

**CALIFORNIA COASTAL COMMISSION**

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# Th11b

**Prepared March 26, 2015 (for April 16, 2015 Hearing)**

**To:** Commissioners and Interested Persons

**From:** Susan Craig, District Manager  
Ryan Moroney, Coastal Planner

**Subject: Santa Cruz City LCP Amendment Number STC-1-12 Part 3 (Design Permit Findings; Location of Structures and Rooftop Equipment Screening)**

### **Proposed Amendment**

The City of Santa Cruz proposes to amend Section 24.08.430 of its Local Coastal Program (LCP) Implementation Plan (IP), which sets forth the required findings for a design permit. The proposed amendment would narrow the finding regarding a structure's location to take into account maintenance of "public" views as opposed to views in general. The amendment would also eliminate the requirement that rooftop mechanical equipment be screened from "adjacent properties" and instead requires that such equipment be screened from "public rights of way to the extent possible." According to the City, the proposed changes are in response to recent industrial projects experiencing design constraints imposed by the required screening of rooftop structures from adjacent properties. See Exhibit 1 for the proposed amendment text.

### **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 April 16, 2015).

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

### STC-1-12 Part 3 (Design Review – Rooftop Equipment)

Under the existing standard for Design Permits, the location of structures must take into account the maintenance of views. The proposed amendment instead requires that structures take into account “public views” (as opposed to “views” in general, which would include private views). Similarly, under existing standards for design permits, rooftop mechanical equipment is required to be screened from “adjacent properties.” The proposed amendment instead requires screening from “public rights of way to the extent possible.” Thus, in effect, the proposed amendment narrows design review criteria designed to protect views in general to focus instead on protection of public views and viewsheds. In fact, the proposed change regarding rooftop equipment screening could be seen as strengthening protection of *public* views by requiring that screening be done “to the extent possible.” The Community Design Element of the LCP emphasizes protection of “important public views and viewsheds” and “important vistas and view corridors.” (See, e.g. LCP Community Design Element Policies 2.2.1, 2.2.2). By requiring maintenance of public views and mechanical structures be screened from public areas to the extent feasible, this IP amendment conforms with the LCP requirements that protect public viewsheds, vistas and view corridors. Moreover, any potential adverse effects resulting from the proposed changes to the design review criteria may still be appropriately addressed by the LCP’s policies related to coastal resource protection, including visual and scenic resources. As such, the amendment does not change the kind, location, intensity, or density of use of land and is consistent with the certified LUP.

#### **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 City has determined that the project is exempt from further review under CEQA pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations (“CEQA Guidelines”) on the basis that there is no possibility that the proposed LCP amendment will have a significant effect on the environment, and a Notice of Exemption has been prepared. 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 April 16, 2015 meeting at the Marin County Board of Supervisors Chambers, 3501 Civic Center Drive, Suite 329, San Rafael, CA. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Ryan Moroney at the Central Coast District Office in Santa Cruz.

#### Exhibit:

Exhibit 1: Proposed Amendment Text (strikethrough/underline)

### Changes to Section 24.08.430

3. Design of the site plan shall respect design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, materials and colors which blend with elements of the site plan and surrounding areas. Location of structures should take into account maintenance of ~~view~~ public views; rooftop mechanical equipment shall be incorporated into roof design or screened from ~~adjacent properties~~ public rights of way to the extent possible. Utility installations such as trash enclosures,

storage units, traffic-control devices, transformer vaults and electrical meters shall be accessible and screened.