

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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Prepared January 30, 2024 for February 9, 2024 Hearing

To: Coastal Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director

Subject: Central Coast District Director's Report for February 9, 2024

The following coastal development permit (CDP) waivers, immaterial CDP amendments, immaterial CDP extensions, emergency CDPs, and LCP certification reviews for the Central Coast District Office are being reported to the Commission on February 9, 2024. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review from the Commission's Central Coast District Office in Santa Cruz. Staff is only reporting any emergency CDPs and LCP certification reviews, is asking for the Commission's concurrence on the other items in the Report and will report any objections received and any other relevant information on these items to the Commission when it considers the Report on February 9th during the hybrid virtual/in-person hearing.

With respect to the February 9th hearing, interested persons may sign up to address the Commission on items contained in this Report prior to the Commission's consideration of the Report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on February 9, 2024 (see attached)

CDP Amendments

- 3-18-1081-A1, Santa Cruz Wharf Repair and Maintenance (Santa Cruz)
- 3-19-0020-A1, San Simeon Wastewater Treatment Plant Outfall (San Simeon)
- 3-19-0106-A1, Port San Luis Harbor District Dredging (Avila Beach)

CDP Extensions

- A-3-SLO-00-040-E15, Schneider SFD (Harmony Coast)

CDP Waivers

- 3-24-0087-W, Old Fisherman's Grotto Pilings (Monterey)

LCP Certifications

- LCP-3-STC-23-0005-1-Part A, Small Housing Units (Santa Cruz)
- LCP-3-STC-23-0045-2-Part A, Downtown Plan Update (Santa Cruz)

Emergency CDPs

- None

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: January 26, 2024

To: All Interested Parties

From: Kevin Kahn, Central Coast District Manager
Kiana Ford, Coastal Planner

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-18-1081
Applicant: City of Santa Cruz

Original CDP Approval

CDP 3-18-1081 was originally approved by the California Coastal Commission on September 9, 2021 and authorized a five-year repair and maintenance program at the Santa Cruz Wharf meant to maintain its safe and reliable continued use. The CDP allowed for repair/replacement of damaged pier pilings and associated components, worn railing and pavement areas, and damaged buildings and other structures on the wharf. The CDP also included a series of required construction measures intended to ensure that impacts to the marine environment (including coastal water quality and wildlife) were avoided as much as possible. The CDP as a whole was intended to streamline regulatory review and to allow for more efficient implementation of necessary repair and maintenance activities, and it also included a built-in review mechanism to assess whether there were any changes needed based on lessons learned in its implementation.

Proposed CDP Amendment

The proposed amendment is the end result of consultation between City and Commission staff pursuant to the CDP's above-described review mechanism. Broadly, the proposed amendment would modify certain buffer requirements during nesting bird season, and would modify the CDP's duration/renewal and annual reporting requirements. More specifically, the CDP currently prohibits major maintenance activities (defined as activities that use any tools other than hand tools and small hand equipment) within 300 feet of nesting birds, as well as prohibiting all other maintenance activities within 50 feet of nesting birds for more than four hours a day and three days a week during nesting bird season. The proposed amendment would modify these parameters to allow for additional nuance and flexibility around resource protection standards during bird nesting season (e.g., reducing buffer distances depending on the type of tool used,¹ employing an on-site biologist when work necessarily extends

¹ For example, buffer distances for quieter equipment, such as circular saws, forklifts, and sanders, are being reduced from 300 feet to 25 feet when the deck, roof, or building serves as a barrier, and from 300 feet to 100 feet when there is no barrier. Conversely, for loud equipment such as jackhammers and pile driving equipment, buffer distances are being maintained at 300 feet regardless of whether a barrier is in place.

beyond four hours, erecting visual blinds for line-of-site nests, etc.). In addition, the proposed amendment would also allow extension of the CDP's term in additional 5 year increments so long as it's determined to be functioning properly in meeting project objectives consistent with the Coastal Act. All other terms and conditions of the CDP would remain as is and are not proposed for modification.² The Commission's reference number for this proposed amendment is **3-18-1081-A1**.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

As described above, when CDP 3-18-1081 was approved, it was recognized that the CDP may need to be modified based on lessons learned during its actual on-the-ground implementation, with a focus on understanding how the CDP's bird protection provisions affect repair and maintenance activities in real world conditions, and vice versa. In other words, it was acknowledged that there may be a variety of ways to balance construction and bird protection objectives, and so the CDP provided a means to consider modifications based on those lessons learned, including in terms of monitoring and other data collected during that time.

And in the time since CDP approval and project implementation, City and Commission staff have collaboratively worked to identify issues encountered and mutually agreeable ways to address such issues. The end result of this collaboration are the proposed amendment changes. At an overall level, while the CDP has worked well to facilitate needed and timely wharf repair and maintenance, the required nesting bird buffers have proven a challenge during implementation. For example, it has proven difficult to limit all repair and maintenance activities to outside of the primary nesting season, including as unexpected critical maintenance needs can and do arise, such as in response to the severe series of storms over the past two winters. Moreover, the wharf's surface and subsurface structure (e.g., including exposed beams and lattice work, roofs, eaves, etc.) readily lends itself to bird nesting, resulting in the majority of the wharf being subject to bird buffer restrictions during primary nesting season, meaning that any necessary activities at that time are waylaid by the CDP's restrictions.

The proposed changes would modify the CDP's bird buffer parameters by providing some additional flexibility related to buffer distance and associated protection measures, where all such changes were developed with the Commission's Ecologist team. And, to be clear, the Commission has in the past adjusted such measures to be more restrictive or more generous depending on the nature of work being done and/or the specific environment. In this case, the proposed adjustments are appropriate and tailored to this wharf specifically, particularly given the size of the wharf, the wharf's structural composition, historic bird nesting patterns, and the specific technical analyses provided. The proposed changes should not result in any adverse coastal resource impacts, including because such buffers and related measures are project-specific and an onsite

² Including terms and conditions providing for major and minor activities, piling replacement mitigation measures, and construction best management practices.

biologist will monitor any extended work taking place during nesting bird season (with an ability to stop work should any adverse impacts be identified). Furthermore, certain CDP requirements would be maintained (e.g., such as avoiding work before 10am when hatchlings are present so as to not impact the critical early morning bird feeding behaviors/habits). In sum, the proposed changes would help better facilitate any necessary work that must occur during nesting bird season, and at the same time ensure appropriate bird protections in a manner that is not expected to result in adverse coastal resource impacts (see such changes in Special Conditions 1, 4, and 7 in Exhibit 1).

As to the proposed changes to the CDP's duration/renewal and annual reporting requirements, such changes are modelled after similar such provisions in other longer term Commission CDPs. Given that lessons learned to date have helped to refine the CDP's parameters, it is also appropriate to allow a longer term and streamlined provisions for extension, as the need for re-review in the shorter term has lessened. Of course, City and Commission staff will continue to collaborate, and are prepared to work together on further needed adaptation through the CDP, as adaptation continues to be allowed and can be accommodated through the CDP's monitoring and reporting mechanisms.

In sum, the CDP as modified would continue to ensure the continued operation of the Santa Cruz Wharf in a manner protective of the environment, and can be found consistent with the Coastal Act.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The City of Santa Cruz, acting as the CEQA lead agency, adopted an Environmental Impact Report for the project in October 2020.

The Commission's review, analysis, and decision-making process for CDP-related matters, such as this, has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed immaterial CDP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed immaterial CDP amendment would necessitate. Thus, the proposed immaterial CDP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the

Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on Friday, February 9, 2024 at the hybrid virtual and in-person meeting at the Oceanside City Council Chambers. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application will be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Kiana Ford at the Central Coast District office at Kiana.Ford@coastal.ca.gov.

Exhibit 1: Proposed Changes to CDP Special Conditions 1, 4, and 7

- 1. Approved Project and CDP Duration.** This CDP shall be valid for five years from the date of Commission approval (i.e., until 5pm on September 9, 2026) unless the Permittee requests that the Executive Director extend that expiration date before September 9, 2026. If such a request is made, it shall only be accepted by the Executive Director if it is accompanied by an assessment of the project's operations and their effect on coastal resources to date. Such assessment shall discuss all Annual Post-Activity Monitoring Reports submitted under the CDP, and all steps taken to ensure that projects were consistent with the CDP and its terms and conditions. If the Executive Director determines that the approved project continues to operate in a manner that is consistent with the CDP's terms and conditions, including that it does not lead to any unforeseen and/or unaddressed adverse coastal resource impacts, then the Executive Director can extend the CDP's expiration date for an additional five years (i.e., until September 9, 2031). Subsequent Executive Director expiration extensions are also allowed under the same criteria, where the required assessment shall cover all years of program operation since the last assessment and shall provide past assessments as appendices. This CDP authorizes maintenance and repair activities at the Santa Cruz Municipal Wharf as described in the Wharf Maintenance Plan shown in **Exhibit 4**, as modified by the terms and conditions of the CDP.
- 4. Nesting Bird Surveys.** Nesting birds and their nests shall be protected during construction by use of the following measures:

 - a. Avoidance.** Maintenance and repair activities will occur outside the primary nesting season (i.e., March 15th through August 15th) as much as possible.
 - b. Pre-Construction Surveys.** For any work that would occur between March 15th and August 15th, pre-construction surveys will be completed by a qualified biologist, approved by the Executive Director, with experience in observing seabird reproductive and nesting behavior, to identify displays of nesting behavior and/or active nests (i.e., as occupied by eggs or nestlings). The following shall apply:

 - 1. Timing.** Surveys shall commence no more than 30 days prior to the initiation of construction and occur weekly thereafter over the breeding season, with the last survey occurring no more than 72 hours prior to the start of construction in any given area.
 - 2. Coverage.** Surveys may be focused on specific work areas rather than necessarily covering the entire Wharf structure and they may be sequenced as needed to address specific work areas and schedules over the course of the breeding season. Surveys shall be performed extending 300 feet from the project work area to locate any active nests, including areas above the wharf's deck (e.g., rooftops, eaves, etc.) and below the wharf's deck (e.g., substructures viewed from the water).
 - 3. Survey Maps.** Maps identifying the location of any active nests detected shall be provided, showing the date of survey and nest stage (e.g., eggs, nestlings,

etc.) and shall clearly delineate appropriate buffers (as defined in **Subsection(c)** below) to inform work plans for maintenance and repair activities.

- c. **Nest Identification and Buffers.** The qualified biologist shall identify nests weekly between March 15th and August 15th (i.e., “nesting season”). During nesting season, a no-disturbance buffer around the nests shall be maintained and all project work shall be prohibited halt within the buffer, until the qualified biologist determines the nest is no longer in use. The buffers shall be applied around active nests as follows:

~~1. **Major Activities Buffer.** A 300-foot buffer shall be applied between active nests and any major activities (see **Special Condition 2**), unless evidence is provided to the Executive Director to conclusively show that a different distance is appropriate, and the Executive Director concurs with that determination.~~

~~2. **Minor Activities Buffer.** A 50-foot buffer shall be applied between active nest sites and any minor activities (see **Special Condition 2**). Additional measures shall be applied to active nests located between 50 25 feet and 300 feet from minor repair and maintenance work sites as follows:~~

~~a. **Above Deck.** When only minor activities will be conducted along the topside of the wharf, work shall not commence prior to 10:00 AM and shall not exceed four hours per day or three consecutive days at a time. Should minor maintenance and repair work necessarily exceed the four hours per day or three consecutive days at a time threshold identified above, the qualified biologist shall conduct additional behavioral monitoring to assure that nesting seabirds are not being further impacted by the ongoing activities in close proximity. Once satisfied, the biologist may approve planned activities near observed nests. Under no circumstances shall buffers be less than 50 feet or shall work commence prior to 10:00 AM.~~

~~b. **Below Deck.** When only minor activities will be conducted along the underside or substructure of the wharf, the same restrictions as described above in (a) will apply. In addition, if minor activities are expected to exceed two hours in duration, blinds and similar materials shall be placed between the active nests and the work area to avoid visually disturbing nesting birds. The placement of the blinds shall be overseen by the qualified biologist, who will observe nest sites and parent behavior over the course of activities, or until he/she is satisfied that the nesting birds will not be significantly disturbed by the work in that area.~~

- ~~1. **Duration of Work.** During nesting season, work shall not be conducted at a single location (anywhere within a 500-foot radius of the initial worksite) for more than four hours a day or three consecutive days in a row, unless a qualified biologist is present on site and surveys bird behavior while work is ongoing to confirm that nesting seabirds are not impacted. Jackhammering~~

and pile driving may not occur for more than four hours per day, regardless of location and biologist presence.

2. **Timing of Work.** During nesting season, when the qualified biologist identifies the hatchlings are present on or under the wharf, work may not begin until 10 AM.
3. **Visual Blinds.** If work occurs within line of sight of any nest, visual blinds shall be erected under the supervision of the qualified biologist.
4. **Buffer Distances.** The buffers shall be applied around active nests as follows:
 - a. **Deck, Roof, or Building Serves as a Visual and Acoustic Barrier for Major Activities.** When the wharf deck, the roof of a building, or the building itself serves as a barrier between project work and the nest (i.e., when the nest and work are located on opposite sides of the deck, and work does not cut into the deck, or the nest is out of line of sight on a roof), a 25-foot buffer shall apply for the use of circular saws, compressors, generators, fork lifts, reciprocating saws, sanders, walk behind asphalt cutters, and hammer drills. A minimum 150-foot buffer shall apply for angle grinders, rotary hammers, chain saws, backhoes, impact drivers, and dump trucks, with a minimum 25-foot buffer allowed under the on-site, continuous supervision and approval of the qualified biologist. A 300-foot minimum buffer shall apply for jackhammers, pile driving activities, and all other major activity tools not discussed above, whether a qualified biologist is present or not, unless acoustic evidence is submitted, and the Executive Director concurs that a reduced buffer is appropriate.
 - b. **Deck, Roof, or Building Does Not Serve as a Visual and Acoustic Barrier for Major Activities.** When the wharf deck, the roof of a building, or the building itself not serve as a barrier between project work and the nest (i.e., work and the nest are located on the same side of the deck, work cuts into the deck, or the nest is on a roof but within line of sight), a 100-foot buffer shall apply for the use of circular saws, compressors, generators, fork lifts, reciprocating saws, sanders, and walk behind asphalt cutters. This 100-foot buffer may be reduced to a 50-foot minimum buffer under the on-site, continuous supervision and approval of the qualified biologist. A 300-foot buffer shall apply for the use of hammer drills, angle grinders, rotary hammers, chain saws, backhoes, impact drivers, and dump trucks. This 300-foot buffer may be reduced to a 150-foot minimum buffer under the continuous supervision and approval of the qualified biologist. A 300-foot minimum buffer shall apply for jackhammers, pile driving activities, and all other major activity tools not discussed above, whether a qualified biologist is present or not, unless acoustic

evidence is submitted, and the Executive Director concurs that a reduced buffer is appropriate.

- c. **Minor Activities Buffer.** A 25-foot buffer shall be applied between active nest sites and any minor activities (see Special Condition 2).

5. **Construction Halts.** If under any circumstances either construction staff or the qualified biologist observes signs of nesting distress (e.g., parents flush from the nest and do not readily return as activities continue, anxious warning calls, etc.), then work shall be stopped immediately, and the qualified biologist shall consult with the Executive Director to determine necessary modifications to activities. Activities shall resume only after the biologist and the Executive Director are satisfied that the modifications are sufficient to avoid continued disturbance to the nests.

- d. **Reporting.** The qualified biologist shall submit brief monthly behavior observation reports for any construction activities observed during nesting season. Should the qualified biologist stop work at any point, they shall notify the Executive Director immediately. Additionally, Annual nesting survey reports shall be submitted to the Executive Director in the Post-Activity report (see **Special Condition 7**). The report shall include: the maps from each nest survey conducted that year; a brief narrative describing the survey methods and observations of the species' tolerances to noise, vibration, and visual disturbance cues; a record of maintenance and repair activities carried out during the nesting season, including their location relative to active nests; changes to nests and populations possibly due to reduced buffers; and a discussion of any incidents that have resulted in a need for further consultation with the qualified biologist and/or the Executive Director.

7. **Annual Work Plan and Post-Activity Monitoring Reports.** The Permittee shall submit, for review and written approval by the Executive Director, an Annual Work Plan that lists all anticipated routine repair and maintenance for the upcoming calendar year. The Permittee shall also submit, for Executive Director review, an Annual Wharf Maintenance Monitoring Report that describes all work completed during the previous calendar year as well as any issues encountered in terms of ensuring compliance with that year's Annual Work Plan. In addition, the Annual Wharf Maintenance Monitoring Report shall include all biological monitoring reports and maps (see **Special Conditions 3(d)(2) and 4(e)**), any reports of complaints and the investigation of these complaints, any reports of work stoppages related to work crew biological monitoring, and a visual post-winter inspection report of any pilings installed or any damage to piles or coatings and repairs needed or made. The Annual Work Plan shall be submitted annually by January 31st beginning in 2022; the first Annual Wharf Maintenance Monitoring Report shall be submitted annually by January 31st beginning in 2023. ~~The first Annual Report shall be brought to the Coastal Commission for review and possible action to modify this CDP's terms and conditions as necessary to address any CDP implementation difficulties as may be identified in the first full year of the CDP's effectiveness,~~

~~provided such modifications are consistent with required coastal resource protection.~~

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

Date: January 26, 2024

To: All Interested Parties

From: Kevin Kahn, Central Coast District Manager
Devon Jackson, Central Coast Coastal Planner

Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-19-0020
Applicant: San Simeon Community Services District

Original CDP Approval

CDP 3-19-0020 was originally approved by the Coastal Commission on July 11, 2019, and it recognized a series of projects at the San Simeon Community Services District's (CSD) wastewater treatment plant (WWTP) in San Simeon, including after-the-fact authorizations for a riprap revetment fronting the WWTP (completed in 1983), replacement of a portion of the ocean outfall pipeline (completed in 1984) and other outfall-related repairs and replacements (completed between 2010-2013), improvements to a pipe support structure across Arroyo del Padre Juan Creek, including placement of riprap at abutments (completed in 1995), full replacement of the pipe support structure (completed in 1999), and various other after-the-fact structural upgrades at the WWTP itself. The CDP also authorized augmentation of the revetment by adding two feet to its height, and a complete inspection of the outfall to assess its structural integrity, and, if repairs or other improvements were identified, for CSD to submit a CDP amendment application to authorize such work. Finally, the CDP authorized a 10 year term in which time CSD is to plan for and execute the relocation of WWTP functions to a more inland location or locations, removal of WWTP and related development (including the outfall pipeline), restoration of the WWTP site to natural bluff, creek, and beach conditions, and donation of the site to a public agency for open space/park purposes.

Proposed CDP Amendment

Based on the aforementioned outfall inspection, the outfall has some structural deficiencies that need correcting, and thus CDP 3-19-0020 would be amended to allow for an initial dive survey to identify and refine current conditions on and around the pipeline, relocation of any built up materials at the end of the pipeline, installation of a concrete mattress at the end of the pipeline (to keep it affixed in place on the ocean bottom), placement of multiple concrete-filled burlap sacks along the ocean bottom under free spanning sections of the pipeline (to ensure stability), and installation of an anode bracket at the end of the pipeline (to be used to remotely assess its condition over time). All previous terms and conditions of the Commission's original CDP approval would be unchanged. The Commission's reference number for this proposed amendment is **3-19-0020-A1**.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The purpose of the proposed project is to address certain structural deficiencies identified by CSD as part of its CDP-required outfall inspection. Portions of the outfall structure¹ are unsupported (i.e., elevated above the ocean bottom),² and the project would bolster physical support under these sections with cement-filled burlap sacks.³ In addition, the end of the outfall would be supported with a 20-foot-long by 5-foot-wide and 8-inch thick concrete 'mattress' that would similarly serve to anchor the outfall's terminus in place.⁴ No work is proposed on any sensitive hard bottom substrate (e.g., rocky reefs), and will only take place on sandy bottom areas as those are the places where such shifting sands have resulted in underlying 'voids' leading to structural integrity issues. The project includes a series of construction best management practices to avoid adverse impacts to marine resources, including pre-construction surveys identifying the precise location of any hardbottom substrate, an oil spill prevention plan, worker environmental awareness training, and biological monitoring. Construction is expected to be two to three days in duration. In sum, the proposed project is relatively minor, will facilitate the continued safe use of the WWTP's outfall during its continued operation, won't affect the CDP's basic framework for relocation/removal/restoration/dedication, and includes construction measures to avoid any significant marine resource concerns. The proposed project can therefore be found consistent with the Commission's original CDP approval and the Coastal Act.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment.

The Commission's review, analysis, and decision-making process for CDP-related matters, such as this, has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded

¹ The outfall structure is an approximately 8-inch diameter and 840-foot long plastic pipeline that is coated in concrete that terminates in some 30 feet of ocean water offshore from the WWTP.

² These unsupported pipeline sections total some roughly 50 nonconsecutive linear feet.

³ The sacks would occupy about 3 square feet underneath the pipeline at each location, totaling some approximately 150 square feet of coverage underneath the pipeline altogether. The use of cement filled sacks as a method to support such ocean pipelines is a fairly common practice, and is generally preferred from an environmental standpoint because it doesn't require the installation of permanent metal or concrete embedded pipeline supports.

⁴ Where this type of structural support mechanism is a fairly common practice for ocean pipelines for similar reasons.

that approval of the proposed immaterial CDP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed immaterial CDP amendment would necessitate. Thus, the proposed immaterial CDP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on February 9, 2024 at the Coastal Commission's hybrid virtual and in-person meeting in Oceanside. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application will be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Devon Jackson in the Central Coast District office at Devon.Jackson@coastal.ca.gov.

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NOTICE OF PROPOSED PERMIT AMENDMENT

Date: January 26, 2024
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Devon Jackson, Central Coast Coastal Planner
Subject: Proposed Amendment to Coastal Development Permit (CDP) 3-19-0106
Applicant: Port San Luis Harbor District

Original CDP Approval

CDP 3-19-0106 was approved by the Coastal Commission on May 8, 2019 and authorized Port San Luis Harbor District (PSLHD) to dredge up to 75,000 cubic yards of sandy sediment annually for five years within a three-acre area adjacent to Harford Pier at the Port San Luis Harbor to prevent shoaling of navigational channels and boat launching facilities. The CDP also authorizes a series of sediment testing and marine resource/water quality provisions, and deposition of such sandy dredged materials for beach nourishment purposes if it meets specified criteria. The project is located in Port San Luis Harbor, including coastal waters adjacent to the Harford Pier, West Bluff Beach, Fisherman's Beach, and Olde Port Beach, in Avila Beach, San Luis Obispo County.

Proposed CDP Amendment

CDP 3-19-0106 would be amended to extend the CDP term one additional year until February 25, 2025. All other terms, conditions, and dredging parameters remain the same. The proposed time extension will allow the Port to prepare a more long-term authorization, including by syncing up the CDP with the term for the Harbor's Army Corps of Engineers' dredging permit. Thus, the purpose of this one-year extension is to allow for the Harbor to remain functional in the interim period while the Harbor District seeks another longer-term permit for these activities. The Commission's reference number for this proposed amendment is **3-19-0106-A1**.

Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

As indicated above, the CDP was originally approved by the Coastal Commission on May 8, 2019, and included a 5-year term with an expiration date of February 25, 2024. The proposed amendment simply extends the validity of the CDP for one additional year so as to allow Port staff additional time to develop a longer-term dredging CDP. All

dredging parameters specified in the existing CDP, including in terms of avoidance and mitigation measures, water quality and sediment testing, and beach nourishment (which have been shown to be clean and beneficial for reuse per submitted monitoring reports to date), remain the same. As such, the proposed amendment will not have any adverse impacts on coastal resources, and can be found consistent with the Coastal Act.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment.

The Commission's review, analysis, and decision-making process for CDP-related matters, such as this, has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed immaterial CDP amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed immaterial CDP amendment would necessitate. Thus, the proposed immaterial CDP amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on February 9, 2024, at the Coastal Commission's hybrid virtual/in person meeting in Oceanside. If three or more Commissioners object to the Executive Director's determination of immateriality at that time, then the application will be processed as a material CDP amendment.

If you have any questions about the proposal or wish to register an objection, please contact Devon Jackson in the Central Coast District office at devon.jackson@coastal.ca.gov.

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NOTICE OF PROPOSED PERMIT EXTENSION

Date: January 26, 2024
To: All Interested Parties
From: Kevin Kahn, Central Coast District Manager
Devon Jackson, Central Coast Coastal Planner
Subject: Proposed Extension to Coastal Development Permit (CDP) A-3-SLO-00-040
Applicant: Dennis Schneider

Original CDP Approval

CDP A-3-SLO-00-040 was approved by the Coastal Commission on January 10, 2008 and provided for the construction of a single-family residence with an attached garage, a detached indoor lounge/pool structure, water well, septic system, water tanks, underground utility connections, landscaping necessary to screen the development, fencing around the residential development area and water tanks, and a driveway/access road, all on a 40.6-acre parcel located west of Highway 1 approximately one-half mile south of China Harbor and one mile north of Villa Creek Road along the Harmony Coast in San Luis Obispo County.

Proposed CDP Extension

The expiration date of CDP A-3-SLO-00-040 has been extended 14 times in the past, and is proposed to be extended by one year again here. The new expiration date would be January 10, 2025. The Commission's reference number for this proposed extension is **A-3-SLO-00-0040-E15**.

Executive Director's Changed Circumstances Determination

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified San Luis Obispo County Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

Coastal Commission Review Procedure

The Executive Director's determination and any written objections to it will be reported to the Commission on February 9, 2024 at the Commission's hybrid virtual and in-person hearing in Oceanside. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

If you have any questions about the proposal or wish to register an objection, please contact Devon Jackson in the Central Coast District office at Devon.Jackson@coastal.ca.gov.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
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NOTICE OF PROPOSED PERMIT WAIVER

Date: January 30, 2024

To: All Interested Parties

From: Kevin Kahn, Central Coast District Manager
Katie Butler, Central Coast District Supervisor

Subject: Coastal Development Permit (CDP) Waiver 3-24-0087-W
Applicant: Chris Shake (Old Fisherman's Grotto)

Proposed Development

Replacement of four decaying wood piles with three new 15-inch diameter reinforced concrete piles and replacement of wraps at the base of 17 piles beneath the Old Fisherman's Grotto restaurant at 39 Fisherman's Wharf (Wharf #1) in the City of Monterey.

Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed project involves replacement of three decaying wood dock piles and replacement of existing wraps at the base of 17 additional piles, all of which support the Old Fisherman's Grotto (Grotto) restaurant located on the City of Monterey's historic Fisherman's Wharf.¹ The compromised piles place the wharf structure and the restaurant at risk and require immediate attention for safety purposes. The four new piles would be in the same locations as the existing piles and would be at the same diameter than the existing piles. The piles would be hydraulically jetted into the seabed floor and poured in place and would be consistent with Commission water quality staff's recommendations for utilization of inert materials for in-water structures. The Applicant has incorporated the Commission's standard Best Management Practices (BMPs) for overwater structures and pile work into the project description and plans. These BMPs protect the marine environment by ensuring collection and containment of construction debris, spill prevention, and general good housekeeping of the site at all times. The Applicant has also incorporated other marine protection measures such as pre-construction surveys for black abalone and the placement of a silt curtain during jetting. The Applicant received other necessary authorizations from the Army Corps of Engineers, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service

¹ While the City is generally responsible for the repair or maintenance of the pilings underneath the central public walkway of the wharf, each individual wharf tenant is responsible for the repair and maintenance of the pilings that structurally support the square footage of their respective businesses.

through the Corps' Regional General Permit (RGP 32) for Wharf #1, which includes similar water quality and marine species protections, including a qualified biological monitor during construction. In sum, the proposed pile replacements and repairs will protect and maintain the existing wharf structure, and the project's potential for adverse impacts on coastal resources will not be significant. Accordingly, the project can be found consistent with the Coastal Act as it will not have any significant adverse impacts to coastal resources, including sensitive aquatic species and public access to the shoreline.

California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. The City of Monterey, acting as lead CEQA agency, determined that the proposed project was categorically exempt from CEQA review pursuant to Section 15301 (as a minor alteration to existing facility with no expansion of use), and thus the City did not identify any significant adverse environmental effects from the proposed project.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed CDP waiver is not expected to result in any significant environmental effects, including as those terms are understood in CEQA.

Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed CDP waiver would necessitate. Thus, the proposed CDP waiver will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Friday, February 9, 2024 during the hearing in Oceanside. If three or more Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

If you have any questions about the proposal or wish to register an objection, please contact Katie Butler (Katie.Butler@coastal.ca.gov) in the Central Coast District office.

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F12

Prepared January 26, 2024 (for February 9, 2024 Hearing)

To: Coastal Commissioners and Interested Persons

From: Kate Huckelbridge, Executive Director
Kevin Kahn, Central Coast District Manager
Kiana Ford, Coastal Planner

Subject: Certification Review for City of Santa Cruz LCP Amendment Number LCP-3-STC-23-0005-1-Part A (Small Housing Units)

On October 13, 2023, the California Coastal Commission considered a proposed City of Santa Cruz LCP amendment (LCP-3-STC-23-0005-1-Part A) to rename Small Ownership Units (SOU's) as Flexible Density Units (FDU's), amend their standards, and conduct clarifying changes to Single Room Occupancy (SRO's) regulations. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of Santa Cruz City Council considered the Commission's conditional certification on December 12, 2023, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications (see attachment).

The Executive Director has reviewed the City's December 12, 2023 action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's February meeting on February 9, 2024 as part of the Central Coast District Director's Report. The Commission meeting starts at 9am on February 9th, and the District Director's Report is item number 12 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the City adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in

LCP-3-STC-23-0005-1-Part A (Small Housing Units) Certification Review

that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the Central Coast District Director's Report, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the Central Coast District office at (831) 427-4863 and/or centralcoast@coastal.ca.gov.

Attachment: City of Santa Cruz City Councils' December 12, 2023 Action

ORDINANCE NO. 2023-14

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 24.12 OF THE CITY OF SANTA CRUZ MUNICIPAL CODE AND LOCAL COASTAL PROGRAM TO CLARIFY CERTAIN REGULATIONS FOR FLEXIBLE DENSITY UNITS

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

Section 1. Section 24.12.1520 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.12.1520 DEVELOPMENT STANDARDS.

1. **Density.** FDU units shall comply with the underlying development standards of the zoning district in which they are located, except that requirements for minimum lot area per dwelling unit shall not apply to FDU units.
2. **Unit Size.** The floor area of FDU units may range from a minimum of two hundred twenty square feet to a maximum of six hundred fifty square feet.
3. **Minimum Dwelling Units Requirement.** Residential or mixed-use projects shall contain at least three dwelling units to qualify for use of the FDU unit type. FDU units can count towards this requirement.
4. **Open Space.** FDU units shall comply with the underlying development standards of the zoning district in which they are located, except that requirements for minimum open space per dwelling unit shall not apply to FDU units. In lieu of the district regulations for open space, minimum usable open space per dwelling unit for FDU units shall be defined by Section 24.12.1530.
5. **Storage Facilities.** All FDU units shall have access to private usable storage space containing a minimum of two hundred cubic feet. The required storage space may be incorporated into private garages or carports; provided, that the garage or carport has adequate space for a vehicle, as required by Part 3, Chapter 24.12.
6. **Bicycle Parking.** One Class 1 bicycle storage facility shall be provided for each FDU unit. The required private usable storage space provided for each FDU unit may be utilized to meet this requirement.
7. **Covered Parking.** Covered parking is not required.
8. **Zoning.** In addition to the permitted land use districts in Chapter 24.10, FDUs shall be permitted in the Central Business District (CBD) pursuant to the Development Standards and Design Guidelines section of the Downtown Plan.

ORDINANCE NO. 2023-14

9. FDUs in Density Bonus Projects. When FDUs are proposed as part of a density bonus application, sections (a) and (b), below, shall be used to calculate the allowable residential density, or conforming base project, upon which the density bonus application is based. Both of the following conditions shall apply to the units in the density bonus application:
- a. The average unit size for the base project must be equal to or greater than the average unit size for the density bonus application.
 - b. The percentage of units in the base project that are FDUs must be equal to or less than the percentage of units in the density bonus project that are FDUs.

Section 2. For areas of the City outside the Coastal Zone this ordinance shall take effect and be in force thirty (30) days after final adoption, and for areas of the City located inside the Coastal Zone this ordinance shall take effect and be in force thirty (30) days after final adoption but only following verification by the Executive Director of the California Coastal Commission that the approved ordinance conforms to the modifications requested by the California Coastal Commission.

PASSED FOR PUBLICATION this 28th day of November, 2023, by the following vote:

- AYES: Councilmembers Newsome, Brown, Watkins, Brunner, Kalantari-Johnson;
Vice Mayor Golder; Mayor Keeley.
- NOES: None.
- ABSENT: None.
- DISQUALIFIED: None.

APPROVED: _____

Fred Keeley, Mayor

ATTEST: _____

Bonnie Bush, City Clerk Administrator

ORDINANCE NO. 2023-14

PASSED FOR FINAL ADOPTION this 12th day of December, 2023 by the following vote:

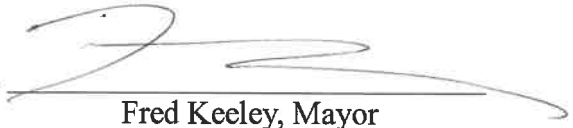
AYES: Councilmembers Newsome, Brown, Watkins, Brunner, Kalantari-Johnson;
Vice Mayor Golder; Mayor Keeley.

NOES: None.

ABSENT: None.


DISQUALIFIED: None.

APPROVED:



Fred Keeley, Mayor

ATTEST:



Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2023-14 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.



Bonnie Bush, City Clerk Administrator

CALIFORNIA COASTAL COMMISSION

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F12

Prepared January 26, 2024 (for February 9, 2024 Hearing)

To: Coastal Commissioners and Interested Persons

From: Kate Huckelbridge, Executive Director
Kevin Kahn, Central Coast District Manager
Kiana Ford, Coastal Planner

Subject: Certification Review for City of Santa Cruz LCP Amendment Number LCP-3-STC-23-0045-2-Part A (Downtown Plan Update)

On December 15, 2023, the California Coastal Commission considered a proposed City of Santa Cruz LCP amendment (LCP-3-STC-23-0045-2-Part A) to update the LCP's "Downtown Plan", which provides development standards, design guidelines, and other requirements for new construction in the City's downtown area located about a half-mile inland from the shoreline. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The City of Santa Cruz City Council considered the Commission's conditional certification on January 23, 2024, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications (see attachment).

The Executive Director has reviewed the City's January 23, 2024 action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's February meeting on February 9, 2024 as part of the Central Coast District Director's Report. The Commission meeting starts at 9am on February 9th, and the District Director's Report is item number 12 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the City adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by

the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the Central Coast District Director's Report, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the Central Coast District office at (831) 427-4863 and/or centralcoast@coastal.ca.gov.

Attachment: City of Santa Cruz City Councils' January 23rd, 2024 Action

RESOLUTION NO. NS-30,284

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ACCEPTING CALIFORNIA COASTAL COMMISSION MODIFICATIONS TO DOWNTOWN PLAN AMENDMENTS AND LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN AND MAKING THOSE AMENDMENTS TO THE DOWNTOWN PLAN AND LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN RELATING TO AFFORDABLE HOUSING IN-LIEU FEES ASSOCIATED WITH NONRESIDENTIAL PROJECTS REQUESTING ADDITIONAL HEIGHT, AND DIRECTING THE PLANNING DIRECTOR TO TRANSMIT THE ACCEPTANCE TO THE CALIFORNIA COASTAL COMMISSION

WHEREAS, pursuant to authority delegated to the City of Santa Cruz by the California Coastal Commission, the City of Santa Cruz regulates development in the portion of the coastal zone that lies within the City Limits and that is outside of the original jurisdiction of the California Coastal Commission; and

WHEREAS, Chapter 4 (Development Standards and Design Guidelines) of the Downtown Plan is part of the Local Coastal Program; and

WHEREAS, the City Planning Commission held a public hearing on September 21, 2023 and found that the public necessity, and the general community welfare, and good zoning practice shall be served and furthered with the adoption of the Downtown Plan amendments; and that the proposed amendments are in general conformance with the principles, policies and land use designation set forth in the General Plan and Local Coastal Land Use Plan; and

WHEREAS, on October 24, 2023 the City Council adopted Resolution NS-30,231 amending the Downtown Plan and Local Coastal Program, and directed City Staff to submit those amendments to the California Coastal Commission for certification; and

WHEREAS, on December 15, 2023, the California Coastal Commission held a public hearing on the amendments to the Local Coastal Program implementing the Downtown Plan amendments adopted by the City Council and certified the amendments to the Downtown Plan with modifications; and

WHEREAS, the California Coastal Commission sent a letter dated January 16, 2024 that identified the Commission's action at their December 15, 2023 hearing, and through separate correspondence, provided the modified language approved by the Coastal Commission at that hearing; and

WHEREAS, the City Council considered and acted upon the California Environmental Quality Act ("CEQA") analyses, findings, and determinations associated with the initial amendment package on October 24, 2023; those determinations are consistent with and remain unchanged by the minor amendments associated with the Coastal Commission's action that are the subject of this resolution; and insofar as the proposed changes to the Downtown Plan are amendments to the Local Coastal Program Implementation Plan, the application of the proposed amendments in the coastal zone is statutorily exempt from California Environmental Quality Act

RESOLUTION NO. NS-30,284

("CEQA") review pursuant to CEQA Guidelines Section 15265 and the California Public Resources Code Section 21089.9;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Santa Cruz City Council hereby accepts the California Coastal Commission's suggested modifications to the Downtown Plan and adopts modifications to the Downtown Plan and Local Coastal Program Implementation Plan consistent with the changes requested by the Coastal Commission, as shown in Exhibit A attached hereto.

BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz City Council hereby directs the Director of the Planning & Community Development Department or their designee to transmit this acceptance and any adopted resolution that incorporates these modifications to the California Coastal Commission for concurrence by its Executive Director.

PASSED AND ADOPTED this 23rd day of January, 2024, by the following vote:

AYES: Councilmembers Newsome, Brown, Brunner, Kalantari-Johnson; Vice Mayor Golder; Mayor Keeley.

NOES: None.

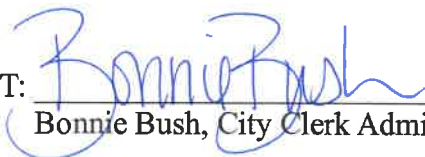
ABSENT: Councilmember Watkins.

DISQUALIFIED: None.

APPROVED:


Fred Keeley, Mayor

ATTEST:


Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-30,284
EXHIBIT A

In Section H Additional Height Zones of the Downtown plan, Subsection H.1 on or about Pages 72-73 of the Downtown Plan shall be amended as follows to note that in Subsection 1.b.vi, the in-lieu fee shall be a minimum of \$5 per square foot.

Editorial notes: 1) All other Subsections under H.1 (e.g., H.1.a, and H.1.c through H.1.e) remain unchanged. 2) Bolded information below is to highlight the changes associated with this ordinance and shall not be bolded in the final version of the approved Downtown Plan.

1. Additional Height Zone A.

Properties on Pacific Avenue and within 150 feet of Pacific Avenue between Water and Lincoln Streets, and within 200 feet of Pacific Avenue between Lincoln and Laurel Streets (as measured perpendicular from the property line along Pacific Avenue) , certain properties located on the east side of Cedar Street between Mission Street and Ocean Alley, and the west side of Front Street between Cathcart and Laurel Streets shall be considered within the "Additional Height Zone A", within which additional height above the 55 foot Base Height limit may be requested for buildings meeting certain criteria (See Figure A-1: Downtown Plan Heights). The intent of the Additional Height Zone A is to preserve the overall character of the existing development pattern, while allowing a discretionary intensification of use and increased height to maintain a compact urban core. For eligible development projects that overlap the Base Height and Additional Height Zone boundary, all portions of the project exceeding the 55 foot base height shall be located within to the Additional Height Zone as shown in Figure A-1.

- a. Eligible Development Projects. The granting of building height above the 55 foot Base Height limit is discretionary and requires a Design Permit with the recommendation of the Planning Commission to the City Council, which must approve the additional height. To achieve approval, the applicant must demonstrate that the proposed project meets the criteria described below. Applicants for development within the Additional Height Zone A may request additional height as indicated below, if one of the following conditions is met:
 - i. The aggregate parcel size is greater than 15,000 square feet, which may include land not located within the Additional Height Zone;
 - ii. The frontage along Pacific Avenue is greater than 150 feet, or at least 100 feet with 150 feet of frontage along an east-west street;
 - iii. The parcel is located between adjacent structures of four or more floors in height; or
- b. Additional Height Criteria for Project Approval. The development project shall be found consistent with the following overarching City objectives:
 - i. The additional height will help to achieve the First Principles of the Downtown Plan (e.g. form, housing, accessibility and open space).
 - ii. The additional height will contribute to an improved social and economic environment.
 - iii. The form of the development promotes the appearance of a grouping of buildings rather than large, monolithic building masses.
 - iv. The development receiving additional height will physically and/or financially

- contribute its fair share (through an Improvement District, Development Agreement or similar mechanisms) to the implementation of internal pedestrian connections between Pacific Avenue and Front Street.
- v. The additional height will help to meaningfully achieve one or more of the following key community objectives, including but not limited to: Economic Development Contributions to the Downtown, Affordable Housing, Day Care Center, exceed Green Building minimums, Incubator Space for Small Business, Public Access Easements, Public Right-of-way Improvements, Publicly Accessible Open Space, Structured or Shared Parking, and Transportation Demand Management concepts.
 - vi. Affordable Housing Public Benefit Fee For Non-Residential Projects. An application for additional height is voluntary. Because an applicant requesting additional height is receiving a benefit in the form of increased height and intensity, and to ensure that non-residential projects which are granted additional height reasonably contribute to the City's need for affordable housing, non-residential projects that are granted additional height shall be required to pay an in-lieu public benefit fee. **The in-lieu public benefit fee shall be a minimum** of \$5.00 per square foot of gross floor area occurring above the 55-foot Base Height limit (i.e., the additional gross floor area occurring within the project on levels that exceed the 55-foot Base Height limit). The fee shall be paid prior to occupancy of the project. All fees provided collected under this section shall be deposited in the City of Santa Cruz's affordable housing trust fund.

In Section H Additional Height Zones of the Downtown plan, Subsection H.2 on or about Pages 78-79 of the Downtown Plan shall be amended as follows to note that in Subsection 2.b.vii, the in-lieu fee shall be a minimum of \$5 per square foot.

Editorial notes: 1) All other Subsections under H.2 (e.g., H.2.a, and H.2.c through H.2.e) remain unchanged. 2) Bolded information below is to highlight the changes associated with this ordinance and shall not be bolded in the final version of the approved Downtown Plan.

2. Additional Height Zone B.

The Additional Height Zone B includes properties located on the east side of Front Street between Soquel Avenue and Laurel Street.

- a. Eligible Development Projects. The granting of building height above the 50-foot Base Height limit is discretionary and requires a Design Permit with the recommendation of the Planning Commission to the City Council, which must approve the additional height. To achieve approval, the applicant must demonstrate that the proposed project meets the criteria described below. Applicants for development within the Additional Height Zone B may request additional height as indicated below if one of the following conditions is met:
 - i. The aggregate parcel size is greater than 15,000 square feet;
 - ii. The frontage along Front Street is greater than 100 feet;

RESOLUTION NO. NS-30,284

- iii. The parcel is located between adjacent structures of three or more floors in height;
or
- b. Additional Height Criteria for Project Approval. The development project shall be found consistent with the following overarching City objectives:
 - i. The additional height will help to achieve the First Principles of the Downtown Plan (e.g. form, scale, housing, accessibility and open space);
 - ii. The additional height will contribute to an improved social and economic environment;
 - iii. The form of the development promotes the appearance of a grouping of buildings rather than large monolithic building masses;
 - iv. The development receiving additional height will physically and/or financially contribute its fair share (through an Improvement District, Development Agreement or similar mechanisms) to the implementation of internal pedestrian connections between Front Street and the Riverwalk;
 - v. The additional height will help to meaningfully achieve one or more of the following key community objectives, including but not limited to: Economic Development Contributions to the Downtown, Affordable Housing, Day Care Center, exceed Green Building minimums, Incubator Space for Small Business, Public Access Easements, Public Right-of-way Improvements, Publicly Accessible Open Space, Structured or Shared Parking, and Transportation Demand Management concepts.
 - vi. Clear demonstration of the public benefit relating to two principal objectives: high quality public access between Front Street and the river, and the appropriate treatment of the riverfront edge along the Riverwalk.
 - vii. Affordable Housing Public Benefit Fee For Non-Residential Projects. An application for additional height is voluntary. Because an applicant requesting additional height is receiving a benefit in the form of increased height and intensity, and to ensure that non-residential projects which are granted additional height reasonably contribute to the City's need for affordable housing, non-residential projects that are granted additional height shall be required to pay an in-lieu public benefit fee. **The in-lieu public benefit fee shall be a minimum of \$5.00 per square foot of gross floor area occurring above the 50-foot Base Height limit (i.e., the additional gross floor area occurring within the project on levels that exceed the 50-foot Base Height limit).** The fee shall be paid prior to occupancy of the project. All fees provided collected under this section shall be deposited in the City of Santa Cruz's affordable housing trust fund.