

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
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**Prepared May 24, 2012 (for June 15, 2012 hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Madeline Cavalieri, District Manager  
John Akeman, Coastal Planner

**Subject: Final Coastal Commission Certification Review for Santa Cruz County Local Coastal Program Amendment Number 1-11 Part 4 (Fences and Retaining Walls)**

At the November 2, 2011 Coastal Commission meeting in Oceanside, the Commission approved, with suggested modifications, Santa Cruz County Local Coastal Program (LCP) Major Amendment Number 1-11 Part 4. The amendment modifies fence and retaining wall regulations to create a more detailed framework to increase their maximum allowable heights, reduce certain permit requirements while ensuring appropriate CDP review (for fence, wall, screen, and related development in the coastal zone), and to ensure that coastal resources, particularly public view resources, are not adversely impacted due to the proposed changes.

By action taken on April 17, 2012, the Santa Cruz County Board of Supervisors adopted the amending LCP text as directed by the Commission's suggested modifications (see Exhibit 1). 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., June 15, 2012), 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 1-11 Part 4 are legally adequate. I recommend a yes vote.

**Executive Director's Recommendation.** The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of Santa Cruz County's LCP as directed by the Commission's approval with suggested modifications of LCP Amendment 1-11 Part 4; the amended LCP will be certified as of today's date (i.e., June 15, 2012). The motion passes only by affirmative vote of a majority of the Commissioners present.

### Exhibits

Exhibit 1: County Acceptance Resolution



California Coastal Commission

SCO-1-11 Part 4 (Fences Retaining Walls) strprt ED Certification 6 15 2012 hrg.doc

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

ATTACHMENT 1

RESOLUTION NO. 86-2012

8404

On the motion of Supervisor Stone  
duly seconded by Supervisor Coonerty  
the following is adopted:

**BOARD OF SUPERVISORS RESOLUTION ACCEPTING COASTAL COMMISSION  
SUGGESTED MODIFICATIONS RELATING TO AMENDMENTS TO CHAPTER 13.10  
OF THE SANTA CRUZ COUNTY CODE REGARDING FENCE STANDARDS AND  
THE REQUIRED REVIEW FOR OVER-HEIGHT FENCES AND RETAINING WALLS  
AND TRANSMITTING THE ACCEPTANCE TO THE CALIFORNIA COASTAL  
COMMISSION**

WHEREAS, the County of Santa Cruz regulates the heights of fences and retaining walls in the front, side, and rear yard setbacks for the following purposes: 1) to maintain public safety by ensuring adequate visibility of vehicles entering the street from driveways, and adequate sight distance from such vehicles, and adequate sight distance at street corners; 2) to ensure adequate light and air for the street area; 3) to provide for privacy screening of these yard areas; and 4) to ensure that light and air of abutting properties are protected from excessively high fences and retaining walls; and

WHEREAS, the County Planning Department administers fence and retaining wall regulations through County Code Sections 13.10.323 and 13.10.525; and

WHEREAS, on May 17, 2011, the Board of Supervisors held a public hearing and adopted proposed amendments to the County Code Sections 13.10.323, 13.10.525, and 13.10.700, all implementing portions of the County's certified Local Coastal Program, regarding fences and retaining walls and directed that the adopted amendments be submitted to the California Coastal Commission for review and approval; and

WHEREAS, on November 2, 2011, the California Coastal Commission held a public hearing on the amendments adopted by the Board of Supervisors and approved the amendments subject to the Board of Supervisors accepting certain suggested modifications; and

WHEREAS, Chapter 13.10 is an implementing ordinance of the Local Coastal Program (LCP) and the proposed amendments to these chapters constitute amendments to the LCP; and

WHEREAS, insofar as the proposed code changes are amendments to the Local Coastal Program, the application of the proposed amendments in the Coastal Zone is statutorily exempt from CEQA review pursuant to CEQA Guidelines Section 15265 and the California Public Resources Code Section 21089.9.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors hereby accepts each of the suggested modifications and incorporates them into the ordinance amendments attached as Exhibit A.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Supervisors hereby directs that the acceptance of the suggested modifications be submitted to the State of California Coastal Commission for a finding that this acceptance has been properly accomplished.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 17th day of April, 2012 by the following vote:

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AYES:	SUPERVISORS	Pirie, Coonerty, Caput, Stone and Leopold
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

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**JOHN LEOPOLD**

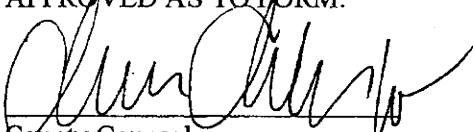
Chairperson of the Board of Supervisors

ATTEST:

**TESS FITZGERALD**

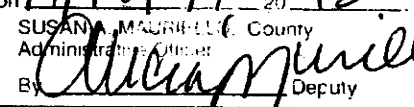
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

DISTRIBUTION: County Counsel  
Planning Department

STATE OF CALIFORNIA	)	ss
COUNTY OF SANTA CRUZ	)	
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. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on <u>April 19</u> , 20 <u>12</u>		
SUSAN A. MAURIELLO, County Administrative Officer		
By 	Deputy	

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