

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

427-4863

HEARING IMPAIRED: (415) 904-5200



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January 15, 1997

TO: Commissioners and Interested Parties

FROM: Tami Grove, District Director  
Diane Landry, Legal Counsel  
Rick Hyman, Coastal Program Analyst  
Steve Guiney, Coastal Program Analyst

RE: COUNTY OF SANTA CRUZ: LOCAL COASTAL PROGRAM  
MINOR AMENDMENT NO. 3-96

DHL  
1/15/97

The County of Santa Cruz is requesting that its certified Local Coastal Program (LCP) be amended as follows:

1. Reword parcel size requirements for subdividing land in fault zones.
2. Reorganize and slightly revise definitions of "density," "density credit," "developable land," and "development."
3. Revise definition of "new road."
4. Add a procedure to annually review adequacy of public services.
5. Extend expiration dates for some tentative maps.

These are minor procedural, organizational, and definition revisions to zoning codes which are consistent with and do not change the intent of the certified Land Use Plan policies. The tentative map amendment reflects a revision to the State Subdivision Map Act. The proposed amendments would not allow for any kinds, densities, or intensities of uses not already allowed nor do they reduce any resource protection standards. The Executive Director has determined that this amendment is a minor amendment. Pursuant to Commission Regulations Section 13555, the Executive Director will report in writing this determination to the Coastal Commission at its February 4-7, 1997 meeting at the Princess Resort, 1404 West Vacation Road, San Diego. He will also report any objections to the determination received within 10 days of posting of this notice. This proposed minor amendment will be deemed approved unless one-third of the appointed members of the Commission request that it be processed as a major amendment (pursuant to Section 13555(b)).

If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Steve Guiney or Diane Landry at the Central Coast District Office in Santa Cruz. If you wish to register an objection to the proposed "minor" amendment determination contact either of the above staff in writing by January 31, 1997.

# Full Text of Santa Cruz County Local Coastal Program Minor Amendment #3-96

Proposed additions for parts #1-4 are underlined; proposed additions for part #5 are shaded.

Proposed deletions for parts # 1-4 are shaded; proposed deletions for part #5 are crossed-out.

Clean, signed copy of the proposed amendments are on file with the Commission.

SECTION III

Section 13.10.700-D of the County Code is hereby amended to read as follows:

13.10.700-D "D" DEFINITIONS.

Day-Care Home, Family. A dwelling whose occupant provides care, protection, and supervision of not more than twelve persons at any time, for periods of less than 24 hours a day.

Day-Care Center. A State-Licensed facility which provides non-medical care for children or adults in need of personal services, supervision, or assistance, for periods of less than 24 hours per day.

Density. The number of permanent residential dwelling units (or their equivalent) or people allowed per acre of land. All densities specified in the General Plan and LCP Land Use Plan with the exception of overriding minimum standards are expressed in net developable acres or net developable square footage per unit. Dwelling units include all residential units having kitchen facilities, including single-family homes, mobile homes, and individual townhouse, condominium, and apartment units. When a property is designated on the Land Use Map and on the Resources and Constraints Map for different density standards, consistency with the applicable standards can be met only by satisfying the most restrictive of the requirements for the affected portions of the property. Where a parcel has two different designations on the Land Use Map, consistency with the General Plan and LCP Land Use Plan is met by conforming to the different standards for the different portions of the property.

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Density Bonus/ Incentive Zoning. The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location. Under California law, a housing development that provides 20 percent of its units for lower income households, or 10 percent of its units for very low-income households, or 50 percent of its units for seniors is entitled to a density bonus.

Density Credit. The number of dwelling units allowed to be built on a particular property determined by applying the designated General Plan and LCP Land Use designation density and implementing zone district to the developable portions of the property and to those non-developable portions of the property for which credit may be granted (see definition of Developable Land). Where credit is allowed for a non-developable portion of the property, the dwelling units must be located in the developable portion of the property.

The following areas which are not developable land shall be granted density credit for development density.

Outside the USL and RSL:

- a) land with slopes between 30 and 50 percent.

Inside the USL and RSL:

- a) land with slopes less than 30 percent in the required buffer set back from the top of the arroyo or riparian corridor, up to a maximum of 50 percent of the total area of the property which is outside the riparian corridor.

- b) The Board of Supervisors may allow a credit of up to 50 percent of the property within the 100-year floodplain if the proposal is: served by sewers; bordered by existing similarly developed lots; not at a density higher than the surrounding area; consistent with the character of the surrounding area; and will not increase the likelihood of downstream or upstream flooding. The property designated as floodway does not qualify for density credit.

Countywide Credits

The following areas are subject to special site and/or development criteria and shall be granted full density credit:

- a) Rare and endangered plant and animal habitats.

- b) Archaeological sites.  
 c) Critical fire hazard areas.  
 d) Buffer areas established between non-agricultural land uses and commercial agricultural land.  
 e) Landslide areas determined by a geological study to be stable and suitable for development.  
 f) Historic Sites

Department. The County Planning Department.

Depth. The horizontal distance between the front property line or the edge of the road right-of-way and the rear property line of a site measured along a line midway between the side property lines. The depth of a corridor lot shall be measured from the rear line of the corridor.

Detached Structure. Structure that is freestanding or attached to another structure by a breezeway or attached to another structure with no access provided between. (Ord. 4099, 12/11/90)

Developable Land. Land which is suitable as a location for structures and which can be improved through normal and conventional means, free of development hazards, and without disruption or significant impact on natural resource areas. Density credit shall ordinarily be granted only to the developable area of a parcel, however, density credit shall also be given for other portions of a parcel as noted in the parenthetical material below; land shall also be reviewed in terms of its potential for development specifically related to the provision of necessary public services and facilities.

I. The following areas shall not be considered as developable land:

- (1) Land with slope greater than 30 per cent and coastal bluffs. (Outside of the Urban Service Line, land with slope between 30 per cent and 50 per cent shall be credited for development density.)
- (2) Riparian corridors, wooded arroyos, canyons, stream banks, areas of riparian vegetation and, along riparian corridors inside the Urban Services Line, areas within a 50 foot setback from the top of riparian arroyos corridor. (Inside the Urban Services Line density credit shall be granted for areas outside the riparian corridor which are under 30 per cent slope and within the required 50 foot setback line from the top of the arroyo, up to a maximum of 50 per cent of the total area of the property which is outside of the riparian corridor.)
- (3) Lakes, streams, marshes, sloughs, wetlands, water areas, beaches and areas within the 100 year flood plain. (Outside the Coastal Zone, if the land is served by a sanitary sewer system, density credit shall be granted for portions of the area within the 100 year flood plain, except for land within the floodway, at the discretion of the Planning Commission and/or Board of Supervisors. Inside the Coastal Zone, at the discretion of the Board of Supervisors, allow a density credit of up to 50 per cent of a property's acreage within the 100-year flood plain if the residential proposal is located within the Urban Services Line, served by sewers, bordered by existing similarly developed lots, not at a density higher than the surrounding area, consistent with the character of the surrounding area, and will not increase the likelihood of downstream or upstream flooding. Exclude the portion of the property designated as floodway from density calculations.)
- (4) Areas of recent or active landslides. (Landslide areas determined by a geological study to be stable and suitable for development shall be granted full density credit.)
- (5) Land within 50 feet of an active or potentially active fault trace.
- (6) Outside the Coastal Zone, Type 1 and Type 2 Commercial Agricultural land and mineral resource areas.  
 Inside the Coastal Zone, prime agricultural land (as defined in Local Coastal Plan policy 2.1.1) and mineral resource area.
- (7) Inside the Coastal Zone, Areas subject to inundation as defined by a geological

hazards assessment or full geologic report.

2. The following areas are subject to special site and/or development criteria and shall be granted full density credit:

- (1) Rare and endangered plant and animal habitats.
- (2) Archeological sites.
- (3) Critical fire hazard areas.
- (4) Buffer areas established between non-agricultural land uses and commercial agricultural land.

3. The definition of "Net developable area" is found in Section 13.10.700-N. See the definition of Density Credit in 13.10.700-D.

### Development

1. Outside the Coastal Zone, development activities include the subdivision of land and the construction or alteration of structures, roads, utilities, and other facilities, installation of septic systems, grading activities, clearing of natural vegetation cover with the exception of those agricultural activities exempted by Section 16.50.050 of the County Code and with the exception of routine repair and maintenance activities.

2. Inside the Coastal Zone, On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration or improvement of the size of any structure in excess of fifty per cent of the existing structure's fair market value, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

Director. The County Planning Director, or his or her authorized representative, appointed pursuant to law.

Discretionary Use. See Use, Discretionary.

Drive-In Uses. All those facilities where:

1. Food, goods or services are dispensed to occupants of automobiles parked in designated spaces without the need to wait in line, including car-service restaurants.
2. Non-mechanical maintenance is performed on a vehicle parked in a designated space, usually while a customer remains on the premises, including conveyor type car washes and holding-tank dumping stations.

Dog. A domestic dog (canis familiaris) of either sex altered or unaltered that has reached the age of four months.

Drive-Through Uses. Any use which provides food, goods, or services to occupants of automobiles passing continuously past a pick-up station, including drive-through fast-food

restaurants, drive-through dairy-products stores, drive-through banks, and drive-through cleaners.

Dwelling. A one-family dwelling, multiple-family dwelling, or lodging house. For purpose of this definition, automobile trailers, mobile homes, hotels, motels, labor camps, tents, railroad cars, and temporary structures shall not be deemed dwellings, except that a mobile home may be deemed to be a dwelling when it has been authorized to be used for single-family residential purposes by a permit issued pursuant to the provisions of Section 13.10.682 of the County Code.

Dwelling Group. A group of two or more detached or semi-detached one-family, or multiple-family dwellings occupying a parcel of land in one ownership and having any yard or court in common.

Dwelling, Single-Family. A detached building, or a semi-detached building sharing one common wall with an adjacent dwelling unit, which contains one dwelling unit.

Dwelling Unit. A structure for human habitation providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, with the restrictions that only one kitchen or set of food preparation facilities is allowed in each dwelling unit and an interior stairway shall be provided between all stories.

#### SECTION IV

Section 16.10.080 of the County Code is hereby amended to read as follows:

#### 16.10.080 PROJECT DENSITY LIMITATIONS

The following requirements shall apply to density calculations for new building sites created through land division, subdivision, or other development permit:

(a) Fault Zones:

1. The portion of a property within 50 feet of an active or potentially active fault trace shall be excluded from density calculations. Require a minimum 50 foot setback for all residential structures and 100 foot setback for all commercial, multi-residential, high occupancy, and critical structures from active or potentially active fault traces.
2. In the Coastal Zone: Outside the USL and RSL, a twenty gross acre minimum parcel size shall be required for the creation of new parcels within all State and County fault zones where the proposed building sites lie within the fault zone.
3. In the State or County designated fault zones outside the Coastal Zone, the following density may be permitted:
  - (i) Twenty gross acre minimum parcel size when the proposed building site(s) cannot be set back 50 feet from the active fault traces and 100 feet from landslides for the creation of new parcels. (A 50-foot fault trace setback is required in all cases, and no building shall be located on an active landslide.)
  - (ii) If the proposed building site(s) meet the above setback requirements, then divisions may be considered to a minimum of 10 acres.

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from active fault traces and 125 feet from landslides, divisions may be considered to 2-1/2 acre parcels, provided that the overall average parcel size within the project is no less than five acres.

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- (ii) Within the Urban Services Line and Rural Services Line, if building sites can be set back 50 feet from active fault traces, the Land Use Element of the General Plan and Local Coastal Program Land Use designation shall serve as the controlling document for determining minimum allowable parcel sizes.
- (b) Landslides and Steep Slopes. The portion of a property with slopes over 30 percent in urban areas and 50 percent in rural areas, and the portion of a property within recent or active landslides, shall be excluded from density calculations. Landslide areas determined by a geologic report to be stable and suitable for development shall be granted full density credit.
- (c) Floodways. The portion of a parcel within the one-hundred year floodway shall be excluded from any density calculations.
- (d) Floodplains.
1. The portion of a property within the one-hundred year floodplain shall be excluded from residential density calculations for parcels outside the Urban Services Line or not served by sewer districts.
  2. A density credit of up to 50 percent of a property's acreage within the one-hundred year floodplain shall may be allowed at the discretion of the Board of Supervisors for residential proposals, if the development proposal conforms to the following criteria:
    - (i) location within the Urban Services Line;
    - (ii) service by sewer;
    - (iii) existing similarly developed lots bordering the property;
    - (iv) proposal density no higher than the density of the surrounding area, or in the coastal zone, no higher than the density allowed by the Land Use Plan;
    - (v) proposal consistency with the character of the surrounding area;
    - (vi) determination by the County Geologist, based on the geologic hazards assessment, hydrologic investigation, or full geologic report, that the proposal will not cause adverse impacts on the upstream or downstream flooding.
- (e) Coastal Hazards. The portions of a property subject to coastal inundation, as determined by a geologic hazards assessment or geologic report, shall be excluded from density calculations.

## SECTION V

The definition of New Road included in Section 16.22.030 of the County Code is hereby amended to read as follows:

New Road or Driveway. Any newly constructed road or driveway or any improvement to an existing road bed which requires more than 100 cubic yards grading in any 500- foot segment in order to meet the design standards in Section 16.20.180. Any road or bridge constructed pursuant to a Timber Harvest Permit issued by the State of California shall be considered a new road for the purposes of subsequent development and shall be subject to all current design standards and applicable policies.

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SECTION VI

Section 17.04.050 of the County Code is hereby amended by adding sub section (c) as follows:

(c) As part of the establishment of the annual growth goal for the County, a review of the adequacy of public services for existing and anticipated growth shall be undertaken. This annual review shall include an analysis of the number of new residential units and amount of commercial development by planning area and what public services have been provided to address said development. Revised buildout projections by planning area based on General Plan amendments or rezoning approvals in the proceeding year and since adoption of the General Plan shall be provided in this annual review. If the revised buildout projection in any planning area exceeds the buildout projection's for that planning area contained in the General Plan EIR, the Board of Supervisors shall take action to insure that development beyond the buildout projection, in that area, will not occur without the preparation of amended Land Use Plans and/or area-wide rezoning, including all CEQA documentation, to address the additional growth.

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SECTION VII

If any section, subsection, division, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, division, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

SECTION VIII

This ordinance shall take effect on the 31st day after final passage or upon certification by the California Coastal Commission, which ever occurs later.

PASSED AND ADOPTED BY the Board of Supervisors of the County of Santa Cruz this \_\_\_\_\_ day of \_\_\_\_\_, 1996, by the following vote:

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

CHAIRPERSON, BOARD OF SUPERVISORS



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

ORDINANCE AMENDING SECTIONS 14.01.316 AND 18.10.133 OF THE SANTA CRUZ COUNTY CODE RELATING TO TIME EXTENSIONS FOR LAND DIVISION PERMITS AND DEVELOPMENT PERMITS

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

SECTION I

Section 14.01.316 of the Santa Cruz County Code is hereby amended to read as follows:

14.01.316 EXTENSION OF TIME TO FILE FINAL OR PARCEL MAPS.

(a) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended for a period or periods not exceeding a total of ~~three~~ five years. The period of extension specified in this Section shall be in addition to the period of time provided by Subsection (a) of Section 14.01.315. A timely filing of an application for an extension of the tentative map shall automatically extend the tentative map approval for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. Requests for time extensions for all subdivision tentative map approvals shall be initiated by the subdivider on forms provided by the Planning Department. Such requests shall be processed pursuant to Processing Level VI (Planning Commission) in accordance with Chapter 18.10, and the appropriate appeal procedures set forth in Sections 18.10.300 - 18.10.360. When considering such requests, the Planning Commission may add or modify any conditions of approval of the original tentative map.

(b) As provided in Subsection (a) of Government Code Section 66452.13, the expiration date of any tentative map for which the tentative map has been approved and has not expired on or before May 14, 1996 shall be automatically extended by 12 months.

Not part of LCP

SECTION II

Subsections (a) and (b) of Section 18.10.133 of the Santa Cruz County Code are hereby amended to read as follows:

(a) Development Permits. A Development Permit may be renewed up to five times for an additional period of not to exceed one year at a time, provided that an application to amend the

permit by changing the expiration date is filed with the Planning Department before the expiration date of the Development Permit. Time extensions for Development Permits shall be processed pursuant to Level IV (Public Notice) in compliance with this Chapter. An application to amend a Development Permit by changing the expiration date may be approved or denied, or the conditions of the original permit may be modified or new conditions added.

Notwithstanding the foregoing, any Development Permit or other regulatory approval by any agency of the County of Santa Cruz that pertains to a development project included in a tentative subdivision map that is extended pursuant to ~~Subsection (b) of this Section and/or pursuant to Government Code Sections 66452.11(a) and/or 66452.13(a)~~ shall be extended ~~24 months if such approval has not expired on September 13, 1993 for the same period that the tentative map is extended.~~

(b) Land Division Permits. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which such map expires may be extended by the approving body for a period or periods not exceeding a total of ~~threefive~~ years from the date of the expiration of the original tentative map approval. Requests for time extensions for all tentative map approvals shall be initiated by the subdivider on forms provided by the Planning Department. Such requests shall be processed pursuant to Level IV (Public notice) for Minor Land Divisions and V (Zoning Administrator) for Subdivisions, except that the appeal period shall be 15 calendar days. When considering such requests, the approving body may add or modify any conditions of approval of the original tentative map.

### SECTION III

This ordinance is an urgency ordinance necessary for the immediate preservation of the public peace, health, or safety within the meaning of Government Code Section 25123 and shall take effect immediately upon the date of final passage.

The facts constituting the urgency are as follows: In order to permit cities and counties to preserve development applications that are about to expire, and that cannot presently be processed due to the prevailing adverse economic conditions in the construction industry, the California Legislature adopted and the Governor signed into law Government Code Section 66452.13 as an urgency measure to provide for the automatic extension of tentative subdivision maps approved and not expired as of May 15, 1996. It is further necessary that this ordinance take immediate effect to implement Government Code § 66452.13 and to further its purpose by authorizing the automatic extension of development permits and other regulatory actions approved concurrently with such tentative