within a special community-designated on the General Plan and Local Coastal Program Land Use Plan maps; or

*This is another situation where the County-proposed changes would modify the language of a Categorical Exclusion Order issued by the Coastal Commission. The suggested modification essentially maintains the status quo and will not create any substantive confusion and therefore recommends that your Board accept this suggested modification.*



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**6. Modify Well Exclusion Section 13.20.078 to fix typographical error as follows:**

(C) In an appealable area of the coastal zone as defined in in Section 13.20.040.

*This suggested modification corrects a typographical error and staff recommends that your Board accept it.*

**7. Modify Emergency Development Section 13.20.090 as follows:**

(A) Emergency Coastal Development Permits may be granted at the discretion of the Planning Director for development normally requiring a Coastal Development Permit which must be undertaken due to a sudden unexpected occurrence that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. The emergency approval shall conform to the objectives of this Chapter and the LCP. The emergency permit process is intended to allow for emergency situations to be abated through use of the minimum amount of temporary measures necessary to address the emergency in the least environmentally damaging, short- and long-term manner. The Planning Director shall verify the facts, including the existence and the nature of the emergency, insofar as time allows. The Planning Director may request, at the applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet these criteria.

*This suggested modification involves a typographical error (capitalization of the word "Chapter") and inclusion of a sentence requiring the Planning Director to verify the facts of an emergency as time allows. There are no substantive changes proposed. Verification of the nature of a coastal emergency is already performed as a review step by the Planning Director, so staff recommends that your Board accept the suggested modification.*

(G) The Planning Director shall notify the Executive Director of the Coastal Commission as soon as possible about potential Emergency Coastal Development Permits and may consult with the Coastal Commission prior to issuance of an Emergency Coastal Development Permit. The Planning Director shall report, in writing, to the Coastal Commission after the Emergency Coastal Development Permit has been issued, the nature of the emergency and the work involved. Copies of this written report shall be mailed to all persons who have requested such written notification.

(H) Applications in case of an emergency shall be made by letter to the Planning Director or in person or by telephone, if time does not allow. The following information should be included in the request:

(1) Nature of the emergency;

(2) Cause of the emergency, insofar as this can be established;

(3) Location of the emergency;

(4) The remedial, protective, or preventive work required to deal with the emergency;  
and

(5) The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.



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**10. Modify Section 13.20.071 Residential Exclusions to make language consistent with the categorical exclusion order as follows:**

(7) ~~\_\_\_--Within an environmentally sensitive habitat area, the habitat ("essential" area and area adjacent to the "essential" area) of the Santa Cruz Long-Toed Salamander as mapped in the General Plan and certified Local Coastal Program.~~

*See response to suggested modification number 9.*

**11. Modify Section 13.20.075 Land Clearing Exclusions to make language consistent with the categorical exclusion order as follows:**

(A) ~~\_\_\_--Land clearing within any environmentally sensitive habitat area.~~

*See response to suggested modification number 9.*

**12. Modify Section 13.20.077 Grading Exclusions to make language consistent with the categorical exclusion order as follows:**

(A) ~~\_\_\_--Grading within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff or any area defined as an environmentally sensitive habitat area riparian habitat, sensitive habitat, or their buffer zones by the Land Use Plan and so designated on the land use maps; or~~

*See response to suggested modification number 9.*

**13. Modify Section 13.20.078 Well Exclusions to make language consistent with the categorical exclusion order as follows:**

(D) ~~\_\_\_--In an area designated as a environmentally sensitive habitat area in the General Plan and certified Local Coastal Program Land Use Plan~~

*See response to suggested modification number 9.*

**Environmental Review**

Environmental review has already been completed by the Coastal Commission. The Coastal Commission resolution certifying (approving) the proposed amendment to Chapter 13.20 states that the 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." Additionally, the Coastal Commission found that "the proposed amendment as modified 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)." Therefore the County does not need to undertake additional environmental review nor is a Notice of Exemption to environmental review required.

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## Conclusion

The modifications to Chapter 13.20 of County Code suggested by the Coastal Commission do not substantively change the ordinance amendments as adopted by your Board. About one-half of the suggested modifications delete County-proposed language that would impermissibly limit or broaden various Categorical Exclusion Orders or modify provisions of the Coastal Act that are incorporated into Chapter 13.20. Others correct typographical errors, one adds procedural requirements, and one replaces inadvertently deleted provisions. In general, Planning staff believes there is a logical basis for the County's proposed language. Overall, however, the suggested changes by the Coastal Commission will not change the substance of the amendments and staff recommends that your Board accept all of the suggested modifications.

## RECOMMENDATION

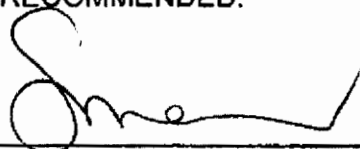
It is therefore RECOMMENDED that your Board take the following actions:

1. Conduct a public hearing on the suggested modifications;
2. Adopt the resolution and ordinance accepting each modification as suggested by the Coastal Commission; and
3. Direct the Planning Director to transmit your Board's acceptance of the suggested modifications to the Coastal Commission for a finding by the Commission's Executive Director that your Board's acceptance of the suggested modifications has been properly accomplished and for Coastal Commission concurrence with that finding.

Sincerely,

  
Kathy Molloy Previsich  
Planning Director

RECOMMENDED:

  
\_\_\_\_\_  
SUSAN A. MAURIELLO  
County Administrative Officer

## Attachments:

1. Resolution with strike-through ordinance
2. Clean ordinance
3. Coastal Commission staff report

**ORDINANCE NO. 5182**

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**ORDINANCE AMENDING CHAPTER 13.20 AND SECTIONS 7.7.030(B), 13.01.050, 13.10.140(B),  
13.10.325(B), 13.10.478(B), 13.10.478(E), 13.10.647(G), 13.10.660(E), 13.10.681(B),  
13.10.686(D), 13.10.700-C, 13.10.700-H, 16.34.030, 16.50.100(B), 16.54.029(C), 18.10.123(A),  
18.10.181, 18.10.184 (D), AND 18.10.184(F) OF THE SANTA CRUZ COUNTY CODE  
PERTAINING TO COASTAL DEVELOPMENT PERMIT REGULATIONS**

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

**SECTION I**

Chapter 13.20 of the Santa Cruz County Code is hereby amended to read as follows:

Sections:

- 13.20.010 Purpose.
- 13.20.020 Scope.
- 13.20.030 Amendment of Chapter
- 13.20.040 Definitions.
- 13.20.050 Projects requiring Coastal Development Permit approval.
- 13.20.060 Coastal Development Permit Exemptions.
- 13.20.061 Improvements to existing single-family residences exemption.
- 13.20.062 Improvements to existing structures (other than single-family residences and public works facilities) exemptions.
- 13.20.063 Replacement after disaster exemption
- 13.20.064 Public roads, parks, utilities, and industrial facilities exemption.
- 13.20.066 Temporary event exemption.
- 13.20.070 Coastal Development Permit Exclusions.
- 13.20.071 Residential exclusions.
- 13.20.072 Commercial exclusions.
- 13.20.073 Agricultural exclusions.
- 13.20.074 Tree removal exclusion.
- 13.20.075 Land clearing exclusions.
- 13.20.076 Lot line adjustments exclusion.
- 13.20.077 Grading exclusion.
- 13.20.078 Well exclusion.
- 13.20.080 Determination of Applicable Notice and Hearing Procedures.
- 13.20.090 Emergency development.
- 13.20.100 Coastal Development Permit application processing.
- 13.20.107 Coastal Development Permit Review of Second Units (non-appealable)
- 13.20.108 Coastal Development Permit Review of Second Units (appealable)
- 13.20.110 Coastal Development Permit Findings.
- 13.20.111 Final Local Action Notice (FLAN)

- 13.20.120 Appeals.
- 13.20.121 Local appeals.
- 13.20.122 Coastal Commission appeals.
- 13.20.130 Design Criteria for Coastal Zone Developments.
- 13.20.140 Special areas design criteria.
- 13.20.141 Bonny Doon special scenic area design criteria.
- 13.20.142 Swanton Road special scenic area design criteria.
- 13.20.143 Davenport special community design criteria.
- 13.20.144 Harbor area special community design criteria.
- 13.20.145 East Cliff Village tourist area special community design criteria.
- 13.20.146 Seacliff Beach area special community design criteria.
- 13.20.147 Rio Del Mar Esplanade special community design criteria.
- 13.20.148 Pleasure Point Community residential design criteria.
- 13.20.150 Special use standards and conditions.
- 13.20.160 Timber harvest standards and conditions.
- 13.20.170 Violations of Coastal Zone regulations.

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**13.20.010 Purpose.**

This chapter hereby establishes the coastal zone review and permit process for the purpose of implementing the California Coastal Act of 1976, Division 20 of the California Public Resources Code, as interpreted by and in accordance with the Local Coastal Program of Santa Cruz County. The coastal zone review and permit process is the primary mechanism for ensuring that all development in the coastal zone of Santa Cruz County is consistent with Local Coastal Program policies and provisions.

**13.20.020 Scope.**

(A) This chapter establishes the coastal zone review and permit process: where and for what types of development a Coastal Development Permit approval is required; the application, hearing, notice and appeal procedures; the required findings; and development and design standards.

(B) This chapter shall apply to all development located within the coastal zone of the unincorporated portion of Santa Cruz County..

(C) For the purposes of regulating development in the coastal zone, the regulations of this Chapter and Chapter 13.10, the Zoning Ordinance, shall both be applied, as well as all other applicable provisions of County Code. In case of a conflict, the regulations of this chapter or those that are most protective of coastal resources and most consistent with the Local Coastal Program Land Use Plan and the California Coastal Act shall take precedence.

**13.20.030 Amendment of Chapter.**

Any revision to this chapter shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. If so, such revision shall be processed pursuant to the hearing and notification procedure of Chapter 13.03 SCCC and shall be subject to approval by the California Coastal Commission.

**13.20.040 Definitions.**

All terms used in this chapter shall be as defined in the General Plan - Local Coastal Program Land Use Plan glossaries, except as noted below.

**Aggrieved person.** Any person who meets the requirements of Public Resources Code Section 30801.

**Appealable Area.** The area that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) on tidelands, submerged lands, and public trust lands; and/or (4) in a sensitive coastal resource area as defined by Section 13.20.040. In addition to CDP approval decisions for development in such appealable areas that are appealable to the Commission, the following types of CDP decisions are also appealable: (1) approval of CDPs for any development that is not designated as the principal permitted use; and (2) approval or denial of any CDPs for any development which constitutes a major public works project (including a publicly financed recreational facility and/or a special district development) or a major energy facility (as defined by Section 13.20.040). 0508

**Applicant.** The person or persons, group, organization, partnership, limited liability company or other business association or corporation, including any utility, and any State or local public agency applying for a Coastal Development Permit.

**Decision making body.** The County Planning Director, Zoning Administrator, Planning Commission, or Board of Supervisors or, if on appeal, the Coastal Commission, authorized to make a decision on a Coastal Development Permit.

**Bulk.** In the context of a disaster replacement only, the total interior cubic volume as measured from the exterior surface of the structure.

**Coastal Commission.** The California Coastal Commission.

**Coastal Development Permit (CDP).** A permit authorizing development within the coastal zone.

**Coastal Development Permit Exclusion.** Pursuant to a Coastal Commission-adopted exclusion order, a class of development for which no Coastal Development Permit is required, provided the terms and conditions of the underlying categorical exclusion orders are met. The categories of excluded development are referenced in Section 13.20.070 et seq.

**Coastal Development Permit Exemption.** Pursuant to the California Coastal Act and Title 14, Division 5.5 of the California Code of Regulations, a class of development for which no Coastal Development Permit is required. The categories of exempted development are referenced in Section 13.20.060 et seq.

**Coastal Resources.** Include, but are not limited to public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g., wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

**Coastal Zone** That portion of the coastal zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the unincorporated area of Santa Cruz County.

**Commercial timber harvest.** A timber harvest designed for a market; traded, bartered or sold for valuable consideration; not designed for use in the land owner's household or farm.

**Consolidated Coastal Development Permit Process.** A permit process where a Coastal Development Permit is required from both the County and the Coastal Commission and the separate permits are consolidated and processed by the Coastal Commission only. The consolidated permit process requires consent by the applicant, the County, and the Coastal Commission. The standard of review is Chapter 3 of the Coastal Act with the County's Local Coastal Program used as guidance. 0509

**Development.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, alteration in the size of any structure including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

**Disaster.** Any situation in which the force or forces which destroyed a structure to be replaced were beyond the control of its owner.

**Emergency.** A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

**Environmentally Sensitive Habitat Area (ESHA).** As defined by the Coastal Act and for the purposes of this Chapter, any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**Exclusive Use.** In the context of a temporary event only, a use that precludes public uses in the area of the temporary event for public recreation, beach access or access to coastal waters other than for or through the temporary event itself.

**Intensification of Use, Non-Residential.** Any change or expansion of a non-residential use which will result in both a greater than 10% increase in parking need and more than two parking spaces or which (1) is determined by the Planning Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation, or (2) would lead to new or increased impacts on coastal resources, shall be considered an intensification of a non-residential use.

**Intensification of Use, Residential.** Any change to a residential use which will result in (1) an increase of its number of bedrooms, as defined in Section 13.10.700(B), or (2) new or increased impacts on coastal resources, shall be considered an intensification of residential use.

**Limited Duration.** In the context of a temporary event only, a period of time that does not exceed a two-week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis

**Local Coastal Program (LCP).** The County's land use plans, zoning ordinances, zoning maps and implementing ordinances and actions certified by the Coastal Commission as the County's LCP meeting the requirements of the California Coastal Act of 1976.

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**Major energy facility.** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy that costs more than an amount equal to \$100,000 plus the annual increase specified in the Engineering News Record Construction Cost Index between 1976 and the present time, except for those facilities governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611, or 30624.

**Major public works project.** (a) Any project associated with a public work, as defined by Public Resources Code Section 30114, that costs more than an amount equal to \$100,000 plus the annual increase specified in the Engineering News Record Construction Cost Index between 1976 and the present time, except for those facilities governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611, or 30624; or (b) Any publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

**Minor Development.** With regard to the public hearing requirement for a Coastal Development Permit only, pursuant to Public Resources Code Section 30624.9, a development which the Planning Director determines satisfies all of the following requirements:

- (a) Is consistent with the certified LCP;
- (b) Requires no discretionary approvals other than a Coastal Development Permit; and
- (c) Has no adverse effect either individually or cumulatively on coastal resources, including public access to the shoreline or along the coast.

Applications for Coastal Development Permits for Minor Developments may be processed administratively without a public hearing subject to the criteria of this Chapter.

**Non-permanent Structure(s).** In the context of a temporary event only, structures including, but not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, booths, platforms, and movie sets, which do not involve grading or landform alteration for installation.

**Notice of exclusion.** A form signed by the Planning Director stating that a development meets the requirements for a Coastal Development Permit Exclusion, the reasons supporting such a determination (including reference to applicable code sections), and all necessary information and other materials including, but not limited to, location maps, site plans and elevations supporting the Planning Director's exclusion determination.

**Permittee.** The person or persons, group, organization, partnership, limited liability company or other business association or corporation, including any utility, and any federal, state, or local government, special district, or public agency thereof, or other party issued a Coastal Development Permit.

**Person.** Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

**Planning Director.** The Planning Director or his or her authorized designee or in certain circumstances, the decision making body.



**Principal permitted use.** For the purpose of this chapter, those uses listed for each of the basic zone districts in Chapter 13.10 SCCC (Zoning Regulations), which are listed as not requiring a public hearing and the approvals of which are not appealable to the Coastal Commission except as specified in SCCC 13.20.122.

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**Project.** Any development as defined in this chapter.

**Sandy Beach Area.** Sandy areas fronting on coastal waters.

**Sensitive Coastal Resource Area.** Those identifiable and geographically bounded land and water areas within the Coastal Zone of vital interest and sensitivity. In Santa Cruz County these are:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as designated in Appendix B of the LCP;
- (b) All local, state, and federal parks, open space, and recreation areas;
- (c) Highly scenic areas, including as mapped on the LCP maps;
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer;
- (e) Special communities or neighborhoods that are significant visitor destination areas. These include Davenport, Harbor Area, East Cliff Village Tourist Area, Seacliff Beach, and the Rio Del Mar Esplanade Tourist Special Community;
- (f) Areas where divisions of land could substantially impair or restrict coastal access.

**Structure.** For the purposes of Coastal Development Permit review, anything constructed or erected.

**Temporary Event.** An activity or use that constitutes development of limited duration that involves the placement of non-permanent structures, and/or an activity or use that involves exclusive use of a sandy beach, parkland, filled tideland, water area, street, or parking area otherwise open and available for general public use.

**Working Day.** Weekdays other than State or County holidays or furlough days.

### **13.20.050 Projects requiring Coastal Development Permit approval.**

Any person or other party wishing to undertake any development in the coastal zone shall obtain a Coastal Development Permit from the County (or potentially the California Coastal Commission, if on appeal) in accordance with the provisions of this chapter, except if (1) a Coastal Development Permit is also required from the California Coastal Commission and the parties have agreed to have the application processed through the consolidated Coastal Development Permit process or (2) the development qualifies for a Coastal Development Permit exemption (Section 13.20.060 et seq., or exclusion (Section 13.20.070 et seq.)). The Coastal Development Permit shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development activity. Provision for challenges to the County's determination of the applicable coastal development review and permit procedures is contained in SCCC 13.20.080.

### **13.20.060 Coastal Development Permit Exemptions.**

Pursuant to Coastal Act Section 30610, no Coastal Development Permits required for the developments listed in SCCC 13.20.061 through 13.20.066, except for: (1) development that is not exempted from Coastal Development Permit requirements by virtue of Public Resources Code Section 30610; 2) development that requires a Coastal Development Permit pursuant to California Code of Regulations Sections 13250, 13252, or 13253; and/or (3) development that requires a Coastal Development Permit pursuant to California Code of Regulations Section 13252 but: (a) is specifically described in the document entitled "Repair, Maintenance and Utility Hookups" that was adopted by the Coastal

Commission on September 5, 1978; and (b) will have a risk of substantial adverse impact on public access, environmentally sensitive habitat areas, wetlands, or public views. The Planning Director or designee shall make an exemption determination as soon as possible following the time an application for the proposed development is submitted to the County and in all cases prior to the application being deemed complete for processing, and that exemption determination can be challenged (see Section 13.20.080)..

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**13.20.061 Improvements to existing single-family residences exemption.**

(A) Subject to Section 13.20.060, no Coastal Development Permit is required for improvements to existing single-family residences (including to fixtures and other structures directly attached to the residence; structures on the property normally associated with a single-family residence (such as garages, swimming pools (in ground and above ground), hot tubs, fences, decks, storage sheds, and attached low-profile solar panels, and landscaping on the property, but not including guest houses or self-contained residential units). Allowed improvements that do not require a Coastal Development Permit include additions of less than 500 square feet outside the appeal jurisdiction of the Coastal Commission, remodels, alterations, replacement of existing water storage tanks, wells or septic systems serving an existing single-family residence where there is no expansion of the replaced feature or its capacity, and new accessory structures except for self-contained residential units including Second Units (as defined in Section 13.10.700-S; see also Sections 13.20.107 and 108).

(B) The improvements to existing single-family residences described in Subsection (A) above cannot be exempted if any of the following apply:

- (1) The structure is located on a beach, in a wetland, in a stream, in a lake, seaward of the mean high tide line, in an environmentally sensitive habitat area, in a significant public view shed (including in a scenic area as mapped on the LCP Land Use Plan maps or as determined during project review), or within 50 feet of a coastal blufftop edge;
- (2) The improvement involves any significant landform alteration, as determined by the Planning Director or designee, including removal or placement of vegetation, and including landform alteration on a beach, wetland, sand dune, within 50 feet of a coastal blufftop edge, or in an environmentally sensitive habitat area;
- (3) The improvement includes expansion or construction of water wells or septic systems;
- (4) If located on property between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in a significant public view shed (including in a scenic area as mapped on the LCP Land Use Plan maps or as determined during project review), and the improvement increases height or floor area more than 10% (or for floor area, more than 250 square feet, whichever is less) on a cumulative basis (i.e., including past exemptions of less than 10% (or 250 square feet) individually);
- (5) If located in an area deemed by the Coastal Commission or the County to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, and the improvement includes the construction of any specified major water-using development not essential to residential use including, but not limited to, swimming pools or the construction or extension or any landscaping irrigation system; or
- (6) Prior approval(s) associated with the existing single family residence indicated that any future improvements would require a Coastal Development Permit.

**13.20.062. Improvements to existing structures (other than single-family residences and public works facilities) exemption.**

(A) Subject to 13.20.060, no Coastal Development Permit is required for improvements to existing structures (including to fixtures and other structures directly attached to the structure and to landscaping

on the property) that are not single-family residences and are not public works facilities. Allowed improvements include additions, remodels and alterations to the existing structures, and replacement of existing water storage tanks, wells, or septic systems serving the existing structures.

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(B) The improvements to non-single-family residential and non-public works facility structures described in Subsection (A) above cannot be exempted if any of the following apply:

- (1) The structure is located on a beach, in a wetland, in a stream, in a lake, seaward of the mean high tide line, in an environmentally sensitive habitat area, in a significant public viewshed (including in a scenic area as mapped on the LCP Land Use Plan maps or as determined during project review), or within 50 feet of a coastal blufftop edge;
- (2) The improvement involves any significant landform alteration, as determined by the Planning Director or designee, including removal or placement of vegetation, and including landform alteration on a beach, wetland, stream, sand dune, within 100 feet of a coastal blufftop edge, in an environmentally sensitive habitat area, or in a public viewshed (including in a scenic area as mapped on the LCP Land Use Plan maps or as determined during project review);
- (3) The improvement includes expansion of existing water wells or septic systems or construction of new water wells or septic systems;
- (4) The improvement changes the intensity of use of the structure;
- (5) The improvement includes conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold, including but not limited to a condominium conversion, stock cooperative conversion, or motel/hotel timesharing conversion.
- (6) If located on property between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in a significant public view shed (including in a scenic area as mapped on the LCP Land Use Plan maps or as determined during project review), and the improvement increases height or floor area more than 10% on a cumulative basis (i.e., including past exemptions of less than 10% individually);
- (7) If located in an area deemed by the Coastal Commission or the County to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, and the improvement includes the construction of any specified major water-using development not essential to residential use including, but not limited to, swimming pools or the construction or extension or any landscaping irrigation system; or
- (8) Prior approval(s) associated with the existing structure(s) indicate that future improvements require a Coastal Development Permit.

### 13.20.063 Replacement after disaster exemption

Subject to Section 13.20.060, no Coastal Development Permit is required for the replacement of any legal structure (including associated landscaping and erosion control structures/devices) that existed prior to the occurrence of a disaster, other than a public works facility, that is destroyed by a disaster (i.e., any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner) provided that the replacement structure will:

- (A) Conform to all applicable LCP requirements, including Section 16.10.070(H)4, Coastal Bluffs and Beaches, Alteration of Damaged Structures.
- (B) Be for the same use as the destroyed structure;
- (C) Not exceed the floor area, height, or bulk (i.e., the total interior cubic volume as measured from the structure's exterior surface) of the destroyed structure by more than 10 percent; and

(D) Be sited in the same location on the affected property as the destroyed structure.

**13.20.064 Public roads, parks, utilities, and industrial facilities exemption.**

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Subject to 13.20.060, and provided there is not a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views, as further detailed in the document "Repair, Maintenance and Utility Hook-up Exclusions from Permit Requirements" adopted by the Coastal Commission on September 5, 1978, no Coastal Development Permit is required for:

(A) **Public Roads.** Repair and maintenance of existing public roads, including resurfacing and other comparable development necessary to maintain the existing public road facility as it was constructed, provided that: (a) there is no excavation or disposal of fill outside the existing roadway prism; and (b) there is no addition to and no enlargement or expansion of the existing public road.

(B) **Public Parks.** Routine maintenance of existing public parks, including repair or modification of existing public facilities and landscaping where the level or type of public use or the size of structures will not be altered.

(C) **Public Utilities.** Repair, maintenance, replacement, and minor alterations of existing public water, sewer, natural gas, electrical, telephone, television, and flood control infrastructure.

(D) **Industrial Facilities.** Routine repair, maintenance, and minor alterations to existing industrial facilities necessary for ongoing production that do not expand the area of operation of the existing facility, including minor modifications of existing structures required by governmental safety and environmental regulations where necessary to maintain existing production capacity, where located within existing structures, and where the height and bulk of existing structures are not altered.

**13.20.066 Temporary event exemption.**

(A) Subject to 13.20.060, no Coastal Development Permit is required for temporary events except if:

- (1) The event occupies all or a portion of a sandy beach area; and,
- (2) The event is held between the Saturday of Memorial Day weekend through the Monday of Labor Day (inclusive), and
- (3) The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

(B) **Other exemption.** The Planning Director (or the Coastal Commission's Executive Director if the Planning Director's determination is challenged) may also exempt a temporary event from Coastal Development Permit requirements that satisfies all of the criteria specified in 13.20.066(A) above, if:

- (1) The fee is for preferred seating only and 75% of the provided seating capacity is available free of charge for general public use; or
- (2) The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or
- (3) The event is less than one day in duration; or
- (4) The event has previously received a Coastal Development Permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.

(C) **Special Circumstances.** The Planning Director (or the Coastal Commission's Executive Director if the Planning Director's determination is challenged) may determine that a temporary event, even an event that might otherwise not require a Coastal Development Permit per this section above, shall require a Coastal Development Permit if he/she determines that unique or changing circumstances exist relative to

the particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include, but shall not be limited to, the following:

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- (1) The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time; or
- (2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources (including as mapped on the LCP Land Use Plan maps or as determined during project review), or other coastal resources; or
- (3) The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters; or
- (4) The event has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

(D) Temporary events located solely within the Coastal Commission's original Coastal Development Permit jurisdiction area require review and determination of Coastal Development Permit requirement or Temporary Event Exemption from the Coastal Commission rather than the County of Santa Cruz.

#### **13.20.070 Coastal Development Permit Exclusions.**

A Coastal Development Permit is not required for the categories of development listed in SCCC 13.20.071 through 13.20.079 below, pursuant to categorical exclusion orders adopted by the California Coastal Commission, provided the terms and conditions of the underlying categorical exclusion orders are met. The exclusions identified below are provided in this LCP for reference and ease of exclusion implementation, but the exclusions identified below do not provide any legal authority to exclude development absent the underlying categorical exclusion order. The Planning Director or designee shall make an exclusion determination and that exclusion determination can be challenged (see Section 13.20.080). Requirements for any other County permit or approval are unaffected by this section.

#### **13.20.071 Residential exclusions.**

The residential exclusions identified below are excluded by virtue of Coastal Commission Exclusion Orders E-82-4 and E-83-3 and are only valid provided that the Exclusion Orders themselves remain valid, and provided that the terms and conditions of the Exclusion Orders are met.

- (A) Except as indicated in subsection (B) of this section, the exclusion for residential development is for projects as described below on lands within the urban services line or rural services line, and where designated as a principal permitted use under the applicable zone district:
- (1) The construction, reconstruction, demolition, repair, maintenance, alteration or addition to any one- to four-unit residential development or accessory structure on legal lots or lot combinations of record on the date of LCP certification, and at densities specified in the land use plan.
- (B) This exclusion for residential projects does not include projects located within any of the following areas:
- (1) Between the sea and the first through public road paralleling the sea, except in the areas shown on the map entitled "residential exclusion zone," hereby adopted by reference and considered a part of this section; or
  - (2) Within 300 feet of the inland extent of any beach or of the mean high tide line where there is no beach, or within 300 feet of the top of the seaward face of any coastal bluff, whichever is the greater distance; or

- (3) On land subject to public trust; or
- (4) On lots immediately adjacent to the inland extent of any beach, or the mean high tide line where there is no beach; or
- (5) Within 100 feet of any wetland, estuary, or stream; or
- (6) Within a scenic resource area as designated by the Local Coastal Program visual resources maps, or within a special community; or
- (7) Within the habitat ("essential" area and area adjacent to the "essential" area) of the Santa Cruz Long-Toed Salamander as mapped in the General Plan and certified Local Coastal Program.

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**13.20.072 Commercial exclusions.**

The commercial exclusions identified below are excluded by virtue of Coastal Commission Exclusion Order E-83-3, and are only valid provided that the Exclusion Order itself remains valid, and provided that the terms and conditions of the Exclusion Order are met.

(A) Except as indicated in subsection (B) of this section, the exclusion for commercial development includes the following:

- (1) The construction, reconstruction, demolition, or alteration in size of any commercial structure less than 2,000 square feet in size, on legal lots of record within the urban services line or rural services line.
- (2) Commercial change in use in an existing structure.

(B) This exclusion for commercial development does not include the following:

- (1) Projects appealable to the Coastal Commission, including those projects that are not the principal permitted use under the applicable zone district;
- (2) The construction, reconstruction, demolition, or alteration in the size of any commercial structure within a special area (see Section 13.20.140 et seq.) or on property designated as a Coastal Priority Site in the General Plan and LCP Land Use Plan.
- (3) A commercial change of use on property designated as a Coastal Priority Site in the General Plan and LCP.

**13.20.073 Agricultural exclusions.**

The agricultural exclusions identified below are excluded by virtue of Coastal Commission Exclusion Order E-82-4 and E-82-4-A5 and are only valid provided that the Exclusion Order itself remains valid, and provided that the terms and conditions of the Exclusion Order are met.

Agriculturally related development as listed below is excluded on all lands designated agriculture on the General Plan and LCP Land Use Plan maps, except within 100 feet of any coastal body of water, stream, wetland, estuary, or lake; or within areas between the sea and the first public through road paralleling the sea; or on parcels less than 10 acres in size:

(A) **Soil Dependent Greenhouses.** The construction, improvement, or expansion of soil dependent greenhouses which comply with the requirements of Sections 13.10.313(A) and 13.10.636, and are not located on natural slopes of greater than 25% nor on sensitive habitat areas as defined in Section 16.32.040.

(B) **Agricultural Support Facilities.** The construction, improvement, or expansion of barns, storage buildings, equipment buildings and other buildings necessary for agricultural support purposes, including facilities for the processing, packing, drying, storage and refrigeration of produce generated on-site; provided, that such buildings will not exceed 40 feet in height; will not cover more than a total of 10,000

square feet of ground area including paving; and will not include agricultural processing plants, greenhouses or mushroom farms. Building construction or expansions of more than 2,000 square feet of ground area in rural scenic corridors shall comply with Section 13.20.130(C)(4).

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(C) **Greenhouses and Mushroom Farms.** Improvement and expansion of existing mushroom farms and greenhouses; provided, that such improvements will not exceed 40 feet in height, and will not increase ground coverage by more than 25 percent or 10,000 square feet, whichever is less. Building expansions of more than 2,000 square feet in mapped rural scenic corridors shall comply with SCCC 13.20.130(C)(4). This type of development may be excluded only one time per recorded parcel of land. If improvement or expansion is proposed after such development pursuant to this exclusion has been carried out, then a Coastal Development Permit must be obtained for the subsequent development.

(D) **Paving.** Paving in association with development listed in subsections (A) and (B) of this section, provided it will not exceed 10 percent of the ground area covered by the development.

(E) **Fencing.** Fences for farm or ranch purposes, except any fences which would block existing equestrian and/or pedestrian trails.

(F) **Water Supply Facilities.** Water wells, well covers, pump houses, water storage tanks of less than 10,000 gallons' capacity and water distribution lines, including up to 50 cubic yards of associated grading; provided, that such water facilities are not in a groundwater emergency area as designated pursuant to SCCC 7.70.130 pertaining to groundwater emergencies and will be used for on-site agriculturally related purposes only.

(G) **Water Impoundments.** Water impoundments in conformance with the grading ordinance (Chapter 16.20 SCCC); provided, that no portion of the body of water will inundate either temporarily or permanently any drainage areas defined as riparian corridors in Chapter 16.30 SCCC (Riparian Corridor and Wetlands Protection); provided, that such impoundments will not exceed 25 acre-feet in capacity and will not be in a designated water shortage area.

(H) **Water Pollution Control Facilities.** Water Pollution control facilities for agricultural purposes if constructed to comply with waste discharge requirements or other orders of the Regional Water Quality Control Board.

(I) **Biomedical Livestock Operations Not Excluded.** Barns, storage, equipment, and other buildings, associated paving, fences, and water pollution control facilities which are part of the biomedical livestock operations are not excluded from Coastal Development Permit requirements.

**13.20.074 Tree removal exclusion.**

The tree removal exclusion identified below is excluded by virtue of Coastal Commission Exclusion Order E-82-4, and is only valid provided that the Exclusion Order itself remains valid, and provided that the terms and conditions of the Exclusion Order are met.

Significant tree removal in conformance with the provisions of Chapter 16.34 SCCC (Significant Trees Protection) is excluded.

**13.20.075 Land clearing exclusions.**

The land clearing exclusions identified below are excluded by virtue of Coastal Commission Exclusion Order E-82-4, and is only valid provided that the Exclusion Order itself remains valid, and provided that the terms and conditions of the Exclusion Order are met.



Land clearing of less than one-quarter acre in least disturbed watersheds, water supply watersheds, and areas of high and very high erosion hazard, and of less than one acre elsewhere in the Coastal Zone, is excluded, except as follows:

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- (A) Land clearing within any sensitive habitat.
- (B) Land clearing within the appeal jurisdiction of the Coastal Commission as defined in SCCC 13.20.040.

**13.20.076 Lot line adjustments exclusion.**

The lot line adjustment exclusion identified below is excluded by virtue of Coastal Commission Exclusion Orders E-82-4, E-82-4-A, and E-82-4-A2 and is only valid provided that the Exclusion Orders themselves remain valid, and provided that the terms and conditions of the Exclusion Orders are met.

Lot line adjustments not resulting in an increase in the number of building sites, buildable lots, legal lots of record or density of permitted development are excluded.

**13.20.077 Grading exclusion.**

The grading exclusion identified below is excluded by virtue of Coastal Commission Exclusion Orders E-82-4 and E-83-3 and is only valid provided that the Exclusion Orders themselves remain valid, and provided that the terms and conditions of the Exclusion Orders are met.

Grading of less than 100 cubic yards is excluded, except as follows:

- (A) Grading within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff or any area defined as riparian habitat, sensitive habitat, or their buffer zones by the Land Use Plan and so designated on the land use maps; or
- (B) Grading on natural slopes of greater than 30 percent.

**13.20.078 Well exclusion.**

The well exclusion identified below is excluded by virtue of Coastal Commission Exclusion Order E-90-1 and is only valid provided that the Exclusion Order itself remain valid, and provided that the terms and conditions of the Exclusion Order are met.

Construction of a well or test well on undeveloped land for the purpose of providing domestic water and fire protection for one single-family dwelling is excluded; provided, that the land is not:

- (A) In an area designated as groundwater emergency pursuant to Chapter 7.70 SCCC.
- (B) In an area designated by a water agency or a State agency with jurisdiction as an area subject to salt water intrusion.
- (C) In an appealable area of the coastal zone as defined in Section 13.20.040.
- (D) In an area designated as a sensitive habitat in the General Plan and certified Local Coastal Program Land Use Plan.
- (E) In an area designated within the urban services line or rural services line in the General Plan and LCP.

### 13.20.080 Determination of Applicable Notice and Hearing Procedures.

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The determination of whether a development is exempt, categorically excluded, non-appealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the local government at the time the application for development within the coastal zone is submitted or as soon thereafter as possible, and in all cases prior to the application being deemed complete for processing. This determination shall be made with reference to the certified Local Coastal Program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the Local Coastal Program. Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable:

(A) The local government shall make its determination as to what type of development is being proposed and shall inform the applicant of the notice and hearing requirements for that particular development (i.e. categorically excluded, appealable, non-appealable). The local determination may be made by any designated local government employee(s) or any local body as provided in local government procedures.

(B) If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a Commission determination as to the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion;

(C) The executive director shall, within two (2) working days of the local government request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable:

(D) Where, after the executive director's investigation, the executive director's determination is not in accordance with the local government determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the state) following the local government request.

(E) Coastal Development Permit Exemptions. The County's computer system contains information on development and building permit applications within the coastal zone, which identifies which applications do not involve Coastal Development Permits due to being exempt, and upon request a list of those applications will be generated. Upon Coastal Commission Executive Director request for any particular case, the County shall provide information regarding such exemption to provide the same information specified in items 1 through 5 of the exclusion notice requirements below.

(F) Coastal Development Permit Exclusions. The County shall provide notice of coastal development permit exclusion determinations within five working days of such determinations. The exclusion notice shall be provided to the applicant, any known interested parties (including those who have specifically requested such notice or to be kept informed regarding the application and/or development at the location), and the Coastal Commission. Such notices shall include:

- (1) Identification of the project applicant, project location (including address and assessor's parcel numbers), project description, and a list of any other approvals and/or permits (in addition to the exclusion) needed for the project;
- (2) The reasons supporting the exclusion determination (including reference to the governing categorical exclusion and any other applicable LCP sections, etc.);

- (3) All necessary information and other materials (i.e., location maps, site plans, elevations) supporting the exclusion determination;
- (4) The date of the exclusion determination; and
- (5) Identification of all recipients of the notice. A copy of any terms and conditions imposed by the County through other approvals and permits (including building and/or grading permits) shall be made available for review upon request.

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(G) Coastal Development Permits. If not exempt or excluded, Coastal Development Permit applications shall otherwise be processed in accordance with the provisions of this Chapter.

### **13.20.90 Emergency development.**

(A) Emergency Coastal Development Permits may be granted at the discretion of the Planning Director for development normally requiring a Coastal Development Permit which must be undertaken due to a sudden unexpected occurrence that demands immediate action to prevent or mitigate loss of or damage to life, health, property, or essential public services. The emergency approval shall conform to the objectives of this Chapter and the LCP. The emergency permit process is intended to allow for emergency situations to be abated through use of the minimum amount of temporary measures necessary to address the emergency in the least environmentally damaging, short- and long-term manner. The Planning Director shall verify the facts, including the existence and the nature of the emergency, insofar as time allows. The Planning Director may request, at the applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet these criteria.

(B) The emergency development authorized under an Emergency Coastal Development Permit shall be limited to activities necessary to prevent or mitigate loss or damage. The Emergency Coastal Development Permit shall be void if the Permit is not exercised within fifteen (15) days of issuance. The Emergency Coastal Development Permit shall expire 90 (ninety) days after issuance. Any work completed outside of these time periods requires a regular Coastal Development Permit unless an extension for work outside of this time period is granted for good cause by the Planning Director and such extension is limited as much as possible in duration, based on the facts of the extension request.

(C) All emergency development pursuant to an Emergency Coastal Development Permit is considered temporary and must be removed and the affected area restored if it is not recognized by a regular Coastal Development Permit within 6 (six) months of expiration of the Emergency Coastal Development Permit, unless the Planning Director, for good cause, authorizes an extension. As soon as possible after issuance of the Emergency Coastal Development Permit, and in all cases not later than fifteen (15) days after issuance of the Emergency Coastal Development Permit, the applicant shall submit a completed application, including the appropriate fees, for a regular Coastal Development Permit, unless the Planning Director, for good cause, authorizes a submittal deferral not to exceed an additional sixty (60) days..

(D) As soon as possible after the issuance of an Emergency Coastal Development Permit, and in all cases prior to the expiration of the Emergency Coastal Development Permit,, the owner of the property shall submit all required technical reports and project plans unless a time extension is granted by the Planning Director and such extension is limited as much as possible in duration, based on the facts of the extension request. If this information is not submitted within the specified time, the Emergency Coastal Development Permit, at the discretion of the Planning Director, may be voided and the emergency work shall be considered a violation of this chapter.

(E) If the need for emergency development occurs during nonbusiness hours, the applicant shall submit an application for an Emergency Coastal Development Permit on the following working day.

(F) The Emergency Coastal Development Permit shall include the scope of development to be performed and any necessary conditions to ensure that the emergency work is done in a manner most protective of coastal resources and within the time frames listed above and to ensure that application for the required regular Coastal Development Permit is completed within the time frames listed above.

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(G) The Planning Director shall notify the Executive Director of the Coastal Commission as soon as possible about potential Emergency Coastal Development Permits and may consult with the Coastal Commission prior to issuance of an Emergency Coastal Development Permit. The Planning Director shall report, in writing, to the Coastal Commission after the Emergency Coastal Development Permit has been issued, the nature of the emergency and the work involved. Copies of this written report shall be mailed to all persons who have requested such written notification.

(H) Applications in case of an emergency shall be made by letter to the Planning Director or in person or by telephone, if time does not allow. The following information should be included in the request:

- (1) Nature of the emergency;
- (2) Cause of the emergency, insofar as this can be established;
- (3) Location of the emergency;
- (4) The remedial, protective, or preventive work required to deal with the emergency; and
- (5) The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

(I) The Planning Director shall provide public notice of the emergency work, with the extent and type of notice to be determined on the basis of the nature of the emergency. The designated local official may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Planning Director finds that:

- (1) An emergency exists that requires action more quickly than permitted by the procedures for regular permits, and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit.
- (2) Public comment on the proposed emergency action has been reviewed, if time allows; and
- (3) The work proposed would be consistent with the requirements of Santa Cruz County's certified LCP.

The Planning Director shall not issue an emergency permit for any work that falls within any tidelands, submerged lands, or public trust lands, whether filled or unfilled, lying within the coastal zone.

### **13.20.100 Coastal Development Permit application processing.**

(A) All regulations and procedures regarding Coastal Development Permits, including application, processing, noticing, expiration, amendment, enforcement, and penalties, shall be in accordance with the provisions for processing applications to be heard by the Zoning Administrator pursuant to Chapter 18.10 SCCC; however processing at levels other than the Zoning Administrator shall apply in such cases where the proposed development:

- (1) also requires other discretionary permit approvals to be considered and acted upon by the Planning Commission or the Board of Supervisors, in which case the Coastal Development Permit application will be processed and considered at the highest level of review of the other required permits; or

(2) qualifies as Minor Development (as defined in Section 13.20.040), in which case, unless the Planning Director, for good cause, determines that a public hearing is necessary, the public hearing requirement is waived subject to the following criteria:

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- (a) A Notice of Pending Action is provided to all persons who would otherwise be required to be notified of a public hearing (i.e., for Zoning Administrator and above public hearings), as well as any other persons known to be interested in receiving notice, for the proposed development indicating that the application is going to be approved without a public hearing unless a public hearing is requested. The Notice must include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the County on the Coastal Development Permit application; and
- (b) No request for public hearing is received by the County within 15 working days from the date the Notice of Pending Action was sent.

(B) Coastal Development Permit Amendments. Amendments to approved Coastal Development Permits shall be appealable to the Coastal Commission for the following permit amendment requests: (1) if the original permit was appealable to the Coastal Commission; (2) if the development authorized by the original permit would be appealable at the time the amendment request is received by the County; or (3) if the amendment requested is such that the proposed modified project would be appealable to the Coastal Commission.

An amendment request may be granted only if the reviewing body, either the County, or the Coastal Commission if on appeal, determines that: (1) the proposed amendment would not lessen or avoid the intended effect of the approved permit; and (2) the amended project would be consistent with the LCP (and the Coastal Act, if applicable). If the amendment request is denied by the County, or by the Coastal Commission if on appeal, then the terms and conditions of the original permit shall remain in effect.

An amendment request shall not stay the expiration date of the Coastal Development Permit for which the modification is requested.

(C) Coastal Development Permit Extensions. Time extensions of approved Coastal Development Permits (i.e., amending the permit by changing the expiration date) may be granted only if the reviewing body determines that there are no changed circumstances that may affect the consistency of the development with the LCP (and the Coastal Act, if applicable). The determination of whether or not changed circumstances exist shall be appealable to the Coastal Commission: (1) if the original permit was appealable to the Coastal Commission; or (2) if the development authorized by the original permit would be appealable at the time the extension request is received by the County.

If the County, or the Coastal Commission on appeal, determines that changed circumstances exist that may affect the consistency of the development with the LCP (or the Coastal Act, if applicable), then the extension request shall be denied and the development shall be reviewed as if it were a new application. In such a case, the Applicant shall not be required to file a new Coastal Development Permit application, but instead shall submit any information that the County, or the Executive Director of the Coastal Commission if on appeal, deems necessary to evaluate the effect of the changed circumstances.

Any extension applied for prior to the expiration of the Coastal Development Permit shall automatically extend the time for commencement of development until such time as the reviewing body has acted upon the coastal permit extension request. The Applicant shall not undertake development during the period of automatic extension.

(D) Review of Easements. Prior to the issuance of a Coastal Development Permit, all public access, open space, and/or conservation easements or offers of dedication which are conditions of approval shall

be reviewed and approved by County Counsel for legal adequacy and shall be submitted to the Executive Director of the Coastal Commission for review and approval for consistency with the requirements of potential accepting agencies.

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**13.20.107 Coastal Development Permit review of Second Units (non-appealable)**

Any proposed Second Unit located within the coastal zone but located outside of the appealable area, as described in Section 13.20.040, that does not qualify for a Coastal Development Permit Exclusion or Exemption shall require a Coastal Development Permit, requiring no public hearing, processed concurrently with a Building Permit, subject to the following noticing requirements:

(A) Within ten (10) calendar days of accepting an application for a non-appealable Coastal Development Permit for a proposed Second Unit, the County shall provide, by first class mail, a notice of pending permit decision action. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and occupants within one hundred (100) feet (not including roads) of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. The notice shall contain the following information:

- (1) A statement that the development is within the coastal zone;
- (2) The date of filing of the application and the name of the applicant;
- (3) The number assigned to the application;
- (4) A description of development and its proposed location;
- (5) The general procedure of the County concerning the submission of public comments either in writing or orally prior to the local decision;
- (6) A statement that a public comment period of at least 15 working days to allow for the submission of comments by mail which will be considered prior to the local decision.

**13.20.108 Coastal Development Permit review of Second Units (appealable)**

All proposed Second Units located within the Coastal Zone and located within an appealable area as described in Section 13.20.040, or otherwise appealable, shall require a Coastal Development Permit, requiring no public hearing, processed concurrently with a Building Permit, subject to the following noticing requirements:

(A) Within ten (10) calendar days of accepting an application for an appealable Coastal Development Permit, the County shall provide notice by first class mail of pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and occupants within one hundred (100) feet (not including roads) of the perimeter of the parcel on which the development is proposed and to the Coastal Commission. The notice shall contain the following information:

- (1) Statement that the development is within the coastal zone;
- (2) The date of filing of the application and the name of the applicant;
- (3) The number assigned to the application;
- (4) A description of the development and its proposed location;
- (5) A brief description of the general procedure concerning the conduct of County actions.
- (6) The procedures for Coastal Commission appeals.

(B) Notice After Final Local Decision. Within seven (7) calendar days of approval of the Coastal Development and Building Permit, the County shall notify by first class mail the Coastal Commission and

any persons who specifically requested notice of its action. Such notice shall include written findings, conditions of approval, if any, and the procedures for appeal of the local approval decision to the Coastal Commission.

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(C) The County shall include a notice on the Coastal Development and Building Permit that indicates that the permits will not become effective until the end of the Coastal Commission appeal period or until the Coastal Commission has completed action on an appeal of the County's approval of the permit.

**13.20.110 Coastal Development Permit Findings.**

The following Coastal Development Permit findings shall be required for approval of a Coastal Development Permit, and which shall be based on clear evidence and analysis supporting the findings, prior to granting approvals pursuant to this chapter in addition to the findings required for the issuance of a development permit in accordance with Chapter 18.10 SCCC:

(A) That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

(B) That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

(C) That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to Section 13.20.130 and Section 13.20.140 et seq.

(D) That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

(E) That the project conforms to all other applicable standards of the certified LCP.

(F) If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

(G) In the event of any conflicts between or among the required findings, required findings (E) and (F) shall prevail.

**13.20.111 Final local action notice (FLAN).**

(A) A County action on a Coastal Development Permit application shall be considered final after all local appeal periods that apply to the action have concluded without appeal, and/or all avenues of local appeal have otherwise been exhausted (up to and including appeal to the Board of Supervisors). The County shall provide notice of such final action to, at a minimum, the applicant, any known interested parties who specifically requested such notice or to be kept informed regarding the application and/or development at that location, and the Coastal Commission. Such notice shall be sent by first class mail within seven (7) calendar days of the County's action being considered final, i.e., not later than 7 days after the County's final appeal period ends.

(B) A FLAN shall be in two parts: (1) a cover sheet or memo summarizing the relevant action information and (2) materials that further explain and define the action taken. The cover sheet/memo shall be sent to all recipients of the notice, and the cover sheet/memo and supporting materials shall be sent to the Coastal Commission.

1. Cover Sheet/Memo: The cover sheet/memo shall be dated and shall clearly identify the following information:



- a. All project applicants and project representatives and their address and other contact information.
  - b. Project description and location.
  - c. County decision making body, County decision, and date of decision. 0525
  - d. All local appeal periods and disposition of any local appeals filed.
  - e. Whether the County decision is appealable to the Coastal Commission, the reason why it is or isn't appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.
  - f. A list of all supporting materials provided to the Coastal Commission as part of the final local action notice (see Section 13.20.111(B)(2)).
  - g. All recipients of the notice.
2. **Supporting Materials:** The supporting materials shall include the following information:
- a. Final adopted findings and final adopted conditions.
  - b. Final staff report.
  - c. Approved project plans.
  - d. All other substantive documents cited and/or relied upon in the decision including CEQA documents, technical reports (geologic reports, biological reports, etc.), correspondence, etc.

**13.20.120 Appeals.**

Issuance of an approved Coastal Development Permit shall be stayed until all applicable appeal periods expire or, if appealed, until all appeals, including any appeals to the Coastal Commission, have been exhausted.

**13.20.121 Local appeals.**

All local appeals of actions taken pursuant to the provisions of this chapter shall be made in conformance with the procedures in Chapter 18.10 SCCC.

**13.20.122 Coastal Commission appeals.**

County actions on Coastal Development Permit applications may be appealed to the Coastal Commission as specified below:

- (A) Only the following County actions may be appealed:
- (1) Approval of a Coastal Development Permit for development that is located between the sea and the first through public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
  - (2) Approval of a Coastal Development Permit for development that is not included in Section 13.20.122(A)(1) above, but that is located on tidelands, submerged lands, public trust lands, or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
  - (3) Approval of a Coastal Development Permit for development which is not designated as a principal permitted use for the purpose of this Chapter 13.20 in the zone district that applies to the development site. Principal permitted uses are listed for each zone district in the following sections of the zoning regulations (Chapter 13.10 SCCC):

<b>District Type</b>	<b>SCCC</b>
Agricultural	13.10.312
Residential	13.10.322
Commercial	13.10.332
Industrial	13.10.342
Parks, Recreation, Open Space	13.10.352
Public and Community Facilities	13.10.362
Timber Production	13.10.372
Special Use	13.10.382

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(4) Approval of a Coastal Development Permit for development that is not included in the above Sections 13.20.122()(1) or 13.20.122(A)(2) but is located in a sensitive coastal resource area as defined in Section 13.20.040.

(5) Approval or denial of a Coastal Development Permit involving development which constitutes a major public works project (including a publicly financed recreational facility and/or a special district development) or a major energy facility.

(B) An appeal pursuant to this section may be filed only by: (1) the applicant for the Coastal Development Permit in question, (2) any aggrieved person, or (3) any two members of the Coastal Commission. An applicant or aggrieved person shall be deemed to have exhausted all avenues of local appeal if any of the following occur: (a) they pursued their appeals through all of the available appellate bodies (i.e., from the Zoning Administrator to the Planning Commission to the Board of Supervisors); (b) they were denied the right of local appeal by local ordinance which restricts the class of persons who may appeal a local decision; (c) they were denied the right of local appeal because notice and hearing procedures did not comply with the provisions of this Chapter and Chapter 18.10; or (c) Santa Cruz County charges an appeal fee for the filing or processing of CDP appeals. The appeal must be filed with the Coastal Commission and be received in the Commission's Central Coast District Office on or before 5 p.m. on the tenth working day after the Central Coast District Office receives a non-deficient FLAN.

(C) The grounds for appeal of a County approval of a Coastal Development Permit shall be limited to an allegation that the development does not conform to the standards set forth in the certified LCP and/or the public access policies of the California Coastal Act.

(D) The grounds for appeal of a County denial of a Coastal Development Permit pursuant to Section 13.20.122(A)5 shall be limited to an allegation that the development conforms to the standards set forth in the certified LCP and the public access policies of the California Coastal Act .

(E) When an appeal of a County action on a Coastal Development Permit is filed with the Coastal Commission, the County's action shall be stayed and County permits and/or approvals, including other types of permits, shall not be issued by the County until the appeal has been resolved at the Coastal Commission level. . The possible outcomes of an appeal to the Coastal Commission are as follows:

(1) If the applicant withdraws the Coastal Development Permit application prior to final Coastal Commission action on the appeal, then the application, the County's action and the

appeal to the Coastal Commission shall all be considered vacated. The applicant may reapply, subject to Chapter 18.10.

(2) If all appellants withdraw their appeals prior to Coastal Commission action regarding 0527 whether to take jurisdiction over the Coastal Development Permit application (also known as a substantial issue determination), then the appeals shall be considered vacated and the County's action shall become final.

(3) If the Coastal Commission declines to take jurisdiction over the Coastal Development Permit application (also known as a finding of no substantial issue), then the County's action shall become final.

(4) If the Coastal Commission takes jurisdiction over the Coastal Development Permit application (also known as a finding of substantial issue), then the County's Coastal Development Permit action shall be considered vacated. In such a case, the Coastal Commission shall either:

- (a) Approve the proposed development (with or without conditions); or
- (b) Deny the proposed development

(F) In the case of a Coastal Commission approval of a Coastal Development Permit as described in Section 13.20.122(A) above, the Planning Director shall review the Commission's approval to determine whether any terms and/or conditions imposed by the Coastal Commission are a substantial variation from the terms and/or conditions of any non-Coastal Development Permit approvals granted by the County for the project. The County approving body shall re-review any non-Coastal Development Permit approvals and will as necessary approve, modify, or deny any non-Coastal Development Permit applications associated with the project as approved by the Coastal Commission to ensure consistency with the Coastal Development Permit.

### **13.20.130 Design criteria for Coastal Zone Developments.**

(A) General.

(1) Applicability. The design criteria for coastal zone developments are applicable to any development requiring a Coastal Development Permit.

(2) Conformance with Development Standards and Design Criteria of LCP Chapters 13.10 and 13.11. All applicable and/or required development standards and design criteria of Chapters 13.10 and 13.11 SCCC shall be met in addition to the criteria of this section. For projects that are listed in Section 13.11.040 as requiring Chapter 13.11 design review, and for those located in scenic areas mapped on the LCP maps or as determined during project review, all applicable standards and conditions of that Chapter shall be met. For projects that are not listed in Section 13.11.040 as requiring Chapter 13.11 design review, the standards and conditions of Sections 13.11.072(A)1 and 13.11.073(B)1 only shall be met.

(3) In the Highway 1 viewshed inside of the Urban Services Line, allow signage where consistent with this chapter as well as the sign regulations of the County Code and any applicable village, town, community, or specific plan.

(4) Exceptions. Exceptions to the coastal zone design criteria may be allowed in conjunction with the granting of a Coastal Development Permit after public hearing when the following findings can be made:

- (a) The project meets the general intent of the coastal zone design criteria.
- (b) The exception will result in a project design quality equivalent or better to that produced by strict adherence to the required design criteria and will be equally protective of coastal resources, including with respect to the natural and visual environments.
- (c) The project will be consistent with the visual resource policies of the LCP Land Use Plan and this chapter.

(B) Entire Coastal Zone. The following design criteria shall apply to projects located in the Coastal Zone:

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- (1) **Visual Compatibility.** All development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Structure design should emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs, and should apply tools to help provide an interesting and attractive built environment (including building facade articulation through measures such as breaking up the design with some areas of indent, varied rooflines, offsets, and projections that provide shadow patterns, smaller second story elements set back from the first, and appropriate surface treatments such as wood/wood-like siding or shingles, etc.).
  - (2) **Minimum Site Disturbance.** Grading, earth moving, and removal of major vegetation shall be minimized. Developers shall be encouraged to maintain all mature trees over six inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species. Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.
  - (3) **Ridgeline Development.** Hilltop and hillside development shall be integrated into the silhouette of the existing backdrop such as the terrain, landscaping, natural vegetation, and other structures. Ridgeline protection shall be ensured by restricting the height and placement of buildings and landscape species and by providing landscape screening in order to prevent projections above the ridgeline that are visible from public roads or other public areas. If there is no other building location on a property except a ridgeline, this circumstance shall be verified by the Planning Department with appropriate findings and mitigation measures to ensure that the proposed structure is compatible with its environment, is low profile, and is visually screened. Land divisions which would create parcels whose only building site would lead to development that would be exposed on a ridgetop shall not be permitted and land divisions shall be appropriately conditioned to prohibit ridgeline development in all cases.
  - (4) **Landscaping.** Development shall include landscaping meant to provide visual interest and articulation, to complement surrounding landscaping (including landscaping in adjacent rights-of-way), to screen and/or soften the visual impact of development, and to help improve and enhance visual resources. When a landscaping plan is required, new or replacement vegetation shall be consistent with water efficient landscape regulations, compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area.
  - (5) All development that is more than one story, where allowed by the site regulations of the basic zone district, that is 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 upper stories do not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character.
  - (6) 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.
  - (7) Development shall be sited and designed so that it does not block or significantly adversely impact significant public views and scenic character, including by situating lots, access roads, driveways, buildings, and other development (including fences, walls, hedges and other landscaping) to avoid view degradation and to maximize the effectiveness of topography and landscaping as a means to eliminate, if possible, and/or soften, if not possible, public view impacts.

(4) Exceptions. Exceptions to the coastal zone design criteria may be allowed in conjunction with the granting of a Coastal Development Permit after public hearing when the following findings can be made:

- (a) The project meets the general intent of the coastal zone design criteria. 0492
- (b) The exception will result in a project design quality equivalent or better to that produced by strict adherence to the required design criteria and will be equally protective of coastal resources, including with respect to the natural and visual environments.
- (c) The project will be consistent with the visual resource policies of the LCP Land Use Plan and this chapter.

(B) Entire Coastal Zone. The following design criteria shall apply to projects located in the Coastal Zone:

- (1) Visual Compatibility. All development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas. Structure design should emphasize a compatible community aesthetic as opposed to maximum-sized and bulkier/boxy designs, and should apply tools to help provide an interesting and attractive built environment (including building facade articulation through measures such as breaking up the design with some areas of indent, varied rooflines, offsets, and projections that provide shadow patterns, smaller second story elements set back from the first, and appropriate surface treatments such as wood/wood-like siding or shingles, etc.).
- (2) Minimum Site Disturbance. Grading, earth moving, and removal of major vegetation shall be minimized. Developers shall be encouraged to maintain all mature trees over six inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species. Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.
- (3) Ridgeline Development. Hilltop and hillside development shall be integrated into the silhouette of the existing backdrop such as the terrain, landscaping, natural vegetation, and other structures. Ridgeline protection shall be ensured by restricting the height and placement of buildings and landscape species and by providing landscape screening in order to prevent projections above the ridgeline that are visible from public roads or other public areas. If there is no other building location on a property except a ridgeline, this circumstance shall be verified by the Planning Department with appropriate findings and mitigation measures to ensure that the proposed structure is compatible with its environment, is low profile, and is visually screened. Land divisions which would create parcels whose only building site would lead to development that would be exposed on a ridgetop shall not be permitted and land divisions shall be appropriately conditioned to prohibit ridgeline development in all cases.
- (4) Landscaping. Development shall include landscaping meant to provide visual interest and articulation, to complement surrounding landscaping (including landscaping in adjacent rights-of-way), to screen and/or soften the visual impact of development, and to help improve and enhance visual resources. When a landscaping plan is required, new or replacement vegetation shall be consistent with water efficient landscape regulations, compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area.
- (5) All development that is more than one story, where allowed by the site regulations of the basic zone district, that is 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 upper stories do not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character.
- (6) 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

(C) **Rural Scenic Resources.** In addition to the criteria above that applies throughout the coastal zone, the following design criteria shall also apply to all development proposed outside of the Urban Services Line and the Rural Services Line located in mapped scenic resource areas or determined to be in a scenic resource area during project review:

(1) **Location of Development.** Development shall be located, if possible, on parts of the site not visible or least visible from the public view. Development shall not block views of the shoreline and/or ocean from scenic roads, turnouts, rest stops, or vista points.

(2) **Site Planning.** Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, including through appropriately maintaining natural features (e.g., streams, riparian corridors, major drainages, mature trees, dominant vegetative communities, rock outcroppings, prominent natural landforms, tree groupings, etc.) and requiring appropriate setbacks therefrom. Screening and landscaping suitable to the site shall be used to soften the visual impact of development unavoidably sited in the public viewshed.

(3) **Building Design.** Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction. Pitched rather than flat roofs, which are surfaced with nonreflective materials (except for solar energy systems that unavoidably reflect) shall be encouraged. Natural materials and colors which blend with the patterns and colors of the vegetative cover and landform of the site and surrounding area shall be used, and if the structure is located in an existing cluster of buildings, colors and materials shall also repeat or harmonize with those in the cluster.

(4) **Large Agricultural Structures.** The visual impact of large agricultural structures shall be minimized by:

- (a) Locating the structure within or near an existing group of buildings.
- (b) Using materials and colors which blend with the building cluster, or the natural vegetative cover, or landform where there is no vegetative cover, of the site.
- (c) Using landscaping to screen or soften the appearance of the structure.

(5) **Restoration.** Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development. The requirement for restoration of visually blighted areas shall be proportional to the size of the proposed project and its visual impacts.

(6) **Signs.** Signs shall minimize disruption of the scenic qualities of the viewshed, including by not blocking or having a significant adverse impact on significant public views and shall be consistent with the sign regulations of the County Code.

- (a) Materials, scale, location and orientation of signs shall harmonize with surrounding elements.
- (b) Internally lighted, rotating, reflective, blinking, flashing or moving signs are prohibited.
- (c) Illumination of signs shall be permitted only for State and County directional and informational signs, except in commercial and visitor serving zone districts where such lighting may be allowed if it can be harmonized with the surrounding area and public view protection.
- (d) In the Highway 1 viewshed outside of the Urban Services Line, only public signs (i.e., CALTRANS standard signs, public access and park signs, public parking lot identification signs, etc.); signage for farm stands, agri-tourism uses, and self-pick sites; and signage within the Davenport commercial area shall be allowed to be visible from Highway One and only where such signs are of unobtrusive materials and colors and are harmonized with the surrounding area and public view protection..



(D) Beach Viewsheds. In addition to the criteria above that applies throughout the coastal zone, and the criteria above that also applies within rural areas (as applicable), the following design criteria shall also apply to all projects located on blufftops and/or visible from beaches.

0530

(1) Blufftop Development.

(a) Outside of the Urban Service Line and the Rural Services Line, in addition to meeting the Rural Scenic Resources criteria in (C)(2) above, blufftop development and landscaping (e.g., houses, garages, decks, patios, fences, walls, barriers, other structures, trees, shrubs, etc.) shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline or, if such a setback is infeasible, to not be visually intrusive.

(b) Within the Rural Services Line and the Urban Services Line, new blufftop development shall conform to the Rural Scenic Resources criteria in (C)(2) above.

(2) Beaches. The scenic integrity of open beaches shall be maintained:

(a) No new permanent structures on open beaches shall be allowed, except where permitted pursuant to LUP Chapter 5 (for required shoreline armoring), LUP Chapter 7 (for public recreational access improvements), or County Code Chapter 16.10 (for required shoreline armoring).

(b) All structures that are allowed on open beaches shall be sited and designed to minimize visual intrusion, and to minimize unavoidable intrusion, including through the use of materials and finishes which harmonize with the beach character of the area. Natural materials are preferred.

**13.20.140 Special areas design criteria.**

(A) Applicability. In addition to the criteria above that applies throughout the coastal zone; the criteria above that also applies within rural areas (as applicable); and the criteria above that also applies within beach viewsheds, the special area design criteria of Section 13.20.141 et seq. are applicable to all developments requiring a Coastal Development Permit within each applicable area below as mapped and designated by the LCP Land Use Plan.

(B) Exceptions. Exceptions to the special area design criteria may be allowed in conjunction with the granting of a Coastal Development Permit after public hearing when the following findings can be made:

(1) The project meets the general intent of the coastal zone design criteria.

(2) The exception will result in a project design quality equivalent or better to that produced by strict adherence to the required design criteria and will be equally protective of coastal resources, including with respect to the physical and visual environments.

(3) The project will be consistent with the visual resource policies of the LCP Land Use Plan and this chapter.

**13.20.141 Bonny Doon special scenic area design criteria.**

(A) The unusual sandstone formations in the Bonny Doon special scenic area shall be preserved. Development located on or within 50 feet of these formations shall be prohibited.

(B) Land divisions which would create parcels whose only building site is exposed within the viewshed of an adjacent scenic road shall be prohibited.

**13.20.142 Swanton Road special scenic area design criteria.**

(A) Development within the Swanton Road special scenic area that is visible in the viewshed of either Swanton Road or Highway 1 shall be prohibited.



(B) Land divisions that would create parcels whose only building site is exposed, or would lead to development that would be exposed and impossible to screen completely (and provided such screening does not itself lead to adverse visual impacts) within the Swanton Road viewshed or Highway 1 viewshed between the Swanton Road intersections shall be prohibited.

(C) In the Swanton Road area within the viewshed of Highway 1, special landscaping conditions, parcel recombination, density transfer or other appropriate means shall be required so as to locate any new development outside the viewshed, where possible, and in all cases, minimize the impact on views from Highway 1 as much as possible.

**13.20.143 Davenport special community design criteria.**

(A) Historic Structures. The historic structures listed below shall not be demolished; any renovations shall respect their historic character; and any additions shall be compatible with the original structure:

- (1) Saint Vincent de Paul Catholic Church  
NR4 rating  
123 Marine View Avenue  
APN 058-103-29
- (2) Davenport Jail .  
NR3 rating  
Highway 1—no address  
APN 058-082-07

(B) Residential Development. New residential development shall incorporate architectural design features found in the older houses of the community (e.g., clean and simple lines, steep roof slopes, one and two story heights, porches, wood construction, white or light paint, etc.) Setbacks shall conform to that typical of other houses on the street. Rehabilitations of housing shall maintain the architectural and historic character of the structure being rehabilitated, including that all additions shall be compatible.

(C) Highway 1 Frontage. Development along Davenport's Highway 1 frontage shall conform to the following objectives:

- (1) Davenport shall be emphasized as a rural community center and as a visitor serving area including:
  - (a) Site design shall emphasize the historic assets of the town, including in terms of its whaling history and whale viewing opportunities;
  - (b) Overhead wires along Highway 1 shall be placed underground, when feasible;
  - (c) Landscaping shall tie together and accent the commercial uses, shall assist in the definition of walkways and parking areas, and shall be provided to help screen and/or soften public views of parking areas.
- (2) Clear, coordinated circulation features shall be developed including:
  - (a) Clear definition of stopping and parking spaces along the highway frontage for both cars and bicycles;
  - (b) Clearly articulated pedestrian crossings of Highway 1, one near the intersection of Marine View Avenue, Ocean Street and Highway 1 at the northern end of the commercial area and one near the intersection of Davenport Avenue and Highway 1 at the southern end of the commercial area;
  - (c) Adequate parking off of Highway 1, for existing and new uses, and for visitors (including public access parking for shoreline/beach visitors);
  - (d) Bicycle parking facilities to make the town a more attractive bicycle destination/stop-over point.

**13.20.144 Harbor area special community design criteria.**

(A) Historic Structures. The historic structures listed shall not be demolished; renovations shall respect their historic character; and additions shall be compatible with the original structure:

- (1) Parsonage for Twin Lakes Baptist Church  
NR5 rating 0532  
248 9<sup>th</sup> Avenue  
APN 027-151-34
  
- (2) Twin Lakes Library  
NR5 rating  
363 Seventh Avenue  
APN 027-102-03

(B) Residential Development. New development in the single-family parts of the Harbor area special community shall incorporate the characteristics of older dwellings in the area (e.g., the small scale, clean lines, pitched roofs, predominately wood construction, wood or wood-like (including cementitious) siding, or shingles that resemble wood).

**13.20.145 East Cliff Village tourist area special community design criteria.**

(A) Historic Structures. The historic structure listed below shall not be demolished; any renovations shall respect its historic character; and any additions shall be compatible with the original structure:

- (1) Buckhart's Confectionery.  
NR5 rating  
2-1231 East Cliff Drive  
APN 027-211-13

(B) New development shall maintain the one and two story scale of the area. Along East Cliff Drive clustered landscaping is encouraged to accent the various commercial uses.

**13.20.146 Seacliff Beach area special community design criteria.**

Development within the boundaries of the Seacliff Village Plan area shall be consistent with the design standards of that Plan.

**13.20.147 Rio Del Mar Esplanade special community design criteria.**

(A) Commercial Development. Buildings should be designed to reflect the beach front character of the esplanade and continue the design of existing structures (e.g., Mediterranean style, adobe or wood frame construction, red tile pitched roofs, garden courts, light paint, etc.). Sign design shall be an integral part of the structure, shall not adversely affect the public viewshed, and shall coordinate with other area signs and the beachfront aesthetic.

(B) Esplanade. Landscaping, paving, lighting and traffic control in the Esplanade area shall enhance its potential as an auto/bicycle/pedestrian piazza, and shall incorporate Aptos Creek as a design feature.

**13.20.148 Pleasure Point Community residential design criteria**

All residential development on parcels zoned R-1, RM or PR that are also zoned with the "PP" (Pleasure Point Community Design) Combining District shall be subject to the residential development standards in Section 13.10.446, unless granted an exception, as described in 13.10.447, or subject to Section 13.10.448 (reconstruction of destroyed non-conforming structures).

**13.20.150 Special use standards and conditions.**

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(A) **Applicability.** These use standards and conditions shall apply to all coastal zone development specified below by jurisdiction or priority use designation.

(B) **State and Local Public Agencies.**

(1) **General.** Except as specifically and explicitly exempted from coastal development permit requirements of the Coastal Act and the LCP by State law, all development in the coastal zone that is proposed by State or local public agencies shall be subject to the same LCP requirements as any other proposed development.

(2) **Requirements for Special Districts.** Prior to or concurrent with any development application by a special district, unless specifically exempted from Coastal Development Permit requirements of the Coastal Act and the LCP by State or federal law, the following materials shall be prepared and submitted for County review and approval:

(a) **System master plan** based on projected levels of development within the coastal zone as defined in LCP Chapter 1 and Policies 2.1.6 and 2.1.7 of the LCP Land Use Plan. Development and expansion shall not exceed that needed to serve projected levels of LCP-consistent development within the coastal zone for a planning horizon of 20 to 30 years. In addition the master plan shall either reserve capacity for priority uses or provide information sufficient to enable the County to reserve capacity for priority uses.

(b) **Capital improvements program** based on the system master plan. Each agency shall submit plans as updated.

(c) **Demonstration of compliance** with the LCP Land Use Plan policy requiring district boundary adjustment. Maps showing the district boundary and the County's adopted urban services line (USL) shall be included. District boundaries shall correspond with the USL, except where service by the district is necessary for water resource protection and enhancement or for existing development served by the district.

(3) **Time Extensions for Special Districts.** Where plans and programs required in subsection (B)(2) of this section have not been prepared by special districts, project applications may be accepted, processed, and approved if:

(a) The district agrees to submit the required material within 18 months of the application and the Coastal Development Permit contains a condition to require such submittal; and

(b) The approving body finds that the proposed project does not exceed the improvements necessary to serve the projected levels of LCP-consistent development of the LCP Land Use Plan, and either provides adequate reserve capacity for priority uses or is necessary to correct a public health hazard.

(c) The approving body finds the proposed project consistent with the provisions of the LCP.

(C) **Priority Use Sites Special Use Standards.** Priority use sites as identified on the land use plan maps shall be subject to the special use standards and conditions listed in Figure 2.5 of the LCP Land Use Plan.

(D) **Primary Public Shoreline Access Areas.** The following requirements apply to primary public shoreline access areas as identified in Section 7.7 of the LCP Land Use Plan.

(1) **Improvements at Primary public shoreline access areas.** The following improvements, at a minimum shall be provided at primary public shoreline access areas : path improvements; recycling and garbage collection facilities; bicycle parking; automobile parking, or in an impacted neighborhood, an acceptable alternative such as a beach shuttle, transit service stop; access

provisions for persons with disabilities if feasible; restrooms; provision of and/or enhancement to scenic overlook areas, if appropriate; landscaping; safety signs if needed, and accessway identification signs. The level of development shall be as specified in an approved master plan 0534 for the destination, or in the absence of such a plan, at levels appropriate to the size, character and projected use of the destinations.

(2) **Maintenance and Management Program.** Development of any primary public shoreline access area shall include a feasible program for maintenance and management of the access area.

(3) **Separation.** Barriers designed to discourage public encroachment upon private property may be erected between private property and public shoreline access areas and/or high use recreation areas. Access areas, however, shall not be blocked. All private encroachment into public property at the access area shall be removed, and the area returned to public use as part of any access area development, unless a revocable encroachment permit is approved.

**13.20.160 Timber harvest standards and conditions.**

Any person engaging in a commercial timber harvest of less than three acres or a noncommercial timber harvest within the coastal zone shall obtain a Coastal Development Permit and demonstrate compliance with the regulations of all relevant chapters of the County Code, including but not limited to the following:

- (A) Chapter 16.10 SCCC, Geologic Hazards;
- (B) Chapter 16.20 SCCC, Grading Regulations;
- (C) Chapter 16.22 SCCC, Erosion Control;
- (D) Chapter 16.30 SCCC, Riparian Corridor and Wetlands Protection;
- (E) Chapter 16.32 SCCC, Sensitive Habitat Protection;
- (F) Chapter 16.34 SCCC, Significant Trees Protection;
- (G) Chapter 16.52 SCCC, Timber Harvesting Regulations.

**13.20.170 Violations of coastal zone regulations.**

(A) It shall be unlawful for any person to undertake any development (as defined in SCCC 13.20.040) in the coastal zone unless (1) a Coastal Development Permit has been obtained and is in effect which authorizes such development within the coastal zone; or (2) a Coastal Development Permit exemption or exclusion for the project has been obtained from the Planning Department pursuant to this chapter.

(B) It shall be unlawful for any person to exercise any Coastal Development Permit which authorizes development within the coastal zone without complying with all of the terms and conditions of such permit.

(C) Development that is proposed for property on which there are existing unresolved coastal development permit violations shall only be approved and allowed if: (1) the approval resolves all such violations through its terms and conditions and (2) such resolution protects and enhances coastal resources, including that it results in a coastal resource condition that is as good or better than existed prior to the violations; or (3) the proposed development is necessary to ensure health and safety, in which case the approval for the development shall specify that an application to resolve the unresolved coastal development permit violation(s) shall be made within 90 days of the approval.

**SECTION II**

Subsection (B) of Section 7.70.030 of the Santa Cruz County Code is hereby amended to read as follows:

(B) A Coastal Development Permit shall be required for any well proposed to be drilled in the coastal zone unless exempt or excluded as provided in Chapter 13.20 SCCC.

### SECTION III

0535

Section 13.01.050 of the Santa Cruz County Code is hereby amended to read as follows:

The General Plan shall be applied and interpreted under the direction of the Planning Director. Where disputes arise over the interpretation of General Plan policies or mapping designations, such interpretation shall be resolved by a majority vote of the Planning Commission based on a report by the Planning Department and a public hearing. Planning Commission determinations may be appealed to the Board of Supervisors in accordance with the appeal procedures of County Code Chapter 18.10. Board of Supervisors' determinations which affect projects in the coastal zone may be appealed to the Coastal Commission in accordance with the appeal procedures of County Code Section 13.20.120 et seq. Information developed on a project or site specific basis may be utilized in interpreting and applying the General Plan.

### SECTION IV

Subsection (B) of Section 13.10.140 of the Santa Cruz County Code is hereby amended to read as follows:

(B) Conformance by Government Agencies. No government unit whether city, county special district or state agency shall be exempt from the provisions of this chapter, except for state agencies and cities engaged in a sovereign activity or a local public agency exempted by Sections 53090 et seq. of the California Government Code. Except as specifically exempted from coastal development permit requirements of the Coastal Act and the LCP by State law, all development in the coastal zone that is proposed by such government unit shall be subject to the same LCP requirements as any other proposed development.

### SECTION V

Subsection (B)2of Section 13.10.325 of the Santa Cruz County Code is hereby amended to read as follows:

(2) The proposed structure, due to site conditions, or mitigation measures approved as part of the application, will be adequately screened from public view and will not adversely impact public viewsheds, neighboring property privacy or solar access, and its design is consistent with the Large Dwelling Design Guidelines set forth in subsection (d) below. (For structures within the coastal zone requiring a Coastal Development Permit, additional findings shall be made pursuant to Chapter 13.20).

### SECTION VI

Subsection (B) of Section 13.10.478 of the Santa Cruz County is hereby amended to read as follows:

(B) Environmental review, as required by the California Environmental Quality Act, will be completed as part of the process for rezoning of such sites into the Regional Housing Need "R" Combining District. No further environmental review is necessary except for development projects requiring a Coastal Development Permit or those requiring approval of a tentative map (see 13.10.478(e)(1) and (e)(2) below).

**SECTION VII**

0536

Subsection (E) of Section 13.10.478 of the Santa Cruz County Code is hereby amended to read as follows:

(E) If a Coastal Development Permit or tentative map approval is required, they must be included in the application.

(1) Coastal Development Permit Requirements. Where a site is located in the Coastal Zone and requires a Coastal Development Permit for development, the provisions of Chapter 13.20 apply. Wherever possible, the environmental review performed at the time the site was designated under the Regional Housing Need "R" Combining District will be utilized in the processing of the Coastal Development Permit.

**SECTION VIII**

Subsection (G)1 of Section 13.10.647 of the Santa Cruz County Code is hereby amended to read as follows:

(G) Permit Expiration and Renewal. A Biomedical Livestock Operation shall be subject to the following review following approval of a development permit:

(1) Any development permit approved for a Biomedical Livestock Use shall be valid for five years or a lesser time as established by the Zoning Administrator. The permit holder shall be required to submit an application for renewal prior to the expiration of the development permit. The permit shall also be conditioned to require the permit holder to submit a closure plan prior to terminating a biomedical livestock operation or prior to permit expiration if a renewal application is not sought or is denied. The closure plan shall provide for the removal of any facilities inappropriate for future non-biomedical agricultural use of the site. Continued operation of the Biomedical Livestock use shall be subject to permit renewal processed as an administrative approval according to the procedures set forth in Chapter 18.10 except that if a Coastal Development Permit is involved, then the processing requirements of Chapter 13.20 shall apply. A request to renew a Biomedical Livestock use Coastal Development Permit shall not be considered a minor development as defined in Chapter 13.20 or a permit extension. Under no circumstances, whether through conditions beyond the control of the permittee, lack of actual notice of expiration, reliance on an error of public officials, or for any other reason shall the expiration date of a permit be automatically extended except as may be provided by relevant provisions of State law, or give rise to an estoppel against the County. Requests for renewal of a development permit for a Biomedical Livestock Use shall be evaluated based on compliance with original permit conditions and inspection by the County Planning Department; inspection of the site by the County Health Officer for compliance with Chapters 7.22, 7.30, and 7.100 and the research, testing, experimentation or biomedical (or pharmaceutical) product manufacturing program; review by the County Planning Department of all applicable federal, state and/or local laws and the applicant's compliance with them as documented by the respective agencies, and a review of all applicable County ordinances and policies.

**SECTION IX**

Subsection (E) of Section 13.10.660 of the Santa Cruz County Code is hereby amended to read as follows:

(E) Exemptions. The types of wireless communications facilities, devices and activities listed below are exempt from the provisions of Sections 13.10.660 through 13.10.668, inclusive, except that Sections 13.10.663(a)(1) through 13.10.663(a)(8) shall continue to apply if the facility, device and/or activity

requires a Coastal Development Permit pursuant to Chapter 13.20. This exemption is not intended to limit or expand the scope of other Federal, state and local policies and regulations, including but not limited to the General Plan/Local Coastal Program, which apply to these facilities, devices and/or activities.

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- (1) A ground- or building-mounted citizens band or two-way radio antenna including any mast that is operated on a noncommercial basis.
- (2) A ground-, building- or tower-mounted antenna operated on a noncommercial basis by a Federally licensed amateur radio operator as part of the amateur or business radio service.
- (3) A ground- or building-mounted receive-only radio or television antenna which does not exceed the height requirements of the zoning district, and which, for a television dish antenna, does not exceed three feet in diameter if located on residential property within the exclusive use or control of the antenna user.
- (4) A television dish antenna that is no more than six feet in diameter and is located in any area where commercial or industrial uses are allowed by the land use designation.
- (5) Temporary mobile wireless services, including mobile wireless communication facilities and services providing public information coverage of news events, of less than two weeks' duration. Any mobile wireless service facility intended to operate in any given location for more than two weeks is subject to the provisions of SCCC 13.10.660 through 13.10.668, inclusive.
- (6) Handheld devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.
- (7) Wireless communication facilities and/or components of such facilities to be used solely for public safety purposes, installed and operated by authorized public safety agencies (e.g., County 911 emergency services, police, sheriff, and/or fire departments, first responder medical services, hospitals, etc.). Unless otherwise prohibited by law or exempted by action of the Board of Supervisors, public safety agencies shall be required to provide a map of facility locations for inclusion in the County's wireless communication facilities GIS map. If a wireless communication facility approved for an authorized public safety agency is not or ceases to be operated by an authorized public safety agency, and if a nonpublic safety agency operator proposes to use the approved facility, then the change in operator shall require that the new operator submit an application for the wireless communication facility to be evaluated as if it were a new facility subject to SCCC 13.10.660 through 13.10.668, inclusive, and the General Plan/Local Coastal Program. The facility shall not be operated by the new operator until a final decision has been rendered on the application.
- (8) Any "minor" antenna or facility described under subsection (D) of this section.
- (9) Any "non-major" modification or maintenance activities, as defined by subsection (D) of this section, carried out as part of the routine operation of existing permitted wireless communication facilities.
- (10) Small scale, low powered, short-range and visually inconspicuous, wireless Internet transmitter/receivers (e.g., "wi-fi hotspots").

#### SECTION X

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

(B) Application Processing. Second units shall be processed in accordance with the requirements of Government Code Section 65852.2 and, for those second units located within the coastal zone, the processing requirements of Sections 13.20.107 and 13.20.108. A building permit only, and no public hearing, shall be required for the development of a second unit within a residential zone district or on land



designated residential in the General Plan or, outside the coastal zone, within the agriculture zone district, unless the second unit is a part of a larger project that requires a public hearing or if a variance is requested. All applications for second units in the Commercial Agricultural Zone District outside the coastal zone shall be subject to review by the Agricultural Policy Advisory Commission.

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### **SECTION XI**

Subsection (D) of Section 13.10.686 of the Santa Cruz County Code is hereby amended to read as follows:

(D) **Requirements.** Before a large family child care home, authorized by a development permit, or, if applicable, a Coastal Development Permit, can commence operation, the following requirements shall be met:

- (1) **Location.** The large family child care home must be operated in a residence or in the residential portion of a mixed use structure.
  - (a) In the commercial zones, the percentage of residential square footage of the structure must comply with SCCC 13.10.332(B).
  - (b) The large family child care home shall operate in the residential portion of the structure.
- (2) **Occupancy.** The owner or occupant of the residence must be the operator of the large family child care home and must be listed on the State License as the operator. The operator must live at the premises full-time.
- (3) **Parking.** Sufficient on-site parking must be provided for all employees of the large family child care home. Sufficient off-street parking equates to a minimum of one off-street parking space per full-time employee and a minimum of one off-street drop-off/pick-up parking space. Any alternative off-street parking standard must be deemed appropriate by the Zoning Administrator based on site constraints which would otherwise preclude the operation of a large family child care home on the property. Additionally, there shall be sufficient off-street and on-street parking such that the operation of this use will not impede local traffic nor cause traffic congestion during peak drop-off and pick-up periods.
- (4) **Traffic.** Unless found to be unnecessary due to ample drop-off and pick-up areas, a plan for staggering drop-off and pick-up times to minimize traffic shall be submitted and reviewed as part of the application. An operational condition shall require implementation of this traffic control plan.
- (5) **Agricultural Buffers.** Large family child care homes that are located adjacent to agriculturally zoned land (CA, A, AP) shall meet all the requirements of SCCC 16.50.095 pertaining to agricultural buffer setbacks.
- (6) **Other Conditions.** Other conditions deemed appropriate by the approving body may be applied to the development permit of a large family child care home to further the purposes of this section.

### **SECTION XII**

The definition of "Coastal Zone", found in Section 13.10.700-C of the Santa Cruz County Code, is hereby amended to read as follows:

**Coastal Zone.** That portion of the coastal zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the unincorporated area of Santa Cruz County.

### SECTION XIII

The definition of "Hedge", found in Section 13.10.700-H of the Santa Cruz County Code, is hereby amended to read as follows:

Hedge. A row of closely planted shrubs or low growing trees forming a barrier or boundary. 0539

### SECTION XIV

The definition of "Person" in Section 16.34.030 of the Santa Cruz County Code is hereby amended to read as follows:

Person. Any individual, group, firm, organization, association, limited liability company, or other business association, corporation, including any utility, partnership, business, trust company, special district or public agency thereof, or other party, or as specified in Section 53090 of the California Government Code; or the state or a state agency or city when not engaged in a sovereign activity. Where a Coastal Development Permit is required pursuant to Chapter 13.20, state and federal agencies may be required to comply with various provisions of this chapter as a condition of the Coastal Development Permit.

### SECTION XV

Subsection (B) of Section 16.50.100 of the Santa Cruz County Code is hereby amended to read as follows:

(B) If any act or determination of the Agricultural Policy Advisory Commission in question is incorporated as part of the terms or conditions of a discretionary permit or other discretionary approval for which another appeal is provided, then such act or determination of the Agricultural Policy Advisory Commission shall be considered as part of the appeal on the discretionary permit or other discretionary approval. Within the Coastal Zone, such appeals shall also be subject to the provisions of Chapter 13.20 of the Santa Cruz County Code pertaining to Coastal Development Permit procedures.

### SECTION XVI

Subsection (C) of Section 16.54.029 of the Santa Cruz County Code is hereby amended to read as follows:

(C) Applications for a Mining Approval, Major Mining Approval Amendment or Reclamation Plan Approval within the coastal zone, pursuant to Chapter 13.10, shall require concurrent application for a Coastal Development Permit pursuant to Chapter 13.20.

### SECTION XVII

Subsection (A)3 of Section 18.10.123 of the Santa Cruz County Code is hereby amended to read as follows:

(3) Notices of Coastal Development Permit Exclusion, or determinations of exemption, may be issued at the time of project application but shall not become effective until they are effective pursuant to the

requirements of Chapter 13.20 and all other approvals and permits required for the project have been obtained.

### SECTION XVIII

0540

Section 18.10.181 of the Santa Cruz County Code is hereby amended to read as follows:

#### 18.10.181 Planned Unit Development—Permit applications.

A Planned Unit Development Permit is a type of development permit that is subject to all the same application processing requirements for development permits specified in this chapter, including the Coastal Development Permit review process specified in Chapter 13.20 (Coastal Zone Regulations). As an application to be considered by the Board of Supervisors, an application for a Planned Unit Development Permit shall conform to the following specific requirements:

- (A) Contents. The application shall be accompanied by a development plan of the entire Planned Unit Development that includes all of the required application submittal requirements of Section 18.10.210.
- (B) Development Standards. Any application for a Planned Unit Development shall provide a written description of the proposed alternative development and design standards that would apply to the project (property).

### SECTION XIX

Subsection (D) of Section 18.10.184 of the Santa Cruz County Code is hereby amended to read as follows:

(D) Planned Unit Developments Approvals in the coastal zone. If any portion of a Planned Unit Development is located in the coastal zone, then, in addition to the actions specified in subsection (c) of this section, an action to approve the Planned Unit Development shall also include approval of a Coastal Development Permit. The Board's action on the Coastal Development Permit shall not be considered final, and notice of the Board's action on the Coastal Development Permit shall not be transmitted to the Coastal Commission, unless and until: (1) the ordinance (specified in subsection (c) of this section) has been submitted to the Coastal Commission as a Local Coastal Program amendment; and (2) the Coastal Commission has certified the ordinance. In the event that the Coastal Commission's certification of the required ordinance modifies the Planned Unit Development that was approved by the Board, then the Board shall re-review the Planned Unit Development Permit and Coastal Development Permit application and make any modifications to these permits that are necessary to ensure that they are in conformance with the certified ordinance. After the Board has made any necessary modifications to their action on the Coastal Development Permit, the Board's action on the Coastal Development Permit shall be considered final, and notice of said action shall be transmitted to the Coastal Commission.

### SECTION XX

Subsection (F) of Section 18.10.184 of the Santa Cruz County Code is hereby amended to read as follows:

(F) Expiration of a Planned Unit Development Ordinance. Each Planned Unit Development Ordinance adopted pursuant to subsections (C) and (D) of this section shall specify that all Chapter 13.10 or 13.11 text associated with it shall expire at the same time that the Planned Unit Development Permit and Coastal Development Permit (if located in the coastal zone) expire or are denied, unless development pursuant to those permits has commenced by that time. This expiration requirement shall be noted

directly in any certified Chapter 13.10 or 13.11 text associated with a Planned Unit Development Ordinance.

SECTION XXI

0541

This Ordinance shall take effect upon final certification by the Coastal Commission

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this  
8th day of April, 2014, by the following vote:

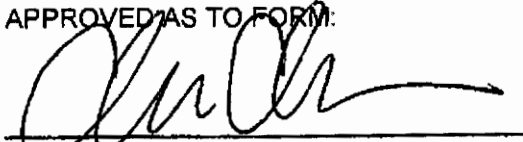
AYES:	SUPERVISORS	Coonerty, Caput, Leopold, Mcpherson & Friend
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

**ZACH FRIEND**

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: TESS FITZGERALD  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

Copies to: Planning  
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 8th DAY OF April 2014  
 OF SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.  
 BY Susan Mauriello DEPUTY