

## CALIFORNIA COASTAL COMMISSION

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# Th16g



**Prepared July 19, 2012 (for August 9, 2012 Hearing)**

**To:** Commissioners and Interested Persons

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

**Subject: Santa Cruz County LCP Amendment Number 1-12 Part 5 (IP Cleanup)**

### **Proposed Amendment**

Santa Cruz County is proposing to modify the Local Coastal Program (LCP) Implementation Plan (IP) to make very minor modifications to the language in Sections 13.10.215, 13.10.325, and 13.11.073. (The County also proposed changes to Section 13.10.323, but these changes were already certified by the Commission in 2009, and do not require further review or action by the Commission now.) The changes refine re-review procedures for Planning Commission review of zoning amendments, add the Planning Director explicitly to the list of reviewing authorities under the LCP's large dwelling design guidelines, and add specificity to the building design section of the LCP's design review chapter (Chapter 13.11). See proposed changes in Exhibit A.

### **Minor LCP Amendment Determination**

Pursuant to California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor". CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

*CCR Section 13554(a). Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.*

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if one-third of the appointed members of the Commission do not object to the minor LCP amendment determination, then the amendment is deemed approved, and it becomes a certified part of the LCP immediately (in this case, on August 9, 2012).

**The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.**

The proposed changes are relatively minor in nature, and will not significantly substantively alter coastal resource protection under the LCP. The change related to Planning Commission review of zoning amendments (page 1 of Exhibit A) will mean that the Planning Commission will re-review any modifications adopted by the Board of Supervisors that the Planning Commission did not consider in its deliberations, whereas the current LCP language limits such re-review process to those modifications considered substantial. The effect should be to foster more comprehensive evaluation of potential amendments, including more opportunity for public participation. With respect to the large dwelling design guidelines change (page 2 of Exhibit A), this will only make explicit what is implicit, namely that the Planning Director is among the entities for which the guidelines are an appropriate application review tool. Finally, in terms of the building design change (page 2 of Exhibit A), the modified language only strengthens the LCP by ensuring that all of the neighborhood compatibility factors apply, and not a subset as is currently the case.

### **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. The County adopted a Negative Declaration for the amendment under CEQA. This report has discussed the relevant coastal resource issues with the proposal, and has concluded that the proposed LCP amendment is not expected to result in any significant adverse impact on the environment. Thus, it is unnecessary for the Commission to suggest modifications to the proposed amendment to address adverse environmental impacts because the proposed amendment, as submitted, will not result in any significant environmental effects for which feasible mitigation measures would be required.

### **Coastal Commission Concurrence**

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its August 9, 2012 meeting at the Santa Cruz County Board of Supervisors Chambers at 701 Ocean Street in Santa Cruz. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact John Akeman at the Central Coast District Office in Santa Cruz. If you wish to comment on and/or object to the proposed minor LCP amendment determination, please do so by August 3, 2012.

### **Procedural Note - LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on July 9, 2012. It is IP only and the 60-day action deadline is September 7, 2012. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until September 7, 2012 to take a final action on this LCP amendment.

### Exhibits:

Exhibit A: Proposed Amendments

## LCP Amendment SCO-1-12 Part 5

Subdivision (f) of Section 13.10.215, "Zoning Plan Amendment" of the Santa Cruz County Code, is hereby amended to read as follows:

(f) Board of Supervisors Action. The Clerk of the Board shall set a public hearing before the Board of Supervisors within thirty (30) days after the receipt of the report recommending a zoning amendment from the Planning Commission. The Board may approve, modify, or disapprove the Planning Commission's recommendation, provided that any ~~substantial~~ modification of the proposed zoning amendment (including the imposition of regulations which are less restrictive than those proposed by the commission or changes in proposed dwelling density or use) which was not previously considered by the Planning Commission shall be referred to the Planning Commission for their report and recommendation. The Planning Commission is not required to hold a public hearing on the referral, and their failure to respond within forty (40) days shall constitute approval. Any hearing may be continued from time to time.

Subdivision (e)6(B) of Section 13.10.323, "'Development standards for residential districts,'" of the Santa Cruz County Code is hereby amended to read as follows:

(B) Side and Rear Yards.

- i. An accessory structure which is attached to the main building shall be considered a part thereof, and shall be required to have the same setbacks as the main structure;
- ii. A detached accessory structure which is located entirely within the required rear yard and which is smaller than one hundred twenty (120) square feet in size and ten (10) feet or less in height may be constructed to within three feet of the side and rear property lines;
- iii. Garden trellises, garden statuary, birdbaths, freestanding barbeques, play equipment, swimming pool equipment, freestanding air conditioners, heat pumps and similar HVAC equipment and ground-mounted solar systems, if not exceeding six (6) feet in height, are not required to maintain side and rear yard setbacks and are excluded from the calculation of allowable lot coverage.

**The language in Section 13.10.323(B)(iii) was previously certified by The Commission on September 9, 2009 (SCO-MAJ-1-08 Part 3).**

The first paragraph of Subdivision (d) of Section 13.10.325, "Large dwelling permit requirements and design guidelines," of the Santa Cruz County Code, is hereby amended to read as follows:

(d) Large Dwelling Design Guidelines. New large dwellings and related accessory structures regulated by this Section are subject to the following design guidelines. The intent of these guidelines is to assist the applicant in meeting the requirements of the large dwelling regulations, and to assist the Urban Designer, Planning Director and Zoning Administrator in reviewing applications.

Subdivision (b) of Section 13.11.073, "Building design," of the Santa Cruz County Code, is hereby amended to read as follows:

(b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.

(1) Compatible Building Design.

(i) Building design shall relate to adjacent development and the surrounding area.

(ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. ~~One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of~~ shall be reviewed to achieve a level of neighborhood compatibility appropriate to the architectural style, character and identity of both the proposed new building and the neighborhood:

(A) Massing of building form.

(B) Building silhouette.

(C) Spacing between buildings.

(D) Street face setbacks.

(E) Character of architecture.

(F) Building scale.

(G) Proportion and composition of projections and recesses, doors and windows, and other features.

(H) Location and treatment of entryways.

(I) Finish material, texture and color

(2) Building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.