

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****W11a**

April 22, 2004

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
Diane Landry, District Manager
Susan Craig, Coastal Planner

SUBJECT: **CITY OF SANTA CRUZ LCP AMENDMENT NO. STC-MAJ-2-03 CERTIFICATION REVIEW:** Concurrence with the Executive Director's determination that the action of the City of Santa Cruz accepting the Commission's certification of LCP Amendment No. STC-MAJ-2-03 is legally adequate. For Commission review at the meeting of May 12, 2004 in San Rafael.

A. BACKGROUND

The Commission acted on City of Santa Cruz LCP Amendment No. STC-MAJ-2-03 on January 14, 2004. The amendment includes replacement of the certified Land Use Plan policies of the *San Lorenzo River Enhancement and Design Plan* with new policies in the *San Lorenzo Urban River Plan*. The amendment also includes changes to the Implementation Program (Zoning Ordinance) to: 1) further protect historic resources in the City and to streamline the historic alteration review process; 2) allow additional uses (e.g., banks, community, and institutional public facilities) in the downtown area, and; 3) add accessory dwelling units as a principal permitted use in residential zoning districts and remove the coastal permit public hearing requirement for new accessory dwelling units.

The Commission rejected the amendment as submitted but certified the proposed amendment to the LCP if modified with four suggested modifications as follows: 1) Add Tables 5 & 6 from the *Lower San Lorenzo River & Lagoon Management Plan* to the *San Lorenzo Urban River Plan*; 2) Add Figure 12 from the *Lower San Lorenzo River & Lagoon Management Plan* to the *San Lorenzo Urban River Plan*; 3) Add *Operations and Maintenance Policy OM-12* to the LCP to clarify that activities listed in the above-mentioned tables are recommendations that may be adapted annually to address changing direction by appropriate regulatory agencies or to respond appropriately to natural processes, and; 4) add language to the *San Lorenzo Urban River Plan* that prohibits the planting of invasive species.

B. EFFECTIVE CERTIFICATION

On March 9, 2004, the Santa Cruz City Council held a public hearing and adopted Resolution No. 26,520 which acknowledged receipt of the Commission's resolution of certification, accepted and agreed to the Coastal Commission's modifications, agreed to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the City's LCP (see Exhibit A).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of Santa Cruz's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of City of Santa Cruz LCP Amendment No. STC-MAJ-2-03 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the action of the City of Santa Cruz accepting the Commission's certification of City of Santa Cruz LCP Amendment No. STC-MAJ-2-03 is legally adequate, as noted in the attached letter (Exhibit B), to be sent after Commission concurrence.

RESOLUTION NO. NS-26,520

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING AND DIRECTING THE CITY MANAGER TO TRANSMIT THE LOCAL COASTAL PROGRAM AMENDMENTS TO THE EXECUTIVE DIRECTOR OF THE COASTAL COMMISSION FOR FINAL CERTIFICATION.

WHEREAS, the City Council adopted the *San Lorenzo Urban River Plan* on June 24, 2003; and

WHEREAS, the City submitted the adopted *San Lorenzo Urban River Plan* and associated General Plan/Local Coastal Program amendments to the California Coastal Commission for certification, and the Coastal Commission considered these LCP amendments at its meeting of January 14, 2004; and

WHEREAS, the Coastal Commission recommended certification of the amendments pending City Council acceptance of modifications to *San Lorenzo Urban River Plan* summary chapter in Volume II of the City of Santa Cruz General Plan/Local Coastal Program; and

WHEREAS, the Planning Commission conducted a public hearing on February 5, 2004 to consider the Coastal Commission's required modifications and unanimously recommended approval to the City Council; and

WHEREAS, the City Council conducted a public hearing on March 9, 2004 to consider the recommendations of the Planning Commission and staff; and

WHEREAS, the City Council finds that:

- The City Council previously considered and adopted the *San Lorenzo Urban River Plan* and found it to be in the public interest as it promotes flood protection, public use and recreation, and conservation and enhancement of the River. The proposed amendment is also in the public interest as it enables the final certification of this *Plan*.
- The proposed amendment is consistent with the General Plan and will ensure consistency between the *San Lorenzo Urban River Plan* and the Local Coastal Program.
- The adopted *San Lorenzo Urban River Plan* was found to protect the public's health, safety, and welfare while protecting the community's natural resources. The proposed amendment is consistent with that *Plan* and enables its final certification.
- The proposed amendment has been processed in accordance with the California Government Code and CEQA. An Initial Study and Mitigated Negative Declaration were prepared and adopted for the *San Lorenzo Urban River Plan* and found no substantial evidence that the *Plan* would have a significant effect on the environment.

RESOLUTION NO. NS-26,520

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby directs the City Manager to submit the LCP amendments adopting the proposed changes to the *San Lorenzo Urban River Plan* summary chapter in Volume II of the General Plan/Local Coastal Program to the Executive Director of the Coastal Commission for final certification.

BE IT FURTHER RESOLVED that amendments to the LCP will become effective upon final certification by the Coastal Commission.

PASSED AND ADOPTED this 9th day of March, 2004, by the following vote:

AYES: Vice Mayor Rotkin; Councilmembers Primack, Fitzmaurice, Mathews, Porter; Mayor Kennedy.

NOES: None.

ABSENT: Councilmember Reilly.


DISQUALIFIED: None.

APPROVED: _____

Mayor

ATTEST: _____

City Clerk

EXHIBIT NO. <i>A</i>
APPLICATION NO. <i>pg 2 of 2</i>
<i>STEMAS-2-03</i>
<i>cert. review</i>
 California Coastal Commission

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725 FRONT STREET, SUITE 300
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DRAFT

DATE _____

Laura Spidell
Department of Planning and Community Development
809 Center Street, Room 206
Santa Cruz, CA 95060

Subject: ***Effective Certification of City of Santa Cruz Local Coastal Program Amendment
No. STC-MAJ-2-03***

Dear Laura,

We have received City of Santa Cruz Resolution Number NS-26,520, adopted by the City Council on March 9, 2004. By those actions, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 2-03, and incorporated the Commission's suggested modifications into the City's LCP.

I have determined, and the Commission has concurred, that the City's action with respect to LCP Major Amendment 2-03 is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's May 12, 2004 meeting in San Rafael. As a result, the City's LCP, as amended by LCP Major Amendment 2-03, was certified as of May 12, 2004 and is now in effect.

If you have any questions, please contact Susan Craig of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas
Executive Director
California Coastal Commission

Diane Landry
District Manager
Central Coast District Office

Exhibit B
STC-MAJ-2-03
Pg. 1 of 1