

Donovan Arteaga

From: Cove Britton <cove@matsonbritton.com>
Sent: Tuesday, October 21, 2025 4:21 PM
To: Donovan Arteaga
Cc: Manu Koenig; Kimberly De Serpa
Subject: Public comment letter regarding SB9
Attachments: F15b-11-2025-report.pdf

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Subject: Information Regarding Coastal Commission Correction to County “Zero Lot Area” Provisions that applies to the SB9 project on Beach Drive recently heard by the Planning Commission

Dear Planning Commissioners,

For your information, the California Coastal Commission’s November 2025 staff report (Item F15b – *Santa Cruz County LCP Amendment No. LCP-3-SCO-25-0051-2-Part D*) identifies a conflict between the County’s certified Land Use Plan (LUP) and Implementation Plan (IP) definitions of “gross site area.”

According to the Commission’s report, the IP currently excludes coastal bluffs, beaches, and land seaward of the mean high-tide line from gross site area, while the LUP does not. The report states that “*in the case of such conflict, the LUP would govern, defeating the purpose of the proposed IP language.*” The Commission staff therefore recommended that the County amend the LUP to correct this inconsistency.

Until that amendment is adopted by the Board of Supervisors and certified by the Coastal Commission, the “zero-lot-area” provisions in the IP have no effect under the certified LCP. As a result, recent permit decisions or denials that relied on that definition were based on language the Commission has now determined to be inconsistent with the controlling LUP.

This clarification from the Commission also indicates that, under the current certified LCP, standard conditions of approval should have been applied to projects such as the SB9 Huber application located without invoking the “zero-lot-area” restriction (and associated density issues) which conflicts with the LUP.

While the CCC characterizes this as minor cleanup it is important to note that it is not a minor cleanup but something that requires further hearings at the County and has significant public interest. Many of the property owners impacted by the "zero lot area" ordinance feel deeply betrayed as the concept was rejected years ago in a transparent process but brought back buried inside the Sustainability Update with no notice to those affected.

This information is provided solely for the Commission’s awareness regarding the status of the County’s certified coastal regulations and to clarify that it appears a serious misdirection regarding current LUP and ordinances were presented to the Planning Commission. Of course errors occur but in the name of transparency I hope the Planning Commission finds this informative.

Respectfully-

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