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Prepared January 19, 2018 for February 7, 2018 Hearing

To: Commissioners and Interested Persons

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

**Subject: De Minimis Amendment Determination for City of Capitola LCP Amendment
Number LCP-3-CAP-17-0085-3 (Subdivisions)**

City of Capitola's Proposed Amendment

The City of Capitola is proposing to amend Local Coastal Program (LCP) Implementation Plan (IP) Chapter 16 regarding "Subdivisions," including minor modifications to Sections 16.08, 16.12, 16.16, and 16.24, and the addition of Section 16.74 "Lot Line Adjustments." The proposed amendment seeks to resolve internal inconsistencies, clarify code language and definitions, and update outdated code sections to be consistent with the current provisions of the Subdivisions Map Act. The proposed amendments also include new or updated definitions for Flag Lots, Frontage, Lot Line Adjustments, and Streets, and minor changes to code section references regarding authority approval (i.e., Building Official, Planning Commission, and City Council). In addition, the proposed amendment includes language clarifying coastal permitting and coastal resource protection requirements for subdivisions and lot line adjustments in the coastal zone as recommended by Commission staff. See **Exhibit 1** for the ~~strikethrough~~ and underline language of IP Chapter 16, with the strikethrough denoting language proposed to be removed and underline denoting proposed new language.

De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is "de minimis." In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting on-site and off-site in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and

3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more Commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more Commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (in this case, on February 7, 2018).

The purpose of this notice is to advise interested parties of the Executive Director’s determination that the proposed LCP amendment is de minimis. Each of the de minimis criteria is discussed briefly below:

1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:

Although the primary intent of the amendment is minor clean-up of the Subdivision Ordinance, the proposed language has also taken into account Coastal Act requirements (because subdivisions are included in the definition of “development”), and has been designed to ensure that the proposed amendments will not result in adverse impacts to coastal resources consistent with recommendations made by Commission staff to the City during the local amendment process. Specifically, the proposed amendments include new language clarifying coastal permitting requirements and consistency to IP Chapter 17.46 “Coastal Zone Combining District” for subdivisions and lot line adjustments. Most notably, the proposed amendments include the addition of IP Section 16.74.070 “Findings for Lot Line Adjustments,” which states that any lot line adjustment shall only be approved if: 1) all lots resulting from the Lot Line Adjustment comply with the General Plan, Zoning Ordinance, and LCP; 2) all lots involved in the proposed Lot Line Adjustment were legally created pursuant to the California Subdivisions Map Act and any local ordinance in effect at that time; and 3) reconfigured parcels resulting from any Lot Line Adjustment in the coastal zone would provide the equivalent or better protection of coastal resources. Thus, the proposed amendments will result in substantial new coastal resource protections related to subdivisions/lot line adjustments in the coastal zones, including maximization of public access, visual resource protections, and natural hazard avoidance. Thus, the proposed amendments will not adversely affect coastal resources but will instead provide more clarity for subdivisions and/or lot line adjustments in the coastal zone. Accordingly, the proposed amendments are also consistent with the policies of Chapter 3 of the Coastal Act.

2. **Provision of public notice:** The City provided public notice in advance of the City Council hearings held on October 12, 2017, November 9, 2017, and November 21, 2017 where the proposed amendment was considered. For the November 9, 2017 City Council hearing, a newspaper advertisement notice was printed on November 6, 2017. The amendment submittal was subsequently received by the Commission on January 9, 2018 (and filed as complete on January 9, 2018), and therefore, the 21-day noticing requirement has been satisfied.

- 3. No change in use of land or allowable use of property:** No change in use is proposed by this amendment.

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 exempted the proposed amendment from environmental review 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 de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its February 7, 2018 meeting at the Cambria Pines Lodge located at 2905 Burton Drive in Cambria. 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. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by February 2, 2018.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 9, 2018. It amends the IP only and the 60-day action deadline is March 10, 2018. (*See* Pub. Res. Code Sections 30513 and 30514(b)). Thus, unless the Commission extends the action deadline (it may be extended by up to one year per Pub. Res. Code Section 30517), the Commission has until March 10, 2018 to take a final action on this LCP amendment.

Exhibits

Exhibit 1: Proposed Amendments to IP Chapter 16 “Subdivisions”