

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
427-4863



W10b

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 #1-98

Concurrence with the Executive Director's determination that the action by the County of Santa Cruz, accepting certification of Part A 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 JULY 14, 1999

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. The modifications to each component were considered separately by the County. The modifications to the latter component (local appeal period) have been accepted by the Commission on October 14, 1998.

On February 3, 1999 the Commission granted the County an extension in order to make the modifications to the density credit component (part A) of the amendment. On March 9, 1999 (within this extended 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 three modifications was made using slightly different language 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 density credit (part A) component of LCP Major Amendment #1-98 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

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- DRAFT -

July 15, 1999

Jeff Almquist, 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 (part A)

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 #1-98, Part A regarding density credits, 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: Mark Deming, Paia Levine, & Glenda Hill, Santa Cruz County Planning
Susan Rozario, Clerk of the Board

RH

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

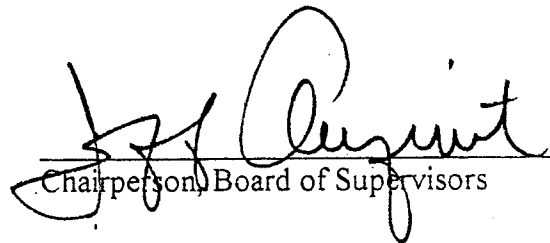
WHEREAS, Ordinance No. 4518, as modified and renumbered 4518-C, is consistent with the California Coastal Act and shall be carried out in accordance with Section 30510(a) of the Act;

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:

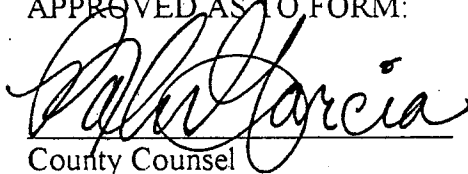
AYES:	SUPERVISORS	Beautz, Symons, Wormhoudt & Almquist
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	Campos
ABSTAIN:	SUPERVISORS	None


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;

Figure 2-2 (page 2 of 2)
Special Land Division and Density Requirements (1)

Type of Constraint	Land Division Requirements (Minimum average area required PER PARCEL) (2)	Density Requirements (Minimum average site area required PER RESIDENTIAL UNIT) (3)
ASTAL HAZARD AREAS - floods and beaches (Section 6.2)	New parcels must provide building sites outside areas of coastal hazards	Density consistent with General Plan designation
CRITICAL FIRE HAZARD AREAS (Section 6.5):		
Existing site in Critical Fire Hazard Area with through road or secondary access	- Parcel size consistent with the lowest density in the range allowable by the applicable General Plan Designation - No division allowed	- The lowest density in the range allowable by the applicable General Plan Designation
Existing site with dead end road		- 1 unit per parcel
Existing site in Critical Fire Hazard Areas with mitigations approved	Parcel size consistent with General Plan land use designation	Density consistent with General Plan Land Use designation
100 YEAR FLOODPLAIN (Section 6.4)	Permitted only under special conditions	Density consistent with General Plan designation excluding freeway area flood hazard areas
SEISMIC REVIEW ZONES - Fault zones (Section 6.1)	20 net developable acres outside USL. Consistent with General Plan designation inside USL	Density consistent with the General Plan designation and Geologic Report

These policies which only apply inside the Coastal Zone.

1) This table summarizes special land division and density requirements of General Plan and LCP Resources and constraints policies. More specific requirements are found in the General Plan and LCP Land Use Plan sections noted.

2) These acreages are expressed as minimums. The maximum number of parcels resulting from any land division shall not exceed the total number of allowed units on one parcel based on this table and the Rural Residential Density Determination Matrix.

3) These acreages are expressed as minimums. The maximum number of dwelling units on an existing parcel shall not exceed the total number of potential parcels and/or units as determined by this table and the Rural Residential Density Determination Matrix.

ORDINANCE NO. 4518-C

ORDINANCE AMENDING SECTION 13.10.700-D AND CHAPTER 16.10 OF THE
COUNTY CODE RELATING TO GEOLOGIC HAZARDS

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

SECTION I

Section 13.10.700-D, definition of Density Credit, is hereby amended to read as follows:

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 maximum of 50-percent of the total area of the property which is outside the riparian corridor.

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.

(a) Fault Zones

1. Exclusion from Density Calculations: The portion of a property within 50 feet of the edge of the area of fault induced offset and distortion of an active or potentially active fault trace shall be excluded from density calculations.
2. Creation of New Parcels and/or New Building Sites: The following standards shall apply to the creation of new parcels and/or building sites within State Alquist-Priolo Earthquake Fault Zones and County Seismic Review Zones:

- (i) All new structures shall meet setbacks as specified in Section 16.10.070(b)2.
- (ii) Outside of the Urban Services Line and the Rural Services line, a twenty gross acre minimum parcel size shall be required.

- (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. The portion of a property within the one-hundred year floodplain shall be excluded from density calculations.
- (e) Coastal Hazards. The portions of a property subject to coastal inundation, as determined by a geologic hazards assessment, geologic report, or adopted Flood Insurance Rate Map (FIRM), shall be excluded from density calculations. (Ord. 3340, 11/23/82; 3598, 11/6/84; 3808)

16.10.090 PROJECT DENIAL. A development permit or the location of a proposed development shall be denied if the Planning Director determines that geologic hazards cannot be adequately mitigated or the project would conflict with National Flood Insurance Program regulations. Development proposals shall be approved only if the project density reflects consideration of the degree of hazard on the site, as determined from the technical information as reviewed and approved by the Planning Director. (Ord. 3340, 11/23/82)