

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
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**Prepared November 22, 2005 (for the December 15, 2005 hearing)**

**To:** Commissioners and Interested Persons

**From:** Steve Monowitz, District Manager  
Rick Hyman, District Chief Planner  
Dan Carl, Coastal Planner

**Subject: Santa Cruz County LCP Major Amendment Number 2-04 Part 3 (Procedural Update)**  
Proposed major amendment to the Santa Cruz County certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's December 15, 2005 meeting to take place at the Hyatt Regency Embarcadero; 5 Embarcadero Plaza, San Francisco, CA.

## Summary

### I. Description of Amendment

Santa Cruz County proposes to modify the local coastal program's (LCP) procedural chapter of the Implementation Plan (LCP Chapter 18.10 – Permit and Approval Procedures) to:

- add provisions requiring applicant-sponsored, per-application neighborhood meetings with associated notice provisions (Sections 18.10.121; 18.10.210(b)2; new Section 18.10.211);
- add early posting of sites subject to applications (Section 18.10.121; new Section 18.10.224);
- eliminate some coastal permit application submittal requirements (Section 18.10.210);
- clarify that the County determines who to mail hearing notices to and does the mailing (Sections 18.10.121; 18.10.222(a)1; 18.10.223(a));
- rectify an error in the description of amendments that are considered "Corrections" (Subsection 18.10.134(b)2);
- make a few other corrections and clarifications (Sections 18.10.210; 18.10.211; 18.10.222; 18.10.223).

Santa Cruz County's local coastal program was certified in 1983 and has been amended many times since then. The County's local coastal program consists of the *General Plan and Local Coastal Program* (hereafter referred to as the LUP for land use plan) and the Coastal Implementation Plan (hereafter referred to as to IP), consisting of several County Code chapters and sections. This proposed amendment is to the IP only and was originally submitted on December 16, 2004. Under consideration



**California Coastal Commission**  
**December 2005 Meeting in San Francisco**

Staff: D.Carl Approved by:

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at this hearing is only Part 3 of the submittal. The other three parts of the amendment are not a part of this staff report, and are not before the Commission at this time. Parts 1 and 4 have already been approved, while Part 2 is pending. The Part 3 submittal was revised and supplemented during the first months of 2005 by the County and subsequently was filed as complete on June 14, 2005. On August 10, 2005, the Coastal Commission extended the initial two-month time limit for action until August 13, 2006.

## II. Outstanding Issues and Staff Recommendation

In general the proposed revisions will help increase public awareness of pending projects and should lead to increased public participation in the permitting process. In turn, more informed coastal permit decisions are to be expected. However, there are a few deficiencies. For one, some application requirements have been inadvertently deleted. Second, some notice provisions required by the *California Code of Regulations* are not included. Finally, some wording needs to be corrected or clarified. Thus, staff recommends that the amendment be denied as submitted. With modifications to address the noted deficiencies, staff recommends that the Commission find that the proposed IP amendment is consistent with and adequate to carry out the policies of the LUP. **As so modified, staff recommends that the Commission approve the IP amendment.**

## III. Public Participation Comments and Concerns

Some public testimony expressed concern that the proposed extra neighborhood meeting requirement is ambiguous (see Exhibit C), imposes an extra burden, and violates the Permit Streamlining Act because it is to occur before an application is filed. While Commission staff agrees that these meeting requirements could be made more explicit, they are in addition to the Code of Regulations' minimum requirements and, therefore, are at the County's discretion; plus, they do serve to foster the Coastal Act's call for maximizing public participation. They do not appear to be inconsistent with the Permit Streamlining Act.

## IV. Additional Information

Further information on the submittal may be obtained from Dan Carl at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

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## I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment only if modified. The Commission needs to make two motions in order to act on this recommendation.

### 1. Denial of Implementation Plan Major Amendment Number 2-04 Part 3 as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (1 of 2).** I move that the Commission **reject** Part 3 of Major Amendment Number 2-04 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County.

**Resolution to Deny.** The Commission hereby **denies** certification of Part 3 of Major Amendment Number 2-04 to the Santa Cruz County Local Coastal Program Implementation Plan as submitted by Santa Cruz County and adopts the findings set forth in this staff report on the grounds that, as submitted, the Implementation Plan amendment is not adequate to carry out the certified Land Use Plan.

### 2. Approval of Implementation Plan Major Amendment Number 2-04 Part 3 if Modified

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion (2 of 2).** I move that the Commission **certify** Part 3 of Major Amendment Number 2-04 to the Santa Cruz County Local Coastal Program Implementation Plan if it is modified as suggested in this staff report.

**Resolution to Certify with Suggested Modifications.** The Commission hereby **certifies** Part 3 of Major Amendment Number 2-04 to the Santa Cruz County Local Coastal Program Implementation Plan if modified as suggested and adopts the findings set forth in this staff report on the grounds that, as modified, the Implementation Plan amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act



because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment; or (2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Implementation Plan Amendment may have on the environment.

## II. Suggested Modifications

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite adequacy findings. If the County of Santa Cruz accepts each of the suggested modifications within six months of Commission action (i.e., by June 15, 2006), by formal resolution of the Board of Supervisors, the corresponding amendment will become effective upon Commission concurrence with the Executive Director’s finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format denotes text to be deleted and text in underline format denotes text to be added. Please see Exhibit B for the context of these suggested modifications.

### 1. Section 18.10.121 – Correct and Add References:

- (a) First paragraph of Section 18.10.121: Change “Notice Required” to “Public Notices Required.”
- (b) Tenth line of Section 18.10.121 chart: Change “See Section 18.10.221” to “See Sections 18.10.221 - .223.”
- (c) Third part of Section 18.10.121 chart: Change “Reviewing Body” to “~~Reviewing~~Approving Body” or Reviewing/Approving Body” and add Coastal Commission appeal references as follows:

<u>APPROVING/REVIEWING</u> BODY [OR <u>APPROVING/REVIEWING</u> BODY]	PROCESSING LEVEL						
	1	2	3	4	5	6	7
(See Section 18.10.112)							
Planning Director or designated person	X	X	X	X			
Zoning Administrator					X*		
Planning Commission						X*	X
Board of Supervisors							X*

\* and California Coastal Commission if appealed

### 2. Section 18.10.131(c) - Correct References:

- (a) Change Section reference “13.10.122” to “13.120.122.”



### 3. Section 18.10.210 - Restore Application Submittal Requirements and Correct References:

- (a) First paragraph of Section 18.10.210: Add the following:

Applications for permits and approvals shall be made to the Planning Department, and shall be accompanied by a fee as prescribed in the Unified Fee Schedule as adopted by the Board of Supervisors. Applications shall contain such information and reports as may be required by this Section or by other applicable ordinances or by the Planning Director or approving body in order to make the required findings and as detailed in a List of Required Information handout maintained by the Planning Director.

- (b) Subsection 18.10.210(b): Add back (i.e., do not delete) the following underlined text:

(b) Regular Projects. Processing Level IV (Public Notice) and Level V (Zoning Administrator) Applications:

1. Items 1 through 7 from paragraph (a) above (Levels IV--V)

- (c) Subsequent Subsections: Reletter (e.g., Section 18.10.210(c) “Building Permits” to “18.10.210(ed)”, etc.

- (d) Subsection 18.10.210(e)(1) (“Projects Requiring Design Review”): Modify as follows:

*Items 1 through 5, ~~and 7 through 11~~ from paragraph (a) above.*

- (e) Subsection 18.10.210(e)(1)(i) “Plot Plan:” Modify as follows:

*In addition to the submittal as described in ~~item 8~~ paragraph (a) above...*

- (f) Subsection 18.10.210(e)(1)(ii) “Landscaping Plan:” Modify as follows:

*In addition to the submittal requirements listed in ~~item 8~~ paragraph (a) above...*

### 4. Section 18.10.223 –Clarify Notice Requirements:

- (a) Subsection 18.10.223(a)(3): Add the following underlined text (portion in brackets is optional):

3. The County shall mail Notices in the form of a postcard or letter not less than ten calendar days prior to the public hearing to the applicant and to the owners of all property within 300 feet of the exterior boundaries of the subject property and to all lawful occupants of properties within 100 feet of the subject property, including the lawful occupants of the subject property. In the event that there are fewer than ten separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300 foot distance shall be extended



*in increments of 50 feet (e.g. 350, 400, 450) until owners of at least ten properties have been notified by mail. The County shall also mail these notices to the Coastal Commission and to all persons who have requested to be on the mailing list for the subject development project or for coastal decisions within that jurisdiction [and to all other parties known by the applicant and/or County to have a particular interest in the application (including those who testified at prior hearings and/or submitted comments regarding the application)].*

(b) Subsection 18.10.223(c) Alternative Noticing Procedure: Add the following:

*(c) Alternative Noticing Procedure. If the number of persons or entities who would be notified in subsection (a) above is more than one thousand (1,000), or where a County initiated General Plan amendment affects the designation of a large area or number of parcels, or for public works projects initiated by public agencies which do not include rezonings, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the proposed ordinance, policy or plan amendment, or project; or by including an insert with any generalized mailing sent by the County to property owners and residents affected by the proposal.*

## **5. Section 18.10.224 Clarify Notice Sign Requirements**

(a) Section 18.10.224 introduction: Revise as follows:

*18.10.224 Notice of proposed development for Level IV through Level VII*

*For all development that requires review at Level IV through VII, the applicant shall install a sign or signs on ~~the~~ each site of the proposed development in accordance with this section.*

(b) Section 18.10.224(b): Add the following:

*(b)Location. Any sign required by this chapter shall be placed on the subject property so as to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. For proposed projects in public rights-of-way, signs shall be posted at 1,000 foot intervals along subject right(s)-of-way. Additional signs may be required that are visible from other public vantage points, such as for when a proposed project is located within a public park some distance from the vehicular accessway. Signs shall be located so as to not interfere with vehicular line of sight distance.*

(c) Section 18.10.224(f): Change “certificate” to “certificate affidavit”

## **III. Findings and Declarations**

The Commission finds and declares as follows:



## A. Standard of Review

The standard of review for proposed modifications to the County's IP is that they must be consistent with and adequate to carry out the policies of the LUP. Because the proposed amendments are procedural in nature, the adequacy test is the one that is germane.

## B. Description and Analysis of Proposed LCP Amendment

### 1. Pre-application Neighborhood Notification and Meeting

This component of the proposed amendment would add provisions requiring applicant-sponsored, pre-application, neighborhood meetings with associated notice provisions (Sections 18.10.121; 18.10.210(b)2; 18.10.211). Neighborhood meetings would only be to a small category of permits that are initially heard by the Planning Commission (Level 6) or Board of Supervisors (Level 7), including, for example, multiple dwellings on agricultural land, landfills, large wineries, large mixed use projects, large hotels, large camping facilities, and many other industrial and commercial projects over 20,000 square feet. Currently, the LCP contains public hearing notice requirements. Under the Coastal Act and *California Code of Regulations* there are certain minimum standards for local governments to implement their local coastal programs, including minimum noticing standards. Beyond these minimum requirements, local governments are free to include additional requirements, provided that they are consistent with the Coastal Act and regulations.

Some public testimony to the County complained that the proposed neighborhood meeting requirement would impose an additional burden. There was also concern expressed to the County and Commission staff by an architect that the requirement violates the Permit Streamlining Act because it is to occur before an application is filed. However, it is not apparent to the Commission that the Act would prohibit such required meetings. The architect is also concerned that the meeting requirement is ambiguous (see his correspondence in Exhibit C). While the Commission agrees that these provisions could be made more explicit, they are in addition to the *Code of Regulations'* minimum requirements; and, therefore, the County is entitled to its discretion in writing them. In conclusion, the proposal to add a requirement that certain applicants notice and conduct neighborhood meetings is appropriate and helps fulfill Coastal Act Sections 30006 and 30339's mandates for maximum participation.

### 2. Early Posting of Sites

A related component of the proposed amendment would require the posting of a minimum 2-foot by 2-foot sign indicating a pending development on the subject site (Section 18.10.121; new Section 18.10.224). Currently, the LCP simply requires posting ten calendar days prior to a public hearing to notice the hearing. This new provision would add an additional signing requirement much earlier in the process for considering the permit; i.e., it would have to occur prior to an application being complete. Again, this additional noticing requirement is appropriate and helps fulfill Coastal Act Sections 30006 and 30339's mandates for maximum participation.



### 3. Some Other Application Requirements Eliminated

This component of the proposed amendment would eliminate some coastal permit application submittal requirements (Section 18.10.210). Currently coastal permit applications (as well as some other County permit applications) are required to include applicant information, property information, project information, and notification materials. The proposed amendment would eliminate specific requirements to provide plot/site plans, full set of construction drawings, shadow plans, and hazardous waste disclosure. The proposed amendment would also eliminate the Ch. 18.10 requirement for erosion control/drainage/grading plans; but more detailed requirements for such plans remain in Chapters 16.20 and 16.22. Also retained would be general provisions that require applicant information, property information, “plans and specification...containing sufficient information to enable any and all required findings to be made,” and “such information and reports required by... the Planning Director or approving body in order to make the required findings.” Furthermore, the proposed amendment would not alter requirements (in other IP chapters) for such technical reports as geologic assessments or reports, soil engineering reports or engineering geology reports, biotic assessments or biotic reports, and archaeological surveys or archaeological reports.

The purpose of the amendment, according to County staff, is to allow for flexibility and changed circumstances in application requirements, rather than requiring that the details be in the ordinance, which would then need to be changed every time an application requirement is changed. Currently, the County has a ten-page handout entitled “List of Required Information,” that is somewhat more detailed and extensive than current ordinance provisions. For example, a Section 18.10.210 provision proposed to be deleted now requires a “Plot plan: A site plan, drawn to scale, showing the entire property, with topography in the vicinity of proposed improvements, and showing existing development, including existing structures and existing trees; proposed layout of structures and other improvements including landscaping and driveways, pedestrian walks, off-street parking and off-street loading areas, with the location of each parking space and each loading berth, and areas for turning and maneuvering vehicles.” The “List of Required Information” additionally asks for the site plan to include “summary table showing: square footage of the lot, square footage of the existing and proposed structures, lot coverage, name of utilities district the lot is in, impervious area calculations, grading quantities (cut and fill volumes in cubic yards and over excavation/recompaction), floor-area ratio and gross building area: provide the percentage of the lot covered by structures” and a similar, greater amount of detail than contained in Chapter 18 about site characteristics, structures and roads.

The Commission has a concern that if the proposed deletions from Chapter 18.10 occur, then the basis for having those items in the “List of Required Information” handout or for even having such a list could be compromised because it would not be mandated by ordinance. The result could be less clear, accurate, or detailed project plans. This in turn could lead to more difficulty in determining whether a proposal is consistent with LUP policies or to potential violations where what gets built differs from what the County thought it was approving. This concern could be remedied by adding a reference to the List into the ordinance, as Suggested Modification #3a accomplishes.

The Commission has one specific concern regarding visual representations for projects where visual impact could be an issue in acting on a coastal permit application. Currently, the subject Section





18.10.210 does not require staking of proposed projects. Section 13.11.051 of the IP, addressing Design Review submittal requirements, references Section 18.10.210 and further states, “any other information deemed necessary by the Planning Director or his/her designee, such as photographs, visual analysis, sketches and renderings, shall be required, if determined necessary for a complete design analysis. This discretion is repeated in the “List of Required Information:” “Story Poles; construct 2 poles and apply orange netting outlining the proposed building, indicating the height of the structure; the Project Planner will inform you when this will be required.” Coastal Commission staff experience is that such visual representation is not often required when it would seem prudent to do so.

A way to address this specific concern about visual representations would be to include in the IP a provision along the following lines:

In addition to other application submittal requirements, applicants for proposed development located within the coastal zone that would be visible from the ocean, beaches, scenic roads, and/or parks shall, where necessary to determine compliance with the visual resource requirements of the LCP (including LCP Land Use Plan Chapters 5 and 8, and Zoning Code Chapter 13.20), shall stake and net the site in a manner designed to approximate the finished development bulk as directed by the Planning Director and/or reviewing body. Any such required staking and netting shall be timed to maximize the ability of interested parties to view the staking and netting, and shall be photo-documented from representative viewpoints.

The Commission staff has discussed with County staff the possibility of incorporating the above language as a modification to the submitted amendment. County staff is not in favor of such a modification at this time, as they believe that such a change is beyond the scope of the amendment's purpose. They have, nevertheless, advocated deferring this to a later discussion and are willing to meet with Commission staff to do so. In the mean time, the Commission staff will continue to work with the County to improve the visual information obtained in conjunction with permit applications.

In conclusion, neither the Coastal Act nor the *Code of Regulations* contain specific application requirements for locally issued coastal permits. The application requirements for Coastal Commission issued permits are similar to the language that would remain in the County ordinance: “An adequate description including maps, plans, photographs, etc., of the proposed development, project site and vicinity sufficient to determine whether the proposed project complies with all relevant policies of the Coastal Act...” (Section 13053.5(a) of the *California Code of Regulations*). Therefore, the Commission finds that the discretion that the County has built into its Code in terms of application components is adequate for carrying out the land use plan.

Notwithstanding the above conclusion, the submitted amendment text contains what the County has since found to be an error. Inadvertently, all application requirements for Regular Projects (those processed at Level IV (Public Notice) or Level V (Zoning Administrator) are shown to be eliminated. Obviously, such a deletion would render the amendment inadequate to carry out the land use plan, especially since the bulk of coastal permits are processed at Level V (Zoning Administrator). Suggested Modifications #3b - #3f correct this error.



#### 4. Notice Mailing Responsibility

Another part of this amendment component would eliminate the requirement for the applicant to be responsible for providing names and addresses of parties to notify (Section 18.10.210). Although the prospective applicant would be required to notice nearby property owners and occupants of the pre-application neighborhood meeting, the proposed amendment would specify that the County shall mail and publish hearing notices (Sections 18.10.121; 18.10.222(a).1; 18.10.223(a)). The County staff indicates that its experience in implementing the existing requirement reveals that applicant generated mailing lists often contain inaccuracies. As a result, the County prefers to use its own GIS and other resources for compiling mailing lists and distributing them. This is appropriately within the County's purview to do, provided that adequate notice is given to the appropriate parties, as discussed in the next finding.

#### 5. Who Gets Notice

The proposed amendment does not change provisions for who gets notice of public hearings for coastal permits (Section 18.10.223(a)3); except that additional nearby occupants would get notice of the pre-application neighborhood meetings. Currently, mailed hearing notices are to be sent to applicants, surrounding property owners, and surrounding occupants. Other parties can be made aware of pending hearings by attending the pre-application neighborhood meetings, seeing site postings, or reading newspaper notices. Since sites are to be posted for a longer time period by virtue of the proposed new sign requirement described above, more parties may want to take part in the hearing process. The proposed amendment requires the applicant to report the results of the pre-application meeting. But, the proposed amendment does not explicitly require the applicant to compile the names and address of such participants and forward them to the County, nor does not it explicitly require the County to notify such participants of future public hearings on the application.

*California Code of Regulations* Section 13565 requires, at a minimum, that notice of appealable coastal permits be mailed "to all persons who have requested to be on the mailing list for that development project or for coastal decisions within that jurisdiction." *Regulations* Section 13568a similarly requires that mailed notice of non-appealable coastal permit hearings be sent to "any person who has filed a written request" or "to all persons who have requested to be on the mailing list for that development project or for coastal decisions within that jurisdiction", and *Regulations* Section 13568b requires that mailed notice of non-appealable coastal permits for which there are not hearings be sent to "to all persons who have requested to be on the mailing list for that development project or for coastal decisions within that jurisdiction." However, this latter provision is not applicable in Santa Cruz County because all coastal permit applications require public hearings. The cited *Regulations* sections also require mailed notice to the Coastal Commission. Similar provisions are not contained in the relevant IP Section 18.10.223. Since this section is being proposed for amendment, it cannot be found to be adequate to carry out the land use plan because it fails to include the noted minimum notice requirements. Suggested Modification #4a corrects this inadequacy.

Coastal Act Section 30006 provides:



*Legislative findings and declarations; public participation The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.*

Coastal Act Section 30339 provides:

*The commission shall: (a) Ensure full and adequate participation by all interested groups and the public at large in the commission's work program. (b) Ensure that timely and complete notice of commission meetings and public hearings is disseminated to all interested groups and the public at large. (c) Advise all interested groups and the public at large as to effective ways of participating in commission proceedings. (d) Recommend to any local government preparing or implementing a local coastal program and to any state agency that is carrying out duties or responsibilities pursuant to this division, additional measures to assure open consideration and more effective public participation in its programs or activities.*

A way to help fulfill these mandates would be to expand noticing requirements to provide notice to all other parties known by the applicant and/or County to have a particular interest in the application (including those who testified at prior hearings and/or submitted comments regarding the application), since interested parties who do not live in proximity of the project site may not be adequately informed of upcoming hearings by the amended noticing provisions. However, County staff is not supportive of the Commission staff's suggestion that the amendment be modified to require notice to all interested parties, due to the difficulties they have experienced in obtaining the mailing addresses of everyone who testifies at the hearing or may otherwise be considered an interested party. Again, County staff suggests deferring discussion on this matter. Since such a provision is not an explicit minimum requirement of the *Regulations*, it is included only as a non-mandatory option in Suggested Modification #4a, so if the Board wishes to add this, it will not need to submit a subsequent amendment request.

Another way to help fulfill these mandates would be to re-notice if a hearing on an item is continued. Subsection 18.10.223(e), which is to be retained, makes re-noticing optional, not mandatory, as follows: "Notice of Continuances. Any matter may be continued from time to time. The proposal need not be re-noticed if, at the time of the public hearing for the proposal, the matter is continued to a specific date. Otherwise, the continued matter shall be noticed in the same manner as the original hearing." The County does not want to broaden this re-notice provision. This re-notice provision is consistent with the minimum noticing requirements contained in *California Code of Regulations* Section 13567. Therefore, the Commission finds it remains adequate to carry out the land use plan.

## 6. Final Action Notices

The proposed amendment does not change provisions for the final action notice on coastal permits that must be mailed to the Coastal Commission and others (Section 18.10.223(h)). The required notice of decision must include "findings for approval and conditions (if any) and appeal information and



deadline.” Although the County generally provides the Commission with some of the additional information submitted in conjunction with permit applications and discussed in finding B.2 above, it is not mandated to do so. The Coastal Commission has only ten days to review final action notices for possible appeal and lack of project plans or technical reports can hinder than review and sometimes lead to appeals that would have otherwise been unnecessary. A way to address this concern would be to bolster the final action notice in a manner similar to the following:

Notices of actions on Coastal Zone Approvals sent to the Coastal Commission shall not be sent until all County appeal processes are completed (i.e., until after all applicable appeal periods have run without appeal or all appeal avenues have been exhausted through the County) and must include the action date, the action taking body; copies of any documents referenced in the conditions of approval, approved plans, and the staff report, and evidence that the notice has also been sent to the above parties.

However, the County staff does not favor broadening this final action provision at this time; instead they advocate deferring this matter to a later discussion. The existing final action notice provision, which is not changed by the amendment, is consistent with the minimum noticing requirements contained in *California Code of Regulations* Section 13571a. Therefore, the Commission finds it remains adequate to carry out the land use plan.

## 7. Amendment Types

This component of the proposed amendment rectifies an error in the description of amendments that are considered “Corrections” (Subsection 18.10.134(b)2). This is a minor, needed change. The Commission notes that additional clarifications as to which types of amendments are subject to coastal permit requirements may be desirable but are beyond the scope of this current review.

## 8. Other Reference Errors and Related Corrections

The chapter (18.10) that is subject to the amendment, as noted, contains various provisions related to the processing of coastal development and other County permits. The proposed amendment includes a few other minor corrections and clarifications besides those described above that are appropriate (i.e., to Sections 18.10.210; 18.10.211; 18.10.22; 18.10.223; see Exhibit A). Beyond these, Coastal Commission staff has compiled other desirable clarifications that would better help to ensure that the IP is carried out in a manner that adequately implements the LUP. At this point in time, the County does not desire to entertain most of these suggestions, but is open to doing so in the future. The County is willing to address the following clarifications in conjunction with the subject amendment and, hence, they are included as suggested modifications:

- clarify that the Coastal Commission is a decision-making body for appealable County coastal permits that are appealed (see Modification #1c);
- make consistent references to the body that acts on coastal (and other) permit matters (see Modification #1c). The Commission notes that the County’s preferred term of “Approving Body” is not



literally correct, as these bodies can also act to deny permits; however, the Commission defers to the County's choice of wording here as it results in internal consistency within the entire IP;

- make a more accurate reference to "Public Notices Required." In the First paragraph of Section 18.10.121(see Modification #1a);

- correct incorrect section references (see Modifications #1b and 2);

- clarify that generalized mailings go to affected residents as well as property owners (see Modification #4b);

- clarify notice signing; including that there may be more than one sign for a project (see Modification #5).

## 9. Conclusion

In conclusion, as proposed, the amended sections will not be fully adequate to carry out the certified land use plan for the above-stated reasons and are denied as submitted. With the suggested modifications, the proposed amendment can be approved as being consistent with and adequate to carry out the certified land use plan. The Commission notes that further corrections and clarifications to the subject chapter 18.10 are desirable and that the County staff is willing to discuss them with Coastal Commission staff in the future.

## C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The County in this case exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



**EXHIBIT A: PROPOSED AMENDMENT TO LCP CHAPTER 18.10**

**Shows existing certified text in plain text; shows County’s proposed amendment in bold cross-out (for deletions) and underline (for additions)**

**SECTION I**

Section 18.10.121 of the Santa Cruz County Code is hereby amended to read as follows:

**18.10.121 Summary chart of review process**

Action on permits and approvals shall be in accordance with the procedures of one of the seven processing levels defined in this Chapter and as required by the governing County ordinances and regulations. The following chart is presented for the purpose of illustration and provides an outline of the general requirements for each processing level. The “X”s indicate which items apply to which level. The processing levels are identified by their numbers and names. “Submittals required” refers to the application submittal requirements given in Section 18.10.210. “Notice Required” refers to the differing requirements of public noticing for each processing level as prescribed in Section 18.10.220 et seq. “Approving Body” indicates the officer or hearing body which makes the determination on applications at each processing level, as defined in Section 18.10.112 (Ord. 3604, 11/6/84; 4044, 1/9/90; 4496-C, 8/4/98)



SUBMITTALS REQUIRED	PROCESSING LEVEL						
(See Section 18.10.210)	1	2	3	4	5	6	7
Application form, fee project description	X	X	X	X	X	X	X
Plot plan, building plans		X	X	X	X	X	X
Site development plans		X	X	X	X	X	X
Results of neighborhood meeting (See Section 18.10.210 and .211)						X	X
Further information if needed after initial staff review	X	X	X	X	X	X	X
<b>PUBLIC NOTICES REQUIRED</b>							
	<b>PROCESSING LEVEL</b>						
(See Section 18.10.2201)	1	2	3	4	5	6	7
Notice of application submittal <u>mailed by County to owners of property within 300 feet and to occupants within 100 feet</u>				X			
List of official action	X	X	X				
Legal advertisement of pending action				X			
Notice of pending action or public hearing posted on site				X	X	X	X*
<u>Notice of proposed development sign placed on site by applicant</u>				X	X	X	X
Notices of pending action or public hearing mailed by County to owners of property within 300 ft and to occupants within 100 feet and to the subject property				X	X	X	X*
Notice mailed to occupants within 100 feet and the subject property				X	X	X	X*
Legal advertisement of public hearing					X	X	X*
* Required for both Planning Commission and Board of Supervisors hearings							
<b>REVIEWING BODY</b>	<b>PROCESSING LEVEL</b>						
(See Section 18.10.112)	1	2	3	4	5	6	7
Planning Director or designated person	X	X	X	X			
Zoning Administrator					X		
Planning Commission						X	X
Board of Supervisors							X



## SECTION II

Section 18.10.131, Permit Issuance, of the Santa Cruz County Code is hereby amended to be:

### **18.10.131 Permit issuance.**

After an application has been approved in accordance with this Chapter, and all the required approvals which make up the permit have been obtained, then the permit, including attached conditions, ~~may~~shall be issued to the applicant in accordance with the following:

(a) Level (No plans) through III (Field visit). Permits processed at Levels I (No plans) through III (Field visit) are issued immediately upon approval. Actions to approve or deny projects are made by the Planning Director or his or her designee and may be administratively appealed in accordance with the procedures in Section 18.10.300 et seq.

(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.

(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 13.10.122, 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. (Ord. 4075, 7/24/90; 4500-C, 8/4/98)

(d) Coastal Zone Appeal. When an appeal of a permit approval is filed with the Coastal Commission, the permit shall not be issued until the appeal has been resolved and the County has reviewed the Coastal Commission's action pursuant to Section 18.10.360.

(e) Transfer of Permits. Except for Type A facilities, tent and RV camping sites pursuant to Section 13.10.355(a)4, all permits issued pursuant to the provisions of this Chapter shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the permit application unless otherwise specified by the approving body at the time the permit was granted. All time limits in effect at the time of the transfer are still in effect and are not extended by the transfer. Residential building permit allocations (positions on the lottery list) are not permits and are not transferable.





(f) Applicability of Permits. So long as a parcel of land is subject to a valid existing permit, the entire approved site shall be retained for such permitted use, and no portion shall be severed therefrom or used for any other purpose unless a request for amendment of the permit is submitted to and approved by the appropriate body in accordance with this Chapter.

(g) Emergency Permits. Procedures for emergency permits are provided in the following Chapters: Grading, Section 16.20.116: Emergency Permits; and Coastal Zone Regulations, Section 13.20.090: Emergency Projects.

(h) Effective Date. The effective date of any permit, or the date when any permit may begin to be exercised shall be the first business day after all applicable appeal periods have lapsed, or final action has occurred on any appeal.

### SECTION III

Section 18.10.134(b)2, Permit amendment (project and plan changes), Types of Amendment, of the Santa Cruz County Code is hereby amended to be:

2. Corrections. A correction is a change which corrects an error or omission in a planning approval which is not at variance with the decisions of the approving body or not at variance with County ordinances or regulations, and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.

### SECTION IV

Section 18.10.210, Application submittal requirements, of the Santa Cruz County Code is hereby amended to be:

#### **18.10.210 Application submittal requirements.**

Applications for permits and approvals shall be made to the Planning Department ~~on forms provided by the Department for that purpose~~, and shall be accompanied by a fee as prescribed in the Unified Fee Schedule as adopted by the Board of Supervisors. Applications shall contain such information and reports as may be required by this Section or by other applicable ordinances or by the Planning Director or approving body in order to make the required findings. The following minimum information is required unless otherwise determined by the Planning Director:

(a) Minor Projects (excluding Building Permits). Processing Level I (No plans) through Level III (Field visit) Applications:

1. Applicant's name, address, and telephone number. (Levels I--III)
2. A statement of the applicant's interest in the property (hereinafter called "subject property") in connection with which the application is filed and evidence that the applicant is the owner or purchaser



under contract of the premises involved, or is the owner of a leasehold interest, or has written permission of the owner to make application. (Levels I--III)

3. Present owner's name and address. (Levels I--III)

4. Property location: The location of the premises (location map, street and nearest cross-street or other directions for locating the property); the street address if any; and the Assessor's Parcel Number. (Levels I--III)

5. Description of project, plans and specifications and Preparer's Licensure Certification: The project description shall be submitted, including significant details of the existing land use and proposed project and plans and specifications (as required by other applicable subparagraphs hereof) containing sufficient information to enable any and all required findings to be made (Levels I--III). ~~Except as provided below~~ As appropriate, as a condition precedent to the issuance of any permit, such plans and specifications shall contain the signed statement (or signature and license number thereon) that the preparer is licensed under Chapter 3 of Division 3 of the California Business and Professions Code (or otherwise licensed in this State) to prepare such plans and specifications, together with proof thereof satisfactory to the County. ~~The foregoing Preparer's Licensure Certification shall not be required for applications for the following:~~

~~A. Single family dwellings of woodframe construction not more than two stories and basement in height.~~

~~B. Multiple family dwellings containing no more than four dwellings of woodframe construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwellings each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.~~

~~C. Garages or other structures appurtenant to buildings described under Subsections A. and B., of woodframe construction no more than two stories and basement in height.~~

~~D. Agricultural and ranch buildings of woodframe construction, unless the Building Official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.~~

6. Copy of current deed, if appropriate. (Levels II--III)

7. Copy of the appropriate assessor's parcel map, if appropriate. (Levels II--III)

~~8. Plot plan: A site plan, drawn to scale, showing the entire property, with topography in the vicinity of proposed improvements, and showing existing development, including existing structure and existing trees; proposed layout of structures and other improvements including landscaping and driveways, pedestrian walks, off-street parking and off-street loading areas, with the location of each parking space and each loading berth, and areas for turning and maneuvering vehicles. (Levels II--III)~~

~~9. Full set of construction drawings (building plans) if appropriate: Scaled architectural drawings showing all structural details and all elevations of the proposed structures. (Levels II--III)~~

~~10. Site development plans: Erosion control, drainage, and grading plans, where applicable as determined by the Planning Director. (Level III)~~

~~11. Shadow plans showing the location, height and shadow patterns of major vegetation, buildings and other structures on the proposed site and on all affected and benefitted properties; the location of proposed building envelopes; the location of any existing solar energy systems on benefitted properties; and the approximate distances between structures, vegetation and the south-facing glass or solar energy~~



~~system. Shadow patterns are those cast on the 21<sup>st</sup> of December between 10:00 a.m. and 2:00 p.m., Pacific Standard Time. (Levels V, VI, VII)~~

~~12. Before an application can be deemed complete for processing, the applicant shall submit to the County a Hazardous Waste and Substance Site disclosure stating that the applicant has consulted the list of hazardous waste and substance sites compiled by the State pursuant to Government Code Section 65962.5, and stating whether the project is or is not located on a site included on any of the hazardous waste or substance lists.~~

~~(b) Regular Projects. Processing Level IV (Public notice) and Level V (Zoning Administrator) Applications:~~

~~1. Items 1 through 12 from paragraph (a) above. (Levels IV—V)~~

~~2. Notification materials: Addressed and stamped envelopes for and a mailing list, on a form provided by the Planning Department, of all property owners, their latest known names and addresses and their parcel numbers as shown on the records of the County Assessor, for all properties within 300 feet of the exterior boundaries of the subject property. For projects requiring Coastal Zone approvals, the mailing list and envelopes shall also include the residents of all properties within 100 feet of the exterior boundaries of the subject property. (Levels IV and V)~~

~~(e-b) Major Projects. Processing Level VI (Planning Commission) and Level VII (Board of Supervisors) Applications:~~

~~1. Preliminary applications for review by the Development Review Group (DRG) shall include items 1 through ~~12~~ 7 from paragraph (a) above, plus conceptual drawings of the proposed project.~~

~~2. After initial review by the Development Review Group (DRG), a full application shall be required including all materials specified in paragraphs (a) and (b) above, a plan line study if applicable, results of the neighborhood meeting required by Section 18.10.211, and any other materials required by the Development Review Group or the Planning Director. (Ord. 4196, 5/12/92)~~

~~(d-c) Building Permits: Building Permit applications shall contain the information and materials required by the Planning Director pursuant to a current published list for projects at Levels V (Zoning Administrator) through VII (Board of Supervisors) and shall be made after all required policy amendment approvals have been obtained and all Development and/or Land Division Permits have been issued. A full set of construction plans shall not be submitted until the Building Permit application is made. (Ord. 758, 2/19/62; 1048, 2/1/65; 1704, 4/25/72; 1746, 7/18/72; 2506, 11/22/77; 9/4/79; 2800, 10/30/79; 3503, 3/6/84; 3604, 11/6/84; 4044, 1/9/90)~~

~~(e-d) Projects Requiring Design Review as enumerated in Section 13.11.040:~~

~~(1) Items 1 through 5, 7 through 11 from paragraph (a) above.~~

~~(i) Plot Plan. In addition to the submittal as described in item 8, paragraph (a) above, the following is required: access to the site from adjacent rights of way, streets, and/or arterials; private and shared outdoor recreation spaces; service areas for uses such as mail delivery, recycling and garbage storage and pick up, above-ground utilities, loading and delivery; exterior lighting design; and any other site elements and spaces which would assist design review and evaluation of development.~~

~~(ii) Landscaping Plan. In addition to the submittal requirements listed in item 8, paragraph (a) above, the following is required to be included as a part of the plot plan or as a separate landscape planting plan: location and identification of existing plants on site to remain and location and identification of proposed plants, keyed to a plant list which indicates botanical name, common name, size at planting~~



and any special information regarding plant form, installation or maintenance. The plan shall identify the percentage of the landscape area planted in turf.

(2) Statement of project concept, design goals, design constraints, and an explanation of the design approach taken.

(3) Site Analysis Diagram. A site plan, drawn to scale, indicating all property lines; contiguous land uses and uses across the street from the proposed project site; location and species of trees greater than six inches diameter breast height, as defined in Section 16.34.030; sensitive habitats, as defined in Section 16.32.040; information about significant environmental influences, including views, solar potential, and wind direction; and structures and natural features having a visual or other significant relationship to the site.

(4) Material and Color Sample Board. A complete inventory of proposed materials and colors displayed on an 8-1/2" x 11" or 11" x 14" board. Manufacturer's drawings/photographs, shop drawings, or photographic examples from the built landscape are required to illustrate any special or custom design features.

## SECTION V

The Santa Cruz County Code is hereby amended by renumbering Section 18.10.211 as 18.10.212, and then adding new Section 18.10.212 (*sic; really 18.10.211*) to read as follows:

### **18.10.211-212 Application completion.**

Applications will not be deemed as complete by the Planning Department until all required information has been submitted. The effective time of filing a permit application shall be the time when the application has been deemed complete in full compliance with this Chapter and with all other County ordinances as to form and content. (See also California Government Code Section 65941) (Ord. 4044, 1/9/90; Ord.

### **18.10.211 Neighborhood notification and meeting.**

#### (a) When required.

1. For all development that requires discretionary approval at Level VI or VII, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within 300 feet of the exterior boundaries of the project parcel shall be notified. In the event that there are fewer than ten separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300 foot distance shall be extended in increments of 50 feet (e.g. 350, 400, 450) until owners of at least ten properties have been notified. The notification shall be by first class mail and shall include



a brief description of the proposed development and the date, time, and location of the neighborhood meeting.

2. The following modifications to a submitted application will require new noticing and a neighborhood meeting.

- (i). A change that results in an increase of 20 percent or more in height, floor area ratio, or lot coverage.
- (ii) A change that necessitates a variance.
- (iii) A change that results in an increase in the number of lots or dwelling units.
- (iv) A change that results in an intensification of use, as defined in County Code Section 13.10.700-I.

b. Results. The results of the neighborhood meeting shall be required as part of the application submittal. No application shall be deemed complete without the results of the neighborhood meeting when one is required.

## SECTION VI

Section 18.10.222, Level IV (Public notice)—Notice of application submittal, of the Santa Cruz County Code is hereby amended to be:

### **18.10.222 Level IV (Public notice)—Notice of application submittal.**

(a) Procedures. Public notice of the receipt of a development application pursuant to Level IV. Public notices shall be given in the following ways:

1. The County shall mail a ~~Mailed~~-notice in the form of a postcard or letter mailed not more than ten calendar days following the receipt of a development application to the applicant and to the owners of all property within 300 feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within 100 feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County.

In the event that there are fewer than ten separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300 foot distance shall be extended in increments of 50 feet (e.g. 350, 400, 450 ) until owners of at least ten properties have been notified by mail.

2. Notice to the Board of Supervisors. Notice shall be by delivery by the United States ~~Mail~~-Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail no more than 10 calendar days following the receipt of a development application.

(b) Contents of notice. The content of the notice shall be as follows:

- 1. Location of the proposed project.
- 2. Name of the applicant.
- 3. Description of the proposed use.
- 4. How further information may be obtained and how to submit information on the proposed project.



5. Final date on which comments will be accepted.
6. How to submit information on the proposed project.
7. Date the permit is proposed to be issued.

#### NOTICE OF PENDING ACTION

(c) Procedures. Public notice of the intent to issue a permit pursuant to Level IV. Public notice shall be given in the following ways:

1. Mailed notice in the form of a postcard or letter mailed not less than 10 calendar days prior to the issuance of the permit to the applicant and to the owners of all property within 300 feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within 100 feet of the subject property including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County. In the event that there are fewer than 10 separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300 foot distance shall be extended in increments of 50 feet (e.g. 350, 400, 450) until owners of at least 10 properties have been notified by mail.
2. Published notice. Notice shall be published in a newspaper of general circulation printed and published within the County at least 10 calendar days prior to the issuance of the permit.
3. Posting on the property in a conspicuous place at least 10 calendar days prior to the issuance of the permit.
4. Notice to the Board of Supervisors. Notice shall be delivered by the United States ~~Mail~~ Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail at least 10 days prior to the issuance of the permit.

(d) Contents of notice. The contents of the notice shall be as follows:

1. location of the proposed project.
2. Name of the applicant.
3. Description of the proposed use.
4. How further information may be obtained and how to submit information on the proposed project.
5. Date the permit will be issued.
6. Description of the administrative appeal procedure. (Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3604, 11/6/84; 4044, 1/9/90; 4285, 12/14/93; 4463, 6/17/97; 4496-C, 8/4/98)

#### SECTION VII

Section 18.10.223, Level V (Zoning Administrator) through Level VII (Board of Supervisors)--Notice of public hearing, of the Santa Cruz County Code is hereby amended to be:

#### **18.10.223 Level V (Zoning Administrator) through Level VII (Board of Supervisors)--Notice of public hearing.**

(a) Procedures. A public notice of all public hearings conducted pursuant to the issuance of permits and approvals at Levels V (Zoning Administrator) through VII (Board of Supervisors) shall be given in the following ways:



1. ~~The County shall cause the notice to be published~~ Publication in a newspaper of general circulation printed and published within the County at least ten calendar days prior to the date set for hearing.
2. Posted on the property in a conspicuous place at least ten calendar days prior to the hearing.
3. ~~Mailed n~~ The County shall mail Notices in the form of a postcard or letter not less than ten calendar days prior to the ~~issuance of the permit~~ public hearing to the applicant and to the owners of all property within 300 feet of the exterior boundaries of the subject property and to all lawful occupants of properties within 100 feet of the subject property, including the lawful occupants of the subject property. ~~Such notices shall be based on the mailing list submitted by the applicant.~~ In the event that there are fewer than ten separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300 foot distance shall be extended in increments of 50 feet (e.g. 350, 400, 450) until owners of at least ten properties have been notified by mail.
4. The County shall ~~P~~ provide notice to the Board of Supervisors by delivery by the United States ~~Mail~~ Postal Service, addressed to each Board member at the County Governmental Center, or by delivery to each Board Member by County Government inter-departmental mail at least 10 days prior to the public hearing.
  - (b) Contents of Notice. The contents of the notice shall be as follows:
    1. Location of the proposed project.
    2. Name of the applicant.
    3. Description of the proposed use.
    4. Title of the hearing officer or hearing body.
    5. Date of the hearing.
    6. Time of the hearing.
    7. Location of the hearing.
    8. How further information may be obtained.
  9. Notices of pending applications for permits including Coastal Zone approval shall include a statement that the development is or is not appealable to the Coastal Commission, and the appeal process.
- (c) Alternative Noticing Procedure. If the number of persons or entities who would be notified in subsection (a) above is more than one thousand (1,000), or where a County initiated General Plan amendment affects the designation of a large area or number of parcels, or for public works projects initiated by public agencies which do not include rezonings, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the proposed ordinance, policy or plan amendment, or project; or by including an insert with any generalized mailing sent by the County to property owners affected by the proposal.
- (d) Alternative Notice Procedure for Coastal Approvals. When a Development Permit includes only a Coastal Approval for a project pursuant to Chapter 13.20, and when the number of persons or entities who would be notified in paragraph (a) 3 above is more than two hundred (200), the County may give notice by:
  1. Increasing the posting requirement in paragraph (a) 2 above to provide posting every 1000 feet along an adjoining roadway, and
  2. Placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the project.



(e) Notice of Continuances. Any matter may be continued from time to time. The proposal need not be re-noticed if, at the time of the public hearing for the proposal, the matter is continued to a specific date. Otherwise, the continued matter shall be noticed in the same manner as the original hearing.

(f) Requests for Notice. The County shall send notice by first class mail to any person who has filed a written request with the Planning Department. Requests may be made for notices for all public hearings or for all public hearings relating to a certain application. Requests shall be accompanied by a fee set by the Board of Supervisors Resolution.

(g) Notice to Other Jurisdictions.

1. Public agencies shall be notified of tentative map applications pursuant to Sections 14.01.305.1, 14.01.318, 14.01.319, and 14.01.320.

2. Public agencies shall be notified of public hearings on General Plan amendments pursuant to Section 13.01.080.

3. In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgement of the Planning Director, have an interest in the project.

(h) Recipients of Notice of Final Action. On or before the fifth business day following the final action by the approving body, a notice of the decision, including findings for approval and conditions (if any) and appeal information and deadline shall be mailed to the following persons and agencies:

1) The applicant

2) The owner of the subject parcel

3) All persons who have submitted a written request with a stamped addressed envelope for notification of the action on the specific permit.

4) In the Coastal Zone, the Coastal Commission.

5) Provide to the Board of Supervisors by delivery by the United States ~~Mail~~ Postal Service, addressed to each Board member at the County Governmental Center, or by delivery to each Board Member by County Government inter-departmental mail.

## SECTION VIII

The Santa Cruz County Code is hereby amended by adding Section 18.10.224 to read as follows:

### **18.10.224 Notice off proposed development for Level IV through Level VII**

For all development that requires review at Level IV through VII, the applicant shall install a sign or signs on the site of the proposed development in accordance with this section.

(a) Deadline for placement. Any sign required by this chapter shall be placed no later than seven calendar days after the applicant for an approval for which a sign is required has been informed that the application will be determined to be complete when the sign is placed and placement is verified. The number of signs, size, and locations shall be approved in advance by the Planning Director. Sign specifications shall be provided by the Planning Department to the manufacturer of the sign for the applicant who will then install the sign. Verification shall occur when the County receives from the





applicant a completed certificate attesting that the sign has been installed as required (including photographs).

(b) Location. Any sign required by this chapter shall be placed on the subject property so as to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. Signs shall be located so as to not interfere with vehicular line of sight distance.

(c) Size, material and height above grade. Each sign shall be a minimum of 2 feet by 2 feet up to a maximum of 2 feet (vertical) by 4 feet (horizontal). Signs shall be constructed of recyclable coroplast material. Other material may be used with the approval of the Planning Director. The information required shall be painted, laminated, or otherwise rendered weatherproof and shall be legible at all times. No sign required by this chapter shall exceed seven (7) feet above grade, except where necessary to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. Lettering shall as follows:

1. Letter style: Arial or similar standard typeface.

2. Letter size:

(i) 2-inch bold capital letter for the header:

NOTICE OF PROPOSED DEVELOPMENT

(ii) 1-inch bold capital letters for the project description

(iii) 1-inch upper and lower case for all other letters

(iv) 1-inch bold capital letters for the footer contact information with the applicant information on the left side and the County information on the right side:

FOR FURTHER INFORMATION CONTACT:

APPLICANT:

PROJECT PLANNER:

APPLICANT'S NAME

PLANNER'S NAME

APPLICANT'S PHONE NUMBER

PLANNER'S PHONE NUMBER

APPLICANT'S E-MAIL ADDRESS

PLANNER'S E-MAIL ADDRESS

3. Letter color shall be black

4. Background color shall be white

(d) Information required. Each sign shall include only the following factual information and shall be printed with legible black lettering on a white background:

1. Header

2. Application Number

3. Description of proposed development on the site, including type of project, proposed use, number of units/lots, types of applications being processed and a description of each.

4. Footer with applicant's name, address, phone number, and e-mail address if applicable, on the left side and the project planner's name, address, phone number, and e-mail address on the right side.

5. Staff may require additional specific information be included in order to provide a useful notice.

(e) The following modifications to a submitted application will require new noticing including new sign text.

1. A change that results in an increase of 20 percent or more in height, floor area ratio, or lot coverage.



2. A change that necessitates a variance.
3. A change that results in an increase in the number of lots or dwelling units.
4. A change that results in an intensification of use, as defined in County Code Section 13.10.700-I.

(f) Deadline for sign removal. Each sign shall be removed within ten calendar days after the expiration of the final appeal period or the date on which a final appeal decision is effective. The applicant shall provide the project planner a completed, signed certificate attesting that the sign has been removed in the time period allowed.

(g) Failure to provide affidavit and/or remove sign. If the applicant fails to return the affidavit or if the sign is not removed within the time allowed, then the Planning Director shall record a notice of violation against the property. Additionally, no inspection signoff may occur nor shall any building permit be approved before removal of the sign and correction of the violation.

## SECTION IX

Section 18.10.310(d), General appeal procedures, Computation of Time for Appeal, of the Santa Cruz County Code is hereby amended to be:

### **18.10.310(d) Computation of Time for Appeal.**

Computation of Time for Appeal. The time within which the notice of appeal shall be filed shall commence on the day following the day on which the act was taken or the determination was made. In the event the last day for refiling an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.



**EXHIBIT B: SUGGESTED MODIFICATIONS**

**Shows existing certified text as proposed to be amended by the County in plain text; shows Commission’s Suggested Modifications in bold cross-out (for deletions) and underline (for additions)**

SECTION I

Section 18.10.121 of the Santa Cruz County Code is hereby amended to read as follows:

18.10.121 Summary chart of review process

Action on permits and approvals shall be in accordance with the procedures of one of the seven processing levels defined in this Chapter and as required by the governing County ordinances and regulations. The following chart is presented for the purpose of illustration and provides an outline of /the general requirements for each processing level. The “X”s indicate which items apply to which level. The processing levels are identified by their numbers and names. “Submittals required” refers to the application submittal requirements given in Section 18.10.210. “Public Notices Required” refers to the differing requirements of public noticing for each processing level as prescribed in Section 18.10.220 et seq. “Approving Body” indicates the officer or hearing body which makes the determination on applications at each processing level, as defined in Section 18.10.112 (Ord. 3604, 11/6/84; 4044, 1/9/90; 4496-C, 8/4/98)

SUBMITTALS REQUIRED	PROCESSING LEVEL						
(See Section 18.10.210)	1	2	3	4	5	6	7
Application form, fee project description	X	X	X	X	X	X	X
Plot plan, building plans		X	X	X	X	X	X
Site development plans		X	X	X	X	X	X
Results of neighborhood meeting (See Section 18.10.210 and .211)						X	X
Further information if needed after initial staff review	X	X	X	X	X	X	X
<b>PUBLIC NOTICES REQUIRED</b>							
(See Sections 18.10.221-.223)	1	2	3	4	5	6	7
Notice of application submittal mailed by County-to owners of property within 300 feet and to occupants within 100 feet				X			
List of official action	X	X	X				
Legal advertisement of pending action				X			



Notice of pending action or public hearing posted on site				X	X	X	X*
Notice of proposed development sign placed on site by applicant				X	X	X	X
Notices of pending action or public hearing mailed by County to owners of property within 300 ft and to occupants within 100 feet and to the subject property				X	X	X	X*
Legal advertisement of public hearing					X	X	X*
* Required for both Planning Commission and Board of Supervisors hearings							
<b><u>APPROVING/REVIEWING</u></b> <b>BODY</b>				<b>PROCESSING LEVEL</b>			
(See Section 18.10.112)	1	2	3	4	5	6	7
Planning Director or designated person	X	X	X	X			
Zoning Administrator					X*		
Planning Commission						X*	X
Board of Supervisors							X*

**\* and California Coastal Commission if appealed**

SECTION II

Section 18.10.131, Permit Issuance, of the Santa Cruz County Code is hereby amended to be:

18.10.131 Permit issuance.

After an application has been approved in accordance with this Chapter, and all the required approvals which make up the permit have been obtained, then the permit, including attached conditions, shall be issued to the applicant in accordance with the following:

(a) Level (No plans) through III (Field visit). Permits processed at Levels I (No plans) through III (Field visit) are issued immediately upon approval. Actions to approve or deny projects are made by the Planning Director or his or her designee and may be administratively appealed in accordance with the procedures in Section 18.10.300 et seq.

(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.

(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 ~~13.120.122~~, 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. (Ord. 4075, 7/24/90; 4500-C, 8/4/98)

(d) Coastal Zone Appeal. When an appeal of a permit approval is filed with the Coastal Commission, the permit shall not be issued until the appeal has been resolved and the County has reviewed the Coastal Commission's action pursuant to Section 18.10.360.

(e) Transfer of Permits. Except for Type A facilities, tent and RV camping sites pursuant to Section 13.10.355(a)4, all permits issued pursuant to the provisions of this Chapter shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the permit application unless otherwise specified by the approving body at the time the permit was granted. All time limits in effect at the time of the transfer are still in effect and are not extended by the transfer. Residential building permit allocations (positions on the lottery list) are not permits and are not transferable.

(f) Applicability of Permits. So long as a parcel of land is subject to a valid existing permit, the entire approved site shall be retained for such permitted use, and no portion shall be severed therefrom or used for any other purpose unless a request for amendment of the permit is submitted to and approved by the appropriate body in accordance with this Chapter.

(g) Emergency Permits. Procedures for emergency permits are provided in the following Chapters: Grading, Section 16.20.116: Emergency Permits; and Coastal Zone Regulations, Section 13.20.090: Emergency Projects.

(h) Effective Date. The effective date of any permit, or the date when any permit may begin to be exercised shall be the first business day after all applicable appeal periods have lapsed, or final action has occurred on any appeal.

### SECTION III

Section 18.10.134(b)2, Permit amendment (project and plan changes), Types of Amendment, of the Santa Cruz County Code is hereby amended to be:

2. Corrections. A correction is a change which corrects an error or omission in a planning approval which is not at variance with the decisions of the approving body or not at variance with County ordinances or regulations, and which does not involve either a modification of a design consideration, an improvement, or a condition of approval which was a matter of discussion at the public hearing at which the planning approval was granted.



SECTION IV

Section 18.10.210, Application submittal requirements, of the Santa Cruz County Code is hereby amended to be:

18.10.210 Application submittal requirements.

Applications for permits and approvals shall be made to the Planning Department, and shall be accompanied by a fee as prescribed in the Unified Fee Schedule as adopted by the Board of Supervisors. Applications shall contain such information and reports as may be required by this Section or by other applicable ordinances or by the Planning Director or approving body in order to make the required findings and as detailed in a List of Required Information handout maintained by the Planning Director.

The following minimum information is required unless otherwise determined by the Planning Director:

(a) Minor Projects (excluding Building Permits). Processing Level I (No plans) through Level III (Field visit) Applications:

1. Applicant's name, address, and telephone number. (Levels I--III)
2. A statement of the applicant's interest in the property hereinafter called "subject property" in connection with which the application is filed and evidence that the applicant is the owner or purchaser under contract of the premises involved, or is the owner of a leasehold interest, or has written permission of the owner to make application. (Levels I--III)
3. Present owner's name and address. (Levels I--III)
4. Property location: The location of the premises (location map, street and nearest cross-street or other directions for locating the property); the street address if any; and the Assessor's Parcel Number. (Levels I--III)
5. Description of project, plans and specifications and Preparer's Licensure Certification: The project description shall be submitted, including significant details of the existing land use ~~and~~ proposed project ~~and~~ plans and specifications (as required by other applicable subparagraphs hereof) containing sufficient information to enable any and all required findings to be made (Levels I--III). As appropriate, as a condition precedent to the issuance of any permit, such plans and specifications shall contain the signed statement (or signature and license number thereon) that the preparer is licensed under Chapter 3 of Division 3 of the California Business and Professions Code (or otherwise licensed in this State) to prepare such plans and specifications, together with proof thereof satisfactory to the County.
6. Copy of current deed, if appropriate. (Levels II--III)
7. Copy of the appropriate assessor's parcel map, if appropriate. (Levels II--III)

**(b) Regular Projects. Processing Level IV (Public Notice) and Level V (Zoning Administrator) Applications:**

**1. -7. Items 1 through 7 from paragraph (a) above**

~~(b)~~ Major Projects. Processing Level VI (Planning Commission) and Level VII (Board of Supervisors) Applications:

1. Preliminary applications for review by the Development Review Group (DRG) shall include items 1 through 7 from paragraph (a) above plus conceptual drawings of the proposed project.



2. After initial review by the Development Review Group (DRG), a full application shall be required including all materials specified in paragraphs (a) and (b) above, a plan line study if applicable, results of the neighborhood meeting required by Section 18.10.211, and any other materials required by the Development Review Group or the Planning Director. (Ord. 4196, 5/12/92)

**(ed)** Building Permits: Building Permit applications shall contain the information and materials required by the Planning Director pursuant to a current published list for projects at Levels V (Zoning Administrator) through VII (Board of Supervisors) and shall be made after all required policy amendment approvals have been obtained and all Development and/or Land Division Permits have been issued. A full set of construction plans shall not be submitted until the Building Permit application is made. (Ord. 758, 2/19/62; 1048, 2/1/65; 1704, 4/25/72; 1746, 7/18/72; 2506, 11/22/77; 9/4/79; 2800, 10/30/79; 3503, 3/6/84; 3604, 11/6/84; 4044, 1/9/90)

**(de)** Projects Requiring Design Review as enumerated in Section 13.11.040:

(1) Items 1 through 5; ~~and 7 through 11~~ from paragraph (a) above.

(i) Plot Plan. In addition to the submittal as described in ~~item 8~~, paragraph (a) above, the following is required: access to the site from adjacent rights of way, streets, and/or arterials; private and shared outdoor recreation spaces; service areas for uses such as mail delivery, recycling and garbage storage and pick up, above-ground utilities, loading and delivery; exterior lighting design; and any other site elements and spaces which would assist design review and evaluation of development.

(ii) Landscaping Plan. In addition to the submittal requirements listed in ~~item 8~~, paragraph (a) above, the following is required to be included as a part of the plot plan or as a separate landscape planting plan: location and identification of existing plants on site to remain and location and identification of proposed plants, keyed to a plant list which indicates botanical name, common name, size at planting and any special information regarding plant form, installation or maintenance. The plan shall identify the percentage of the landscape area planted in turf.

(2) Statement of project concept, design goals, design constraints, and an explanation of the design approach taken.

(3) Site Analysis Diagram. A site plan, drawn to scale, indicating all property lines; contiguous land uses and uses across the street from the proposed project site; location and species of trees greater than six inches diameter breast height, as defined in Section 16.34.030; sensitive habitats, as defined in Section 16.32.040; information about significant environmental influences, including views, solar potential, and wind direction; and structures and natural features having a visual or other significant relationship to the site.

(4) Material and Color Sample Board. A complete inventory of proposed materials and colors displayed on an 8-1/2" x 11" or 11" x 14" board. Manufacturer's drawings/photographs, shop drawings, or photographic examples from the built landscape are required to illustrate any special or custom design features.

## SECTION V



The Santa Cruz County Code is hereby amended by renumbering Section 18.10.211 as 18.10.212, and then adding new Section 18.10.212 (*sic; really 18.10.211*) to read as follows:

18.10.211 Neighborhood notification and meeting.

(a) When required.

1. For all development that requires discretionary approval at Level VI or VII, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within 300 feet of the exterior boundaries of the project parcel shall be notified. In the event that there are fewer than ten separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300 foot distance shall be extended in increments of 50 feet (e.g. 350, 400, 450) until owners of at least ten properties have been notified. The notification shall be by first class mail and shall include a brief description of the proposed development and the date, time, and location of the neighborhood meeting.
2. The following modifications to a submitted application will require new noticing and a neighborhood meeting.
  - (i). A change that results in an increase of 20 percent or more in height, floor area ratio, or lot coverage.
  - (v) A change that necessitates a variance.
  - (vi) A change that results in an increase in the number of lots or dwelling units.
  - (vii) A change that results in an intensification of use, as defined in County Code Section 13.10.700-I.
- b. Results. The results of the neighborhood meeting shall be required as part of the application submittal. No application shall be deemed complete without the results of the neighborhood meeting when one is required.

18.10.212 Application completion.

Applications will not be deemed as complete by the Planning Department until all required information has been submitted. The effective time of filing a permit application shall be the time when the application has been deemed complete in full compliance with this Chapter and with all other County ordinances as to form and content. (See also California Government Code Section 65941) (Ord. 4044, 1/9/90; Ord.

SECTION VI

Section 18.10.222, Level IV (Public notice)—Notice of application submittal, of the Santa Cruz County Code is hereby amended to be:

18.10.222 Level IV (Public notice)—Notice of application submittal.



(a) Procedures. Public notice of the receipt of a development application pursuant to Level IV. Public notices shall be given in the following ways:

1. The County shall mail a notice in the form of a postcard or letter mailed not more than ten calendar days following the receipt of a development application to the applicant and to the owners of all property within 300 feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within 100 feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County.

In the event that there are fewer than ten separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300 foot distance shall be extended in increments of 50 feet (e.g. 350, 400, 450) until owners of at least ten properties have been notified by mail.

2. Notice to the Board of Supervisors. Notice shall be by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail no more than 10 calendar days following the receipt of a development application.

(b) Contents of notice. The content of the notice shall be as follows:

1. Location of the proposed project.
2. Name of the applicant.
3. Description of the proposed use.
4. How further information may be obtained and how to submit information on the proposed project.
5. Final date on which comments will be accepted.
6. How to submit information on the proposed project.
7. Date the permit is proposed to be issued.

#### NOTICE OF PENDING ACTION

(c) Procedures. Public notice of the intent to issue a permit pursuant to Level IV. Public notice shall be given in the following ways:

1. Mailed notice in the form of a postcard or letter mailed not less than 10 calendar days prior to the issuance of the permit to the applicant and to the owners of all property within 300 feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within 100 feet of the subject property including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County. In the event that there are fewer than 10 separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300 foot distance shall be extended in increments of 50 feet (e.g. 350, 400, 450) until owners of at least 10 properties have been notified by mail.

2. Published notice. Notice shall be published in a newspaper of general circulation printed and published within the County at least 10 calendar days prior to the issuance of the permit.

3. Posting on the property in a conspicuous place at least 10 calendar days prior to the issuance of the permit.

4. Notice to the Board of Supervisors. Notice shall be delivered by the United States -Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board



Member by County Government interdepartmental mail at least 10 days prior to the issuance of the permit.

(d) Contents of notice. The contents of the notice shall be as follows:

1. Location of the proposed project.
2. Name of the applicant.
3. Description of the proposed use.
4. How further information may be obtained and how to submit information on the proposed project.
5. Date the permit will be issued.
6. Description of the administrative appeal procedure. (Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3604, 11/6/84; 4044, 1/9/90; 4285, 12/14/93; 4463, 6/17/97; 4496-C, 8/4/98)

## SECTION VII

Section 18.10.223, Level V (Zoning Administrator) through Level VII (Board of Supervisors)--Notice of public hearing, of the Santa Cruz County Code is hereby amended to be:

18.10.223 Level V (Zoning Administrator) through Level VII (Board of Supervisors)--Notice of public hearing.

(a) Procedures. A public notice of all public hearings conducted pursuant to the issuance of permits and approvals at Levels V (Zoning Administrator) through VII (Board of Supervisors) shall be given in the following ways:

1. The County shall cause the notice to be published in a newspaper of general circulation printed and published within the County at least ten calendar days prior to the date set for hearing.
2. Posted on the property in a conspicuous place at least ten calendar days prior to the hearing.
3. The County shall mail notices in the form of a postcard or letter not less than ten calendar days prior to the public hearing to the applicant and to the owners of all property within 300 feet of the exterior boundaries of the subject property and to all lawful occupants of properties within 100 feet of the subject property, including the lawful occupants of the subject property. In the event that there are fewer than ten separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300 foot distance shall be extended in increments of 50 feet (e.g. 350, 400, 450) until owners of at least ten properties have been notified by mail. **The County shall also mail these notices to the Coastal Commission and to all persons who have requested to be on the mailing list for the subject development project or for coastal decisions within that jurisdiction [and to all other parties known by the applicant and/or County to have a particular interest in the application (including those who testified at prior hearings and/or submitted comments regarding the application)].**
4. The County shall provide notice to the Board of Supervisors by delivery by the United States Postal Service, addressed to each Board member at the County Governmental-Center, or by delivery to each Board Member by County Government inter-departmental mail at least 10 days prior to the public hearing.

(b) Contents of Notice. The contents of the notice shall be as follows:

1. Location of the proposed project.
2. Name of the applicant.



3. Description of the proposed use.
  4. Title of the hearing officer or hearing body.
  5. Date of the hearing.
  6. Time of the hearing.
  7. Location of the hearing.
  8. How further information may be obtained.
  9. Notices of pending applications for permits including Coastal Zone approval shall include a statement that the development is or is not appealable to the Coastal Commission, and the appeal process.
- (c) Alternative Noticing Procedure. If the number of persons or entities who would be notified in subsection (a) above is more than one thousand (1,000), or where a County initiated General Plan amendment affects the designation of a large area or number of parcels, or for public works projects initiated by public agencies which do not include rezonings, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the proposed ordinance, policy or plan amendment, or project; or by including an insert with any generalized mailing sent by the County to property owners **and residents** affected by the proposal.
- (d) Alternative Notice Procedure for Coastal Approvals. When a Development Permit includes only a Coastal Approval for a project pursuant to Chapter 13.20, and when the number of persons or entities who would be notified in paragraph (a) 3 above is more than two hundred (200), the County may give notice by:
1. Increasing the posting requirement in paragraph (a) 2 above to provide posting every 1000 feet along an adjoining-roadway, and
  2. Placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the project.
- (e) Notice of Continuances. Any matter may be continued from time to time. The proposal need not be re-noticed if, at the time of the public hearing for the proposal, the matter is continued to a specific date. Otherwise, the continued matter shall be noticed in the same manner as the original hearing.
- (f) Requests for Notice. The County shall send notice by first class mail to any person who has filed a written request with the Planning Department. Requests may be made for notices for all public hearings or for all public hearings relating to a certain application. Requests shall be accompanied by a fee set by the Board of Supervisors Resolution.
- (g) Notice to Other Jurisdictions.
1. Public agencies shall be notified of tentative map applications pursuant to Sections 14.01.305.1, 14.01.318, 14.01.319, and 14.01.320.
  2. Public agencies shall be notified of public hearings on General Plan amendments pursuant to Section 13.01.080.
  3. In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgement (*sic*) of the Planning Director, have an interest in the project.
- (h) Recipients of Notice of Final Action.  
On or before the fifth business day following the final action by the approving body, a notice of the decision, including findings for approval and conditions (if any) and appeal information and deadline shall be mailed to the following persons and agencies:



- 1) The applicant
- 2) The owner of the subject parcel
- 3) All persons who have submitted a written request with a stamped addressed envelope for notification of the action on the specific permit.
- 4) In the Coastal Zone, the Coastal Commission.
- 5) Provide to the Board of Supervisors by delivery by the United States Postal Service, addressed to each Board member at the County Governmental Center, or by delivery to each Board Member by County Government inter-departmental mail.

## SECTION VIII

The Santa Cruz County Code is hereby amended by adding Section 18.10.224 to read as follows:

### 18.10.224 Notice of proposed development for Level IV through Level VII

For all development that requires review at Level IV through VII, the applicant shall install a sign or signs on ~~the~~ **each** site of the proposed development in accordance with this section.

(a) **Deadline for placement.** Any sign required by this chapter shall be placed no later than seven calendar days after the applicant for an approval for which a sign is required has been informed that the application will be determined to be complete when the sign is placed and placement is verified. The number of signs, size, and locations shall be approved in advance by the Planning Director. Sign specifications shall be provided by the Planning Department to the manufacturer of the sign for the applicant who will then install the sign. Verification shall occur when the County receives from the applicant a completed certificate attesting that the sign has been installed as required (including photographs).

(b) **Location.** Any sign required by this chapter shall be placed on the subject property so as to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. **For proposed projects in public rights-of-way, signs shall be posted at 1,000 foot intervals along subject right(s)-of-way. Additional signs may be required that are visible from other public vantage points, such as for when a proposed project is located within a public park some distance from the vehicular accessway.** Signs shall be located so as to not interfere with vehicular line of sight distance.

(c) **Size, material and height above grade.** Each sign shall be a minimum of 2 feet by 2 feet up to a maximum of 2 feet (vertical) by 4 feet (horizontal). Signs shall be constructed of recyclable coroplast material. Other material may be used with the approval of the Planning Director. The information required shall be painted, laminated, or otherwise rendered weatherproof and shall be legible at all times. No sign required by this chapter shall exceed seven (7) feet above grade, except where necessary to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. Lettering shall as follows:

1. Letter style: Arial or similar standard typeface.
2. Letter size:
  - (i) 2-inch bold capital letter for the header:



## NOTICE OF PROPOSED DEVELOPMENT

- (ii) 1-inch bold capital letters for the project description
- (iii) 1-inch upper and lower case for all other letters
- (iv) 1-inch bold capital letters for the footer contact information with the applicant information on the left side and the County information on the right side:

FOR FURTHER INFORMATION CONTACT:

APPLICANT:	PROJECT PLANNER:
APPLICANT'S NAME	PLANNER'S NAME
APPLICANT'S PHONE NUMBER	PLANNER'S PHONE NUMBER
APPLICANT'S E-MAIL ADDRESS	PLANNER'S E-MAIL ADDRESS ( <i>sic</i> )

3. Letter color shall be black

4. Background color shall be white

(d) Information required. Each sign shall include only the following factual information and shall be printed with legible black lettering on a white background:

1. Header

2. Application Number

3. Description of proposed development on the site, including type of project, proposed use, number of units/lots, types of applications being processed and a description of each.

4. Footer with applicant's name, address, phone number, and e-mail address if applicable, on the left side and the project planner's name, address, phone number, and e-mail address on the right side.

5. Staff may require additional specific information be included in order to provide a useful notice.

(e) The following modifications to a submitted application will require new noticing including new sign text.

1. A change that results in an increase of 20 percent or more in height, floor area ratio, or lot coverage.

2. A change that necessitates a variance.

3. A change that results in an increase in the number of lots or dwelling units.

4. A change that results in an intensification of use, as defined in County Code Section 13,10.700-I.

(f) Deadline for sign removal. Each sign shall be removed within ten calendar days after the expiration of the final appeal period or the date on which a final appeal decision is effective. The applicant shall provide the project planner a completed, signed ~~certificate~~ **affidavit** attesting that the sign has been removed in the time period allowed.

(g) Failure to provide affidavit and/or remove sign. If the applicant fails to return the affidavit or if the sign is not removed within the time allowed, then the Planning Director shall record a notice of violation against the property. Additionally, no inspection signoff may occur nor shall any building permit be approved before removal of the sign and correction of the violation.

## SECTION IX



Section 18.10.310(d), General appeal procedures, Computation of Time for Appeal, of the Santa Cruz County Code is hereby amended to be:

18.10.310(d) Computation of Time for Appeal.

Computation of Time for Appeal. The time within which the notice of appeal shall be filed shall commence on the day following the day on which the act was taken or the determination was made. In the event the last day for filing an appeal falls on a non-business day of the County, the appeal may be timely filed on the next business day.





RECEIVED

NOV 21 2005

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

November 19, 2005

California Coastal Commission

Dear Coastal Commissioners,

The County of Santa Cruz's proposal to amend the LCP to require developers of larger projects to meet with the effected neighborhood is a very good idea. So much so, Santa Cruz developers typically already do so. Frankly, they would be very foolish not to do so.

Then it begs the question is why require it?

The answer *may* be that a more organized and effective approach for these meetings could be *very* valuable. Many of the professional and general public feels this approach should be applauded. Unfortunately the approach proposed for the neighborhood meetings is not organized, nor is the framework and the objective of these meetings defined.

The International Association of Public Participation defines five different levels of public participation (enclosed). These levels range from simply *informing the neighborhood* of the proposed development, to the developer implementing what the *neighborhood decides*. For the sake of clarity, one of these levels of public participation should be assigned to these neighborhood meetings. In addition a county planner could be assigned and present at the neighborhood meeting in order to represent and record what the neighborhood concerns are.

As proposed, the County of Santa Cruz's amendments to the LCP are, with all due respect, ill defined. It appears to be an invitation for developers to make "deals" with neighbors without the governmental body having jurisdiction involved. Ultimately an abdication of the responsibilities and police powers of the governing jurisdiction. With a bit more effort on defining the process and objective of this ordinance, it can be a truly beneficial revision to the LCP. Otherwise the lack of definition is likely to lead to rancor and misunderstandings. Developers could easily assume that agreements with neighbors should be sufficient, and neighbors could easily assume the same, regardless of what the actual governing body's regulations and requirements are.

728 NORTH  
BRANCIFORTE  
SANTA CRUZ  
CA 95062  
877-877-3797



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NOV-22-2005 12:52 FROM:MATSON BRITTON ARCHI 18314254795

TO:4274877

P.3/4

I would suggest that this change to the LCP be sent back to the County of Santa Cruz with the direction to specify what level of public participation should be required (based on the International Association of Public Participation), and how that interaction should be monitored and administered.

Thank you for your consideration.

Sincerely,



Cove Britton  
Matson Britton Architects  
Government Liaison for Santa Cruz County Association of Architects





## IAP2 Public Participation Spectrum

Developed by the International Association for Public Participation

INCREASING LEVEL OF PUBLIC IMPACT

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<p><b>Public Participation Goals</b></p> <p>To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.</p>	<p><b>Public Participation Goals</b></p> <p>To obtain public feedback on analysis, alternatives and/or decisions.</p>	<p><b>Public Participation Goals</b></p> <p>To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</p>	<p><b>Public Participation Goals</b></p> <p>To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.</p>	<p><b>Public Participation Goals</b></p> <p>To place final decision-making in the hands of the public.</p>
<p><b>Promise to the Public:</b></p> <p>We will keep you informed.</p>	<p><b>Promise to the Public:</b></p> <p>We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.</p>	<p><b>Promise to the Public:</b></p> <p>We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.</p>	<p><b>Promise to the Public:</b></p> <p>We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.</p>	<p><b>Promise to the Public:</b></p> <p>We will implement what you decide.</p>
<p><b>Example Techniques to Consider:</b></p> <ul style="list-style-type: none"> <li>• Fact sheets</li> <li>• Web sites</li> <li>• Open houses</li> </ul>	<p><b>Example Techniques to Consider:</b></p> <ul style="list-style-type: none"> <li>• Public comment</li> <li>• Focus groups</li> <li>• Surveys</li> <li>• Public meetings</li> </ul>	<p><b>Example Techniques to Consider:</b></p> <ul style="list-style-type: none"> <li>• Workshops</li> <li>• Deliberate polling</li> </ul>	<p><b>Example Techniques to Consider:</b></p> <ul style="list-style-type: none"> <li>• Citizen Advisory Committees</li> <li>• Consensus-building</li> <li>• Participatory decision-making</li> </ul>	<p><b>Example Techniques to Consider:</b></p> <ul style="list-style-type: none"> <li>• Citizen juries</li> <li>• Ballots</li> <li>• Delegated decisions</li> </ul>

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