

CALIFORNIA COASTAL COMMISSION

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Prepared September 16, 2009 (for October 7, 2009 hearing)

To: Coastal Commissioners and Interested Persons

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

Subject: Final Coastal Commission Certification Review for Santa Cruz County Local Coastal Program Amendment Number 1-06 Part 3 (Density Bonus Regulations)

At the May 7, 2009 Coastal Commission meeting in San Francisco, the Commission approved, with a suggested modification, Santa Cruz County Local Coastal Program (LCP) Major Amendment Number 1-06 Part 3. The amendment deleted sections 13.10.390 through 13.10.397 of the Implementation Plan (IP), which provided the parameters for density bonuses to encourage the development of affordable housing in Santa Cruz County. These IP sections were deleted because they were last updated in 1994 and did not reflect the State's current affordable housing density bonus standards described by Government Code Section 65915. The County placed the new density bonus and affordability regulations (that are consistent with Government Code Section 65915) in a section of the zoning code that is not part of the LCP. Thus, under the proposed amendment, the affordable housing density bonus regulations would no longer apply in the coastal zone. To remedy this issue, the Commission approved the LCP amendment with a modification to provide for density bonuses for affordable housing in the coastal zone consistent with Government Code Section 65915 and Coastal Act Section 30604(f) to the extent that such increases in density do not adversely impact coastal resources. By actions taken on August 11, 2009, the Santa Cruz County Board of Supervisors adopted the amending LCP text as directed by the Commission's suggested modification (see Exhibit A). These actions were taken within the required six-month timeframe.

The Executive Director has determined that the actions taken by the County 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., October 7, 2009), and notification of this certification and Commission concurrence will be forwarded to the County.

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by Santa Cruz County to accept the Commission's suggested modifications for LCP Amendment 1-06 Part 3 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 Santa Cruz County LCP as directed by the Commission's approval with suggested modifications of LCP Amendment 1-06 Part 3; the amended LCP will be certified as of today's date (i.e., October 7, 2009). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibit

Exhibit A: County's Acceptance of the Coastal Commission's Suggested LCP Modification



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

RESOLUTION NO. 222-2009

On the motion of Supervisor: Stone
Duly seconded by Supervisor: Leopold
The following Resolution is adopted:

**RESOLUTION ADOPTING AMENDMENTS TO ORDINANCE NO. 4815
RELATING TO RESIDENTIAL DENSITY BONUSES AND
AFFORDABILITY INCENTIVES BY INCORPORATING
COASTAL COMMISSION SUGGESTED MODIFICATIONS**

WHEREAS, on February 7, 2006, the Board of Supervisors adopted Ordinance No. 4815 deleting density bonus regulations in Chapter 13.10, a Coastal Implementing Chapter, and adopted Ordinance No. 4816 adding Chapter 17.12 regarding density bonus regulations consistent with State law as a non-Coastal Implementing Chapter; and

WHEREAS, Ordinance No. 4815 was submitted to the California Coastal Commission for review and certification; and

WHEREAS, the California Coastal Commission determined, at their May 7, 2009 meeting, that they would not certify the Ordinance, as submitted by the County, unless modified in certain respects; and

WHEREAS, the Board of Supervisors has 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 amendments to the Santa Cruz County Code will be consistent with the policies of the General Plan and Local Coastal Program, as determined by the Coastal Commission, and other provisions of the County Code; and

WHEREAS, pursuant to the California Environmental Quality Act, adoption of this Resolution and Ordinance are statutorily exempt within the Coastal Zone, under CEQA Guidelines Section; and

WHEREAS, Chapters 13.10 of the County Code are implementing ordinances of the Local Coastal Program (LCP) and the proposed amendments to Chapters 13.10 constitute an amendment to the Local Coastal Program; and

WHEREAS, the proposed amendments are consistent with the California Coastal Act.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby finds this action statutorily exempt from the California Environmental Quality Act and applicable State and County Guidelines; and


BE IT FURTHER RESOLVED, that the Board of Supervisors adopts the proposed amendments to Ordinance No. 4815 as set forth in Exhibit A to this Resolution, and the Notice of Exemption from the California Environmental Quality Act as set forth in Attachment 3, and incorporated herein by reference.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 11th day of August, 2009 by the following vote:

AYES:	SUPERVISORS	Stone, Leopold, Campos & Coonerty
NOES:	SUPERVISORS	Pirie
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None



Chair of the Board of Supervisors

ATTEST: 

Clerk of the Board

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department

CCC Exhibit A
(page 2 of 4 pages)

ORDINANCE No. 5055

**ORDINANCE ADOPTING REVISIONS TO ORDINANCE NO. 4815 REGARDING
RESIDENTIAL DENSITY BONUSES AND AFFORDABILITY INCENTIVES BY
INCORPORATING COASTAL COMMISSION SUGGESTED MODIFICATIONS**

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

SECTION I

Sections 13.10.390, 13.10.391, 13.10.392, 13.10.393, 13.10.394, 13.10.395, 13.10.396 and 13.10.397 of the Santa Cruz County Code are hereby deleted.

SECTION II

The Santa Cruz County Code is hereby amended by adding Section 13.10.326 to read as follows:

13.10.326 Residential Density Bonus for Affordable Housing

The Approving Body (or the Coastal Commission on appeal) may approve a density greater than that allowed by the underlying land use and zone district designations for affordable residential projects if the following criteria are met:


- (a) The proposed increased density is consistent with Coastal Act Section 30604(f), Government Code Section 65915 and Chapter 17.12;
- (b) Any affordable requirements applicable to the project, such as inclusionary units under Chapter 17.10, non-residential to residential designation conversion requirements of Section 13.01.060(d), Combining District or specific General Plan policies are first met. A project will qualify for density bonus when adding affordable units beyond those required for the project; and
- (c) If located within the Coastal Zone, the project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, agriculture, public viewshed, public recreational access and open space protections), with the exception of the density provisions.

SECTION III

This Ordinance shall take effect on the 31st day after the date of final passage or upon certification by the California Coastal Commission, whichever date is later.

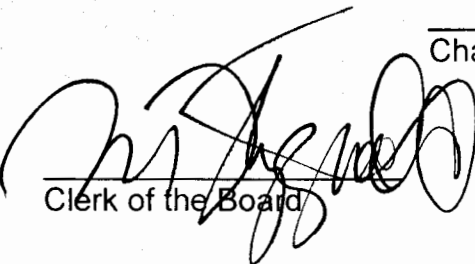
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 11th day of August, 2009, by the following vote:

AYES: SUPERVISORS Stone, Leopold, Campos & Coonerty
NOES: SUPERVISORS Pirie
ABSENT: SUPERVISORS None
ABSTAIN: SUPERVISORS None



Chairperson, Board of Supervisors

ATTEST:



Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Copies to: Planning
County Counsel