

## CALIFORNIA COASTAL COMMISSION

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

F11d



**April 17, 2008 (for May 9, 2008 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Manager  
Susan Craig, Coastal Planner

**Subject: Certification Review for City of Santa Cruz Local Coastal Program Amendment Number 1-06 (Citywide Creeks and Wetlands Management Plan)**

At the October 12, 2007 Coastal Commission meeting in San Pedro, the Commission approved, with suggested modifications, City of Santa Cruz Local Coastal Program (LCP) Major Amendment Number 1-06. This LCP amendment established a management plan that provides policies and implementing measures designed to regulate development located adjacent to city creeks and wetlands within the City of Santa Cruz. The management plan identifies appropriate development setbacks for individual watercourses and wetlands; recommends management actions that promote preservation of riparian and wetland resources; defines development guidelines and standards for areas where development adjacent to watercourses may be appropriate; and, provides a framework for permitting development adjacent to watercourses.

By action taken March 25, 2008, the City of Santa Cruz adopted the amending LCP text as directed by the Commission's suggested modifications (see Exhibit #1). This action was taken within the required six-month timeframe.

The Executive Director has determined that the actions taken by the City are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., May 9, 2008), and notification of this certification and Commission concurrence will be forwarded to the City (Exhibit #2).

**Motion.** I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Santa Cruz to accept the Commission's suggested modifications for LCP Amendment 1-06 are legally adequate.

**Executive Director's Recommendation.** The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Santa Cruz LCP as directed by the Commission's approval with suggested modifications of LCP Amendment 1-06; the amended LCP will be certified as of today's date (i.e., May 9, 2008). The motion passes only by affirmative vote of a majority of the Commissioners present.

**Exhibits**

Exhibit #1: City's Acceptance of the Coastal Commission's Suggested LCP Modifications

Exhibit #2: Commission's Certification Letter



California Coastal Commission

May 9, 2008 Meeting in Marina del Rey

Staff: Susan Craig Approved by: Dan Carl

F11d-5-2008

## RESOLUTION NO. NS-27,801

RESOLUTION OF THE CITY OF SANTA CRUZ AUTHORIZING AND  
DIRECTING THE CITY MANAGER TO SUBMIT THE LOCAL COASTAL  
IMPLEMENTATION PLAN AMENDMENT TO THE CALIFORNIA COASTAL  
COMMISSION FOR FINAL CERTIFICATION

WHEREAS, on February 8, 2000 the City Council approved the scope of services for a City-wide Creeks and Wetlands Management Plan, which was partially funded under a grant from the California Coastal Commission; and

WHEREAS, over a six year period the City of Santa Cruz worked on the City-wide Creeks and Wetlands Management Plan; and

WHEREAS, on February 28, 2006 the City Council adopted the City-wide Creeks and Wetlands Management Plan and approved the amendments to the Zoning Ordinance Title 24 and to the Local Coastal Implementation Plan pertaining to codification of the City-wide Creeks and Wetlands Management Plan; and

WHEREAS, on June 8, 2006 the documents were submitted for a Local Coastal Implementation Plan amendment to the California Coastal Commission for certification; and

WHEREAS, on November 16, 2006 the Coastal Commission extended the initial three month time limit for action until November 24, 2007; and

WHEREAS, on October 12, 2007 the Coastal Commission approved the Local Coastal Implementation Plan amendment with suggested modifications; and

WHEREAS, for final certification to occur the City of Santa Cruz, by action of the City Council, must accept and agree to the modifications and the Coastal Commission's action expires on April 12, 2008; and

WHEREAS, the Planning Commission conducted a public hearing on February 7, 2008 to consider the suggested modifications to Title 24 and the City-wide Creeks and Wetlands Management Plan and recommended approval to the City Council; and

WHEREAS, the City Council conducted public hearings on March 11, 2008 and March 25, 2008 to consider the suggested modifications approval of the City-wide Creeks and Wetlands Management Plan and the related amendments; and

WHEREAS, the City Council acknowledged receipt of the Coastal Commission action on the City of Santa Cruz Local Coastal Program Amendment No. 1-06 (Citywide Creeks and Wetlands Management Plan); and

WHEREAS, the City Council acknowledged the previously approved Negative Declaration per the provisions of the California Environmental Quality Act; and

WHEREAS, the City Council approved the revisions to City-wide Creeks and Wetlands Management Plan; and portions of Title 24 and the Local Coastal Implementation Plan relating to the codification of the City-wide Creeks and Wetlands Management Plan implementing the

suggested modifications of the California Coastal Commission and agrees to issue coastal development permits subject to the approved amendments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby authorizes and directs the City Manager to submit the amendments to City-wide Creeks and Wetlands Management Plan and Title 24 (Zoning Ordinance) to the California Coastal Commission for final certification per the direction in the October 15, 2007 approval letter.

BE IT FURTHER RESOLVED, that amendments to the Local Coastal Implementation Plan will become effective upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this 25th day of March 2008, by the following vote:

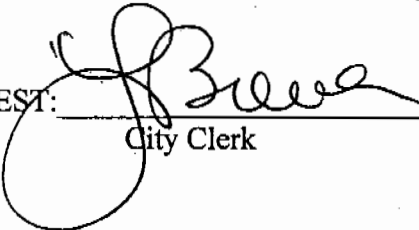
AYES: Councilmembers Robinson, Porter, Reilly, Rotkin, Madrigal, Vice Mayor Mathews; Mayor Coonerty.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED:   
Mayor

ATTEST:   
City Clerk

**CCC Exhibit 1**  
**(page 2 of 9 pages)**

## COASTAL COMMISSION MODIFICATIONS

*Note: The suggested modifications are shown by deleting existing text with ~~strikethrough~~ and adding text with underline.*

1. Re-label the northwestern finger of Moore Creek reach #5 (Map K06) as reach #2 and apply a 100-foot wide riparian corridor width and a 50-foot development setback for this reach of creek.
2. Apply a 30-foot riparian corridor width and a 50-foot development setback from the edge of the riparian corridor for reach 3 of Arroyo Seco Creek. Update Table 4-1 (page 4-4), map L03, and the text of Section 3.3 of the Management Plan regarding recommended setbacks for this creek reach as appropriate to acknowledge the 30-foot riparian corridor width and the 50-foot development setback requirement.
3. Modify the first paragraph of Table ES-3 (page ES-13) and Table 4-2 (page 4-9) of the Management Plan regarding allowable uses and activities with a watercourse development permit as follows:

Watercourse and wetland restoration, removal of invasive and/or exotic vegetation where appropriate, minor removal of mature eucalyptus trees in known Monarch butterfly habitat areas subject to biological review and consistency with the Monarch butterfly resource protection policies of the LCP, removal of non-hazardous trees (i.e. invasive species and/or for habitat or fire management), in accordance with the City's Heritage Tree Ordinance and a plan prepared by a qualified professional, and removal of impervious surfaces in the riparian corridor.

4. Modify Table ES-4 (page ES-14) and Table 4-4 (page 4-12) (Summary of Watercourse Development Standards and Guidelines) of the Management Plan as follows:

Use of Permeable Paving: 2. Construct pedestrian walkways or patios with loose aggregate, ~~wooden decks~~ or well-spaced paving stones within the development setback area.

Habitat Enhancement. 10. ~~Avoid~~ Prohibit mowing or removal of riparian vegetation. 11. For Category A watercourses (riparian corridor), require the following: plant a variety of native plants; ~~avoid prohibit~~ clearing of riparian understory, unless necessary to remove nonnative plant species or to complete a restoration plan; remove and control spread of nonnative species; and ~~avoid prohibit~~ the planting of nonnative species.

Habitat Enhancement. Recommended. For Category B watercourses strongly encourage to the maximum extent feasible the following in the development setback area: plant a variety of native plants, ~~avoid prohibit~~ clearing of riparian understory; remove and control spread of nonnative

species, and avoid planting of nonnative species.

5. Modify Table ES-2 (page ES-12) and Table 4-2 (page 4-9) of the Management Plan (Projects Exempt from Watercourse Development Permits) regarding coastal permit exemptions and "Landscaping and Vegetation Removal" as follows:

PROJECTS EXEMPT FROM WATERCOURSE DEVELOPMENT PERMITS (in the Coastal Zone, the following list of projects are exempt only if the criteria of Zoning Ordinance Section 24.08.230.1 regarding coastal permit exemptions are met).

Mowing and grazing on public lands (outside of the riparian corridor within the Coastal Zone), consistent with an adopted Parks or Fire Management Plan.

6. Modify the following sentences on pages ES-5 & 4-2 regarding Category B watercourses (the remainder of the paragraph is unchanged):

... The goals of this category include improving habitat by ~~voluntary~~ removal of invasive, nonnative plant species and improving water quality and flow with implementation of proper erosion control and best management practices, and planting of appropriate species.

7. Modify the last sentence of Section 4.4.3 (page 4-8) and the first sentence in the second paragraph of Section 4.5.5 (page 4-17) of the Management Plan as follows (the remainder of these sections are unchanged):

~~Voluntary improvement~~ and restoration of watercourses, especially Category "B," is strongly encouraged to the maximum extent feasible. ~~Voluntary improvement of and possibly "C" watercourses, are is~~ encouraged...

8. Modify the first sentence of Standard 10 (page 4-17) of the Management Plan as follows:

~~Avoid~~ Mowing, clearing or stripping of native riparian vegetation is prohibited, unless necessary to remove nonnative plant species or to complete a restoration plan. Thinning of native riparian vegetation may be allowed on a limited basis upon review and approval of plans by the City's Planning Director and the Fire Department.

9. Modify the following sentences regarding required measures for Category A watercourses in Standard 11 (page 4-17) of the Management Plan as follows:

- ~~Avoid~~ Prohibit the clearing of native understory vegetation to create open areas.
- ~~Avoid~~ Prohibit the planting of nonnative plants in the riparian corridor.

10. Modify the following sentence in the Guidelines for Category B watercourses (page 4-18) of the Management Plan as follows:

The following measures are strongly encouraged to be implemented to the maximum extent feasible for Category B watercourses to enhance the riparian habitat of watercourses and wetland areas:

11. Modify the "Definition of Wetlands under the California Coastal Commission" on page A-2 of Appendix A of the Management Plan as follows:

The Coastal Commission, through adoption of the Coastal Act, regulates activities within wetlands that occur within the Coastal Zone. Section 13577 of the Coastal Commission's Regulations defines wetlands as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and also includes those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. The Coastal Commission's definition ~~and interpretation~~ of wetlands differs from the ~~federal~~ definition used by the U. S. Army Corps of Engineers, the U.S. Environmental Protection Agency and the Natural Resources Conservation Service. Under normal circumstances, the ~~federal~~ definition used by those agencies requires all three wetland identification parameters (hydrology, hydrophytic vegetation, and hydric soils) to be met, whereas the Coastal Commission's definition, (using the Cowardin [1979] definition) which is similar to U. S. Fish and Wildlife Service's definition, requires the presence of at least one of ~~these~~ those parameters. The Coastal Commission's definition distinguishes wetlands from uplands by the presence of the following attributes: requires that wetlands must have one or more of the following three attributes:

- (1) ~~at least periodically~~, the land supports predominantly hydrophytic cover hydrophytes (at least 50 percent of the aerial vegetative cover);
- (2) the substrate soil is predominantly ~~undrained~~ hydric soil; and
- (3) ~~the substrate is non soil and is saturated with water or covered by shallow water at some time during the growing season (Cowardin et al., 1979).~~ In the case of wetlands without vegetation or soils, the land is flooded or saturated at some time during years of normal precipitation

12. Modify the first sentence of Appendix B (page B-1) of the Management Plan as follows:

A wetland delineation should be conducted as per ACOE criteria and/or in the Coastal Zone per Coastal Commission criteria.

13. Modify the paragraph of the Management Plan entitled "Presence of Invasive, Nonnative Vegetation" (page 2-4) as follows:

Invasive, nonnative plant species were documented for each reach. Table 4-6 and Appendix C presents a more detailed discussion and a more complete listing of potentially problematic species that may invade central coast riparian areas. of these species and their occurrence within the City watercourses and wetlands. These Currently, the most problematic of these species are: [list of plants remains unchanged].

14. Add the following species to the invasive nonnative vegetation lists located in Table 4-6 (page 4-16) and Table C-3 (page C-6) of the Management Plan as follows:

**Trees:** *Myoporum laetum* (myoporum); *crataegus monogyna* (English hawthorn); *Ficus carica* (edible fig); *Prunus cerasifera* (cherry plum, wild plum); *Robinia pseudoacacia* (black locust).

**Shrubs:** *Tamarix parviflora* (smallflower tamarisk); *Tamarix ramosissima* (saltcedar, tamarisk)

**Other Perennials, Biennials, and Annuals:** *Arundo donax* (giant reed); *Acroptilon repens* (Russian knapweed); *Agrostis avenacea* (Pacific bentgrass); *Agrostis stolonifera* (creeping bentgrass); *Asparagus asparagoides* (bridal creeper); *Brassica rapa* (birdsrape mustard, field mustard); *Cardaria draba* (hoary cress); *Centaurea maculosa* (= *C. biebersteinii*) (spotted knapweed); *Centaurea solstitialis* (yellow starthistle); *Cirsium arvense* (Canada thistle); *Cirsium vulgare* (bull thistle); *Conium maculatum* (poison hemlock); *Cotula coronopifolia* (brass buttons); *Dipsacus fullonum* (common teasel); *Dipsacus sativus* (fuller's teasel); *Dittrichia graveolens* (stinkwort); *Holcus lanatus* (common velvetgrass); *Iris pseudacorus* (yellowflag iris); *Lepidium latifolium* (perennial pepperweed, tall whitetop); *Lobularia maritima* (sweet alyssum); *Ludwigia peploides* ssp. *Montevidensis* (creeping water-primrose); *Ludwigia hexapetala* (= *L. uruguayensis*) (Uruguay water-primrose); *Lythrum hyssopifolium* (hyssop loosestrife); *Marrubium vulgare* (white horehound); *Mentha pulegium* (pennyroyal); *Myosotis latifolia* (common forget-me-not); *Myriophyllum aquaticum* (parrotfeather); *Myriophyllum spicatum* (Eurasian watermilfoil); *Onopordum acanthium* (Scotch thistle); *Picris echioides* (bristly oxtongue); *Piptatherum miliaceum* (smilgrass); *Poa pratensis* (Kentucky bluegrass); *Polygonum cuspidatum* (= *Fallopia japonica*) (Japanese knotweed); *Polygonum sachalinense* (Sakhalin knotweed); *Polypogon monspeliensis* and subspp. (rabbitfoot, polypogon, rabbitgoot grass); *Potamogeton crispus* (curlyleaf pondweed); *Ranunculus repens* (creeping buttercup); *Ricinus communis* (castorbean); *Rumex acetosella* (red sorrel,

sheep sorrel); *Rumex crispus* (curly dock); *Salvinia molesta* (giant salvinia); *Saponaria officinalis* (bouncingbet); *Schinus molle* (Peruvian peppertree); *Senecio jacobaea* (tansy ragwort); *Silybum marianum* (blessed milkthistle); *Torilis arvensis* (hedgearsley); *Zantedeschia aethiopica* (calla lily).

\*\*\* This list shall be updated based on the California Invasive Plant Council list concurrent with periodic review of the plan by the Planning Commission.

15. Modify the species name of the native plant commonly known as “mugwort” in Table 4-5 (page 4-15) and Table C-1 (pages C-2 to C-3) of the Management Plan as follows:

*Artemisia californica-douglasiana*

16. Delete proposed Section 24.08.230(14) of the zoning ordinance regarding exemptions as follows:

~~Watercourse Development Permits. Development that requires issuance of a watercourse development permit as set forth in Part 21.~~

17. Delete proposed Section 24.08.230.2(8d) of the zoning ordinance regarding exclusions as follows:

~~Watercourse Development Permits. Development that requires the issuance of a watercourse development permit as set forth in Part 21.~~

18. Modify the introductory paragraph of section 24.08.2140 of the zoning ordinance regarding exemptions to watercourse development permit requirements as follows:

Certain types of projects that clearly would not impact riparian resources and support the goals of the Citywide Creeks and Wetlands Management Plan are exempted from the Watercourse Development Permit Requirements (in the coastal zone, the following list of projects are exempt only if the criteria of Section 24.08.230.1 regarding coastal permit exemptions are met). Such projects should incorporate applicable Best Management Practices in the project design. In situations where it is unclear whether the project is eligible for an exemption under this section, the determination would be made by the Zoning Administrator in accordance with the goals of the Citywide Creeks and Wetlands Management Plan. The following permits are eligible for an exemption:...

19. Add new zoning ordinance section 24.08.2110(2)(l) definition of “Wetland” (Coastal Zone)) as follows:

“Wetland” (Coastal Zone). An area that is a) identified as a known wetland or area of ponding that needs further site specific review as described in the



Citywide Creeks and Wetlands Management Plan or b) identified as part of a review process as having at least one of the following three attributes: (1) land that supports predominantly hydrophytic cover; (2) soil that is is predominantly hydric; (3) or in the case of wetlands without vegetation or soils, land that is flooded or saturated at some time during years of normal precipitation.

20. Modify Section 24.08.2140 (3)(f) regarding exemptions as follows:
  - f. Mowing and grazing on public lands (outside of the riparian corridor in the Coastal Zone), consistent with an adopted Parks or Fire Management Plan.
21. Modify Section 24.08.2180(5)(a) regarding habitat enhancement, as follows:
  - a. ~~Whenever possible, avoid~~ Prohibit mowing, clearing, or stripping of riparian vegetation.
22. Modify Section 24.08.2180(5)(b)(ii) regarding habitat enhancement along Category "A" watercourses, as follows:
  - b. The following measures are required for Category A watercourses: ii. Avoid Prohibit clearing of dense native understory vegetation to create open areas, except as otherwise permitted pursuant to Zoning Ordinance Sections 24.08.2110(2)(h) and 24.08.2110(2)(i).
23. Modify Section 24.08.2240 regarding findings required for variances to watercourse development permits, as follows:

In approving a watercourse variance, it shall be determined by the hearing body that:

  1. There are exceptional or extraordinary circumstances or conditions applicable to the subject watercourse site that do not generally apply to other watercourse parcels.
  2. Granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.
  3. In granting a variance to allow a reduction in the minimum setbacks provided in the Citywide Creeks and Wetlands Management Plan, the setbacks have only been reduced to the point at which a principal permitted use (modified as much as is practical from a design standpoint) can be accommodated.
  - ~~4.3.~~ Granting the variance would not be detrimental or injurious to property or improvements in the vicinity of the subject site or to the health, safety and welfare of the watercourse directly affected by this application.

5.4. Granting the variance is in conformance with all other goals, policies and objectives of City-wide Creeks and Wetlands Management Plan.

24. Modify Section 24.12.160(1)(g) to correct a typographical error, as follows:

g. Fences within Watercourse Setback Areas. Fencing within a designated riparian corridor or development setback area of a watercourse shall be consistent with requirements of the Watercourse Development Permit Section 24.~~08~~14.2100.

**CALIFORNIA COASTAL COMMISSION**

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



# DRAFT

May 12, 2008

Alex Khoury  
City of Santa Cruz Planning Department  
809 Center Street, Room 206  
Santa Cruz, Ca 95060

**Subject: City of Santa Cruz LCP Major Amendment 1-06 (Citywide Creeks and Wetlands Management Plan)**

Dear Alex:

We received Resolution NS-27,801 adopted by the City Council on March 25, 2008. By that action, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 1-06, and incorporated the Commission's suggested modifications into the City's LCP.

I have determined, and the Commission has concurred, that the City's action with respect to LCP Major Amendment 1-06, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's May 9, 2008 meeting in Marina del Rey. As a result, the City's LCP, as amended by LCP Major Amendment 1-06, was certified as of May 9, 2008 and is now in effect.

If you have any questions, please contact Susan Craig of my staff at (831) 427-4891.

Sincerely,

Peter M. Douglas  
Executive Director  
California Coastal Commission

Dan Carl  
District Manager  
Central Coast District Office

cc: Sandy Brown, City of Santa Cruz Planning Department

**STC-MAJ-1-06  
Exhibit #2  
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