

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
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Th15d



**Prepared August 21, 2008 (for September 11, 2008 hearing)**

**To:** Commissioners and Interested Persons

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

**Subject:** **City of Santa Cruz LCP Major Amendment Number 1-08 (Beach and South of Laurel Area Design Guidelines).** Proposed major amendment to the City of Santa Cruz certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's September 11, 2008 meeting to take place at the Wharfinger Building, 1 Marina Way, Eureka.

### Summary of Staff Recommendation

The City of Santa Cruz proposes to amend the certified Local Coastal Program's (LCP's) Beach and South of Laurel (BSOL) Area Design Guidelines (Design Guidelines), which are a component of the certified Land Use Plan (LUP), to exempt public and quasi-public projects from the requirements of the Design Guidelines. The Design Guidelines provide for the retention of neighborhood character, the enhancement of the seaside resort character, and the promotion of tourist commercial uses in the BSOL area. The Design Guidelines identify several required architectural styles for new development (e.g., Spanish colonial, Victorian, and California bungalow). The exemption would apply to public and quasi-public developments on properties designated as PK (Parks) and/or CF (Community Facilities) in the BSOL area. The main result of such an exemption would be to allow more flexibility in the design of new public and quasi-public development on land designated PK and/or CF in the BSOL area, including in terms of its architectural style. These types of projects will continue to require approval of a design permit as part of the coastal development permitting (CDP) process, and these and related LCP policies and implementation plan requirements will ensure that such development protects public views and community character. Staff recommends that the Commission find that the proposed amendment is consistent with and adequate to carry out the policies of the Coastal Act, and that the Commission approve the LCP amendment as submitted.

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California Coastal Commission

September 2008 Meeting in Eureka

Th15d-9-2008

## I. Staff Recommendation – Motion and Resolution

Approval of Land Use Plan Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**Motion.** I move that the Commission **certify** Major Amendment Number 1-08 Part 1 to the City of Santa Cruz Local Coastal Program Land Use Plan as submitted by the City of Santa Cruz

**Resolution to Certify the LUP Amendment.** The Commission hereby certifies Major Amendment Number 1-08 Part 1 to the City of Santa Cruz Local Coastal Program Land Use Plan as submitted by the City of Santa Cruz and adopts the findings set forth below on the grounds that the amendment conforms to the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment 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 which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

## II. Findings and Declarations

The Commission finds and declares as follows:

### A. Proposed LCP Amendment

The City of Santa Cruz proposes to amend the Beach and South of Laurel (BSOL) Area Design Guidelines (Design Guidelines) to exempt public and quasi-public projects from the requirements of the Design Guidelines. The BSOL Area includes the Beach Hill, Beach Flats, and South of Laurel areas/neighborhoods, as well as Santa Cruz Main Beach, the Municipal Wharf, and the Boardwalk, which are popular visitor destination points in the City of Santa Cruz. Please see Exhibit 1 for the proposed amendment language and Exhibit 2 for the designated BSOL Area.

### B. Coastal Act Consistency Analysis

The BSOL Design Guidelines are part of the LCP's LUP. The standard of review for LUP amendments is that they must be consistent with the Chapter 3 policies of the Coastal Act.

#### 1. Applicable Policies

Coastal Act Section 30251 protects scenic and visual qualities of coastal areas and requires that new development protect views and be visually compatible with the character of surrounding areas. Section



30251 states:

***30251.** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Coastal Act Section 30253(5) requires that new development protect special communities and neighborhoods that are popular visitor destination points for recreational uses, and states:

***30253(5):** Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular designation points for recreational uses.*

## 2. Analysis

Santa Cruz Main Beach, the Municipal Wharf, and the Boardwalk are popular visitor destination points in the City of Santa Cruz that draw millions of visitors each year. The distinctive and diverse Beach Hill, Beach Flats, and South of Laurel areas/neighborhoods coexist with these major recreational attractions. Regarding community aesthetics in these areas, the challenge for the City has been to conserve the historic attributes of both the residential and commercial communities through the application of design guidelines and new development controls in zoning and permitting.

The BSOL Area Plan, including the Design Guidelines, was certified by the Commission in 2002. The Design Guidelines include a requirement that new development in the Beach area be designed in the Spanish Colonial Revival, Victorian, or “Fantasy Victorian” architectural styles, and that development in certain areas of the South of Laurel area be designed in the California Bungalow or Victorian architectural styles. The mandatory nature of the Design Guidelines has been problematic for several proposed public development projects that have been contemplated in the BSOL area since its certification. For example, the proposed Monterey Bay National Marine Sanctuary Exploration Center, which would be located at the intersection of Pacific Avenue and Beach Street in the Beach area, proposes a design emphasizing natural forms and materials as well as “green building” concepts and technologies. These proposed project characteristics would be difficult to conform to the mandated Victorian or Spanish Colonial styles. Likewise, it is anticipated that a new Natural History Museum proposed as a future addition to the Depot Park complex (located in the South of Laurel Area) will emphasize its relationship to the natural environment in its design, which may be difficult to conform to the Victorian or California Bungalow architectural styles. To address this issue, the proposed amendment would exempt public and quasi-public projects from the requirements of the Design Guidelines.

LCP Section 24.22.626 defines “Publicly Owned” as “Land or buildings owned or operated by a



governmental or other public agency.” LCP Section 24.22.630 defines “Quasi-Public” as “Used as, or seemingly, public.” The City’s LCP only allows public and quasi-public uses on land designated as CF (Community Facilities) or PK (Parks) and zoned PF (Public Facilities) or PK (Parks)<sup>1</sup>. Thus, the amendment would only apply to public and quasi-public projects on land designated CF or PK (see Exhibit 2 for the location of all properties designated PK or CF in the BSOL area).

The proposed amendment will provide flexibility in design for public and quasi-public projects located on land designated PK or CF in the BSOL area. This should primarily manifest itself in terms of overall architectural style flexibility because such projects would not be required to be Spanish colonial, Victorian, or California bungalow in style, and instead would be allowed to reflect alternative architectural themes. Such projects will still require a design permit as part of the CDP process, and the design permit requirements, as well as related LCP view and character compatibility requirements, will ensure that public views and community character are protected. For example, design permit approval requires that a number of findings be made, including that the proposed development is compatible with the design and appearance of other existing buildings and structures in the area that have an architectural character worthy of preserving. Proposed new development would also need to comply with LCP Community Design Policy 2.2.2, which requires protection of important vistas and view corridors of community wide value, and with LCP Community Design Policy 3.5, which requires that new or renovated development shall add to, not detract from City-identified landmarks, historic areas and buildings, and established architectural character worthy of preservation. The exemption is narrowly focused in scope (see Exhibit 2), and the certified BSOL Design Guidelines will continue to apply to the vast majority of the development in the BSOL area. In sum, the proposed amendment provides some design flexibility for a narrow range and geographic scope of projects, and the LCP as amended will continue to require protection of public views and community character. Thus, the proposed amendment is consistent with the Coastal Act Section 30251 requirement that permitted development protect views and be visually compatible with the character of surrounding areas. The proposed amendment is also consistent with Coastal Act Section 30253(5) regarding protection of special communities and neighborhoods. Accordingly, the Commission finds that the proposed LUP amendment is consistent with the Chapter 3 policies of the Coastal Act.

### 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.

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<sup>1</sup> Allowed uses in PK (Parks) are public parks, recreation facilities, and government and public facilities; allowed uses in CF (Community Facilities) are art galleries and museums on public property, cemeteries, government facilities, hospitals, libraries, public schools, public utilities, and publicly-owned recreational facilities.



The City, acting as the lead CEQA agency in this case, exempted the proposed amendment under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, 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).



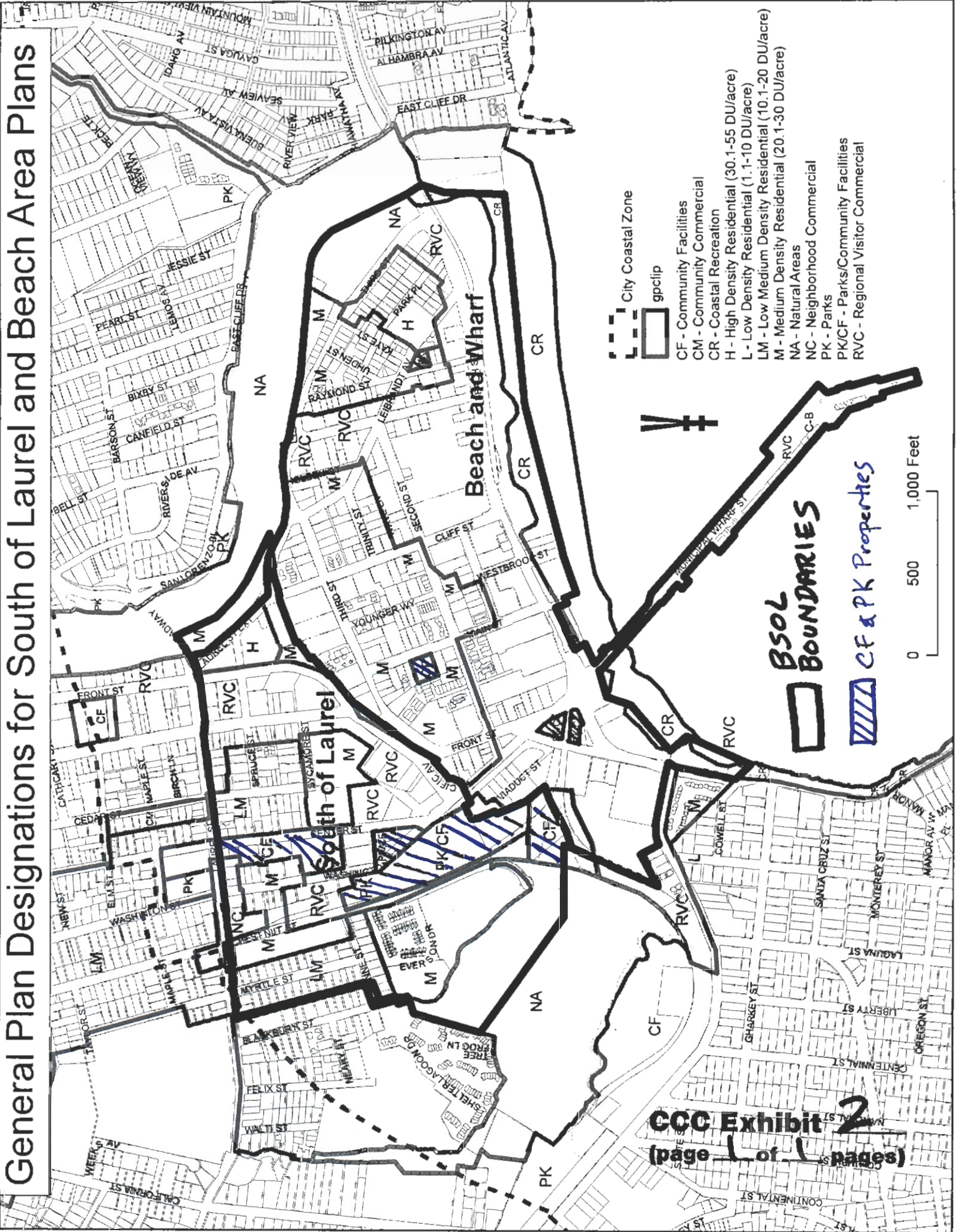
RESOLUTION NO. NS-27,667  
EXHIBIT "A"  
Text Changes to the  
Beach and South of Laurel Area Plan Design Guidelines

Page 15

III. General Design Guidelines

This section provides design guidelines that will be applied throughout the Beach and SOLA Plan areas except for public or quasi-public projects.

# General Plan Designations for South of Laurel and Beach Area Plans



RESOLUTION NO. NS-27,667

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ  
ACKNOWLEDGING THE ENVIRONMENTAL DETERMINATION AND  
APPROVING AMENDMENTS TO THE GENERAL PLAN AND  
BEACH AND SOUTH OF LAUREL DESIGN GUIDELINES.

WHEREAS, the City Council adopted a General Plan for the City on October 27, 1992;  
and

WHEREAS, the City Council adopted the Beach and South of Laurel Area Plan on  
October 1998; and

WHEREAS, the Beach and South of Laurel Area Plan and its Design Guidelines were  
incorporated as part of the General Plan; and

WHEREAS, on June 5, 2005 the City Council directed staff to prepare amendments to  
allow flexibility in architectural style in the Beach and South of Laurel Plan area; and

WHEREAS, in accordance with the California Environmental Quality Act it was  
determined that the amendment is exempt from CEQA as it would not result in significant effects  
to the environment; and

WHEREAS, the City Council conducted a duly noticed public hearing on December 11,  
2007; and

WHEREAS, the City Council now finds:

FINDINGS, GENERAL PLAN AMENDMENT, TABLE I-3:

- The amendments to the Beach and South of Laurel Design Guidelines would serve the public interest by providing flexibility for public and quasi-public projects in the Beach Area. (#1)
- The proposed amendments are consistent with the goals and objectives of the Beach and South of Laurel Area Plan. (#2)
- An exemption to CEQA was issued as no potential impacts would result from the project and that the project would not be detrimental to the public health, safety, or welfare. (#3, #4)



RESOLUTION NO. NS-27,667

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that the Beach and South of Laurel Design Area Plan Guidelines text shall be amended as shown in Exhibit "A," attached and made a part hereof.

PASSED AND ADOPTED this 12th day of December, 2007, by the following vote:

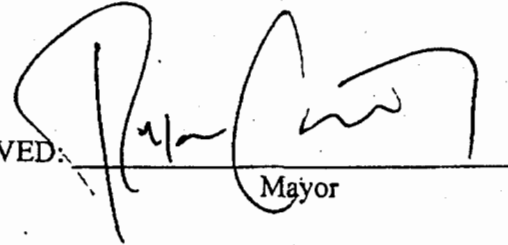
AYES: Councilmembers Robinson, Porter, Reilly, Rotkin, Vice Mayor Mathews;  
Mayor Coonerty.

NOES: None.

ABSENT: Councilmember Madrigal.

DISQUALIFIED: None.

APPROVED:



Mayor

ATTEST:



City Clerk

RESOLUTION NO. NS-27,668

RESOLUTION OF THE CITY COUNCIL 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, the City Council adopted a General Plan for the City on October 27, 1992; and

WHEREAS, the California Coastal Commission certified the City's major LCP amendment #2-93 on March 10, 1995; and

WHEREAS, the City Council adopted the Beach and South of Laurel Area Plan on October 1998; and

WHEREAS; the Beach and South of Laurel Area Plan and its Design Guidelines were incorporated as part of the General Plan; and

WHEREAS, the City Council conducted a public hearing on December 11, 2007 and adopted amendments to the General Plan/Local Coastal Plan and Beach of South of Laurel Design Guidelines; and

WHEREAS, adequate environmental review has been conducted for the amendments; and

WHEREAS, the Local Coastal Program implementation amendment is consistent with the provisions of the California Coastal Act;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz hereby authorizes and directs the City Manager or his designee to submit the LCP amendment to the California Coastal Commission for final certification.

BE IT FURTHER RESOLVED that the amendment to the Local Coastal Program implementation regulations will become effective upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this 11th day of December, 2007, by the following vote:

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

NOES: None.

ABSENT: Councilmember Madrigal.

DISQUALIFIED: None.

ATTEST: *Lester Cook*  
City Clerk

APPROVED: *[Signature]*  
Mayor