

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th7a

PUBLIC NOTICE

Prepared June 22, 2006 (for July 13, 2006 Hearing)

To: Commissioners and Interested Persons

From: Charles Lester, Deputy District Director
Steve Monowitz, District Manager
Susan Craig, Coastal Planner

Subject: Santa Cruz County LCP Minor Amendment Number 1-06 (Affordable Housing Requirement) Proposed minor amendment to the Santa Cruz County certified Local Coastal Program to be heard at the Coastal Commission's July 13, 2006 meeting at the Catamaran Resort Hotel (3999 Mission Boulevard) in San Diego.

Santa Cruz County is requesting that its certified Local Coastal Program (LCP) Implementation Plan (IP/Zoning Ordinance) be amended. This amendment request was filed on June 2, 2006 pursuant to Coastal Act Section 30514(b) and California Code of Regulations (CCR) Sections 13554 and 13555.

The proposed amendment would require that 40% of all residential units or parcels, resulting from the rezoning of a non-residential zoning district to a residentially-zoned district within the Urban Services Line, be affordable (amended certified IP sections 13.01.060 and 13.10.215).

Based on its review of submitted materials, the Executive Director has determined that the LCP amendment qualifies as a minor amendment. Section 13554(a) of the California Code of Regulation's defines minor amendments to certified Implementation Plans (zoning ordinance) as:

changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission to be consistent with the land use plan as certified by the Commission.

The amendment will not change the kind, location, intensity, or density of use of an underlying residential zoning district, but will simply require that 40% of units or parcels resulting from the rezoning of a non-residential zoning district to a residentially-zoned district within the Urban Services Line be affordable. The amendment will not conflict with any policy or standards contained within the certified General Plan/Land Use Plan or Chapter 3 of the Coastal Act.

The purpose of this notice is to advise interested parties of the Executive Director's



California Coastal Commission

July 13, 2006 Meeting in San Diego

Staff: Susan Craig Approved by: Steve Monowitz

Q:\MSWord\Th7a-7-2006.doc

determination (pursuant to CCR Section 13555) that the proposed amendment is minor as defined in CCR Section 13554 because it expands upon existing zoning requirements for new urban residential designations in a manner that is consistent with the LUP and will not change the type, location, intensity, or density of the new residential district and does not conflict with Chapter 3 of the Coastal Act or any other policy in the City's certified Land Use Plan (CCR Section 13554(d)(3)).

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its July 13, 2006 meeting at the Catamaran Resort Hotel located at 3999 Mission Boulevard in San Diego. The Executive Director will also report any objections to the determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(a)).

If you have any questions or need additional information regarding the proposed LCP amendment or the Commission procedures, please contact Susan Craig in the Coastal Commission's Central Coast District Office in Santa Cruz at the address or phone number listed above. If you wish to register an objection to the proposed minor LCP amendment, please do so by July 7, 2006.

Attachments:

Exhibit 1: Proposed Text of Santa Cruz County Minor LCP Amendment 1-06

Exhibit 2: County Resolution

ORDINANCE NO. 4817

ORDINANCE AMENDMENTS TO COUNTY CODE SECTIONS 13.01.060,
13.10.215 AND 17.10.030 REGARDING THE CONVERSION OF NON
RESIDENTIAL LAND TO RESIDENTIAL LAND

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

SECTION I

Section 13.01.060, General Plan Amendment of the Santa Cruz County Code is hereby amended to read as follows:

13.01.060 General Plan amendment.

(a) Amendment Initiation. A General Plan Amendment may be initiated by:

1. A Resolution of Intention by the Board of Supervisors or the Planning Commission.

2. An application by a property owner, an interested party having the owner's authorization, or any member of the general public.

(b) Amendment Frequency. The General Plan shall not be amended more than four (4) times in a calendar year. Each of the four allowed amendments may encompass a variety of different changes to the plan.

(c) Consistency Zoning. When a General Plan Amendment affects the land use designation of specific properties, those properties shall be concurrently rezoned to a zone district(s) as necessary to maintain consistency with the General Plan. (Ord. 3323, 11/23/82)

(d) Affordable Housing Requirement. When a General Plan Amendment changes the land use designation of a parcel within the Urban Services Line from a non-residential designation to a residential designation, 40% of all residential units or parcels resulting from the General Plan Amendment shall be affordable pursuant to Chapter 17.10.

SECTION II

Section 13.10.215, Zoning Plan Amendment, of the Santa Cruz County Code is hereby amended to read as follows:

13.10.215 Zoning Plan amendment.

(a) Amendment Policy. The County Zoning Plan is intended to be a comprehensive, detailed appraisal of the County's present and future needs for land-use allocations which are shown broadly on the adopted General Plan. In order to maintain a stable, desirable, well-balanced pattern of development throughout the unincorporated County area, amendments to the Zoning Plan are

to be discouraged and made only upon adequate justification. (Ord. 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

1. To further this intention and to address the housing needs of County residents, the County shall require that within the Urban Services Line, any rezoning from a non-residential zone district to a residential zone district meet the following criteria:

a. A minimum of 40% of all residential units or parcels resulting from the rezoning shall be affordable. At least one half of the affordable units shall be affordable to low income households. All required affordable units shall be located on-site. If the calculation of the affordable housing obligation under Section 17.10.030(b) results in any fractional obligation above a whole unit, the project developer shall contribute funds equivalent to the fractional amount to the Measure J Trust Fund as provided in Section 17.10.034.

b. These affordable units shall meet the requirements of Chapter 17.10 of the County Code, as applicable.

(b) Amendment Initiation. Amendment to the Zoning Plan may be initiated by a Resolution of Intention adopted by the Board of Supervisors upon its own motion or upon the recommendation of the Planning Commission, or an application by a property owner or other interested party having the owner's authorization. (Ord. 560, 7/14/58; 1029, 11/16/64; 1508, 4/21/70; 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(c) Amendment Procedures. Amendments to the County Zoning Plan shall be processed as an Approval Level VII project pursuant to Chapter 18.10 and in accordance with the requirements of this Section.

(d) Planning Commission Recommendation. After a public hearing, which may be continued from time to time, the Planning Commission shall send a written recommendation to the Board within 90 days after the first notice of the hearing, unless the time limit has been extended by mutual agreement of the applicant and the Commission. The Commission's recommendation shall include the reasons for the recommendation, the relationship of the proposed zoning amendment to the General Plan, and a statement regarding compliance with the California Environmental Quality Act. The Planning Commission shall recommend approval of a rezoning only if it determines that:

1. The proposed zone district will allow a density of development and types of uses which are consistent with objectives and land-use designations of the adopted General Plan; and
2. The proposed zone district is appropriate to the level of utilities and community services available to the land; and
3. One or more of the following findings can be made.

(i) The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district;

(ii) The proposed rezoning is necessary to provide for a community-related use which was not anticipated when the Zoning Plan was adopted; or

(iii) The present zoning is the result of an error; or

(iv) The present zoning is inconsistent with designation on the General Plan.

(Ord. 560, 7/14/68; 1029, 11/16/64; 1508, 4/21/70; 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(e) Planning Commission Recommendation Against Amendment. If the Planning Commission recommends against a proposed amendment, their action shall be final unless the matter is subsequently considered upon appeal or special consideration by the Board of Supervisors, or unless the action is being processed concurrently with a project which requires Level VII approval. (Ord. 560, 7/14/68; 1029, 11/16/64; 1508, 4/21/70; 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3593, 11/6/84)

(f) Board of Supervisors Action. The Clerk of the Board shall set a public hearing before the Board of Supervisors within 30 days after the receipt of the report recommending a zoning amendment from the Planning Commission. The Board may approve, modify, or disapprove the Planning Commission's recommendation, provided that any substantial modification of the proposed zoning amendment (including the imposition of regulations which are less restrictive than those proposed by the commission or changes in proposed dwelling density or use) which was not previously considered by the Planning Commission shall be referred to the Planning Commission for their report and recommendation. The Planning Commission is not required to hold a public hearing on the referral, and their failure to respond within forty days shall constitute approval. Any hearing may be continued from time to time. (Ord. 560, 7/14/68; 1029, 11/16/64; 1508, 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

(g) Finality of Action on Amendments. No new application for a zoning amendment shall be filed for the same or substantially the same purpose on the same parcel within one year after its denial without the consent of the Planning Commission if no appeal was made, or without the consent of the Board of Supervisors if denied by the Board. A denial without prejudice shall allow the filing of a new application at any time for the same or substantially the same purpose. (Ord. 560, 7/14/68; 1029, 11/16/64; 1508, 4/21/70; 1863, 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

SECTION III

Section 17.10.030, Inclusionary housing requirements for residential development projects, of the Santa Cruz County Code is hereby amended to read as follows:

not part
of
LCP

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA
CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 73-2006

On the motion of Supervisor: Wormhoudt
Duly seconded by Supervisor: Pirie
The following resolution is adopted:

RESOLUTION ADOPTING OF ORDINANCE AMENDMENTS REGARDING THE
CONVERSION OF NON RESIDENTIAL LAND TO RESIDENTIAL LAND

WHEREAS, the County of Santa Cruz is among the most expensive housing markets in the nation, and the cost of residential land continues to rise; and

WHEREAS, the disparity between the value of residential land and non-residential land continues to grow wider; and

WHEREAS, this disparity in value puts pressure on non-residential land to be converted to residential use and development; and

WHEREAS, the conversion of non-residential land to residential land confers a financial benefit on the property owner due to the increased property value of residential land; and

WHEREAS, in the absence of adequate public benefits associated with the conversion of non-residential lands to residential uses, such conversions would be detrimental to the public welfare: 1) by reducing the limited number of existing locations available for other land uses which presently benefit the public welfare by serving the community's commercial, industrial, public facilities, and other needs; and 2) by further exacerbating the housing crisis through facilitating the development of new homes which do not address the needs of the community; and

WHEREAS, the public should benefit from the removal of non-residential land from non-residential use; and

WHEREAS, the pursuit and encouragement of adequate affordable housing alternatives is a high priority; and

WHEREAS, by requiring 40% of units to be affordable units on converted lands, such conversions would provide an adequate benefit to the public welfare, offsetting the public detriment that would result from the loss of parcels available to support the community's non-residential needs; and

CCC Exhibit 2

(page 1 of 3 pages)

WHEREAS, the most appropriate benefit to the community is the provision of affordable housing as a part of any residential development resulting from the conversion of non-residential land to residential; and

WHEREAS, there is an expectation that applications will be filed for conversion of non-residential land to residential land; and

WHEREAS, an ordinance addressing the affordable housing component of a rezoning and General Plan amendment from non-residential to residential is appropriate to address the housing crisis in Santa Cruz County; and

WHEREAS, an amendment to the County Code and the Local Coastal Program is necessary to reflect this goal; and

WHEREAS, the Planning Commission held a duly noticed public hearing and has considered the proposed amendments, and all testimony and evidence received at the public hearing; and

WHEREAS, the Planning Commission found that the proposed Local Coastal Program amendments and proposed amendments to the Santa Cruz County Code will be consistent with the policies of the General Plan and Local Coastal Program and other provisions of the County Code, are in compliance with the California Coastal Act, and will contribute to addressing the housing crisis throughout the community; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing and has considered the proposed amendments, and all testimony and evidence received at the public hearing; and

WHEREAS, the Board of Supervisors finds that the proposed Local Coastal Program amendments and proposed amendments to the Santa Cruz County Code will be consistent with the policies of the General Plan and Local Coastal Program and other provisions of the County Code, are in compliance with the California Coastal Act, and will contribute to addressing the housing crisis throughout the community; and

WHEREAS, pursuant to the California Environmental Quality Act, an Initial Study was prepared for this action and a Negative Declaration issued by the Environmental Coordinator on July 27, 2005.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby certifies the Negative Declaration under the California Environmental Quality Act and applicable State and County Guidelines; and

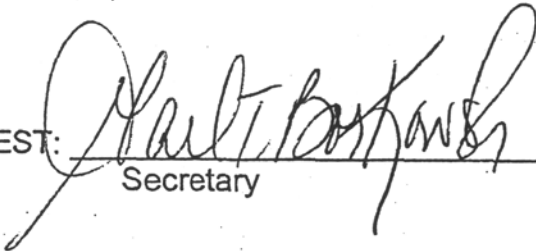
BE IT FURTHER RESOLVED, that the Board of Supervisors hereby finds that the ordinance amendments proposed serve a public benefit; and

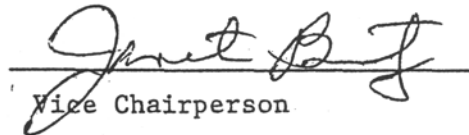
BE IT FURTHER RESOLVED, that the Board of Supervisors hereby adopts amendments to County Code adding sections 13.01.060(d), 13.10.215(a)(1), and amending 17.10.030(b)(5) and 17.10.030(c)(3) to require a 40% affordability requirement for conversions of land from non-residential to residential as set forth in Exhibit A to Attachment 1, and the Negative Declaration under the California Environmental Quality Act as set forth in Attachment 2, and incorporated herein by reference, and be submitted to the California Coastal Commission as part of the Local Coastal Program Update.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, California, this 7th day of March, 2006 by the following vote:

AYES:	SUPERVISORS	Beautz, Pirie, Wormhoudt, Campos
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	Stone
ABSTAIN:	SUPERVISORS	None

ATTEST:


Secretary


Vice Chairperson

APPROVED AS TO FORM:


County Counsel

Cc: County Counsel
Planning Department

CCC Exhibit 2
(page 3 of 3 pages)