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W16a

Prepared June 23, 2017 for July 12, 2017 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Ryan Moroney, Supervising Coastal Planner

Subject: **City of Santa Cruz LCP (Local Coastal Program) Amendment Number LCP-3-STC-17-0016-1-Part E (Parking in Setbacks)**

SUMMARY OF STAFF RECOMMENDATION

The City of Santa Cruz proposes to modify Sections 24.12.240 and 24.12.280 of the LCP's Implementation Plan (IP) to remove the LCP's existing prohibition on siting required off-street parking in front or exterior side yard setbacks. This existing prohibition means that driveways, while frequently used for parking, may not now be counted toward meeting a project's off-street parking requirements. The proposed amendment would allow parking in these driveway areas to count toward onsite parking requirements, while simultaneously limiting the amount of parking within the front yard setback to no more than 40% of the front yard area. Importantly, this amendment would not affect the number of parking spaces required by the LCP, but would instead simply allow for some flexibility as to where and how parking is provided on the site.

The proposed amendment raises some LCP consistency issues with respect to community character, neighborhood compatibility, public views and public access. Specifically, allowing parking in front and side yard setbacks will likely result in more cars parked in these areas, and thus more visual clutter in an area that would likely otherwise be landscaped and/or unobstructed under existing standards. Moreover, in conjunction with other changes to the City's IP allowing for tandem parking for single family residences, the proposed changes may also impact the availability of public parking in the right of way, since allowing tandem parking, as opposed to normal side-by-side spaces, could result in more on-street parking due to the difficulty and inconvenience in managing tandem parking. However, staff has considered these impacts related to the applicable policies and existing conditions, and does not believe that the proposed amendment will have a significant negative impact on community character, views or public access.

Staff therefore recommends that the Commission find the proposed amendment consistent with and adequate to carry out the policies of the LUP, and that the Commission approve the amendment as submitted. The motion and resolution are found on page 3 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on April 28, 2017. It amends only the City’s IP and the 60-day action deadline was originally June 27, 2017. (See Pub. Res. Code § 30513.) On June 7, 2017, the Commission extended the action deadline by one year to June 27, 2018 (per Pub. Res. Code § 30517). Thus, the Commission has until June 27, 2018 to take a final action on this LCP amendment.

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EXHIBITS

Exhibit 1: Proposed IP Amendment

Exhibit 2: Correspondence

I. MOTION AND RESOLUTION

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

A. Certify the IP Amendment as Submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the IP amendment 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-STC-17-0016-1-Part E as submitted by the City of Santa Cruz, and I recommend a **no** vote.*

***Resolution:** The Commission hereby certifies Implementation Plan Amendment Number LCP-3-STC-17-0016-1-Part E as submitted by the City of Santa Cruz and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with 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 plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Implementation Plan Amendment may have on the environment.*

II. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

The City of Santa Cruz proposes to modify Sections 24.12.240 and 24.12.280 of the LCP's Implementation Plan (IP) to remove the existing prohibition on siting required off-street parking in front or exterior side yard setbacks. Specifically, the proposed amendment would allow these setback areas (which include driveway areas) to count toward onsite parking requirements, while simultaneously limiting the amount of parking within the front yard setback to no more than 40% of the front yard area. Please see **Exhibit 1** for a strikethrough/underline copy of the proposed IP amendment text.

B. CONSISTENCY ANALYSIS

Standard of Review

The proposed amendment affects only the IP component of the City of Santa Cruz 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 (LUP). (Pub. Res. Code § 30513.)

Consistency Analysis

The City of Santa Cruz LUP includes policy language that protects visual resources, including as defined by neighborhood character, and also requires that coastal access and recreation

opportunities be maximized consistent with the requirements of the Coastal Act. Selected applicable LUP policies include:

LUP Community Design Element Policy 2.2. *Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not impede or disrupt them.*

LUP Community Design Element Policy 2.2.1. *Develop siting, scale, landscaping and other design guidelines to protect visually sensitive areas and ensure that development is compatible with the character of areas. Areas to be protected include: open-space land uses, foothills, bluffs, scenic coastal areas, Beach Hill, Pogonip, Far West Side, Mission Hill, Moore Creek, DeLaveaga Park, and San Lorenzo River.*

LUP Land Use Element Policy 2.6.5. *Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers, and other development techniques.*

LUP Land Use Element Policy 3.5. *Protect coastal recreation areas, maintain all existing coastal access points open to the public, and enhance public access, open space quality and recreational enjoyment in a manner that is consistent with the California Coastal Act.*

LUP Land Use Element Policy 3.5.2. *Ensure that development does not interfere with the public's right to access the ocean...*

Community Design/Neighborhood Character and Public Views

LCP Community Design (CD) Element Policy 2.2 requires preservation of important public views and viewsheds by ensuring that the scale, bulk, and setback of new development does not impede or disrupt them. CD Element Policy 2.2.1 further explains that siting, scale, and design guidelines ensure that development is compatible with the character of the area, and that bluffs and scenic coastal areas (including the residential areas of Beach Hill and the City's Far West Side) be protected. Land Use Element Policy 2.6.5 requires the protection of neighborhood quality in a variety of ways, including through adequate buffers and design guidelines.

The proposed amendment will potentially affect community character and coastal viewsheds, including by expressly authorizing cars to be parked within front yard setbacks. This will inevitably result in more cars parked in those areas that would otherwise be clear and unobstructed and/or utilized for landscaping-type purposes. Thus, the amendment has the potential to impact views along important coastal viewing areas (e.g., West Cliff Drive and East Cliff Drive) and may also impact community character by changing the use in the setback areas from landscaping into outdoor parking spaces. In addition, by allowing parking requirements to be shifted into the front yard area, the amendment also has the potential to shift physical development, such as a garage, closer to the front yard setback because that area would likely be utilized as required off-street parking under the existing standards. In other words, whereas under current standards a site plan might show parking in the space between the garage and the setback, under the amendment, a garage could be built right up to the 20-foot setback line with the off-street parking shown in the setback area. This represents a particular concern in relation to public views along West Cliff Drive, and the adjacent multi use bicycle-pedestrian path, which

are perhaps two of the most iconic attributes of the City of Santa Cruz and provide residents and visitors with numerous coastal related recreational activities, including some of the best views of the Monterey Bay National Marine Sanctuary. (See **Exhibit 2** for correspondence from local residents that expresses concern about community character and public access.)

That said, as the City points out, as a practical matter, the City does not actively enforce the current prohibition on parking in the front or side setback areas once a project is built, and therefore residents of the City often park in their driveways within these setback areas anyway. The proposed amendment will modify the LCP such that parking within the side yard setback and up to 40% of the front yard setback may be counted toward parking requirements, thereby simply codifying what residents already effectively do. Moreover, most of the homes along West Cliff and East Cliff Drive are on the inland side of the street and thus the proposed change would, for the most part, not impact views out toward the Monterey Bay. Further, these neighborhoods are already built out under the existing standard, and the potential unintended consequence of homeowners building garages closer to the front yard setback area would only affect vacant parcels (of which there are very few) and redevelopment. The IP also continues to require that at least one of the required parking spaces for each dwelling unit be covered within a carport or a garage (IP Section 24.12.240(2)), thus accounting for a least one off-street parking space. Finally, while the proposed change would allow off-street parking in setbacks to be counted toward a project's off-street parking requirements, the community character and view protection policies of the LCP would still apply to any new development in the City's shoreline protection overlay (SP-O) district, including along West Cliff Drive and in other areas of the City, because a CDP is required in this zoning overlay and therefore the visual resource protection standards of the LCP would still apply, including those cited above. Thus, as proposed, the amendment should adequately protect neighborhood character and important public views, and thus the amendment can be found consistent with the LUP policies cited above.

Public Access

LCP Land Use Element Policy 3.5 (et seq.) requires protection of coastal recreation areas, maintenance of all existing coastal access points open to the public, and enhancement of public access. With regard to public access, it appears that the proposed change (in conjunction with the Commission's June 2017 approval of changes to the IP that allow for tandem parking on single-family residential parcels and in duplexes)¹ may also impact public access because, as a practical matter, residential occupants are more likely to park on the street in the public right-of-way due to the inconvenience and difficulty in managing tandem parking. In other words, rather than have to move a car every time the person parked on the interior-most tandem spot wants to use that car, a more likely practice would be for the driver to park on the street if there are spots available. This would therefore result in less availability of street parking if the residential occupants of a neighborhood utilize public parking spaces in the public right-of-way. This change could therefore also potentially impact the number of street parking spaces available to the public for coastal access, particularly in the West Cliff Drive, Beach Hill, and Seabright neighborhoods, where parking is already at a premium. The road and adjacent path along West

¹ LCP-3-STC-17-0016-1-Part C. This amendment provided that required off-street parking spaces may be provided in a tandem arrangement no more than two spaces deep for single-family residences, and no more than three spaces deep for duplexes.

Cliff Drive provides public access to the pocket beaches as well as opportunities for walking, jogging, biking and skating along the coastal bluffs. Indeed, West Cliff Drive and the multiuse path help define the character of Santa Cruz and provide a quintessential “Santa Cruz” experience for residents and visitors who enjoy a high degree of public access to the adjacent coastal resources.

That said, all of these neighborhoods are already built out and thus, to the extent that the impacts projected above actually do occur as a result of the LCP amendment, the proposed changes are only likely to impact vacant lots (of which there are very few) and redevelopment. Moreover, all of the neighborhoods cited above have a significant amount of public on-street parking provided precisely for the purpose of public access to these beach resources. And finally, the public access protection standards of the LCP, including those cited above, are still required to be met for new development proposed in the areas closest to these important beach access areas (i.e. in the Commission’s appeal jurisdiction/shoreline protection overlay district), where CDPs are required. Therefore, the proposed amendment should not have any significant negative impact on public access.

In conclusion, on balance, while the Commission acknowledges and appreciates the concerns raised by those in opposition to the proposed amendment, the Commission finds that the proposed IP amendment is consistent with, and adequate to carry out, the policies of the certified LUP for the reasons explained above.

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. (14 CCR § 15251(f).) Local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City of Santa Cruz found the proposed amendments exempt from CEQA on the basis that it can be seen with certainty that there is not the possibility that the proposed code amendments would have a significant effect on the environment per CEQA Guidelines Section 15061(b)(3). This report has discussed the relevant coastal resource issues with the proposal. All public comments received to date (which expressed concerns about the proposed amendments impacts on neighborhood character, compatibility and public access) have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).