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To: Commissioners and Interested Persons

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Subject: Santa Cruz County LCP Amendment Number LCP-3-SCO-23-0004-1-Part B (Sustainability Update)

SUMMARY OF STAFF RECOMMENDATION

Santa Cruz County is proposing an update to its Local Coastal Program (LCP) Land Use Plan (LUP) and Implementation Plan (IP), with the overarching intent to incorporate 'sustainability' principles into its planning and permitting programs. At a broad level, the proposed changes are meant to facilitate increased urban infill housing within existing developed areas of the County, along with corresponding protections for the rural periphery. The amendment is the culmination of almost 10 years of County planning work to update its LCP and other land use documents to better reflect the needs of modern society, particularly as it relates to housing supply and multi-modal transportation options. To accomplish such goals, the proposed amendment includes a new land use and zoning designation for the urban core of the coastal zone (the Urban High Density Flex Residential (R-UHF) land use designation and corresponding Residential Flex (RF) zoning district), as well as provisions to convert certain existing buildings, such as older hotels/motels, into housing. The amendment also updates, clarifies, and rearranges much of the existing LCP, including provisions addressing a host of other coastal resource issues such as public coastal access, visual resources, and CDP review procedures. Notably, the amendment does not modify in any way the existing LCP's coastal hazards provisions, which is proposed for updating via a separate amendment track¹, nor does it substantively modify the LCP's strong policies protecting the County's significant natural resources, such as wetlands, streams, and environmentally sensitive habitat areas. Again, the overarching intent is to address the

¹ The Commission recently awarded Santa Cruz County with an LCP planning grant for \$780,000 at its September 6, 2023 meeting to complete a series of technical studies on sea level rise, economic impacts, and adaptation pathways that will culminate in an LCP amendment to address coastal hazards along the Santa Cruz County shoreline.

County's more urbanized neighborhoods and to essentially upzone them to provide for more mixed-use development options.

In this vein, overall, as noted above, the proposed LCP amendment retains a large majority of the existing LCP coastal resource protection provisions, and includes changes that will serve the County well in managing continued development pressures while balancing coastal resource protection and enhancement going forward. The amendment includes numerous policies meant to safeguard public recreational access, land resources such as agricultural lands and parks/open spaces, and strong urban/rural distinctions, including by maintaining the existing Urban and Rural Services Lines (USL and RSL, respectively), a regulatory distinction that demarcates existing developed and urbanized areas supported by a full range of public services from rural ones without such services. In such urban areas, the amendment also includes a suite of policies meant to provide for a wide range of public and multi-modal transportation opportunities and to encourage increased flexibility of land uses to support economic vitality.

More specifically of the substantive changes, as mentioned before, the amendment's proposed new R-UHF land use designation and corresponding RF zoning district will provide residential densities up to 45 units per acre (up from the existing LCP's highest density of 30 units per acre in the Urban High Density Residential land use designation), all intended to allow for denser infill multi-family development within existing already developed areas supported by existing public services (i.e., within the USL/RSL, especially within the Portola Drive commercial corridor in the Live Oak area). Although no parcels are proposed to be changed to the R-UHF designation or the RF zoning district as part of this amendment, establishing this designation and zoning district will support the County's goal of supplying additional, denser residential and commercial development within existing developed areas in the near future, including as part of its Housing Element and Regional Housing Needs Assessment updates and corresponding future rezonings.² This newly proposed construct is consistent with the Coastal Act.

And with respect to increasing the flexibility of allowed land uses, the amendment proposes to allow the conversion of coastal priority land uses (such as prioritizing agriculture and visitor-serving accommodations over private residential development) to lower priority uses in limited circumstances and only after strict criteria are met, whereas the existing LCP generally prohibits such conversions. Staff has worked out a series of suggested modifications in conjunction with County staff regarding when such conversions are permissible, including when all requisite Coastal Act agricultural conversion findings are met, and, in terms of converting existing hotels/motels, when doing so provides for affordable housing. On this point, in order to support the County's goals of providing additional affordable housing and promoting sustainable development patterns, the LCP amendment, as modified, requires that in the event that an existing

² The County is responsible for developing 4,634 new housing over the next eight years, with 3,054 of those to be affordable to low- and moderate-income residents. The County's Housing Element was recently approved by the Board of Supervisors and actually can accommodate over 6,400 housing units.

visitor-serving overnight accommodation is converted to a residential use, 100% of the new residential units must be affordable. This modification ensures that when a priority visitor-serving use is actually converted, such conversion is to fulfill other core County and State objectives related to affordable housing. With these modifications, the end result is a robust set of policies that seek to accommodate development in infill areas able to handle it without coastal resource harm, protect agricultural and rural lands, and specify when it is appropriate to convert priority land uses, including to provide for affordable housing. These provisions all are in alignment with the LCP's (and Coastal Act's) intent on fostering sustainable development principles.

With other proposed and modified policies related to issues such as maximizing public coastal access, public parking, and CDP procedures and public participation in the development review process, the end result is a robust LCP that should ably serve the County's coastal zone into the future.

With the recommended suggested modifications, the LUP would conform to the Coastal Act and the IP would be consistent with and adequate to carry out the LUP, which are, respectively, the standards of review. Again, County and Commission staff worked extensively and collaboratively on the proposed amendment as it was being developed, and staff very much thanks the County and County staff for their commitment to that inclusive process. Given the large volume of the amendment, with relatively few suggested modifications, it is clear that early and continued collaboration has resulted in a robust LCP update that will serve the County well in its efforts to develop sustainably while protecting the wide variety of vital coastal resources within its coastal zone. Accordingly, staff recommends that the Commission approve the amendment with the identified suggested modifications. The required motions and resolutions to effectuate this recommendation is found on **pages 5-7** below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on May 24, 2023. The proposed amendment affects both the IP and LUP components of the LCP, and the 90-working-day action deadline was October 2, 2023. On September 6, 2023, the Commission extended the deadline by one year, and thus the current action deadline is October 2, 2024.

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EXHIBITS

Exhibit 1: Commission Suggested Modifications of the Proposed LCP Amendment

Exhibit 2A: Proposed LUP Text Amendments to LUP Chapters 1-3

Exhibit 2B: Proposed LUP Text Amendments to LUP Chapters 5, 7, Glossary, and Appendices A-N

Exhibit 3: Proposed IP Text Amendments

Exhibit 4: Table Summarizing Proposed Land Use Designation and Zoning Changes

Exhibit 5: Proposed LUP Land Use Map Changes

Exhibit 6: Proposed IP Zoning Map Changes

CORRESPONDENCE

1. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LUP and IP amendments with suggested modifications. The Commission needs to make two motions on the LUP amendment and two motions on the IP amendment in order to act on this recommendation. In each case, the proposed amendment in each category needs to first be denied, and then approved if modified, to complete the staff recommendation.

A. Deny the LUP Amendment as Submitted

Staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the LUP Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion: *I move that the Commission certify Land Use Plan Amendment LCP-3-SCO-23-0004-1-Part B as submitted by Santa Cruz County, and I recommend a no vote.*

Resolution to Deny: *The Commission hereby denies certification of Land Use Plan Amendment LCP-3-SCO-23-0004-1-Part B as submitted by Santa Cruz County and adopts the findings set forth below on the grounds that the Land Use Plan Amendment as proposed does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.*

B. Certify the LUP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the following motion. Passage of the motion will result in certification of the LUP amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

Motion: *I move that the Commission certify Land Use Plan Amendment LCP-3-SCO-23-0004-1-Part B for Santa Cruz County if it is modified as suggested in this staff report, and I recommend a yes vote.*

Resolution to Certify: *The Commission hereby certifies Land Use Plan Amendment LCP-3-SCO-23-0004-1-Part B for Santa Cruz County if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially*

lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Deny the IP Amendment as Submitted

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in rejection of the Implementation Plan Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission reject the Implementation Plan Amendment LCP-3-SCO-23-0004-1-Part B as submitted by Santa Cruz County, and I recommend a yes vote.*

Resolution to Deny: *The Commission hereby denies certification of LCP Amendment Number LCP-3-SCO-23-0004-1-Part B as submitted by Santa Cruz County and adopts the findings set forth below on grounds that the Implementation Plan Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan Amendment as submitted.*

D. Certify the IP Amendment with Suggested Modifications

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the Implementation Plan Amendment with suggested modifications and the adoption of the following resolution and findings. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the Commissioners present:

Motion: *I move that the Commission certify LCP Amendment Number LCP-3-SCO-23-0004-1-Part B as submitted by Santa Cruz County if it is modified as suggested in this staff report, and I recommend a yes vote.*

Resolution to Certify: *The Commission hereby certifies LCP Amendment Number LCP-3-SCO-23-0004-1-Part B, if modified as suggested, and adopts the findings set forth below on grounds that the Implementation Plan Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and*

mitigation measures that would substantially lessen any significant adverse impacts on the environment.

2. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed Land Use Plan (LUP) amendment, which are necessary to make the requisite Coastal Act findings, and the proposed Implementation Plan (IP) amendment, which are necessary to make the requisite Land Use Plan consistency findings. If Santa Cruz County accepts the suggested modifications within six months of Commission action (i.e., by June 15, 2024), by formal resolution of the Board of Supervisors, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in underline format denotes proposed text to be deleted/added by the County. Text in ~~double cross-out~~ and double underline denotes text to be deleted/added by the Commission. See **Exhibit 1** for the suggested modifications.

3. FINDINGS AND DECLARATIONS

A. Background

Santa Cruz County Context

Santa Cruz County is the second smallest county by land area in California at just over 600 square miles overall, located between San Mateo (to the north) and Monterey (to the south) Counties on California's Central Coast. Roughly 20% of the land area of Santa Cruz County (nearly 115 square miles) falls within the coastal zone, which hosts a wide variety of coastal resources, including the Santa Cruz Mountains coastal range and its vast forests and streams; an eclectic collection of shoreline environments ranging from craggy outcrops to vast sandy beaches (in both urban and more rural locations); numerous coastal wetland, lagoon and slough systems; highly productive soils and essential agricultural lands; habitats for an amazing variety and number of endangered and sensitive species; water and shore oriented recreational and commercial pursuits, including world class skimboarding, bodysurfing, and surfing areas; internationally renowned marine research facilities and programs; special coastal communities; vast public lands; and, the Monterey Bay itself.

Santa Cruz County's rugged mountain and coastal setting, its generally mild climate, and its well-honed cultural identity combine to make the area a desirable place to both live and visit. As a result, the County has seen extensive development and regional growth over the past few decades. In fact, Santa Cruz County's population has more than doubled in the time since the State's Coastal Management Program started in the early 1970s, with current state estimates indicating that the County is home to over 270,000 people.³ This level of growth increases the regional need for housing, jobs, roads, urban services, infrastructure, and community services, as well as the need for park areas, recreational facilities, and visitor serving amenities. For coastal counties such as Santa Cruz where the vast majority of residents live within a half-hour of the coast, and most residents significantly closer than that, coastal zone resources are a critical element in helping to meet these needs. In addition, for those not lucky enough

³ Census data from 1970 shows Santa Cruz County with 123,790 persons, and census data from 2020 shows Santa Cruz County with 270,861 persons.

to live in Santa Cruz County, the County's shoreline areas are an important and extremely popular visitor destination, where both County residents and visitors alike flock to the shoreline in droves. In fact, with the County's shoreline and beaches providing arguably the warmest and most accessible ocean waters in all of Northern and Central California, and with the large population centers of the San Francisco Bay Area, San Jose, and Silicon Valley nearby, and when coupled with easy access from the Salinas and Central Valley areas, this type of resource need – and pressure – is particularly evident in coastal Santa Cruz County.

The County's unincorporated shoreline to which its Local Coastal Program (LCP) applies (i.e., not including the incorporated cities of Santa Cruz, Capitola, and Watsonville, all of which have their own certified LCPs) spans an estimated 32 miles and has three main divisions: the North Coast, Live Oak, and South County. The North Coast (some 17 miles of shoreline situated between the southern San Mateo County line and the northern boundary of the City of Santa Cruz, where the coastal zone boundary here extends some 5 miles inland) is typified by large agricultural fields and forests, expanses of public recreational and preservation lands, and some rural residential development that includes the town of Davenport. Live Oak, on the other hand, constitutes roughly 3 miles of shoreline that is the urbanized core of unincorporated Santa Cruz County, situated between the Santa Cruz Small Craft Harbor and the City of Capitola. Coastal Live Oak hosts a varied coastline setting that is dominated by residential development with some concentrated commercial and industrial areas, and is well known for excellent public access and recreational pursuits (e.g., beach-going, bicycling, tide-pooling, surfing, etc.) supported by a mix of sandy beaches, rocky tidal areas, blufftop terraces, and coastal lagoons. Live Oak includes a number of commercial and light industrial corridors, such as Portola Drive and 41st Avenue, which are highly densified and serve residents and visitors alike for their commercial and recreational needs. South County begins at the downcoast boundary of the City of Capitola and extends some 12 miles to the north Monterey County line along the Pajaro River, and includes a number of State Parks/Beaches (New Brighton, Seacliff, Sunset, and Manresa) and enclaves of residential subdivisions (e.g., the Seacliff, Seascape, and Pajaro Dunes developments) but is predominantly agricultural/rural in nature, supporting a strong commercial agricultural economy and large open spaces. As opposed to the pocket beach and bluff-terraced nature of the North Coast and coastal Live Oak, South County hosts wide, sandy beaches and is overall less urbanized than Live Oak, but still faces the pressures of increased development.

Overall, unincorporated Santa Cruz County boasts a wide range of ecologies, shoreline characteristics, and patterns of both urban and rural development which, when taken together, present essentially all coastal resource considerations under the Coastal Act.

The Santa Cruz County Local Coastal Program

The Santa Cruz County Local Coastal Program (LCP) is made up of the Land Use Plan (LUP) and Land Use Designation Maps, which provide the overarching distillation of the Chapter 3 policies of the Coastal Act as tailored to the County's unique coastal zone areas, and the LCP's Implementation Plan (or IP), which includes measures to

implement the LUP, including zoning ordinances, zoning maps, and other sections of the County's Municipal Code. The LCP was originally fully certified by the Commission in 1983, and most recently comprehensively updated in 1994, when it was incorporated into the County's General Plan (GP) as a combined GP/LCP.⁴ Since then, the LCP has been amended through nearly one hundred LCP amendments over the years, addressing a whole host of issues as they have evolved through time. Most of these amendments have been to the IP, or zoning code, component. As a result, although some sections have been more recently modernized, the majority of the LCP is rooted in the 1994 GP/LCP and has not been substantially updated since.

For roughly the past decade, the County has engaged in a number of planning efforts to bring its GP/LCP up to date that together culminated in the Sustainability Policy and Regulatory Update (typically shortened to the "Sustainability Update" by the County), and which is the subject of the LCP amendment before the Commission for review now. These planning efforts include the 2014 Sustainable Santa Cruz Plan, which in the County's words was "a public visioning exercise, focused mostly on new development within the County's coastal urban area" that "involved intensive public participation" to develop guiding principles such as "focused development, transportation choices, open space and resource preservation, economic vitality, housing options, [and] fiscal sustainability," among other goals;⁵ the 2015 Code Modernization Project, which precipitated from public feedback and direction by the Santa Cruz County Board of Supervisors to clarify regulations, modernize the County's land use regulations, and standardize the County's permitting framework, all while continuing to protect natural resources; the 2018 Pleasure Point Commercial Corridor Vision and Guiding Design Principles, which served as a planning study in revitalizing the commercial and industrial centers of the Pleasure Point neighborhood of the urbanized Live Oak area; and finally, the continued efforts and requirements of the County to maintain consistency with State laws and regional/local plans.⁶

In sum, the Sustainability Update LCP amendment is the result of nearly a decade of planning by Santa Cruz County, which included extensive community outreach and input,⁷ to bring the County's GP/LCP into accordance with more sustainable

⁴ This convention has persisted since, and thus the LUP-specific portions of the County's LCP amendment submittal include non-LUP policies (i.e., General Plan-only). Those provisions which are included in the LCP are marked by the initials "LCP" throughout the GP/LCP, and are considered the legal standard of review for coastal development within the County's coastal zone, while the GP-only provisions also apply unless less protective of coastal resources, in which case LCP provisions prevail.

⁵ As so stated in the November 15, 2022 County staff report to the Board of Supervisors regarding the Sustainability Update.

⁶ For example, State Senate Bill 375 (Sustainability Communities Strategy) directed the California Air Resources Board to set regional targets for reducing greenhouse gas emissions to be implemented at the local level and State Senate Bill 1000 (Environmental Justice) required local jurisdictions to incorporate environmental justice policies into their general plans.

⁷ In all, the County hosted several community meetings which in sum saw hundreds of local participants and disseminated project information via social media to engage the public in the planning process, receiving hundreds of written comments on the project while in its draft phase.

development practices and guide the County's regulatory framework in the coming decades in light of a changing climate with increased development pressures such as housing needs and overall economic vitality, all while balancing the protection of the County's precious coastal resources and the principles of environmental justice. Throughout the process, County planning staff engaged with Commission staff to identify key issue areas and this coordination was fruitful, resulting in a proposed amendment that Commission staff views as supportable overall, save for relatively few suggested modifications that will be discussed in more detail in the following sections, which if accepted by the County can be found consistent with the applicable standards of review, and will serve the County well in its management of coastal resources moving forward.

B. Description of Proposed LCP Amendment

The proposed LCP amendment is considerably voluminous, entailing the complete replacement of three LUP chapters (Chapter 1, Introduction; Chapter 2, Land Use to be renamed as "Built Environment"; and Chapter 3, Circulation to be renamed as "Access and Mobility"); amendments to three others (Chapter 5, Conservation and Open Space to be renamed as "Agriculture, Natural Resources, and Conservation"; Chapter 7, Parks, Recreation, and Public Facilities; and the Glossary of Definitions); the deletion of LUP Chapter 8, Community Design, which is instead folded into other LUP chapters; a number of proposed appendices to the LUP⁸; a number of proposed amendments to the IP (in all, the proposed amendment will affect eleven different chapters/sections of the IP and add a new IP chapter);⁹ and, proposed land use designation and zoning changes to ten parcels within the County's coastal zone which will affect the LCP land use and zoning maps.¹⁰

⁸ The proposed appendices include: Appendix A, Sources and References; Appendix B, Land Use Designation Maps; Appendix C, Community Profile; Appendix D, Planning History; Appendix E, Environmental Justice Policies; Appendix F, Natural Resource and Environmental Hazard Areas; Appendix G, Coastal Priority Sites; Appendix H, Airport Land Use Compatibility Requirements; Appendix I, Transportation Demand Management Strategies; Appendix J, Roadways and Intersections; Appendix K, Sensitive Habitat and Species; Appendix L, Public Service Providers; Appendix M, Parks and Recreation Facilities; and, Appendix N, Memorandum of Understanding Regarding the City of Watsonville LCP Amendment 1-99.

⁹ The IP chapters/sections to be amended are: 12.01, Building Permit Regulations; 13.01, General Plan Administration; 13.02, Specific Plan Administration; 13.03, Local Coastal Program Administration; 13.10, Zoning Regulations; 13.11, Site Development and Design Review; 13.20, Coastal Zone Regulations; 13.36, Development Agreements; 15.10, Roadway and Roadside Improvements; 16.50, Agricultural Land Preservation and Protection; and Title 18, Procedures. The County proposes a new IP chapter, 13.16, Parking and Circulation, which is simply moved from existing IP sections to serve as a stand-alone chapter.

¹⁰ Importantly, the proposed amendment will not affect the County's LCP provisions regarding coastal hazards or environmentally sensitive habitat area, which are contained within separate LCP chapters and sections. The Commission recently awarded Santa Cruz County with an LCP planning grant for \$780,000 at its September 6, 2023 monthly meeting to complete a series of technical studies on sea level rise, economic impacts, and adaptation pathways that will culminate in an LCP amendment to address coastal hazards along the Santa Cruz County shoreline.

See **Exhibit 2** for the proposed LUP amendment text, **Exhibit 3** for the proposed IP amendment text, **Exhibit 4** for a table that summarizes the proposed land use designation and zoning changes, **Exhibit 5** for the proposed changes to the LUP Land Use Maps, and **Exhibit 6** for the proposed changes to the IP Zoning Map.

However, despite the volume of the proposed amendment, there are relatively few substantive changes to the LCP that will affect its overall regulatory framework and applicability. A large majority of the proposed amendment actually retains the existing LCP's core provisions, especially with respect to existing coastal resource protection requirements that safeguard public recreational access, visual resources, land resources such as water quality and agricultural lands, the marine environment, open spaces, strong distinctions between the County's urban and rural areas (accomplished via the Urban and Rural Services Lines, respectively USL and RSL, which focus development to where existing infrastructure can support it),¹¹ among other core Coastal Act requirements. This is consistent with the overall intent of the Sustainability Update, which the County itself describes well in the proposed Introduction to its LCP, stating:

Santa Cruz County is a place of great beauty, diverse natural resources, and treasured communities. The citizens of Santa Cruz County are committed to sustainable growth and development that improves environmental, economic, and social well-being today without compromising the needs of future generations.

Following this charge, the LCP amendment does include some key changes to the way the County regulates development and protects coastal resources, with the main focus on increasing density within existing developed areas and providing better opportunities for public transit and multi-modal transportation.¹² Additional goals include providing more flexibility in the allowed uses of land, reducing vehicle miles traveled, modernizing the County's permitting framework and procedures, and solidifying the concepts of environmental justice and climate responsibility into the GP/LCP. The core of this proposed amendment can thus largely be understood as providing for more opportunities for mixed-use urban infill development within existing developed areas able to accommodate it, while concurrently protecting the rural, agricultural, and natural resource-rich periphery. The primary changes proposed as part of this LCP amendment are described in more detail below.

¹¹ The Urban and Rural Services Lines (USL and RSL, respectively) are regulatory distinctions that demarcate existing developed and urbanized areas supported by a full range of public services from rural ones without such services.

¹² A large emphasis has been placed on the "15-minute neighborhood", a land use planning philosophy and practice that provides a mix of residential, commercial, and transportation opportunities within concentrated areas so that community members and visitors can have their needs met with limited geographical dispersal and relative ease.

Land Use Designation Changes and Rezones

The County proposes to change the land use designations and zoning for nine parcels, and only the zoning of a tenth parcel, within the County's coastal zone. The main purpose of these changes is to either align the designation/zoning with the current use of the land, or to accommodate future favorable patterns of development, such as providing for high density residential uses. Specifically, eight of the ten proposed parcels are located within the Live Oak area, which as previously detailed, is highly urbanized. These parcels, currently designated and zoned for commercial uses, will be redesignated and zoned for high density, multi-family development to support the County's efforts to increase its housing capacity through increased infill development.

The other two parcels to be redesignated/rezoned will align designations/zoning with the current use of the land. One parcel is located in the town of Davenport (located in Santa Cruz County's North Coast) and is currently designated and zoned for low-density residential uses, despite being utilized for commercial use (a restaurant). The other parcel is located in the La Selva Beach area and is currently designated and zoned for public facilities uses, despite currently accommodating a single-family residence. The changes to these two parcels will simply align the designations/zoning with the current uses of the land.

See **Exhibit 4** for a table that summarizes the land use designation and zoning changes, and **Exhibits 5** and **6** for the changes to the Land Use and Zoning Maps.

Focusing Infill Development

The proposed LCP amendment includes a number of measures to focus infill development within the already developed areas of the County's coastal zone, either through new land use designations and zoning districts or by slight modifications to design requirements and zoning restrictions. In terms of the former, the County proposes the Urban High-Density Flex Residential (R-UHF) land use designation, which will be implemented by the Residential Flex (RF) zoning district, as well as the Workplace Flex (C-3) zoning district. The R-UHF land use designation and implementing RF zoning are intended for increased-density housing (e.g., apartments, single-room occupancy, townhomes), allowing up to 45 units per acre within the USL¹³ with more relaxed zoning restrictions,¹⁴ and will allow for commercial uses on the ground floor with residential above. Only parcels within existing commercial corridors, near opportunities for public transit or multi-modal transportation, and which are served

¹³ For comparison, the County's current Urban High Density Residential (R-UH), the densest land use allowed, has a maximum of 30 units per acre.

¹⁴ For example, RF zoning will allow for more site coverage (45% as opposed to the current highest of 40% for residential zoning districts), taller building heights (a 35-foot maximum as opposed to the current 28-foot maximum for other residential zoning districts), and decreased yard setbacks (by some 2-5 feet depending on site characteristics), all to allow for denser infill development within urban/commercial corridors.

by a full range of urban services will be allowed an R-UHF designation and RF zoning.¹⁵ The C-3 zoning district is intended to implement existing commercial land use designations, such as Community Commercial (C-C) or Service Commercial and Light Industrial (C-S), and will allow for a mixed-style of commercial use, such as retail uses on the ground floor with professional offices above, within existing commercial corridors and near transit hubs.

With respect to making slight modifications to design requirements and zoning restrictions, the County proposes to relax certain parameters for already-dense zoning districts. For example, for parcels zoned as Single Family Residential (R-1) that are under 4,000 square feet in size, the allowed lot coverage will increase from 40% to 45%, and side yard setbacks will decrease from 10 feet to 8 feet. Additionally, the maximum height for the Multi-Family Residential (RM) zoning district will increase from 28 feet to 35 feet (and will increase the allowed two stories to three). Overall, these changes in design requirements and zoning restrictions are intended to further the goal of increased density and/or infill development within the USL and are minor in nature. Other similar changes persist throughout the proposed amendment, but are similarly minor, and will not change the overall pattern of development that already exists in the County's coastal zone.

Finally, there are a number of other proposed policies which pertain specifically to promoting and enhancing multi-modal transportation (such as bicycle and pedestrian movement infrastructure) as well as further encouraging infill development within currently developed areas, all to further the goals of sustainable development within the County's more urban areas.

Conversion of Coastal Priority Uses

The current LCP establishes a hierarchy of "coastal priority uses" (such as prioritizing agriculture and visitor-serving commercial uses over private residential development; see current LUP Policy 2.22.1), consistent with Coastal Act Section 30222.¹⁶ As it stands now, with a few exceptions, the LCP prohibits the conversion¹⁷ of any existing priority use to a lower-priority use, except for another use of equal or higher priority (current LUP Policy 2.22.2). For example, existing visitor-serving commercial uses, such as an inn/hotel, which are considered a "second priority" use cannot be converted to a

¹⁵ No parcels are proposed to be rezoned RF or C-3 or redesignated R-UHF as part of the proposed amendment package. Rather, these new zoning districts/land use designations are being created by the proposed amendment package and rezonings/redesignations will occur at a later date to facilitate such projects and to meet the County's Regional Housing Needs Assessment targets.

¹⁶ Specifically, these priorities are: first priority, agriculture and coastal-dependent industry; second priority, visitor serving commercial uses and recreation facilities; and third priority, private residential, general industrial, and general commercial uses.

¹⁷ In this context, "conversion" means either the re-designation or rezone of a parcel or the change in land use onsite from one allowed use to another allowed use. For example, developing a private residence on previously cultivated agricultural land on a parcel zoned for commercial agriculture (CA) is a conversion of a priority use to a lower priority. Both uses are allowed uses in the CA zoning district, but the private residence is a distinct and lower priority use compared to commercial agricultural production and is intended to be secondary to and supportive of the primary agricultural use of the property.

private residence, a “third priority use”, but may be converted to recreational uses including public parks, surfboard/kayak rental shops, and coastal recreation facilities, in other words, other “second priority” uses. The proposed LCP amendment maintains the existing hierarchy of coastal priority uses (proposed LUP Policy BE-5.1.2), and while it still generally discourages their conversion to lower priority uses, it creates pathways to do so in limited circumstances when certain findings and criteria are established (proposed LUP Policy 5.1.3).

Commercial agricultural land will only be allowed to convert to a public/quasi-public community facility of significant benefit to public health, safety, and welfare,¹⁸ and only when strict criteria for conversion are met (established by proposed LUP Policy ARC-1.3.1 and the associated implementing ordinances, discussed in more detailed below). Coastal-dependent industry meanwhile will only be allowed to convert when three years have passed since cessation of such use. And visitor-serving commercial land will only be allowed to convert when: 1) the proposed conversion will not adversely affect the County’s ability to provide appropriate locations, locations, and types of visitor-serving commercial land uses; 2) market analysis or land use analysis demonstrates that the existing use is no longer feasible or appropriate; and 3) if the visitor-serving use to be converted is an existing low-cost visitor-serving use, an equivalent replacement is provided.

Proposed LUP Policy ARC-1.3.1 and IP Sections 13.10.314(A), 16.50.050(E), and 18.60.110(D) set forth the criteria to convert commercial agricultural land to a public/quasi-public community facility, and these include: 1) the commercial agricultural land is no longer viable for farming or other allowable agricultural uses; 2) the land no longer meets the criteria for commercial agricultural land; and 3) the conversion of such land will not impair or create potential conflicts with the viability of nearby commercial lands in the area, among other criteria.

The proposed conversion of higher priority uses to lower priority uses (albeit in limited circumstances) is perhaps the most consequential change to the LCP given its potential to further expose existing agricultural lands to development pressures as well as stress the County’s ability to provide for visitor-serving accommodations (especially at low costs). These policies have historically been critical in promoting sustainable development in Santa Cruz County and aiding in a strong urban/rural distinction by focusing development where there are existing services, and so this proposed change must be evaluated in that context. An in-depth analysis of this part of the proposed LCP amendment is provided in subsequent findings.

¹⁸ An example of this is the Santa Cruz County Buena Vista Landfill site that is nearing capacity, and is surrounded by agriculturally zoned parcels. Thus, in order to adequately meet waste management needs, the County is evaluating the potential to rezone a small portion of the surrounding commercial agricultural lands to the public and community facility (PF) zoning district to support additional necessary landfill operations, under the proposed criteria, and the proposed amendment would accommodate this process.

Permit Framework and Procedures

The proposed LCP amendment also seeks changes to the County's permit framework and procedures sections. Currently, County permits and/or approvals (including County-issued coastal development permits (CDP)) are categorized by "approval level" spanning from ministerial or administrative minor development review (Levels I-IV) to discretionary projects requiring more substantial review and public hearings (Levels V-VII).¹⁹ The County proposes to replace the permit "approval levels" with more descriptive (and commonly used in other jurisdictions) permit names, such as "minor", "administrative", and "conditional". This is in accordance with the County's desire to modernize and simplify the LCP (i.e., the 2015 Code Modernization Project), and will not have a substantive effect on the type of review required for CDPs. Any development or land use within the coastal zone subject to CDP requirements pursuant to the County's LCP and the Coastal Act will require Conditional Use Approval,²⁰ which is equivalent to the County's current Level V approval necessary for CDPs, and thus there is no change for the purposes of CDPs.

Additionally, the County proposes a bifurcation in its permit framework, where projects will now require a "Site Development Permit", for projects that propose physical development of a site, in addition to the typical "Use Permit", for projects related to land use (and in the County's coastal zone, a CDP is the equivalent of the Use Permit). This bifurcation similarly will not change the approval and review required for CDPs, but instead adds additional site development and design review requirements for certain projects, for example single-family residential development of three or more units on one site, multi-family residential development, auxiliary storage structures, exterior remodels, signs, and most agricultural support facilities (such as offices, storage, and maintenance sheds).

Finally, the County proposes changes to its permit procedures, mostly to align with the new permit framework nomenclature and structure, but also to add certain procedures related to public noticing requirements. The County proposes a set of noticing procedures for all permits, including CDPs, that in most respects meet and exceed the Commission's regulations.²¹ These noticing procedures are already implemented by the County and are now proposed to be codified clearly in the LCP, and include noticing distances, timing, requirements for public hearing continuance procedures, among other provisions.

¹⁹ Under the existing LCP, coastal development permits (CDP) are processed as Level V approvals, which are subject to public notice requirements and a public hearing at the County Zoning Administrator, except for specific instances in which the public hearing requirement is waived for minor development or for accessory dwelling units, where only public notice is issued, and the permit is otherwise processed administratively.

²⁰ Except instances where the public hearing requirement is waived, such as for accessory dwelling units, and which will be carried over from the existing LCP.

²¹ For example, the County proposes to require that project applicants send mailed notice to all property owners and occupants within 500 feet of the exterior boundaries of the subject project site or property, exceeding the Commission's requirement of at least 100 feet excluding roads (14 CCR § 13054).

Other

Other proposed changes to the LCP include edits to update background text and existing conditions, reorganization of a number of existing LCP sections to other parts of the LCP, and amendments to the IP to accurately reflect and implement the proposed amendments to the LUP. For example, the amendment proposes non-substantive language “clean-up” edits throughout the existing LCP, such as by updating the Zoning Regulations (IP Chapter 13.10) allowed uses charts for each zoning district to reflect modern day terminology, and other changes that clarify existing LCP policies.

Additionally, key public coastal access and public recreation policies currently contained in LUP Chapter 7 (Parks, Recreation, and Public Facilities) are moved to proposed LUP Chapter 3 (Access and Mobility) because the amendment seeks to consolidate relevant and/or similar categories of policies where they logically should be located (e.g., public coastal access provisions are now in the LUP chapter which governs access and mobility throughout the County). Other similar such changes and reorganization measures are taken throughout the proposed amendment. Additionally, in order to further the goals of environmental justice, the amendment proposes an additional “Environmental Justice” label for certain GP/LUP policies which will serve to support environmental justice and equality efforts within the County’s regulatory authority,²² and include policies that pertain to affordable farmworker housing, protection from pesticide drift via implementation of adequate windbreaks adjacent to agricultural areas, reducing chemicals within sensitive habitats and near residential development, requiring more extensive consultation with Tribal leaders during development review and the LCP amendment process, and promoting high-quality and affordable public transportation, among other policies.

To promote the County’s goals for sustainable development, the amendment also proposes policies specifically targeting reducing greenhouse gas (GHG) emissions by developing “complete neighborhoods” (where residents and visitors within the USL/RSL have convenient access to shopping and services within a one-half mile walkable area to meet daily needs; see proposed LUP Objective BE-1.4), promoting access to nature for all residents and visitors (proposed LUP Policy BE-1.4.6), participating in programs to support regional sustainable communities and public transportation networks (proposed LUP Policy BE-1.5.1), and requiring design standards specifically focused on environmental cohesion and consciousness (proposed LUP Policies BE-4.2, BE-4.2.6, and BE-4.2.7), among other policies.

In sum, while voluminous, the amendment’s primary substantive charge is to provide for increased infill housing, with complementary provisions to do so (e.g., the new R-UHF land use designation and corresponding zoning, policies promoting active transportation, etc.), and providing the substantive criteria for when certain land use conversions are potentially appropriate (e.g., when visitor-serving uses are no longer economically feasible, etc.). Other key existing LCP provisions, including the County’s established urban-rural boundaries, remain unchanged.

²² These policies are compiled and listed in proposed Appendix E, Environmental Justice Policies.

C. Evaluation of Proposed LCP Amendment

Standard of Review

The proposed amendment affects the LCP's LUP and IP. The standard of review for the LUP changes is that they must be consistent with and adequate to carry out the requirements of Chapter 3 of the Coastal Act; the standard of review for the IP changes is that they must be consistent with and adequate to carry out the policies of the certified LUP, as amended.

1. Proposed Land Use Plan Amendment

a. Land Use Designation Changes for Nine Parcels

Applicable Coastal Act Policies

As discussed in the description of the proposed LCP amendment, the amendment proposes land use designation changes for nine parcels in the County's coastal zone. These changes are being made either to facilitate multi-family residential development within the already urbanized Portola Drive corridor in Live Oak or to conform the land use designation to the current use of the land at one parcel in the town of Davenport and another in the La Selva Beach area of south Santa Cruz County (see **Exhibit 4** for a parcel-specific summary of the proposed changes). In all cases, the subject parcels are currently developed and are located within already developed areas, inland and away from the immediate shoreline. Coastal Act Section 30250(a) requires new residential, commercial, and industrial development to be located within, contiguous with, or in close proximity to existing development, or in other areas where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources. Additionally, Coastal Act Section 30222 gives priority to the use of land suitable for visitor-serving recreational facilities over private residential, general industrial, or general commercial development. These Coastal Act sections specifically state:

Section 30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Section 30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Analysis

The proposed land use designation changes consist of nine parcels located in already developed areas, and the parcels themselves are already developed. Seven of these parcels (APNs 032-032-46, 032-032-47, 032-032-48, 032-032-49, 032-032-50, 032-075-02, and 032-075-03) are located along commercialized Portola Drive in the Live Oak area within the USL, and are currently designated for general commercial development (including service/light industrial, office/professional, and neighborhood commercial). The proposed amendment would change these designations from their existing general commercial designations to Urban High Density Residential (R-UH), with the intent to accommodate future multi-family residential development within an active transportation and commercial corridor. Thus, these new designations help provide residential development and within an existing developed area able to accommodate it, consistent with Coastal Act Section 30250(a), and will change from general commercial to residential (which are afforded the same level of priority), consistent with Coastal Act Section 30222.

The eighth parcel (APN 058-081-13) is located in the town of Davenport on Santa Cruz County's North Coast. The parcel is currently designated for Urban Low Density Residential (R-UL) development, and is proposed to be redesignated Neighborhood Commercial (C-N) because the parcel currently hosts a commercial development (a restaurant) and is located among other commercially designated parcels and uses. This parcel is located within the RSL, and thus it is expected that existing services can accommodate continued commercial use, and the change from residential to neighborhood commercial does not constitute a change to a lesser priority, thus similarly consistent with Coastal Act Sections 30250(a) and 30222.

Finally, the ninth parcel (APN 045-371-02) is located in the La Selva Beach area of South Santa Cruz County and is currently designated for Public Facility/Institutional development. The proposed amendment would designate the parcel to Urban Low Density Residential because the parcel currently hosts a private single-family residence and is located among other low density residential development. This parcel is also located within the RSL; the change from public facility to residential does not constitute a change to a lesser priority, and thus is also consistent with Coastal Act Sections 30250(a) and 30222.

In sum, the proposed land use designation changes for these nine parcels within the County's coastal zone will continue to focus development in infill areas where services can accommodate continued use of the parcels, and generally serve to either promote additional housing or simply reflect existing uses. Accordingly, the proposed land use designation changes can be found consistent with the Coastal Act.

b. Proposed Land Use Plan Introduction

Analysis

The proposed amendment would replace the current GP/LCP Introduction with a new Introduction which details the County's vision, guiding principles, a brief description of the County's development history, the regulatory framework that applies within the County (including the Coastal Act's coastal resource protection obligations), and the

overall organization of the GP/LCP. The proposed GP/LCP Introduction retains much of the language from the existing introduction. Notably, Chapter 1 does not contain any LUP policies; rather, it lays the groundwork for how to interpret the GP/LCP, and outlines the contents and chapters of the GP/LCP, among other things. For this reason, it is necessary to review the proposed Introduction for consistency with the overall legislative intent of the Coastal Act, especially because it discusses how best to interpret LCP policies, to whom that interpretive authority is delegated, and the interplay of the provisions of the IP, LUP, and Coastal Act.

For the most part, the proposed Introduction is consistent with the overall legislative intent of the Coastal Act in that it explicitly details the County's obligations to complete an LCP pursuant to Coastal Act, and that the LCP policies shall prevail over any other County policies in the event of a conflict, and shall provide for the path that is most protective of coastal resources. However, Commission staff and County staff have worked closely to craft some friendly modifications²³ to further clarify the authority of the LCP within the County's coastal zone and how to best interpret LCP provisions.

Suggested Modification 1 explicitly states that the adopted and certified LCP forms the legal standard of review for the issuance of coastal development permits (CDP) within the County's coastal zone, something not otherwise explicitly stated in the proposed Introduction, and also clarifies that the LUP takes precedence over the IP in the event of a conflict between these provisions. Furthermore, this suggested modification also clarifies that the Executive Director of the Commission shall consult with County planning staff in the event of any dispute in these interpretations, to ensure the utmost protection of coastal resources.²⁴ With this suggested modification, the proposed GP/LCP Introduction with the suggested modification can be found consistent with the Coastal Act.

c. The Built Environment and Coastal Priority Land Uses

Applicable Coastal Act Policies

The Coastal Act includes many sections that guide the appropriate kinds, locations, and intensities of development and uses, as well as necessary coastal resource protection standards. Generally, the Coastal Act seeks to promote infill development within existing developed communities with adequate services and where such development will not adversely impact coastal resources. Within these existing developed communities, the Coastal Act prioritizes certain development over others, including public recreational access uses, visitor-serving uses, and coastal-dependent uses. And, furthering the Act's infill development goals, other sections include strong protections of rural scenic lands, including in terms of limiting conversion of prime and nonprime agricultural land, requiring stable urban/rural boundaries, protecting scenic views, and minimizing alteration of natural landforms. Applicable Coastal Act sections include:

²³ Please see **Exhibit 1** for these suggested modifications.

²⁴ Note, too, that the IP's CDP review and processing chapters also includes a formal dispute resolution process pursuant to Section 13569 of the Commission's regulations.

30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

30222. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following: (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses. (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250. (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands. (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality. (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.*

30242. *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

30250(a). *New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public*

services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted, consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded, except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state, or nation, public reaction, commercial recreation and visitor-serving land uses shall not be precluded by other development.*

30255. *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

Analysis

As noted previously, Coastal Act Section 30250(a) requires that most new development be concentrated in and around existing developed areas with adequate public services and infrastructure to accommodate it. Within that broader framework, the Coastal Act also: requires that development should be sited and designed so that it will not adversely impact coastal resources; protects and enhances public recreational access in step with new development; requires appropriate oceanfront and private lands, as applicable, be protected for visitor-serving commercial uses and public recreation; envisions development supported and sustained by multi-modal transportation, including through provision of public and non-automobile transportation (i.e., bicycle and pedestrian travel); promotes strong urban/rural distinctions, including by protecting coastal agricultural lands from impacts of nearby development and from the pressures to convert existing agricultural lands; and, notwithstanding these specific requirements, has other requirements that together promote sustainable, well-planned development that protect and enhance coastal resources overall.

The proposed replacement Chapter 2, “Built Environment Element” retains much of the content from existing LUP Chapter 2 of the LUP (which was most recently comprehensively updated and certified by the Commission in 1994), while maintaining consistency with the Coastal Act’s land use priorities, distinction between urban and rural boundaries, and protection of coastal resources including agricultural land, public access and recreation, and visual resources. More specifically, these retained provisions draw a strong distinction between urban and rural lands through the implementation of the Urban and Rural Services Lines (USL and RSL, respectively), which denote the locations within Santa Cruz County where public services and infrastructure are available to support both existing and new development, and where new services are prohibited (with limited exceptions, for example to provide public services to properties with failing septic and water systems which otherwise pose a public health hazard). Furthermore, existing LUP policies protecting rural lands are also retained, including those which prohibit the expansion of public water and sanitation lines through the County’s agricultural lands west of the City of Watsonville²⁵ so as to discourage and in many instances fully preclude residential development in agricultural areas, and instead driving new development to infill developed areas. Other existing policies which call for the orderly development of the County’s urban areas, including the continued promotion of coastal priority uses such as visitor-serving accommodations (including low cost visitor-serving amenities) and coastal-dependent development over lesser priorities are similarly retained, as are policies protecting visual resources and

²⁵ This provision is the result of the Commission’s approval of LCP Amendment SCO-MAJ-1-01, approved by the Commission in 2001, which authorized the construction of the Pajaro Valley High School while simultaneously prohibiting urban expansion into the surrounding agricultural lands and wetlands.

community character (though these policies would be moved from Chapter 8 of the LUP, Community Design, which will be repealed by this LCP amendment and instead interwoven into other LUP chapters).

In addition to the retention of many strong, existing LUP policies controlling development patterns and promoting sustainable growth, the proposed amendment also includes: a number of new policies calling for a sustainable development framework (see proposed LUP Goal BE-1, Objectives BE-1.1 through BE-1.5, and the associated LUP Policies in **Exhibit 2A**); the creation of a new higher density residential land use designation (Urban High Density Flex Residential, R-UHF), which seeks to further consolidate development in existing developed areas and facilitate sustainable growth via concentrated development; and mechanisms for promoting flexible land uses and supporting economic vitality, such as allowing for the conversion of coastal priority uses. With respect to the proposed new sustainable development framework, the proposed amendment encourages multi-modal transportation and fluid connections between residential/commercial and recreational centers, coordinates development along the Monterey Bay Sanctuary Scenic Trail, reduce vehicle miles traveled, and tempers new development with adequate and optimized public services to reduce stresses on water and sanitation systems (see proposed LUP Policies BE-1.2.1 through BE-1.2.5, BE-1.2.6, and BE-1.1.1 through BE-1.1.4, respectively).

Similarly, the Urban High Density Flex Residential (R-UHF) designation would promote higher-density residential development in existing infill areas. More specifically, the proposed R-UHF designation would allow up to 45 units per gross acre (which would be the highest density allowed by County standards); would be located within or with easy access to activity centers and multi-modal corridors within the USL; and is intended for compact unit types such as apartment buildings or condominiums (which are typically more energy efficient especially when compared with larger single-family homes). Notably, the R-UHF designation would allow commercial uses on the ground floor if compatible with surrounding uses, and would require residential units on upper floors. This type of development style is already seen in the City of Santa Cruz (and in other coastal jurisdictions across the state), and this proposed designation would allow for similar denser housing options in the unincorporated, albeit already developed, areas of Santa Cruz County (such as Live Oak, which is currently dominated by single-family residences with interspersed commercial/industrial development).

The existing Land Use Element policies carried over to the proposed Built Environment Element of the LUP were previously certified (including, for example proposed renumbered LUP Policies BE-1.1.1 through BE-1.1.4, BE-2.1.1 through BE-2.1.5, BE-2.2.1 through BE-2.2.9, among others), and thus it can be assumed that they are consistent with the Chapter 3 policies of the Coastal Act. Still, these provisions focus new development in existing developed areas (Coastal Act Section 30250(a)); promote the prioritization and provision of visitor-serving uses, especially those at low cost, on lands so suitable (Sections 30213, 30221, and 30222); protect and seek to enhance visual resources through careful consideration of community character (Section 30251); and maintain and enhance public access to the coast through implementation of multi-modal transportation and community corridors (Section 30252).

The proposed additional LUP policies pertaining to a sustainable development framework and the new R-UHF Land use designation fulfill a number of Coastal Act requirements. Specifically, these further the County's already strong policies related to focusing new development in existing developed areas with adequate public services (Coastal Act Section 30250(a)) and promoting community connectivity via multi-modal and public transportation (Section 30252).

However, as previously discussed, the proposed amendments would now allow for the conversion of coastal priority uses to lower priority uses (proposed LUP Policy BE-5.1.3), whereas the current LCP strictly prohibits such conversion (current LUP Policy 2.22.2). The proposed LCP amendment will retain the County's current hierarchy of coastal priority uses consistent with the hierarchy detailed by Coastal Act Section 30222. Although the Coastal Act does not outright prohibit the conversion of a coastal priority use to a lower priority use, it does detail the requirements when considering a conversion, especially in terms of converting agricultural land to non-agricultural uses (see Coastal Act Sections 30241 and 30242). The Act only allows the conversion of agricultural land to non-agricultural uses when continued or renewed agricultural use is not feasible, when such conversion would preserve prime agricultural land or concentrate development consistent with Coastal Act Section 30250, and when the conversion would be compatible with continued agricultural use on surrounding lands. The proposed amendments would allow for the conversion of commercial agricultural land to non-agricultural uses specifically for a public/quasi-public²⁶ use. While some of the additional requisite findings for agricultural conversion are listed in the proposed Agriculture, Natural Resources, and Conservation Element (proposed LUP Policy ARC-1.3.1), proposed LUP Policy BE-5.1.3 needs to also reference the Coastal Act's agricultural conversion provisions. **Suggested Modification 4** explicitly states that any such conversion of agricultural lands must be consistent with Coastal Act Sections 30241, 30241.5, and 30242.

Furthermore, proposed LUP Policy BE-5.1.3 would allow for the conversion of visitor-serving accommodations to lower priority uses (such as residential uses) under certain limited circumstances. These circumstances include a requirement that the conversion will not adversely affect the ability of the County to provide appropriate locations and amounts of visitor-serving commercial land and a market analysis that demonstrates that continued visitor-serving use is no longer feasible or appropriate. Further, proposed LUP Policy BE-5.1.3 discourages the conversion of existing visitor accommodations; prohibits the conversion of existing low-cost visitor-serving uses/accommodations to higher-cost accommodations/uses without an equivalent replacement; and seeks to incentivize the retention of older visitor accommodations to facilitate/preserve lower-cost accommodation availability. While these facets of the proposed policy are consistent with the Coastal Act Section 30213 requirement to protect, encourage, and provide, where feasible, lower cost visitor and recreational facilities, a few suggested

²⁶ Defined in the LCP Glossary as "a land use that is privately owned or controlled but provides a public service." Common examples of this include Pacific Gas and Electric Company (PG&E) energy services, or private held and operated waste management systems that engage in public waste collection services, such as Waste Management.

modifications are needed to further clarify such requirements, including in terms of defining what actually is a low cost unit (i.e., no more than 75% of the statewide average room rate, in line with past Commission practice), and that in-lieu mitigation fees shall go into an interest-bearing account adequate to provide one to one replacement of any lost lower-cost units. See **Suggested Modification 4**.

Additionally, in order to support the County's goals of providing additional affordable housing and promoting sustainable development, **Suggested Modification 4** requires that in the event that an existing visitor-serving overnight accommodation is converted to a residential use, 100% of the new residential units will be affordable and the project will provide one or more community and visitor-serving benefits/amenities, such as a coastal trail connection, bike racks, publicly accessible park/garden, or onsite visitor-serving commercial use. Commission staff and County planning staff have worked together to craft this modification to ensure that when a priority visitor-serving use is actually converted, such conversion is to fulfill other core County and State objectives related to affordable housing. The modification therefore supports and furthers the overall intent and goals of the proposed Sustainability Update LCP amendment and the County's necessity for additional affordable housing in already built structures able to accommodate it.

Other suggested modifications for the Built Environment Element simply clarify that development must be consistent with the LCP and must not impact existing coastal access, which was already intended by the County, and these modifications merely strengthen that intent.

In sum, for the reasons described above, the majority of the proposed Built Environment Element is comprised of retained provisions and proposed additional provisions that are consistent with the Coastal Act. The remaining proposed policies related to the "Built Environment" and coastal priority land uses can be found consistent with the Coastal Act if modified as suggested. The end result is a robust set of policies that seek to accommodate development in infill areas able to handle it without coastal resource harm, protect agricultural and rural lands, and specify when it is appropriate to convert priority land uses, including to provide for affordable housing. These provisions all are in alignment with the LCP's (and Coastal Act's) intent on fostering sustainable development principles.

d. Access and Mobility

Applicable Coastal Act Policies

The Coastal Act includes a robust set of policies that require protection, preservation, and enhancement of public coastal access and recreational facilities. Additionally, the Coastal Act requires that the Commission advance the principles of environmental justice and equality in its decision making, including by taking appropriate actions to ensure the full and equal access of all persons to the benefits of coastal resources, regardless of race, national origin, ethnicity, religion, age, sex, sexual orientation, color, genetic information, disability, or socioeconomic status. Applicable Coastal Act Sections state:

30013. *The Legislature further finds and declares that in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission and all public agencies implementing the provisions of this division. As required by Section 11135 of the Government Code, no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division.*

30210. *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

30211. *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

30212. *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

30212.5. *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

30214. *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the*

privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Analysis

The Coastal Act requires that public access and public recreational opportunities to and along the coast must be maximized, that development enhance and/or protect public access and recreation opportunities, and that access and recreational opportunities be provided where appropriate. Further, the Coastal Act states that public parking and other facilities should be distributed along the coast. Importantly, Coastal Act Section 30210's direction to maximize access and recreational opportunities represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect: it is not enough to simply *provide*

access to and along the coast, and not enough to simply *protect* access; rather such access must also be *maximized*. This terminology distinguishes the Coastal Act in certain respects and provides fundamental direction with respect to LCP public recreational access planning. Additionally, in its actions to protect, enhance, and maximize public access and public recreational opportunities, the Commission must consider the principles of environmental justice and equality, including when evaluating and certifying proposed LCP amendments.

The County's proposed Access and Mobility Element will replace existing LUP Chapter 3, Circulation. It should be noted that the majority of the Access and Mobility Element speaks to general transportation and mobility goals throughout the County (both inside and outside of the coastal zone) and is not proposed to be part of the LCP. That said, the proposed Access and Mobility Element does include a relatively small number of policies focused specifically on coastal public access and recreational opportunities, which are proposed to be part of the LCP. Moreover, a number of the proposed Access and Mobility Element LUP policies are retained from the existing LUP, either from Chapter 3, Circulation, or from Chapter 7, Parks, Recreation, and Public Facilities. In all, the proposed Access and Mobility Element includes provisions that: prohibit new development from impacting existing coastal public access (proposed LUP Policies AM-4.1.5, AM-4.1.8, AM-4.1.9, AM-4.1.10, AM-4.1.11, and AM-4.1.12; encourage the maximization and enhancement of existing access (proposed LUP Policies AM-4.1.2, AM-4.1.4, AM-4.1.5, and AM-4.1.7); seek to provide adequate and well-dispersed recreationally oriented transportation and parking facilities (proposed LUP Policies AM-1.2.1, AM-1.2a, AM-1.2b, AM-4.1.1, AM-4.1.2, AM-4.1b-e, AM-6.3.5, AM-6.3i, and AM-8.1c); and identify, preserve, and improve existing access points and oceanfront land suitable for recreational uses (proposed LUP Figure 3-8 and Policies AM-4.1.4 and AM-4.1.5). All of these retained and/or proposed policies implement the Coastal Act directives of protecting, preserving, and enhancing coastal public access and recreational opportunities, including providing adequate parking and recreationally oriented transportation infrastructure.

However, these policies can be modified to further these goals. Specifically, **Suggested Modification 8** will strengthen proposed LUP Policy AM-4.1.5 to require the removal of private encroachments into the public right-of-way upon CDP application and to provide for public coastal access parking, if there is adequate space to do so.²⁷ **Suggested Modification 9** will strengthen proposed LUP Policy AM-4.1.12, requiring new development to enhance public access, commensurate with the scope of the project. This will be accomplished by retaining language from the existing LCP requiring public

²⁷ This is in accordance with the County's Coastal Encroachment Program, administered and implemented by Santa Cruz County Parks, which seeks to identify existing or proposed private encroachments within County-owned properties, including public rights-of-way, roads, and easements, that may prevent full public use of coastal trails, coastal access, beach trails, and beach access. The program seeks to remove private encroachments from public property to protect and enhance public coastal access, and if removal is not possible, encroachment fees are assessed that go towards improving public coastal access through the issuance of an encroachment permit. More information on the County's Coastal Encroachment Program is available at:

<https://scpparks.com/Home/PermitsReservations/CoastalEncroachment.aspx>.

access enhancements as a condition of approval for private development proposals, and **Suggested Modification 11** specifies the required findings and mitigations for any proposed parking restrictions that may impact coastal access (e.g., ensuring that any restriction is narrowly tailored to abate a public safety need/problem and where any identified impacts are appropriately mitigated). Also, **Suggested Modification 10** will add strategy AM-4.1d to the LCP (as proposed, AM-4.1d would not be part of the certified LCP). In essence, AM-4.1d promotes the improvement of parking facilities near recreational facilities and in the County's rural areas while also prioritizing bicycle connectivity, which would further strengthen the LUP's public access requirements consistent with the Coastal Act's public access provision calling for maximized public recreational access opportunities.

Additionally, proposed LUP Policy AM-6.3.6 would encourage the County to consider implementing parking fees at existing coastal access sites to help fund the County's ongoing maintenance of said sites. Though the County does not propose a parking fee program at this time, this proposed policy may potentiate one in the future, although implementation of parking fees would still require separate CDP review and approval. The Commission has historically found that parking fees can restrict public coastal access, and so **Suggested Modification 12** adds the requirement that any potential parking fee program must first establish that the program will maintain and enhance existing coastal public access opportunities, including by providing alternative access opportunities such as bike lanes and free bike parking, pedestrian trails, free parking for an initial period of time, varied fee options (e.g., hourly, daily, and/or year-round payment options), discounted senior and low-income parking rates, and relocated free vehicular parking spaces, and that any fees collected must only go to enhancing access (and not simply to the General Fund or to fund enforcement of the parking fee program). Together, these suggested modifications seek to ensure that any potential coastal access fee program maintains and enhances public coastal access pursuant to the Coastal Act's mandate for preserving, maintaining, and enhancing said access, especially by considering the principles of environmental justice and equality to ensure that any potential fee program does not put an undue burden on low-income persons and families by requiring payment to access the coast.²⁸

Overall, the County's proposed Access and Mobility Element contains strong policies that would protect, preserve, and enhance public coastal access and recreational opportunities along and near the shoreline, and with some suggested modifications can be found consistent with the Coastal Act.

e. Agriculture, Natural Resources, and Conservation

Applicable Coastal Act Policies

The Coastal Act protects natural resources, including on and offshore marine resources, wetlands, ESHAs, and other coastal waters, streams, estuaries, and lakes, as well as vital land resources, including prime agricultural lands, productive soils, timberlands, archaeological, paleontological, and visual resources within the coastal zone. Coastal

²⁸ Such provision mirrors similar ones recently approved for the cities of Capitola, Morro Bay, and Pacific Grove in their certified LCPs, and represents good public policy related to coastal zone parking.

Act policies emphasize the importance of protecting, maintaining, enhancing, and restoring coastal waters, wetlands, ESHA, agricultural lands, and timberlands and stress that development within or adjacent to such areas is only allowed for a very limited number of uses and under exacting criteria, as specified in each applicable provision, to protect these resources from degradation. Applicable Coastal Act Sections state:

30230. *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

30232. *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural

pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource-dependent activities...

30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

30222.5. *Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.

30241.5. *(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of “viability” shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, “area” means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

30242. *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

30243. *The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to*

other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.

30244. *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Analysis

Together, these policies evince a strong legislative intent to protect, preserve, and enhance natural resources, both aquatic and terrestrial. Marine resources such as on- and offshore environments, wetlands, and coastal waterways are to be protected and restored, and the Coastal Act prescribes certain development parameters for these locations that are generally limited to coastal-dependent uses such as fishing, necessary marine-centered commerce, and aquaculture. Land resources such as prime agricultural lands, productive soils, timberlands, and visual resources are to be preserved and enhanced for continued, sustainable use, and must not face encroachment from urbanization except in limited circumstances (such as nonviability).

The proposed amendment includes changes to LUP Chapter 5 including by renaming it to “Agriculture, Natural Resources, and Conservation”. Unlike the amendments to the previously discussed LUP chapters, which were complete replacements, the County has opted to retain this chapter and amend the already-certified LCP policies. Notably, the County does not propose any substantive amendments to LUP provisions pertaining to ESHA, riparian corridors, wetlands, coastal watersheds, timberlands, geological and mineral resources, or paleontological resources (see, for example proposed renumbered LUP Policies ARC-3.1.1 through ARC-3.1.13 related to ESHA and ARC-3.2.1 through ARC-3.2.5 related to habitat restoration, ARC-3.3.1 through 3.3.11 related to riparian corridors and wetlands, and ARC-4.1.1 through ARC-4.1.14 related to aquatic and marine resources, among others). These existing policies, which again will be left largely unchanged, provide strong protections for these key coastal resources.

In addition, the proposed amendment includes new LUP provisions that pertain to Tribal resources, specifically adding requirements for consultation with Tribal leaders when amending the GP/LCP, and these additions only strengthen the LCP in terms of protecting cultural resources and can be found consistent with Coastal Act Section 30244’s intent to appropriately understand, address, and mitigate potential impacts to archaeological and paleontological resources, including via undergoing appropriate

tribal consultation as part of that process. Similarly, the amendment includes proposed additional policies pertaining to the protection of open space throughout Santa Cruz County, which center around using open space designations to further protect and manage coastal resources, including agricultural lands and recreational pursuits, and thus these, too, can be found consistent with the Coastal Act.

However, the County proposes amendments to existing LUP provisions that pertain to agricultural lands, specifically the County's proposal to allow the conversion of commercial agricultural land to non-agricultural uses (see previous discussion of proposed LUP Policy BE-5.1.3), which require modification to maintain consistency with the Coastal Act. Proposed LUP Policy ARC-1.3.1 sets forth the circumstances to allow the conversion of commercial agricultural lands to non-agricultural uses, which include: 1) a determination that the land is not viable, presently or in the future, for "farming or other allowable agricultural uses"; 2) findings are made that new information has been presented to demonstrate that the conditions on the land in question do not meet the criteria for commercial agricultural land; and 3) the conversion of such land will not impair the viability of, or create potential conflicts with, other commercial agricultural lands nearby. Coastal Act Sections 30241, 30241.5, and 30242, on the other hand, include additional requirements for when agricultural land is converted, including that conflicts between urban and agricultural land uses be minimized by: establishing stable boundaries between urban and rural areas; limiting conversions of agricultural lands around of the peripheries of urban areas to the lands where the viability is already severely limited; maintaining consistency with Coastal Act Section 30250 (concentrating infill development), by developing available lands not suited for agricultural use first, and that all nearby development will not impair the viability of prime agricultural lands; all in addition to the amendment's proposed criteria to convert agricultural lands to non-agricultural uses. Therefore, **Suggested Modification 16** includes these provisions.

Other suggested modifications to LUP Chapter 5 include adding more specific resource protections regarding public service and facility expansions through agricultural lands (with language again taken directly from the Coastal Act Section [here 30241(e)]); strengthening proposed LUP Policy ARC-1.4.6, by requiring clustering of development on the least viable portion of the parcel when allowing residential development on parcels zoned for commercial agriculture consistent with Coastal Act Section 30241; broadening the requirements to monitor all types of water quality, not just groundwater, near the County's Buena Vista and Watsonville City Landfills consistent with Coastal Act Section 30231's water quality protections including minimizing wastewater discharge and controlling runoff; strengthening proposed LUP Policies ARC-5.1.3 and ARC-5.1.12 pertaining to visual resource protection by requiring that visual resources are permanently protected as opposed to only over the life of a proposed development project and by requiring that new development within the Swanton Road Coastal Special Scenic Area is hidden from public view to the greatest extent possible feasible, consistent with Coastal Act Section's 30251's requirements to protect and enhance public views to and along coastal scenic areas and that new development within the County's designated scenic areas shall be subordinate to the character of its setting (in this case, the Swanton Road Coastal Special Scenic Area); and omitting proposed LUP

Strategy ARC-3.4f from the LCP because it speaks to enforcing leash laws, which is better served under the purview of County Parks and law enforcement agencies.

In sum, the proposed amendments to LUP Chapter 5, Agriculture, Natural Resources, and Conservation are either mostly minor in nature or retain existing certified policies without substantive amendment, specifically those which protect and preserve ESHA, riparian corridors, wetlands, coastal watersheds, timberlands, geological and mineral resources, and paleontological resources. The more major amendments proposed do include strong protections for agricultural lands, especially when considering the conversion of commercial agricultural lands to non-agricultural uses, and visual resources, and with the suggested modifications can be found consistent with the Coastal Act.

f. Parks, Recreation, and Public Facilities

Applicable Coastal Act Policies

In addition to the policies that protect and enhance public coastal access as it relates to development, the Coastal Act also requires the protection and provision of public recreational facilities, such as oceanfront and near-shore park facilities and upland areas suitable for recreation. Furthermore, the Act includes a number of policies which regulate public facilities and infrastructure, requiring that new public works facilities are commensurate with the scale and pace of other types of development in an area so as to conserve valuable resource such as energy and water. The Act also requires that the Commission advance the principles of environmental justice and equality in its decision making, including by taking appropriate actions to ensure the full and equal access of all persons to the benefits of coastal resources, regardless of race, national origin, ethnicity, religion, age, sex, sexual orientation, color, genetic information, disability, or socioeconomic status. Finally, the Act requires that the Commission take into account the effects of sea level rise in its actions, including to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise. Applicable Coastal Act Sections include:

30013. *The Legislature further finds and declares that in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission and all public agencies implementing the provisions of this division. As required by Section 11135 of the Government Code, no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division.*

30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

30221. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

30224. *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

30234. *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

30234.5. *The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public*

works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

30255. *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

30270. *The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.*

Analysis

The Coastal Act protects and preserves coastal areas, both oceanfront and upland, suitable for recreational uses and reserves these areas for such use, where feasible. These protections are distinct from the more specific requirements for access to and along the shoreline (discussed more fully in previous sections), given the clear economic and social benefit to improved recreational facilities within the coastal zone. Additionally, the Coastal Act seeks to protect commercial and recreational fishing activities and minimize potential conflicts between the two. The Coastal Act also regulates public works facilities to ensure that such facilities are only permitted when necessary to meet the needs of existing development and uses so as to not overburden natural resources or waste energy.

The proposed amendment package also includes amendments to LUP Chapter 7, Parks, Recreation, and Public Facilities. In many respects, the proposed amendment would retain existing certified LUP policies which fulfill the above-described Coastal Act directives, including to protect, reserve, and prioritize recreational uses on suitable oceanfront, near-shore, and upland lands; promote the acquisition of additional park lands in tandem with population growth and seek to improve existing and new public park and trail facilities; recognize the importance of and protect commercial and recreational boating pursuits; require the conservation of vital resources such as water and energy; and regulate the extent to which public works facilities may operate in order to sustain existing development and uses while protecting undeveloped areas from unfettered urban encroachment (see, for example, proposed LUP Policies PPF-1.2.1 through PPF-1.2.5 and PPF-2.1.1 through PPF-2.1.12 related to public recreational facilities, PPF-2.2.1 through PPF-2.2.19 related to suitable lands for parks and park acquisition, and PPF-3.1.1 through PPF-3.4.9 related to public facilities, among others, in **Exhibit 2B**). For the most part, the amendment includes a number of minor changes for simplification and modernization of the existing LUP provisions which do not substantively alter their authority or applicability. Other proposed changes to LUP Chapter 7 include the relocation of certain coastal access provisions from this chapter to

proposed Chapter 3, Access and Mobility, which is discussed above in the section titled “Access and Mobility”.

One proposed LUP Policy, PPF-2.6.10, raises questions as to its conformity with Coastal Act requirements related to the protection and provision of public recreational facilities states. The policy states: “maintain scenic vistas and overlooks to the extent feasible acknowledging that climate change will permanently change landforms and that the County may no longer have the fiscal resources to feasibly maintain some vistas.” While it is true that climate change will stress existing visual access points and scenic overlooks, especially in light of an evolving understanding of the impacts of sea level rise, this does not obviate the responsibility of coastal jurisdictions such as Santa Cruz County to protect, maintain, and enhance visual resources and coastal access pursuant to the Coastal Act, which does contemplate and is sensitive to the effects of a changing climate. Rather, local governments are tasked with analyzing their inventory of coastal access sites, and developing mechanisms to preserve, protect, and alter these accessways to an adapting climate as opposed to simply letting them disappear one-by-one, pursuant to Coastal Act Section 30270. Therefore, **Suggested Modification 23** deletes this policy from the proposed amendment, because the proposed policy would conflict with Coastal Act Sections 30221 and 30223’s requirements to provide and protect public recreational facilities such as the scenic overlooks contemplated here, and would not be consistent with the Coastal Act Section 30270 requirement to avoid and mitigate the adverse effects of sea level rise, especially potential impacts to coastal scenic vistas and public coastal access sites.

Finally, proposed LUP Strategy PPF-2.6a seeks to develop a fee program to supplement the ongoing maintenance of scenic vistas and overlooks throughout the County’s coastal zone. Similar to proposed LUP Policy AM-6.3.6 discussed previously, which seeks to evaluate fee programs for coastal access parking, this type of coastal overlook fee program may have the potential to restrict coastal access, especially coastal access enjoyed by lower-income individuals, and thus **Suggested Modification 24** requires that any such fee program must not impact public coastal access, including by evaluating a fee program that does not directly assess fees at coastal access points, instead directing the County to accrue such funds through other means. With this suggested modification, proposed LUP Strategy PPF-2.6a will be consistent with the Coastal Act’s mandate for preserving, maintaining, and enhancing said access, especially by considering the principles of environmental justice and equality to ensure that any potential fee program does not put an undue burden on low-income persons and families by requiring payment to access the coast.

In conclusion, the vast majority of the proposed amendments to LUP Chapter 7, Parks, Recreation, and Public Facilities are minor in nature and do not lessen the effect of the existing LUP policies, and the remaining proposed amendments with suggested modifications will maintain or enhance existing requirements for broader coastal recreational pursuit protection, public park availability, and the adequate regulation of public works facilities, and can thus be found consistent with applicable Coastal Act requirements.

g. Glossary and Appendices

The proposed amendments also include changes to the LUP's Glossary of Definitions and would incorporate LUP Appendices A—N (fourteen in all) into the LCP. With respect to the proposed changes to the Glossary, nearly all of the definitions are terms that are already used in the LCP elsewhere, and thus the proposed changes only serve to clarify and more clearly delineate the existing terms/definitions. However, the County's proposed definition for the California Coastal Commission is overly specific and not quite reflective of the Commission as an agency, including by detailing how LCP amendments are processed. This definition is specified elsewhere in the LCP (specifically in the provisions for amending the LCP), and so **Suggested Modification 25** simplifies this definition to state, "a state agency that plans and regulates the use of land and water in the coastal zone." Additionally, the proposed definition of a Local Coastal Program does not include the certified Land Use Maps, nor does it explicitly state that the LCP is the legal standard of review for the issuance of CDPs within the County's LCP jurisdiction, and so **Suggested Modification 26** includes this information.

With respect to proposed LUP Appendices A—N, these cover topics such as reference citations, the County's planning history, specific environmental justice policies (some of which are also LCP policies), coastal priority acquisition sites, how the County conducts its mapping efforts, and the Land Use Designation Maps, among other things (see **Exhibit 2B** for these Appendices). These proposed Appendices simply round out and provided helpful background information to support the LUP, and some Appendices are being carried over from the current LCP, and as such can be approved as submitted.

2. Proposed Implementation Plan Amendment

The proposed LCPA package also includes complementary amendments to its Implementation Plan (IP). A total of eleven sections and/or facets of the IP are proposed to be modified, including: rezoning ten parcels within the County's coastal zone; moving a number of IP Chapters to be included all under Title 18, Procedures (IP Chapters 13.01, 13.02, 13.03, and 13.36) and updating some provisions of these chapters; updating the zoning regulations (IP Chapter 13.10) to add a new mixed-use commercial zoning district, reflect new allowed uses in most zoning districts, update development standards to promote densification in existing developed areas, and other minor modernization changes; making minor changes and updates to the site development and design review standards (IP Chapter 13.11); distilling a number of provisions from other IP sections regarding parking and circulation into proposed IP chapter 13.16; clarifying principal permitted uses in the coastal zone regulations (IP Chapter 13.20) for purposes of appealability to the Commission; making minor changes to the roadway and roadside improvements provisions (IP Chapter 15.10); updating the agricultural land preservation and protection provisions (IP Chapter 16.50) to implement and reflect proposed changes to the LUP regarding conversion of agricultural lands to nonagricultural uses; and amending a number of provisions in Title 18, Procedures regarding the new permit framework, CDP noticing procedures, and CDP amendment procedures, as well as consolidating a number of other IP Chapters and Sections into new chapters in Title 18.

See **Exhibit 3** for the full text of these proposed IP amendments, and **Exhibit 6** for the proposed changes to the Zoning Map.

These changes can be broadly categorized as: 1) standalone amendments independent of the already described LUP changes; 2) amendments to implement and reflect the proposed changes to the LUP; and 3) code simplification, modernization, or reorganization without major changes; as discussed in more detail below.

a. Zoning Changes for Ten Parcels

Analysis

The proposed amendment would change the zoning of ten parcels within the County's coastal zone (see **Exhibit 4** for a parcel-specific summary of these proposed changes), nine of these being parcels for which the County has also proposed a land use designation change (see previous discussion herein of these land use designation changes). The zoning changes for the nine re-designated parcels would implement and accurately reflect the land use designation changes, which have already been found consistent with the Coastal Act. Seven of these nine are parcels located in the Live Oak area, and all have been re-designated to the Urban High Density Residential (R-UH) land use designation as part of the proposed amendment package. The LUP Policy that corresponds to the Urban High Density Residential Land Use Designation states:

BE-2.1.5 (LCP) Urban High Density Residential (R-UH). *The R-UH designation characterizes residential development at 11 to 30 units per gross acre in areas within the USL served by a full range of urban services, with neighborhood shopping facilities and with multimodal access to activity centers. R-UH is appropriate for developments that may include small lot detached single-family homes, attached single-family homes, duplexes, triplexes, quadplexes, townhomes, condominium units, mobile home parks, small apartment buildings, and senior communities.*

The seven parcels are currently zoned for general commercial uses, specifically either neighborhood commercial (C-1), professional administrative office (PA), or commercial services (C-4), and are proposed to be rezoned multi-family residential (RM), which is defined in IP Section 13.10.231(F) as:

Specific RM Multifamily Residential District Purposes. *To provide for areas of residential uses with a variety of types of dwellings in areas which are currently developed to an urban density or which are inside the urban services line or rural services line and have a full range of urban services.*

All seven of these parcels (APNs 032-032-46, 032-032-47, 032-032-48, 032-032-49, 032-032-50, 032-075-02, and 032-075-03) are located within the Portola Drive commercial corridor in the Live Oak area within the USL, and are served by a full range of urban services, with neighborhood shopping facilities and multi-modal transportation access nearby. Therefore, an RM zoning for these seven parcels properly implements their redesignated land use designation (R-UH), and thus these zoning changes can be

found consistent with and adequate to carry out the policies of the Land Use Plan, as amended.

Additionally, the proposed amendment would rezone another parcel (APN 028-401-14) in the immediate area of the above-described parcels which is already designated R-UH (in the existing LUP and was not modified as part of the proposed amendment package). The existing zoning is RM, with an allowed minimum density of 3,000 square feet of net site area per dwelling unit. The County proposes to increase this density to 1,500 square feet of net site area per dwelling unit, while maintaining the RM zoning. The R-UH land use designation does not differentiate between the two densities, and is designed for high densities such as this. Thus, this zoning change can also be found consistent with and adequate to carry out the policies of the certified Land Use Plan.

The eighth of the nine parcels is located in the town of Davenport (APN 058-081-13), and has been re-designated as Commercial Neighborhood (C-N) as part of the subject LCPA; the C-N land use designation states:

BE-3.1.2 (LCP) Neighborhood Commercial (C-N). *The C-N designation characterizes small-scale neighborhood or visitor-oriented retail sales, restaurants, recreational equipment sales, and personal services. This designation may also be appropriate for mixed-use commercial/residential development, small offices, community facilities including child care facilities, schools and studios, rental services, and similar types of retail, public/quasi-public and service activities. Within the USL/RSL, C-N parcels should be within walking distance of neighborhoods and/or visitor attractions. In rural areas, C-N parcels should be centrally located to serve rural communities, or on sites appropriate for neighborhood corner markets.*

The existing zoning for this parcel is Single-Family Residential (R-1) and the proposed zoning is Neighborhood Commercial (C-1), which is defined in IP Section 13.10.331(E) as:

Specific C-1 Neighborhood Commercial District Purposes. *To provide compact and conveniently located shopping and service uses to meet the limited needs within walking distance of individual urban neighborhoods or centrally located to serve rural communities. Neighborhood commercial uses and facilities are intended to be of a small scale, with a demonstrated local need or market, appropriate to a neighborhood service area, and to have minimal adverse traffic, noise, or aesthetic impacts on the adjacent residential areas.*

This parcel is located in the immediate Davenport town center within the RSL and currently hosts a small-scale restaurant that serves the community and visitors to the area. This proposed zoning change from R-1 to C-1 properly implements the C-N land use designation, and thus can be found consistent with and adequate to carry out the policies of the certified Land Use Plan.

The final of the nine parcels with a new land use designations (via the subject LCPA) is located in the La Selva Beach area (APN 045-371-02), and has been re-designated as Urban Low Density Residential (R-UL); the R-UL land use designation states:

BE-2.1.3 (LCP) Urban Low Density Residential (R-UL). *The R-UL designation characterizes residential development at four to ten units per gross acre within the USL or RSL on lots served by a full range of urban services. R-UL is appropriate for developments that may include detached single-family homes or two attached single-family homes, duplexes, and small lot single-family detached houses.*

The current zoning for this parcel is Public and Community Facilities (PF) and the proposed zoning is Single-Family Residential (R-1), which is defined in IP Section 13.10.321(D) as:

Specific R-1 Single-Family Residential District Purposes. *To provide for areas of predominantly single-family residential development in areas which are currently developed to an urban density or which are inside the urban services line or rural services line and have a full range of urban services, or are planned for a full range of urban services.*

This parcel is located in an area already dominated by R-1 zoning and uses, and the parcel currently hosts a single-family residence. This proposed zoning change from PF to R-1 aligns the zoning with the current use of the land, and properly implements the R-UL land use designation, and thus can be found consistent with and adequate to carry out the policies of the certified Land Use Plan.

In sum, all of the proposed zoning changes for ten parcels within the County's coastal zone properly implement the respective land use designations, and thus can be found consistent with and adequate to carry out the policies of the certified Land Use Plan.

b. Zoning Regulations

The proposed amendment also includes a number of changes to IP Chapter 13.10, Zoning Regulations, including: two new zoning districts, one residential and one commercial; additional allowed uses for most zoning districts; minor changes to the development standards for certain zoning districts and uses; changes to implement the amendments to the LUP; and, other minor amendments for simplification and/or organization. These changes are discussed in more detail below.

i. New Zoning Districts

Applicable Land Use Plan Policies

The County proposes two new zoning districts, Residential Flex (RF) and Workplace Flex (C-3), which are both intended for more flexible uses of land within the USL at medium-to-high densities, and located along developed commercial and residential corridors in close proximity to existing public services and multi-modal transportation. Applicable LUP Policies include:

BE-2.1.6 (LCP) Urban High Density Flex Residential (R-UHF). *The R-UHF designation characterizes residential development at 22 to 45 units per gross acre within the USL, served by a full range of urban services, located within or with easy access to activity centers, multimodal corridors, mobility hubs, and on key opportunity sites. R-UHF is appropriate for compact units in housing types such as quadplexes, apartment buildings, townhomes, and condominiums. Ground floor commercial use is allowed if compatible with surrounding land uses.*

BE-3.1.3 (LCP) Community Commercial (C-C). *The C-C designation characterizes concentrated commercial uses within the USL/RSL that serve the general shopping, entertainment, service, and office needs of community or region-wide market areas. C-C is appropriate for retail sales, personal services, offices, hotels, schools, restaurants, entertainment venues, and similar types of community and visitor-serving activities, as well as mixed-use commercial/residential development and public/quasi-public uses.*

C-C parcels should be located within existing or planned activity centers. Amendments to land use designations to establish C-C parcels outside of activity centers require County approval of a master plan, specific plan, and/or planned unit development, in order to carefully review for consistency with County economic vitality objectives.

BE-3.1.4 (LCP) Professional and Administrative Offices (C-O). *The C-O designation characterizes non-retail employment-based uses in buffer areas between residential neighborhoods and more intensive commercial development, as well locations where a demonstrated need for professional services exists, such as medical and employment activity centers. C-O is appropriate for professional and administrative offices, medical offices, research labs with high employment density, public/quasi-public uses, mixed-use commercial/residential development, and limited retail, restaurant, service, and other land uses that are secondary to, and supporting, office use.*

BE-3.1.6 (LCP)(EJ) Service Commercial and Light Industrial (C-S). *The C-S designation characterizes a range of commercial services and light industrial activities including assembly and manufacturing; commercial service facilities such as auto repair, contractors' yards, warehousing and storage; and outdoor sales facilities, such as nurseries, lumber yards, and boat and auto sales. Ancillary land uses are allowed including office and retail uses associated with items produced on site, and services for employees such as restaurants and cafes, personal services, and child care.*

C-S uses are generally most appropriate within the USL in locations with access to appropriate routes for freight and goods movement, where the impacts of noise, traffic, and other nuisances and hazards associated with such uses will not adversely affect other land uses. C-S uses with high employment density and managed impact to neighborhoods may be

appropriate in employment-based activity centers. Low-impact C-S uses with large land requirements, and which do not rely upon urban infrastructure, may be more appropriate in rural areas along appropriate routes for freight and goods movement, outside of the USL/RSL.

Analysis

The Residential Flex (RF) zoning district is proposed specifically to implement the new Urban High Density Flex Residential (R-UHF) land use designation, defined in proposed IP Section 13.10.321(G) as:

Specific RF Residential Flexible District Purposes. *To accommodate a greater intensity of residences along and near public transportation corridors within the County's urban services line, creating opportunities for infill housing available to residents at various income levels and household sizes, including workers, students, singles, and seniors, specifically by encouraging compact attached housing units. Parcels within the RF Zone District shall be located in areas with a full range of urban services and in close proximity to commercial services, schools/colleges, major employment centers, and/or Multimodal Corridors as mapped in the Santa Cruz County General Plan/Local Land Use Plan. Ground-floor commercial uses may be appropriate in the RF district if compatible with adjacent land uses.*

LUP Policy BE-2.1.6 identifies the intention behind the RF zoning district, including allowing greater intensities of residential density along and near public transportation corridors, envisioning a mixed type and style of dense housing types, and explicitly allowing mix of commercial on the ground floor with residential above if compatible with adjacent land uses. The R-UHF land use designation and RF zoning district are both proposed to be added as part of this LCP amendment, with the clear intent of complementing one another well, and so the RF zoning district can be found consistent with and adequate to carry out LUP Policy BE-2.1.6.

The Workplace Flex (C-3) zoning district is proposed as a more flexible commercial zoning type that can accommodate multiple types of land uses supporting a mixture of office, retail, research, and light industrial land uses. Similar to the RF zoning district, the C-3 zoning district is also intended for parcels located along major corridors and near central activity centers. IP Section 13.10.331(G) defines the C-3 zoning district as:

Specific C-3 Workplace Flex District Purposes. *To provide centers of employment with a flexible mixture of office, retail, research, and light industrial land uses as well as ancillary sales, customer service, and public facilities uses to meet the daily needs of workers. C-3 District parcels should make efficient use of urban infrastructure and should accommodate flexibly-built spaces for multiple business types and changing business needs over time. The C-3 District is intended for parcels located along major corridors and in activity centers within the Urban Services Line, with a General Plan designation of community commercial (C-C), professional and administrative office (C-O), or service commercial and light industrial (C-S).*

LUP Policies BE-3.1.3, BE-3.1.4, and BE-3.1.6 establish the community commercial (C-C), professional and administrative office (C-O), and service commercial and light industrial (C-S) land use designations, which together envision land uses that provide for a range of commercial needs, such as retail, customer service, administrative, professional, and small-scale public facilities like schools. The C-3 zoning district would provide for a mixture of these uses, and is intended to be located in areas with full public services that may have changing business needs over time. This zoning district would allow for a mix of C-C, C-O, and C-S land uses, and as such can be found consistent with and adequate to carry out LUP Policies BE-3.1.3, BE-3.1.4, and BE-3.1.6.

ii. Additional Allowed Uses

Analysis

The proposed IP amendments also include updates to the allowed uses for all zoning districts (agricultural, residential, commercial, industrial, parks and recreation, public and community facilities, timber production, and special use) to modernize and expand the types of land uses that each zoning district can accommodate. These changes are almost entirely intended simply to update the allowed uses for the County's zoning districts, consistent with the overall intent of the Sustainability Update LCP amendment to modernize the LCP. For example, proposed additional agricultural uses include farm equipment maintenance, community harvesting programs, and "agri-tourism", where community members can visit agricultural operations so long as agricultural viability is not impacted or overburdened. These proposed additional uses arose from extensive outreach with farmers and farm communities, and are intended to help agricultural properties and businesses diversify including to help preserve the viability of maintaining agriculture on the property long term. Other examples include better defined commercial uses in commercial zoning districts, like wineries, tasting rooms, and more modern uses that are not currently reflected in allowed commercial uses. For the most part, these additional uses are ancillary to the primary uses allowed in each zoning district, and are consistent with the intent of each zoning district.

Overall, these additional uses are non-substantive, and will not alter the current intent of each zoning district or the types of uses already allowed in each. Furthermore, all types of uses within the coastal zone will still require discretionary CDP review, and these review standards are not changing. Thus, these additional uses can be found consistent with and adequate to carry out the certified policies of the LUP, as they do not significantly alter the allowed and appropriate land use types in each zoning district.

iii. Development Standards Changes

Analysis

The proposed amendments also include certain changes to the development standards for various residential zoning districts including R-1 parcels between 2,500 and 4,000 square feet in size, multi-family residential (RM), rural residential (RA and RR), and various commercial (C-1, C-2, C-3, C-4, VA, CT, and PA) zoning districts. Overall, these changes are relatively minor, entailing slight increases in the allowed densities, maximum parcel coverage, and building heights. For example, the R-1 and RM zoning

districts would allow for 45% parcel coverage as opposed to the current 40%, and the maximum building height for the RM zoning district would increase from 28 feet to 35 feet. Also, the maximum allowed height in all commercial zoning districts would increase from 35 feet to 40 feet. In all, these changes are confined to zoning districts that are located within the USL/RSL within already existing developed areas, and would allow for further densification and infill development. The LUP broadly envisions focusing new and expanded development within already developed parts of the County, and these changes will further encourage the implementation of more sustainable development patterns through infill development. Thus, the proposed changes in the development standards will encourage focused infill development in currently developed areas, and can be found consistent with and adequate to carry out LUP Policies BE-1.1.1, BE-1.1.2, BE-1.1.4, BE-2.1.4, BE-2.1.5, and BE-2.1.9, which speak to focusing infill development in already developed areas supported by a full range of urban services, and require sustainable development patterns that consider the finite resources and land area available to sustain continued development.

iv. Corresponding IP Changes

Analysis

Because this LCP amendment also constitutes an amendment to the LUP, a number of the proposed IP amendments are simply intended to mirror and implement the LUP, as amended. In most cases, the proposed IP amendments intended to carry out the amendments to the LUP are minor and merely capture changes made to the LUP. Examples of this include IP sections that speak to community events and weddings (proposed IP Sections 13.10.614—13.10.616) which are accounted for via LUP Policies BE-3.4.4 and AM-4.1.13 (Temporary Events), additional IP language (throughout the Zoning Regulations) that reflects new LUP policies that support enhancements to public transportation and multi-modal connectivity throughout the County, and updated language throughout to reflect the County's new permit framework.

Still, there are aspects of the LUP amendments that required modifications in order to be found consistent with the Coastal Act (again, see suggested modifications in **Exhibit 1**). Perhaps most notably, suggested modifications were made for proposed LUP Policies BE-5.1.3 and ARC-1.3.1, pertaining to the conversion of commercial agricultural lands to non-agricultural uses (see previous discussion on these proposed policies above in the evaluation of the proposed LUP amendment). Accordingly, proposed IP Section 13.10.314 is the implementing section of these LUP policies, outlining the required findings for non-agricultural uses on commercial agricultural lands, and requires similar modification in order to make the requisite LUP Policy consistency findings. Therefore, **Suggested Modification 27** simply adds a reference to LUP Policies BE-5.1.3 and ARC-1.3.1, specifically identifying that the requirements set forth LUP Policies BE-5.1.3 and ARC-1.3.1 must also be adhered to in addition to the findings detailed in proposed IP Section 13.10.314 in order to allow nonresidential conditional uses on land zoned Commercial Agricultural (CA) as well as Commercial Agriculture with the "Agricultural Preserve" Combining District (CA-P). With this suggested modification, this IP section can be found consistent with and adequate to carry out the policies of the certified LUP, as modified.

v. Other Changes

The proposed amendment also includes minor proposed changes throughout the Zoning Regulations, which seek to simplify, clarify, or otherwise modernize existing IP language. These changes are non-substantive, and do not alter the intent or consistency with the certified policies of the LUP.

Additionally, in amending the Zoning Regulations, the County made some minor edits to IP Section 13.10.324(D), which seeks to harmonize Density Bonus Law (DBL) with the LCP. This section requires that all density bonus projects are found in conformity with the LCP provisions and that there will be no impact on coastal resources as a result of any additional concessions, waivers, or incentives approved pursuant to Government Code Section 65915 (Density Bonus Law). In order to further support this goal of harmonizing DBL and the LCP and to help simplify how to harmonize the two laws, **Suggested Modification 28** provides an analytical framework for the review of Density Bonus Projects, including by requiring an analysis of the “base project” (without additional density under DBL) and the “density bonus project” (with concessions, waivers, or incentives under DBL) and identifying any coastal resource impacts associated with it. The certified LUP speaks to this goal of harmonizing the two provisions,²⁹ and thus with the suggested modifications, the amendments to IP Section 13.10.324(D) can be found consistent with and adequate to carry out the policies of the certified LUP.

c. Site Development and Design Review

Analysis

The proposed amendments also include changes to IP Chapter 13.11, Site Development and Design Review Regulations. More specifically, these changes include establishing a new “site development permit” (SDP), required for certain project that involve the physical development of a site, as well as other changes that specify to what projects special design review criteria apply. SDPs can be minor (administrative processing, no public notice), administrative (administrative processing, public notice without public hearing), and conditional (fully discretionary, with a publicly noticed hearing). Most types of development, e.g.: single-family residential development of three or more units on one site, multi-family residential development, auxiliary storage structures, exterior remodels, signs, and most agricultural support facilities (such as offices, storage, and maintenance sheds) will require an SDP in addition to a CDP (see proposed IP Section 13.11.040).

The proposed amendments also include new design criteria, which will complement the Santa Cruz County Design Guidelines adopted by the County to guide sustainable development, promote aesthetically pleasing design, and promote environmental consciousness. These criteria include environmental considerations for building and site design by requiring clustered development on environmentally sensitive sites, promoting infill development within the USL/RSL before additional development in areas outside of

²⁹ See for example proposed LUP Policies and Implementing Strategies BE-2.1.1, BE-2.1.9, BE-2.3.7, and BE-2.3e in **Exhibit 2A**.

the USL/RSL (in other words, the County's rural and less-developed areas that are not supported by a full range of public services), protecting visual resources such as scenic public viewsheds and open spaces, requiring sustainable elements such as water conservation through drought tolerant design, retaining existing trees onsite to the extent possible, and imposing strict landscaping requirements for all development types.

Overall, because these changes to IP Chapter 13.11, Site Development and Design Review, will require additional site review and approval for physical site development via SDPs with a clear lens for the environment and sustainable development, this IP Chapter would fulfill the overarching goals of the LUP³⁰ (especially because this entire LCP amendment seeks to be a true "Sustainability Update") and will be even more protective of coastal resources. Thus, the proposed changes to the County's Site Development and Design Review Regulations can be found consistent with and adequate to carry out the policies of the certified LUP.

d. Coastal Zone Regulations

Analysis

The proposed amendment also includes changes to IP Chapter 13.20, Coastal Zone Regulations, with respect to the provisions pertaining to the appealability of projects to the Commission. Specifically, the proposed amendments attempt to detail which uses in the Coastal Zone are "principal permitted uses" for each zoning district for the purposes of appealability, pursuant to Coastal Act Section 30603(a)(4), which states:

30603(a). *After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:*

... (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) [of the Coastal Act].

Although the existing LCP does allude to principally permitted uses for each zoning district within the coastal zone, proposed IP Section 13.10.121 explicitly lists the "Coastal Zone Principal Permitted Use" (CZP) for each zoning district. However, this proposed IP section allows for multiple types of uses in each zoning district in many cases (e.g., a residential use on an agriculturally zoned parcel) and therefore these CZPs would not constitute a single principal permitted use as set forth in Coastal Act Section 30603(a)(4).³¹ As a result, County staff and Commission staff have worked

³⁰ For example, LUP Policy BE-1.1.4 requires the siting of new development within already developed areas with adequate public services and LUP Policies BE-4.2.1 through BE-4.2.10 require environmentally conscious design, including water conservation, retention of green spaces, energy conservation, building clustering, and design elements that complement and conform to the surrounding community character.

³¹ Coastal Act Section 30603 sets forth the types of development appealable to the Commission following certification of an LCP. Among them, include "any development approved by a coastal county that is not

together to craft **Suggested Modification 29** to proposed IP Section 13.10.121 to establish one principal permitted use for each zoning district for the purposes of appealability to the Commission. Though the LUP does not speak specifically to principal permitted uses for the purposes of appealability to the Commission, this modification will serve to maintain consistency with the Coastal Act, from which the LUP derives its authority.

e. Agricultural Land Preservation and Protection

Analysis

Much like the proposed changes to the Zoning Regulations with respect to maintaining consistency with the proposed LUP amendments as they pertain to the conversion of agricultural lands to non-agricultural uses, the County proposes to amend its Agricultural Land Preservation and Protection Regulations, IP Chapter 16.50 to accommodate the allowance for such conversions. Specifically, the proposed changes to IP Section 16.50.050 closely follow proposed LUP Policies BE-5.1.3 and ARC-1.3.1 (which will be certified upon County acceptance of **Suggested Modifications 3** and **16**). IP Section 16.50.050 details the process by which the Board of Supervisors may change the land use designation and zoning district of agricultural lands in the coastal zone (which would still require review and certification by the Commission, as this action would constitute an amendment to the certified LCP Land Use and Zoning Maps), and with **Suggested Modification 30** will maintain consistency with LUP Policies BE-5.1.3 and ARC-1.3.1, as so modified by the Commission. Thus, with this suggested modification, the proposed amendments to IP Chapter 16.50 can be found consistent with and adequate to carry out the policies of the certified LUP, as modified.

f. Title 18 – Permit Framework, CDP Procedures, and IP Reorganization

Analysis

The proposed amendments include changes to its IP Procedures section, Title 18, which includes the necessary changes to implement the County's new permit framework (described in the "Description of Proposed LCP Amendment" section above), updates to its permit procedures, and the relocation of a number of other IP Chapters into new chapters within Title 18. With respect to the proposed permit framework, the proposed amendments shift from the current "approval level" categorization for its use approvals to a more descriptive permit scheme. Currently, County permits and/or approvals are categorized by levels, spanning from ministerial or minor administrative development review and uses clearances (Levels I-IV) to discretionary, more substantial project review that requires a public hearing conducted by at least the Zoning Administrator (Levels V-VII). For example, CDPs are currently processed at least at Approval Level V³², which is a discretionary review that requires a publicly noticed hearing at the Zoning Administrator. The proposed amendments would replace these approval levels with more descriptive nomenclature based on the type of approval

designated as **the principal permitted use** under the zoning ordinance or zoning district map approved pursuant to Chapter 6" (emphasis added).

³² Save for some CDPs, such as for accessory dwelling units, which are processed at Approval Level IV, which is an administrative review with public notice consistent with state ADU laws.

necessary, such as “minor”, “administrative”, and “conditional”. Under the proposed permit framework, Approval Level V would be called “Conditional Use Approval”, but the noticing requirements, the approving body, and the required findings and conditions will not change. In actuality, the proposed changes to the permit framework are mostly aesthetic in nature, and specifically for the purposes of CDPs issued within the County’s coastal zone, the review afforded to proposed development will not change. In sum, the proposed changes to the County’s permit framework are minor in nature, and do not constitute a substantive change to the review afforded to CDPs which will still require the current, certified findings and conditions, and thus can be found consistent with and adequate to carry out the policies of the certified LUP, which requires that all development within the coastal zone is reviewed for consistency with LCP policies and provisions (LUP Policy BE-5.1.1) and requires that the IP establish the permit review procedures (LUP Implementing Strategy BE-5.1a).

With respect to permit procedures, a number of changes to the provisions of IP Chapter 18.10 as they pertain to permit noticing, permit time extensions, and permit amendments are proposed. In terms of permit noticing, the proposed amendment would add IP Sections 18.10.113, 18.10.115—18.10.119, and 18.10.121 related to CDP public noticing requirements, and amend IP sections 18.10.120 and 18.10.124 to update the required noticing procedures for all permits, including CDPs. Most of these changes would retain the County’s existing noticing practices and are largely consistent with the Commission’s CDP noticing requirements (14 CCR § 13054, 13063, and 13302; and as specified for local governments in 13560-13574). These proposed requirements include details on neighborhood mailing notification, posting, the contents of notices, alternative noticing procedures, and noticing for continued hearings. The County proposes these changes to clarify and simplify noticing requirements, and in doing so, have made some changes that are not fully consistent with the Commission’s regulations. Proposed IP Section 18.10.119 allows for alternative noticing procedures that are not afforded to local governments by the Commission’s regulations, and proposed IP Section 18.10.124 only requires noticing of a hearing continuance if a specific date is not set, also something that the Commission’s regulations do not specify (and in fact, Commission continuances require re-noticing). To resolve these inconsistencies between the proposed amendments and the Commission’s regulations, County and Commission staff have worked closely to craft friendly modifications to bring the IP amendment into alignment with the Commission’s regulations, and so **Suggested Modifications 31 and 32** do so by removing CDPs from the proposed alternative noticing procedures and by requiring re-noticing of all hearing continuances for CDPs.

In terms of permit time extensions, the County has proposed minor amendments to IP Section 18.10.133, which currently details the procedures for time extensions of discretionary permits, approvals, and land divisions. The main change is that time extensions of discretionary permits, including CDPs, would not require public notice. However, any time extension to a CDP would require public notice, pursuant to Section 13169 of the Commission’s regulations. Thus, **Suggested Modification 34** requires that time extensions for CDPs be processed according to the County’s CDP regulations, including public noticing requirements.

In terms of permit amendments, IP Section 18.10.134 details the procedures for amending County permits and approvals, and includes four types of amendments: 1) corrections, which are typically refinements to approved plans which do not alter the project in terms of scope, size, or intensity (e.g., editing a typo or addition of minor missing information); 2) minor variations, which changes an approved project in a noticeable but relatively minor manor, such as project design elements without changing the intensity or density; 3) modifications, which includes changes caused by new information that requires a change in one or more aspect of planning approval; and, 4) major amendments, which is any change that does not qualify as a correction, minor variation, or modification as described above. The County's proposed changes to IP Section 18.10.134 would relax the noticing requirements for minor variations by not requiring public notice. Because all of these types of amendments except corrections may constitute a change to an approved project, these would trigger the Commission's typical CDP amendment requirements, including re-noticing the proposal. Therefore, **Suggested Modification 35** requires that all types of amendments except corrections for CDPs will require at least public notice, and that major amendments will be processed at the same approval level, including public noticing and hearing requirements, as the original approval.

Finally, with respect to the relocation of a number of IP Chapters and Sections to Title 18, the County proposes to move the following IP Chapters and Sections to be new chapters within Title 18:

- IP Section 18.10.128, Requests for Reasonable Accommodations, will now be IP Chapter 18.20, and there are no proposed amendments to the chapter.
- IP Sections 18.10.180—18.10.185, Planned Unit Developments, will now be IP Chapter 18.30, and there are no proposed amendments to this chapter.
- IP Sections 13.10.150—13.10.170 and 13.10.215, Zoning Map and Zoning Ordinance Text Administration, will now be IP Chapter 18.40, and there are no proposed amendments to this chapter.
- IP Chapter 13.01, General Plan Administration, will not be IP Chapter 18.50, and there are only minor language amendments proposed for this chapter.
- IP Chapter 13.03, Local Coastal Program Administration, will now be IP Chapter 18.60, and there are some proposed amendments for this chapter which deserve analysis, which is provided below.
- IP Chapter 13.02, Special Plan Administration, will now be IP Chapter 18.70, and there are no proposed amendments to this chapter.
- IP Chapter 13.36, Development Agreements, will now be IP Chapter 18.80, and there are no proposed amendments to this chapter.

In terms of proposed IP Chapter 18.60, Local Coastal Program Administration, this has been relocated from deleted IP Chapter 13.03. This chapter adopts the various County Code Sections and Ordinances into the LCP, which were previously certified by the Commission. In the “relocation” process, it appears that the County erroneously omitted IP Chapter 15.05, Trail and Coastal Access Dedication, Standards, and Review, from the list of adopted IP Chapters. With the support of County staff, **Suggested Modification 37** merely retains this already-certified chapter in the LCP. Furthermore, this chapter mirrors the LUP in terms of resolving disputes between the IP and LUP (see the previous discussion on the proposed LUP Introduction herein). **Suggested Modification 1** to the LUP clarified how to resolve these disputes and that the LCP is the legal standard of review for the issuance of CDPs within the County’s coastal zone, and so **Suggested Modification 38** similarly updates proposed IP Chapter 18.60 accordingly.

Separately, IP Section 18.10.230 sets forth the required findings that must be made in order to issue discretionary permits and approvals, which includes CDPs. Currently, these findings do not include the specific requirement that any approval within the Coastal Zone must be consistent with the certified LCP, and so **Suggested Modification 36** adds this required finding for any permit or approval in the County’s coastal zone.

In sum, the proposed amendment includes a number of changes to Title 18, IP Procedures, including aligning this IP chapter with the County’s new permit framework, updating permit noticing and amendment procedures, and relocating a number of already-certified IP chapters to new chapters in Title 18, most without any changes but some with minor amendments. There are some discrepancies between the proposed amendments and the Commission’s regulations, and other sections implement some aspects of the LUP as modified by the Commission, and so County staff and Commission staff worked collaboratively to close these gaps. As such, with the suggested modifications, the amendments to Title 18, IP Procedures, can be found consistent with the Commission’s regulations, and consistent with and adequate to carry out the policies of the certified LUP, as modified.

g. Other

The proposed amendment package also includes some minor amendments to IP Chapters 12.01 (Building Permit Regulations) and 15.10 (Roadway and Roadside Improvements), and proposes a new IP Chapter 13.16, Parking and Circulation, which is a collection of already-certified IP sections regarding parking requirements. These changes are all non-substantive, and do not change the overall intent and effect of the existing LCP. In terms of IP Chapter 12.01 (Building Permit Regulations), the changes are simply to simplify some language, and clarify the required application procedures for building permits. Similar changes are proposed for IP Chapter 15.10 (Roadway and Roadside Improvements). Proposed IP Chapter 13.16 (Parking and Circulation) takes other IP sections and compiles them into one chapter, with minor language updates and other insignificant changes throughout. In all, these are all minor in scope, and therefore can be certified as submitted.

D. 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. Here, Santa Cruz County prepared and certified an EIR, including because components of its LCP amendment action affect legal requirements other than the LCP and therefore fall outside of the scope of Section 21080.9.

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, has addressed all comments received, and has concluded that the proposed LCP amendment is expected to result in significant environmental effects, including as those terms are understood in CEQA, if it is not modified to address the coastal resource issues identified herein (all above findings are incorporated herein in their entirety by reference). Accordingly, it is necessary for the Commission to suggest modifications to the proposed LCP amendment to ensure that it does not result in significant adverse environmental effects. Thus, the proposed LCP amendment as modified 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).

3. APPENDICES

A. Substantive File Documents³³

- Certified Santa Cruz County Local Coastal Program
- Sustainability Policy and Regulatory Update Environmental Impact Report
- Santa Cruz County Board of Supervisors Resolutions, Hearing Staff Reports, and Associated Documents
- LCP Amendment Submittal LCP-3-SCO-23-0004-1-Part B

B. Staff Contacts with Agencies and Groups

- Santa Cruz County Community Development and Infrastructure Department

³³ These documents are available for review from the Commission's Central Coast District office.