

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Prepared May 21, 2009 (for June 10, 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 2-06 Part 2 (Neighborhood Compatibility)

At the March 12, 2009 Coastal Commission meeting in Monterey, the Commission approved, with suggested modifications, Santa Cruz County Local Coastal Program (LCP) Major Amendment Number 2-06 Part 2. The amendment revised the LCP's Implementation Plan to make three changes associated with residential development standards: (1) changing the definition of net site area (NSA) for residential properties within the Urban Services Line to exclude certain areas from the NSA calculation that is used for determining maximum allowable lot coverage and floor area ratio (FAR); (2) increasing the maximum allowable lot coverage from 30% to 40% on residential parcels between 5,000 to 16,000 square feet in size; and (3) allowing for required minimum front yard setbacks to be based on the average of adjacent front yard setbacks, subject to certain restrictions.

By action taken May 5, 2009, the Santa Cruz County Board of Supervisors adopted the amending LCP text as directed by the Commission's suggested modifications (see Exhibit A). This action was 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., June 10, 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 2-06 Part 2 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 2-06 Part 2; the amended LCP will be certified as of today's date (i.e., June 10, 2009). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibits

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



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

RECEIVED

RESOLUTION NO. 89-2009

MAY 14 2009

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

**RESOLUTION ADOPTING AMENDMENTS TO ORDINANCE NOS. 4841
and 4874 RELATING TO NEIGHBORHOOD COMPATIBILITY**

WHEREAS, on December 5, 2006, the Board of Supervisors adopted Ordinance No. 4841 related to residential neighborhood compatibility, including increased lot coverage, front yard averaging and "Net Site Area" definition revisions; and

WHEREAS, on May 15, 2007, the Board of Supervisors adopted Ordinance No. 4874 revising the "Net Site Area" definition adopted in Ordinance No. 4841; and

WHEREAS, Ordinance Nos. 4841 and 4874 were submitted to the California Coastal Commission for review and certification; and

WHEREAS, the California Coastal Commission determined, at their March 12, 2009 meeting, that they would not certify the Ordinances, 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 State CEQA Guidelines Section 15265 and Public Resources Code Section 21080.9; and

WHEREAS, Chapters 13.10 and 13.20 of the County Code are implementing ordinances of the Local Coastal Program (LCP) and the proposed amendments to Chapters 13.10 and 13.20 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 and categorically 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 Nos. 4841 and 4874 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 5th day of May, 2009 by the following vote:

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

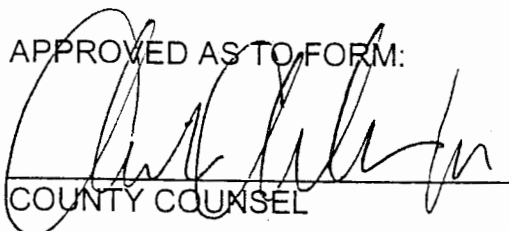
NEAL COONERTY

Chair of the Board of Supervisors

ATTEST: **TESS FITZGERALD**

Clerk of the Board

APPROVED AS TO FORM:



COUNTY COUNSEL

cc: County Counsel
Planning Department

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) SS
I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board, by witness whereof I have hereunto set my hand and affixed the seal of the said Board on May 6, 2009

SUSAN A. MAURIELLO, County Administrative Officer
By Alicia Murillo Deputy

ORDINANCE NO. 5042

**AN ORDINANCE AMENDING ORDINANCE NOS. 4841 AND
4874 REGARDING NEIGHBORHOOD COMPATIBILITY
BY INCORPORATING COASTAL COMMISSION SUGGESTED MODIFICATIONS**

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

SECTION I

The Site and Structural Dimensions Charts for the R-I Single Family Residential Zone Districts and RM Multi-Family Residential Zone Districts in Subdivision (b) of Section 13.10.323 of the Santa Cruz County Code are hereby amended to read as follows:

1. In the "R-I SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART, the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Condition of "Parcels >5,000 sq. ft." within the Zone District of "R-1-3.5 to R-1-4.9 0 to <5,000 sq. ft." is revised to read "40%" instead of the current "30%".
2. In the "R-I SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART, the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "R-1-5 to R-1-5.9 5,000 to <6,000 sq. ft." are each revised to read "40%" instead of the current "30%".
3. In the "R-I SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSION S CHART, the "MAXI MUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements", "Corner lots", and "Parcels >4,000 to <5,000 sq. ft." within the Zone District of "R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft." are each revised to read "40%" instead of the current "30%".
4. In the "R-1 SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART, the "PARCEL SPECIFIC CONDITION" described as "Parcels >4,000 to <5,000 sq. ft." within the Zone District of "R-1-6 to R-1-9.9 6,000 to <10,000 sq. ft." is revised to read "Parcels >4,800 to <5,999 sq. ft." instead of the current "Parcels >4,000 to <5,000 sq. Ft."
5. In the "R-I SINGLE FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART, the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "R-1-10 to R-1-15.9 10,000 to <16,000 sq. ft." are each revised to read "40%" instead of the current "30%".

6. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART, the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Condition of "Parcels >5,000 sq. ft." within the Zone District "RM-1.5 to RM-4.9 0 to <5,000 sq. ft." is revised to read "40%" instead of the current "30%".

7. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART, the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements and for all parcels >6,000 sq. ft." and "Corner lots" within the Zone District of "RM-5 to RM-5.9 5,000 to <6,000 sq. ft." are each revised to read "40%" instead of the current "30%".

8. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART, the Zone District described as "RM-6 to RM-9.9 5,000 to <6,000 sq. ft." is revised to read "RM-6 to RM-9.9 6,000 to <10,000 sq.ft." instead of the current "RM-6 to RM-9.9 5,000 to <6,000 sq. ft."

9. In the "RM MULTI-FAMILY RESIDENTIAL ZONE DISTRICTS SITE AND STRUCTURAL DIMENSIONS CHART, the "MAXIMUM PARCEL COVERAGE****" percentage designated for the Parcel Specific Conditions of "General Requirements" and "Corner lots" within the Zone District of "RM-6 to RM-9.9 6,000 to <10,000 sq. ft." are each revised to read "40%" instead of the current "30%".

SECTION II

The Santa Cruz County Code is hereby amended by adding Subsection (e) (7) to Section 13.1 0.323 to read as follows:

(7) Front Yard Averaging

(A) On a site situated between sites improved with buildings, the minimum front yard for the first floor of structures other than garages or carports may be the average depth of the front yards on the improved sites adjoining the side lines of the site but in no case shall be less than 10 feet.

(B) Where a site is not situated between sites improved with buildings and where sites comprising forty percent (40%) of the frontage on a block are improved with buildings, the minimum front yard for the first floor of structures other than garages or carports may be the average of the existing front yard depths on the block but in no case shall be less than 10 feet.

(C) In computing average front yard depths, the figure thirty (30) feet shall be used in lieu of any front yard depth greater than thirty (30) feet.

(D) Proposed garages or carports shall meet the minimum front yard setbacks shown in Section 13.10.323 Site and Structure Dimensions Charts or as allowed by Section 13.10.323(d)(5) Parcel with Steep Slopes. The required front yard setback for other accessory structures may be reduced as allowed by Section 13.10.323(e)(6).

SECTION III

Section 13.10.700-S of the Santa Cruz County Code—the definition of “Site Area, Net”— is hereby amended to read as follows:

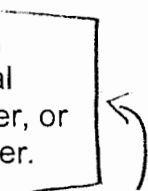
Site Area, Net.

- a. Outside the Urban Services Line, the total site area less all public or private rights-of-way designated for vehicle access.
- b. Inside the Urban Services Line, for all coastal bluff-top parcels, the total site area less:
 - i. All public or private rights-of-way designated for vehicle access; and
 - ii. Coastal bluff, beaches, and all land seaward of the mean high tide line of Monterey Bay.
- c. Inside the Urban Services Line, for all parcels located at the toe of a bluff or on the beachfront, the total site area less:
 - i. All public or private rights-of-way designated for vehicle access; and
 - ii. All land seaward of the mean high tide line of Monterey Bay.

SECTION IV

Section 13.20.130(b) of the Santa Cruz County Code is hereby amended by adding subsection (5) to read as follows:

(5) All second story development located in significant public viewsheds (including adjacent to shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) shall be sited and designed so that it does not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character.

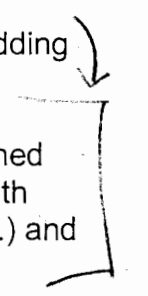


SECTION V

Commission modifications incorporated

Section 13.20.130(b) of the Santa Cruz County Code is hereby amended by adding subsection (6) to read as follows:

(6) Front yard averaging shall only be allowed where the front setback so established does not adversely impact significant public viewsheds (including those associated with shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) and community character.



SECTION VI

This ordinance shall become effective on the 31st day following adoption or upon certification by the California Coastal Commission, whichever occurs later.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this 5th day of May, 2009, by the following vote:

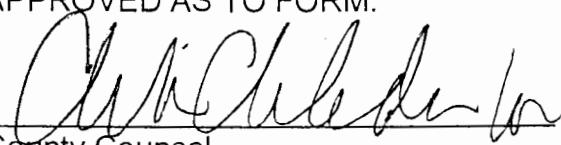
AYES: SUPERVISORS Leopold, Pirie, Campos, Stone & Coonerty
 NOES: SUPERVISORS None
 ABSENT: SUPERVISORS None
 ABSTAIN: SUPERVISORS None

NEAL COONERTY

Chair of the Board of Supervisors

ATTEST: TESS FITZGERALD
 Clerk of the Board

APPROVED AS TO FORM:


 County Counsel

Copies to: Planning
 County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT
 IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE
 OFFICE ATTEST MY HAND AND SEAL THIS 6th DAY
 OF May 20 09
 SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER
 AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS
 OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
 BY Susan A. Mauriello DEPUTY

CCC Exhibit A
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