

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



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Prepared August 20, 2021 (for September 9, 2021 Hearing)

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Rob Moore, Coastal Planner

**Subject: Santa Cruz County LCP Amendment Number LCP-3-SCO-21-0050-1-
Part A (Park Fees/Dedication)**

Proposed Amendment

Santa Cruz County proposes to modify the Implementation Plan (IP) component of its LCP related to park fees and dedications, and trail dedications and coastal access. Specifically, the proposed amendment would: 1) create separate sections covering park dedication and in-lieu fees (IP Section 15.01) and park impact fees (IP Section 15.03) to better conform with the Quimby Act and Mitigation Fee Act, respectively; 2) adjust fee determination formulae and criteria to better match present park acquisition, development, and maintenance costs; and 3) move existing language covering coastal access and trail dedication to a standalone section (IP Section 15.05).

Overall, the proposed amendments are relatively minor in scope and primarily serve to update the County's park development impact fees (i.e., fees associated with new development) to reflect the present cost of park acquisition, development, and maintenance, and to conform with state laws governing these issues. 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.*

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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 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 alters the way park fees and dedications are assessed and adds specificity to the types of development that different fees apply to without any fundamental changes to underlying regulations for park standards. Particularly, the changes are being proposed to bring park development fees and land dedication into compliance with state laws regulating how and what types of fees can be assessed, and to direct the County Board of Supervisors to annually adjust fee amounts via the unified fee schedule—which has not been adjusted in relation to park fees since 1998—to better reflect present costs of park acquisition, maintenance, and facilities. The new separate sections on park dedication/in-lieu fees and park impact fees are designed to cover subdivisions and new development, respectively. And the park dedication/in-lieu fees and park impact fee sections are designed to conform with the requirements of the Quimby Act and Mitigation Fee Act, respectively. This updated language is required as it has not been updated since passage of the Mitigation Fee Act, which allows for park impact fees for all types of development, whereas the Quimby Act (which existing IP Section 15.01 is based upon) is specific to residential subdivision projects and allows for dedication and in-lieu fees. These changes will allow the County to improve existing parks and acquire land to develop new parks, including in the Coastal Zone. Importantly, the new sections covering park dedication and in-lieu fees, and park impact fees make it clear that the required dedications and fees are not a substitute for the mitigation required for coastal development impacts, and thus do not interfere with the CDP process or conditions on new development (i.e., the proposed amendment does not in any way alter the County's ability to require mitigation to address a project's coastal resource impacts). The changes, rather, simply alter the formulae and criteria by which park fees and dedications are assessed and allow the County to better provide open space and recreational facilities for the public in conformance with the Quimby and Mitigation Fee Acts. Other than increasing the minimum required width of shoreline access easements from 5 feet to 10 feet, which will serve to enhance coastal access and recreational opportunities, the language within the new section that exclusively addresses trail dedication and coastal access is fundamentally unchanged from the existing IP language. 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

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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 County exempted the proposed amendment from environmental review (citing CEQA Section 15378(b)) on June 8th, 2021.

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 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 September 9, 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 Rob Moore at the Coastal Commission's Central Coast District Office via email at Robert.Moore@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 Friday September 3, 2021.

Procedural Note - LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on July 28, 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 October 21, 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 October 21, 2021 to take a final action on this LCP amendment.

Exhibit 1: Proposed Amendment Text