

CALIFORNIA COASTAL COMMISSION

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



F18b

Prepared February 19, 2021 (for March 12, 2021 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Ryan Moroney, District Supervisor

**Subject: City of Santa Cruz LCP Amendment Number LCP-3-STC-20-0040-2-Part B
(Electric Vehicle Charging Stations)**

Proposed Amendment

The City of Santa Cruz proposes to modify the Implementation Plan (IP) component of its Local Coastal Program (LCP) related to Electric Vehicle (EV) Charging Stations. Specifically, the proposed amendment would: 1) eliminate the requirement to obtain a design review permit for new EV Charging Stations, consistent with recent amendments to State Law enacted to streamline approval of such stations, and 2) modify the definition of EV Supply Equipment to be consistent with California Green Building Standards. See **Exhibit 1** for the proposed amendment text.

Minor LCP Amendment Determination

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

14 CCR Section 13554(a). *Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.*

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved and it becomes a certified part

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of the LCP.

The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.

The proposed LCP amendment simply eliminates the need for a design review permit for proposed EV Charging Stations. The impetus for this amendment is the opportunity for the City to streamline the permitting process for installation of EV Charging Stations, including for those that can be installed at no cost as part of the settlement of the case against Volkswagen for its falsification of mileage and pollution data.¹ All applications for EV Charging Stations in the coastal zone would still be required to go through the LCP's coastal permitting procedures (unless excluded or otherwise exempt), which will ensure the protection of coastal resources, including visual resources. The proposed amendment also modifies the definition of EV Supply Equipment in the LCP to be consistent with California Green Building Standards. As such, the proposed amendment does not change the kind, location, intensity, or density of use of land, and qualifies under the regulatory definition of a minor LCP amendment.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the City exempted the proposed amendment from environmental review (citing CEQA Regulations Sections 15061(b)(3) as well as 15268.)

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental

¹ On May 25, 2018, the Board of the California Air Resources Board approved California's Beneficiary Mitigation Plan for how to allocate the State's share of the settlement award. Under the plan \$10 million has been allocated toward "Light-Duty Zero-Emission Vehicle Infrastructure."

<https://ww2.arb.ca.gov/resources/documents/californias-beneficiary-mitigation-plan>

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effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Concurrence

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its virtual meeting on March 12, 2021. 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 Coastal Commission's Central Coast District Office via email at Ryan.Moroney@coastal.ca.gov. If you wish to comment on the proposed amendment and/or object to the proposed minor LCP amendment determination, please do so via regular mail (directed to the Central Coast District Office) or email (by emailing centralcoast@coastal.ca.gov) by 5:00 p.m. on March 5, 2021.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 27, 2021. The proposed amendment affects the LCP's IP only, and the 60-working-day deadline for the Commission to take action on it is Friday April 23, 2021. Thus, unless the Commission extends the action deadline (it may be extended by up to one year by the Commission per the Coastal Act), the Commission has until Friday April 23, 2021 to take a final action on this LCP amendment.

Exhibit 1: Proposed Amendment Text

ORDINANCE NO. 2020-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AMENDING SECTIONS 24.08.410 AND 24.12.241 OF THE SANTA CRUZ MUNICIPAL
CODE TO EXEMPT THE DESIGN PERMIT REQUIREMENT FOR ELECTRIC VEHICLE
CHARGING SYSTEMS AND UPDATE PARKING STANDARDS FOR ELECTRIC VEHICLE
CHARGING SYSTEMS

BE IT ORDAINED By the City of Santa Cruz as follows:

Section 1. Subsection 24.08.410 – General Provisions of Part 5 – Design Permit of Chapter 24.08 – Land Use Permits and Findings of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.08.410 GENERAL PROVISIONS.

A design permit shall be required for the following types of projects:

1. Multiple dwellings and dwelling groups containing three or more dwelling units;
2. New structures intended for commercial use;
3. New structures intended for industrial use;
4. Commercial or industrial uses of land not involving a building;
5. Accessory structures and uses except those accessory uses or structures customarily associated with a single-family dwelling unless a design permit is otherwise required in this title;
6. Any structure on, or use of, a substandard residential lot, except for structures which provide access to the first floor for the physically challenged;
7. Any exterior remodeling and/or site alteration of either fifty thousand dollars or twenty-five percent additional floor area to any existing commercial or industrial building or structure, except within the Central Business District (CBD) zone, within which a design permit shall be required for any exterior alteration or remodeling for which the construction costs of such work exceed ten thousand dollars; the design of such exterior improvements shall provide an attractive, visually interesting, and pedestrian-scale facade treatment.
8. Any project where the applicant is a public agency over which the city may exercise land use controls;
9. Public projects in the Coastal Zone, including but not limited to buildings, roads, bridges, wharf structures, shoreline riprap, and port district projects;

10. Any project which requires a design permit as a result of a specific city action or as a result of a condition of a prior project approval;
11. Parking lots with capacity for five or more spaces;
12. Any project which requires a planned development permit;
13. Single-family homes over four thousand square feet in R-1-10, three thousand five hundred square feet in R-1-7, and three thousand square feet in R-1-5 zoning districts;
14. Any structures in the West Cliff Drive Overlay District.

Electric vehicle charging stations are exempt from the requirement for a design permit.

Section 2. Section 1 – Definitions of Subsection 24.12.241 – Electric Vehicle Charging Station Requirements of Part 3: Off-Street Parking and Loading Facilities of Section 24.12 – Community Design of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.241 ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS.

1. Definitions.

- a. “Electric vehicle” means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes.
- b. Electric Vehicle Supply Equipment (EVSE) Installed. “EVSE installed” shall mean an installed Level 2 or higher EVSE, as defined by the California Green Building Standards Code (CAL Green) of California Building Standards regulations, et seq.

The remainder of Subsection 24.12.241 remains unchanged.

Section 3. Any provision of the City of Santa Cruz Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every Section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional

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without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. This ordinance shall take effect and be in force thirty (30) days after final adoption except within the Coastal Zone, where it shall take effect upon approval of the California Coastal Commission.

PASSED FOR PUBLICATION this 23rd day of June, 2020, by the following vote:

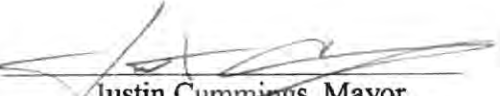
AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.

NOES: None.

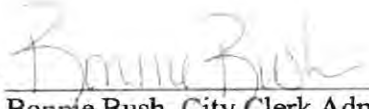
ABSENT: None.

DISQUALIFIED: None.

APPROVED:


Justin Cummings, Mayor

ATTEST:


Bonnie Bush, City Clerk Administrator

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PASSED FOR FINAL ADOPTION this 11th day of August, 2020 by the following vote:

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.

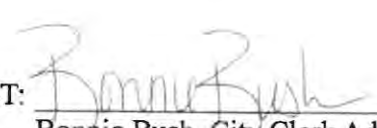
NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED:


Justin Cummings, Mayor

ATTEST: 
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2020-16 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.


Bonnie Bush, City Clerk Administrator