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# Th11e

**Prepared March 26, 2015 for April 16, 2015 Hearing**

**To:** Commissioners and Interested Persons

**From:** Susan Craig, District Manager  
Ryan Moroney, Coastal Planner

**Subject: County of Santa Cruz LCP Amendment Number LCP-3-SCO-14-0833-2 (Seacliff Village Plan Amendment)**

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## SUMMARY OF STAFF RECOMMENDATION

The County of Santa Cruz proposes to amend the Land Use Plan (LUP) and Implementation Plan (IP) components of its certified Local Coastal Program (LCP). The proposed amendment would change the allowable land use of a currently vacant 4,138 square-foot parcel within the Seacliff Village neighborhood, an existing developed community of both commercial and residential uses. The parcel at issue is located just off of Highway 1 on State Park Drive, which is the primary access road to Seacliff State Beach. The proposed amendment would modify the Seacliff Village Plan's (which is a component of the LUP) designation of this parcel as allowing only "pedestrian-oriented, low traffic generating, neighborhood, and/or visitor serving" uses to "residential development," including single-family residences. The amendment also proposes to change the LUP's land use designation for the subject parcel from C-N (Neighborhood Commercial) to R-UM (Urban Medium Density Residential), and to rezone the property from C-1 (Neighborhood Commercial) to R-1-4 (Single Family Residential – 4,000 sf minimum).

The main purpose of the amendment is to facilitate development of the subject parcel, which is an appropriate goal for this vacant, infill lot located on the main arterial access road to the Seacliff Village commercial core and to Seacliff State Beach. However, the Seacliff Village Plan's (SVP) land use designation for this parcel presents a potential impediment to its development because the SVP requires that the site be developed "in conjunction with" an adjacent parcel that is already developed with a single-family residence and under different ownership. The proposed amendment seeks to eliminate this requirement and allow for the subject parcel to be developed independently. Since doing so would remove a barrier to developing this infill parcel, staff recommends that the Commission approve this portion of the LCP amendment as submitted.

However, due to the parcel's location just off Highway 1 along the primary access road to Seacliff State Beach and at the gateway to the commercial core of the Seacliff Village

neighborhood, the subject parcel presents a prime location for a small-scale visitor-serving commercial use, as is currently envisioned in the LCP and as encouraged and protected by the Coastal Act. Converting the current land use and zoning designations to accommodate a single family dwelling would be inconsistent with both the Coastal Act and the LUP. Specifically, the proposed amendment would be inconsistent with Coastal Act Section 30222, which states that “[t]he use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation **shall have priority** over private residential, general industrial, or general commercial development...” (Emphasis supplied.) The proposed amendment would be internally inconsistent with the LUP’s requirement to maintain visitor serving commercial uses in the Coastal Zone, and with the LUP’s prohibition of the conversion of any existing priority use (i.e. visitor-serving commercial) to a lower priority use (i.e. private residential). Finally, the LUP identifies Seacliff Village as a neighborhood that provides for visitor-serving commercial services, and the Seacliff Village Plan specifically identifies this particular parcel as an appropriate area for small-scale commercial uses. Therefore, changing the land use designation to solely allow for residential uses would be inconsistent with Coastal Act policies that require parcels such as this to be reserved for visitor-serving uses, and would also be internally inconsistent with LUP policies that specifically identify this particular parcel to also be reserved for small-scale visitor-serving uses.

Therefore, the proposed LCP amendment must be denied, and the LUP only approved subject to **Suggested Modifications 1 and 2**, which retain the SVP’s existing language of allowing for small-scale commercial uses at this parcel and retain the subject parcel’s current Neighborhood Commercial (C-N) land use designation. With denial of the proposed IP amendment, the zoning map will retain the parcel’s existing Neighborhood Commercial (C-1) zoning designation.

Finally, the County has raised a concern that the parcel may be insufficiently sized to provide for adequate parking for a commercial use. Therefore staff is recommending **Suggested Modification No. 3** which would provide maximum flexibility to meet off-street parking requirements.

As modified, the proposed LUP amendment can be found consistent with the Chapter 3 policies of the Coastal Act. Therefore, staff recommends that the Commission approve the LUP amendment with suggested modifications. Staff recommends that the Commission reject the IP amendment as submitted, as it does not conform with and is inadequate to carry out the LUP. The required motions and resolutions are found on pages 4-5, below.

**Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on November 17, 2014. The proposed amendment affects both the LCP’s Land Use Plan (LUP) and Implementation Plan (IP), and the original 90-day action deadline was February 15, 2015. On February 11, 2015, in response to a request by the County, the Commission extended the action deadline by one year to February 15, 2016. Thus, the Commission has until February 15, 2016 to take a final action on this LCP amendment.

## TABLE OF CONTENTS

<b>I. MOTIONS AND RESOLUTIONS .....</b>	<b>4</b>
<b>II. SUGGESTED MODIFICATIONS .....</b>	<b>5</b>
<b>III. FINDINGS AND DECLARATIONS.....</b>	<b>6</b>
A. DESCRIPTION OF PROPOSED LCP AMENDMENT .....	6
B. CONSISTENCY ANALYSIS .....	8
C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	14

### **EXHIBIT**

Exhibit 1: Proposed LUP and IP Amendments

Exhibit 2: Site Aerial

Exhibit 3: Excerpt from Seacliff Village Plan

Exhibit 4: March 5, 2015 Letter from Dee Murray, Land Use Consultant

Exhibit 5: March 16, 2015 Letter from Sophy and Kosal Khun

## I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment with suggested modifications. The Commission needs to make three motions, two on the LUP amendment and a third on the IP amendment, in order to act on this recommendation.

### A. Deny the LUP Amendment as submitted

Staff recommends a **NO** vote on the motion below. Failure of this motion will result in denial of the LUP amendment as submitted and adoption of the following resolution. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

***Motion:** I move that the Commission certify Land Use Plan Major Amendment Number LCP-3-SCO-14-0833-2 as submitted by the County of Santa Cruz.*

***Resolution:** The Commission hereby denies certification of Land Use Plan Major Amendment Number LCP-3-SCO-14-0833-2 as submitted by the County of Santa Cruz and adopts the findings set forth below on grounds that the land use plan amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment as submitted.*

### B. Certify the LUP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the appointed Commissioners.

***Motion:** I move that the Commission certify Land Use Plan Major Amendment Number LCP-3-SCO-14-0833-2 if it is modified as suggested in this staff report.*

***Resolution:** The Commission hereby certifies Land Use Plan Major Amendment Number LCP 3-SCO-14-0833-2 to the County of Santa Cruz Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan amendment if modified.*

### C. Deny the IP Amendment

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

***Motion:** I move that the Commission reject Implementation Plan Major Amendment Number LCP 3-SCO-14-0833-2 as submitted by the County of Santa Cruz.*

***Resolution:** The Commission hereby denies certification of the Implementation Plan Major Amendment Number LCP-3-SCO-14-0833-2 submitted for the County of Santa Cruz and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan or the Land Use Plan as amended. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.*

## II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act consistency findings. If the County of Santa Cruz accepts each of the suggested modifications within six months of Commission action (i.e., by October 16, 2015), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format and text in underline format denotes proposed text to be added/deleted by the County. Text in ~~double cross-out~~ and double underline denotes text to be added/deleted by the Commission.

### 1. Modify Seacliff Village Plan at page 21 as follows:

#### Land Use Area 2 – 3.2.3.b.1 Sites 2-a and 2-b

Due to the small combined size of these parcels, site 2-b may ~~only~~ be developed ~~in conjunction with either in conjunction with, or independently from,~~ site 2-a. Allowed uses shall be ~~pedestrian oriented, low traffic generating, neighborhood, and/or visitor-serving~~ include residential development. ~~As this lot serves as a transition area from residential uses to the west, the Approving Body shall approve only those commercial uses that are found to be compatible with adjacent residential uses and do not produce excessive noise, smells, lights, or late opening hours.~~ be pedestrian oriented, low traffic generating, neighborhood, and/or visitor-serving. As this lot serves as a transition area from residential uses to the west, the Approving Body shall approve only those commercial uses that are found to be compatible with adjacent residential uses and do not produce excessive noise, smells, lights, or late opening hours. Access shall be from Hillcrest Drive. Dedication of appropriate right of way along State ~~Beach~~ Park Drive is required to accommodate roadside, roadway, and transit stop improvements.

**2. Retain existing Land Use Plan designation for subject site as C-N (Neighborhood Commercial).**

**3. Modify Seacliff Village Plan at page 22 as follows:**

*Parking Requirements:*

~~New development or intensification of commercial use, as defined in the County Code, shall meet the following special parking standards:~~

~~Retail, service, or office use: one space per 300 square feet of use (excluding storage); one minimum~~

~~Restaurant use: one space per 150 square feet of use (excluding storage); one minimum.~~

*Parking Standards:*

New development and intensification of use, as defined in the County Code, shall meet the requirements found in County Code Section 13.10.550 et seq. In evaluating the parking requirements, the Approving Body shall provide maximum flexibility to facilitate development of the site as a neighborhood and/or visitor serving commercial use, and may give special consideration as to whether the development qualifies for alternative means for satisfying the requirement of off street parking as set for in Section 13.10.553. Moreover, conformance with parking requirements may be met by paying a fee to the parking district fund, if established.

### **III. FINDINGS AND DECLARATIONS**

#### **A. DESCRIPTION OF PROPOSED LCP AMENDMENT<sup>1</sup>**

The proposed amendment would authorize three changes to the County’s certified Local Coastal Program: two Land Use Plan (LUP) changes, and one Implementation Plan (IP) change, in order to allow residential development to occur on a parcel of land currently designated for a neighborhood and/or visitor-serving commercial use. The subject parcel is located on State Park Drive just off Highway 1 along the primary access way to Seacliff State Beach. State Park Drive serves as the gateway to the commercial core of Seacliff Village. See **Exhibit 2** for an aerial view of the subject parcel. See **Exhibit 3** for a street-view photo of the parcel.

##### ***1. (LUP) Seacliff Village Plan amendment***

The Seacliff Village Plan (SVP) is a component of the LUP and was adopted by the Commission in March of 2003. The SVP provides detailed land use guidelines, including for the subject parcel and the adjacent property on Hillcrest Drive (see **Exhibit 3**), in order to implement the community’s visions and goals for the Seacliff Village neighborhood. As stated in the adopted

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<sup>1</sup> This is a “project-driven” LCP amendment. The County’s local approval of the LCP amendment also included approval of a Coastal Development Permit to construct a two-story single family dwelling on the subject property. Commission staff has previously informed the County, and reiterates its position here, that it is procedurally improper to issue a CDP that is inconsistent with the certified LCP and dependent on an LCP amendment not yet approved by the Commission. The County has not, however, submitted the required Final Local Action Notice of the CDP approval to the Commission as required by the Coastal Act and its implementing regulations, instead opting to wait until after the LCP amendment has been acted upon by the Commission.

Commission staff report for certification of the SVP, the primary objective of the SVP is to “foster the Seacliff Village area as a visitor-serving and pedestrian oriented commercial area.” Page 21 of the Plan identifies the subject parcel (which is currently a vacant 4,138 square-foot lot that fronts State Park Drive) as Site 2-b, and specifically requires that it and the adjacent parcel (Site 2-a) be developed in conjunction with each other with a “pedestrian-oriented, low traffic generating, neighborhood, and/or visitor serving” commercial use. The SVP also identifies the subject parcel as “a transition area from the residential use to the west” and notes that “[d]edication of appropriate right-of-way along State Beach Drive is required to accommodate roadside, roadway, and transit stop improvements.” The proposed amendment would eliminate the requirement that the two parcels be developed in conjunction with each other, and also would change the allowable land use from “pedestrian-oriented, low traffic generating, neighborhood, and/or visitor serving” to “residential development,” including a single family dwelling. It should be noted that the certified SVP also specifies with respect to Site 2-b that “[T]he existing C-1 zoning and Neighborhood Commercial General Plan designations shall be retained.” However, the amendment as proposed does not appear to include any alteration to this language.

### ***2. (LUP) General Plan/LUP Land Use Designation change***

The proposed LCP amendment would also change the LUP land use designation of the subject property from C-N (Neighborhood Commercial) to R-UM (Urban Medium Density Residential). Objective 2.13 of the LUP’s Land Use chapter sets forth the policies associated with the C-N land use designation. The central objective of this designation is “[t]o provide compact, conveniently-located, and well-designed shopping and service uses to meet the needs of individual urban neighborhoods, rural communities and visitors.” Per LUP Policy 2.13.3, allowed land uses in the C-N designation include “a variety of retail and service facilities, including neighborhood or visitor oriented retail sales, recreational equipment sales, personal services, limited offices, restaurants, and community facilities.” The R-UM land use designation is governed by the policies set forth in Objective 2.9 of the LUP, the main objective of which is to “provide medium density residential development ... in areas within the Urban Services Line (USL) served by a full range of urban services, with access onto collector or arterial streets, and location near neighborhood, community or regional shopping facilities.” Housing types appropriate to the Urban Medium Density Residential designation include: detached houses, duplexes, townhomes, mobile home parks, and small lot detached units at allowable densities.

### ***3. (IP) Rezoning of subject parcel***

Lastly, the amendment would involve a rezoning of the subject property from C-1 (Neighborhood Commercial) to R-1-4 (Single family residential – 4,000 sf minimum). Implementation Plan Section 13.10.331(E) describes the central purpose of the C-1 zoning district as to “provide compact and conveniently located shopping and service uses to meet the limited needs within walking distance of individual urban neighborhoods or centrally located to serve rural communities.” Principally permitted uses include neighborhood-serving, small-scale commercial services and retail uses. By contrast, the main purpose of the R-1 zoning designation, as described in IP Section 13.10.321(D) is to “provide for areas of predominantly single-family residential development in areas which are currently developed to an urban density or which are inside the urban services line or rural services line and have a full range of urban services, or are planned for a full range of urban services.” Principally permitted uses are single-family residences.

Please see **Exhibit 1** for the proposed LUP and IP amendment text and maps.

## **B. CONSISTENCY ANALYSIS**

### **Standard of Review**

The proposed amendment affects both the LUP and IP components of the County of Santa Cruz LCP. The standard of review for LUP amendments is that they must conform with the requirements of Chapter 3 of the Coastal Act. The standard of review for IP amendments is that they must conform with and be adequate to carry out the policies of the certified LUP.

### **LUP Consistency Analysis**

LUP amendments must meet the policy requirements set forth in Chapter 3 of the Coastal Act, and achieve the basic purpose and goals of the Coastal Act, including those specified in Section 30001.5 of the Act:

*Section 30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:*

- (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.*
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.*
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.*
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.*
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.*

The overall State coastal zone goals include assuring priority for coastal-dependent and coastal-related development over other development on the coast and maximizing public access to and along the coast and public recreational opportunities in the coastal zone (Sections 30001.5(d) and 30001.5(c)). These goals are reflected in and apply to each of the following Chapter 3 policies listed below.

#### *Applicable Chapter 3 Policies*

The proposed amendment affects the availability of land reserved for visitor-serving commercial facilities, and, to a lesser extent, public access and recreation involving coastal resources in the Seacliff Village area. Relevant Chapter 3 policies include:



**Coastal Act Section 30222**

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

**Coastal Act Section 30210**

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources areas from overuse.*

**Coastal Act Section 30213:**

*Lower-cost visitor and recreational facilities shall be protected, encouraged, and, where feasible provided. Developments providing public recreational opportunities are preferred.*

**Coastal Act Section 30223:**

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

**Coastal Act Section 30250(a):**

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it....*

**Coastal Act Section 30252:**

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads....*

These policies establish a clear priority for visitor-serving uses over private residential uses, and require that public access and recreational opportunities involving the coast be maximized. Additionally, the policies state that commercial development should be located within or adjoining residential development in order to minimize the use of coastal roads and ensure that development is undertaken in a manner that fosters pedestrian activity.

Consistency Analysis

The primary purpose of the proposed amendment is to facilitate development of the subject infill parcel, which is an appropriate goal consistent with the Coastal Act's requirements that development be located within existing developed communities, such as Seacliff Village. In this case, the County has found that an impediment to developing this parcel is the Seacliff Village Plan's requirement that the parcel be developed "in conjunction with" the adjacent parcel. Because the adjacent parcel contains an existing single-family residence under different

ownership,<sup>2</sup> the requirement to develop both parcels at the same time with a commercial use may preclude the ability to develop the subject parcel. Therefore, the amendment's proposed language deleting the requirement to develop the subject parcel in conjunction with the adjacent parcel will eliminate a development restriction, and thereby would make it easier to develop this infill parcel. The parcels could still be developed together, but there would not be a requirement to do so. This portion of the proposed amendment is therefore consistent with the Coastal Act.

However, while this parcel is appropriate for development, the proposed LUP changes amend the parcel's land use designation (and therefore the kinds of development that are allowable) in a way that is inconsistent with the Coastal Act. Specifically, Section 30222 of the Act requires that private lands suitable for visitor-serving commercial recreational facilities "shall have priority" over private residential uses. Changing the allowable land use for the subject parcel as specified in the SVP from "pedestrian-oriented, low traffic generating, neighborhood, and/or visitor serving" to "residential development" is inconsistent with the requirements of Section 30222 because it would change the allowable land use from a coastal priority use (i.e. neighborhood or visitor serving commercial) to a lesser priority use (i.e. residential). The SVP properly identified the subject parcel as ideally suited for a visitor-serving commercial use due to its location on the main arterial road to Seacliff State Beach in the transition area from residential uses into the commercial core of the Seacliff Village area. The proposed amendment would allow solely for residential uses on this highly traveled-by, visible parcel that fronts the neighborhood's primary arterial road and which is located within walking distance of the Seacliff neighborhood's existing commercial core. The parcel is thus highly suited to commercial uses, and changing its land use designation to solely allow for a private residence is inconsistent with the Coastal Act because doing so would preclude the ability to provide for visitor-serving commercial facilities that enhance public recreational opportunities.

Additionally, the proposed LUP re-designation of the subject parcel from C-N to R-UM presents an internal inconsistency with other LUP policies. As explained in the LUP, the central objective of the C-N district is "[t]o provide compact, conveniently located, and well-designed shopping and service uses to meet the needs of individual urban neighborhoods, rural communities and visitors" (LUP Section 2.13, emphasis added). In order to implement this objective, the LUP designates on the LCP land use maps particular areas as Neighborhood Commercial (see LUP Policies 2.13.1; 2.13.2 below). The designation of areas as Neighborhood Commercial is based on "proximity to public beaches, the yacht harbor, state parks, or other tourist or recreational attractions." The Neighborhood Commercial designation is also required for parcels that are located "within walking distance of urban neighborhoods, visitor attractions, or centrally located to serve rural communities." Furthermore, the LUP specifically calls out the Seacliff Beach Area as a place in which to "[e]ncourage the provision of visitor serving commercial services..." (see

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<sup>2</sup> The adjacent property owners of Site 2-a have indicated their willingness to eliminate the current nonconforming residential use on that parcel and develop both parcels as a single commercial enterprise. Specifically, the owners of Site 2-a have submitted a letter informing Commission staff of their wish to acquire the subject vacant parcel (i.e. Site 2-b) if possible, and develop both parcels with a beach-themed gift shop (see **Exhibit 5**). Their letter further states that they have lived in Aptos for 33 years, have owned the residential parcel for 17 years, and have made several attempts to purchase Site 2-b. They also state that they owned the Snow White Drive-In across the street for 30 years (having just sold it last year) and that they therefore understand how to run a commercial retail business in the Seacliff Village Plan area.

LUP Policy 2.13.5.) Essentially, the LUP specifically identifies Seacliff Village as an area where visitor-serving commercial facilities should be encouraged, particularly on parcels that abut primary arterial roads and are located within walking distance to the existing commercial core. Here, the subject parcel fronts the west side of State Park Drive, a heavily traveled arterial and the primary access road to Seacliff State Beach. It is therefore one of the few remaining undeveloped parcels uniquely situated for a visitor serving commercial use. Therefore, changing the LUP designation of this critically located parcel from C-N to R-UM would be internally inconsistent with LUP policies that specifically identify parcels such as this to be reserved for visitor-serving uses.

The proposed amendment would likewise present an internal inconsistency with LUP Policy 2.22.2 (see citation below), which embodies the requirements of Section 30222. Indeed, LUP Policy 2.22.2 specifically prohibits the conversion of any existing priority use (e.g. visitor-serving commercial uses) to a lesser priority use (e.g. general residential). The County states that rezoning the parcel from the C-1 Zone District (Neighborhood Commercial) to the R-1-4 Zone District (Single Family Residential– 4,000 sq. ft. minimum) is consistent with LUP Policy 2.22.2 because both of these districts are third priority uses pursuant to said policy (i.e. general commercial to general residential, which are both third priority uses). Therefore, the amendment would not be inconsistent with Policy 2.22.2. However, as discussed previously, the subject parcel is not designated solely for general commercial uses, but rather is intended to provide for smaller-scale visitor-serving uses due to its prominent location within the Seacliff Village community. The Seacliff Village Plan specifically identifies this parcel to allow for “pedestrian-oriented, low traffic generating, neighborhood, and/or visitor serving” uses. Moreover, the LUP identifies the broader Seacliff Village neighborhood as a place to encourage visitor-serving uses. LUP Policy 2.13.5 (see citation below) identifies the entire Seacliff Beach Area as a place to encourage the provision of visitor serving commercial services, and the primary objective of the Seacliff Village Plan is to foster the Seacliff Village area as a visitor-serving and pedestrian oriented commercial area. Therefore, this parcel is specifically identified to provide for visitor-serving commercial uses, and the amendment’s proposal to change such allowable uses to solely private residential would be internally inconsistent with LUP Policy 2.22.2.

The County further states that the small size of the subject parcel represents an impediment to its development. Commission staff requested that the County provide an analysis demonstrating why the parcel’s size (4,138 square feet) precluded it from commercial development. In response, the County cited to the SVP itself and its requirement that Sites 2-a and 2-b be developed in conjunction with each other. However, this impediment has been resolved by the amendment’s proposal to delete the requirement to develop the two lots together. Furthermore, in terms of parcel size, the SVP notes that the SVP area “is comprised of 38 parcels totaling approximately 21.3 acres (excluding rights-of-way); ... Parcel sizes range from 1,800 square feet to 13.5 acres, with the majority of parcels less than 4,000 square feet in size.” Figure 6 of the SVP (“Existing Land Use Conditions Chart”) identifies multiple commercial parcels consisting of less than 4,000 sf. Thus, 4,000 square feet appears to be a sufficient size for small scale neighborhood and/or visitor serving use, which is the use identified for this particular parcel.

Relatedly, the County has raised the issue of adequate parking to support a commercial use at this location. Additionally, the property owner’s representative has raised similar concerns (see

**Exhibit 4).** Specifically, the Applicant’s representative notes that Site 2-b has a limited frontage along Hillcrest Drive thus resulting in an inability to meet County standards with respect to: 1) required offset of ten feet from the driveway to the State Park return, 2) minimum two-way access of 24 feet and 3) minimum required parking spaces. However, the current land use designation encourages a “pedestrian oriented, low traffic generating neighborhood” commercial use. Therefore depending on what type of commercial use the site is ultimately developed with, there could be a basis for reducing standard parking requirements. The Seacliff Village Plan also envisions the establishment of a parking district fund in order to address parking deficiencies on a village-wide level. This could provide a mechanism for addressing parking needs for this subject parcel. Moreover, the County LCP contains a mechanism for addressing parking for constrained lots through the use of a “parking plan” or “shared parking” either of which could be appropriate for this site if determined to be necessary. (See, County Code Section 13.10.553 “Alternative Parking Requirements.”) That said, the Seacliff Village Plan establishes specific parking requirements for the subject parcel based on the assumption that it would be developed in conjunction with the adjacent parcel. This requirement could potentially preclude application of Section 13.10.553. **Suggested Modification No. 3** would therefore amend the parking requirements for the parcel to allow for greater flexibility to meet parking requirements, including by allowing alternative parking requirements or payment into an in lieu parking fund, if established by the Seacliff Village merchants.

In sum, changing the land use designation of this parcel from C-N to R-UM is inconsistent with Coastal Act and LUP requirements that specifically require this parcel to be reserved for high priority visitor-serving uses rather than low priority single-family residential uses. The LUP identifies Seacliff Village as an appropriate location for visitor-serving commercial uses, and the parcel’s location along the primary arterial road into both Seacliff Village and Seacliff State Beach, adjacent and within walking distance to Seacliff Village’s existing commercial core, make this parcel highly suitable for visitor-serving uses. The proposed amendment must therefore be denied as submitted, and approved only with **Suggested Modifications 1 and 2**. These modifications retain the existing requirement that this parcel be developed with pedestrian-oriented, low traffic generating, neighborhood and/or commercial uses, and retain the land use designation of C-N, respectively. As modified, the LUP amendment conforms with the requirements of Chapter 3 of the Coastal Act.

## **IP Amendment Consistency Analysis**

### Applicable LCP Policies

The proposed amendment affects the availability of land for visitor-serving commercial facilities and public access and recreation involving coastal resources in the Seacliff Village area.

Relevant LCP policies include:

#### **Land Use Objective 2.13 Neighborhood Commercial Designation (C-N)**

*To provide for compact, conveniently-located, and well designed shopping and service uses to meet the needs of individual urban neighborhoods, rural communities and visitors.*

#### **Land Use Policy 2.13.1 Location of Neighborhood Commercial Uses**

*Designate on the General Plan and LCP Land Use Maps those areas existing as, or suitable for, Neighborhood Commercial uses to provide small-scale neighborhood and visitor serving*

*businesses within walking distance of urban neighborhoods, visitor attractions, or centrally located to serve rural communities.*

**Land Use Policy 2.13.2 Location of Visitor Serving Neighborhood Commercial Uses**

*Designate on the General Plan and LCP Land Use Maps Neighborhood Commercial areas specifically suitable for visitor serving commercial uses, based on: proximity to public beaches, the yacht harbor, state parks, or other tourist or recreational attractions.*

**Land Use Policy 2.13.5 Visitor Services within Coastal Special Communities**

*Encourage the provision of visitor serving commercial services within Coastal Special Communities, as follows:*

*(a) Davenport: Highway 1 frontage.*

*(b) Seacliff Beach Area: Entire Special Community.*

*(c) Rio del Mar Flats/Esplanade Area: Esplanade frontage to Stephen Road.*

**Land Use Objective 2.22 Coastal Dependent Development**

*To ensure priority for coastal-dependent and coastal-related development over other development on the coast.*

**Land Use Policy 2.22.1 Priority of Uses within the Coastal Zone**

*Maintain a hierarchy of land use priorities within the Coastal Zone:*

*First Priority: Agriculture and coastal-dependent industry*

*Second Priority: Recreation, including public parks; visitor serving commercial uses; and coastal recreation facilities.*

*Third Priority: Private residential, general industrial, and general commercial uses.*

**Land Use Policy 2.22.2 Maintaining Priority Uses**

*Prohibit the conversion of any existing priority use to another use, except for another use of equal or higher priority.*

**Community Design Objective 8.8: Village, Towns, Special Communities**

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

Consistency Analysis

Because the proposed land use designation change from C-N to R-UM cannot be found consistent with the Coastal Act, and has been modified to retain its existing Neighborhood Commercial designation per **Suggested Modification 2**, the proposed zoning change would make the zoning designation of the subject parcel inconsistent with its land use designation. Thus the proposed IP amendment would be inconsistent with and therefore inadequate to carry out the LUP. Therefore, the IP amendment must be denied.

## **Conclusion**

In sum, the County, through a grass-roots planning process, developed the Seacliff Village Plan as a means to guide future development in a manner that would help define the Village as a visitor-serving and pedestrian-oriented commercial area consistent with the requirements of the Coastal Act. The proposed amendments to change Site 2-b's land use and zoning designations from a neighborhood and/or visitor-serving commercial use to a residential use would be in direct contrast to these goals and the Coastal Act directive. Therefore, the amendment, as modified, removes the requirement that the subject parcel only be developed in conjunction with the adjacent parcel, but **Suggested Modifications 1 and 2** retain the subject parcel's current land use designations, and **Suggested Modification No. 3** would provide for broader flexibility to meet off-street parking requirements. As modified, the proposed LUP amendment can be found consistent with the Coastal Act. However, the proposed IP amendment must be denied, as it is inconsistent with and inadequate to carry out the LUP.

## **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As part of its local action on the subject LCP amendment, on February 24, 2014, the County of Santa Cruz prepared a Negative Declaration pursuant to CEQA determining that the proposed project could not have a significant effect on the environment. On August 4, 2014, the County Board of Supervisors unanimously adopted Resolution No. 190-2014 approving the Negative Declaration for the proposed LCP amendment.

CEQA Section 21080.9 exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCPA. The Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCPA. Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with certain CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment. CEQA Guidelines Sections 13542(a), 13540(f), and 13555(b).

The County's LCP amendment consists of both a Land Use Plan (LUP) and Implementation Plan (IP) amendment. The Commission incorporates its findings on LUP and IP conformity into this CEQA finding as it is set forth in full. As discussed herein, the proposed amendment as originally submitted does not conform with and is not adequate to carry out the policies of the Coastal Act and certified LUP. The Commission, therefore, has suggested modifications to bring the LUP amendment into full conformance with the Coastal Act and has denied the IP amendment. As modified, the Commission finds that approval of the LUP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

Amendment to the Seacliff Village Plan

Strikethrough Version

New/additional language in **Underline** type

Deleted language in ~~**Underline**~~ ~~Double Strikethrough~~ type

Land Use Area 2 - 3.2.3.b.1 Sites 2-a and 2-b

The language on page 21 of the Seacliff Village Plan shall be modified as follows:

Due to the small combined size of these parcels, site 2-b may ~~only~~ be developed ~~in conjunction with~~ independently from site 2-a with a single family dwelling. Allowed uses shall ~~be pedestrian-oriented, low traffic generating, neighborhood, and/or visitor serving~~ include residential development. ~~As this lot serves as a transition area from the residential uses to the west, the Approving Body shall approve only those commercial uses that are found to be compatible with adjacent residential uses and do not produce excessive noise, smells, lights, or late opening hours.~~ Access shall be from Hillcrest Drive. Dedication of appropriate right-of-way along State Beach Park Drive is required to accommodate roadside, roadway, and transit stop improvements.

Clean Version

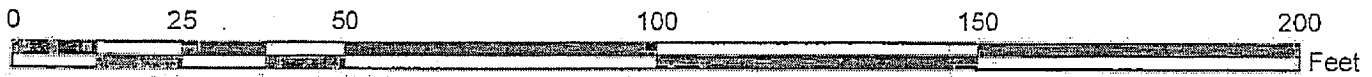
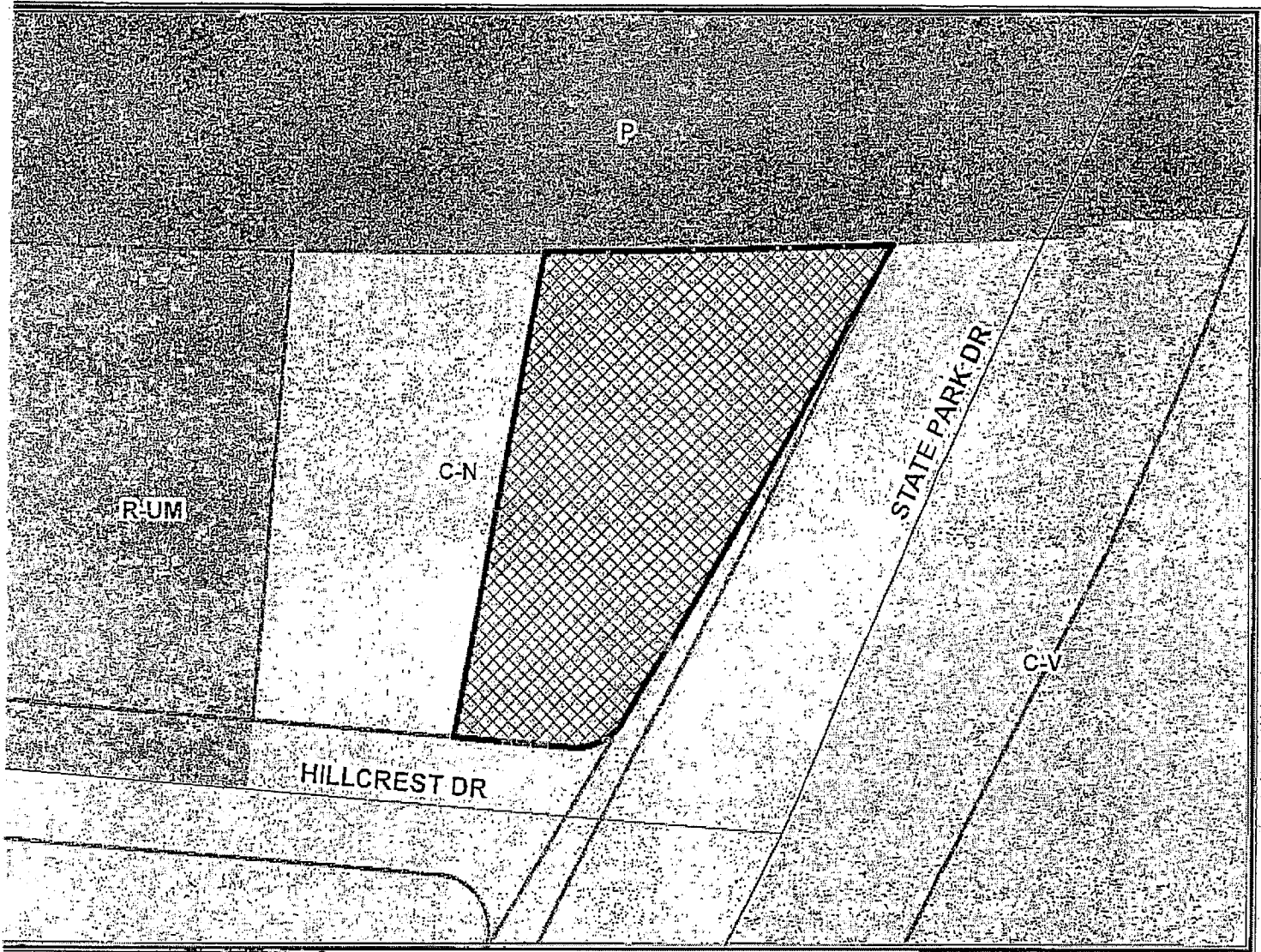
Land Use Area 2 - 3.2.3.b.1 Sites 2-a and 2-b

The language on page 21 of the Seacliff Village Plan shall be modified to read as follows:








Due to the small combined size of these parcels, site 2-b may be developed independently from site 2-a with a single family dwelling. Allowed uses shall include residential development. Access shall be from Hillcrest Drive. Dedication of appropriate right-of-way along State Park Drive is required to accommodate roadside, roadway, and transit stop improvements.

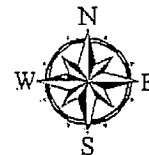


# General Plan Amendment Map 0513



### LEGEND

-  Amend from C-N to R-UM
-  Assessors Parcels
-  Street
-  Commercial-Neighborhood
-  Commercial-Visitor Accom.
-  Public Facilities
-  Residential - Urban Medium Density



Map Created by  
 County of Santa Cruz  
 Planning Department  
 March 2014

# 56

Exhibit 1



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

**ORDINANCE AMENDING CHAPTER 13  
OF THE SANTA CRUZ COUNTY CODE  
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

---

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

**SECTION I**

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the property located on the south side of Soquel Drive, at 9028 Soquel Drive, Aptos; finds that the zoning established herein, as shown on the attached exhibit, is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16 of the County Code have been complied with by the preparation and approval of a Negative Declaration for the project.

**SECTION II**

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan Amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

**SECTION III**

Chapter 13.10, Zoning Regulations of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
038-181-29	C-1	R-1-4

SECTION IV

This ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

\_\_\_\_\_  
Chairperson of the Board of Supervisors

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

APPROVED AS TO FORM:

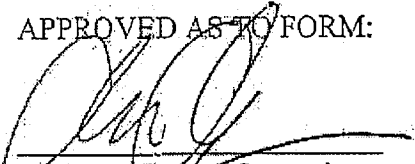
  
\_\_\_\_\_  
Assistant County Counsel

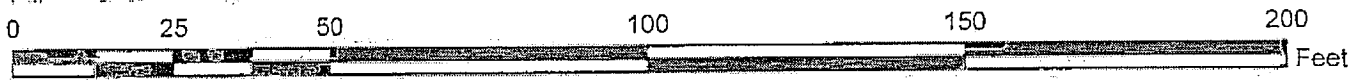
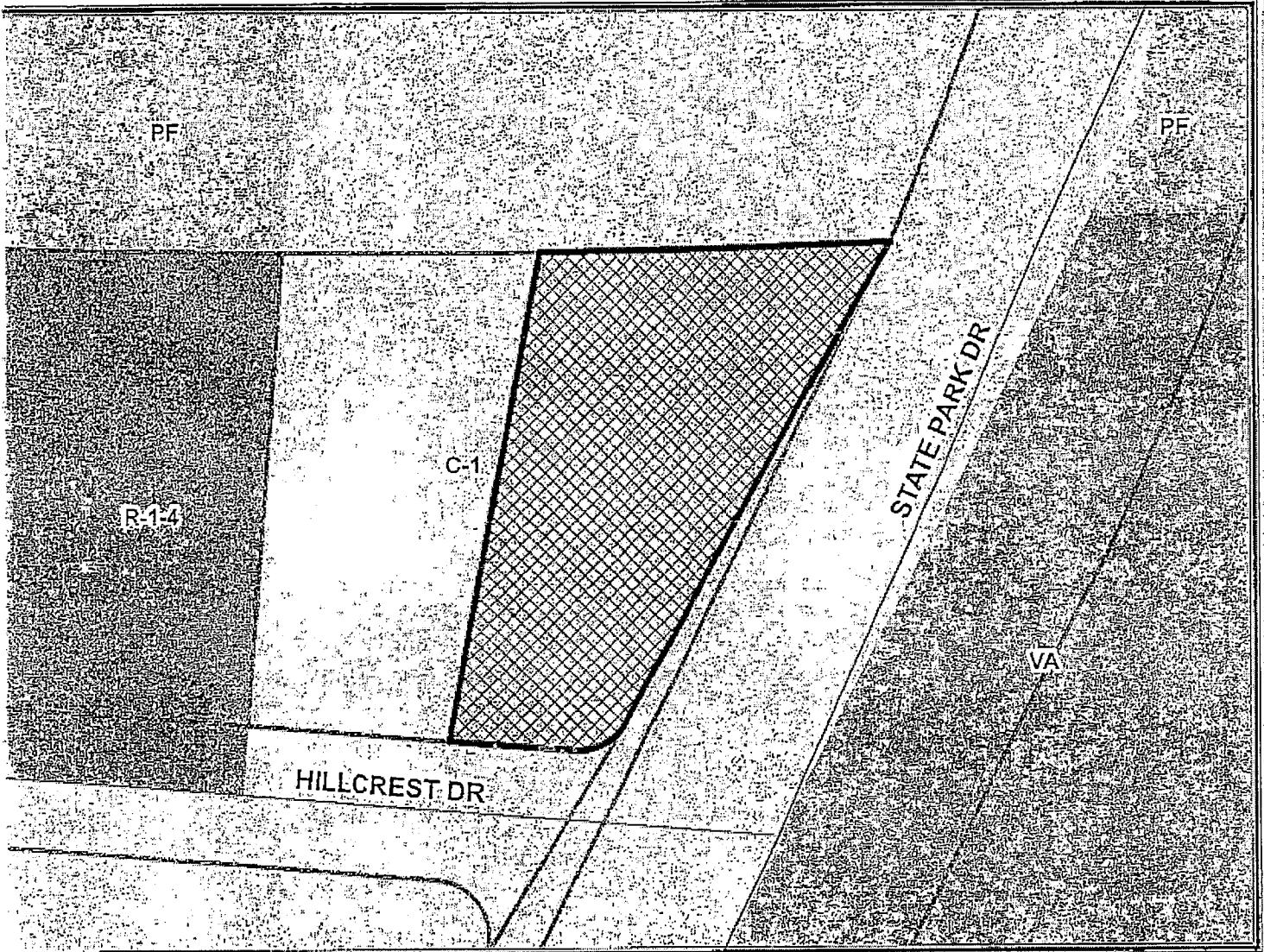
Exhibit: Rezoning Map

DISTRIBUTION: County Counsel  
Planning-Randall Adams  
Assessor  
County GIS










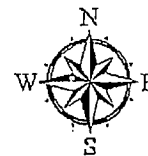
# Rezoning Map

0516



### LEGEND

-  Rezone from C-1 to R-1-4 Zone District
-  Assessors Parcels
-  Street
-  COMMERCIAL-NEIGHBORHOOD
-  PUBLIC FACILITY
-  COMMERCIAL-VISITOR ACCOM.
-  RESIDENTIAL-SINGLE FAMILY



Map Created by  
 County of Santa Cruz  
 Planning Department  
 March 2014

Exhibit 1

# Seacliff Village Area





*Parking Standards:*

New development and intensification of use, as defined in the County Code, shall meet the requirements found in County Code Section 13.10.550 et seq.

**3.2.3.b Land Use Area 2: Transition Area**

Sites 2-a and 2-b (APNS 38-181-28, 29 (304 Hillcrest Drive)) and Site 2-c (APN 38-185-11 (219, 221, 223, 225 State Park Drive))

These parcels serve as a transition area between the northern Village Area and the Village core. All, except site 2-a (304 Hillcrest Drive), front on the west side of State Park Drive, a heavily traveled arterial. Access, right-of-way dedication, and parking are issues for these parcels.

**3.2.3.b.1 Sites 2-a and 2-b**

(APN 38-181-28, 29 (304 Hillcrest Drive and adjacent vacant parcel (no situs)))

*Land Use*

Due to the small combined size of these parcels, site 2-b may only be developed in conjunction with site 2-a. Allowed uses shall be pedestrian-oriented, low traffic generating, neighborhood, and/or visitor serving. As this lot serves as a transition area from the residential uses to the west, the Approving Body shall approve only those commercial uses that are found to be compatible with adjacent residential uses and do not produce excessive noise, smells, lights, or late operating hours. Access shall be from Hillcrest Drive. Dedication of appropriate right-of-way along State Beach Drive is required to accommodate roadside, roadway, and transit stop improvements.



**Figure 10:** House on Site 2-a

## SEACLIFF VILLAGE PLAN

The existing single family dwelling on site 2-a is a significantly nonconforming residential use; improvements are limited to those found in County Code Section 13.10.261 et seq.

The existing C-1 zoning and Neighborhood Commercial General Plan designations shall be retained.

### *Parking Requirements:*

New development or intensification of commercial use, as defined in the County Code, shall meet the following special parking standards:

Retail, service, or office use: one space per 300 square feet of use (excluding storage); one minimum

Restaurant use: one space per 150 square feet of use (excluding storage); one minimum.

### **3.2.3.b.2**     *Site 2-c*

(APN 38-185-11 (219, 221, 223, 225 State Park Drive))



**Figure 11:**     Mixed Use Along State Park Drive

This site contains a fast food restaurant, convenience store, laundromat, and residential use. The existing commercial uses are both neighborhood and visitor serving.

DEE MURRAY  
LAND USE CONSULANT  
2272 KINSLEY STREET  
SANTA CRUZ, CA. 95062  
(831) 475-5334  
MARCH 5, 2015

California Coastal Commission  
c/o Ryan Moroney, Staff Planner  
Central Coast District,  
725 Front Street, Suite 300  
Santa Cruz, Ca, 95060

RE: County of Santa Cruz LCP Amendment No. LCP-3-SCO-14-0833-2 (Seacliff Village Plan  
Amendment)

Dear Mr. Moroney,

After receiving the staff report whereby the staff is recommending denial of the above application, we would like to present our rebuttal as to why the parcel of land with a square footage of only 4585 square feet is not feasible, nor economical to develop a commercial visitor serving use and provide the required off-street parking and maneuverability. The parcel has a narrow frontage along Hillcrest Drive with access prohibited from State Park Drive. Mr. Jack Sohriakoff, Road Engineer with the County Public Works Dept, verified that if a driveway were to be provided off of Hillcrest Drive with an off-set of 10 feet from the driveway to the return on State Park Drive, the driveway width would only be 13 feet. This would not comply with their standards and would not work for a commercial use. The minimum two-way access is 24 feet. Please see a schematic of what could be built on this site adhering to all of the County regulations, including required parking, as well as a handicap parking space.

On-street parking in the Seacliff Village is premium to say the least. People are parking wherever they want to. Many do not want to pay to park at the State parking lot, therefore, they park in the residential neighborhoods. Many of the streets in the residential area are narrow which limits the amount of on-street parking. The homeowners are frustrated with the lack of on-street parking for the existing businesses, as well as the beachgoers who choose to park in their neighborhoods blocking driveways.

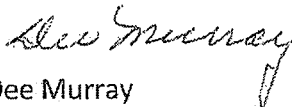
California Coastal Commission  
c/o Ryan Moroney, Staff Planner  
Page 2

Within this small business village there is not a need to provide additional visitor serving commercial uses. There is a Sno White Drive-Inn across the street at the southwest corner of Hillcrest and State Park Drive. In that same center there is a market that is fully stocked, and a laundry matt. . On Center Street there are several restaurants, pizza parlor, beauty salon, bar, clothing store, an ice cream/coffee business, nail and spa, real estate offices and book store. On State Park and Sea Ridge Drive, north of the railroad tracks, there's a service station and restaurant. The Seacliff Center-Trailer Park is across State Park Drive on the east.

The Building Designer, Dana Jones, has prepared four renderings that are attached. The first three plans labeled A, B, and C would not work since they do not comply with the County's required on-site parking, including the required 24 foot width of driveway. Plan D only allows for a very small structure of 300 square feet with one handicap parking space backing out onto Hillcrest Drive at this busy intersection.

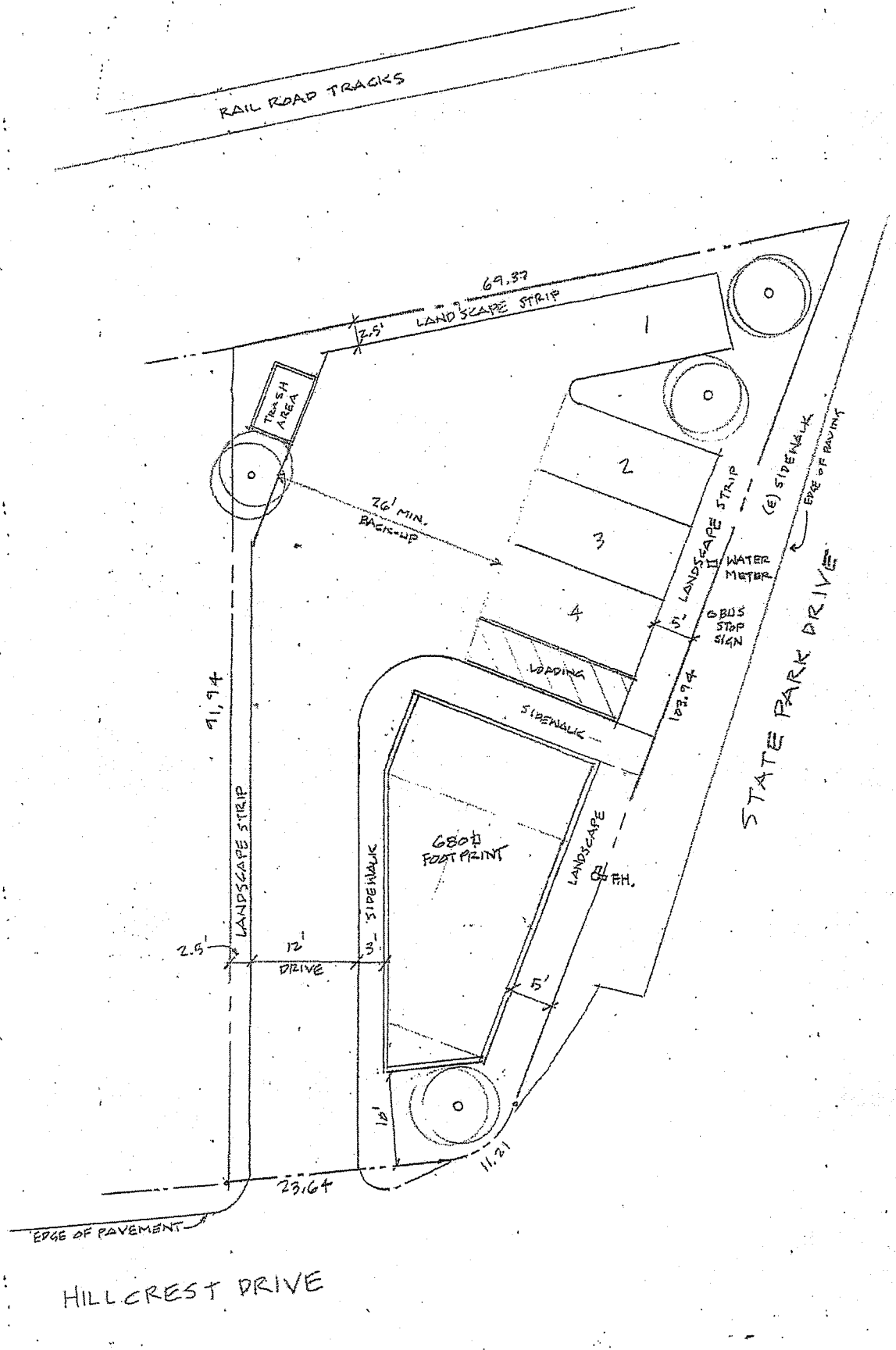
There was a unanimous vote of approval by the Planning Commission and Board of Supervisors for the application that is before you. There were no objections from anyone at the hearings, including the Seacliff Improvement Association. Therefore, we sincerely appreciate your consideration based on the aforementioned reasons to approve our application. A residential use would be compatible with existing residential use to the west, including all of the existing exiting residences on Hillcrest Drive.

Very truly yours,



Dee Murray  
Land Use Consultant





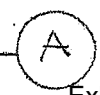
HILLCREST DRIVE

EDGE OF CONC. CUTTER

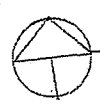
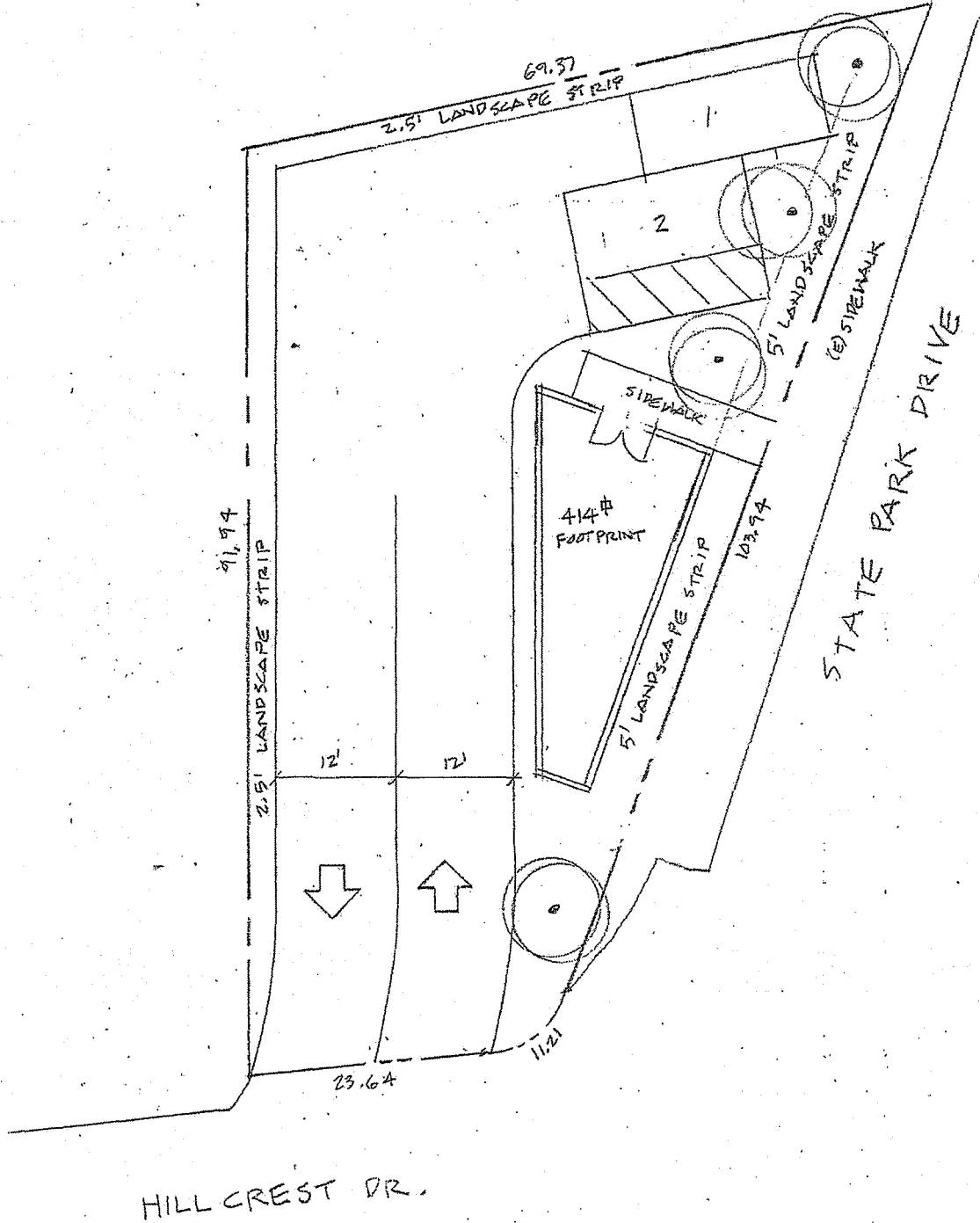


SITE STUDY

1" = TEN FEET A.P.N. 038-181-29



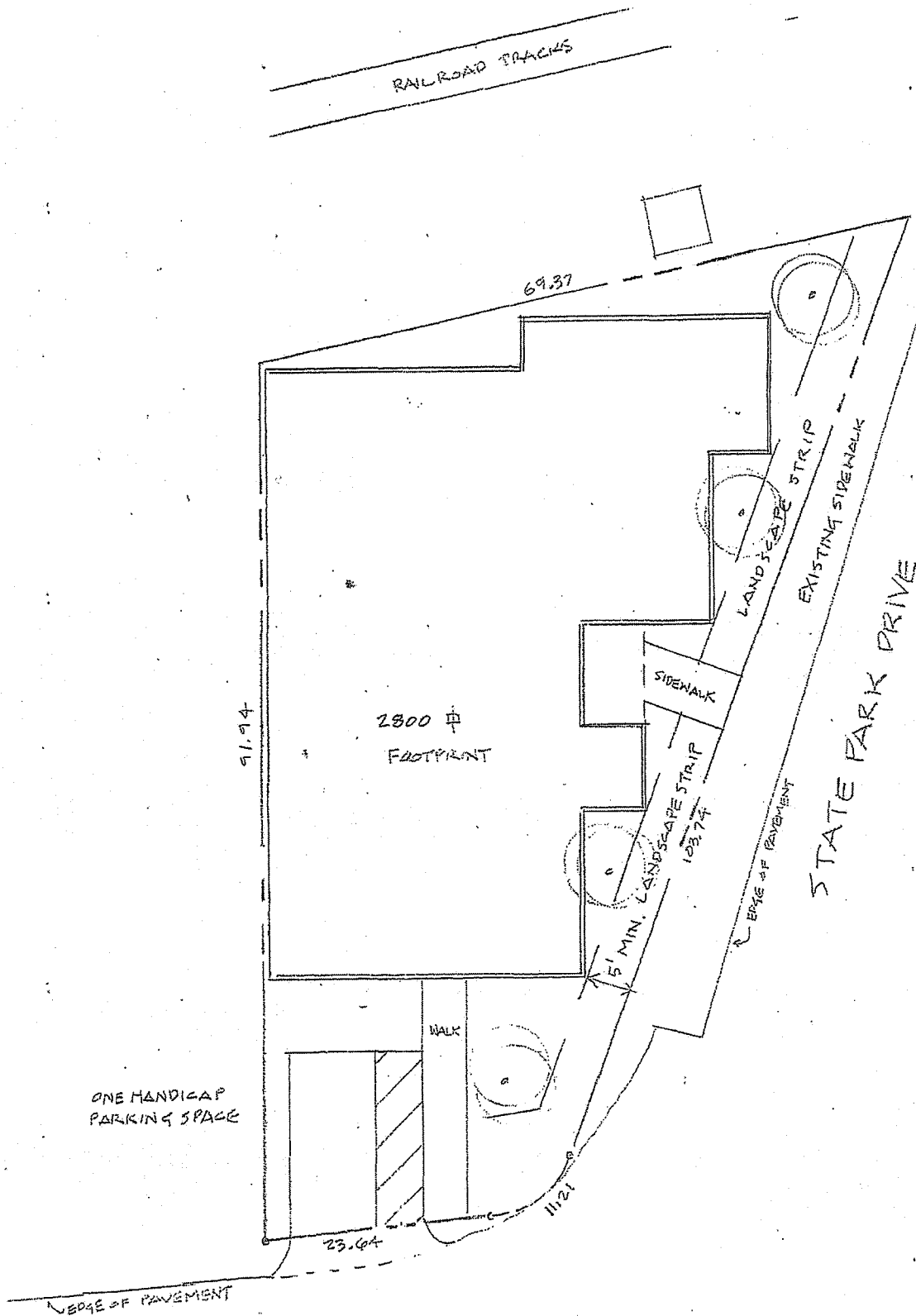
RAIL ROAD TRACKS



SITE STUDY

1" = TEN FEET A.P.N. 038-181-29

B

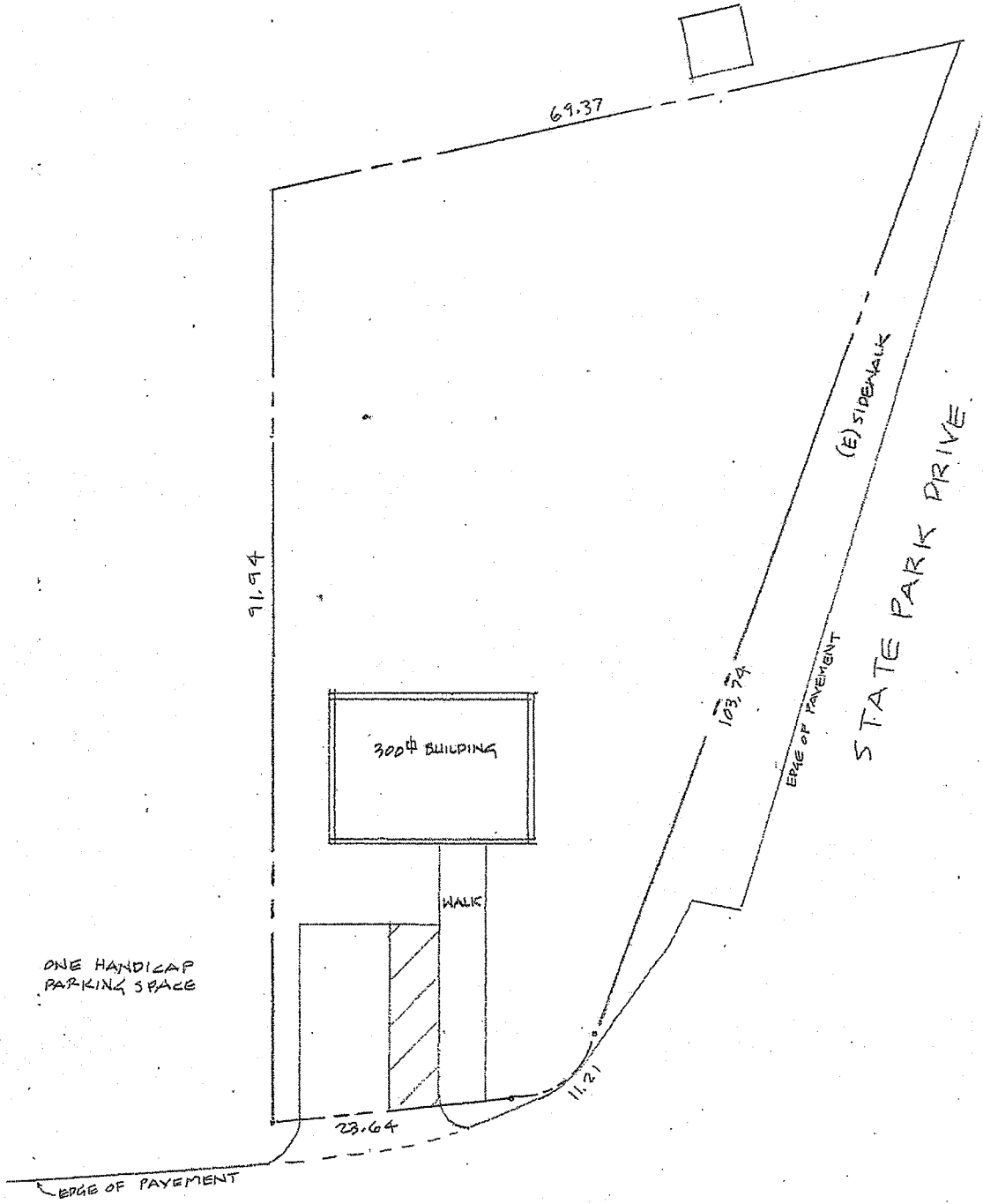


HILLCREST DR.

SITE STUDY  
 1" = TEN FEET A.P.N. 038-181-29

13.10.555 (B) OFF-SITE PARKING SHALL BE WITHIN 300 FEET OF THE USE FOR WHICH THE SPACES ARE REQUIRED MEASURED BY THE SHORTEST ROUTE OF PEDISTRIAN ACCESS.

RAILROAD TRACKS



HILLCREST DR.



SITE STUDY

1" = TEN FEET A.P.N. 038-181-29



Date **16 March 2015**

From **Sophy and Kosal Khun**  
215 Quail Run Road  
Aptos, California 95003  
(831) 334-1079

To **California Coastal Commission**  
725 Front Street, Suite 300  
Santa Cruz, California 95060

Subject **Appeal of Rezoning for Commercial Lot in Aptos  
Corner of State Park Drive and Hillcrest Drive**

To the Commissioners,

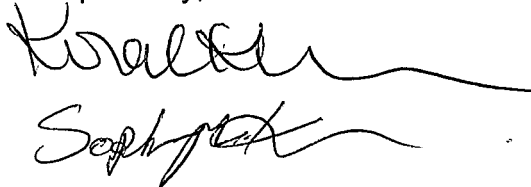
We have owned the adjacent parcel, located at 304 Hillcrest Drive, APN 038-121-28, for over 17 years and it has always been our intention to develop it for commercial use. Although the one-story house currently on the site has been rented as a residence, we now plan to convert it to a gift shop with a beach theme. Last week, when we spoke with Santa Cruz County planning staff to determine what steps we need to take to make this happen, we were told we could not do anything until your appeal has been settled.

We have made several attempts to purchase the small adjacent parcel of vacant land (the parcel under appeal) from its current owner and would like to develop both parcels as one. We believe it makes sense to leave the commercial zoning in place along this busy transit corridor. It will provide jobs for the local economy and revenue for the County.

We were the owners and operators of the Snow-White Drive-in, located across Hillcrest Drive, for 30 years and just sold it last year. We understand how to run a commercial retail business here in Seacliff. We have lived in Aptos for the past 33 years and have recently built a new home here where we plan to live for many more years. We will be local, actively-engaged owners and managers of our future commercial ventures.

For all these reasons we hope you determine it is best not to grant a rezoning of the vacant parcel of land located next to our parcel from commercial to residential use. Please contact us if you have any questions.

Respectfully,

The image shows two handwritten signatures in black ink. The top signature is for Kosal Khun and the bottom signature is for Sophy Khun. Both signatures are fluid and cursive.

**Sophy and Kosal Khun, owners of adjacent parcel**

cc: Paia Levine, Santa Cruz County Planning Department