

CALIFORNIA COASTAL COMMISSION

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F12a

Prepared July 25, 2014 (for August 15, 2014 Hearing)

To: Commissioners and Interested Persons
From: Madeline Cavalieri, Central Coast District Manager
Adrian Kamada, Coastal Planner
Subject: **De Minimis Determination for Santa Cruz County LCP Amendment Number LCP-3-SCO-14-0817-1 Part A (Hotel Regulations)**

Santa Cruz County's Proposed Amendment

Santa Cruz County proposes to amend both the Land Use Plan (LUP) and Implementation Plan (IP) portions of its Local Coastal Program (LCP) to update its visitor-serving accommodations policies. The proposed amendment encourages more diversity and flexibility for hotel planning and development by eliminating the formal density standard for hotels. Instead of relying on a numeric maximum density standard, hotel density will instead be regulated through the LCP's existing development provisions for setback minimums, height restrictions, environmentally sensitive habitat areas, water resources and public services, design review and other applicable policies. The proposed amendment also removes the prescribed three-story limit for hotels, but retains the existing maximum height limitations. Also under this proposal, up to one hotel employee housing unit would be allowed per site for hotels/motels, and the number of employee dwelling units in other visitor accommodations, like hostels and group quarters, would be based on a demonstrated need for such units. The proposed change would also update the parking standards text for visitor-accommodations. Lastly, the proposed amendment adds text to encourage, preserve and provide lower cost visitor-serving uses. See **Exhibit A** for the Board of Supervisors' resolution, **Exhibit B** for the proposed County ordinance text, and **Exhibit C** for the underline/strikethrough version of the proposed ordinance text.

De Minimis LCP Amendment Determination

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

1. The Executive Director determines that the proposed amendment would have no impact either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;

2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and offsite in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more Commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more Commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting (in this case, on August 15, 2014).

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

1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:

The County’s proposed LCP amendment would alter both LUP Policy 2.16.7 and associated Program “a”, and IP § 13.10. See **Exhibit C** for strikethrough/underline version of the proposed changes to the LCP text.

LUP Policy 2.16.7 provides specific means to ensure quality of design for visitor accommodations, including “to regulate density,” among other means. The proposed change adds “as appropriate” to the text to qualify the need to regulate density. This change would establish that regulating density is one tool to ensure design quality, but it is not necessary in all instances. Associated with LUP Policy 2.16.7 is Program “a” under Objective 2.16, which provides a policy specific to the Visitor Accommodation Designation (C-V). The proposed change to Program “a” removes the requirement for specifying allowable densities in the C-V zone district. The removal of the mandatory specification of allowable densities would have no impact on coastal resources because it merely removes requiring prescribed density limits while retaining all other development regulation tools that would protect coastal resources, such as setbacks, maximum heights, and design policies, as well visual and scenic policies, environmental policies and water resource policies. Those existing development regulation tools will ensure the amended LCP protects coastal resources in the same manner as the current LCP.

Text would also be added to Program “a” requiring, as feasible, the protection, encouragement, and provision of lower cost visitor-serving uses in the C-V zone district. The addition of the lower cost visitor-serving text brings the LCP into conformance with the policies of the Coastal Act as the proposed supplemental text mirrors that of the Act. In short, the proposed changes to the LUP portion of the LCP would not result in impacts individually or cumulatively to coastal resources, and are consistent with Chapter 3 of the Coastal Act.

Next, the proposed amendment would modify the text and reorganize IP § 13.10. Specifically, the proposed amendment would accomplish the following: (1) remove density standards for Type A visitor accommodations (hotels and motels) in commercial zoning districts; (2) maintain

the existing 35-40' hotel/motel height limit but remove the existing three stories limitation; (3) modify the parking from the current 1.1 parking space per unit to one parking space per unit; (4) allow for up to one permissible employee housing unit per site for hotels and motels and for other types of visitor accommodations, like hostels and group quarters, the maximum number of residential units would be based on demonstrated need; and (5) add language to protect, encourage, and provide lower cost visitor-serving uses. As explained in the following paragraphs, these changes would not impact coastal resources and are consistent with Chapter 3 of the Coastal Act.

First, to allow for more flexibility in hotel design, the proposed amendment would remove the existing prescribed density limitation in IP § 13.10.335(B) for Type A visitor accommodations (i.e. hotels and motels) to allow for more flexibility in hotel design. The existing density requirements limit development to a maximum of one habitable room per 1,100 to 1,300 net developable square feet, depending on whether the room would include a kitchen. The removal of the prescribed density limit could increase the number of hotel rooms on some parcels, thereby enhancing visitor-serving accommodations, which are a Coastal Act priority land use. Additionally, any potential impacts from such proposed increased density will still be regulated through LCP policies related to height limitations, minimum setbacks, design standards, water resource/public service policies, environmental policies, visual and scenic viewshed protections, and other applicable policies that ensure the protection of coastal resources. Therefore, the removal of this density standard would allow for the development of more diverse overnight visitor-serving accommodations while maintaining the protection of coastal resources.

The second part of the proposed IP amendment, eliminating the three-story limit for hotels, would result in no change in height regulations because hotels would still be limited to the maximum 35-foot height limit allowed for commercial buildings, with the limited exception provided in IP § 13.10.510 that allows commercial buildings to exceed that height limit by five feet, subject to additional review and approval of the Zoning Administrator with specific findings that the increased height protects coastal views, scenic corridors, and public viewsheds. Thus, under the existing regulations, hotels could go as high as 40-feet, but the proposed amendment potentially allows hotels/motels to include an additional floor, thereby increasing density. But again, hotel density would continue to be regulated by all other applicable LCP policies and development standards, including findings that adequate public services are available to serve the development, as well as protection of public views and sensitive habitats, and all other applicable LCP policies based on the particular facts and context of the proposed development. Therefore, the amendment provides additional tools to provide for visitor-serving overnight accommodations, a Coastal Act priority land use, while ensuring that coastal resources are protected.

Third, the proposed amendment changes the manner in which the number of parking spaces for visitor accommodations is calculated, allowing for one per habitable room, rather than the existing 1.1 per unit or habitable room. The proposed parking quota change is a very minor amendment to the required number of spaces, and any potential issues with required parking would continue to be appropriately addressed by LCP public access and transportation demand management policies.

Fourth, the proposed amendment limits employee units to one per site for hotels and motels, and to the number of units demonstrated to be needed for other types of visitor accommodations (e.g.

hostels, group quarters). The amendment adds limits to the number of allowed residential uses within visitor-serving accommodations, thereby ensuring that space is reserved to accommodate coastal zone visitors.

Lastly, text is added to IP § 13.10.333(B)(2) to ensure that a diversity of all types of visitor accommodations are provided in the Coastal Zone and that lower cost visitor-serving uses shall, as feasible, be protected, encouraged and provided. All development permits for visitor accommodations are required to be evaluated for consistency with these policies as part of the development review process. As explained above, this brings the LCP into conformance with the lower cost visitor-serving uses of the Coastal Act.

In sum, the proposed amendment to the County LUP would not impact coastal resources, and is consistent with Chapter 3 of the Coastal Act. And the proposed amendment to the IP is consistent with and adequate to implement the LUP, as amended.

2. Provision of public notice: The County provided public notice in advance of the January 28, 2014 Board of Supervisors hearing where the proposed LCP amendment was considered. A newspaper advertisement notice of the hearing was printed on August 29 and September 21, 2013. In addition, notice was mailed to interested parties. The amendment submittal was subsequently received by the Commission on June 13, 2014, thus satisfying the 21-day requirement.

3. No change in use of land or allowable use of property: The amendment does not propose a change in the use of land or allowable use of the property.

California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. The County found that the proposed ordinance was categorically exempt under CEQA per CEQA Guidelines 15305 (Minor Alterations in Land Use Limitations) because the ordinance removes one form of regulating coastal resources. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its August 15, 2014 meeting in San Diego. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Adrian Kamada at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by August 8, 2014.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on July 15, 2014. The amendment

modifies both the LCP's LUP and IP and the 90-day action deadline is October 13, 2014. Thus, unless the Commission votes to extend the action deadline (it may be extended by up to one year), the Commission has until October 13, 2014 to take a final action on this LCP amendment.

Exhibits:

Exhibit A: Santa Cruz County Board of Supervisors Resolution Number 16-2014 (1/28/2014)

Exhibit B: Proposed LUP and IP Amendments

Exhibit C: Strikethrough/Underline Text of Proposed Amendments

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

RESOLUTION NO. 16-2014

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

**RESOLUTION ADOPTING AN INITIAL STUDY / NEGATIVE DECLARATION; AND AMENDING
POLICY 2.16.7 AND ASSOCIATED PROGRAM "A" OF THE GENERAL PLAN / LOCAL
COASTAL PROGRAM TO ELIMINATE DENSITY STANDARDS FOR HOTELS AND MOTELS IN
COMMERCIAL ZONING DISTRICTS, AMENDING COUNTY CODE CHAPTER 13.10 TO
REMOVE DENSITY STANDARDS, ALLOWING LIMITED CONSIDERATION OF FOUR
STORIES AS A HEIGHT EXCEPTION, AND REVISING PARKING STANDARDS FOR HOTELS
AND MOTELS IN COMMERCIAL DISTRICTS**

WHEREAS, hotels and motels provide public access to recreation opportunities and are a key component of Santa Cruz County's tourism economy; and serve other needs of visitors for accommodation within Santa Cruz; and

WHEREAS, the importance of a wide diversity of types of overnight accommodations is recognized by Policy 2.16.3 of the County General Plan / LCP, which mandates that a variety of visitor-serving uses be allowed in the Visitor Accommodations designation; and

WHEREAS, Coastal Act section 30213 requires protection, encouragement and provision of lower cost visitor and recreational facilities as feasible; and

WHEREAS, hotel and motel development must conform with design review guidelines, site development standards and parking regulations in the Santa Cruz County Code; and

WHEREAS, the standards in the Santa Cruz County Code regarding density for hotel rooms are not in alignment with modern industry standards, and specifically are inconsistent with the regulations of neighboring city jurisdictions in Santa Cruz County, and of other California coastal communities; and

WHEREAS, the Zoning Ordinance contains maximum height limitations expressed as a maximum number of feet, but also as number of stories; and it is desirable to allow for flexibility and the possibility of a fourth story within the existing regulations and existing maximum number of feet for commercial developments through the height exceptions process, which requires Zoning Administrator approval and findings for approval of any height exception; and

WHEREAS, the current parking standard for hotels and motels exceeds evidence-based standards, does not align with parking requirements in neighboring jurisdictions, penalizes installation of suites and extended stay accommodations, and does not factor in annual occupancy rates that at times are below 65%; and

WHEREAS, the county's existing standards restricting the site density of visitor accommodation units, limiting the number of stories and imposing excessive parking requirements may be making it more difficult for the hotel industry to propose hotel projects that would contribute to the supply of modern hotel rooms with adequate amenities in the unincorporated County; and

WHEREAS, visitor accommodations with kitchens can be more affordable for visitors desiring extended stays, and current room number and room size restrictions that apply to certain Type A visitor accommodation units may inhibit provision of such accommodations in the C-2, VA and CT commercial districts and thereby may inhibit implementation of Coastal Act section 30213, addressing lower cost visitor and recreational facilities; and

WHEREAS, revising the parking standard for hotels and motels and providing a process for consideration of an additional story if existing height limits and other requirements are met, which would apply to hotels and motels on commercially zoned properties where zoning allows hotel and motel development (VA, C-2, and CT), and removing the density standard for those projects, may improve the feasibility of constructing modern, diverse and affordable hotel and resort accommodations without compromising design quality or reducing neighborhood compatibility; and

WHEREAS, at its regular meeting on September 11, 2013, the Planning Commission conducted a duly noticed public hearing to consider proposed amendments to chapter 13.10 of the County Code, Policy 2.16.7 of the General Plan / LCP and Program "a" under Objective 2.16 of the General Plan / LCP, that would affect hotel and motel room density, parking standards and story limits, and considered all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission adopted Resolution 2013-13 on September 11, 2013, finding the proposed amendments to the Santa Cruz County Code to be consistent with other provisions of the County Code, with the policies of the GP/LCP and with State law; and further finding that the proposed ordinance amendments comprise amendments to the County Local Coastal Program and were consistent with the California Coastal Act; and recommending that the Board of Supervisors adopt the Initial Study / Negative Declaration (Attachment 6 of Board materials), approve the proposed amendments to the County General Plan and Local Coastal Program (Attachment 2 of Board materials), adopt the proposed ordinance amendments (Attachment 4 of Board materials) and submit the amendments to the Coastal Commission; and

WHEREAS, at public hearing on November 5, 2013, continued from October 1, 2013, the Board of Supervisors reviewed the proposed ordinance and GP / LCP amendments recommended by the Planning Commission, along with modifications proposed subsequent to the Planning Commission hearing on September 11th, and took action to remand the proposed modifications back to the Planning Commission for review and recommendation, and continued the public hearing before the Board of Supervisors to January 28, 2014; and

WHEREAS, at its regular meeting on December 11, 2013, the Planning Commission reviewed the currently proposed modifications to the previously reviewed ordinance and GP/LCP amendments relating to visitor accommodations in commercial districts; and

WHEREAS, the Planning Commission adopted resolution 2013-17 (Attachment 8 of Board materials) on December 11, 2013, finding that the proposed ordinance amendments with the proposed modifications, and proposed GP/LCP amendments with the proposed modifications, are consistent with the policies of the GP/LCP and with State law; that the proposed ordinance amendments as modified and amendments to the GP/LCP as modified are consistent with the California Coastal Act; and recommending that the Board of Supervisors: determine that the proposed modifications to the proposed ordinance and GP/LCP amendments do not create any potentially environmental impacts and that recirculation of the Negative Declaration is not required; approve the proposed amendments to the County General Plan and Local Coastal Program as modified (Attachment 2 of Board materials), adopt the proposed ordinance amendments as modified (Attachment 4 of Board materials) and submit the amendments to the Coastal Commission; and

WHEREAS, environmental review was completed for the proposed amendments, and the County of Santa Cruz Environmental Coordinator has determined that the proposed ordinance and amendments to the General Plan and Local Coastal Program will not have a significant impact on the environment, and a Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), which was circulated for public comment and review as required, and all public comments received regarding the environmental review have been considered and do not change the determination that no significant impacts will result from this project; and 0320

WHEREAS, the Board of Supervisors finds that the proposed amendments to the County Code and to the General Plan / LCP are consistent with all other provisions of the County Code and the General Plan / LCP, and with State law; and

WHEREAS, Chapter 13.10 of the County Code is an implementing ordinance of the LCP and amendments of these chapters constitute amendments to the LCP; and

WHEREAS, the Board of Supervisors finds that the proposed ordinance amendments and proposed GP / LCP amendments, as modified, are consistent with the Coastal Act;

WHEREAS, at its regular meeting of January 28, 2014, the Board of Supervisors reconvened the public hearing continued from November 5, 2013, to consider the recommendation of the Planning Commission, the proposed ordinance and GP/LCP amendments as modified, and the proposed adoption of the Negative Declaration, and considered the documents and public testimony prior to taking action; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors hereby adopts the Negative Declaration, and approves the General Plan and Local Coastal Program amendment, based on the following findings:

1. The Project that was the subject of environmental review includes but is not limited to the following components:

Amend Policy 2.16.7 and associated Program "a" of the General Plan / Local Coastal Program, and amend County Code Chapter 13.10, to remove density standards for Type A hotels and motels in commercial zoning districts, to allow limited consideration of four stories within the existing maximum number of feet through the height exception process, and to revise parking standards for hotels and motels in commercial districts.

2. Environmental review completed for the Project determined that the proposed project will not have a significant impact on the environment, and therefore a Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA), which was circulated for public comment and review. All public comments received regarding the environmental review have been considered and do not change the determination that no significant impacts will result from this project. The Board of Supervisors has considered the Negative Declaration and all public comments, and through adoption of this resolution hereby adopts the Negative Declaration.
3. The Board of Supervisors finds that the proposed modifications to the proposed General Plan and County Code amendments do not require recirculation of the Negative Declaration, as the proposed changes only render the proposed amendments more protective of the environment, consistent with California Environmental Quality Act Guidelines §15073.5(c)(2); and

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- 4. The Board of Supervisors determines that adoption of the proposed ordinance and proposed GP/LCP amendments regarding hotel standards does not have the potential for effects on fish, wildlife or habitats, as there are no reasonably foreseeable hotel or visitor accommodations projects that may occur as a result of adoption of the ordinance, and any future projects will be subject to environmental review and determinations regarding whether the projects have the potential for effects on fish, wildlife or habitats;
- 5. The Board of Supervisors finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Negative Declaration reflects the independent judgment and analysis of the County of Santa Cruz.
- 6. The Board of Supervisors has considered the whole record and through adoption of this resolution hereby adopts the proposed amendment to General Plan / LCP Policy 2.16.7 and related Program "a" listed under General Plan / LCP Objective 2.16, and directs staff to submit the adopted amendments to the California Coastal Commission.
- 7. The Board of Supervisors has determined that outside the Coastal Zone the proposed amendments to the General Plan and County Code shall take effect on the 31st day after the date of final passage, and inside the Coastal Zone the amendments shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.
- 8. The material which constitutes the record of proceedings upon which the Board of Supervisor's decision is based shall be located in the offices of the Planning Department, located at 701 Ocean Street Santa Cruz, California.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 28th day of January, 2014, by the following vote:

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

ZACH FRIEND
Chairperson of the Board of Supervisors

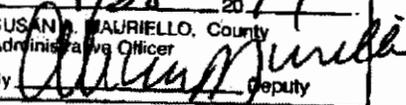
ATTEST: **TESS FITZGERALD**
Clerk of the Board

APPROVED AS TO FORM:


Office of County Counsel

DISTRIBUTION: County Counsel
Planning Department

STATE OF CALIFORNIA)
 COUNTY OF SANTA CRUZ) ss
 I, SUSAN A. MAJRIELLO, 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 _____ 20____.

SUSAN A. MAJRIELLO, County Administrative Officer
 By  Deputy

GENERAL PLAN / LOCAL COASTAL PROGRAM AMENDMENT

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2.16.7 Design of Visitor Accommodations

(LCP) Ensure quality of design for visitor accommodations through Commercial Development Permit procedures, including the Zoning ordinance, to regulate density as appropriate, signage, landscaping, buffering, on-site circulation and access, parking, and site and building design.

Program "a" under Objective 2.16, Visitor Accommodations Designation (C-V)

- a. Maintain a Visitor Accommodations zone district as part of the Santa Cruz County Code to implement the Visitor Accommodations land use designation which provides for a variety of overnight or extended stay lodging for visitors and which shall, as feasible, protect, encourage and provide lower cost visitor-serving uses. (Responsibility: Planning Department, Planning Commission, Board of Supervisors)

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ORDINANCE AMENDING SECTIONS 13.10.333, 13.10.335, 13.10.355 AND 13.10.552 OF THE SANTA CRUZ COUNTY CODE RELATING TO VISITOR ACCOMMODATIONS

SECTION I

Footnote 2 of Santa Cruz County Code Section 13.10.333(A) is hereby amended to read as follows:

- (2) Subject to exceptions as provided in subsections (B) and (C) of this section.

SECTION II

Section 13.10.333(C), "Development standards for commercial districts," of the Santa Cruz County Code is hereby amended to renumber existing section 13.10.333(C) to become section 13.10.333(D), and to amend section 13.10.333(C), to read as follows:

(C) **Stories, Exception.** In any applicable commercial zone district, a proposal to exceed three stories in a hotel or motel may be considered in conjunction with a proposal to increase the height limit by up to five feet pursuant to 13.10.510(D)(2).

(D) **Other Regulations.** Other development standards applicable to commercial zone districts are contained in the following sections of this code:

	SCCC
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(G)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

SECTION III

Subsection (B) of Section 13.10.335 of the Santa Cruz County Code is hereby amended to read as follows:

(B) Visitor Accommodations Use Standards.

Visitor accommodations referenced in this section are as defined in 13.10.700-V, under "Visitor accommodations (VA) unit" and "Visitor accommodations, Types A and B."

(1) Allowed Densities.

(a) Type A visitor accommodations are not subject to a maximum density standard.

(b) Type B Visitor Accommodations.*

- (i) RV or tent camps: 1 site/1,300 net developable square feet
- (ii) Hostels: 1 bed/325 net developable square feet
- (iii) Group quarters: 2 beds/1,300 net developable square feet

* Each square foot of net developable area shall be counted only once for the purpose of calculating the number of beds or the number of sites.

(c) Employee Housing.

All onsite residential units shall be reserved for exclusive use by owners and employees, shall not substantially reduce or degrade the use of the site for visitor accommodations, and shall comply with the following requirements:

- (i) Employees for Type A units: Maximum of one employee dwelling unit per site.
- (ii) Employees for Type B units: The number of employee dwelling units shall be based on a demonstrated need for residential employees and approval of such shall be stated as a permit condition. Permanent residential units for site personnel shall be in place of density credits for Type B visitor accommodations units at the rate of one kitchen and up to five permanent residents per 3,000 net developable square feet.

(d) Density Determinations.

(i) All values given in SCCC 13.10.335(B)(1)(b) are maximums and may be reduced as follows:

A. When Type A uses are combined with Type B uses on a site, the total number of visitor accommodations rooms or units shall reflect service and access constraints, parking availability, environmental impact mitigation and compliance with SCCC Chapter 13.11.

B. Inside the Coastal Zone, the performance standards in Figure 2-5 in the Local Coastal Program Land Use Plan for priority accommodations sites also apply.

(2) Permit Review.

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- (a) Development permits for visitor accommodations shall be evaluated for consistency with the following policies:
- (i) A diversity of all types of visitor accommodations shall be provided in the Coastal Zone consistent with Local Coastal Program Land Use Plan policy.
 - (ii) Visitor accommodation projects on priority sites shall serve primarily the general public, rather than any particular group or organization.
 - (iii) Visitor accommodations development in areas designated for neighborhood or community commercial use shall not adversely affect the integrity of retail commercial centers.
 - (iv) Lower cost visitor-serving uses shall, as feasible, be protected, encouraged and provided.
- (b) The following standards shall apply to all visitor accommodations projects and shall be incorporated into conditions of approval:
- (i) All visitor accommodations projects shall be managed for short-term occupancy with occupancy limited to not more than 29 consecutive days and limited to 29 days in any one calendar year by an individual or group of occupants, except that single-ownership units may be occupied by the owner(s) up to 45 days in any one calendar year.
 - A. Notwithstanding the foregoing, visitor accommodations described as follows may be occupied by the owner(s) up to 90 days in one calendar year: units located on coastal bluff property which has been the subject of litigation in which a remittitur was issued by the California Court of Appeal on or before April 25, 1983, in a decision requiring the County of Santa Cruz to grant either "compensating densities" in excess of "the base densities" thereon, or to grant "some other transfer of development rights," and which litigation has been settled by "Stipulation for Judgment and Judgment Thereon."
 - (ii) Centralized, on-site management shall be provided at all times for the maintenance and operation of the visitor accommodations, related facilities, and the property. Such management may be provided by the property owner or by a separate management firm under contract. Plans for management shall be submitted to and approved by the Planning Director and a transient occupancy

tax permit obtained from the Treasurer-Tax Collector by such management prior to the issuance of building permits.

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- (iii) Deed restrictions running with the property and limiting use to short-term occupancy and providing for the maintenance of centralized rental and management of the facility shall be recorded prior to issuance of building permits.
- (iv) All visitor accommodations shall be subject to any County uniform transient occupancy tax ordinance or a special tax on time-share units, camping units, or other visitor accommodations. Reports of the occupancy of visitor accommodations together with payment of transient occupancy taxes or any other taxes due from the use of visitor accommodations shall be made in accordance with SCCC 4.24.080.

SECTION IV

Subsection (B) of Section 13.10.355 of the Santa Cruz County Code, "Special standards and conditions," is hereby amended to read:

(B) Permit Review.

- (1) Permits for Type A facilities and tent and RV camping sites shall be reviewed and conditioned as provided in SCCC 13.10.335(B)(2).
- (2) Permit conditions for hostels and group quarters shall be as follows:
 - (a) This permit shall run with the property owner and shall not be transferred without a permit amendment.
 - (b) A management plan shall be submitted to the Planning Director for review and approval prior to the issuance of a building permit or occupancy of an existing structure for this use.
 - (c) An annual report shall be prepared and submitted by the owner or his agent to the Planning Director to substantiate the occupancy and other conditions of this permit.
 - (d) This site is subject to an annual inspection for which a fee, set by the Board of Supervisors, may be charged.

SECTION V

In Subdivision (B) of Section 13.10.552, of the Santa Cruz County Code, the use, "Motels, hotels, lodging houses, visitor accommodations with or without kitchens" is hereby amended, and below it is hereby added the use "Motels, hotels and visitor accommodations Type A only, in the C-2, VA or CT districts" with specified parking requirements, to read as follows:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
Motels, hotels, lodging houses, visitor accommodations Types A and B, with or without kitchens (except Type A as below)	1 per habitable room as defined by 13.10.700-H	0.2 per unit and storage necessary to accommodate them; 2 minimum
Motels, hotels, and visitor accommodations Type A only, in the C-2, VA or CT districts	1 per visitor accommodations (VA) unit, as defined by 13.10.700-V but not including lodging houses. For parking purposes, VA studio units shall count as no less than one visitor accommodations unit in the C-2, VA and CT districts.	0.2 per unit and storage necessary to accommodate them; 2 minimum

SECTION VI

Outside the Coastal Zone this Ordinance shall take effect on the 31st day after the date of final passage. Inside the Coastal Zone it shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED this 11th day of February, 2014 by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

ZACH FRIEND

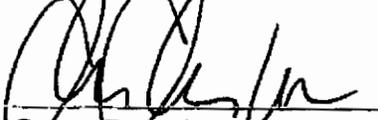
Chairperson, Board of Supervisors

ATTEST:

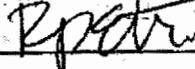
TESS FITZGERALD

Clerk of the Board

APPROVED AS TO FORM:


 County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 11th DAY OF February 2014
 SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

BY  DEPUTY

Copies to: County Counsel
 Planning Department

STRIKEOUT / UNDERLINE VERSION, GENERAL PLAN / LCP AMENDMENT 0323

2.16.7 Design of Visitor Accommodations

(LCP) Ensure quality of design for visitor accommodations through Commercial Development Permit procedures, including the Zoning ordinance, to regulate density as appropriate, signage, landscaping, buffering, on-site circulation and access, parking, and site and building design.

Program "a" under Objective 2.16, Visitor Accommodations Designation (C-V)

- a. Maintain a Visitor Accommodations zone district as part of the Santa Cruz County Code to implement the Visitor Accommodations land use designation. ~~The zone district shall specify allowable densities~~ which provides for a variety of overnight or extended stay lodging for visitors. ~~and which shall, as feasible, protect, encourage and provide lower cost visitor-serving uses.~~ (Responsibility: Planning Department, Planning Commission, Board of Supervisors)

0329

**Strikethrough / Underline Version of a Proposed Ordinance to Amend
Subdivisions 13.10.333, 13.10.335, 13.10.355 and 13.10.552 of the Santa Cruz County Code
Relating to Visitor Accommodations**

SECTION I

Footnote 2 of Santa Cruz County Code Section 13.10.333(A) is hereby amended to read as follows:

(2) Subject to exceptions as provided in subsections (B) and (C) of this section.

SECTION II

Section 13.10.333(C), "Development standards for commercial districts," of the Santa Cruz County Code is hereby amended to renumber existing section 13.10.333(C) to become section 13.10.333(D), and to amend section 13.10.333(C), to read as follows:

(C) Stories, Exception. In any applicable commercial zone district, a proposal to exceed three stories in a hotel or motel may be considered in conjunction with a proposal to increase the height limit by up to five feet pursuant to 13.10.510(D)(2).

(D) Other Regulations. Other development standards applicable to commercial zone districts are contained in the following sections of this code:

	SCCC
Agricultural buffers/setbacks	16.50.095
Design review	13.11.010, et seq.
Fences	13.10.525
General site standards	13.10.510, et seq.
Minimum parcel sizes	13.10.510(G)
Parking	13.10.550, et seq.
Signs	13.10.580, et seq.
Trip reduction requirements (development projects for 50 or more employees)	5.52
Use of nondevelopable land	13.10.671
Use of urban open space land	13.10.672

SECTION III

Subsection (B) of Section 13.10.335 of the Santa Cruz County Code is hereby amended to read as follows:

(B) Visitor Accommodations Use Standards.

Visitor accommodations referenced in this section are as defined in 13.10.700-V, under "Visitor accommodations (VA) unit" and "Visitor accommodations, Types A and B."

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(1) Allowed Densities Chart.

Type	Density
A, with kitchens	1 habitable room/1,300 net developable square feet
A, without kitchens	1 habitable room/1,100 net developable square feet
B, RV or tent camps	1 site/1,300 net developable square feet
B, hostels	1 bed/325 net developable square feet
B, group quarters	2 beds/1,300 net developable square feet

(a) Type A visitor accommodation units are not subject to a maximum density standard.

(b) Type B Visitor Accommodations.*

- (i) RV or tent camps: 1 site/1,300 net developable square feet
- (ii) Hostels: 1 bed/325 net developable square feet
- (iii) Group quarters: 2 beds/1,300 net developable square feet

* Each square foot of net developable area shall be counted only once for the purpose of calculating the number of beds or the number of sites.

(c) Employee Housing.

All onsite residential units shall be reserved for exclusive use by owners and employees, shall not substantially reduce or degrade the use of the site for visitor accommodations, and shall comply with the following requirements:

- (i) Employees for Type A units: Maximum of one employee dwelling unit per site.
- (ii) Employees for Type B units: The number of employee dwelling units shall be based on a demonstrated need for residential employees and stated as a permit condition. Permanent residential units for site personnel shall be in place of density credits for Type B visitor accommodations units at the rate of one kitchen and up to five permanent residents per 3,000 net developable square feet.

(d) Density Determinations.

- (i) All values given in SCCC 13.10.335(B)(1)(b) are maximums and may be reduced as follows:

A. When Type A uses are combined with Type B uses on a site, the total number of visitor accommodations rooms or units shall reflect service and access constraints, parking availability, environmental impact mitigation and compliance with SCCC Chapter 13.11.

B. Inside the Coastal Zone, the performance standards in Figure 2-5 in the Local Coastal Program Land Use Plan for priority accommodations sites also apply.

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~~(2) Density Calculations. Types of visitor accommodations may be combined; however, combined densities may not exceed the maximum allowed for the total number of net developable square footage on the property. All values given above are maximums and may be reduced based on services and access constraints, compatibility with adjacent land uses and neighborhood character, or adverse environmental impacts. Permanent residential units for site personnel shall be in place of density credits for visitor accommodations use at the rate of one kitchen and up to five permanent residents per 3,000 net developable square feet. A unit over 400 square feet in total square footage, including bathrooms and kitchens, creates a presumption of more than one habitable room. Inside the Coastal Zone, the performance standards in Figure 2-5 in the Local Coastal Program Land Use Plan for priority accommodations sites also apply.~~

~~(32) Permit Conditions Review. All development permits for visitor accommodations shall include the following conditions:~~

~~(a) Development permits for visitor accommodations shall be evaluated for consistency with the following policies:~~

- ~~(i) A diversity of all types of visitor accommodations shall be provided in the Coastal Zone consistent with Local Coastal Program Land Use Plan policy.~~
- ~~(ii) Visitor accommodation projects on priority sites shall serve primarily the general public, rather than any particular group or organization.~~
- ~~(iii) Visitor accommodations development in areas designated for neighborhood or community commercial use shall not adversely affect the integrity of retail commercial centers.~~
- ~~(iv) Lower cost visitor-serving uses shall, as feasible, be protected, encouraged and provided.~~

~~(a) All visitor accommodations units shall be managed for short-term occupancy with occupancy limited to not more than 29 consecutive days and limited to 29 days in any one calendar year by an individual or group of occupants, except that single ownership units may be occupied by the owner(s) up to 45 days in any one calendar year. Notwithstanding the foregoing, visitor accommodation units described as follows may be occupied by the owner(s) up to 90 days in one calendar year: units located on coastal bluff property which has been the subject of litigation in which a remittitur was issued by the California Court of Appeal on or before April 25, 1983, in a decision requiring the County of Santa Cruz to grant either "compensating densities" in excess of "the base densities" thereon, or to grant "some other transfer of development rights," and which litigation has been settled by "Stipulation for Judgment and Judgment Thereon."~~

~~(b) The following standards shall apply to all visitor accommodations projects and shall be incorporated into conditions of approval:~~

- ~~(i) All visitor accommodations units projects shall be managed for short-term occupancy with occupancy limited to not more than 29 consecutive days and limited to 29 days in any one calendar year by an individual or group of occupants, except that single-ownership units may be occupied by the owner(s) up to 45 days in any one calendar year.~~

A. Notwithstanding the foregoing, visitor accommodations units described as follows may be occupied by the owner(s) up to 90 days in one calendar year: units located on coastal bluff property which has been the subject of litigation in which a remittitur was issued by the California Court of Appeal on or before April 25, 1983, in a decision requiring the County of Santa Cruz to grant either "compensating densities" in excess of "the base densities" thereon, or to grant "some other transfer of development rights," and which litigation has been settled by "Stipulation for Judgment and Judgment Thereon."

~~(b) A rental contract for the short-term rental of all units shall be maintained at all times with a professional management firm approved by the County. Such contract shall contain occupancy restrictions for visitor accommodations units as specified in subsection (B)(3)(a) of this section. The rental contract shall be established prior to issuance of building permits for the project.~~

~~(e-ii)~~ Centralized, on-site management shall be provided at all times for the maintenance and operation of the visitor accommodations, related facilities, and the property. Such management may be provided by the property owner or by a separate management firm under contract. Plans for management shall be submitted to and approved by the Planning Director and a transient occupancy tax permit obtained from the Treasurer-Tax Collector by such management prior to the issuance of building permits.

~~(d-iii)~~ Deed restrictions running with the property and limiting use to short-term occupancy and providing for the maintenance of centralized rental and management of the facility shall be recorded prior to issuance of building permits.

~~(e-iv)~~ All visitor accommodations units shall be subject to any County uniform transient occupancy tax ordinance or a special tax on time-share units, camping units, or other visitor accommodations units. Reports of the occupancy of visitor accommodations units together with payment of transient occupancy taxes or any other taxes due from the use of visitor accommodations units shall be made in accordance with SCCC 4.24.080.

~~(f) Visitor accommodation projects shall be evaluated to ensure that a diversity of all types of visitor accommodations is provided in the Coastal Zone consistent with Local Coastal Program Land Use Plan policy. Visitor accommodations projects on priority sites shall primarily provide accommodations available to the general public.~~

~~(g) Visitor accommodations development in areas designated for neighborhood or community commercial use shall not adversely affect the integrity of the retail commercial centers.~~

SECTION IV

Subsection (B) of Section 13.10.355 of the Santa Cruz County Code, "Special standards and conditions," is hereby amended to read:

(B) ~~Permit Conditions Review.~~

(1) ~~The permit conditions in SCCC 13.10.335(B)(3) shall apply to the following types of visitor accommodations: Permits for Type A facilities; and tent and RV camping sites shall be reviewed and conditioned as provided in SCCC 13.10.335(B)(2).~~

(2) Permit conditions for hostels and group quarters shall be as follows:

(a) This permit shall run with the property owner and shall not be transferred without a permit amendment.

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- (b) A management plan shall be submitted to the Planning Director for review and approval prior to the issuance of a building permit or occupancy of an existing structure for this use.
- (c) An annual report shall be prepared and submitted by the owner or his agent to the Planning Director to substantiate the occupancy and other conditions of this permit.
- (d) This site is subject to an annual inspection for which a fee, set by the Board of Supervisors, may be charged.

SECTION V

In Subdivision (B) of Section 13.10.552, of the Santa Cruz County Code, the use, "Motels, hotels, lodging houses, visitor accommodations with or without kitchens" is hereby amended, and below it is hereby added the use "Motels, hotels, and visitor accommodations Type A only, in the C-2, VA or CT districts" with specified parking requirements, to read as follows:

USE	REQUIREMENTS	
	Auto Parking Spaces	Bicycle Parking Spaces
Motels, hotels, lodging houses, visitor accommodations <u>Types A and B, with or without kitchens (except Type A as below)</u>	1.1 per unit, or 1 per habitable room as defined by 13.10.700-H; whichever is more	0.2 per unit and storage necessary to accommodate them; with a 2 minimum of 2
<u>Motels, hotels, and visitor accommodations Type A only, in the C-2, VA or CT districts</u>	1 per visitor accommodations (VA) unit, as defined by 13.10.700-V but not including lodging houses. For parking purposes, VA studio units shall count as no less than one visitor accommodations unit in the C-2, VA and CT districts.	<u>0.2 per unit and storage necessary to accommodate them; 2 minimum</u>

SECTION VI

Outside the Coastal Zone this Ordinance shall take effect on the 31st day after the date of final passage. Inside the Coastal Zone it shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.

PASSED AND ADOPTED this _____ day of _____, 2013, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

Chairperson, Board of Supervisors