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Prepared July 20, 2018 for August 10, 2018 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Noelani Parker, Environmental Services Intern

**Subject: De Minimis Amendment Determination for San Luis Obispo County LCP
Amendment Number LCP-3-SLO-18-0052-2 (Cambria Transfer of Development
Credits Program)**

San Luis Obispo County's Proposed Amendment

San Luis Obispo County is proposing to modify the Local Coastal Program (LCP)'s North Coast Area Plan, which is a component of the LCP's Land Use Plan (LUP), as well as the Coastal Zone Land Use Ordinance, which serves as the LCP's Implementation Plan (IP) regarding the Transfer of Development Credits (TDC) Program within the community of Cambria. The TDC Program allows for potential residential development from one or more sites to be transferred to another site. The proposed amendments expand the range of potential "sender sites" (i.e., lots that have sensitive coastal resources that constrain residential development and which would be retired permanently), while retaining the existing standards that must be met for "receiver sites" (i.e., lots for which an applicant could apply for a land use permit for a larger residence through the purchase of one or more TDCs).

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 Chapter 3 policies of the Coastal Act;
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 August 20, 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 existing TDC Program allows simple transfers of development within the community of Cambria. It effectively reduces development potential in environmentally sensitive areas by transferring such potential development from "sender sites" to more suitable "receiver sites" (i.e., not environmentally sensitive sites) within the Cambria Urban Reserve Line (URL). As an incentive, the TDC program allows for a limited increase in residential footprint or gross structural area on the receiver sites when certain findings are made, including that the receiver site residence will be located within the Cambria URL and will be serviced by the Cambria Community Services District (CCSD), and when LCP resource protection and community character requirements are met. The proposed amendment simply expands the sender site areas from two identified areas to a broader list of sites within Cambria that have sensitive coastal resources that warrant protection, including the presence of steep slopes, bluff erosion, cultural resources, sensitive habitats (including sites within the Monterey Pine Forest terrestrial habitat overlay zone), or sites located within the Highway 1 view corridor. In other words, the proposed amendment expands the TDC Program to ensure that sites with a broad range of coastal resource constraints are eligible for lot retirement.

Thus, the proposed amendment will benefit coastal resources by helping to reduce development in areas with identified coastal resource constraints, and is thus consistent with the policies of Chapter 3 of the Coastal Act and the LUP.

- 2. Provision of public notice:** The County provided public notice in advance of the Planning Commission hearing (held on December 14, 2017) where the proposed amendment was considered. For the Planning Commission hearing, a newspaper advertisement notice was printed on November 26, 2017 appearing in "The Tribune." Public notice for the Board of Supervisors hearing held on April 17, 2018 was mailed to all persons on the mailing list on or before April 6, 2018 and notice of such appeared in "The Tribune" on April 4, 2018. On the day of the hearing, the Board of Supervisors adopted the ordinance approving these amendments for submittal to the Commission. The amendment submittal was subsequently received by the Commission on June 22, 2018 (and filed as complete on June 22, 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 allowable use is proposed by this amendment, as the amendment simply expands the criteria for a voluntary buildout reduction program (i.e., non-use) to address coastal resource constraints.

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 Section 15251(f).) The County used a General Rule Exemption {Sec. 15061 (b)(3)} to exempt the proposed amendment from environmental review under CEQA. This report has discussed the relevant coastal resource issues with the proposal and has concluded it can be seen with certainty that there is no possibility the proposed LCP amendment would 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 August 10, 2018 meeting in Redondo 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 Noelani Parker 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 August 3, 2018.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on June 22, 2018. It amends the LUP and IP, thus the 90-day action deadline is September 20, 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 September 20, 2018 to take a final action on this LCP amendment.

Exhibit

Exhibit A: Proposed LCP Amendment