

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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RECORD PACKET COPY

THLB



July 24, 1996

TO: Commissioners and Interested Persons

FROM: Tami Grove, District Director
 Rick Hyman, Coastal Program Analyst

SUBJECT: **SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM**
MAJOR AMENDMENT NO. 2-96. For public hearing and Commission action at its meeting of August 15, 1996, to be held at the Crown Plaza -Holiday Inn -LAX 5985 W. Century Blvd., Los Angeles, CA 90045-5463.

DN
 7/24/96

SUMMARY OF STAFF REPORT**DESCRIPTION OF AMENDMENT REQUEST**

Santa Cruz County is proposing to amend its Local Coastal Program to:

- (a) redesignate 41st Ave/E Cliff Dr. parking lot (AP# 032-181-04) from "Existing Parks and Recreation" to "Residential Urban Medium" and concurrently state that "Proposed Parks" is a preferred rather than existing use and residential is an alternate use in the *Land Use Plan* and (b) correspondingly rezone the site from "Parks, Recreation and Open Space -D" to "Public Facility" in the *Implementation Plan*.

This amendment is necessary because the lease for parking on the privately-owned site promises to retain the "Residential" designation. The amendment was filed on July 24, 1996. A second part of this amendment request regarding mining will be processed separately. The standard of review of the *Land Use Plan* amendment is consistency of the Coastal Act. The standard for the *Implementation Plan* component is that it must be consistent with and adequate to carry out the policies of the certified *Coastal Land Use Plan*.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the proposed amendments as submitted by the County for the reasons given in this report. Preservation of public parking, which is a Coastal Act issue, is maintained by the proposed amendment.

SUMMARY OF ISSUES AND COMMENTS

Several persons expressed concern that the site's open space use and view remain. Such issues would be addressed in any future coastal development permit for the site. This amendment simply changes a designation. Residential and parking lot uses are allowed under both the current and the proposed designations.

ADDITIONAL INFORMATION

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

EXHIBITS:

1. Location Map

ATTACHMENT: Full Text Of Proposed Amendments

I. STAFF RECOMMENDATION

MOTIONS AND RESOLUTIONS

A. APPROVAL OF LAND USE PLAN PLAN AMENDMENT #1-96 AS SUBMITTED

MOTION:

"I move that the Commission certify major amendment # 2-96 to the Santa Cruz County Land Use Plan of Santa Cruz County's Local Coastal Program as submitted by the County."

Staff recommends a "YES" vote. An affirmative vote by a majority of the appointed commissioners is needed to pass the motion.

RESOLUTION:

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

B. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT #2-96 AS SUBMITTED

MOTION:

I move that the Commission reject Major Amendment #2-96 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by the County.

Staff recommends a "NO" vote which would result in approval of this amendment as submitted. Only an affirmative (yes) vote on the motion by a majority of the Commissioners present can result in rejection of the amendment.

RESOLUTION:

The Commission hereby certifies Major Amendment #2-96 to the Implementation Plan of the Santa Cruz County LCP, for the specific reasons discussed in the following findings, on the grounds that the amendment conforms with and is adequate to carry out the certified Land Use Plan; and approval of the amendment will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

II. RECOMMENDED FINDINGS

The Commission finds and declares:

A. Redesignate 41st Ave/E Cliff Dr. parking lot (AP# 032-181-04) from "Existing Parks and Recreation" to "Urban Residential-Medium Density" and concurrently state that "Proposed Parks" is a preferred rather than existing use and residential is an alternate use in the *Land Use Plan* (Figures 2.8 & 2.5).

Section 30222 of the Coastal Act states:

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.

Section 30223 of the Coastal Act states:

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

At first reading, the proposed amendment would appear to run counter to the intent of the cited Coastal Act policies. The subject site is located on East Cliff Drive at 41st Avenue in Santa Cruz County. (see Exhibit 1) East Cliff Drive is an extremely popular coastal scenic and recreational corridor. Although the beaches below are small, the ocean sees extensive use from surfers. This stretch of East Cliff Drive has no on-street public parking, and visitors who wish to park on the side streets must compete with residents and in the summer pay under a preferential parking program. The subject property is the only public parking lot in the vicinity and the only one which serves surfers in the vicinity of Pleasure Point. As a result, it is heavily used. Parking is currently free. Under the cited Coastal Act sections, the existing use has priority over residential use. The proposed amendment would allow up to three or four homes on the site. The current designation would allow only one home.

At issue is that, although the use is public, the site is privately owned. Although the "Existing Park and Recreation" designation could apply to private property, the site technically is not a public park or facility. More importantly, the lease with the County requires the site to retain its long-standing "Residential" designation. The Coastal Commission had certified this designation in 1982. However, inadvertently, the County amended the *Land Use Plan* in 1994 to change the designation from "Residential" to "Park." The proposal returns the site to its previous designation. Absent this amendment, the property owner would have the right to terminate the public parking lease.

The proposed "Residential" designation allows public facilities (LUP policy 2.21.2). The companion text amendment states parking is the preferred use (see Attachment). Currently certified language to "provide public acquisition of the site to insure permanent public use for coastal access and support facilities" is retained. Thus, the County's clear intent is to retain the public parking lot.

The site also contains a "Regional Park" overlay designation which would be removed from the Land Use Map under this amendment. The County also has "Proposed Park and Recreation" overlay designation which is not being proposed to be shown on the Land Use Map. While retaining the Park symbol and adding the "Proposed Park" designation on the Land Use Plan map would complement the rest of this amendment and add emphasis to the text, it is not necessary and does not diminish the County's intent.

An issue may arise if the County acquires the site, which it is planning to do. The site would still retain its proposed "Residential" designation, allowing up to 3 or 4 homes. The County is contemplating dividing off one residential parcel, to help recoup the cost of acquisition. This would reduce the amount of parking available. However, even under the current "Parks" designation, one-single-family house is allowed on a parcel. Thus, the only way to prevent the site's residential use would be through policy language. The proposed amendment language encourages public parking, but states that residential is an alternative use (see Attachment). Absent a specific policy that states that the entire site must remain a parking lot if publicly acquired, it would be discretionary on the County's part to determine how to use the site if acquired. Application of various Land Use Plan policies supportive of public access (e.g., Program 3.3e) as well as mitigating any environmental impacts caused by loss of parking in the CEQA process would be part of this consideration. The Commission would be concerned about the loss of any parking at this site. The Commission could review any such coastal permit decision to allow residential use through the permit appeal process.

In conclusion, while this amendment literally expands some potential for non-priority uses, it is necessary to ensure that a priority use remains, given the lease. Also, priority uses are allowed, the local coastal program's stated intent is to continue the priority use, and a process is in place to review a change to non-priority use. Thus, the amendment is approved as being consistent with the cited Coastal Act sections. This approval does not prejudice any future action that the Commission may take (e.g., in the appeal process) to ensure that access opportunities at this site are not reduced.

B. Rezone 41st Ave/E Cliff Dr. parking lot (AP# 032-181-04) from "Parks, Recreation and Open Space -D" to "Public Facility" in the *Implementation Plan*.

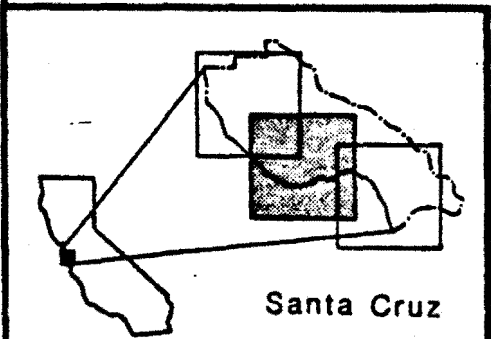
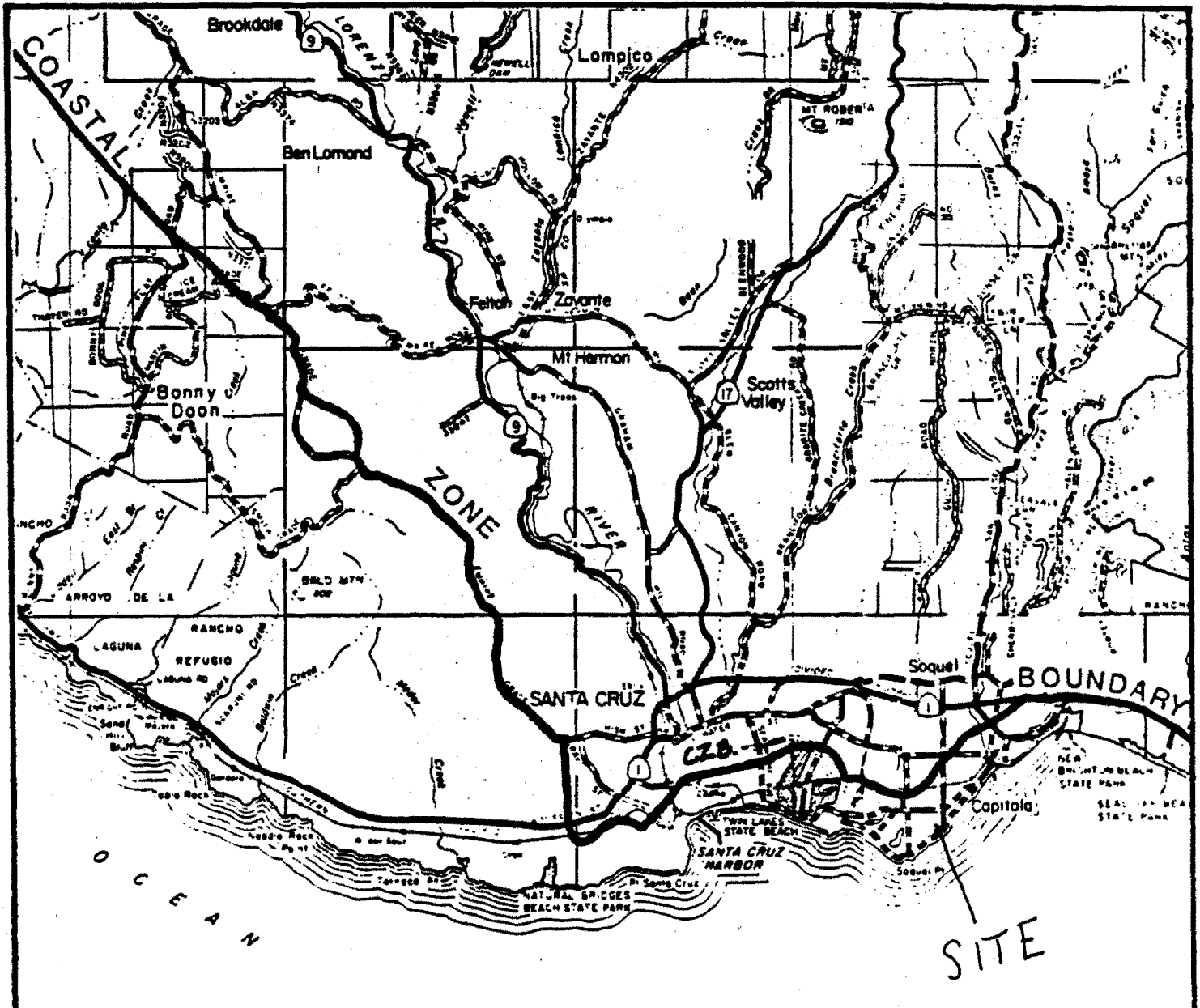
The "Public Facility" zone district is listed in the *Implementation Plan* as one that can implement a "Residential" land use designation. The district allows residential uses pursuant to a master use permit, as well as parking areas, parks, and recreational facilities. It is appropriate in this case because the site contains a public parking lot, as described in the previous finding.

The proposal also eliminates the "D" overlay district since it was not part of the previous zoning. This district is applied to land proposed for park use. It establishes a process for the County to consider public acquisition and/or redesign as part of the development application review process. The County has already decided to pursue public acquisition, rendering somewhat moot the necessity to retain the

"D" overlay. While retaining the "D" overlay would add emphasis to the County's intent in retaining public use over all or part of the subject site, and would be useful should the site not be acquired and a private development proposed, it is not necessary to implement the amended Land Use Plan designation. Thus, this implementation amendment can be approved as being consistent with and adequate to carry out the *Land Use Plan* as will be amended.

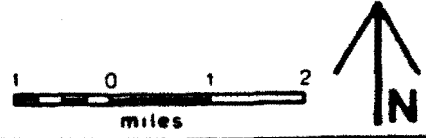
C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 Commission can and does utilize any environmental information the local government has developed. The County certified a "Negative Declaration" for the proposed amendments. Coastal Commission staff commented. The Commission concurs with the "Negative Declaration" and finds no significant adverse environmental impact from this proposal.



 California Coastal Commission

LOCATION MAP



County of Santa Cruz

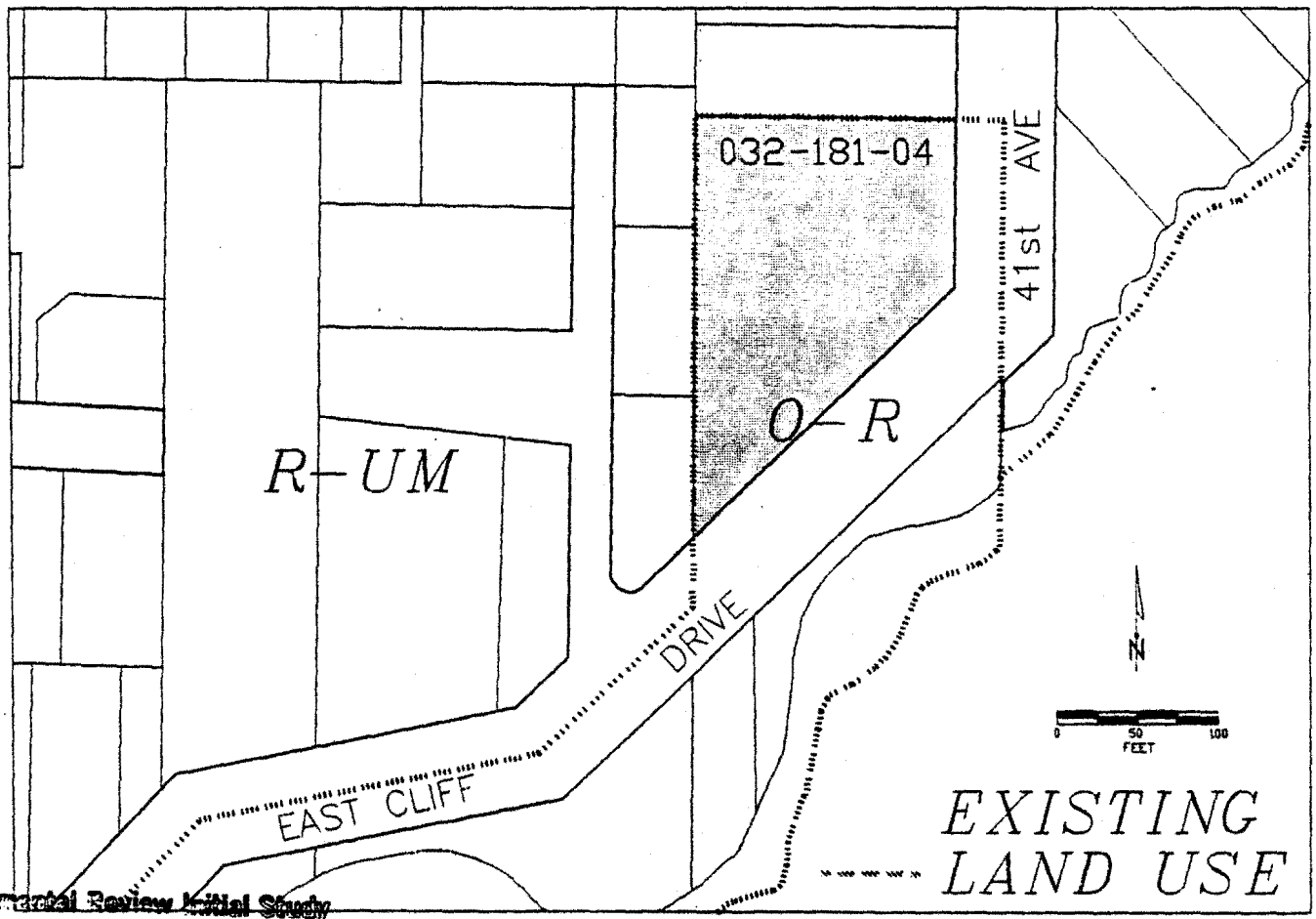
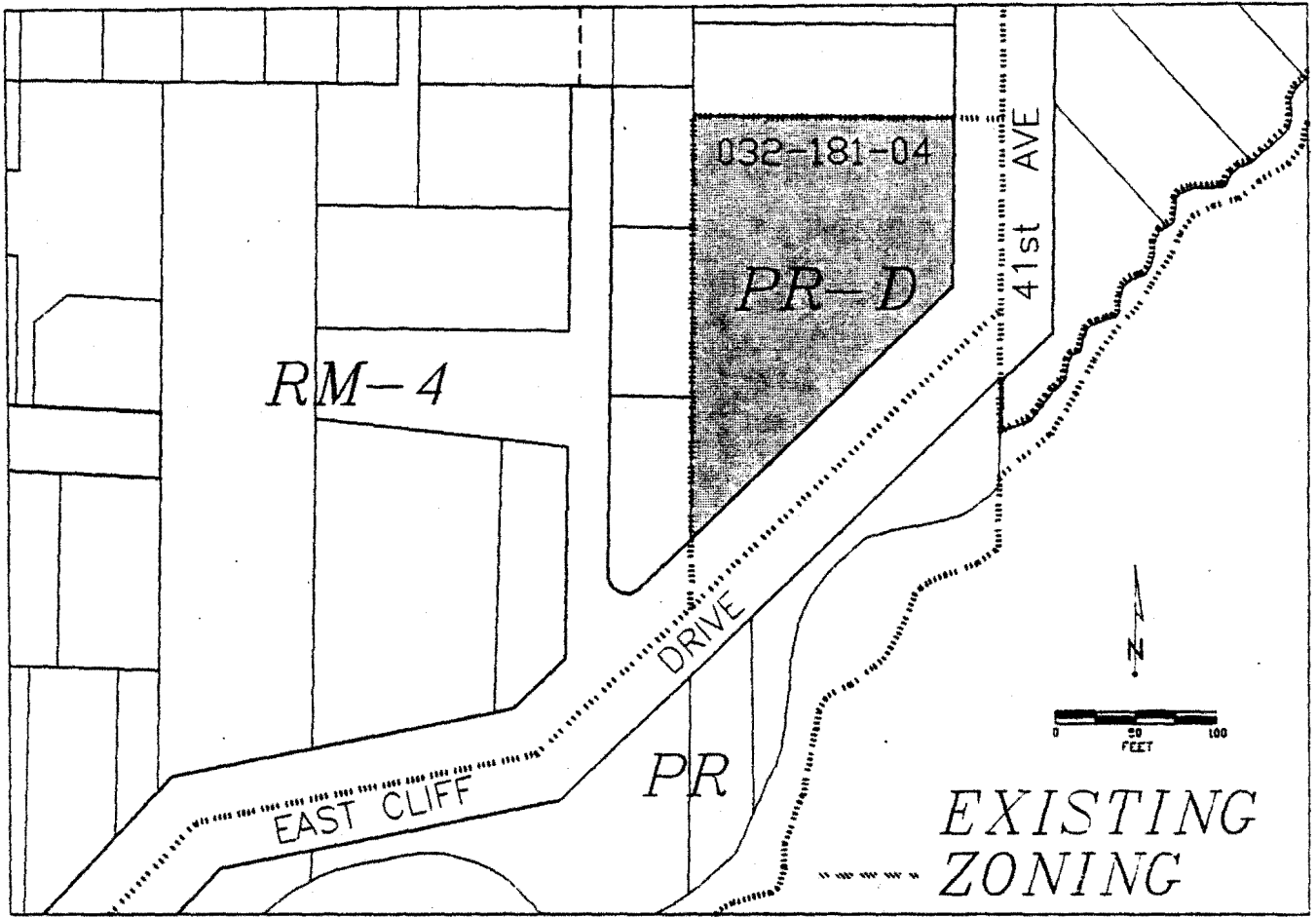
Sheet 2 of 3
 Exhibit 1
 Santa Cruz Co LCP
 Amendment #1-96

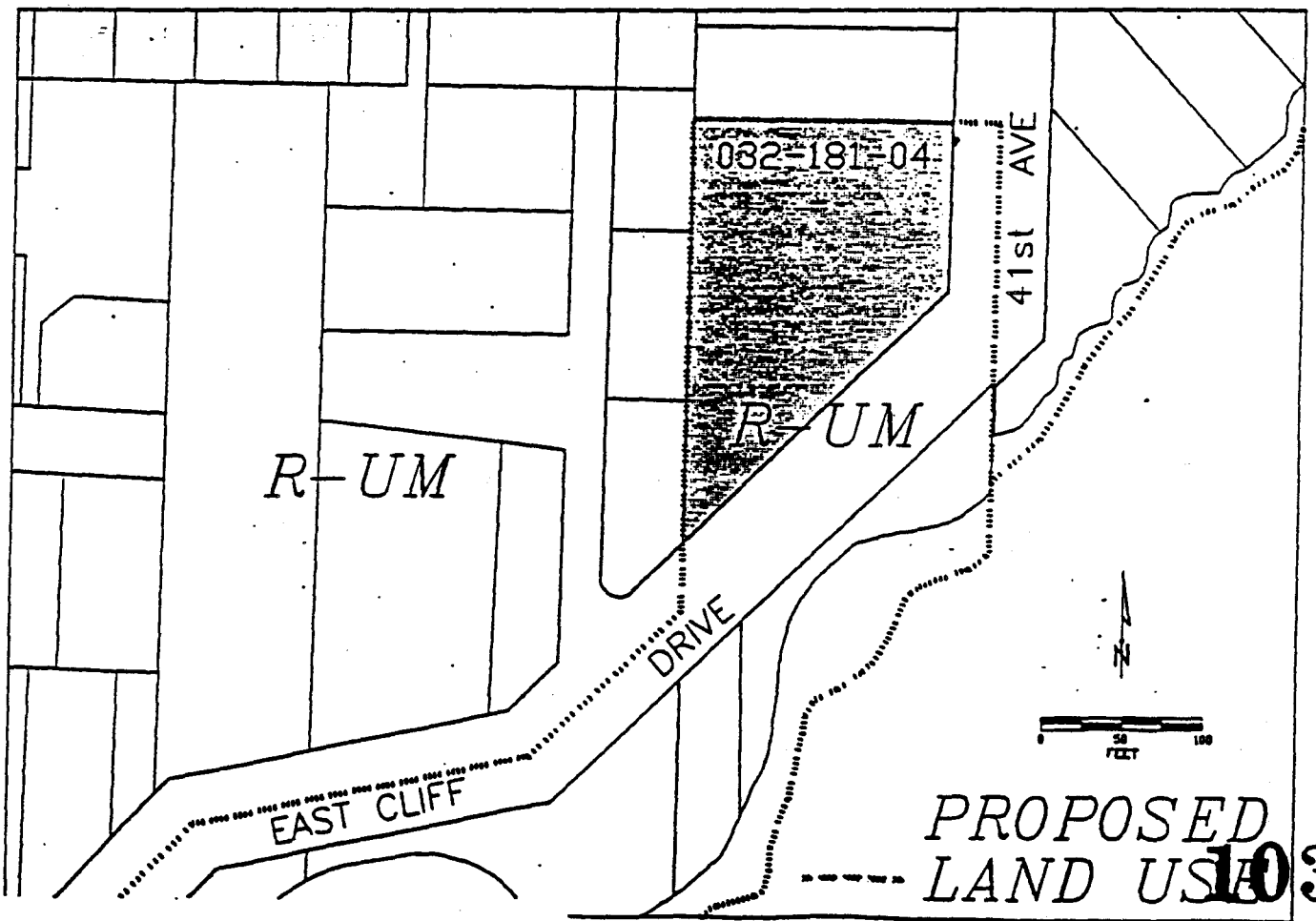
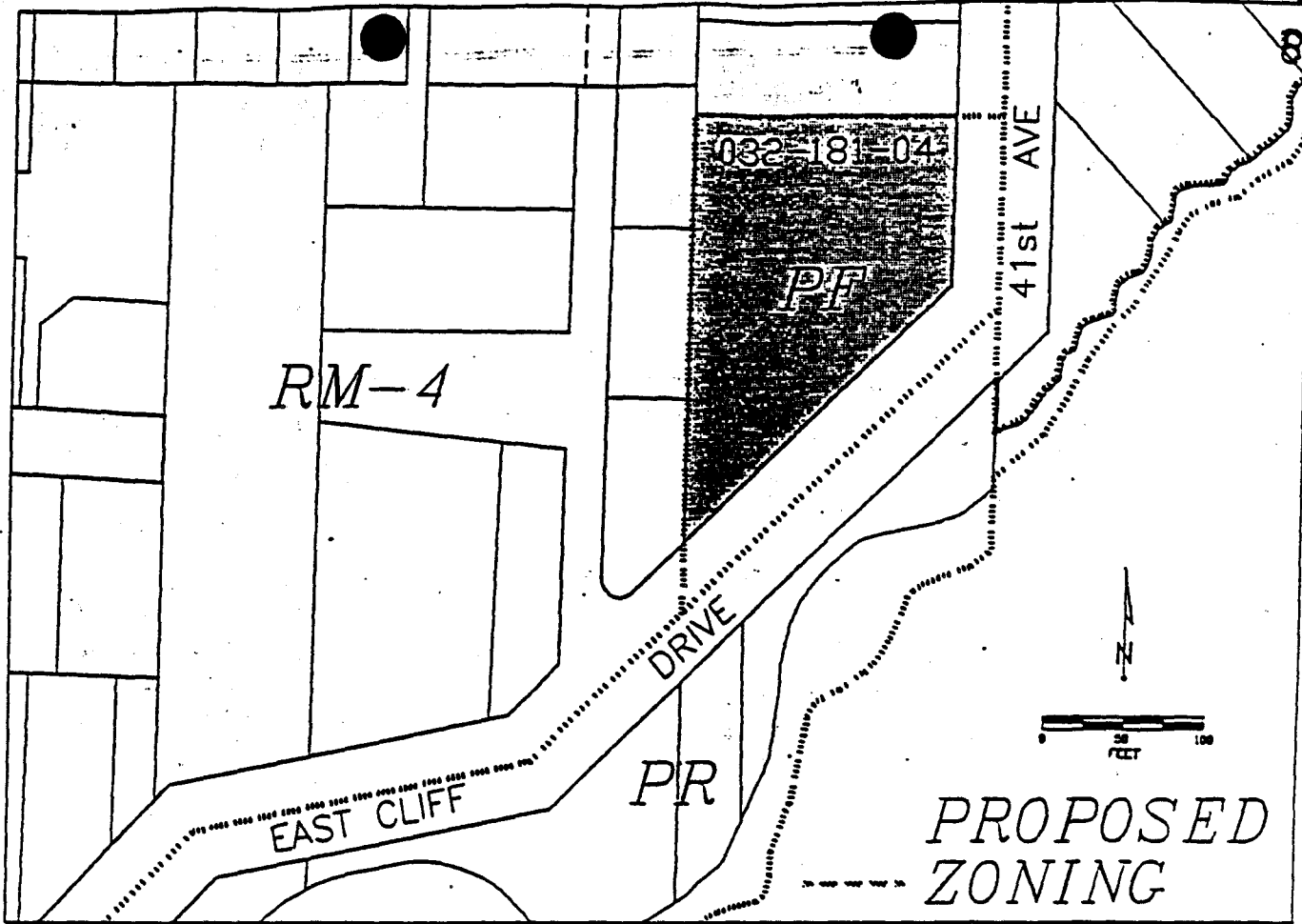
**SANTA CRUZ COUNTY LOCAL COASTAL
PROGRAM AMENDMENT # 2-96 MAJOR**

ATTACHMENT

COMPLETE COPY OF PROPOSED AMENDMENTS

CHANGES SHOWN BY ARROWS IN MARGIN (←)
CHANGES INDICATED BY STRIKE-OUTS AND UNDERLINES
AS ADOPTED BY SANTA CRUZ COUNTY
(CLEAN COPY OF ADOPTED TEXT ON FILE AT COMMISSION OFFICE)





**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
Corcoran Beach 028-225-12 028-231-01	"Existing Park, Recreation & Open Space": Acquisition and improvement of beach parcels for coastal access, recreation and protection of coastal biotic habitat.	Locate permanent public recreational support facilities, as feasible, above the area subject to coastal inundation.	Provide coastal access parking as feasible.
41st Avenue at East Cliff Drive 032-181-04	"Existing Parks, Recreation & Open Space" Preferred Use: "Proposed Parks, Recreation & Open Space" : Continued use as a beach access parking facility. Alternate Use: "Urban Medium Residential"	Improve site with paving, landscaping, drainage, and visitor support facilities.	Provide public acquisition of the site to insure permanent public use for coastal access and support facilities. Improve pedestrian connections to the shoreline.
Pleasure Point Overlook 032-242-10	"Existing Park, Recreation & Open Space": Development of coastal overlook and access with supporting improvements.	Locate any private development of the property on the west end of the parcel to preserve public coastal access and views of the coastline.	Improve and dedicate coastal overlook and access for public use.
East Cliff Drive Overlook 032-251-02,06,07,10	"Existing Park, Recreation & Open Space": Development of a coastal overlook with supporting improvements.	None.	None.