

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



TH7C

November 29, 1995

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: Tami Grove, District Director
Rick Hyman, Coastal Planner

SUBJECT: STAFF RECOMMENDATION FOR SANTA CRUZ COUNTY
LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 2-95
for public hearing and Commission action at its
meeting of December 14, 1995 at the Cathedral Hill
Quality Hotel, Van Ness Ave. & Geary Blvd., San Francisco

SUMMARY OF STAFF REPORT

Description of Amendment Request:

Santa Cruz County is proposing to amend its Coastal Land Use Plan and corresponding Implementation Plan's zoning map to delete a proposed regional park designation on APN 028-191-01; a developed, but currently unoccupied commercial property adjacent to Corcoran Lagoon in Live Oak (Albatross restaurant site, 2380 Portola Drive). This amendment is in response to a request from the property owners who felt that this designation hampered their ability to sell or lease their property. Specifically, the amendment is to:

1. LAND USE PLAN AMENDMENT Delete the "Regional Park; Proposed Park Site" designations on APN 028-191-01 (Live Oak Planning Area Land Use Map); delete the "Corcoran Lagoon Overlook Proposed Regional Park" entry from the Recreation Facilities Chart (Figure 7-2; page 7-6); delete program reference to a regional park at Corcoran Lagoon (Section 7.5.a); delete "Proposed Park" designation for and change "Neighborhood Commercial" designation from Alternative to Preferred Use for Corcoran Lagoon Overlook entry on Priority Use Chart (Figure 2-5) from the certified Land Use Plan and
2. IMPLEMENTATION PLAN AMENDMENT Delete the "D" combining district designation on APN 028-191-01 (zoning map) from the certified Implementation Plan. (see Exhibit 1)

The standard of review of the proposed Coastal Land Use Plan amendment is consistency with the Coastal Act. The standard of review of the proposed Implementation Plan amendment is consistency with and adequacy to carry out the County's certified Coastal Land Use Plan.

Staff Recommendation:

Staff recommends that the Commission approve the proposed amendment as submitted and adopt the supporting findings beginning on page 4. The result will be that the parcel in question retains a "Neighborhood Commercial" designation with public access and wetland protection requirements. These

Staff Recommendation: (Continued)

findings indicate that this designation is consistent with Coastal Act policies, especially concerning public access and recreation, concentrating development in urban areas, and wetland protection.

Summary of Unresolved Issues: none.

Public Participation Comment and Concerns:

Neighborhood Residents: Objected to a proposed nightclub use of the property, which a recent LCP amendment and subsequent coastal permit do restrict. One letter in submittal supports park use.

Property Owner: Supports amendment. Also, wishes to have more intensive nightclub use; applied for a County permit; conditionally approved for a restaurant with noise, hours, and outdoor use limitations; owner did not appeal this decision to the Commission; therefore, this issue is not directly relevant to the amendment request.

Additional Information

For further information about this report or the amendment process, please contact Diane Landry or Rick Hyman at the Coastal Commission, Central Coast Area, 725 Front Street, Suite 300, Santa Cruz, CA 95060, Tel.: (408) 427-4863.

Exhibits

1. Proposed Amendment Text and Maps

STAFF RECOMMENDATIONS

MOTIONS AND RESOLUTIONS

I. APPROVAL OF LAND USE PLAN AMENDMENT

MOTION I:

I move that the Commission approve Major Amendment #2-95 to the Land Use Plan of the County of Santa Cruz Local Coastal Program as submitted by the County.

Staff recommends a "YES" vote which would result in APPROVAL of the Land Use Plan amendment as submitted. A majority vote of the appointed Commissioners (7) is required to pass the motion.

RESOLUTION I:

The Commission hereby certifies amendment #2-95 to the Land Use Plan of the Santa Cruz County Local Coastal Program for the specific reasons discussed in the following findings on the grounds that, as submitted, these amendments and the LUP as thereby amended meet the requirements of Chapter 3 of the Coastal Act. These amendments are consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

II. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT

MOTION II:

I move that the Commission reject Major Amendment #2-95 to the Implementation Plan of the County of Santa Cruz Local Coastal Program as submitted by the County.

Staff recommends a "NO" vote which would result in APPROVAL of the Implementation Plan amendment as submitted. Only an affirmative (yes) vote by a majority of the appointed Commissioners present can result in rejection of the amendment.

RESOLUTION II:

The Commission hereby approves Major Amendment #2-95 to the Implementation Plan of the Santa Cruz County Local Coastal Program for the specific reasons discussed in the following findings, because the amendment conforms with and is adequate to carry out the provisions of the certified Land Use Plan. There are no feasible alternatives or mitigation measures necessary and available which would substantially lessen any significant adverse impacts which the approval of these implementation measures will have on the environment.

RECOMMENDED FINDINGS AND DECLARATIONS

The Commission hereby finds and declares the following for Santa Cruz County Local Coastal Program Major Amendment #2-95:

I. Land Use Plan Amendment to:

Delete the "Regional Park; Proposed Park Site" designations on APN 028-191-01 (Live Oak Planning Area Land Use Map); delete the "Corcoran Lagoon Overlook Proposed Regional Park" entry from the Recreation Facilities Chart (Figure 7-2; page 7-6); delete program reference to a regional park at Corcoran Lagoon (Section 7.5.a); delete "Proposed Park" designation for and change "Neighborhood Commercial" designation from Alternative to Preferred Use for Corcoran Lagoon Overlook entry on Priority Use Chart (Figure 2-5).

As the description indicates, the proposed amendment would delete the proposed regional park designation on a portion of APN 028-191-01. Four related Land Use Plan provisions are proposed to be amended to effectuate this change (see Exhibit 1). This site, a total of ± 3.9 acres in size (± 1 ac. developed) is located at 2380 Portola Drive in the Live Oak portion of Santa Cruz County, contains an empty restaurant building, formerly known as the Albatross. The site is level, with a large parking lot, eucalyptus trees, and part of Corcoran Lagoon adjacent to the paved parking lot. The site is designated "Neighborhood Commercial" in the Santa Cruz County Coastal Land Use Plan. This designation would remain. The County has had a certified local coastal program since 1983, which has been previously amended several times. The site was formerly designated "Tourist Services/Coast Commercial," but was redesignated as part of last year's General Plan update (LCP Amendment #2-94). At that time, the proposed regional park designation was also added, along with related policy language. The owner objected to the changes during the public hearing process. The Board of Supervisors promised to take a further look at the site's designation. The result is the proposed amendment, which was approved on September 19, 1995. It was subsequently submitted to the Coastal Commission and, with the receipt of additional information, was filed on October 26, 1995.

The proposed deletion of the proposed park designation and associated policy and chart language will leave the site designated "Neighborhood Commercial." Additionally, specific program language is retained to develop coastal access and recreation facilities, including a possible wetland interpretive center (Figure 2-5), and to seek funding to acquire and restore Corcoran Lagoon (program 7.5.a). Furthermore, other general wetland protection provisions of the Land Use Plan that would pertain to this site (e.g., wetland setbacks) remain unchanged and in effect.

The County provided an analysis of the proposed amendment's consistency with the Coastal Act, with which the Commission concurs. The Land Use Plan, as amended, will be consistent with Coastal Act public access policies (e.g., 30210), because it retains the requirement to improve public access facilities as part of any commercial development. It will be consistent with Coastal Act recreation policies (e.g., 30222) because the permitted uses include recreational and visitor-serving commercial facilities. The site is not oceanfront property and is not essential for providing adequate visitor facilities in the area. The Commission notes that the deletion of the proposed park designation does not preclude the County or other entity from buying the site for and/or developing the site for a park in the future (the site is currently for sale, in fact). Program language to that effect is retained in the Land Use Plan. So are wetland protection and enhancement provisions, thereby ensuring consistency with Coastal Act wetland and environmentally sensitive habitat policies 30233 and 30240. The remaining "Neighborhood Commercial" designation is consistent with Coastal Act policy 30250 to concentrate development in developed areas, since the site is already developed and within the Urban Services boundary. Finally, the amendment is consistent with Section 30252(6) regarding provision of adequate park facilities for local residents. This site was not counted on by the County to fill a need for parks to serve residents. Thus, the Commission approves the amendment as being consistent with relevant Coastal Act sections 30210, 30222, 30233, 30240, 30250, and 30252.

II. Implementation Plan Amendment to:

Delete the "D" combining district designation on APN 028-191-01 (zoning map).

This proposed Implementation amendment means that a process (described in the "D" district regulations in Section 13.10.418 of the certified Implementing ordinances) to delay coastal permit approval while considering and pursuing public acquisition will not be imposed. A coastal permit was applied for last year to use the site's building for a restaurant with nightclub. At that point (when the application was deemed complete) the "D" designation was not in effect, so the formal park acquisition consideration process was not imposed. However, there is evidence in the submitted record that the County indicated that there was no available funding to pursue public acquisition and that over the past few years the property owners and the County discussed possible acquisition, with no success. This proposed amendment would affect a future permit application, which is likely, given that the applicant was not satisfied with the permit recently granted and that the property is for sale. Any future permit application would not trigger a new public acquisition review process under this amendment. As noted, the absence of imposing this process does not stop the County or others from pursuing acquisition; it just does not delay the permit approval process. This approach is sensible for this parcel, since it is already developed and the County has had and continues to have an opportunity to purchase it.

The proposed amendment retains the base zoning designations that the Commission has already found consistent with the Land Use Plan. These are "C-1," a neighborhood commercial district covering the developed area and "PR," a parks, recreation and open space district covering the lagoon portion of the parcel (see Exhibit 1). Additionally, all other certified zoning provisions remain in effect, including Chapter 16.30 "Riparian Corridor and Wetland Protection").

The "D" overlay district is a device used by the County to implement its proposed park designation on its land use plan. With that designation removed for the parcel in question, as this amendment does, then the corresponding "D" zoning district becomes unnecessary. Thus, the proposed Implementation amendment is approved because the resulting Implementation Plan remains consistent with and adequate to carry out the amended Land Use Plan as it applies to the subject site.

III. California Environmental Quality Act (CEQA)

The County found that this proposed amendment was categorically exempt from CEQA ("alterations in land use limitations" category). This amendment is procedural. It does not alter the environmental protection measures that apply to the subject site. Thus, there will be no adverse impact on the environment within the meaning of CEQA due to the approval of this amendment.

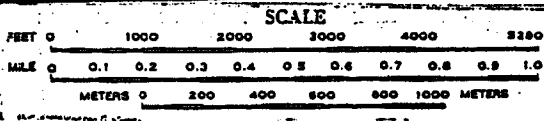
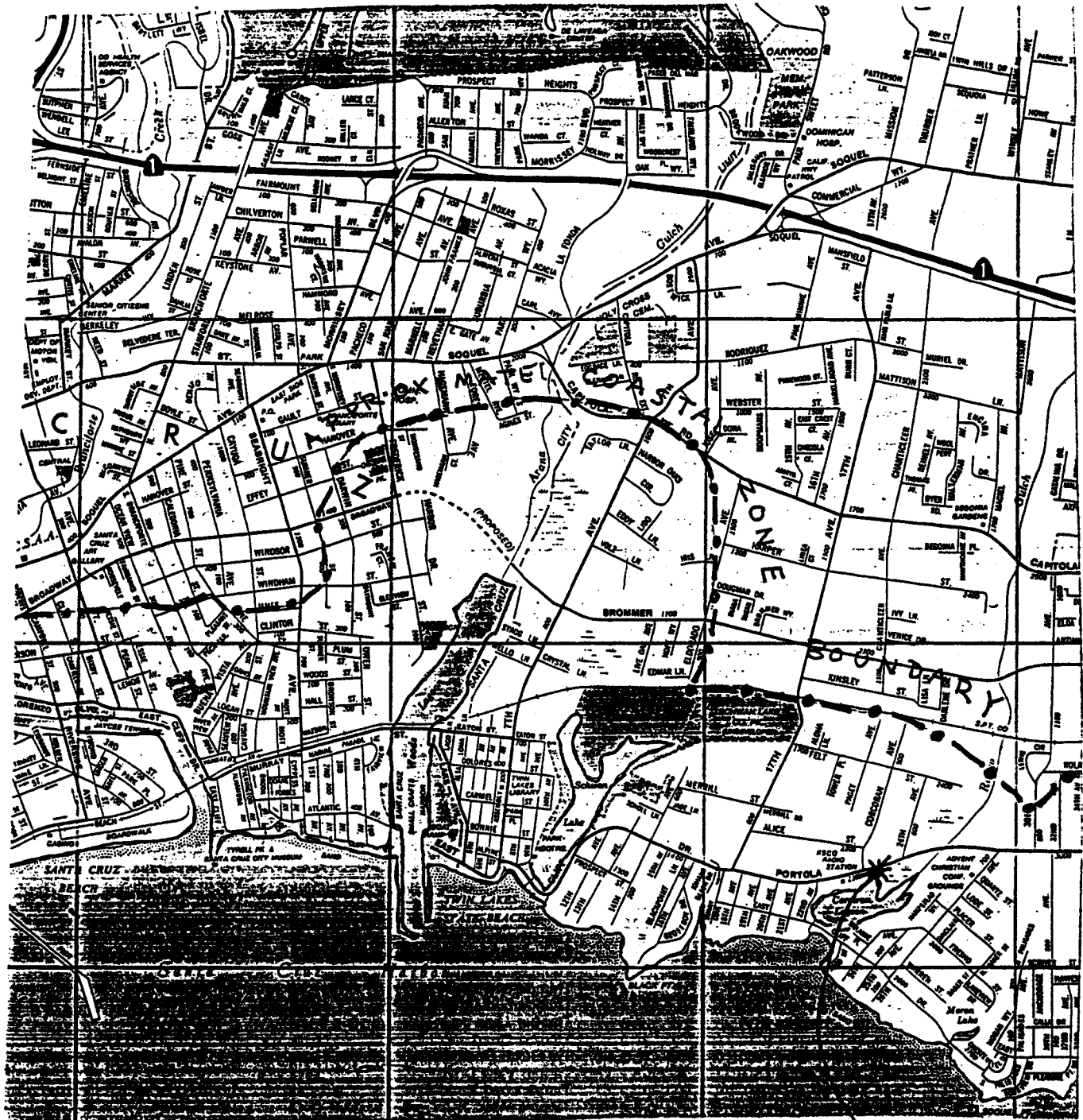

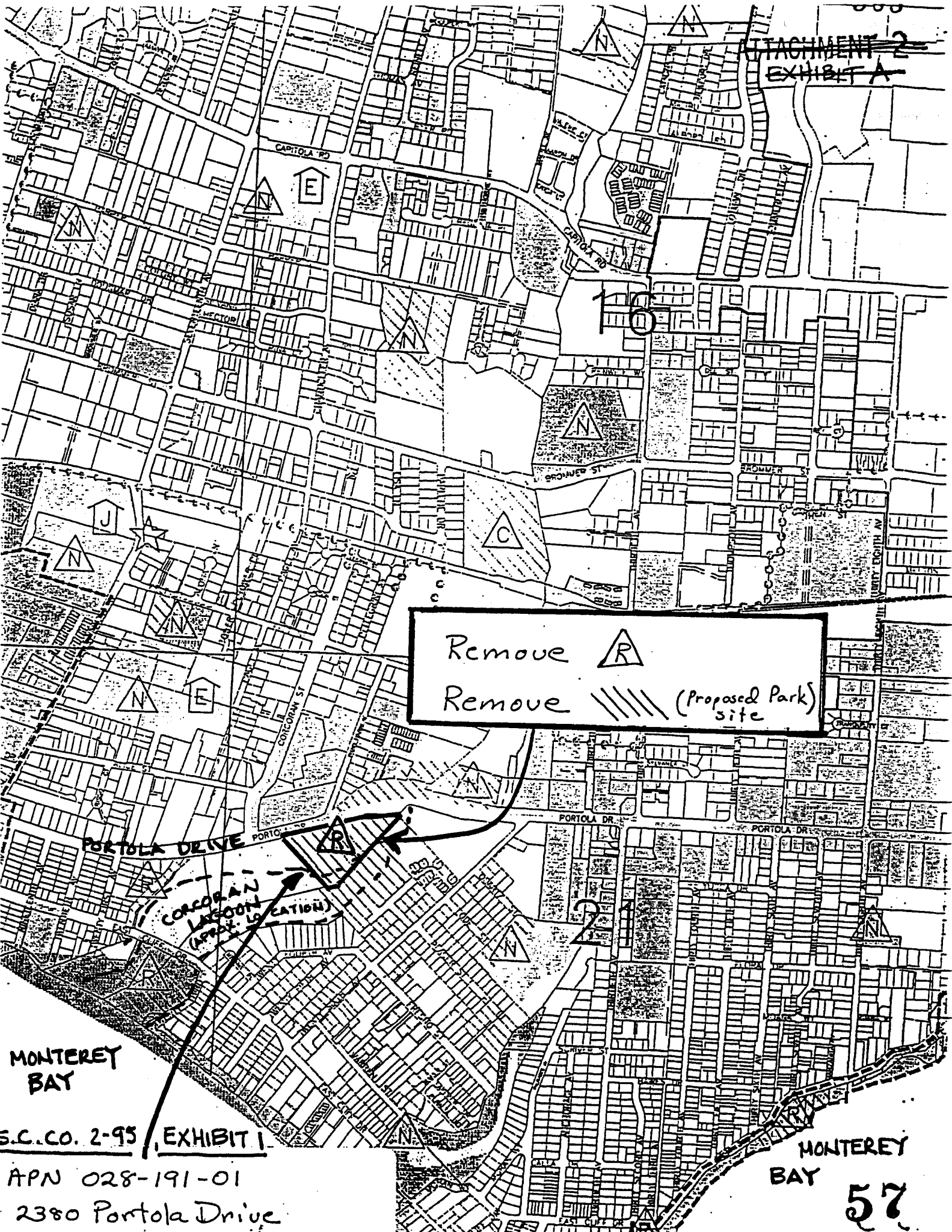

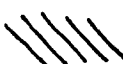


EXHIBIT NO. 1
APPLICATION NO. S.C. CO. 2-95
LCP AMENDMENT
 California Coastal Commission

SANTA CRUZ - EAST / YACHT HARBOR



Remove 
Remove  (Proposed Park) site

MONTEREY BAY

S.C.CO. 2-95 / EXHIBIT 1

APN 028-191-01
2380 Portola Drive

MONTEREY BAY

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**Figure 2-5 (Continued)
Coastal Priority Sites-Live Oak**

Site Name and Assessor's Parcel Number	Designated Priority Use	Special Development Standards	Circulation and Public Access Requirements
Coastview Drive 028-173-05,07,08 028-174-02	"Existing Parks, Recreation & Open Space" & "Proposed Park, Recreation & Open Space"; Development of public beach access parking.	Develop adequate paving, landscaping, and drainage improvements to protect the adjacent Corcoran Lagoon and riparian area.	Develop the maximum amount of public beach access parking compatible with the adjacent residential development and riparian area, and the continued use of the right-of-way for access to the fronting properties.
<p align="center">* Corcoran Lagoon Overlook 028-191-01 *</p>	<p>Preferred Use: "Proposed Parks, Recreation & Open Space": 1) Coastal wetland protection and development of coastal access and recreation facilities, potentially including a coastal wetlands interpretive center. 2) Alternate Use: "Neighborhood Commercial": Development of visitor serving commercial uses or public uses or offices.</p>	Site improvement shall include protection and restoration of the Corcoran Lagoon wetland and adjacent riparian area.	Commercial development of the site shall improve and dedicate public access facilities including a pathway, seating, and wildlife observation areas along the lagoon frontage.
Portola Drive at 26th Avenue 028-192-01	"Visitor Accommodations": Conference center or Type A visitor accommodations facility.	Future site improvement shall include protection, restoration, and public dedication of the Corcoran Lagoon wetland and riparian corridor; preparation of a plan line for 26th Avenue, and the adjacent portion of Portola Drive; and dedication and improvement of the street frontages consistent with the street tree program and adopted plan lines.	Develop site access from 20th Avenue. Participation in a beach shuttle program. Develop and dedicate a public trail along the Corcoran Lagoon riparian corridor.
Lode Street 028-202-18 (portion)	"Public Facility": Development of a neighborhood park on excess land at the site of the sanitation district sewer pump station.	Develop adequate buffering of the sewer pump station facilities including chemical storage and use from the park and adjacent residential development.	Construct cul-de-sacs at the ends of Lode & Quartz streets. Develop public trail access connecting the park to a future public trail along the Moran Lagoon riparian corridor.
Johan's Beach 028-212-13	"Existing Parks, Recreation & Open Space": Acquisition and improvement of beach and upland area for coastal access, recreation and supporting facilities.	Locate permanent public recreational support facilities, as feasible, above the area subject to coastal inundation	Any private development of the property shall dedicate the beach area for public use.

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Figure 7-2 (page 2 of 4)
Santa Cruz County Public Parks and Recreation Facilities

Planning Area	Park Site	APN	Park Type	Status	Gross Acreage*	
					Existing	Proposed
Eureka Canyon	Aldridge Lane Park	108-071-26;108-081-24	L	E	2.9	
	Bert Scott Estate	108-161-04,-05	L	A	31.5	
	Bradley Elementary School	108-171-07	L	E/S	4.0	
	Corralitos Community Center	107-211-10	L	E/C	5.0	
	Grizzly Flat Reservoir	106-111-01,-02	R	P/C		N/A
La Selva Beach	Arbolado Drive Linear Park	45-163-02; 45-121-24; 45-122-01; 45-123-19	L	E/RD	1.4	
	Beaches		R	B		
	La Selva Community Center	045-171-30	L	E/RD	1.0	
	Place De Mer	46-212-33,-40	L	A	2.7	
	Playa Boulevard	45-182-01	L	E/RD	0.3	
	Vista Drive Overlook/Bluffs	45-195-13; 45-201-11	L	E/P/RD	0.3	6.3
* Live Oak	Beaches		R	B		
	Brommer Maintenance Yard	29-213-19	C	P		8.3
	Brommer Park	31-091-25	N	E	7.5	
	Cabrillo Avenue	102-121-64	N	P		4.0
	Chaminade Uplands	102-061-08	C	P		74.5
	Chanticleer	29-071-08,-22,-23,-38	N	P		5.5
	Coastview Drive - parking	28-173-05,-07,-08 28-174-02	R	P		1.3
	Coffee Lane	31-031-54,-09,-15,-32	N	E/P	2.5	2.7
	Corcoran Beach	28-225-11,-12; 28-231-01	R	E/P/B	2.4	4.7
	Corcoran Lagoon Overlook	28-191-01	R	P		3.0
	Del Mar School	28-041-13,-14,-36,-39 28-052-60, 28-053-60	N	E/S	6.0	
	East Cliff Drive/37th Avenue Overlook	32-251-02,-06,-07,-10	R	P		1.5
	Eddy Lane	26-181-36; 26-173-06	N	A	5.3	
	Felt Street	28-041-01,-02,-03	N	A/P	1.8	1.0
	Floral Park	32-091-53	N	E	0.9	
	Good Shepherd School	25-191-07	N	E/S	4.0	
	Green Acres Elementary School	26-062-46,-51,-61,-87	N	E/S	4.5	
	Harbor High School	09-291-44	C	E/S	6.0	
	Harper Street (West)	26-201-04,-05,-06,-07	N	A/P	0.6	3.4
	Harper Street (East)	29-171-04,-05,-06,-09 29-201-04	N	P		8.1
Johan's Beach	28-212-13	R	P/B		3.9	

* The acreages associated with school sites are expressed in net usable acreage. All other acreage is expressed in gross acres.

KEY

Park Type	Status
C - Community	A - Land Acquired
L - Local Rural	B - Public & Private Beaches
N - Neighborhood	C - City Facility
R - Regional	E - Existing Developed Facility
	H - Historic Facility
	P - Proposed Acquisition
	RD - Recreation District Facility
	S - School Facility

Programs

a. Establish regional park facilities at the following locations as listed by planning area. (Responsibility: County Parks, Planning Department, Parks Commission, Planning Commission, Board of Supervisors)

Carbonera:

Graham Hill showgrounds: Establish a regional Equestrian facility at the Graham Hill Showgrounds in conjunction with the facilities utilized by the Santa Cruz County Horseman's Association.

Eureka Canyon:

Grizzly Flat: Support the City of Watsonville in planning and development of a regional facility on the Grizzly Flat watershed property.



Live Oak:

~~Corcoran Lagoon: Establish a regional park providing a coastal wetlands interpretive center with restoration and protection of the natural resources of Corcoran Lagoon.~~ Seek State funding for the acquisition, restoration, improvement and protection of this resource to serve both local and regional recreational and educational purposes.

17th Avenue Swim Center: Develop a regional swim center, including associated community facilities, on 17th Avenue south of the railroad tracks,

Primary Public Access Facilities: Support continued acquisition and development of coastal beach land, parking and other support facilities, including Coastview Drive parking area, Corcoran Beach, East Cliff Drive Overlook, Johan's Beach, Moran Lake and Beach, Pleasure Point Overlook, and the 41st Avenue/East Cliff parking as identified in Figure 7-2. Seek State funding as possible for necessary acquisition and development of these facilities which serve both local and regional recreational needs.

Pajaro Valley:

Pinto Lake County Park: Provide regional recreational opportunities at Pinto Lake County Park, along with local park facilities to serve the adjacent urban and rural areas. Limit development activities to the minimum necessary at the north end of the lake, and restrict automobile access to the outer edge of the park. Coordinate use and management of the lake with the City of Watsonville; provide for water oriented activities including rowboating, canoeing, sailing, fishing and wildlife boat tours; prohibit power boating; provide recreation uses which are compatible with the natural resources of the lake; retain the lake as a bird habitat area.

College Lake: Provide for regional recreational use of College Lake if it is acquired and developed for water management purposes as part of the Pajaro Valley Water Management Agency Basin Management Plan. Direct the development of recreational support facilities to the County Fairgrounds or other locations so as to minimize any impact on the continued agricultural use of the surrounding lands.

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ATTACHMENT 3

ORDINANCE NO. 4381

ORDINANCE AMENDING CHAPTER 13.10 OF THE SANTA CRUZ COUNTY CODE
CHANGING PROPERTY 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 Assessors Parcel No. 028-191-01; finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan and the Local Coastal Program; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16.01 of the County Code have been complied with by the preparation and approval of a Categorical Exemption 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 the findings in support thereof with 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 of the level of utilities and community services available to the land; and
3. a) 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; or

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- b) The proposed rezoning is necessary to provide for a community related use which was not anticipated when the zoning plan was adopted; or
- c) The present zoning is the result of an error; or
- d) The present zoning is inconsistent with the designation shown on the General Plan.

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 property from the existing zone district to the new zone district as follows:

Assessor's Parcel Number	Existing Zone District	New Zone District
028 191 01	C-1-D	C-1

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage or upon certification of the amendment by the California Coastal Commission, whichever occurs last.

PASSED AND ADOPTED this 19th day of September, 1995, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS Beautz, Symons, Wormhoudt, Belgard and Keeley
 NOES: SUPERVISORS None
 ABSENT: SUPERVISORS None
 ABSTAIN: SUPERVISORS None

FRED KEELEY

Chairperson of the Board of Supervisors

ATTEST: SUSAN M. ROZARIO
Clerk of the Board

APPROVED AS TO FORM: *Jonathan Withner*
County Counsel

DISTRIBUTION: County Counsel
Planning

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 25th DAY OF September 1995
SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

BY *Wandy Hauwa* DEPUTY

