

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
27-4863



W10a

DATE: June 30, 1999
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 #2-98**
Concurrence with the Executive Director's determination that the action by the County of Santa Cruz, accepting certification of Major Amendment #2-98 Part B 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 JULY 14, 1999

Background

Local Coastal Program Major Amendment # 2-98, Part B, regarding geologic hazards, was certified by the Commission on February 3, 1999 with modifications (Part A regarding "urban-like development in rural areas" was approved without any modifications). On March 9, 1999 (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 the Commission's suggested modifications under Resolution No.81-99 and Ordinance #4518-C. One of the four modifications was made in a slightly different manner than suggested, but preserving the intent of the modification.

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 geologic hazards (part B) component of LCP Major Amendment #2-98 is legally adequate.

Attachments

- o Draft letter to Board of Supervisors Chairperson Almquist
- o Copy of Resolution No. 81-99 and excerpts from Ordinance #4518-C (excerpts illustrate modifications; complete copy of ordinance available at Commission office)

- DRAFT -

Jeff Almquist, Chairperson
Santa Cruz County Board of Supervisors
County Government Center
701 Ocean Street
Santa Cruz, CA 95060

Dear Chairperson Almquist:

This office has reviewed Santa Cruz County's Resolution No. 81-99 and companion Ordinance #4518-C adopted by the Board on March 9, 1999. 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 #2-98 Part B, regarding geologic hazards, 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 July 14, 1999 meeting in San Rafael. The modified amendment is, therefore, in effect.

Very truly yours,

PETER M. DOUGLAS
Executive Director

CHARLES LESTER
District Manager

cc: Paia Levine, 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. 81-99

On the motion of Supervisor Wormhoudt
duly seconded by Supervisor Symons
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 October 27, 1998, the Board of Supervisors adopted Ordinance No. 4518 amending Section 13.10.700-D and Chapter 16.10 of the County Code and Resolution 425-98 amending various sections of the General Plan/Local Coastal Program Land Use Plan regarding geologic hazards regulations and submitted said revisions to the Coastal Commission for certification;

WHEREAS, on February 3, 1999, the Coastal Commission considered Ordinance No. 4518 and the General Plan/LCP revisions and certified them 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 13.10.700-D and Chapter 16.10 of the County Code and various sections of the General Plan/Local Coastal Program Land Use Plan have been issued a Negative Declaration, 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. 4518, as modified and renumbered 4518-C, is consistent with the County General Plan, and all components of the County Local Coastal Program Land Use Plan; and


WHEREAS, Ordinance No. 4518, as modified and renumbered 4518-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 adopts revisions to the General Plan/Local Coastal Program regarding geologic hazards regulations, as specified in Exhibit A, and approves Ordinance No. 4518-C amending the Santa Cruz County Local Coastal Program, to become effective on the 31st day after final passage or certification by the Coastal Commission, whichever occurs later, and to then supercede Ordinance No. 4518:

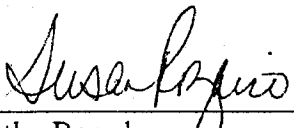
AN ORDINANCE AMENDING SANTA CRUZ COUNTY CODE INCLUDING LOCAL COASTAL PROGRAM IMPLEMENTING ORDINANCES: SECTION 13.10.700-D AND CHAPTER 16.10 REGARDING GEOLOGIC HAZARDS REGULATIONS

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 9th day of March, 1999 by the following vote:

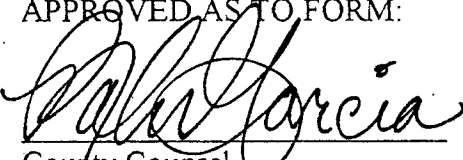
AYES:	SUPERVISORS	Beautz, Symons, Wormhoudt & Almquist
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	Campos
ABSTAIN:	SUPERVISORS	None


Chairperson, Board of Supervisors

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:


County Counsel

DISTRIBUTION: County Counsel
Planning Department

Amend the Glossary of the General Plan/Local Coastal Program Land Use Plan as follows:

Density Credit

(LCP) 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 setback 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.

Countywide Credits

The following credits 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.

Development Activity

(LCP) Any project that includes activity in any of the following categories is considered to be development activity:

- (1) The construction or placement of any habitable structure, including a manufactured home;

- (2) Any repair, reconstruction, alteration, addition, or improvement of a habitable structure that modifies or replaces more than 50 percent of the total length of the exterior walls, exclusive of interior and exterior wall coverings and the replacing of windows and doors without altering their openings. This allows a total modification or replacement of up to 50%, measured as described above, whether the work is performed at one time or as the sum of multiple projects during the life of the structure;
- (3) The addition of habitable space to any structure, where the addition increases the habitable space by more than fifty percent over the existing habitable space, measured in square feet. This allows a total increase of up to 50% of the original habitable space of a structure, whether the additions are constructed at one time or as the sum of multiple additions during the life of the structure;
- (4) An addition of any size to a structure that is located on a coastal bluff, dune, or in the coastal hazard area, that extends the structure in a seaward direction.
- (5) Installation of a new foundation for a habitable structure;
- (6) The repair, replacement, or upgrade of more than 50% of an existing foundation of a habitable structure, or an addition to an existing foundation that is more than 50% of the original foundation area. This allows repair, upgrading or addition of up to 50% , measured as described above, whether the work is performed at one time or as the sum of multiple projects during the life of the structure;
- (7) A division of land or the creation of one or more new building sites, except where a land division is accomplished by the acquisition of such land by a public agency for public recreational use;
- (8) Any change of use from a non-habitable structure to a habitable structure, according to the definition of "habitable" found in Section 16.10.040, or a change of use from any non-critical structure to a critical structure;
- (9) Any alteration of any structure posted "Unsafe to Occupy" due to geologic hazards;
- (10) Grading activities of any scale in the 100 year floodplain or the coastal hazard area, and any grading activity which requires a permit (pursuant to Chapter 16.20) elsewhere;
- (11) Construction of roads, utilities, or other facilities,

- (12) Retaining walls which require a building permit, retaining walls that function as a part of a landslide repair whether or not they require a building permit, seawalls, rip-rap erosion protection or retaining structures, and gabion baskets;
- (13) Installation of a septic system.
- (14) In the Special Flood Hazard Area, any human made change to developed or undeveloped real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. This is in addition to any activity listed in items 1-13.
- (15) Any other project that is defined as development under Section 13.20.040, and that will increase the number of people exposed to geologic hazard, or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review.

Geologic Hazards Assessment

(LCP) A summary of the possible geologic hazards present at the site conducted by the staff geologist.

Geologic Report, Full

(LCP) A complete geologic investigation conducted by a Certified Engineering geologist hired by the applicant, and completed in accordance with the County Geologic Report Guidelines.

- (j) Coastal Bluff. A bank or cliff along the coast subject to coastal erosion processes. Coastal bluff refers to the top edge, face, and base of the subject bluff.
- (k) Coastal dependent uses. Any development or use which would not function or operate unless sited on or adjacent to the ocean.
- (l) Coastal erosion processes. Natural forces that cause the breakdown and transportation of earth or rock materials on or along beaches and bluffs. These forces include landsliding, surface runoff, wave action and tsunamis.
- (m) Coastal hazard areas. Areas which are subject to physical hazards as a result of coastal processes such as landsliding, erosion of a coastal bluff, and inundation or erosion of a beach by wave action.
- (n) Coastal High Hazard Area. Areas subject to high velocity waters, including tidal and coastal inundation. These areas and base flood elevations are identified on a Flood Insurance Rate Map (FIRM) as Zones V1-30, VE or V.
- (o) County geologist. A County employee who is registered as a geologist with the State of California (R.G.) and has been authorized by the Planning Director to assist in the administration of this chapter, or a registered geologist under contract by the County who has been authorized by the Planning Director to assist in the administration of this chapter. (Ord. 4090, 12/4/90)
- (p) County geologic advisor. An individual who is registered as a geologist with the State of California (R.G.), who may be employed by the County to provide geologic services.
- (q) Critical structures and facilities. Structures and facilities which are subject to specified seismic safety standards because of their immediate and vital public need or because of the severe hazard presented by their structural failure. These structures include hospitals and medical facilities, fire and police stations, disaster relief and emergency operating centers, large dams and public utilities, public transportation and communications facilities, buildings with involuntary occupancy such as schools, jails, and convalescent homes, and high occupancy structures such as theaters, churches, office buildings, factories, and stores.
- (r) Cumulative improvement. For the purposes of calculating "substantial improvement" as defined in section 16.10.040(3m), two or more instances of repair, reconstruction, alteration, addition, or improvement to a structure, over the course of five consecutive years. If the value of such activities, when added together, equals or exceeds 50 percent of the market value of the structure, the activity as a whole shall be considered to be a "substantial improvement".
- (s) Development/ development activities. For the purposes of this Chapter, and this Chapter only, any project that includes activity in any of the following categories is considered to

be development or development activity. This Chapter does not supercede Chapter 13.20.040 for purposes of determining whether a certain activity or project requires a coastal permit; some activities and projects will require coastal permits although they do not fall under this following specific definition.

- (1) The construction or placement of any habitable structure, including a manufactured home;
- (2) Any repair, reconstruction, alteration, addition, or improvement of a habitable structure that modifies or replaces more than 50% of the total length of the exterior walls, exclusive of interior and exterior wall coverings and the replacing of windows or doors without altering their openings. This allows a total modification or replacement of up to 50%, measured as described above, whether the work is done at one time or as the sum of multiple projects during the life of the structure;
- (3) The addition of habitable space to any structure, where the addition increases the habitable space by more than fifty percent over the existing habitable space, measured in square feet. This allows a total increase of up to 50% of the original habitable space of a structure, whether the additions are constructed at one time or as the sum of multiple additions during the life of the structure;
- (4) An addition of any size to a structure that is located on a coastal bluff, dune, or in the coastal hazard area, that extends the existing structure in a seaward direction;
- (5) Installation of a new foundation for a habitable structure;
- (6) The repair, replacement, or upgrade of an existing foundation of a habitable structure that affects more than 50% of the foundation (measured in linear feet for perimeter foundations, square feet for slab foundations, or 50% of the total number of piers), or an addition to an existing foundation that adds more than 50% of the original foundation area. This allow repair, upgrade, or addition up to 50%, measured as described above, whether the work is performed at one time or as the sum of multiple projects during the life of the structure;
- (7) A division of land or the creation of one or more new building sites, except where a land division is accomplished by the acquisition of such land by a public agency for public use;
- (8) Any change of use from non-habitable use to habitable use, according to the definition of "habitable" found in Section 16.10.040, or a change of use from any non-critical structure to a critical structure;
- (9) Any alteration of any structure posted "Unsafe to Occupy" due to geologic hazards;

- (10) Grading activities of any scale in the 100 year floodplain or the coastal hazard area, and any grading activity which requires a permit pursuant to Chapter 16.20;
- (11) Construction of roads, utilities, or other facilities,
- (12) Retaining walls which require a building permit, retaining walls that function as a part of a landslide repair whether or not a building permit is required, sea walls, rip-rap erosion protection or retaining structures, and gabion baskets;
- (13) Installation of a septic system;
- (14) Any human made change to developed or undeveloped real estate in the Special Flood Hazard Area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. This is in addition to any activity listed in items 1-13.
- (15) Any other project that is defined as development under Section 13.20.040, and that will increase the number of people exposed to geologic hazards or that may create or exacerbate an existing geologic hazard, shall be determined by the Planning Director to constitute development for the purposes of geologic review.
- (t) Development envelope. A designation on a site plan or parcel map indicating where buildings, access roads and septic systems are to be located.
- (u) Fault zones. A zone or zones of fracture designated on the General Plan or Local Coastal Program Land Use Constraints Maps, or other maps and source materials authorized by the Planning Director.
- (v) Fill. The deposit of earth or any other substance or material by artificial means for any purpose, or the condition resulting from a fill taking place.
- (w) Flood Boundary Floodway Map. The map adopted by the Board of Supervisors and used for land use planning and permit review on which the Federal Insurance Administration has delineated the areas of special flood hazard.
- (x) Flood control structure. Any structure or material, including but not limited to a berm, levee, dam or retaining wall, placed in areas where flooding occurs, and constructed for the purpose of protecting a structure, road, utility or transmission line.
- (y) Flood Insurance Rate Map (FIRM). The map adopted by the Board of Supervisors and used for insurance purposes on which the Federal Insurance Administration has delineated the special flood hazard areas, base flood elevations and the risk premium zones applicable to the community. The FIRM became effective on April 15, 1986 for insurance purposes.

high liquefaction potential. Development applications for four units or less, one story structures and non-residential projects shall be reviewed for liquefaction hazard through environmental review and/or geologic hazards assessment. When a significant hazard may exist, a site specific investigation shall be required.

- (e) Additional Report Requirements. Additional information (including but not limited to full geologic, subsurface geologic, hydrologic, geotechnical or other engineering investigations and reports) shall be required when a hazard or foundation constraint requiring further investigation is identified.. (Ord. 3340, 11/23/82; 3598, 11/6/84)

16.10.060 ASSESSMENT AND REPORT PREPARATION AND REVIEW.

- (a) Timing of Geologic Review. Any required geologic, soil, or other technical report shall be completed, reviewed and accepted pursuant to the provisions of this section before any public hearing is scheduled and before any discretionary or development application is approved or issued. The County Geologist may agree to defer the date for completion, review, or acceptance of any technical report where the technical information is 1) unlikely to significantly affect the size or location of the project, and 2) the project is not in the area of the Coastal Zone where decisions are appealable to the Coastal Commission. In no event shall such be deferred until after the approval or issuance of a building permit.
1. An application for a geologic hazards assessment shall include a plot plan showing the property boundaries and location of proposed development activities. Any other information deemed necessary by the County Geologist (including but not limited to topographic map, building elevations or grading plans) shall be submitted upon request.
 2. An application for a geologic hazards assessment or a technical report review constitutes a grant of permission for the Planning Director, or agents, to enter the property for the purposes of responding to the application.
- (b) Report Preparation. The geologic hazards assessment shall be prepared by County staff. Alternately, the assessment may be conducted by a private Certified Engineering Geologist at the applicant's choice and expense. Such privately prepared assessments shall, however, be subject to review and approval as specified in this section.
- (c) Report Acceptance. All geologic, geotechnical, engineering, and hydrologic reports or investigations submitted to the County as a part of any development application shall be found to conform to County report guidelines. The Planning Director may require an inspection in the field of all exploratory trenches, test pits, and borings excavated for a technical report.
- (d) Hazard Assessment and Report Expiration. A geologic hazards assessment and all recommendations and requirements given therein, shall remain valid for three years from the date of completion, unless a shorter period is specified in the report by the preparer. A

- (viii) service transmission lines and utility facilities are prohibited unless they are necessary to serve existing residences.
- (ix) All other required local, state and federal permits shall be obtained.

2. Exemption:

(i) Any project which does not specifically require a building permit pursuant to Chapter 12.10.070(b) is exempt from Section 16.10.070 (h)1, with the exception of: non-habitable accessory structures that are located within the minimum 25 foot setback from the coastal bluff where there is space on the parcel to accommodate the structure outside of the setback, above-ground pools, water tanks, projects (including landscaping) which would unfavorably alter drainage patterns, and projects involving grading.

For the purposes of this Section, the unfavorable alteration of drainage is defined as a change that would significantly increase or concentrate runoff over the bluff edge or significantly increase infiltration into the bluff. Grading is defined as any earthwork other than minor leveling, of the scale typically accomplished by hand, necessary to create beneficial drainage patterns or to install an allowed structure, that does not excavate into the face or base of the bluff.

Examples of projects which may qualify for this exemption include: decks which do not require a building permit and do not unfavorably alter drainage, play structures, showers (where run-off is controlled), benches, statues, landscape boulders, benches, and gazebos which do not require a building permit.

(ii) If a structure that is constructed pursuant to this exemption subsequently becomes unstable due to erosion or slope instability, the threat to the exempted structure shall not qualify the parcel for a coastal bluff retaining structure or shoreline protection structure. If the exempted structure itself becomes a hazard it shall either be removed or relocated, rather than protected in place.

3. Shoreline protection structures shall be governed by the following:

- (i) shoreline protection structures shall only be allowed on parcels where both adjacent parcels are already similarly protected, or where necessary to protect existing structures from a significant threat, or on vacant parcels which, through lack of protection threaten adjacent developed lots, or to protect public works, public beaches, and coastal dependent uses.

Note: New shoreline protection structures shall not be allowed where the existing structure proposed for protection was granted an exemption pursuant to Section 16.10.070(h)2.

- (ii) seawalls, specifically, shall only be considered where there is a significant threat to an existing structure and both adjacent parcels are already similarly protected.
- (iii) application for shoreline protective structures shall include thorough analysis of all reasonable alternatives to such structures, including but not limited to relocation or partial removal of the threatened structure, protection of only the upper bluff area or the area immediately adjacent to the threatened structure, beach nourishment, and vertical walls. Structural protection measures on the bluff and beach shall only be permitted where non- structural measures, such as relocating the structure or changing the design, are infeasible from an engineering standpoint or are not economically viable.
- (iv) shoreline protection structures shall be placed as close as possible to the development or structure requiring protection.
- (v) shoreline protection structures shall not reduce or restrict public beach access, adversely affect shoreline processes and sand supply, adversely impact recreational resources, increase erosion on adjacent property, create a significant visual intrusion, or cause harmful impacts to wildlife or fish habitat, archaeologic or paleontologic resources. Shoreline protection structures shall minimize visual impact by employing materials that blend with the color of natural materials in the area.
- (vi) all protection structures shall meet approved engineering standards as determined through environmental review.
- (vii) all shoreline protection structures shall include a permanent, County approved, monitoring and maintenance program.
- (viii) Applications for shoreline protection structures shall include a construction and staging plan that minimizes disturbance to the beach, specifies the access and staging areas, and includes a construction schedule that limits presence on the beach, as much as possible, to periods of low visitor demand. The plan for repair projects shall include recovery of rock and other material that has been dislodged onto the beach.
- (ix) All other required local, state and federal permits shall be obtained.

