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# W23b

**Prepared December 18, 2014 for January 7, 2015 Hearing**

**To:** Commissioners and Interested Persons

**From:** Susan Craig, District Manager  
Kevin Kahn, District Supervisor

**Subject: Santa Cruz County LCP Amendment Number LCP-3-SCO-14-0817-1 Part C  
(Minor Exceptions)**

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## SUMMARY OF STAFF RECOMMENDATION

Santa Cruz County proposes to amend its certified Implementation Plan (IP) by extending the existing “Minor Exceptions” provisions specified in Section 13.10.235 throughout the coastal zone. In April 2012, the Commission approved LCP Amendment 1-11 Part 1 to the IP establishing a “Minor Exception” process that allows for minor deviations from certain site development standards (for height, setbacks, separation between structures, floor area ratio (FAR), and lot coverage) without a public hearing. As previously approved, application of this process was limited to within the County’s Urban Services Line (USL) and certain portions of the La Selva Beach and Davenport communities. Through this amendment, the County seeks to expand the use of Minor Exceptions throughout the entire coastal zone and not just within urbanized communities. The central purpose of the Minor Exceptions process is to expedite the process for applicants to pursue minor deviations from the identified development standards by eliminating the need for a public hearing. Extending this process coastal zone-wide is expected to broaden that overall purpose. The proposed amendment would also slightly modify garage setback standards, and extend certain garage and front yard setback standards coastal zone-wide.

The two primary concerns associated with the Minor Exception process are: 1) codification of development standard deviations that may lead to potential adverse impacts to scenic, visual, and other coastal resources; and 2) elimination of the public hearing requirement leading to the potential reduction of public involvement in important coastal planning and decision-making. With respect to the first issue, the main concern here is that extending the Minor Exception process countywide could result in increased LCP maximum allowances related to FAR, lot coverage, setbacks, and height within the rural areas of the County’s coastal zone. However, this concern is tempered by the fact that the Minor Exceptions process still requires standard variance findings, which are extremely difficult to make and are only allowed in very limited circumstances when, because of special site/parcel-specific issues (such as size, shape, and topography), strict application of the LCP’s standards would deprive the property of privileges

enjoyed by other properties in the vicinity and under the same zoning classification. Indeed, because of this strict variance finding requirement, the Minor Exception process was not originally expected to lead to significant increases in the scale of the coastal zone built environment overall, or a codification of an overall increase in these parameters, a prediction which has borne itself out. According to the County, only three Minor Exceptions have been processed in the two plus years during which the process has been in effect. Therefore, extending the process to the entire coastal zone is also not expected to have a significant effect on coastal resources, particularly because property in the rural County typically consists of larger parcels that are far less likely to need (or meet the required variance findings) for such exceptions. Additionally, all of the potential deviations under the Minor Exception process are in fact quite minor as applied and would not be likely to significantly impact coastal resources.

The second issue raised by the Minor Exception process involves the Coastal Act and LCP's public hearing parameters. The public hearing requirement of the existing variance process serves an important public purpose in facilitating public involvement in coastal resource issues consistent with Section 30006 of the Coastal Act. By removing this public hearing requirement, the Minor Exception process could be seen as reducing public participation in decisions affecting coastal resources. While this is a significant concern, the allowable deviations to site development standards are very minor in nature and are not likely to implicate significant coastal resource issues. Moreover, a public hearing is still required in all situations where a coastal development permit is required, per IP Section 13.20.100. Therefore, any Minor Exception that also requires a CDP would be required to hold a public hearing, thereby ensuring maximum public participation.

Finally, the amendment proposes to allow for certain minor deviations to development standards (for lot coverage on small parcels and garage setbacks), and to expand certain garage and front yard setback standards coastal zone-wide. Staff believes that these amendments are minor in nature and will aid in coastal resource protection by allowing for slight modifications in development standards in order to improve community design and sensitive habitat protection.

Thus, Staff recommends that the Commission approve the LCP amendment as submitted. The required motion and resolution to implement this recommendation begin on page 4 below.

**Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on November 18, 2014. The proposed amendment affects the Implementation Plan (IP), and the 60-day action deadline is January 17, 2015. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until January 17, 2015 to take a final action on this LCP amendment.

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**EXHIBITS**

Exhibit 1: Proposed IP Amendment

## I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment as submitted. The Commission needs to make one motion in order to act on this recommendation.

### A. Certify the IP Amendment as submitted

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present

***Motion:** I move that the Commission reject Implementation Plan Amendment Number LCP-3-SCO-14-0817-1 Part C as submitted by the County of Santa Cruz.*

***Resolution:** The Commission hereby certifies the Implementation Plan Major Amendment Number LCP-3-SCO-14-0817-1 Part C as submitted by the County of Santa Cruz and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan and certification of the Implementation Program will meet the requirements of 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 Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.*

## II. FINDINGS AND DECLARATIONS

### A. DESCRIPTION OF PROPOSED LCP AMENDMENT

The County proposes a variety of amendments to the IP component of its certified LCP (see Exhibit 1 for proposed LCP amendment text), and these can be categorized into three main components.

#### **Minor Exceptions**

The Minor Exception process is currently only available to properties located within the LCP's designated Urban Services Line (USL) and certain portions of the communities of La Selva Beach and Davenport. The central component of the proposed amendment is to make the Minor Exceptions provisions available throughout the coastal zone. The process itself allows for minor deviations to LCP limits related to height, setbacks, separation between structures, floor area ratio, and lot coverage without the public hearing requirement normally associated with the granting of variances. However, the Minor Exception process does still require standard variance findings, which are made by the Planning Director (or his/her designee; i.e. planning staff) rather than the Zoning Administrator. The Planning Director also has the discretion to determine that a hearing is necessary and to set the matter for hearing. The process also allows for appeals of Minor Exception determinations, in which case a public hearing would be required. In addition, a public hearing is still required for any Minor Exception that also requires a coastal development

permit (CDP), per IP Section 13.20.100. The allowable exceptions to site standards are described below:

**Height.** Up to 5% increase in the maximum allowed height (e.g., a 28-foot height limit could be increased by up to 16.8 inches).

**Setbacks.** Up to 15% reduction in the minimum required front, side or rear setback (e.g., a 5-foot required setback could be reduced by up to 9 inches).

**Separation between structures.** Up to a 15% exception from the minimum required 10-foot separation between structures on the same property (i.e., the 10-foot requirement could be reduced by up to 1.5 feet).

**Floor Area Ratio (FAR).** Up to a 7.5% increase in the total maximum allowed 50% FAR for lots 4,000 square feet or less (i.e., the 50% maximum FAR could be increased up to 57.5% maximum FAR for such lots).

**Lot coverage.** On parcels with a net site area of 6,000 square feet or greater, up to a 15% increase of the maximum allowed total lot coverage (e.g., a 40% maximum allowed lot coverage could be increased by up to 6%); on smaller parcels, up to a 25% increase of the total allowable coverage (e.g. up to 10%).

Any decision to approve a Minor Exception requires the same findings as are required for variance approvals (pursuant to LCP Section 13.10.230(c)), the same findings as are required for all discretionary approvals (pursuant to LCP Section 18.10.230), the same findings required for coastal development permit approvals if a CDP is also required, and a stormwater protection finding for cases of increased lot coverage (see Exhibit 1). The central purpose of the Minor Exception process is to reduce costs and timeframes for permitting development. The County estimates that eliminating the requirement for a public hearing can save an applicant over \$2,000 in fees and shorten the variance processing time by up to 6 months.

### **Garage Setbacks**

The second component of the proposed amendment would amend Section 13.20.323(E)(6)(f) of the IP to refine the approach for allowing garages to be located within up to 50% of the required side and rear setback area when the garage location is set back substantially from the street. The amendment is intended to encourage better community design by removing a barrier to placing garages where they are less dominating of the home's design and streetscape. The current provision requires the garage to be at least 40 feet back from the front property line to be eligible for the reduced setbacks. That provision was meant to ensure that when an exception to standards was granted, the garage would be setback by a meaningful amount. However, according to the County, it has become clear that the 40 foot requirement disqualifies most parcels with a shallow depth. The proposed amendment would modify that provision to provide that for lots with 80 feet or less depth, garages may be located in the rear half of the parcel and still qualify for reduced side and rear setbacks. The proposed amendment would also extend the garage side and rear yard setback standards countywide.

### **Front Yard Setbacks**

IP Section 13.10.510(I) allows a front or street side setback to be reduced by up to 25% with administrative review if the purpose of the reduction is to protect sensitive habitat areas, minimize grading, or to conform to geologic hazard regulations. Like the provisions above, this provision is currently available only if the parcel is located within the USL or La Selva Beach or Davenport. The proposed amendment would extend this provision coastal zone-wide.

Please see Exhibit 1 for the proposed IP amendment text.

## **B. CONSISTENCY ANALYSIS**

### **Standard of Review**

The proposed amendment affects the IP component of the Santa Cruz County LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified Land Use Plan.

The proposed amendment primarily affects considerations of mass and scale, neighborhood character outside the USL and designated portions of La Selva Beach and Davenport, and preserving and maintaining the urban/rural distinction in the County. Applicable LUP policies include:

#### ***LUP Objective 2.1 Urban/Rural Distinction***

*To preserve a distinction between urban and rural areas of the County, to encourage new development to locate in urban areas...while maintaining economic, social, and environmental quality.*

#### ***LUP Policy 2.1.4 Siting of New Development***

*Locate new residential, commercial, or industrial development, within, next to, or in close proximity to existing developed areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on environmental and natural resources, including coastal resources.*

#### ***LUP Objective 2.4 Mountain Residential Designation***

*To provide for very low density residential development (10-40 net developable acres per dwelling unit) in areas which are unsuited to more intensive development due to the presence of physical hazards and development constraints, the necessity to protect natural resources, and the lack of public services and facilities required to support higher densities; and to maintain a large proportion of the County in open space to retain the existing rural scenic character and a sustainable environment.*

#### ***LUP Objective 2.5 Rural Residential Designation***

*To provide low density residential development (2.5-20 net developable acres per unit) on lands suitable for rural development which have access from roads maintained to rural road standards and adequate fire protection, and where limited public services and facilities, physical hazards and development constraints including water availability and septic capability and the desire to maintain rural character restrict more intensive development of these areas.*

***LUP Objective 5.10a (Protection of Visual Resources).*** To identify, protect, and restore the aesthetic values of visual resources.

***LUP Objective 5.10b (New Development in Visual Resource Areas).*** To ensure that new development is appropriately designed and constructed to have minimal to no adverse impact upon identified visual resources.

***LUP Policy 5.10.2 (Development Within Visual Resource Areas).*** Recognize that visual resources of Santa Cruz County possess diverse characteristics.... Require projects to be evaluated against the context of their unique environment and regulate structure height, setbacks and design to protect these resources consistent with the objectives and policies of this section....require discretionary review for all development....of the County's zoning ordinance to such development.

***LUP Policy 5.10.3 (Protection of Public Vistas).*** Protect significant public vistas...from all publicly used roads and vistas points by minimizing disruption of landform and aesthetic character caused by grading operations,... inappropriate landscaping and structure design.

***LUP Policy 5.10.5 (Preserving Agricultural Vistas).*** Continue to preserve the aesthetic value of agricultural vistas. Encourage development to be consistent with the agricultural character of the community. Structures appurtenant to agricultural uses on agriculturally designated parcels shall be considered to be compatible with the agricultural character of surrounding areas

***LUP Policy 5.10.6 (Preserving Ocean Vistas).*** Where public ocean vistas exist, require that these vistas be retained to the maximum extent possible as a condition of approval for any new development.

***LUP Policy 5.10.7 (Open Beaches and Blufftops).*** Prohibit the placement of new permanent structures which would be visible from a public beach, except where allowed on existing parcels of record, or for shoreline protection and for public beach access. Use the following criteria for allowed structures: (a) Allow infill structures (typically residences on existing lots of record) where compatible with the pattern of existing development. (b) Require shoreline protection and access structures to use natural materials and finishes to blend with the character of the area and integrate with the landform.

***LUP Policy 5.10.11 (Development Visible from Rural Scenic Roads).*** In the viewsheds of rural scenic roads, require new discretionary development, including development envelopes in proposed land divisions, to be sited out of public view, obscured by natural landforms and/or existing vegetation. Where proposed structures on existing lots are unavoidably visible from scenic roads, identify those visual qualities worthy of protection (See policy 5.10.2) and require the siting, architectural design and landscaping to mitigate the impacts on those visual qualities. (See policy 5.14.10.)

***LUP Policy 5.10.12 (Development Visible from Urban Scenic Roads).*** In the viewsheds of urban scenic roads, require new discretionary development to improve the visual quality through siting, architectural design, landscaping, and appropriate signage.

***LUP Figure 8-1 (Areas with Special Design Criteria or Guidelines)***.... Coastal Zone and Coastal Special Communities, Davenport, Live Oak Planning Area, North Coast Beaches, Rio Del Mar Flats/Esplanade Area, Seacliff Beach Area Special Community...

***LUP Policy 8.6.6 (Protecting Ridgetops and Natural Landforms)***. Protect ridgetops and prominent natural landforms such as cliffs, bluffs, dunes, rock outcroppings, and other significant natural features from development. In connection with discretionary review, apply the following criteria: (a) Development on ridgetops shall be avoided if other developable land exists on the property; (b) Prohibit the removal of tree masses when such removal would erode the silhouette of the ridgeline form. Consider the cumulative effects of tree removal on the ridgeline silhouette.

***LUP Objective 8.8 (Villages, Towns and Special Communities)***. To recognize certain established urban and rural villages as well as Coastal Special Communities for their unique characteristics and/or popularity as visitor destination points; to preserve and enhance these communities through design review ensuring the compatibility of new development with the existing character of these areas.

***LUP Policy 8.8.1 (Design Guideline for Unique Areas)***. Develop specific design guidelines and/or standards for well-defined villages, towns and communities.... New development within these areas listed in Figure 8-1...shall conform to the adopted plans for these areas, as plans become available.

***LUP Policy 8.8.2 (Coastal Special Community Designation)***. Maintain a Coastal Special Community designation for the following areas shown on the General Plan and LCP Land Use Maps: Davenport, Seacliff Beach Area, Rio del Mar Flats/Esplanade, Harbor Area, East Cliff Village Tourist Area.

***LUP Policy 8.8.4 (Davenport Character)***. Require new development in Davenport to be consistent with the height, bulk, scale, materials, and setbacks of existing development: generally small scale, one to two story structures of wood construction.

***LUP Policy 8.8.6 (New Development)*** Require new development, additions or rehabilitation to be consistent with the objectives of this section and the following:(a) Clearly define State Park Drive....(b) Improve directional signing....(c) Reduce the numerous....(d) Landscape and improve.....

***LUP Policy 8.8.7 (New Development)*** Require infill development, rehabilitations or new additions in the Rio Del Mar flats to maintain heights, bulks and setbacks similar to existing development as follows: (a) Commercial Development. Buildings should be designed...(b) Esplanade, landscaping, paving....and incorporate Aptos Creek as a design feature.

The proposed amendments are part of an ongoing County effort to streamline and facilitate permit processing. In this case, the proposed amendment would extend the Minor Exception process, certain garage setbacks requirements, and front yard setback requirements throughout the coastal zone and make a few other minor changes to some of these standards.



Expansion of the Minor Exception process raises two important Coastal Act and LCP concerns. The first is that by codifying the deviations, the process increases LCP maximum scale allowances related to FAR, coverage, setbacks, and height on a countywide basis. Such deviations could result in significant potential impacts to coastal resources and threaten the LCP's important urban/rural distinction. As identified above, the LUP contains policies which require a well-defined urban/rural distinction, maintenance of open space, and restrict more intensive development in rural areas in order to preserve the existing rural scenic community character of these areas. Specifically, LUP Policy 2.1 seeks to preserve the urban rural distinction and directs development toward more urban areas. Likewise, Objectives 2.4 and 2.5 seek to maintain the neighborhood character and quality of more rural communities.

The proposed amendment addresses these concerns by requiring formal variance findings to be made in order for a Minor Exception to be granted. According to the County, because of the strong findings that must be made in order to grant a Minor Exception, including variance findings in addition to standard coastal development permit findings, a total of three Minor Exceptions have been processed in the two years since the process has been available, and only one of those exceptions, allowing a new garage to encroach approximately two feet into the required 20 foot setback, was processed as a separate Minor Exception. The other two, both for increased lot coverage, were processed as part of a variance application. It therefore does not appear that the Minor Exception process is leading to significant development or coastal resources impacts. Nor does it appear likely that extending the Minor Exception process outside of the USL will result in such impacts given that parcels in the rural coastal zone are generally larger and do not face the same types of development constraints associated with more highly developed urban areas. This is particularly true in light of the fact that the larger rural parcels are much less likely to need (or meet the required findings) for such exceptions. Indeed, because the variance findings tend to be site specific and extremely difficult to make, the Commission understands that this process is likely to affect only a very few number of parcels in the rural County. Moreover, to the extent that the process is applicable to these very few parcels, potential impacts to coastal resources are not likely to be significant because the allowable deviations are so minor in nature (e.g. a 28-foot height limit could be increased by up to 16.8 inches; a 5-foot setback could be reduced by up to nine inches, a 10-foot separation requirement between structures could be reduced by up to 1.5 feet), and also unlikely to be necessary for the larger parcels found in the rural County.

The second issue with the minor exceptions process is related to the Coastal Act and LCP's public hearing parameters. One of the central mandates of the Coastal Act is to maintain the widest opportunity for public participation in decisions affecting coastal resources. (See, Coastal Act Section 30006 "The Legislature finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.") By eliminating the public hearing requirement for certain deviations from site development standards, the proposed amendment could be seen as reducing public participation in potentially important decisions affecting coastal resources. While this is a significant concern, as explained above, the Minor Exception process is expected to have very limited application in

the rural areas of the coastal zone and the allowable deviations to site development standards are in fact very minor in nature and are not likely to implicate major coastal resource issues. Moreover, in all situations where a coastal development permit is required, Section 13.10.235 still requires that the exception be processed as part of the CDP process, including the public hearing requirements. Thus, public involvement will be required for all development needing a CDP, consistent with the requirements of the LCP.

In terms of the other components of the proposed amendment, these are generally minor changes that will aid in coastal resource protection. With respect to the garage related components, the amendment will help facilitate the placement of residential garages toward the rear of parcels (away from the front of houses) in order to provide more flexibility in site designs, more community friendly front yards, and to facilitate reduced parking along residential streets. Likewise, with respect to the front and street yard setback exceptions, the amendment will support environmental protection by making it easier for property owners to shift development away from sensitive areas. Making these processes available countywide will increase the potential benefits to coastal resources, especially in rural areas where sensitive resources constraints are more common.

In conclusion, the strict variance finding requirement, as well as standard CDP findings and procedures, will continue to limit any potential coastal resource impacts of the Minor Exceptions process, and the amendment's proposed garage and front setback allowances are minor in nature and will provide for more flexibility in siting and design. As submitted, the proposed amendment can be found consistent with and adequate to carry out the LUP.

### **C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As part of its local action on the subject LCP amendment, the County of Santa Cruz prepared an Initial Study/Negative Declaration titled *Minor Exceptions*, dated December 15, 2010. A Notice of Determination that a Negative Declaration was prepared and filed with the Clerk of the County Board of Supervisors on January 24, 2011. The County subsequently prepared an Addendum to the Negative Declaration pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines to address minor modifications to the project description for the Negative Declaration and analyze project features that were not approved by the Board of Supervisors in January 2011, but were addressed in the 2010 Initial Study/Negative Declaration. The Addendum determined that the proposed amendments to expand the minor exceptions and garage standards were within the scope of the 2010 environmental analysis contained in the December 21, 2010 Initial Study and Negative Declaration, and therefore no further environmental review was required. On March 18, 2014, the Board of Supervisors found, on the basis of the entire record before it, that there was no substantial evidence that the project will have a significant effect on the environment, and that the Negative Declaration and Addendum reflect the independent judgment an analysis of the County of Santa Cruz that the proposed ordinance amendments will have no significant impacts.

Section 21080.9 of the California Public Resources Code (within CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental

information that the local government submits in support of its proposed LCPA. The Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP amendment.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with certain CEQA provisions, including the requirement in Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment. See also, CEQA Guidelines Sections 13542(a), 13540(f), and 13555(b).

The County's LCP amendment consists of an Implementation Plan (IP) amendment. The Commission incorporates its findings on Land Use Plan conformity into this CEQA finding as if it is set forth in full. As discussed herein, the Implementation Plan amendment as originally submitted conforms with and is adequate to carry out the policies of the certified LUP. The Commission therefore finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of CEQA.

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**UNDERLINE / STRIKEOUT VERSION OF PROPOSED ORDINANCE AMENDMENTS  
TO REVISE STANDARDS FOR MINOR EXCEPTIONS,  
GARAGES IN SIDE AND REAR SETBACKS, AND FRONT YARD SETBACK  
REDUCTIONS TO PROTECT THE ENVIRONMENT OR PUBLIC SAFETY**

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

**SECTION I**

Section 13.10.235 of the Santa Cruz County Code is hereby amended to read:

**13.10.235 Minor exceptions.**

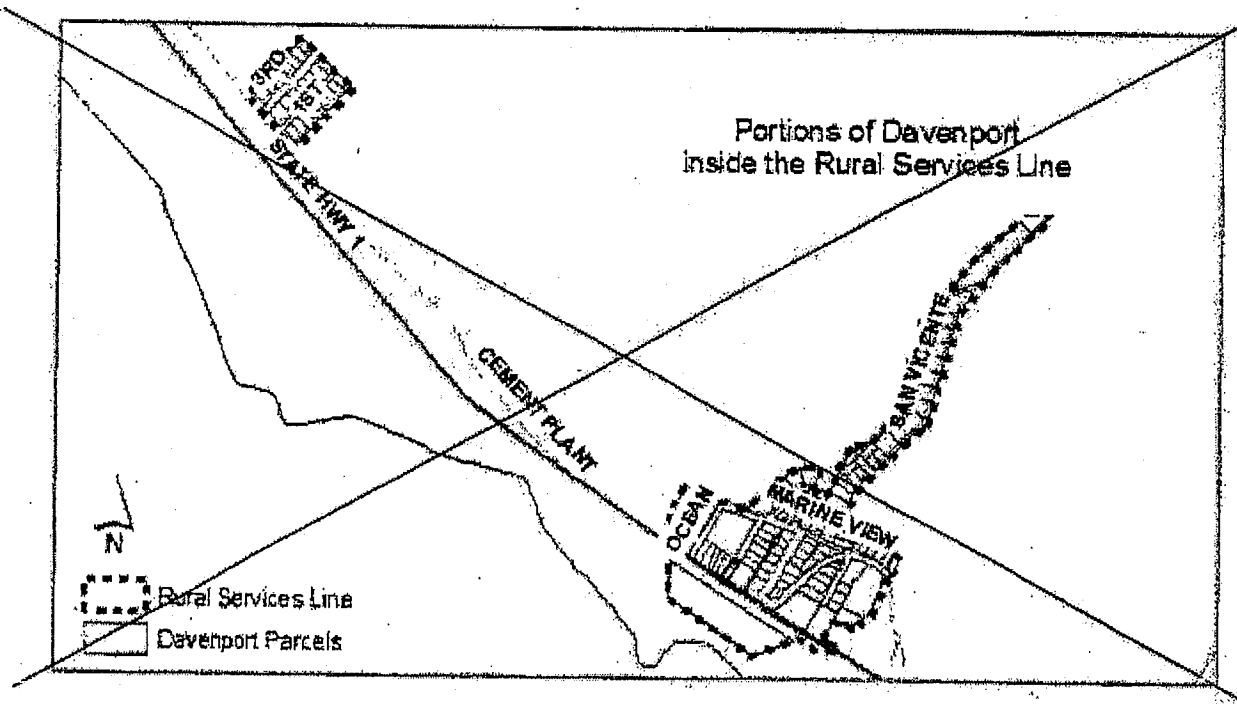
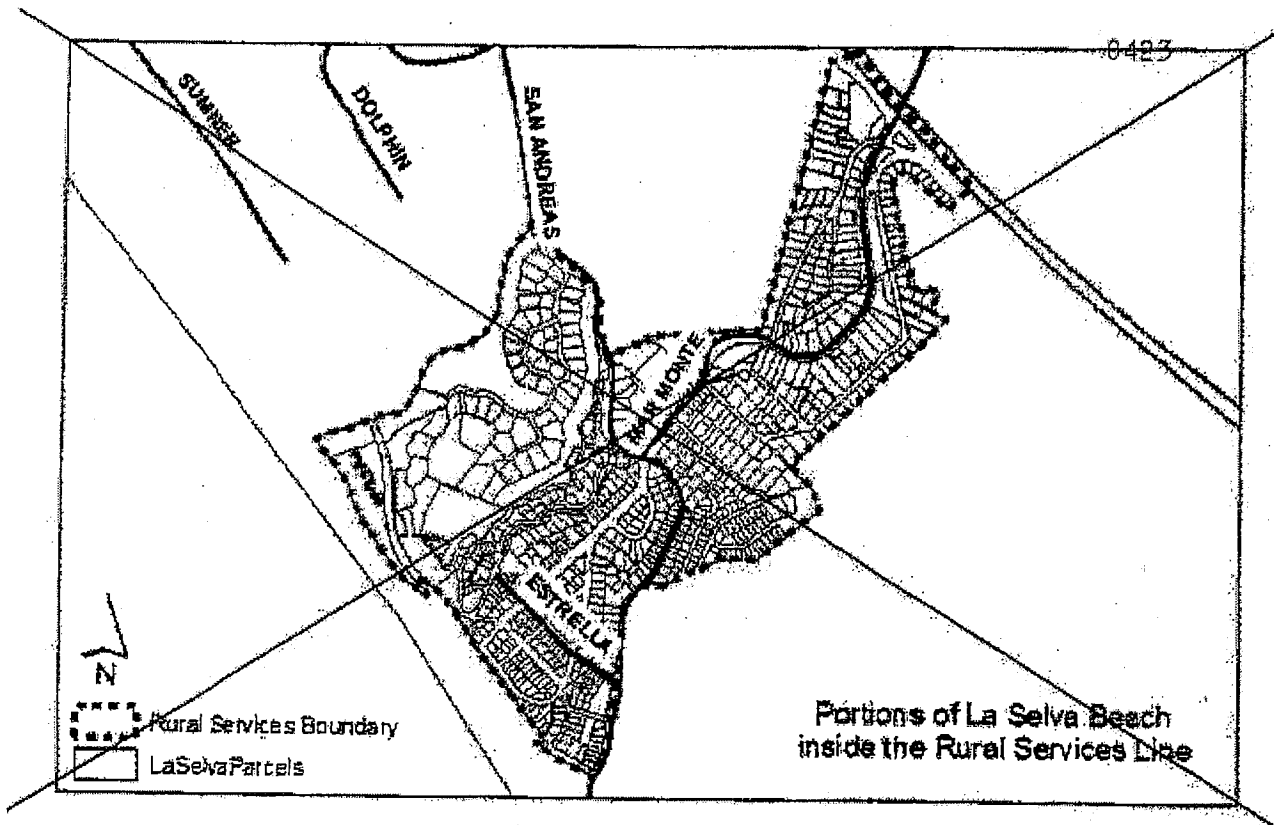
(A) Purpose. To provide a streamlined discretionary review process to allow consideration of minor variations from the zoning district site standards established for height, setbacks, separation between structures on the same property, lot coverage and floor area ratio.

(B) Applicability. ~~Within the Urban Services Line, and within those portions of La Selva Beach and Davenport within the Rural Services Line as shown in Figure 1 of this subsection (map attached hereto),~~ minor exceptions to the zoning site standards contained in the site and structural dimensions charts may be considered for the following zone districts: agricultural districts (~~SCCC 13.10.313(A)~~); residential districts (~~SCCC 13.10.323(B) and 13.10.323(E)(6)(c)~~); commercial districts (~~SCCC 13.10.333(A)~~); industrial districts (~~SCCC 13.10.343(A)~~); parks, recreation and open space parks districts (~~SCCC 13.10.353(A)~~); public and community facilities districts (~~SCCC 13.10.363(A)~~); timber production districts (~~SCCC 13.10.373(A)~~); and special use districts (~~SCCC 13.10.383(A)~~). Minor exceptions do not apply to special site standards contained in combining zone districts, specific plans or PUDs, unless specifically indicated.

**Figure 1**

~~Portions of La Selva Beach and Davenport within the Rural Services Line~~

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Minor exceptions shall be limited to the following:

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- (1) Height. Up to a five percent increase in the allowed height. For example, a 28-foot height limit could be increased by up to 16.8 inches (28 feet times 0.05 = 1.4 feet).
- (2) Setbacks. Up to a 15 percent reduction in the required front, side or rear setback. For example, a five-foot setback may be reduced by up to nine inches (five feet times 0.15 = 0.75 feet).
- (3) Separation Between Structures. Up to a 15 percent exception from the 10-foot separation requirement between structures on the same property, allowing a reduction of up to 1.5 feet, or an 8.5-foot separation.
- (4) Floor Area Ratio. Up to a 7.5 percent increase in the total allowable 50 percent FAR for lots 4,000 square feet or less, allowing up to 57.5 percent FAR.
- (5) Lot Coverage. On parcels with a net site area of 6,000 square feet or greater, up to a 15 percent increase of the total allowable lot coverage; on smaller parcels, up to a 25 percent increase of the total allowable lot coverage, resulting in the following maximum allowable increases:-

<u>Allowable Lot Coverage Allowed by Applicable Zone District</u>	<u>Maximum Additional Lot Coverage Allowed with a 25% Minor Exception on Parcels of Less than 6,000 Square Feet</u>	<u>Maximum Additional Lot Coverage Allowed with a 15% Minor Exception on Parcels of 6,000 Square Feet or Greater</u>
40%	10%	6%
20%	=	3%
10%	=	1.5%

Minor exceptions apply only to the zoning site standards noted above, and do not apply to or supersede limits or building setbacks required in other sections or chapters of the County Code, such as for riparian corridors, geologic hazards, sensitive habitats, or agricultural buffers. If a coastal development permit is required (pursuant to Chapter 13.20 SCCC), then the minor exception shall be processed as part of and pursuant to the coastal development permit process, including that hearing requirements, noticing, appeal procedures, etc., shall be as are required for coastal development permits, and all required coastal development permit findings shall also be required.

(C) Procedures.

(1) Application. The application for the minor exception shall contain such information as required by the Planning Department.

(2) Application Review. The Planning Director or designee shall review and make a determination on the application for a minor exception. At the discretion of the Planning Director, the project may be referred to the Zoning Administrator or Planning Commission for a public hearing.

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(3) Noticing. Noticing shall be as provided by SCCC 18.10.222 and 18.10.224.

(4) Required Findings. Findings shall be in accordance with findings required for variance approvals in SCCC 13.10.230(C), and in accordance with the findings required in SCCC 18.10.230 for discretionary approvals. In addition, the following finding shall be required for minor exceptions allowing an increase in lot coverage:

(a) That there is no increase in stormwater leaving the property as a result of additional impermeable area created by a minor increase in lot coverage. The project as approved incorporates measures or conditions that direct runoff to the landscape, use permeable paving material, reduce existing impermeable area, or incorporate other low impact drainage design practices to control any increase in stormwater runoff.

(5) Project Conditions. The project may be conditioned as needed to ensure compliance with County policies and ordinances, in accordance with SCCC 18.10.240.

(6) Appeal. The procedures for appeals shall be as provided by SCCC 18.10.310 and 18.10.324.

## SECTION II

Subsection (f) of Subsection (6) of Subdivision (E) of Section 13.10.323 is hereby amended to read as follows:

(f) Garages Located in Required Rear and Side Yards.

~~(i) Applicability. This subsection applies to residentially zoned parcels within the Urban Services Line, and to residentially zoned parcels within those portions of La Selva Beach and Davenport inside the Rural Services Line as shown in Figure 1 of SCCC 13.10.235.~~

~~(ii) Provisions. The following provisions apply to garages located in required rear and side yards:~~

~~A.(i) On residentially zoned parcels smaller than 10,000 square feet in the applicable areas noted above, an attached or detached garage ("garage" as defined under SCCC 13.10.700-G but excluding carports) may be located within side and rear setback areas with up to a 50 percent reduction of the required setback distances to the rear and interior side property lines; provided, that:~~

~~1.A. There shall be no windows, doors or other openings on garage walls that are less than five feet from the side or rear property lines.~~

~~2.B. The garage shall be located have a minimum front setback of 40 feet from the front property line, or, for parcels less than 80 feet deep, the~~

minimum front setback to the garage shall be 50 percent of the parcel's depth. 0426

~~3-C.~~ Eaves or other projections on garages with reduced setbacks shall extend no more than two additional feet closer to the rear and side yard property lines, and no closer than allowed by the California Residential Building Code (CRC).

~~4-D.~~ The garage shall have a maximum depth of 30 feet.

~~B-(ii)~~ On residential parcels 10,000 square feet or larger in size, an attached or detached garage may be located within side and rear setback areas with up to a 50 percent reduction of the required setback distances to the rear and interior side property lines, subject to subsections (E)(6)(f)(i)A-D of this section; and provided, that a minor exception is obtained in accordance with SCCC 13.10.235.

~~C-(iii)~~ On residential parcels less than 10,000 square feet, a garage may be located up to zero feet from the rear or interior side property line if an administrative site development permit (Level IV approval) is obtained pursuant to the provisions of Chapter 18.10 SCCC, and it is found that the garage will not be detrimental or injurious to property or improvements in the neighborhood, and will not unreasonably infringe on adequate light, air or privacy of adjacent residences.

~~D-(iv)~~ A garage located within a required rear or side setback area shall not exceed 17 feet in height or one story, unless an administrative site development permit (Level IV approval) is obtained pursuant to the provisions of Chapter 18.10 SCCC, and it is found that the garage will not be detrimental or injurious to property or improvements in the neighborhood, and will not unreasonably infringe on adequate light, air or privacy of adjacent residences.

### SECTION III

Subdivision (I) of Section 13.10.510 is hereby amended to read as follows:

(I) Reductions in the Front Setback to Protect the Environment or Public Safety.

~~(1) Within the Urban Services Line, and within those portions of La Selva Beach and Davenport inside the Rural Services Line as shown in Figure 1 of SCCC 13.10.235,~~  
~~up to a 25 percent reduction in the required setback established by the zone district for front yards or other yards fronting on a street or vehicular right-of-way may be allowed, subject to review and approval by the Planning Director (Level III approval), for any of the following purposes:~~

- (a) To minimize grading on steep lots;
- (b) To protect environmentally sensitive resources such as significant trees or sensitive habitats such as riparian corridors; or



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(c) To facilitate conformance with regulations for geologic hazards (Chapter 16.10 SCCC).

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(2) In addition to the findings required in SCCC 18.10.230 for discretionary approvals, the following additional findings shall be required:

- (a) The reduced setback would result in an environmentally superior outcome or improved public safety, either by minimizing grading, affording better protection to an environmentally sensitive habitat or resource, or resulting in greater conformance with geologic hazard regulations.
- (b) The proposed project shall not unreasonably infringe on adequate light, air, or privacy of adjacent residential property.

**SECTION IV**

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 occurs last.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS  
 NOES: SUPERVISORS  
 ABSENT: SUPERVISORS  
 ABSTAIN: SUPERVISORS

\_\_\_\_\_  
Chairperson, Board of Supervisors

Attest: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

Copies to: County Counsel