

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

C.F.Z.
12/14/98

**W15A**

December 16, 1998

TO: Commissioners and Interested Parties

FROM: Charles Lester, District Manager
Rick Hyman, Coastal Program Analyst

SUBJECT: **SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MINOR AMENDMENT
NO. 2-98**

Santa Cruz County is requesting that the Implementation Portion of its certified Local Coastal Program be amended to add definitions of "conversion," "demolition," and "replacement" and revise replacement provisions for demolished housing consistent with State law, Government Code Section 65590. The revised *County Code* section is 12.06.060. Also, new Sections 12.06.025; 12.06.070, and 12.06.080 are proposed. New section 12.06.070 falls within a Coastal Implementation chapter, but is not technically an amendment to the Local Coastal Program since it applies only outside of the coastal zone. The full text of the amendments is attached to this notice. This amendment request was filed on December 11, 1998, pursuant to Section 30510(b) of the Coastal Act and Section 13553 of the California Code of Regulations.

The purpose of this notice is to advise interested parties of the determination by the Executive Director pursuant to Section 13555 of California Code of Regulations that the filed amendment is "minor" as defined in Section 13554. The amendment falls under the following category allowed by Section 13554:

changes in wording which make the use as designated in the zoning ordinances...more specific and which do not change the kind, location, or density of use and which are found...to be consistent with the land use plan...;

Pursuant to Section 13555, the Executive Director will report in writing this determination to the Coastal Commission at its meeting of January 13, 1999 to be held at the Olympic Conference Center, 11301 Olympic Boulevard, Los Angeles. 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)). It will take effect immediately.

If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Rick Hyman at the Central Coast District Office in Santa Cruz. If you wish to register an objection to the proposed "minor" amendment determination, please contact the staff by January 8, 1999.

**SANTA CRUZ COUNTY: LOCAL COASTAL PROGRAM MINOR
AMENDMENT NO. 2-98**

ATTACHMENT

FULL TEXT OF PROPOSED AMENDMENTS

PORTIONS WHICH ARE NEW ARE SHADED

DELETIONS ARE SHOWN BY STRIKE-OUTS

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 12.06.060 AND ADDING
SECTIONS 12.06.025, 12.06.070 AND 12.06.080 OF THE SANTA CRUZ COUNTY CODE
RELATING TO DEMOLITION AND CONVERSION OF AFFORDABLE HOUSING

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

SECTION I

Section 12.06.025 is hereby added to the Santa Cruz County Code, to read as follows:

12.06.025 DEFINITIONS

As used in this Chapter:

(a) "Conversion" means a change of a residential dwelling, including a mobile home, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership, or to a nonresidential use.

(b) "Demolition" means the demolition of a residential dwelling, including a mobile home, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code or any local ordinance enacted pursuant to those provisions.

(c) "Replacement Dwelling Unit" means an affordable housing unit, as defined in Chapter 17.10, and subject to the provisions of that Chapter. +

SECTION II

Section 12.06.060 of the Santa Cruz County Code is hereby amended to read as follows:

12.06.060 PROVISION OF REQUIREMENT FOR REPLACEMENT OF DEMOLISHED
OR CONVERTED AFFORDABLE HOUSING IN THE COASTAL ZONE

(a) ~~The applicant shall provide a replacement housing unit for each unit demolished or converted to nonresidential uses unless one of the following conditions can be met:~~

- ~~1. The unit to be demolished or converted is not occupied by an individual or household of low or moderate income;~~
- ~~2. The residential structure or group of residential structures to be demolished or converted contains two or fewer dwelling units;~~
- ~~3. The demolition or conversion is being requested to convert the use of the parcel to one which is "coastal dependent" or "coastal related" in conformance with the parcel's designation in the Land Use Element of the General Plan.~~

(b) ~~The following standards shall apply to the required replacement housing:~~

- ~~1. Location. The replacement dwelling units shall be located on the site of the demolished or converted structure if feasible. If the structure to be demolished or converted is located within the Coastal zone, and on-site replacement housing is not feasible, replacement housing shall be located elsewhere within the Coastal Zone, or if this is not feasible, within three miles of the Coastal Zone.~~
- ~~2. Timing & Bonding. The replacement dwelling units shall be provided and available for occupancy within three years from the date of issuance of the permit authorizing the demolition or conversion of the residential dwelling unit. The applicant shall provide a bond in the amount of \$25,000.00 for each replacement unit required. At the applicant's option, or if the replacement units are not provided within the three-year period, the bond shall be forfeited to the County and used to assist in the provision of affordable housing.~~
- ~~3. Affordability. The replacement dwelling units shall be affordable housing units, as defined in Chapter 17.10, and shall be subject to the provisions of that Chapter.~~

Within the Coastal Zone, the requirements for replacement housing as provided in Government Code Sections 65590 and 65590.1, and any amendments thereto, shall apply to the demolition or conversion of affordable housing. These requirements shall be in addition to any other applicable provisions and requirements as set forth in state and federal statutes and regulations, the Housing Element of the County's General Plan, the Santa Cruz County Code, including but not limited to Chapter 8.45, and any other policies of the County of Santa Cruz.

SECTION III

Chapter 12.06 of the Santa Cruz County Code is hereby amended by adding Section 12.06.070 to read as follows:

12.06.070 REQUIREMENTS REGARDING DEMOLISHED OR CONVERTED LOWER INCOME HOUSING OUTSIDE THE COASTAL ZONE

(a) In addition to any other requirements of the Housing Element of the County General Plan, the provisions and requirements of this Section shall apply outside the Coastal Zone.

(b) The conversion or demolition of existing residential dwelling units occupied by lower income persons or households as defined in Section 50079.5 of the Health and Safety code shall not be authorized unless the requirements of either subsection (1) or subsection (2) below are satisfied:

(1) Relocation assistance is provided to each permanent resident of such a dwelling unit who, as a result of the conversion or demolition of such dwelling unit, relocates off site, as follows:

A. Reimbursement of actual moving expenses, not to exceed \$800 per adult resident, and,

B. The right of first refusal for purchase, rental or leasing of a replacement dwelling unit, if any, including the right to require the owner of such replacement unit to participate in any housing assistance program benefitting the displaced resident, and

C. Payment of a relocation payment in the same amount established pursuant to County Code Chapter 8.45, or

(2) Provision has been made for the replacement of those dwelling units with units for persons and families of low or moderate income in like manner as is required under County Code Section 12.06.060 inside the Coastal Zone.

(c) This Section is intended to be in addition to and in no way to override, alter or diminish:

(1) Procedural protections designed to prevent abuse of the right to evict tenants;

(2) Either Section 65863.7 of the Government Code relating to the withdrawal of accommodations that comprise a mobile home park from rent or lease or subdivision (f) of Section 798.56 of the Civil Code relating to a change of use of a mobile home park, or

(3) Any other relevant requirements, limitations or prohibitions imposed by federal, state or local law or regulation.

SECTION IV

Chapter 12.06 of the Santa Cruz County Code is hereby amended by adding 12.06.080 to read as follows:

Sections 12.06.060 and 12.06.070 of this Chapter are intended to be in addition to and in no way to override, alter or diminish:

- (a) Procedural protections designed to prevent abuse of the right to evict tenants;
- (b) Either Section 65863.7 of the Government Code, relating to the withdrawal of accommodations that comprise of mobile home park from rent or lease or subdivision (f) of Section 798.56 of the Civil Code relating to a change of use of a mobile home park, or
- (c) Any other relevant requirements, limitations or prohibitions imposed by federal, state or local law or regulation.

SECTION V

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 VI

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 _____ day of _____, 1998, by the following vote: