

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



Th13b

Prepared February 16, 2018 for March 8, 2018 Hearing

To: Commissioners and Interested Persons

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

Subject: De Minimis Amendment Determination for Santa Cruz County LCP Amendment Number LCP-3-SCO-18-0023-1 (Accessory Dwelling Units)

Santa Cruz County Proposed Amendment

Santa Cruz County is proposing to modify the Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP) to amend existing regulation of accessory dwelling units (ADUs) to comply with recent changes to State law. The primary change relates to allowing ADUs on Agriculture (A) and Commercial Agriculture (CA) zoned property in the Coastal Zone. Other changes relate to streamlining of permit processing and changes to height limits and minimum parking requirements for ADUs. See **Exhibit 1** for the text of proposed amendments in ~~strikethrough~~/underline.

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 March 8, 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: The proposed amendments would clarify existing regulation of ADUs and bring the County regulations into conformance with recent changes to State law. Specifically, the following changes are proposed:

- Establish a new category of ADU involving the conversion of all or a portion of the existing residential structure on the property, including the garage (i.e., utilize the existing development footprint)
- Require a combined Coastal Development Permit/Building Permit processing of ADUs on residentially zoned parcels, and set a mandatory timeline of 120 days for their approval or denial
- Reduce property line setback requirements for ADUs built above garages
- Eliminate off-street parking requirements for ADUs in proximity to transit centers with the exception of where parking permits are required for on-street parking during any part of the year (such as in the Live Oak Parking District)
- Eliminate the requirement for fire sprinklers when not present or required in the primary dwelling
- Allow ADUs on parcels with septic systems that are: less than one acre in size (outside the urban services line (USL)), and; less than 10,000 square feet in size (within the USL) (for both, adequate septic service is required)
- On parcels 6,000 square feet or smaller, allow an additional 2% maximum lot coverage and maximum floor area ratio to incentivize the creation of ADUs
- Provide specific height and setback standards for ADUs located above garages
- Allow ADUs on Agriculture and Commercial Agriculture zoned parcels with a Coastal Development Permit and public hearing, and consistent with strict findings limiting conversion of commercial agriculture land.

Commission staff worked closely with County staff to ensure that the proposed amendments are consistent with Coastal Act and LUP provisions related to protection of agriculture lands, public access and visual resources. Specifically, a CDP is required to authorize ADUs on land zoned Commercial Agriculture (which both already allow residential use) only when certain narrow findings can be made in order to ensure the protection of agricultural lands: (1) That the parcel is less than one acre in size; or that the parcel has physical constraints (such as adverse topographic, geologic, hydrologic or vegetative conditions) other than size which preclude commercial agricultural use; or that the residential use will be ancillary to commercial agricultural use of the parcel; (2) That the residential use will meet all the requirements pertaining to agricultural buffer setbacks; and (3) that the owners of the parcel

have executed binding hold harmless covenants with the owners and agricultural operators of adjacent agricultural parcels. For these zones, the proposed amendment would also clarify that an agricultural parcel may have either an ADU or a caretakers residence (which is already allowed in these zones), but not both. Thus, development potential on these rural, productive lands will remain the same. With respect to public access, the amendment retains off-street parking requirements in areas where on-street permit parking programs exist, such as the Live Oak Parking District, in order to retain such parking for visitors to that area. Finally, the proposed amendment limits the height of ADUs located above garages to a maximum of 24 feet (compared to the previous maximum of 28 feet), which should reduce the mass and scale of such ADUs resulting in more protection of neighborhood character and visual resources. Thus, the proposed amendment will not adversely affect coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act.

2. **Provision of public notice:** For the LUP amendment, the County provided public notice in advance of the first Planning Commission hearing (held on December 14, 2016) and in advance of the first Board of Supervisors hearing (held on January 10, 2017). The Board continued consideration of the item to February 7, 2017 and on that date remanded the item to the Planning Commission (which considered the item on January 25, 2017) for further review and recommendation. The Board approved the amendment on February 7, 2017. Prior to the Planning Commission hearing of December 14, 2016, a newspaper advertisement notice was printed on November 30, 2016. Prior to the Board of Supervisors' hearing of January 10, 2017, a newspaper advertisement was printed on December 30, 2016.

For the IP amendment, The County provided public notice in advance of the first Planning Commission hearing held on October 25, 2017, and the first Board of Supervisors' hearing held on December 5, 2017. The Board continued consideration of the item to January 23, 2018, remanding the item back to the Planning Commission (which considered the item on January 10, 2018) ,for report and recommendation. The Board approved the amendment on February 6, 2018. Prior to the Planning Commission hearing of October 25, 2017, a newspaper advertisement was printed on October 15, 2017. Prior to the Board of Supervisors' hearing of December 5, 2017, a newspaper advertisement notice was printed on November 18, 2017.

In addition, during both hearing processes, the proposed text was made available to the Planning Commission mailing list and Board of Supervisors' agenda packet distribution list, and was also available for public inspection at the County Planning Department County and on the County's website, in advance of the hearings.

The amendment submittal was subsequently received by the Commission on February 9, 2018 (and filed as complete on February 15, 2018), and therefore, the 21-day noticing requirement has been satisfied.

3. **No change in use of land or allowable use of property:** Residential use is allowed in all the zoning districts affected by the amendment (including Agriculture and Commercial Agriculture zoned properties). Thus, 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 County 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 March 8, 2018 meeting at the Oxnard Harbor District in Port Hueneme. 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. If you wish to comment on and/or object to the proposed de minimis LCP amendment determination, please do so by March 2, 2018.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on February 15, 2018. It amends both the LUP and IP, and thus the 90-day action deadline is May 16, 2018. (*See* Pub. Res. Code Sections 30513, 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 May 16, 2018 to take a final action on this LCP amendment.

Exhibit

Exhibit 1: Proposed LUP and IP amendments