

CALIFORNIA COASTAL COMMISSION

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Prepared March 26, 2021 for April 15, 2021 Hearing

To: Commissioners and Interested Persons

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

**Subject: De Minimis Amendment Determination for Proposed City of Santa Cruz
Local Coastal Program Amendment Number LCP-3-STC-21-0019-1 (Metro
Center Station Land Use Re-Designations and Rezonings)**

Proposed LCP Amendment

The City of Santa Cruz is proposing to modify its Local Coastal Program (LCP) Land Use Map (a component of the LCP's Land Use Plan (LUP)) and the LCP Zoning Map (a component of the LCP's Implementation Plan (IP)) to modify land use and zoning designations for five parcels located in and adjacent to the downtown Metro Center Bus Station. The purpose of the proposed modifications is to designate the land adjacent to visitor-serving Pacific Avenue as Regional Visitor Commercial (RVC) land use and Central Business District in the IP, and to designate the portion of the site that is accessible from Front Street as Community Facility (CF) land use and Public Facility (PF) in the IP. These changes will help to facilitate future visitor-serving commercial development along Pacific, with the potential for affordable housing atop, and modified bus transportation facilities along Front Street.¹ The City believes that this is a better division of allowed uses given the different visions for Pacific Avenue versus Front Street, and because the reconfiguration will foster better land use distinctions than is currently the case. **Exhibit 1** shows the existing and proposed land use and zoning designations.

¹ Separately, the City is also pursuing CDPs for lot line adjustments for the same area intended to result in three total parcels (instead of the five existing parcels), where four of the existing parcels would be combined into two parcels (with the fifth existing parcel remaining unchanged). The parcel reconfiguration would generally result in the City and the Santa Cruz Metropolitan Transit District (SCMTD) retaining ownership of a similar amount of property as each entity currently owns. And the land use and zoning changes proposed are intended to provide flexibility in design for a future joint project between the City and the SCMTD for redevelopment of the site as "Metro Pacific Station North," with more efficient and expanded bus ridership services and a critically needed 100-percent affordable housing mixed-use project.

Commission's mailing list and the City Council's agenda packet distribution list prior to consideration at the hearings. The text was also provided to the County's Planning Department for public inspection and was also made available on the City's website in advance of the hearings. The proposed amendment was subsequently filed as complete on February 11, 2021, roughly two-and-a-half months after it was first noticed locally. Therefore, the 21-day noticing requirement has been satisfied, and the proposed amendment meets the third de minimis LCP amendment criterion.

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 Guidelines Sections 15305 and 15061(b)(3), and concluded that (1) the proposed actions would not change land use density or intensity or future development potential from what currently exists, and (2) the proposed LCP amendment would only have minor alterations in land use limitations since the LCP land use designations and zoning districts would remain the same as currently exists on the site, although in different configurations.

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 LCP 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 lead to. Thus, the proposed amendment will not result in any significant adverse environmental 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 de minimis LCP amendment determination, and any comments received on it, to the Coastal Commission at its April 15, 2021 virtual meeting. 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 by email at

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” if the amendment meets the following three criteria:

1. The proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and it is consistent with Coastal Act Chapter 3.
2. The proposed amendment does not propose any change in use of land or water or allowable use of property.
3. The proposed amendment was properly noticed by the local government at least 21 days prior to submittal² to the Commission (i.e., by posting notice on-site and off-site in the affected area, publishing notice in the local newspaper, and/or mailing notice to owners and occupants of affected and contiguous properties).

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 Executive Director’s de minimis LCP amendment determination at that time, then the amendment is set for a future public hearing as a regular LCP amendment. If not, then the amendment is deemed approved and it becomes a certified part of the LCP ten days after the date it is reported to the Commission (in this case, it would be certified on April 25, 2021).

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

De Minimis LCP Amendment Analysis

Each of the de minimis criteria is discussed briefly below.

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

Currently, the Metro Center Station site, which is the main bus hub in the City of Santa Cruz, consists of five parcels between Pacific Avenue and Front Street in the City’s downtown area.³ Three of the existing parcels (APNs 005-152-05, -30 and -31), totaling 1.56 acres, are owned by the SCMTD, on which the Metro Center Station is located. These parcels are designated Community Facility (CF) in the LUP and are zoned Public Facility (PF) in the IP. The other two parcels (APNs 005-152-32 and -33), totaling 0.56 acres, are owned by the City of Santa Cruz and are designated Regional Visitor Commercial (RVC) in the LUP and are zoned Central Business District (CBD) in the IP.

² An LCP amendment is deemed to have been “submitted” when it has been determined that it includes all of the necessary supporting documentation and information required by the Coastal Act and the Commission’s implementing regulations, and is “filed” by Commission staff as complete.

³ Located at 902, 912 and 920 Pacific Avenue and 333 and 423 Front Street (APN'S 005-152-30, -31, -32, -33, and -05) (see page 1 of **Exhibit 1**).

As indicated, the City is separately pursuing a CDP to reconfigure lot lines to match the proposed updated land use and zoning designations.

The current land use and zoning designations on the site are Community Facility (CF)/Public Facility (PF) and Regional Visitor Commercial (RVC)/Central Business District (CBD). The proposed LCP amendment would retain these land use and zoning designations on the site but reconfigure the designations as shown on page 2 of **Exhibit 1**. The reconfigured land use and zoning designations would better serve public necessity, the general community welfare, and result in good planning practice by concentrating future visitor-serving commercial uses on the ground floor along the Pacific Avenue frontage with affordable housing located on the upper floors, and with the Metro Center Bus Station access off of Front Street. The current configuration of the Metro Center and its wide driveways (to accommodate buses) creates a fairly significant retail gap along Pacific Avenue and acts as a barrier to pedestrians using the eastern side of Pacific Avenue at that location. Moving bus access to Front Street and focusing retail uses on the ground floor along Pacific Avenue will eliminate that void and create some retail continuity along the east side of Pacific Avenue. This reconfiguration will also help to facilitate the aforementioned proposed “Metro Pacific Station North” project.

As a downtown infill redevelopment site where the designations are essentially being reconfigured and not changed per se, potential coastal resource issues from the modified land use and zoning designations are not expected to be significant, and it is anticipated that any such concerns can be adequately addressed in subsequent CDP processes. Thus, the proposed amendment will not adversely affect coastal resources; it is consistent with Coastal Act Chapter 3; and it meets the first de minimis LCP amendment criterion.

2. No change in use of land or allowable use of property

As discussed, this proposed LCP amendment is a re-configuring of adjacent uses on property located in the same downtown City block while maintaining the original density/allowance of these uses specified in the LCP’s Downtown Plan. Thus, the proposed amendment does not change any LCP-allowed uses on the site, and the proposed amendment meets the second de minimis LCP amendment criterion.

3. Provision of public notice

The City provided public notice, via newspaper notice⁴ and mail/email notice⁵ in advance of the following hearings on the LCP amendment: the Planning Commission hearing (held on December 17, 2020), the first City Council public hearing (held on January 26, 2021), the second City Council public hearing (held on February 9, 2021, at which the LCP amendment received final Council approval). In addition, as part of the hearing processes, the proposed amendment text was made available to the Planning

⁴ The proposed amendment was noticed via a newspaper notice on November 29, 2020, prior to the Planning Commission hearing, and on January 8, 2021, prior to the City Council’s first public hearing, and on January 23, 2021, prior to the City Council’s second public hearing.

⁵ Hard copy notices were mailed out and email notices were sent to all property owners located within 300 feet of the exterior property lines for the affected properties.

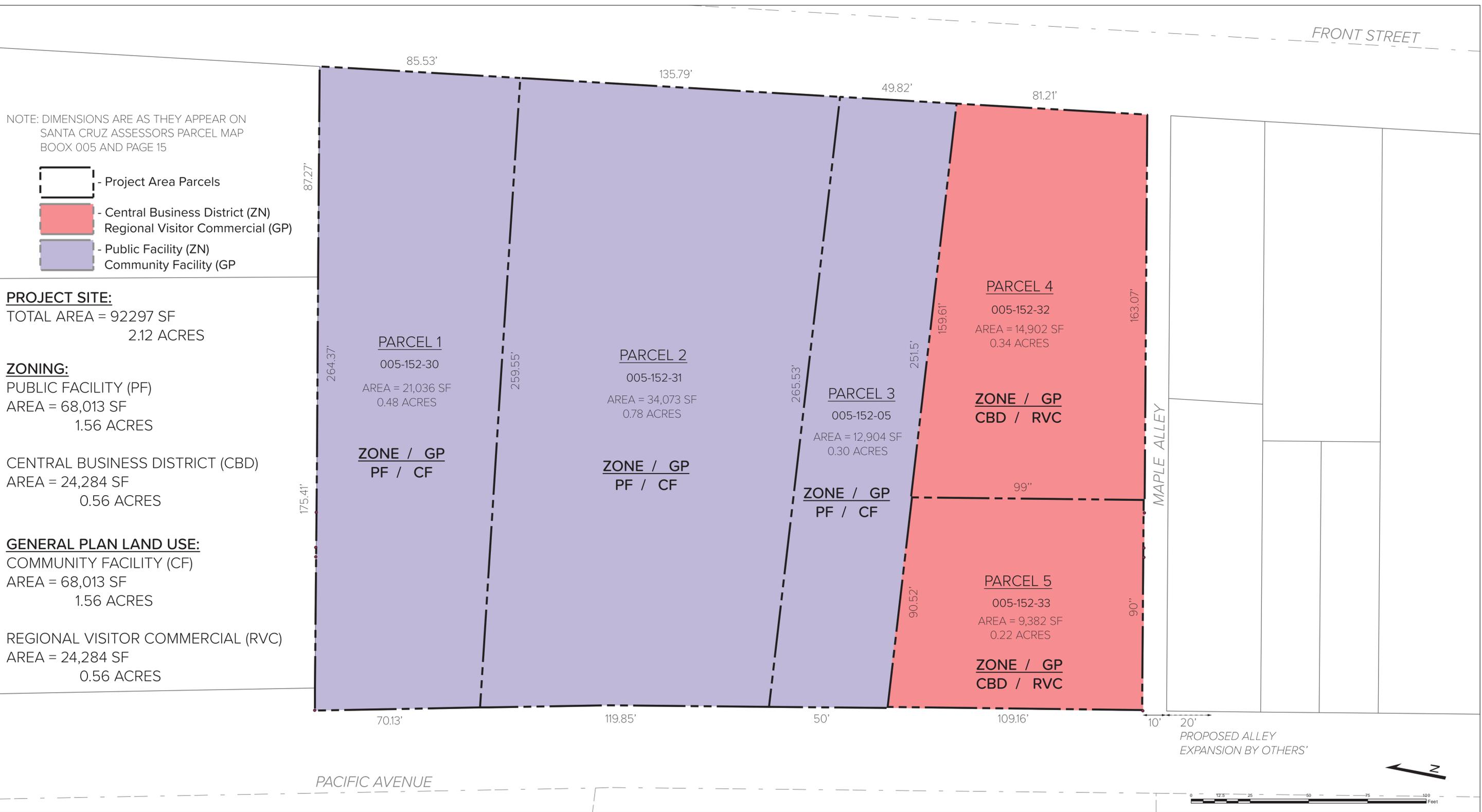
Ryan.Moroney@coastal.ca.gov. If you wish to comment on the proposed amendment and/or object to the proposed de minimis LCP amendment determination, please do so via regular mail (directed to the Central Coast District Office) or email (by emailing centralcoast@coastal.ca.gov) by 5:00 p.m. on April 9, 2021.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on February 11, 2021. The proposed amendment affects the both the LCP's LUP and IP, and the 90-working-day deadline for the Commission to take action on the amendment is June 22, 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 June 22, 2021 to take a final action on this LCP amendment.

Exhibits

Exhibit 1: Existing and Proposed Land Use and Zoning Designations



Attachment 5

Existing Land Use and Zoning

1:240
1 in = 20 ft

City of Santa Cruz, CA	
Drawn By: David McCormic, Economic Development	
Sheet No. 1	Checked by:
	Date:

