

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



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To: Commissioners and Interested Persons

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

Subject: De Minimis Amendment Determination for Santa Cruz County LCP Amendment Number LCP-3-SCO-19-0102-1-Part A (Seascape Beach Estates)

Santa Cruz County's Proposed Amendment

Santa Cruz County is proposing to modify the Implementation Plan (IP) component of its Local Coastal Program (LCP) to create the Seascape Beach Estates (SBE) Combining District, including by adding IP Sections 13.10.434 through 13.10.436 and 13.20.149 and amending IP Sections 13.10.170(d) and 13.10.400 to provide development standards for the new combining district. The purpose of the SBE Combining District is to ensure that future development in the Seascape Beach Estates subdivision maintains consistency with the scale, character, and pattern of existing residential development, which to date has primarily been shaped by the neighborhood's private Conditions, Covenants and Restrictions (CC&Rs) that were put in place when this area was initially subdivided and built prior to the Coastal Act and the certification of the County's LCP. Because most of the residences were built pursuant to the development standards specified in the CC&Rs prior to the Coastal Act, but now are governed by differing standards under the LCP, there has been tension over how to reconcile these different standards when new development is proposed within the SBE neighborhood.¹ The proposed LCP amendment seeks to provide clarity moving forward by creating a new special overlay/combining district specifying development standards specific to the 152 parcels in the

¹ Example differences between the standards set forth in the CC&Rs and the LCP are as follows: 1) the CC&Rs limit the maximum height on certain parcels (those closest to the beach) to a single-story and a 16-foot maximum height; two to three stories (subject to Homeowners' Association approval) are allowed in locations where public views will not be impaired and; there is no height limit in the CC&Rs for certain parcels in the upper terrace area; however, the LCP has a height limit of 17 feet height for parcels zoned RB (Single-Family Ocean Beach Residential) and a 28 feet limit for parcels zoned R-1-6; 2) in terms of lot coverage and floor area ratio (FAR), the CC&Rs allow for a maximum of 60% for lot coverage and 0.6:1 FAR, whereas the current LCP limit is a maximum 40% lot coverage and a maximum FAR of 0.5:1 (with possible increases to both with allowable minor exceptions under the LCP); and 3) in terms of front yard setbacks, the CC&Rs require a minimum 20-foot front yard setback for all properties except those located on lower Via Palo Alto, Via Malibu, Via Tornasol, and Club House Drive for which the minimum front yard setback is five feet, whereas the LCP requires a minimum 10-foot front yard setback for parcels zoned RB and a 20-foot front yard setback for parcels zoned R-1-6.

subdivision, including with respect to allowable building heights, lot coverages, setbacks, and floor area ratio (FAR). The combining district's purpose is to provide clarity for all involved moving forward to protect the historic community character of the SBE neighborhood while ensuring that future development in this area does not adversely impact coastal resources. These standards include limitations on chimney heights to no more than four feet above the highest point of the roof (unless required by building code regulations); rear setbacks that are derived using the front lot line to ensure that the rear of the houses appear in a "straight row" as seen from the beach; height limitations of 16 feet, 18 feet or 28 feet depending upon the location of the residence (with residences closest to the beach being limited to 16 feet in height, residences on the middle terrace area generally limited to 18 feet in height, and residences in the upper terrace area generally limited to 28 feet in height); and slightly larger lot coverage standards (up to 60% for those parcels limited to 16 feet or 18 feet in height and 45% for those with the 28-foot maximum height limit); and a FAR of up to 0.6:1. These zoning standards would be specific to the Seascape Beach Estates subdivision and include significantly reduced height limits for the majority of residences in this subdivision compared to the LCP's generally applicable residential height limit of 28 feet. See **Exhibit 1** for the text of proposed IP amendments.

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 September 22, 2019).

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 modify the development standards for the 152 parcels within the Seascape Beach Estates subdivision to: codify the characteristics of the existing built environment; ensure that future development maintains neighborhood design consistency and coastal resource protection; and harmonize the conflicting development standards set forth in the CC&Rs and the LCP. The purpose of limiting the maximum height to 16 feet or 18 feet for certain rows within the subdivision (i.e., those located closest to the beach and on the middle terrace just above the beach) is to ensure greater protection of scenic resources.

Although the amendments provide for slight increases in FAR and lot coverage (compared to the LCP's generally applicable standards for residential development, which are 0.5:1 for FAR and 40% for lot coverage and with minor exceptions allowing up to a 57.5% FAR for lots 4,000 square feet or less and up to 50% lot coverage on parcels less than 6,000 square feet), these changes are primarily intended to reflect the existing pattern of development. In other words, most of the homes were built with FAR and lot coverages of up to 0.6:1 and 60% respectively, and thus the proposed amendments would recognize the existing pattern of development. This slight increase in allowable FAR and lot coverage, relative to the generally applicable LCP standards, do not implicate any significant coastal resources. Any property owner of a residence for which the existing lot coverage and/or FAR are less than those proposed under this LCP amendment, and who wishes to increase the FAR and/or lot coverage for any new proposed development, would be required to direct runoff to onsite landscaping, install permeable paving material, and reduce the existing impermeable area on the site and/or incorporate other low impact drainage design practices to control and mitigate any increase in stormwater runoff. These new drainage requirements (which would only apply to homes currently below the proposed maximum 0.6:1 FAR and seeking to increase FAR in any amount) would result in a net benefit to stormwater runoff and water quality in this area. Overall, the proposed amendments would: 1) help preserve neighborhood compatibility; 2) improve water quality/stormwater runoff; and 3) protect and preserve scenic resources and character by limiting heights in the most visually sensitive rows of the subdivision. Moreover, although the FAR and lot coverage allowances would be slightly larger than the LCP's standard allowances including for these parcels presently, the reduction in allowable height and water quality improvements for any parcels that seek to increase FAR up to the new 0.6:1 maximum is overall more protective of coastal resources, including specifically water quality and visual resource protection. The proposed amendments would not adversely impact or alter existing public access/recreational opportunities in the area. Thus, the proposed amendment will not adversely affect coastal resources, and it is consistent with the policies of Chapter 3 of the Coastal Act and the certified LUP.

- 2. Provision of public notice:** The County provided public notice in advance of the Planning Commission hearing (held on February 27, 2019) and the Board of Supervisors hearing (held on April 16, 2019) where the proposed amendment was considered and approved locally. For the Planning Commission hearing, a newspaper advertisement notice was printed on February 12, 2019. For the Board of Supervisors hearing, a newspaper advertisement notice was printed on April 3, 2019. In addition, the proposed text was made available at the County's Planning office and on the County's website for public inspection, all in advance of the County's hearings. The amendment submittal was subsequently received by the

Commission on July 5, 2019 (and filed as complete on July 19, 2019), 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 of land or allowable use of property is proposed by this amendment. The parcels are already zoned for residential use; the proposed amendments would simply modify the site development standards applicable to those properties by adding the SBE combining district overlay to the existing residential zoning (e.g., the parcels with an existing Single-Family Residential zoning of R-1-6 would be rezoned to R-1-6-SBE).

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).) The County exempted the proposed amendment from environmental review under CEQA Statutory Exemption 15061(b)(3). Moreover, CEQA is not required for local preparation and adoption of an LCP (though the Commission may use any environmental documentation which is prepared in relation to LCP development; and certification of said LCP by the Commission is still subject to CEQA requirements). (See Pub. Res. Code Section 21080.9.) 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 September 11, 2019 meeting at the Newport Beach Civic Center Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. 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 5:00 p.m. on September 6, 2019.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on August 19, 2019. It amends the IP only and the 60-working-day action deadline is October 15, 2019. (See Coastal Act Sections 30513, 30514(b).) Thus, unless the Commission extends the action deadline (it may be extended by up to one year per Coastal Act Section 30517), the Commission has until October 15, 2019 to take a final action on this LCP amendment.

Exhibit

Exhibit 1: Proposed Amendments to IP Chapters 13.10 and 13.20