

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
427-4863
RING IMPAIRED: (415) 904-5200



W7A

DATE: September 22, 1998

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Charles Lester, District Manager
Rick Hyman, Coastal Program Analyst

SUBJECT: **County of Santa Cruz Local Coastal Program Major Amendment #1-98**
Concurrence with the Executive Director's determination that the action by the County of Santa Cruz, accepting certification of Major Amendment #1-98 with modifications to the County's Local Coastal Program, is legally adequate.

EXECUTIVE DIRECTOR'S DETERMINATION AND REPORT FOR
COMMISSION REVIEW AT THE MEETING OF OCTOBER 14, 1998

Background

Local Coastal Program Major Amendment # 1-98, regarding density credits and local appeal periods, was certified by the Commission on July 9, 1998 with modifications to both components of the amendment. On August 4, 1998 (within the six month time limit for responding to and acting on the Commission's certification of an LCP amendment), the Board of Supervisors considered the Commission's action, acknowledged receipt of the resolution of certification, and accepted and effectuated one of the two Commission's suggested modifications under Resolution No. 317-98 and Ordinance #4500-C. This was the modification to the appeals period component. The County did not accept and does not intend to accept the other modification. Rather, the County will be submitting a new amendment request covering that subject in the future. Therefore, that portion of Major Amendment # 1-98 regarding density credits stands denied.

Recommendation

Pursuant to Section 13544 of the California Code of Regulations, the Executive Director must determine that the action of Santa Cruz County is legally adequate and report that determination to the Commission. It is recommended that the Commission concur with the determination of the Executive Director that the action of the Board of Supervisors of Santa Cruz County accepting the certification of the appeal period (part B) component of LCP Major Amendment #1-98 is legally adequate.

Attachments

- o Draft letter to Board of Supervisors Chairperson Beautz
- o Copy of Resolution No. 317-98 and Ordinance #4500-C

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(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



DRAFT

October 15, 1998

Janet Beautz, Chairperson
Santa Cruz County Board of Supervisors
County Government Center
701 Ocean Street
Santa Cruz, CA 95060

Re: County of Santa Cruz, Local Coastal Program Major Amendment #1-98

Dear Chairperson Beautz:

This office has reviewed Santa Cruz County's Resolution No. 317-98 and companion Ordinance #4500-C adopted by the Board on August 4, 1998. By that action the County acknowledged the receipt of the Commission's certification and has incorporated the certified amendment into the County's Local Coastal Program. I have determined, and the Commission has concurred, that the County's action with respect to Local Coastal Program Major Amendment #1-98, regarding appeal periods, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Commission at the October 14, 1998 meeting in Santa Barbara. The modified amendment is, therefore, in effect.

Very truly yours,

PETER M. DOUGLAS
Executive Director

CHARLES LESTER
Deputy Director

cc: Mark Deming, Santa Cruz County Planning
Susan Rozario, Clerk of the Board

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

RESOLUTION NO. 317-98

On the motion of Supervisor Belgard
duly seconded by Supervisor Wormhoudt
the following is adopted:

WHEREAS, the County of Santa Cruz has adopted a Local Coastal Program, including implementing ordinances, which Program has been certified by the California Coastal Commission in accordance with the California Coastal Act (Public Resource Code Section 30000 et seq; and

WHEREAS, on April 21, 1998, the Board of Supervisors adopted Ordinance No. 4500 amending Sections 12.12.020, 18.10.131, 18.10.320, 18.10.330 and 18.10.340 of the County Code and submitted said ordinance to the Coastal Commission for certification;

WHEREAS, on July 9, 1998, the Coastal Commission considered Ordinance No. 4500 and certified it as conforming with the County's Local Coastal Program subject to certain modifications; and

WHEREAS, the Board of Supervisors has considered the recommended modifications and found them to be acceptable; and

WHEREAS, in compliance with CEQA and State and County Environmental Review guidelines, amendments to Sections 12.12.020, 18.10.131, 18.10.320, 18.10.330 and 18.10.340 have been issued an Exemption, which has been considered by the Planning Commission and the Board of Supervisors, and the recommended modifications do not require additional environmental review; and

WHEREAS, the California Coastal Commission has certified the Implementation Program of the County's Local Coastal Program; and

WHEREAS, Ordinance No. 4500, as modified and renumbered 4500-C, is consistent with the County General Plan, and all components of the County Local Coastal Program Land Use Plan; and

WHEREAS, Ordinance No. 4500, as modified and renumbered 4500-C, is consistent with the California Coastal Act and shall be carried out in accordance with Section 30510(a) of the Act;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors hereby approves Ordinance No. 4500-C amending the Santa Cruz County Local Coastal Program, to become effective on the 31st day after final passage or certification by the

SCCo Am # 1-98

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ATTACHMENT 2

Coastal Commission, whichever occurs later, and to then supercede Ordinance No. 4500:

AN ORDINANCE AMENDING SANTA CRUZ COUNTY CODE SECTIONS INCLUDING LOCAL COASTAL PROGRAM IMPLEMENTING ORDINANCES: 12.12.020, 18.10.131, 18.10.320, 18.10.330 AND 18.10.340 TO CHANGE THE LENGTH OF APPEAL PERIODS FROM TEN CALENDAR DAYS TO FOURTEEN CALENDAR DAYS

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 4th day of August, 1998 by the following vote:

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

JANET K. BEAUTZ

Janet K. Beautz, Chairperson
Board of Supervisors

ATTEST:

SUSAN M. ROZARIO

Clerk of the Board

APPROVED AS TO FORM:

Dec S

County Counsel

DISTRIBUTION: County Counsel
Planning Department ✓

RECEIVED FOR THE
COUNTY OF SANTA CRUZ

I, SUSAN M. ROZARIO, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Santa Cruz.

Witness my hand and seal of office this 8th day of August, 1998.

Signed on 8/5 98

SUSAN M. ROZARIO, County Clerk
Administrative Office

[Signature]

ORDINANCE 4500-C

ORDINANCE AMENDING COUNTY CODE SECTIONS
12.12.020, 18.10.131, 18.10.320, 18.10.330 AND 18.10.340
CHANGING THE LENGTH OF APPEAL PERIODS
FROM TEN CALENDAR DAYS TO FOURTEEN CALENDAR DAYS
AS MODIFIED BY THE CALIFORNIA COASTAL COMMISSION

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

SECTION I

Section 12.12.020(a) of the Santa Cruz County Code is hereby amended to read as follows:

- (a) Appeals to the Building Appeals Board shall be taken by filing a written Notice of Appeal with the Building Official within fourteen calendar days after the day on which the act or determination appealed from was made.

SECTION II

Section 18.10.131(b) of the Santa Cruz County Code is hereby amended to read as follows:

- (b) Level IV (Public Notice). Permits processed at Level IV (Public Notice) are issued after an appeal period of fourteen (14) calendar days from either the date of publication of the public notice of pending action or the date the notices are mailed, whichever is later, unless an administrative appeal is filed in accordance with the procedures in Section 18.10.300 et seq. Actions to approve or deny projects at Level IV (Public Notice) are made by the Planning Director or his or her designee. If an appeal is filed, an approval or denial shall not become effective until the appeal has been resolved.

SECTION III

Section 18.10.131(c) of the Santa Cruz County Code is hereby amended to read as follows:

- (c) Levels V (Zoning Administrator) through VII (Board of Supervisors). Permits processed at Levels V (Zoning Administrator) through VI (Planning Commission) are issued after an appeal period of fourteen (14) calendar days (except in the cases of tentative map approvals which require 10 calendar days and extensions of tentative maps which require 15 days) from the date of determination, unless an appeal is filed. Permits processed at Level VII (Board of Supervisors) outside the Coastal Zone or inside the Coastal Zone, but not appealable to the Coastal Commission pursuant to Section 13.20.122, are final on the date of Board action. Permits processed at Level VII (Board of Supervisors) inside the Coastal Zone are final the day after the appeal period to the Coastal Commission has ended, unless an appeal to the Coastal Commission has been

filed. Actions to approve or deny projects are made by the appropriate approving body and may be appealed in accordance with the procedures in Section 18.10.300 et seq. If an appeal is filed, an approval or denial shall not become effective until the appeal has been resolved. Permits which require Coastal Zone approvals shall not be issued until notice of the ending of the Coastal Zone appeal period is received.

SECTION IV

Section 18.10.320(a) of the Santa Cruz County Code is hereby amended to read as follows:

(a) Who May Appeal. Any decisions or actions of any staff person charged with the administration of this Chapter may be administratively appealed to the Planning Director. Such an appeal may be initiated by the applicant by submitting a written request to the Planning Director within fourteen calendar days of the decision, in the case of permits issued pursuant to Levels I (No Plans through Level III (Field Visit), and by any aggrieved person or the applicant by submitting a written request to the Planning Director within fourteen calendar days from the date of the publication of the notice of pending action, or the date the notices are mailed, whichever is later, in the case of permits issued pursuant to Level IV (Public Notice).

SECTION V

Section 18.10.330(a) of the Santa Cruz County Code is hereby amended to read as follows:

(a) Who May Appeal. Any person whose interests are adversely affected by any act or determination of the Zoning Administrator under this Chapter may appeal such act or determination to the Planning Commission. Appeals from any action of the Zoning Administrator shall be taken by filing a written notice of appeal with the Planning Department not later than the fourteenth calendar day after the day on which the act or determination appealed from was made.

SECTION VI

Section 18.10.340(a) of the Santa Cruz County Code is hereby amended to read as follows:

(a) Who May Appeal. Any person whose interests are adversely affected by any act or determination of the Planning Commission, or by the Agricultural Policy Advisory Commission, acting pursuant to Chapter 16.50, may appeal such act or determination to the Board of Supervisors; provided, however, that where the determination made by the Commission is given in the form of a recommendation or report addressed to the Board of Supervisors, no appeal may be taken, but any interested party shall be entitled to appear before the Board of Supervisors at the time of consideration of such recommendation or report and to be heard thereon. Appeals to the Board shall be taken by filing a written notice of appeals with the Clerk of the Board of Supervisors not later than the fourteenth calendar day (10 calendar days for tentative maps and 15 calendar days for time extensions of tentative maps) after the day on which the act or determination appealed from was

made. The Clerk of the Board shall send notice of such appeal to the Planning Department within one day of the filing of the appeal.

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, whichever is later.

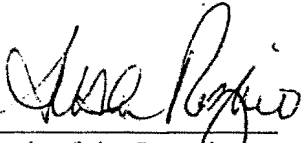
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 21st day of April, 1998, by the following vote:

AYES: Symons, Wormhoudt, Belgard, Almquist and Beautz

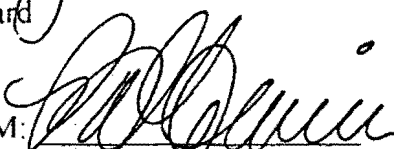
NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
Clerk of the Board


CHAIRPERSON, BOARD OF SUPERVISORS

APPROVED AS TO FORM: 
County Counsel