

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W21b

Prepared January 19, 2017 (for February 8, 2017 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Rainey Graeven, Coastal Planner

**Subject: Santa Cruz County LCP Amendment Number LCP-3-SCO-16-0074-2-Part B
(Community Meetings and Onsite Noticing).**

Proposed Amendment

Santa Cruz County proposes to modify the Local Coastal Program (LCP) Implementation Plan (IP) to amend existing IP Section 18.10.211 (Neighborhood Notification and Meeting), and add IP Section 18.10.225 (Rendering Sign for Commercial Development Projects Requiring a Public Hearing (Level 5 – 7)). The proposed amendments to IP Section 18.10.221 require a second community meeting any time the following project changes are proposed after/following the initial community meeting: a 20% or more increase in height, floor area ratio, or lot coverage; a change that necessitates a variance; an increase in the number of lots or dwelling units; an intensification of use; as well as for all commercial development projects where 180 days or more passes between the first neighborhood meeting and the originally scheduled public hearing. Proposed IP Section 18.10.225 will result in additional noticing requirements for all Level 5 to 7¹ commercial development projects, including requiring the applicant to visually depict the proposed project at the project site and requiring a website where interested persons can see visual renderings of the project and view project plans. See **Exhibit 1** for the proposed amendment text.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is “minor.” 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

14 CCR Section 13554(c). Change in the notification and hearing procedures that is consistent with the requirements of the Coastal Act.

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

¹ Level 5 to 7 Permits require public hearings for approval (Processing Level 5 requiring a Zoning Administrator hearing, Level 6 requiring a Planning Commission hearing, and Level 7 requiring a Board of Supervisors hearing (see IP section 18.10.112(B)).

public hearing; if less than one-third of the appointed members of the Commission 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 February 8, 2017).

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 amendments include minor changes to noticing and meeting requirements including: 1) requiring a second community meeting any time a “significant” modification (see above) is proposed after the initial community meeting, and for all commercial development projects where 180 days or more passes between the first neighborhood meeting and the originally scheduled public hearing date; and 2) additional noticing requirements for larger commercial development projects. Because the proposed amendments would result in additional noticing and hearing requirements for certain projects, the proposal strengthens the LCP by increasing transparency and public input in the permitting process, and does not change the kind, location, intensity, or density of use of land. Thus the proposed LCP amendment qualifies under the regulatory definition of a minor LCP amendment as a “change in the notification and hearing procedures that is consistent with the requirements of the Coastal Act.” (14 CCR § 13554(c).)

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. (*See* 14 CCR § 15251(f).) The County has determined that the project is exempt from further review under CEQA, pursuant to 14 CCR Section 15060(c)(2), and a Notice of Exemption has been prepared. Specifically, the County found that the proposed amendments would not result in a direct or reasonably foreseeable indirect impact on the environment because the project scope is limited to requiring increased notification for certain proposed projects. As such, 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 February 8, 2017 meeting in Newport Beach. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Rainey Graeven at the Central Coast District Office in Santa Cruz.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 13, 2017. It amends the IP only and the 60-day action deadline is March 7, 2017. (*See* Pub. Res. Code §§ 30513, 30514(b).) Thus, unless the Commission extends the action deadline (it may be extended by up to one year per Pub. Res. Code § 30517), the Commission has until March 7, 2017 to take a final action on this LCP amendment.

Exhibit 1: Proposed Amendment Text

ORDINANCE NO. _____

**STRIKETHROUGH COPY OF ORDINANCE AMENDING SECTION 18.10.211 AND
ADDING SECTION 18.10.225 TO THE SANTA CRUZ COUNTY CODE REGARDING
NEIGHBORHOOD MEETINGS AND ON-SITE SIGNAGE FOR COMMERCIAL
DEVELOPMENT PROJECTS**

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

SECTION I

Section 18.10.211, "Neighborhood notification and meeting" is hereby amended to read as follows:

18.10.211 Neighborhood notification and meeting.

(A) When Required.

(1) For all development that requires discretionary approval at Level VI or VII, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within 300 feet of the exterior boundaries of the project parcel shall be notified. In the event that there are fewer than 10 separate parcels within 300 feet of the exterior boundaries of the property involved in the application, said 300-foot distance shall be extended in increments of 50 feet (e.g., 350, 400, 450) until owners of at least 10 properties have been notified. The notification shall be by first class mail and shall include a brief description of the proposed development and the date, time and location of the neighborhood meeting.

(2) The following modifications to a submitted applications will require new noticing and a second neighborhood meeting:

(a) Submitted applications for which any of the following project modifications are proposed after the first neighborhood meeting:

(i) A change that results in an increase of 20 percent or more in height, floor area ratio or lot coverage;

(ii) A change that necessitates a variance;

(iii) A change that results in an increase in the number of lots or dwelling units; ^{Item 47.b}

(iv) A change that results in an intensification of use, as defined in SCCC 13.10.700-I.

(b) Commercial Development projects in Commercial Zone Districts (PA, CA, CT, C-1, C-2 and C-4) for which a time period of 180 days or longer occurs between the first neighborhood meeting and the original scheduled hearing date.

(B) Results. The results of the neighborhood meeting shall be required as part of the application submittal. No application shall be deemed complete without the results of the neighborhood meeting when one is required. [Ord. 4818 § 5, 2006; Ord. 4774 § 5, 2004].

SECTION II

Section 18.10.225 is hereby added to read as follows:

18.10.225 Rendering sign for commercial development applications requiring a public hearing (Level V- VII).

18.10.224

In addition to the "Notice of Proposed Development" sign required in SCCC 13.10.224 above, for Level V-VII commercial development projects which include new building construction in Commercial Zone Districts (PA, CA, CT, C-1, C-2 and C-4), the applicant shall install a sign on the subject property depicting the proposed development in accordance with this section. Where appropriate, the Planning Director may also require the applicant to provide a project website where the current version of plans that have been submitted to the County are maintained and updated, and include the website address on the rendering sign.

(A) Deadline for placement. The rendering sign shall be placed no later than seven days after the applicant has been informed that sign installation is required. For projects exempt from environmental review, installation shall be required prior to the application being found complete. For projects requiring environmental review, the sign shall be installed before the draft Negative Declaration or EIR is released for public comment. The applicant shall submit a photograph to verify that the sign has been installed.

(iii) A change that results in an increase in the number of lots or dwelling units; ^{Item 47.b}

(iv) A change that results in an intensification of use, as defined in SCCC 13.10.700-I.

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- (B) Location. The sign shall be installed on the subject property, at a location clearly visible from the primary right-of-way serving the property, and within 10 feet of the Notice of Proposed Development sign. The sign shall be located so as not to interfere with vehicular line of site distance.
- (C) Size and material. The rendering sign shall be a minimum of 3 feet in height by 2 feet in width, and shall not exceed 3 feet in height by 4 feet in width. The sign shall be durable, rigid, weatherproof, and designed for exterior use; and may be constructed of wood, aluminum, or other material approved by the Planning Department. Sign images and lettering shall be printed on the sign, painted or otherwise rendered waterproof. The sign shall be installed securely on a post or posts in the ground. It is the responsibility of the applicant to maintain the sign in good condition until removal is required.
- (D) Layout, lettering and content.
- (1) Lettering. The font shall be a minimum of one inch, except where otherwise specified. The sign shall be white with black lettering.
 - (2) Header. Two-inch bold capital letters reading "IMAGE OF PROPOSED DEVELOPMENT." The application number shall be provided under the header.
 - (3) Image. Project image shall be a 3-dimensional architectural rendering or computer simulated graphic depicting the finished project, a minimum of 22" X 22" in size, and of sufficient detail to show the design, location, height, circulation and relationship to adjacent development. The image shall include outlines of buildings on adjacent parcels where applicable. A note shall be provided below the image reading "This image represents the applicant's proposal and may change."
 - (4) Current project information. Provide a note reading, "For current project information and plans, contact the project applicant [name] at [phone number] or [email address]." When a project website is required, the website address shall also be provided.
- (E) Sign removal. The rendering sign shall be removed in accordance with the SCCC Section 18.10.224 (F) above, Deadline for Sign Removal.

SECTION III

This Ordinance shall take effect upon final certification by the Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 2016, 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: Planning
County Counsel

Attachment: Attachment 2 - Strike-through Copy of Ordinance (2676 : Noticing Ordinance and Resolution)