ORDINANCE NO. 2022-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING CHAPTERS 6.12 – SOLID WASTE; 12.60 – UNDERGROUND UTILITY DISTRICTS; 13.30 – TREES; 15.20 – DRIVEWAYS AND SIDEWALKS; 16.16 – WATER-EFFICIENT LANDSCAPING ORDINANCE; SECTION 24.06.020 – INITIATION OF CHAPTER 24.06; PART 14: RESIDENTIAL DEMOLITION/CONVERSION AUTHORIZATION PERMITS OF CHAPTER 24.08 LAND USE PERMITS AND FINDINGS; SECTION 24.10.160 – HOME OCCUPATION REGULATIONS; PART 10: COMMERCIAL THOROUGHFARE ZONE OF CHAPTER 24.10 – LAND USE DISTRICTS; SECTION 24.10.2301 – USES DEVELOPMENT STANDARDS AND DESIGN GUIDELINES; PART 8: UNDERGROUND UTILITY DISTRICTS OF CHAPTER 24.12 – COMMUNITY DESIGN; SECTION 24.12.1108 – MODIFICATION OF EXISTING ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; SECTION 24.14.030 – SLOPE REGULATIONS; CHAPTER 24.16 – AFFORDABLE HOUSING PROVISIONS; CHAPTER 24.22 – DEFINITIONS; DELETING PART 23 OF CHAPTER 24.08 – CONDITIONAL DRIVEWAY PERMIT; CREATING SECTIONS 15.15 – PUBLIC REALM DESIGN FOR MULTIFAMILY AND MIXED-USE RESIDENTIAL PROJECTS; AND PARTS 9A, 9D, AND 9E OF CHAPTER 24.10 – LAND USE DISTRICTS OF THE SANTA CRUZ MUNICIPAL CODE IN ORDER TO ESTABLISH OBJECTIVE DEVELOPMENT STANDARDS FOR MULTI-FAMILY HOUSING, CREATE MIXED USE ZONING DISTRICTS, REGULATE STREET TREES, REQUIRE RIGHT-OF-WAY IMPROVEMENTS, AND UPDATE THE WATER EFFICIENT LANDSCAPE ORDINANCE; AND TO INCORPORATE MODIFICATIONS TO MUNICIPAL CODE TITLE 24 TO CLARIFY AND UPDATE VARIOUS CODE SECTIONS, REMOVE OBSOLETE SECTIONS AND REFERENCES, STREAMLINE APPLICATION PROCESSES, AND BRING THE ZONING ORDINANCE INTO CONFORMITY WITH STATE LAW

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

Section 1. Section 6.12.050 – Storage of Receptacles of Chapter 6.12 – Solid Waste of the City of Santa Cruz Municipal Code is hereby amended as follows:

6.12.050 STORAGE OF RECEPTACLES

Containers or receptacles must be stored in a manner which facilitates a safe and sanitary condition and which does not impose a barrier to efficient and physically safe collection by city collection crews as determined by the director of public works. All receptacles or containers shall be stored in a manner as to prevent their contents from being scattered or carried by wind or water in a fashion which causes the accumulation of litter or an unsightly, unsafe or unsanitary condition to exist.

All containers or receptacles containing acceptable wastes or recyclables produced by any commercial or industrial establishment shall be placed for collection at a convenient and accessible place on the premises of the producer, unless special permission is obtained from the director of public works to place the containers or receptacles on public property.

Development permit applications for all industrial, institutional, commercial, professional office and residential developments having more than two units in each structure shall be reviewed by the director of public works to assure that sufficient space is provided in accordance with this section.

In all cases of dispute or complaints concerning the place where refuse or receptacles shall be placed while awaiting the removal of their contents and the same is not specifically fixed by this chapter, the director of public works shall forthwith designate the place and such decision shall be final.

Refuse Container Storage Facility Design Standards – Refuse container enclosures are required of all new multi-family and mixed-use residential projects with 3 or more housing units or any commercial development as set forth in the City of Santa Cruz Department of Public Works Refuse Container Storage Facility Design Standards that are current at the time of design review available from the Public Works Department.

Section 2. Chapter 10.46 – Citywide Trip Reduction Program of Title 10 – Vehicles and Traffic of the City of Santa Cruz Municipal Code is hereby amended as follows:

Chapter 10.46 - CITYWIDE TRIP REDUCTION PROGRAM

Sections:

10.46.010 Purpose.
10.46.020 Applicability.
10.46.030 Definitions.
10.46.040 Compliance measures for residential developments of twenty or more housing units in a single application.

10.46.010 PURPOSE.

The purposes of this chapter are as follows:

(a) To establish programs and requirements for new multifamily residential projects of 20 units or more that will help reduce automobile trips and improve mobility.

(b) To ensure the city plays a significant role in promoting alternative transportation use other than the single-occupant vehicle;

(Ord. 93-53 § 1 (part), 1994).

10.46.020 APPLICABILITY

(a) This chapter shall apply to all of the following:

New Multifamily projects of 20 units or more that are located within ½ mile of public transit.

10.46.030 DEFINITIONS
For the purpose of this chapter, the following words and phrases are defined and explained:

"Public transit" means a major transit stop as defined in Section 21155 of the Public Resources Code

10.46.040 COMPLIANCE MEASURES FOR RESIDENTIAL DEVELOPMENTS OF TWENTY OR MORE HOUSING UNITS IN A SINGLE APPLICATION
Applications for residential developments in which twenty or more housing units are proposed within one half-mile of public transit shall enter into a contract with Santa Cruz Metropolitan Transit District (Santa Cruz METRO) to provide unlimited local transit passes for all residents.

Section 3. Section 12.60.010 – Definitions of Chapter 12.60 – Underground Utility Districts, Division II of Title 12 – Local Improvements of the City of Santa Cruz Municipal Code is hereby amended as follows:

12.60.010 DEFINITIONS.
Whenever in this chapter or in chapter 24.12.700 the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

(1) "City" means the city of Santa Cruz, a municipal corporation of the state of California.
(2) "Commission" means the Public Utilities Commission of the state of California.
(3) "Communications Service" means any service offering a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications most typically via subatomic particles or the electromagnetic spectrum, including but not explicitly, those under jurisdiction of the Federal Communications Commission such as cable, cellular, telephone, radio, fiber-optic, or internet.
(4) "Council" means the city council of the city.
(5) "Dark Conduit" means unused or empty conduit and any associated infrastructure, such as but not exclusively, junction boxes, termini, and access panels, for the installation or expansion of electrical or communications services and lines by others or at a future date, all as specified by Public Works.
(6) "Underground utility district" or "district" means an area in the city within which poles and overhead wires and associated overhead structures are prohibited by a resolution adopted pursuant to the provisions of Section 12.60.020.
(7) "Person" means and includes individuals, firms, corporations, copartnerships, and their agents and employees.
(8) "Poles and overhead wires and associated overhead structures" mean poles, towers, supports, wires, conductors, guys, stubs, platforms, cross-arms, braces, transformers, insulators, cut-outs, switches, communication circuits, appliances, attachments and appurtenances located above ground upon, along, across or over the streets, alleys and ways of the city and used or useful in supplying electric, communication or similar or associated service.

(9) “Utility” includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

Section 4. Section 12.60.040 – Overhead Wires – Exception by Special Permission of Chapter 12.60 – Underground Utility Districts, Division II of Title 12 – Local Improvements of the City of Santa Cruz Municipal Code is hereby amended as follows:

12.60.040 OVERHEAD WIRES – EXCEPTION BY SPECIAL PERMISSION.
The council may grant special permission, on such terms as the council may deem appropriate, in cases of emergency or unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles and overhead wires and associated overhead structures, notwithstanding any other provisions of this part.
The City Engineer, may also grant special permission for a period not to exceed three (3) years, on such terms as the Department may deem appropriate, in cases of emergency or unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate temporary poles and overhead wires and associated overhead structures, notwithstanding any other provisions of this part.

Section 5. Chapter 13.30 – Trees of Title 13 – Parks and Recreation of the City of Santa Cruz Municipal Code is hereby amended as follows:

Chapter 13.30 - TREES

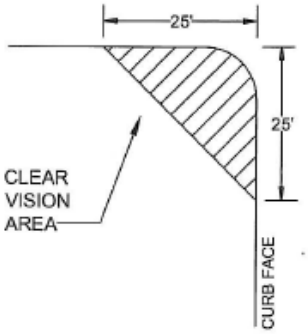
Sections:
13.30.010 Short title.
13.30.020 Purpose.
13.30.030 Definitions.
13.30.040 Parks and recreation director – Powers and duties.
13.30.050 Parks and recreation commission – Powers and duties.
13.30.060 Property owner maintenance responsibilities – Duties and liabilities.
13.30.063 Replacement of Street Trees
13.30.065 Damaging street trees forbidden.
13.30.067 House moving.
13.30.070 Duties of public utilities.
13.30.080 Approved street tree list.
13.30.090 Street tree planting.
13.30.100 Permits required.
13.30.110 Prohibited vegetation – Nuisance.
13.30.120 Abatement of public nuisances.
13.30. 130 Recovery of damages for loss of street trees.
13.30.140 Infraction.
13.30.150 Legal Remedies/Penalties and Fines.
13.30.160 Right of appeal.
13.30.170 Where to file appeal.

13.30.180 Procedure for appeals.
13.30.190 Stay, pending appeal.
13.30.200 Hearing on appeal.
13.30.210 Liability.
13.30.220 Severability.

13.30.010 SHORT TITLE.
This chapter shall be known as the "Street Tree and Nuisance Vegetation Ordinance of the City of Santa Cruz."

13.30.020 PURPOSE.
The city council finds that planting and preserving trees enhances the natural beauty of Santa Cruz, promotes the city's ecological balance, and is in the public interest. The purpose of this Street Tree and Nuisance Vegetation Ordinance is to provide a set of standards and regulations for the protection, maintenance, and planting of street trees and other vegetation within the city of Santa Cruz. For any street trees that are also heritage trees, the provisions of chapter 9.56 shall be applied in addition to the provisions of this chapter 13.30.

13.30.030 DEFINITIONS.
For the purposes of this chapter, the following words have the meaning given in this section:
(a) "Approved Street Tree List" means a list prepared and maintained by the Parks & Recreation Department of the city of Santa Cruz of tree species approved for use in the city's public right-of-way.
(b) "Clear Vision Area" means the twenty-five foot triangle of property at the intersection of any streets improved for vehicular traffic as diagrammed below.



(c) "Damage" means any action undertaken which may be harmful or detrimental to the health of any tree or other vegetation regulated by this chapter. This shall include, but is not limited to, the cutting, topping, girdling, or poisoning of any street tree or vegetation, any trenching or excavating near any street tree or vegetation, or any action which may cause death, destruction or injury to any street tree or vegetation, or which places any street tree or vegetation in a hazardous condition or in an irreversible state of decline.
(d) "Director" shall mean the director of parks and recreation of the city of Santa Cruz, or his/her designee.
(e) "Discretionary review" shall mean any review by the city requiring the exercise of judgment in deciding whether to approve a permit or project.

(f) “Heritage tree” shall mean any perennial plant or grove of perennial plants growing on public or private property, having a self-supporting woody main stem or trunk usually characterized by the ability to grow to considerable height and size and the development of woody branches at some distance above the ground, and meeting criteria set forth in Section 9.56.040. “Heritage tree” shall not include trees planted for agricultural crops such as fruit or nut trees.
(g) “Median area” means a planting area lying within a traffic median or traffic island in the public right-of-way.
(h) “Nuisance vegetation” means vegetation meeting the criteria of section 13.30.110.
(i) “Owner” or “property owner” means the owner of real property as shown on the most recent county assessor’s roll.
(j) “Parkway” means that portion of the public right-of-way between the curb and the sidewalk.
(k) “Planting strip” means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.
(l) “Prune” means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.
(m) “Public right-of-way” means the whole or any part of the width of land, a road, street, way, alley, or highway reserved for public use whether or not such entire area is actually used for road, street or highway purposes.
(n) “Roadway” means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.
(o) “Sidewalk area” means that portion of property between the street roadway or curb line and the edge of the public right-of-way, or, if no right-of-way exists, the adjacent property line as defined in Section 15.08.010 of the Municipal Code. The sidewalk area includes the curb, gutter, and planting strips as specified in Section 15.20.210.
(p) “State Tree Care License” means either a specialty license for performing tree maintenance on trees over fifteen feet tall, or a landscape contractor’s license, both issued by the state of California.
(q) “Street” means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.
(r) “Street tree” means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.
(s) “Street Tree Planting Details” means the street tree planting details developed by the city of Santa Cruz so street trees are properly planted, staked, reinforced, and irrigated. All street trees must be inspected and approved by the city’s urban forester before and after they are planted.
(t) “Traffic Diverter” means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.
(u) “Tree Sidewalk Program Policy” means the requirements developed by the city of Santa Cruz public works department intended for any property owners seeking to participate in the Parks and Recreation Street Tree Sidewalk Program.
(v) “Utility” means a public utility or private utility and includes any pipeline corporation, gas corporation, electrical corporation, telephone, telegraph or other communications corporation, water corporation, sewer system or heat corporation the services of which are performed for, or the commodity delivered to, the general public or any portion thereof.

13.30.040 PARKS AND RECREATION DIRECTOR – POWERS AND DUTIES.

(a) The director of parks and recreation shall be responsible for administering and enforcing this chapter. The director of parks and recreation shall have the following powers and duties in addition to those created elsewhere in this chapter:

(1) Issue permits pursuant to Section 13.30.100;

(2) Maintain the city's Approved Street Tree List

(3) Abate public nuisances as hereinafter provided, and in an emergency situation to protect public health, safety, and welfare;

(4) Order removal of dead or diseased trees on private property or within the public right-of-way when found to pose a threat to public safety, property or other trees in the vicinity.

(b) The director shall have the power to perform the following services to aid landowners with compliance of any maintenance obligations as required by this chapter and, in his or her discretion, take any measures necessary to prevent or eliminate hazards when said maintenance has not been performed:

(1) Provide technical assistance and information to assist landowners in maintaining street trees;

(2) Inspect and maintain street trees and make recommendations regarding street trees to city staff and the public;

(3) Assist in the maintenance, removal and replacement of street trees in the public right-of-way;

(4) Prune street tree limbs or roots causing or threatening to cause a hazard to public safety or property or damage to street improvements, sidewalks, curbs, gutters, sewers or other public improvements, or interfering with their use;

(5) Require street tree planting and replacement, inspection, pruning, root pruning, spraying, or other of any street tree planted pursuant to the requirements of this chapter.

(6) No maintenance service shall be provided by the city to any tree standing on private property beyond the parkway or public right-of-way.

(c) Any action taken by the director pursuant to this section or any other section of this code to maintain the parkways and the public right-of-way, or any street trees or vegetation thereon is discretionary. Neither this section nor any other section of this code shall be construed as creating a duty or obligation on behalf of the city to maintain parkways, street trees, and/or vegetation in the public right-of-way, or relieve the property owner of the duty to maintain as required in the city's Municipal Code. The city shall not incur any liability, either to the adjacent landowner or to the public, arising out of its alleged failure to maintain, or failure to properly maintain, parkways, street trees and/or vegetation in the public right-of-way. The city reserves its legal remedies including the right to recover legal fees and costs associated with the city administering and enforcing this chapter, and as set forth in Title 4 of the Municipal Code.

13.30.050 PARKS AND RECREATION COMMISSION – POWERS AND DUTIES.

The parks and recreation commission shall have the following powers and duties:

(a) Hear appeals pursuant to Section 13.30.170 and 13.30.180, from persons aggrieved by any decision of the director of parks and recreation taken under the provisions of this chapter.

(b) Make recommendations to the city council concerning policies, programs and decisions relating to street trees.

13.30.060 PROPERTY OWNER MAINTENANCE RESPONSIBILITIES – DUTIES AND LIABILITIES.

(a) A property owner shall be responsible for the maintenance (as further described in subsection (b) below) of all street trees and other vegetation located on adjacent parkways and in adjacent sidewalk areas per Section 15.20.210 (including but not limited to street trees or other vegetation contained in planters located on adjacent parkways and in traffic diverters adjacent to parkways). The property owner shall also be responsible for the maintenance of all trees and other vegetation on their property causing or threatening damage to or obstructing adjacent sidewalk areas as specified by Section 15.20.210 and 15.20.220.

(b) Maintenance required under this Section 13.30.060 shall include, but not be limited to the following acts:

(1) Watering as necessary;

(2) Removing any material which would be harmful to street trees, such as wire, rope, and signs;

(3) Notifying the director of any diseased street tree or hazard posed to street trees or vegetation;

(4) Maintaining trees or vegetation so that there is adequate vertical pedestrian clearance from the top of the sidewalk and adequate vertical vehicular clearance from the top of the curb, to any part of a street tree;

(5) Pest control and fertilizing, as needed;

(6) Pruning trees, shrubs and other vegetation to allow for adequate visibility of and clearance of street signs, traffic-control devices, utility lines and other stationary equipment;

(7) Pruning any trees, shrubs, hedges, ground cover, vegetation, or any of their respective roots, causing or threatening to cause damage to street improvements, sidewalks, sidewalk areas, curbs, gutters, sewers or other public improvements, or any part of the public right-of-way;

(8) Pruning any street trees, shrubs, tree roots, hedges, ground cover, and vegetation, as well as weeding, clearing and otherwise maintaining the parkway as needed or as requested by the director so as to avoid any damage to public health, safety and welfare, to standards set by the city;

(c) Before any street tree is planted, pruned, root pruned, or removed under this section, all permits required by Section 13.30.100 of this code must first be obtained. All permits shall be displayed at the worksite.

(d) All maintenance activities on street trees contemplated by this section shall be performed in conformity with:

(1) the most recent American National Standards Institute (ANSI) A300 standards and International Society of Arboriculture Best Management Practices, as may be updated, amended, or superseded; and

(2) all city of Santa Cruz policies, standards, and regulations including but not limited to the Street Tree Planting Details and the Tree Sidewalk Program Policy.

(e) The adjacent property owner shall bear all costs of planting, or any other maintenance responsibilities or requirements provided in this Section 13.30.060, and shall restore the public right-of-way and any improvements therein if either are disturbed in the course of such planting, or other maintenance.

13.30.063 REPLACEMENT OF STREET TREES.

(a) A property owner who removes a street tree located in the public right-of-way adjacent to the property owner's property consistent with this chapter or for which the property owner is responsible for maintaining under Section 15.20.210 of this code, shall be responsible for the replacement of said tree pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in Section 13.30.090. The replacement tree may be planted in the same location of the removed tree or as otherwise approved by the director in the interest of public health, safety, and welfare.

(1) In circumstances where replacement of the removed street tree is not feasible due to conflicts with planned or existing public infrastructure, including other street trees, or existing private infrastructure, the director may in his or her sole discretion, authorize the payment of an in lieu fee as set by city council resolution, or waive the replacement requirement under this Section 13.30.063.

(2) If the property owner meets the criteria described in subdivision (a) or (b) of Government Code Section 68632 and has complied with the permit requirements of Section 13.30.100, the city shall waive the in lieu fee

(b) Any replacement of street trees contemplated by this section shall be performed in conformity with Sections 13.30.060 (c), (d) and (e).

(c) Replacement of street trees pursuant to this section shall require permits in conformity with 13.30.100.

(d) For any replacement of street trees that falls under the purview of the City of Santa Cruz's Local Coastal Program ("LCP"), property owners shall be subject to any requirements under the LCP, including but not limited to, a two-for-one planting and maintenance program when tree removal is necessary for new development.

13.30.065 DAMAGING STREET TREES FORBIDDEN.

No person shall damage, or allow to exist any condition, which may damage, any street tree, including but not limited to the following:

(a) Pruning a street tree to expose business signs or buildings or for any other purpose except as otherwise permitted herein;

(b) Exposing the street tree to deleterious materials and substances;

(c) Allowing fire to burn so near a street tree as to cause damage to a street tree or that may be detrimental to the health of the street tree;

(d) Allowing wires to constrict any part of a street tree;

(e) Constructing, altering, or repairing a sidewalk or other improvement in a manner which may be detrimental to the health of a street tree;

(f) Disfiguring a street tree by any means of physical injury or graffiti;

(g) Nailing or tacking a sign, poster, or similar device into a street tree;

(h) Driving stakes into the street tree for any purpose other than supporting the street tree.

13.30.067 HOUSE MOVING.

Where a structure is to be moved over a route which may entail damage to street trees, the city may require the person moving the structure to post a bond or other security to cover the cost of anticipated damage to street trees.

13.30.070 DUTIES OF PUBLIC UTILITIES.

It shall be the duty and responsibility of any public utility installing or maintaining any overhead wire or underground pipes or conduit in the vicinity of a parkway strip, to obtain permission from the director before performing any maintenance on said wires, pipes or conduits, which would cause injury to street trees. Such public utilities shall in no way injure, cut roots, deface, prune, or scar any street tree until their plans and procedures have been approved by the director.

13.30.080 APPROVED STREET TREE LIST.

(a) The director of parks and recreation shall prepare and maintain the Approved Street Tree List enumerating the species of shade and ornamental trees permitted to be planted in the public right-of-way. Any amendments to the Approved Street Tree List shall be presented to the parks and recreation commission for discussion, with a final recommendation to the director of parks and recreation. The Approved Street Tree List shall be made available to the public through the department of parks and recreation.

(b) Newly planted street trees must comply with the Approved Street Tree List or applicable area plan unless a permit is obtained from the director of parks and recreation to plant a tree that does not appear on the Approved Street Tree List, or to plant a tree in a location that is contrary to the list.

(c) All street trees shall conform with any applicable city policies including but not limited to the Street Tree Planting Details and the Tree Sidewalk Program Policy.

13.30.090 PLANTING STREET TREES.

(a) The director shall prepare a Street Tree Master Plan for the city, which shall include but not be limited to, an inventory of street trees in the public right-of-way, as well as any city goals for managing existing street trees and planting future street trees. The plan shall be submitted to the parks and recreation commission for recommendation to the city council. When approved by the city council, the plan shall be made available to the public through the parks and recreation department and the department of planning and community development.

(b) Objective Standards for Planting Street Trees. The following objective standards shall apply to the planting of any street trees:

(1) Any street trees installed shall be a minimum container size #15 and of adequate quality as specified in the current edition of American National Standards Institute Z60 Nursery Stock.

(2) Tree species shall be selected from the Approved Street Tree List, unless a permit is obtained from the director of parks and recreation to plant a tree that does not appear on the list, or to plant a tree in a location that is contrary to the list.

(3) The street trees shall conform to all city of Santa Cruz policies including but not limited to the Street Tree Planting Details and the Tree Sidewalk Program Policy.

(4) The property owner shall check for the presence of utilities in the area of a proposed plantings and shall be solely responsible in avoiding interference with or damage to public or private infrastructure.

13.30.100 PERMITS REQUIRED.

(a) Permit for Planting Street Trees. A tree permit shall be obtained from the director by any person proposing to plant or set out any street tree.

(1) The application required in this subsection (a) shall state the number of trees to be planted or set out the location, size, and variety of each tree, the method of planting, and such other information as the director may require.

(2) The director may issue the permit upon finding that the proposed species, location, and method of planting are consistent with the requirements of this chapter and will not be injurious to the curbs, gutters and sidewalks, or to the surrounding neighborhood.

(b) Permit for Pruning and Removal. A tree permit shall be obtained from the director by any person proposing to transplant or remove any tree within the public right-of-way. A permit shall also be obtained from the director by any person proposing to prune or trim, cut off, or perform any work on a single occasion or cumulatively over a three-year period, affecting twenty-five percent or more of the crown of any tree within the public right-of-way.

(1) The application required in this subsection (b) shall state the number of trees affected, the location, size and variety of each tree, the work proposed, and such further information as the director may require.

(2) The director may issue the permit upon finding that the proposed action is necessary to protect the curb, gutter, sidewalk or any other part of the public right-of-way, or to protect the public health and safety, and that the proposed method is satisfactory. The director may issue the permit if the proposed removal or pruning is found to be consistent with the purposes of this chapter. The director may condition any permit for removal of a street tree, granted pursuant to this section, so as to require the permittee to replace the street tree.

(3) Any person proposing to prune, relocate, or remove any heritage street tree shall be exempted from the permit requirements of this Section 13.30.100(b) and shall be required to obtain a permit pursuant to Section 9.56.060.

(4) Any person proposing to root prune a street tree shall be exempted from the permit requirements of this Section 13.30.100(b) and shall be required to obtain a permit pursuant to Section 15.20.210.

(c) All persons requesting a permit pursuant to subsection (a) or (b) above shall submit a permit application, together with the appropriate fee as set forth by city council resolution, to the parks and recreation department prior to performing any work requiring a permit as set forth in this section.

(d) Time of Performance. All work performed on street trees pursuant to a permit issued by the director under this section shall be done within thirty days from the issuance of said permit, or within such longer period as the director shall specify.

(e) The permit requirement proposed by this section may not apply to street tree planting or removal associated with development projects that are reviewed by another city of Santa Cruz advisory body or city department under Title 24 or pursuant to applicable state or federal law, that include a discretionary review process, and to which the relevant advisory body or city department has applied the standards of this Chapter 13.30 in consultation with the city's urban forester.

(f) The director may invalidate any permit issued under this section at any time upon finding that the terms and conditions of such permit have been violated.

(g) The director may issue permits to public utilities not to exceed one year for work undertaken by the utility pursuant to a comprehensive program of related activities approved by the director.

13.30.105 STATE TREE CARE LICENSE REQUIRED.

(a) Except as set forth in subsection (b) of this section, and in addition to any permit required pursuant to Section 13.30.100 above, a valid State Tree Care License issued by the State of

California shall be obtained by any person proposing to perform any pruning, maintenance, care or removal of any street tree for hire within the city limits of the city of Santa Cruz.
(b) Any person who is the property owner adjacent to the street tree needing pruning, maintenance, care, or removal shall be exempted from the requirements of this section requiring a State Tree Care License if said property owner intends to personally perform, and subsequently does personally perform, himself or herself said needed pruning, maintenance, care or removal of said street tree. Said owner shall comply with all other provisions of this chapter.

13.30.110 PROHIBITED VEGETATION – NUISANCE.
No person shall allow to exist, on property either owned by that person or property for which the person is responsible, as specified by Chapters 13.30 and 15.20 of this code, any nuisance vegetation or nuisance condition, including but not limited to the following:
(a) Any tree, shrub, or other vegetation on a sidewalk area, street, planting strip, as defined in Chapter 15.08, or parkway as defined herein, or on any private property immediately adjacent to any street, which is impairing or otherwise interfering with any street improvements, sidewalk areas, curbs, approved street trees, gutters, sewers, or other public improvement;
(b) Within a Clear Vision Area, any tree limb, shrub, or plant reaching a height more than thirty inches above the curb grade adjacent thereto, except tree trunks having no limbs lower than eight feet above curb grade;
(c) Vines or climbing vegetation growing into or over any street trees, or any public hydrant, pole, electrolier or sidewalk area;
(d) Existence of any tree within the city limits that is irretrievably damaged, declining, infested, or infected with disease, pests, fungus or growth injurious to plant material, or dead;
(e) The existence of any branches or foliage which interfere with visibility on, or use of, or access to, any portion of any street improved for vehicular or pedestrian travel;
(f) Hedges, trees, shrubs, vegetation, and plants interfering with any street improvements or sidewalk areas within the public right-of-way.
(g) Any condition of a tree, shrub, or other vegetation that poses or constitutes a threat or hazard to public health, safety, or welfare as determined by the director.

13.30.120 ABATEMENT OF PUBLIC NUISANCES.
(a) When any public nuisance as defined herein exists, the owner or occupant shall be served with an abatement notice in accordance with Title 4 and Section 4.03.010 of this code, describing the condition, stating the work necessary to correct the condition, and the time within which such work must be completed. The notice shall also state that the required work will be performed by the city or by others under the city's supervision if it has not been performed within the period stated in the notice. The notice shall state further that any cost incurred by the city will be billed to the person subject to the notice and payable to the city.

(b) A public nuisance may be abated by the city without prior notice to the property owner in an emergency situation, where there is a threat of personal injury or property damage due to the hazardous or dangerous condition of a tree, shrub, or vegetation located in the public right-of-way. Notice to the property owner or occupant shall be served within a reasonable time from the emergency situation, with a description of the work performed by the city, and including any cost incurred by the city to be payable to the city.

(c) Any failure to pay the city for the costs and fees incurred by the city may constitute a charge against the real property of the person subject to the notice to be collected in accordance with the provisions for liens and special assessments on real property in chapter 4.24 of the city's Municipal Code.

13.30.130 RECOVERY OF DAMAGES FOR LOSS OF STREET TREES.

Any person who damages or destroys a street tree is liable to the city for any costs related to the repair or replacement of such street tree.

(a) The director shall determine if and when replacement of a street tree is warranted and specify the replacement size and species, which shall be chosen from the Approved Street Tree List.

(b) For heritage trees, monetary damages and mitigation requirements may be assessed as specified in Chapter 9.56.

13.30.140 INFRACTION.

Any person who violates the provisions of Section 13.30.100 shall be guilty of an infraction and punishable by a fine of the maximum amount permitted by law. Each such person is guilty of a separate offense for each and every day during any portion of which any such violation is committed, continued or permitted by such person and shall be punished accordingly.

13.30.150 LEGAL REMEDIES/PENALTIES AND FINES

(a) Remedies. The city may enforce the provisions of this chapter through all available administrative remedies, including as set forth in Title 4, and as otherwise expressly stated in this chapter.

(b) Civil Penalties and Fines. Any violation of this chapter may also be subject to administrative civil penalties and fines in accordance with a fee schedule adopted by the city council, a decision of an enforcement official or administrative hearing officer, or by a state statute.

(c) Recovery of Costs. The city may seek recovery from the property owner of all costs of enforcing this chapter, including but not limited to monitoring, inspection, emergency response, correction, repair, hearing and appeal fees, legal fees and costs.

(d) Continuing Violations. Each day on which a violation occurs or continues to occur shall be a separate and distinct offense.

(e) Remedies Cumulative. The remedies provided herein shall be cumulative and not exclusive. Nothing set forth in this chapter shall be construed as prohibiting the city from seeking civil or criminal judicial relief in connection with the administrative enforcement of this chapter pursuant to Title 4 or pursuant to any other statutory or common law right to such relief.

13.30.160 RIGHT OF APPEAL.

Any person who considers an action taken under the provision of this chapter by any official or advisory body to have been improper, may appeal such action or decision.

13.30.170 WHERE TO FILE APPEAL.

(a) Appeals from the decision of the director, or any other administrative office in taking any actions authorized by this chapter shall be made to the city parks and recreation commission pursuant to the procedures provided in Section 13.30.180 below.

(b) Appeals from the decision of the parks and recreation commission in taking any actions authorized by this chapter shall be made to the city council. All such appeals shall be made pursuant to chapter 1.16 of this code. The city council's decision shall be final.

13.30.180 PROCEDURE FOR APPEALS TO PARKS AND RECREATION COMMISSION.

(a) All appeals, together with the appropriate appeal fee as set by city council resolution, shall be made in writing to the parks and recreation commission. The appellant shall state the basis for the appeal and shall specifically cite the provision of this chapter which is relied upon to appeal the action or decision.

(b) Such appeals, to be effective, must be received by the secretary to the parks and recreation commission not less than ten calendar days following the date of the decision or action from which such appeal is being taken. If the final day for filing an appeal occurs on a weekend day or holiday, the final filing date shall be extended to the next following business day.

13.30.190 STAY, PENDING APPEAL.

The receipt of a written appeal shall stay all actions, or put in abeyance all approvals or permits which may have been granted, pending the decision of the parks and recreation commission or of the city council on such appeal.

13.30.200 HEARING ON APPEAL.

(a) Appeals for consideration by the parks and recreation commission shall be scheduled at the earliest next regular meeting, consistent with agenda preparation procedures and schedules for parks and recreation commission meetings. Appeals for consideration by the city council shall be scheduled pursuant to chapter 1.16

(b) The parks and recreation commission shall consider the appeal de novo. The appellant shall bear the burden of proof to establish the basis for seeking a reversal of the action or decision.

(c) The parks and recreation commission shall make findings of fact on which it bases its action. The commission may grant the appeal, including requiring conditions, mitigations, or modifications to a permit, or deny the appeal; or issue other appropriate decision or relief.

(d) The decision of the parks and recreation commission shall be final unless appealed to the city council by the appellant under chapter 1.16.

13.30.210 LIABILITY.

Nothing in this chapter shall be deemed to impose any liability upon the city of Santa Cruz, or any of its officers, agents, or employees, nor to relieve the property owner or occupant of any private property from the duty to keep their private property, sidewalks, and parkway strip on such private property in a safe condition so as not to be hazardous to public use.

13.30.220 SEVERABILITY.

Should any section, subpart, clause, provision or any part of this chapter be declared by a court of competent jurisdiction to be unconstitutional, beyond the authority of the city or otherwise invalid, such decision shall not affect the validity of the remaining portion or portions of the chapter.

Section 6. Chapter 15.15 – Public Realm Design for Multifamily and Mixed-Use Residential Projects is hereby added to Title 15 – Streets and Sidewalks of the City of Santa Cruz Municipal Code as follows:

15.15 PUBLIC REALM DESIGN FOR MULTI-FAMILY AND MIXED-USE RESIDENTIAL PROJECTS.

The purpose of this regulation is to establish objective standards for development of multi-family and mixed-use residential projects to maintain and enhance the desirable character of neighborhoods, to lessen traffic congestion, to facilitate adequate transportation facilities, and to promote the health, safety and welfare of the community in accordance with the Santa Cruz General Plan.

Sections:

15.15.010 Transportation Study Requirements
15.15.015 Traffic Control Devices
15.15.020 Bicycle Facilities
15.15.025 Sidewalk Facilities
15.15.030 Transit Facilities
15.15.035 Streetlights

15.15.010 TRANSPORTATION STUDY REQUIREMENTS

Projects shall develop a Transportation Study if existing pedestrian, bicycle, or transit circulation will be disrupted or if the project is estimated to generate 50 or more vehicle trips during the P.M. peak hour. The Transportation Study will determine the extent of the impact of the new development or redevelopment on the city transportation infrastructure and the associated requirements for project development. Transportation Study requirements are set forth in the City of Santa Cruz Public Works Transportation Study Requirements for Developers document that are current at the time of design review and available from the Public Works Department.

15.15.015 TRAFFIC CONTROL DEVICES

Projects shall be required to install traffic control devices based on the results of the Transportation Study. Installation of traffic control devices (such as traffic signals, lane markings, signage) shall be installed in accordance with the traffic engineering and safety standards set forth in the California Manual on Uniform Traffic Control Devices and consistent with Area Plans and NACTO Urban Street Design Guide.

15.15.020 BICYCLE FACILITIES

Projects shall be required to install bicycle facilities based on the results of the Transportation Study and consistent with the City of Santa Cruz Active Transportation Plan. Installation of bicycle facilities will be based on the Area Plans, AASHTO Guide to Bicycle Facilities and the NACTO Urban Bikeway Design Guide (both the required and recommended elements).

15.15.025 SIDEWALK FACILITIES

1. Existing public connections:

In all areas of the city, where a project site includes or is adjacent to an existing public street, alley, path, staircase, or pedestrian way, this public connection will be maintained or relocated within or

adjacent to the project site. Unless otherwise dictated by an Area Plan, the sidewalk widths for corridors and other roadways are defined in Section 15.20.060.

a. Decorative sidewalks may be required based on the Area Plans.
b. Installation of sidewalks will be based on the Curb, Gutter, and Sidewalk standard details that are current at the time of design review and available from the Public Works Department.
c. The total number of connections through the site shall not be reduced.

2. New public connections:

a. Projects shall be required to install new sidewalks along the frontage in accordance with the Area Plans. Unless otherwise dictated by an Area Plan, the sidewalk widths for corridors and other roadways are defined in Section 15.20.060.
b. Decorative sidewalks may be required based on the Area Plans.
c. Installation of sidewalks will be based on the Curb, Gutter, and Sidewalk standard details that are current at the time of design review and available from the Public Works Department.

15.15.030 TRANSIT FACILITIES

Residential projects of 5 or more units, and commercial/office projects greater than 10,000 square feet that are proposed for a parcel that has an existing METRO bus stop located on its street frontage and include work within the street right-of-way (e.g. sidewalk construction; curb cut addition or relocation) shall be required to upgrade the bus stop to full ADA compliance, including a 5’ x 8’ boarding and alighting area and an accessible route to/from the bus stop. Projects shall be required to install new transit facilities, either on the project’s street frontage, or within 300 feet of the property line, when the City identifies transit as a mitigation measure for significant impacts identified by the Transportation Study. Transit facilities will be installed in accordance with Santa Cruz Metropolitan Transit District (METRO) design standards that are current at the time of design review available from METRO.

15.15.035 STREETLIGHTS

Projects (with exception of ADUs) shall be required to install or replace streetlights based on the following:

1. A development of 3 or more housing units on one lot shall require the installation of a City Standard street light(s).
2. A development of 3 or more housing units on multiple lots shall require the installation of a City Standard street light(s).
3. Any new commercial development shall require the installation of a City Standard street light(s).
4. Installation or replacement of streetlights will be based on the City of Santa Cruz streetlight standard detail (Electrolier or Decorative Streetlight) current at the time of design review and available from the Public Works Department and consistent with the Area Plans.
5. Coordination with PG&E is the applicant’s responsibility. The type of streetlight the city requires will be a standard Electrolier (Type 1) unless a decorative streetlight is specified in the Area Plans or matches existing City streetlights in the area.

Section 7. Section 15.20.060 – Size and Number of Chapter 15.20 –Driveways and Sidewalks of Title 15 – Streets and Sidewalks of the City of Santa Cruz Municipal Code is hereby amended as follows:

15.20.060 SIZE AND NUMBER

(a) Except as otherwise provided herein, the total width of any driveway, or driveways, constructed to any parcel of land from any public street shall not exceed thirty feet, including the wings or returns, the measurement being made at the curbline.

(b) Except as may otherwise be required by the Americans With Disabilities Act or similar statutes, the total width of all driveways, including wings or returns, for any one ownership on any one street in any commercial or any industrial zone shall not exceed fifty percent of the frontage of the ownership along that street measured at the curbline of the street.

(c) Except as may otherwise be required by the Americans With Disabilities Act or similar statutes, the total width of all driveways, including wings or returns, for any one ownership on any one street in any residential zone shall not exceed forty percent of the frontage of the ownership along that street measured at the curbline of the street.

(d) Unless specified in the Area Plans, the following are the minimum widths for sidewalks (excluding the curb width) for all new multifamily (with exception of ADUs) or mixed use residential projects with 3 or more residential units or any commercial development–

Corridors

Ocean – San Lorenzo Blvd to Soquel Avenue – 8 feet minimum
Ocean – Soquel Ave to Water St – 15 feet minimum
Ocean - Water St to Pryce St/Plymouth St – 12 feet minimum
Mission St –Community Commercial District as defined in the Mission Street Urban Design Plan (Swift St to just east of Laurel St) – 12 feet minimum
Mission St – Professional and Administrative District (just east of Laurel St to Chestnut St Ext.) – 8 feet minimum
Soquel Ave – East Soquel Zone as defined in the Eastside Improvement Plan (Trevethan Ave to Morrissey Blvd) – 10 feet minimum
Soquel Ave – Triangle Zone as defined in the Eastside Improvement Plan (Morrissey Blvd to Poplar Ave) – 10 feet minimum
Soquel Ave – Main Street Zone as defined in the Eastside Improvement Plan (Poplar Ave to Branciforte Ave) – 10 feet minimum
Soquel Ave - (Ocean St to Branciforte Ave) – 8 feet minimum
Soquel Ave - (Dakota Ave to Ocean St) – 10 feet minimum
Water St – Front St to River St – 12 feet minimum
Water St – River St to Ocean St – 8 feet minimum
Water St - Ocean St to Branciforte Ave – 8 feet minimum
Water St - Branciforte Ave to Soquel Ave – 10 feet minimum

Other Arterials and Collectors

Branciforte Drive - Broadway Ave to Soquel Ave – 8 feet minimum
Branciforte Drive - Soquel Ave to Water St – 8 feet minimum
Branciforte Drive - north of Water St – 8 feet minimum

Morrissey Blvd from Soquel Ave to Fairmount Ave – 8 feet minimum
Broadway Ave – San Lorenzo Blvd to Ocean View Ave – 8 feet minimum
Broadway Ave –Ocean View Ave to Frederick St – 8 feet minimum
Seabright Ave – Murray Ave to Logan St – 8 feet minimum
Seabright Ave – Logan St to Gault St – 8 feet minimum
Seabright Ave – Gault Ave to Soquel Ave – 8 feet minimum
Front St – Pacific Ave to Laurel St – 8 feet minimum
Front St –Laurel St to Water St – 10 feet minimum
Laurel St – River St to Chestnut Ave – 10 feet minimum
Laurel St – Chestnut Ave to Mission St – 8 feet minimum
Cedar St – Laurel St to Center St – 10 feet
Bay St – West Cliff to Mission St – 8 feet minimum
Bay Drive – Mission St to High St – 8 feet minimum
Delaware Ave – Bay Ave to Swift St – 8 feet minimum
Delaware Ave – Swift St to Shaffer Rd – 8 feet minimum

All Other Roadways
Unless specified in an Area Plan, sidewalk widths along all other roadways for all new multi-family and mixed use residential with 3 or more residential units or any commercial development shall be a minimum of 8 feet.

Section 8. Chapter 16.16 – Water-Efficient Landscaping Ordinance of Title 16 – Water, Sewers and Other Public Services of the City of Santa Cruz Municipal Code is hereby amended as follows:

16.16.010 PURPOSE.
The purposes of this chapter are to promote efficient water use, to manage peak season water demand, and to preserve water storage in order to ensure a reliable and adequate public water supply by regulating landscape design, construction, and maintenance. It is also the purpose of this chapter to comply with California Government Code Section 65591 et seq., the Water Conservation in Landscaping Act.

16.16.020 DEFINITIONS.
For the purpose of this chapter, the following words shall have the meanings set forth below:
(a) “Anti-drain check valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from the sprinkler head when the sprinkler is off.
(b) “Applied water” means the portion of water supplied by the irrigation system to the landscape.
(c) “Automatic irrigation controller” means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
(d) “Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
(e) “CCF” means one hundred cubic feet, a common billing unit used by water agencies for basing charges for water service. One hundred cubic feet equals seven hundred forty-eight gallons.

(f) “Certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization, or other program such as the U.S. Environmental Protection Agency’s WaterSense irrigation designer certification program and Irrigation Association’s certified irrigation designer program.
(g) “Certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s certified landscape irrigation auditor program.
(h) “Common area” means those areas in a residential development that are owned, shared, and available for use by all residents, and managed by either the homeowner’s association or governing board.
(i) “Community garden” means a plot of land used by a community group and open to the public for the cultivation of flowers, vegetables, edible plants, or fruit.
(j) “Conversion factor (0.00083)” means the number that converts acre-inch per acre per year to CCF per square foot per year.
(k) “Director” means the director of the water department of the city of Santa Cruz, or the director’s authorized representative.
(l) “Drip irrigation” means any nonspray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.
(m) “Establishment period” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.
(n) “ET adjustment factor” means a factor of 0.55 for residential areas and 0.45 for nonresidential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.
(o) “Expanded service” means an additional water meter or larger capacity meter is required to serve the proposed development, as determined by the water agency.
(p) “Evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.
(q) “Flow rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
(r) “Flow sensor” means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate for the purpose of reporting high flow conditions due to broken pipes or popped sprinkler heads. Flow sensors must be connected to an automatic irrigation controller or flow monitor capable of receiving flow signals and operating master valves.
(s) “Friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of the newly planted material will be allowed to spread unimpeded.
(t) “Graywater” means untreated waste water that has not been contaminated by any toilet discharge and has not been affected by infectious, contaminated, or unhealthful bodily wastes and does not present a threat from contamination by unhealthful processing, manufacturing or operating wastes. Graywater includes, but is not limited to, wastewater from bathtubs, showers,

bathroom washbasins, clothes washing machines, and laundry tubs, but does include wastewater from kitchen sinks or dishwashers.
(u) “Hydrozone” means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or nonirrigated.
(v) “Irrigation audit” means an in-depth evaluation of the performance of an irrigation system. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.
(w) “Irrigation efficiency” means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.
(x) “Irrigation survey” means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.
(y) “Irrigation water use analysis” means an analysis of water use data based on meter readings and billing data.
(z) “Landscape architect” means a person who holds a license to practice landscape architecture in California as further defined by the California Business and Professions Code, Section 5615.
(aa) “Landscape area” means all the planting areas, turf areas, and water features in a landscape design plan subject to the landscape water budget calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or nonpervious hardscapes, other nonirrigated areas designated for nondevelopment (e.g., open spaces and existing native vegetation), agricultural uses, commercial nurseries and sod farms.
(bb) “Landscape water budget” means the upper limit of annual applied water for the established landscaped area. It is based on the region’s reference evapotranspiration, type of plant material, and landscape area as specified in Section 16.16.070(b).
(cc) “Landscape contractor” means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
(dd) “Lateral line” means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
(ee) "Living Wall” means an exterior building face covered with plants growing in containers or on special material integrated into and attached to the building exterior. The plants root in a structural support which is fastened to the wall itself, rather than in the ground. The plants receive water and nutrients from within the vertical support or container.
(ff) “Living Wall Irrigation System” means an irrigation system supporting a living wall, as defined, and relying exclusively on either drip irrigation or wicking technology to deliver water and soluble nutrients to plants in the living wall. Where drip irrigation is utilized, the living wall irrigation system must include a system for recirculated water.
(gg) “Local agency” means a city or county, including a charter city or charter county, or water agency that is responsible for adopting and implementing this chapter. The local agency is also responsible for the enforcement of this chapter, including, but not limited to, in the case of a city or county, approval of a permit and plan check or design review of a project and, in the case of a water agency, approval of a new or expanded water service application.
(hh) “Low volume irrigation” means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip, drip lines, and bubblers.

(ii) “Low water use plant” means a plant species whose water needs are compatible with local climate and soil conditions. Species classified as “very low water use” and “low water use” by WUCOLS, having a regionally adjusted plant factor of 0.0 through 0.3, shall be considered low water use plants.
(jj) “Model water-efficient landscape ordinance” means the regulations developed by the California Department of Water Resources required by the California Water Conservation in Landscaping Act and contained in the California Code of Regulations, Title 23, Division 2, Chapter 2.7.
(kk) “Modified service” means a substantial change in the water use characteristics of an existing service connection (for example, converting from a single-family residential service to multiple residential service, or from a residential use to a commercial use).
(ll) “Mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
(mm) “Native plant” means a plant indigenous to a specific area of consideration. For the purposes of these guidelines, the term shall refer to plants indigenous to the coastal ranges of central and northern California, and more specifically to such plants that are suited to the ecology of the present or historic natural community(ies) of the project’s vicinity.
(nn) “New construction” means the construction of a new building or structure containing a landscape or other new land improvement, such as a park, playground, or greenbelt without an associated building.
(oo) “Overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).
(pp) “Overspray” means the irrigation water which is delivered beyond the target area.
(qq) “Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.
(rr) “Plant factor” or “plant water use factor” is a factor, when multiplied by ETo, that estimates the amount of water needed by plants.
(ss) “Precipitation rate” means the rate of application of water measured in inches per hour.
(tt) “Project applicant” means the individual or entity submitting a landscape plan required under Section 16.16.030, in connection with a building permit application or design review from the local land use agency or requesting new, modified or increased water service from the water agency. A project applicant may be the property owner or his or her designee.
(uu) “Rain sensor” or “rain-sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.
(vv) “Recreational area” means areas dedicated to active play such as parks, playgrounds, sports fields, and golf courses where turf provides a playing surface.
(ww) “Reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants.
(xx) “Rehabilitated landscape” means any project that is required to modify its existing landscape as a condition of a land use approval or a discretionary permit or any relandscaping project that requires a permit, plan check, design review, or requires a new or expanded water service application.
(yy) “Runoff” means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape onto other areas.

(zz) “Soil moisture-sensing device” or “soil moisture sensor” means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.
(aaa) “Sprinkler head” means a device which delivers water through a nozzle.
(bbb) “Static water pressure” means the municipal water supply pressure when water is not flowing. It is measured at the nearest fire hydrant to the landscape site.
(ccc) “Station” means an area served by one valve or by a set of valves that operate simultaneously.
(ddd) “Swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage from pedestrian traffic.
(eee) “Submeter” means a private metering device to measure water applied to the landscape that is installed after the primary utility water meter.
(fff) “Turf” means a ground cover surface of mowed grass that requires frequent watering during the growing season. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue are cool-season grasses. Bermuda grass, kikuyu grass, seashore paspalum, St. Augustine grass, zoysia grass, and buffalo grass are warm-season grasses.
(ggg) “Valve” means a device used to control the flow of water in the irrigation system.
(hhh) “Water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied).
(iii) “WUCOLS” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000, and any subsequent revisions.

16.16.030 APPLICABILITY.

The director shall be responsible for assuring that all applicants for new, increased, or modified water service shall comply with the standards set forth in this chapter wherever water service is provided by the city as a condition of receiving water service.
(a) The provisions of this chapter shall apply to all of the following landscape projects:

(1) New commercial, industrial, and public development projects requiring a building permit, land use approval/design review or requiring a new, expanded, or modified water service.

(2) Existing commercial, industrial, and public development that is required to rehabilitate or modify their landscape as part of a land use approval/design review process shall also be required to comply with the provisions of this chapter in the relandscaped area.

(3) Developer-installed landscaping. New single- and multiple-family residential development projects resulting in three or more dwelling units with a total irrigated landscape area which is installed by the developer equal to or greater than one thousand five hundred square feet.

(4) Single-family and two-unit residences. New single-family and two-unit residential development projects on a parcel of land less than ten thousand square feet shall be required to meet only provisions listed in Section 16.16.070(j).

(5) New single-family and two-unit residential development projects on a parcel of land equal to or greater than ten thousand square feet shall be required to meet all standards set forth below.

(6) New recreation areas. New parks, playgrounds, sports fields, and golf courses are subject to all the provisions of this chapter except the turf area limits set forth in Section 16.16.070(c)(1).

(b) The provisions of this chapter shall not apply to:

(1) Remodels/additions to existing one- and two-unit homes.

(2) Existing landscapes of less than one acre in size.

(3) Ecological restoration projects that do not require a permanent irrigation system.

(4) Community gardens.

(5) Registered local, state, or federal historical sites where landscaping establishes an historical landscape style, as determined by a public board or commission responsible for architectural review or historic preservation.

(6) Enclosed, private yards and patios in multifamily residential developments.

(c) Preexisting landscapes over one acre in size. Existing large landscapes, including existing cemeteries, shall be subject only to the provisions for existing landscapes listed in Section 16.16.110.

16.16.040 LANDSCAPE PLAN REVIEW AND APPROVAL REQUIRED.

No person shall install landscaping for a project subject to this chapter without the review and approval required by this chapter.

(a) Design Review. For projects requiring design review or a discretionary land use approval, the applicant shall submit a landscape concept plan. The landscape concept plan shall include general representation of the site features, existing and proposed buildings, proposed planting areas, and the proposed method and type of irrigation.

(b) Building Permit/Plan Check. A complete landscape plan must be submitted and found to satisfy the requirements of this chapter before the local agency can approve a building permit application, or the director can approve an application for water service and the installation of a new water meter, or authorize a change in water service. The city shall notify the applicant in writing if plans are found to be incomplete or inconsistent with the standards and indicate where such additions or revisions are necessary.

(c) Plan Review Fee. A landscape plan review fee set by resolution of the city council shall accompany each such application to cover the city’s cost to review the landscape plan.

16.16.050 PERSONS QUALIFIED TO PREPARE LANDSCAPE PLANS.

Landscape plans for all projects, except a single-family or two-unit residence, shall be prepared by, and bear the signature of, a certified irrigation designer, a certified landscape irrigation auditor, a licensed landscape architect, a licensed landscape contractor, a licensed professional engineer, or any other person authorized by the state to do this work.

16.16.060 CONTENTS OF PLANS.

Landscape plans shall consist of separate planting, irrigation, and grading plans, all drawn at the same size and scale, and shall accurately and clearly include the following information:

(a) Project Information.

(1) Project applicant/contact person;

(2) Address;

(3) Parcel number(s);

(4) Total landscape area, in square feet;

(5) Source and type of water supply (potable/recycled/other alternative, including graywater), including number and size of service connections.

(b) Planting Plan. Planting plans shall identify and locate the following:

(1) New and existing trees, shrubs, groundcover, and turf areas within the developed landscape area;

(2) Planting legend indicating all plant species by botanical name and common name, spacing, and quantities of each type of plant by container size;

(3) Water use classification (high, moderate, low, or very low) for each plant material specified, according to WUCOLS;

(4) Each hydrozone (including high, medium, and low water uses) delineated and labeled, including the square footage for each area;

(5) Property lines, streets, and street names;

(6) Building locations, driveways, sidewalks, retaining walls, and other hardscape features;

(7) Appropriate scale and north arrow;

(8) Planting specifications and details.

(9) Location and solar orientation of any Living Walls.

(c) Irrigation Plan. Irrigation plans shall identify and locate the following:

(1) Irrigation point of connection (POC) to water system;

(2) Static water pressure at POC;

(3) Location and size of water meter(s);

(4) Backflow prevention devices as may be required by the water supply agency;

(5) Manual shut off valves;

(6) Location, size, and type of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads and nozzles, riser protection equipment, soil moisture sensors, pressure regulator, drip and low volume irrigation equipment;

(7) Flow rate (gallons per minute or gallons per hour), precipitation rate (inches per hour) and design operating pressure (psi) for each irrigation circuit;

(8) Irrigation legend with the manufacturer name, model number, and general description for all specified equipment, separate symbols for all irrigation equipment with different spray patterns, spray radius, and precipitation rates;

(9) Irrigation system specifications, including any living wall irrigation systems, and details for assembly and installation;

(10) Recommended irrigation schedule for each month, including number of irrigation days per week, number of start times (cycles) per day and minutes of run time per cycle required for each irrigation event designed to avoid runoff, and estimated amount of applied irrigation water expressed in gallons per month and gallons per year, for the established landscape;

(11) The parameters used for programming the weather-based irrigation system controller schedule for the established landscape, including: soil type, slope, plant type, and type of irrigation nozzle/emitter used for each circuit;

(12) Calculation of landscape water budget;

(13) Stormwater management/rainwater collection features and facilities.

(d) Grading Plan (not required when landscaped slopes on the site are less than ten percent).

(1) Finish grades, contours, and spot elevations;

(2) Grading volume (cubic yards);

(3) Elevations of building floors, parking lots, and streets;

(4) Location and height of retaining walls;

(5) Drainage patterns and drainage control facilities.

(e) Specifications.

(1) In addition to planting, irrigation, and grading plans, any written specifications prepared for a project that are applicable to the landscape improvements shall be submitted for review.

16.16.070 LANDSCAPE WATER CONSERVATION STANDARDS.

(a) Dedicated Landscape Water Meter.

(1) Separate water service meters shall be required for all new landscaping, except a single-family or two-unit residence, which equals or exceeds five thousand square feet in area, and for renovated landscape sites that result in expansion of the total landscaped area equal to or more than five thousand square feet.

(2) For all new nonresidential landscapes not required to have a separate water service meter, a private irrigation submeter shall be installed between the point of connection on the domestic water service and first irrigation valve. The submeter shall register water use in cubic feet.

(b) Landscape Water Budget.

(1) The landscape water budget for new residential landscapes shall be no more than fifty-five percent of reference evapotranspiration per square foot of landscaped area, and the water budget for nonresidential landscapes shall be no more than forty-five percent of reference evapotranspiration per square foot of landscaped area. The landscape water budget shall be calculated using the equation below:

Landscape Water Budget = (0.55 or 0.45) (ETo) (0.00083) (LA), where:

Water Budget	=	Annual upper limit of irrigation water allowed (CCF/year)
0.55 or 0.45	=	ET adjustment factor
ETo	=	Reference evapotranspiration (inches per year)
0.00083	=	Conversion factor to CCF
LA	=	Landscape area (square feet)

(2) New landscapes that include a recreation area or are irrigated with recycled water are allowed one hundred percent of reference evapotranspiration per square foot.

(3) The estimated annual water use, calculated by adding the amount of water recommended in the irrigation schedule, or by another method approved by the water agency, shall not exceed the annual landscape water budget.

(4) The landscape water budget assigned for a given irrigation account shall not be increased unless review of subsequent landscape plans has occurred and approval of said plans has been obtained by the land use or water agency.

(c) Turf Limits.

(1) The combined size of turf and areas devoted to high water use plants, decorative pools, fountains, water features and swimming pools for residential projects shall be limited to no more than twenty-five percent of the total developed landscape area. Turf is not permitted in new nonresidential landscape projects. These limits do not apply to recreation areas requiring large turf areas for their primary function. However, recreation areas shall be designed to limit turf in any portion of the landscaped area not essential for the operation of the recreational facility.

(2) Any Living Wall design element that is composed of primarily plant species classified as high water use by the WUCOLS rating system will be limited to a total vertical square footage equal to no more than twenty-five percent of the total landscape area.

(3) Except when required as a stormwater best management practice, turf and other high water use plants shall not be planted in the following conditions:

(a) Planting areas less than ten feet wide in any direction;

(b) On slopes greater than five percent;

(c) In street medians, traffic islands, planter strips, and parking lot islands.

(4) Turf varieties shall be water-conserving species, such as tall and hard fescues.

(d) Landscape Design.

(1) Except for areas designated for turf or high water use plants, all plants shall be composed of very low to moderate water use plants, as identified in Water Use Classification of Landscape Species (WUCOLS Guide) or other species, including native plants that are well adapted to the climate of the region, and require minimal water once established.

(2) Plants having similar water requirements shall be grouped together in distinct hydrozones, and where irrigation is required, the distinct hydrozones shall be irrigated with separate valves.

(3) Planting of trees and the protection and preservation of existing native species and natural areas is encouraged.

(4) Water in decorative pools and fountains, and in living walls relying on drip irrigation systems, must be recirculated.

(e) Irrigation Design.

(1) All irrigation systems shall be designed to avoid runoff, overspray, low-head drainage and other similar conditions where water flows off site onto adjacent property, nonirrigated area, walks, roadways, or structures.

(2) Areas less than ten feet wide must be irrigated with subsurface or low volume irrigation.

(3) Point source irrigation is required where plant height maturity will affect the uniformity of an overhead system.

(4) All overhead spray nozzles shall have a precipitation rate of no more than one inch per hour.

(5) Overhead sprinkler systems shall not be permitted for any living walls, or within twenty-four inches of any nonpermeable surface, including driveways and sidewalks. The setback

area may be planted or unplanted. Allowable irrigation within the setback may include drip, subsurface, or other low volume, nonspray irrigation technology.

(6) Plants that require different amounts of water shall be irrigated using separate irrigation circuits and valves.

(7) Trees shall be watered using separate irrigation circuits.

(8) Where available, recycled water shall be used to irrigate landscapes and living walls.

(9) Living wall irrigation systems designs shall be a distinct component of any irrigation design.

(f) Irrigation Equipment.

(1) A pressure regulator shall be installed if pressure at the water meter exceeds eighty psi. Additional pressure regulation devices are required if the water pressure exceeds the recommended pressure of the specified irrigation devices.

(2) Weather-based or other sensor-based, self-adjusting irrigation controllers shall be required, where feasible.

(3) Irrigation systems shall be equipped with rain-sensing devices to prevent irrigation during rainy weather.

(4) Sprinkler heads shall have matched precipitation rates within each control circuit valve and shall be selected for proper coverage and precipitation rate, thereby minimizing overspray and runoff.

(5) Anti-drain check valves shall be installed at strategic points to minimize or prevent low-head drainage.

(6) Swing joints or other riser protection components are required on all risers located in high traffic areas.

(7) The irrigation system shall provide for the installation of a manual shutoff valve installed as close as possible to the point of connection to minimize water loss in case of an emergency or routine repair. Additional manual shutoff valves shall be installed as necessary.

(8) Flow sensors that detect and report high flow conditions due to broken pipes and/or broken sprinkler heads are required on all landscapes of five thousand square feet or larger.

(g) Soil Management, Preparation, and Mulching.

(1) Prior to planting of any materials, compacted soils shall be transformed into a friable condition. Soil shall be prepared for planting by ripping and incorporating an organic amendment at the rate of six cubic yards per one thousand square feet into the top six inches, or amended with organic material as recommended by a landscape architect or soil laboratory report.

(2) All exposed soil surfaces of nonturf areas within the developed landscape area must be mulched with a minimum three-inch layer of organic material.

(3) A laboratory analysis and soil management report shall be completed and submitted for projects over five thousand square feet of landscape area and for projects where significant mass grading is planned and the recommendations incorporated into the landscape plans. For landscapes with multiple landscape installations, a soil sampling rate of one in seven lots or approximately fifteen percent shall satisfy this requirement.

(h) Stormwater Management.

(1) All planting areas are required to have friable soil to maximize water retention and infiltration. Implementing stormwater best management practices to minimize runoff and increase on-site retention and infiltration is strongly encouraged.

(2) Project applicants should refer to the local public works agency for information on any applicable stormwater requirements.

(i) Alternative Water Sources.

(1) Irrigating with alternative water sources such as recycled water, graywater, or rainwater is encouraged where available on site and permitted. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. All recycled water irrigation systems shall be designed and operated in accordance with applicable local and state laws. The water budget for landscapes using only recycled water sources shall be one hundred percent.

(j) Landscape Water Conservation Standards for Single-Family and Two-Unit Residences on Lots Less Than Ten Thousand Square Feet.

(1) Install climate-adapted plants that require little or no summer water for seventy-five percent of the landscaped area (excluding area devoted to edible plants).

(2) Apply a three-inch layer of mulch on all exposed soil surfaces.

(3) Turf Limits.

(a) The combined size of turf and areas devoted to high water use plants, decorative pools, fountains, water features and swimming pools for residential projects shall be limited to no more than twenty-five percent of the total developed landscape area.

(b) Turf shall not be planted on slopes greater than five percent.

(c) Turf is prohibited in areas less than ten feet wide in any direction.

(4) Irrigation Equipment.

(a) All overhead spray nozzles shall have a precipitation rate of no more than one inch per hour.

(b) Areas less than ten feet in any direction shall be irrigated with low volume or subsurface irrigation that produces no runoff or overspray.

(c) Overhead sprinkler systems shall not be permitted within twenty-four inches of any nonpermeable surface, including driveways and sidewalks. The setback area may be planted or unplanted. Allowable irrigation within the setback may include drip, subsurface, or other low volume, nonspray irrigation technology.

16.16.080 ALTERNATIVE TO TURF LIMITATIONS.

The project applicant, in lieu of the requirement that the portion of the landscape devoted to turf, high water use plants, water features, and swimming pools be limited to no more than twenty-five percent of the total landscape area, may elect to complete the water-efficient landscape equations and worksheets contained in Appendix B of the State of California Model Water Efficient Landscape Ordinance. In such cases, selected plant materials and overall landscape design shall not cause the estimated total water use to exceed the landscape water budget.

16.16.090 FINAL INSPECTION/WATER AUDIT.

The director shall have the right to enter upon any premises to make an inspection at any time before, during, and after irrigation system and landscape installation for the purpose of enforcing this chapter.

(a) Upon installation and completion of the landscape, the city shall make a final inspection or require a certified landscape irrigation auditor assigned by the city to conduct a water audit at the applicant’s expense to verify that the landscape improvements were completed in accordance with approved plans. The final inspection or water audit shall verify that:

(1) The installed irrigation system is in a leak-free condition.
(2) The installed irrigation system is functioning as designed, specified, and approved.
(3) The irrigation system does not cause water waste due to runoff, low head drainage, overspray or other similar condition where water flows onto adjacent property, nonirrigated areas, structures, walkways, roadways or other paved areas.
(4) The person responsible for long-term landscape maintenance and irrigation management at the property has received the recommended irrigation schedule.

(b) The project must pass inspection or audit before the building permit can be signed off and approved for occupancy.

(c) Water Audit Required for Large Turf Areas. Properties with turf areas over five thousand square feet, upon completing the installation of the landscaping and irrigation system, shall be required to have an irrigation audit performed by a certified landscape irrigation auditor prior to the final field inspection.

16.16.100 IRRIGATION SYSTEM MANAGEMENT AND MAINTENANCE.

(a) Maintenance. A regular maintenance schedule shall be submitted to the applicant by the landscape designer or installer at the time of completion of the landscape installation and prior to final sign-off. Landscape shall be maintained in good working condition and properly adjusted to ensure water efficiency. Any broken or malfunctioning equipment, including but not limited to main and lateral lines or control valves shall be repaired promptly with identical equipment to maintain the original design integrity.

(b) Irrigation System Inspections. Irrigation system shall be inspected regularly to correct misaligned, clogged or broken heads, missing heads and risers, stuck valves, and leaks. The irrigation meter shall be read periodically to check consumption and detect any leakage.

(c) Watering Schedule. Watering schedules shall be adjusted periodically to reflect seasonal variations in plant water requirements. Whenever possible, irrigation management shall incorporate the use of real-time, ETo data from the California Irrigation Management Information System (CIMIS) or similar weather-based irrigation scheduling system.

(d) Irrigation Operation. Irrigation shall be scheduled between the hours of 10:00 p.m. and 10:00 a.m. when daily temperature and wind conditions are at a minimum.

16.16.110 PROVISION FOR EXISTING LANDSCAPING OVER ONE ACRE IN SIZE.

The city will assign a landscape water budget to each existing landscape with a dedicated irrigation account over one acre in size based on seventy percent of reference evapotranspiration, or one hundred percent of reference evapotranspiration for recreation areas. When evaluation of these properties shows that annual water use exceeds the landscape water budget, the customer will be required to have a certified irrigation auditor perform a water audit and make recommendations as necessary to reduce water consumption consistent with the landscape water budget.

16.16.120 EXCEPTIONS.
The purpose of this chapter is to make optimum use of the water resources available to the city water department service area and to manage peak season water demands. As technology changes and more information is available regarding plant materials, irrigation equipment and techniques, and maintenance techniques that enhance water conservation, the director may allow the substitution of well-designed conservation alternatives or innovations which equally reduce water consumption and meet the intent of this chapter.

16.16.130 ADMINISTRATIVE ENFORCEMENT.
In addition to any other remedy provided by the Santa Cruz Municipal Code, any provision of this chapter may be enforced by an administrative order issued pursuant to any one of the administrative processes set forth in Title 4 of the Santa Cruz Municipal Code. The water commission shall serve as the administrative enforcement hearing officer for the purpose of considering appeals.

16.16.140 LIMIT OF CITY RESPONSIBILITY.
The city of Santa Cruz has limited water resources that are vulnerable to shortage in drought conditions. Residential, commercial and irrigation accounts in the water department service area are therefore subject to water restrictions or mandatory rationing during a declared water shortage emergency. Compliance with this chapter does not guarantee the survival of landscape plants or the availability of water for landscape irrigation based on this chapter. Irrigation shall be scheduled according to any water shortage regulations or restrictions in effect.

Section 9. Section 24.06.020 – Initiation of Chapter 24.06 – Zoning Map and Text Amendments of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.06.020 INITIATION.

Amendments can be initiated by the city council, the planning commission, or the Planning Director. In the case of the zoning map, amendments can also be initiated by the owner or authorized agent of the owner of the property included in said proposed change.

Section 10. Part 14: Residential Demolition/Conversion Authorization Permits of Chapter 24.08 – Land Use Permits and Findings of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.08.1310 PURPOSE.
In recognition of the need to maintain affordable housing opportunities and protect low- and moderate-income tenants when demolition or conversion of their living units is proposed, this permit provides for orderly change and replacement housing, where possible.

24.08.1320 GENERAL PROVISIONS.

California State law includes strict standards for the demolition of housing in an effort to ensure that existing density is not reduced and that housing that is currently rented to lower income tenants is maintained as affordable housing within new development. Housing demolition and housing development projects must comply with the requirements of this section as well as those contained in California state law governing relocation assistance and replacement housing units, including but not limited to Government Code Sections 65589.5 and 66300, as amended. For each provision of the regulations, when both this Code and the California Government Code apply, whichever requires the higher number of replacement units, bedrooms, and/or relocation assistance shall take precedence. No demolition permit shall be issued for any residential dwelling unit or single-room occupancy living unit unless a residential demolition/conversion authorization permit has been issued pursuant to this part.

24.08.1325 BUILDING DEMOLITION – OFFER TO MOVE.

1. Whenever any residential building is sought to be demolished, and if city regulations provide for demolition, the applicant for demolition shall be required to offer the building to interested parties to be moved, if it is determined by the building official that the building is feasible for relocation off site and capable of being moved without damage to significant trees and/or landscaping. The building shall be offered at no cost, or nominal cost, and be moved at the taker's expense, unless any discretionary permit requires otherwise.

2. The applicant shall place a minimum of two advertisements, two weeks apart, in a daily newspaper of local circulation, in a form approved by the zoning administrator. The advertisement shall contain an offer to the public stating that the building is being made available to any member of the public free of charge or for a nominal cost based on upon the building's salvage value. The offer contained in the advertisement shall remain outstanding for a period of sixty days from the date of the publication of the first advertisement. Any such offer shall be conditioned upon the acceptor's agreement to remove the building in its entirety and any associated debris from the site no later than ninety days from the date of publication of the first advertisement; however, nothing contained herein shall preclude the offeror and acceptor from mutually agreeing to a longer time period for removal of the building and associated debris.

24.08.1330 DEMOLITION OR CONVERSION OF SINGLE-FAMILY RESIDENCE OR DUPLEX UNITS.

The zoning administrator may issue a demolition/conversion authorization permit for the demolition or conversion of a single-family residence, accessory dwelling unit, or duplex upon finding that:

1. The building is not subject to the provisions of Part 11 (regarding Historic Demolition Permits) of this chapter, or that the demolition or conversion has been approved pursuant to the procedures set forth in Part 11; and

2. The project which will replace the demolished or converted unit(s) has been approved by the city, and an appropriate building permit has been issued; unless no building permit is required or some other practical hardship can be documented rendering this finding inappropriate; and

3. The building is not in the coastal zone, or, if it is in the coastal zone, is being replaced by a residential use or a nonresidential coastal-dependent use as defined by Section 30101 of the Public Resources Code; and

4. Relocation assistance has been provided to eligible tenants consistent with Section 24.08.1350; or
5. The building which is in the coastal zone and is being replaced by a nonresidential use which is not coastal-dependent as defined in Section 30101 of the Public Resources Code, is located where residential use is no longer feasible, but will not be issued a demolition permit or building permit in connection with the conversion until the applicant has entered into an agreement to provide relocation assistance and replacement housing or in-lieu fees consistent with Section 24.08.1350 and the applicable portions of Sections 24.08.1360 and 24.08.1370 of this chapter.

24.08.1340 DEMOLITION OR CONVERSION OF DWELLING GROUPS, MULTIPLE DWELLINGS AND SINGLE-ROOM OCCUPANCY LIVING UNITS.

The zoning board may issue a demolition/conversion authorization permit for the demolition or conversion of a multifamily structure, dwelling groups, multiple dwellings and single-room occupancy living units upon holding a public hearing and finding that:
1. The project to replace the demolished or converted units has been approved and an appropriate building permit has been issued; unless a hardship can be documented rendering this finding inappropriate;
2. The proposed demolition or conversion of use will not have a substantial adverse impact on housing opportunities for low- and moderate-income households; or
3. If the proposed demolition or conversion of use will have a substantial adverse impact on housing opportunities for low- and moderate-income households, adequate mitigation measures will be undertaken. Such mitigation measures include relocation assistance, and may include construction of replacement housing, in-lieu fees, other measures, or a combination of the above as provided by council resolution. For purposes of this section, a residential dwelling unit shall be occupied by a person or family of low or moderate income, if a low or moderate-income household currently occupies or had occupied the dwelling unit within one year prior to the date of submission of the application for the demolition/conversion permit; or, in addition, if substantial evidence exists that a low- or moderate-income household had occupied the unit within two years of the date of the submission of the application for the demolition/conversion authorization permit and had been evicted for the purpose of avoiding the requirements of this section.

24.08.1345 ESTABLISHING LOW AND MODERATE INCOME OCCUPANCY.

1. Low- and moderate-income occupancy is established as follows:
    a. Occupied Units:
        (1) At the time of application, the applicant shall file a list of names and unit numbers of the tenants who occupied the units during the previous year.
        (2) The applicant shall arrange to have the Public Housing Authority (PHA) verify income of tenants for the purpose of establishing low- and moderate-income tenancy.
        (3) In the event that a tenant’s income is not verified, the assumption shall be made that the unit is occupied by a low- and moderate-income household.
        (4) Mitigation measures for demolition or conversion of use of low- and-moderate income housing units shall be based upon the number of units occupied by low- and moderate-income households.
    b. Vacant Units:

(1) The application shall supply the names and addresses of the last tenants of each vacant unit.

(2) The applicant shall arrange to have the Public Housing Authority (PHA) verify the income of said tenants for the purpose of establishing low- and moderate-income housing units.

(3) In the event that the most recent tenant cannot be located or identified, the assumption shall be made that the unit was occupied by a low- and/or moderate-income household.

(4) Mitigation measures for demolition or conversion of use of low- and moderate-income housing units shall be based upon the number of units determined to be low- and moderate-income housing units.

c. Notwithstanding subsections (1)(a) and (b), the applicant may stipulate that one or more of the units are or have been occupied by low- or moderate-income households.

24.08.1350 RELOCATION ASSISTANCE.

All low- or moderate-income households displaced by demolition or conversion of use shall receive relocation assistance. For purposes of this section, a residential dwelling unit shall be occupied by a person or family of low or moderate income if a low- or moderate-income household currently occupies or had occupied the dwelling unit within two years prior to the date of submission of the application for the demolition/conversion permit.

Relocation assistance shall be defined as two months' rent. Other arrangements agreeable to the tenant, as evidenced by a written agreement between the tenant and the demolition/conversion authorization permit applicant may be allowed; however, in no case shall the agreement allow for no relocation assistance to be provided, nor can the permit applicant influence or threaten the tenant in any manner to agree to any alternative arrangement that would be less favorable to the tenant than the assistance that is legally required. Payment of relocation assistance or other agreed-upon assistance shall be made by the applicant to eligible tenants prior to submittal of the building permit for the replacement project or use, or at the time of notification of termination of tenancy, whichever occurs first.

24.08.1360 REPLACEMENT HOUSING REQUIREMENTS.

Housing development projects must comply with the requirements of this section as well as those contained in California state law governing replacement housing units, including but not limited to Government Code Sections 65589.5 and 66300. For each provision of the regulations, when both this Code and the California Government Code apply, the stricter of the two provisions shall be applied to the project.

1. Replacement housing must be provided by the applicant when demolition or conversion of use of three or more dwelling units or single-room occupancy living units occupied by households of low or moderate income occurs. Replacement requirements shall be based on the total number of bedrooms contained within all low- or moderate-income units to be demolished or converted.

a. The basic requirement is that fifty percent of all low- or moderate-income bedrooms demolished or converted shall be replaced either on site, or elsewhere in the city of Santa Cruz, or a combination of both.

b. Inclusionary rental units located on the same site may also be counted as replacement units, utilizing the more restrictive income and rent requirements for these units. Off-site

rental or ownership inclusionary units shall not be used to fulfill replacement unit requirements.

c. In the R-T Districts, one hundred percent of all low- or moderate-income bedrooms demolished or converted shall be replaced either on site, or elsewhere in the city of Santa Cruz, or a combination of both.

d. In the commercial C Districts, one hundred percent of all low- or moderate-income bedrooms demolished or converted shall be replaced either on site, or elsewhere in the city of Santa Cruz, or a combination of both.

e. The basic fifty percent bedroom replacement requirement represents a determination of financial feasibility: that being, a greater percentage would render most projects economically infeasible. In the R-T Districts, however, due to greater allowable densities, the one hundred percent bedroom replacement requirement is determined to be feasible. In the C Districts, due to greater allowable use intensities resulting from the possibility to do both commercial and residential development without one reducing the other, the one hundred percent bedroom replacement requirement is determined to be feasible.

24.08.1362 ADVANCE REPLACEMENT HOUSING PROPOSAL.

Replacement housing as required in Section 24.08.1360 may be provided in advance of actual demolition of a structure. Conditions for the advance replacement shall be set forth in an advance replacement housing proposal approved as part of a demolition/authorization permit or separate development agreement. Conditions for advance replacement shall address:

1. Procedure to notify and offer advance housing to existing tenants of the structure to be demolished or converted.
2. Project timetable and identification of future project(s) that that advance replacement housing will be credited toward.

24.08.1370 IN-LIEU FEES.

1. As an alternative to fulfilling the replacement housing requirements of Sections 24.08.1330 or 24.08.1360, in-lieu fees can be paid for up to twenty-five percent in the R-T Districts and up to fifty percent in other districts of the total number of low- or moderate-income bedrooms to be provided to meet the replacement housing requirement. The remaining seventy-five percent or fifty percent bedroom replacement requirement shall be actually constructed or caused to be constructed by the applicant. However, where replacement housing is being required due to the provisions of Section 24.08.1330(5), pertaining to demolition or conversion of single-family and duplex units, in-lieu fees may be paid to meet one hundred percent of the replacement housing requirement.
2. The in-lieu fees shall be applied to programs that would add to the affordable housing stock through the construction of new housing units or the rehabilitation of existing housing units that were previously substandard and uninhabited or occupied by above-moderate income households. In-lieu fees shall not be used for administration of such programs.
3. Replacement housing in-lieu fees shall be determined in the same manner as inclusionary housing in-lieu fees. For purposes of determining unit sizes, the average number of bedrooms per unit shall be used. For purposes of determining the average number of square feet in a unit, the average square footage for those units shall be used up to a maximum square footage as follows: six hundred fifty square feet for a single room occupancy unit, studio, or one-bedroom unit; nine

hundred square feet for a two-bedroom unit; one thousand four hundred square feet for a three- to eight-bedroom unit.
4. Replacement housing built with in-lieu fees shall, in aggregate, provide the same level of housing as would otherwise have been required, and shall be provided and available for use within three years from the date upon which work commenced on the conversion or demolition, or if no new or rehabilitated units are available within three years, units shall be provided in the first available affordable housing project that is constructed in the city.

24.08.1380 EXCEPTION.
This part shall not apply to any building when the building official or fire marshal determines that the building is dangerous to the health and safety of the building occupants, neighbors, or the public, and that the demolition of the building is required because of such health and safety concerns. The building official or the fire marshal shall set forth in writing the reasons for their determination that the building is dangerous to the health and safety of the building occupants, neighbors, or the public. However, this exception shall not apply if the dangerous health and safety condition(s) are the result of lack of maintenance of the building. This section has no impact on the relocation assistance requirements stipulated in Title 21.

Section 11. Part 23: Conditional Driveway Permit of Chapter 24.08 – Land Use Permits and Findings of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby deleted.

Section 12. Section 24.10.160 – Home Occupation Regulations of Chapter 24.10 – Land Use Districts of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.10.160 HOME OCCUPATION REGULATIONS.
1. Intent. The discretionary approval of a home occupation is intended to allow for home enterprises that are clearly incidental and secondary to the use of the dwelling unit and compatible with surrounding residential uses. A home occupation allows for the gainful employment in the home by any occupant of a dwelling so long as the enterprise does not require frequent customer access or have associated characteristics which would reduce the surrounding residents' enjoyment of their neighborhood.
2. General. A home occupation shall be operated and maintained only by a resident of the dwelling unit in which it occurs; shall employ no more than one person at the residence or the property other than the members of the resident family or household; shall not change the residential character of the dwelling units; and shall not generate a vehicular traffic increase of more than eight round trips per day, including deliveries and clients. Residents who are performing job duties at home for a company or other entity located elsewhere are not considered to have a home occupation unless they are classified by their employer(s) as independent contractors.
3. Restrictions. A home occupation shall not involve:
    a. The use of an area greater than four hundred square feet;
    b. The use of any required front or exterior side yard area or setback area, nor the use of any required covered or uncovered on-site parking space;

c. Storage or use of hazardous or unsanitary materials;
d. Creation of noise levels exceeding the standards of this title and/or other nuisance factors inconsistent with Chapter 24.14, Part 2: Performance Standards;
e. Auto/truck/motorcycle/motor boat repair except vehicle repair that is in compliance with the requirements and standards of Section 24.12.1200;
f. The placement of a sign advertising the business.

4. Permits Required. A zoning clearance and business license shall be required, except for small and large family daycare homes within residential units, which are exempt from local regulations.

Section 13. Part 9A: MU-H Mixed-Use High Density District of Chapter 24.10 – Land Use Districts of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

Part 9A: MU-H MIXED-USE HIGH DENSITY DISTRICT

24.10.810 PURPOSE.
To promote the development of a harmonious mixture of a wide variety of commercial activities that stabilize and protect the commercial characteristics of the district while also supporting a walkable, dynamic, and efficient environment for residents, businesses, and workers. Development could include limited industrial uses, if they are compatible and nuisance free in conjunction with condominiums and apartments. Also refer to Section 24.12.185 for design standards.

24.10.811 PRINCIPAL PERMITTED USES.
This district requires a mix of residential and commercial uses within each proposed development. The following uses are permitted if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines. Design permits are not required for accessory structures and additions that are less than one hundred and twenty (120) square feet and less than fifteen (15) feet in building height. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses).

USES FOR ACTIVE FRONTAGE:

1. Acting/art/music/dance schools and studios (610);
2. Apparel and accessory stores (250);
3. Eating and drinking establishments (except bars, fast-food) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
4. Financial, insurance, real estate offices (420);
5. Financial services (320);
6. Food and beverage stores (except liquor and convenience stores) (240);
7. General retail merchandise (drug and department stores) (230);
8. Home furnishing stores (270)
9. Medical/health offices (except veterinarians and ambulance services) (410);
10. Museums and art galleries (600);
11. Professional/personal service (except contractors' yards and mortuaries) (310);

12. Repairs, alterations and maintenance services for household items (except boat repair) (340);
13. Small preschool/childcare (twelve or fewer) (510A);
14. Specialty retail supply stores (290); except thrift stores (290m);
15. Theaters (620);

RESIDENTIAL USES:

16. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
17. Single-Room Occupancy (SRO) Housing (860)
18. Flexible Density Units (FDU) Housing
19. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
20. Small and large family daycare homes in residential units.
21. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
    a. Park and recreational facilities.
    b. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
    c. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
    d. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.
22. Supportive and transitional housing.
23. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, however accessory dwelling units shall not be subject to approval of a design permit.

COMMERCIAL USES:

24. Professional offices (400);
25. Communication and information services (550);
26. Community organizations, associations, clubs and meeting halls (570);
27. Educational facilities (public/private) (510);
28. Government and public agencies (530);
29. Houses of worship/religious facilities (500)
30. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.812 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

a. Bakery, handicrafts or similar light manufacturing and assembly uses associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area;

b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
d. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
e. Thrift stores (290m);
f. Veterinarians (410A);

RESIDENTIAL USES:

g. Two family dwelling if the lot area allows for only two units. New Single-Family development is not permitted.
h. Temporary structures and uses.
i. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

COMMERCIAL USES:

j. Developed parks (710);
k. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
l. Lodging (300);
m. Off-site public/private parking facilities, five or more spaces (930);
n. Recycling collection facilities;
o. Temporary commercial structures and uses;
p. Undeveloped parks and open space (700);
q. Utilities and resources (540);
r. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

2. The following uses are subject to approval of a special use permit and may also require a design permit per section 24.08.410:

USES FOR ACTIVE FRONTAGE:

a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
c. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
d. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
e. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

RESIDENTIAL USES:

f. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
g. Dormitories, fraternity/sorority residence halls.
h. Health facilities for inpatient and outpatient psychiatric care and treatment.
i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

COMMERCIAL USES:

j. Contractor/building (310E);
k. Fabricated metal products (manufacturing) (150);
l. Fabricated wire products (manufacturing) (155A);
m. Food and beverage preparation (manufacturing) (100);
n. Furniture and fixtures (manufacturing) (120);
o. Hospitals (520);
p. Laboratory research experimentation, testing, software development;
q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
r. Mortuaries (310I);
s. Motion picture production (manufacturing) (155E);
t. Rental services (360);
u. Solar equipment (manufacturing) (155C);
v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
w. Stone, clay, glass products (manufacturing) (140);
x. Storage and warehouse when connected with permitted use (330);
y. Wholesale trade (nondurable goods) (200):
    i. Bakery,
    ii. Confectionery,
    iii. Dairy,
    iv. Health foods;
z. Wholesale trade (durable goods) (210):
    i. Paper products and related (210E),
    ii. Special equipment (machine supply) (210F);

24.10.813 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, shall be permitted. If the zoning administrator determines that the proposed use is more in character with the conditional uses for this zone, then a use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title. The decision as to whether the use determination requires an administrative use permit or a special use permit shall be based on the use category that is most similar to the proposed use as determined by the zoning administrator.

24.10.814 DISTRICT REGULATIONS.

1. General.

Provisions	**Requirement**
a. Height of buildings – Maximum	
• Commercial-only (stories and feet)	4 & 50
• Mixed use (stories and feet)	5 & 55
• Additional height for volumetric modular, factory-built housing (stories and feet)	0 & 2 + (1 per residential story)
• Accessory	1 & 20
b. Lot Area for creating new parcels – Minimum (net) (sq. ft.)	6000
c. Floor Area Ratio, minimum to maximum	1.0 to 2.75
d. Minimum lot area per dwelling unit (net) (sq. ft.)	792 (no requirement for 1-bedroom/studios/ SROs/FDUs)
• Units with two or more bedrooms	792
• Units with less than two bedrooms	No Density Limit
e. Setbacks	
• Front-yard	0**
• Rear-yard	20*
• Interior	0*
• Exterior	10*, **
f. Open space per unit (residential)	
• Private (sq. ft.)	40
• Common (sq. ft.) and accessible to residential units	80
g. Distance between buildings on same lot	10
* Where a Mixed-Use District abuts a residential district, the setbacks for the first three stories shall be as listed, or as required for the adjacent residential district, whichever is greater. When	

mixed-use development is proposed, above three stories or 35 feet (whichever is less), a neighborhood transition plane at 45 degrees shall apply per 24.12.185 ** Except where special street setback requirements for designated streets apply, then the setback shall not be less than the minimum setback listed in Section 24.12.115 for affected street.

2. Commercial uses are required with any new development proposal, and Uses for Active frontage must be incorporated. Development with a mix of residential and commercial development is encouraged, and residential-only development is not permitted.
3. Where mixed-use is proposed, residential and commercial uses may be mixed either horizontally on the same parcel, or vertically within the same structure. In all cases, Uses for Active Frontage shall occupy the site frontage to the dimensions required by Section 24.12.185.
4. Residential units shall not be located on a street frontage, but may be located on the ground floor of mixed-use buildings, or on the ground floor of residential buildings on sites where a commercial or mixed use building occupies the street frontage.
5. Other Requirements. Other regulations which may be applicable to site and building design in this zone are set forth in Title 24.12.
6. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

24.10.815 PARKING.
Off-street parking requirements must be fulfilled in accordance with the provisions of Chapter 24.12 Part 3, Off-Street Parking and Loading Facilities. Guest parking spaces required for the residential units may also be counted toward required commercial parking.

Section 14. Part 9: MU-VH Mixed-Use Visitor-Serving High Density District of Chapter 24.10 – Land Use Districts of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

Part 9D: MU-VH MIXED-USE VISITOR-SERVING HIGH DENSITY DISTRICT

24.10.840 PURPOSE.
To encourage high-quality visitor-serving commercial development along Ocean Street and parts of Soquel Avenue, particularly hotels and motels, while accommodating other multi-story commercial development and supporting high-density housing within mixed-use developments that promote a vibrant and pedestrian oriented environment for residents, workers and visitors consistent with the Ocean Street Area Plan. Also refer to Section 24.12.185 and the Ocean Street Area Plan for design standards.

24.10.841 PRINCIPAL PERMITTED USES.
This district allows a mix of residential and commercial uses within each proposed development, or exclusively commercial development. Each new development within the zone shall incorporate active commercial uses along the site frontage in conformance with the standards set in Chapter 24.12.185 relating to Corridor Frontage.

The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines. Design permits are not required for accessory structures and additions that are less than one hundred twenty square feet and less than fifteen feet in building height. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

1. Acting/art/music/dance schools and studios (610);
2. Apparel and accessory stores (250);
3. Eating and drinking establishments (except bars, fast-food) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
4. Financial, insurance, real estate offices (420);
5. Financial services (320);
6. Food and beverage stores (except liquor and convenience stores) (240);
7. General retail merchandise (drug and department stores) (230);
8. Home furnishing stores (270)
9. Medical/health offices (except veterinarians and ambulance services) (410);
10. Museums and art galleries (600);
11. Professional/personal service (except contractors' yards and mortuaries) (310);
12. Repairs, alterations and maintenance services for household items (except boat repair) (340);
13. Small preschool/childcare (twelve or fewer) (510A);
14. Specialty retail supply stores (290); except thrift stores (290m);
15. Theaters (620);

RESIDENTIAL USES:

16. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
17. Flexible Density Units (FDU) Housing
18. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
19. Single-Room Occupancy (SRO) Housing (860)
20. Small and large family daycare homes in residential units.
21. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
    a. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
    b. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.
22. Supportive and transitional housing.
23. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, however accessory dwelling units shall not be subject to approval of a design permit.

COMMERCIAL USES:

24. Communication and information services (550);
25. Community organizations, associations, clubs and meeting halls (570);
26. Educational facilities (public/private) (510);
27. Government and public agencies (530);
28. Houses of worship/religious facilities (500)
29. Lodging (300);
30. Off-site public/private parking facilities, five or more spaces, when combined with another allowed use (930);
31. Professional offices (400);
32. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.842 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

a. Bakery, handicrafts or similar light manufacturing and assembly uses and wholesale trade associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area, where retail sale or service occupies the building frontage;
b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
d. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
e. Thrift stores (290m);
f. Veterinarians (410A);

RESIDENTIAL USES:

g. Temporary structures and uses.
h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

COMMERCIAL USES:

i. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
j. Off-site public/private parking facilities, five or more spaces (930)
k. Recycling collection facilities;
l. Temporary commercial structures and uses;
m. Utilities and resources (540);
n. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

2. The following uses are subject to approval of a special use permit and may also require a design permit per section 24.08.410:

USES FOR ACTIVE FRONTAGE:

a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
c. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
d. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
e. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

RESIDENTIAL USES:

f. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
g. Dormitories, fraternity/sorority residence halls, boardinghouses.
h. Health facilities for inpatient and outpatient psychiatric care and treatment.
i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

COMMERCIAL USES:

j. Contractor/building (310E);
k. Fabricated metal products (manufacturing) (150);
l. Fabricated wire products (manufacturing) (155A);
m. Food and beverage preparation (manufacturing) (100);
n. Furniture and fixtures (manufacturing) (120);
o. Hospitals (520);
p. Laboratory research experimentation, testing, software development;
q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
r. Mortuaries (310I);
s. Motion picture production (manufacturing) (155E);
t. Rental services (360);
u. Solar equipment (manufacturing) (155C);
v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
w. Stone, clay, glass products (manufacturing) (140);
x. Storage and warehouse when connected with permitted use (330);
y. Wholesale trade (nondurable goods) (200):
    i. Bakery,
    ii. Confectionery,
    iii. Dairy,
    iv. Health foods;
z. Wholesale trade (durable goods) (210):
    i. Paper products and related (210E),
    ii. Special equipment (machine supply) (210F);

24.10.843 USE DETERMINATION.
Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, shall be permitted. If the zoning administrator determines that the proposed use is more in character with the conditional uses for this zone, then a use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title. The decision as to whether the use determination requires an administrative use permit or a special use permit shall be based on the use category that is most similar to the proposed use as determined by the zoning administrator.

24.10.844 DISTRICT REGULATIONS.
1. General.

Provisions	**Requirement**
a. Height of buildings – Maximum	
• Commercial-only (stories and feet)	4 & 55
• Mixed use (stories and feet)	4 & 50
• Additional height for volumetric modular, factory-built housing (stories and feet)	0 & 2 + (1 per residential story)
• Accessory	1 & 20
b. Height of buildings – Minimum	
• Commercial or Mixed Use	1 &16
• Accessory	No Minimum
c. Floor Area Ratio, minimum to maximum	1.0 to 2.75
c. Lot Area for creating new parcels – Minimum (net) (sq. ft.)	4000
d. Required lot area per dwelling unit	792 (no requirement for 1-bedroom/studios/ SROs/FDUs)
e. Setbacks	
• Front-yard	0**
• Rear-yard	15*
• Interior	0*

Provisions	**Requirement**
• Exterior	8*, **
f. Open space per unit (residential)	
• Private (sq. ft.)	40
• Common (sq. ft.) and easily accessible to residential units	80
e. Distance between buildings on same lot	10
* Where a Mixed-Use District abuts a residential district, the setbacks for the first three stories shall be as listed, or as required for the adjacent residential district, whichever is greater. When mixed-use development is proposed, above three stories or 35 feet (whichever is less), a neighborhood transition plane at 45 degrees shall apply per 24.12.185 ** Except where special street setback requirements for designated streets apply, then the setback shall not be less than the minimum setback listed in Section 24.12.115 for affected street.	

2. Commercial uses are required with any new development proposal, and Uses for Active frontage must be incorporated on any Ocean Street frontage. Development with a mix of residential and commercial development is encouraged, and residential-only development is not permitted.
3. Where mixed-use is proposed, residential and commercial uses may be mixed either horizontally on the same parcel, or vertically within the same structure. In all cases, Uses for Active Frontage shall occupy any Ocean Street frontage to the dimensions required by Section 24.12.185.
4. Residential units shall not be located on any Ocean Street, Water Street, or Soquel Avenue frontage, but may be located on the ground floor of mixed-use buildings, or on the ground floor of residential buildings on sites where a commercial or mixed use building occupies the street frontage. Residential units can occupy up to 50% of the frontage on thoroughfares other than Ocean Street, Water Street, or Soquel Avenue.
5. Other Requirements. Other regulations which may be applicable to site and building design in this zone are set forth in Title 24.12.
6. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

24.10.845 PARKING.
Off-street parking requirements must be fulfilled in accordance with the provisions of Chapter 24.12 Part 3, Off-Street Parking and Loading Facilities. Guest parking spaces required for the residential units may also be counted toward required commercial parking.

Section 15. Part 9: MU-VA Mixed-Use Visitor-Serving Additional Height District of Chapter 24.10 – Land Use Districts of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

Part 9E: MU-VA MIXED-USE VISITOR SERVING ADDITIONAL HEIGHT DISTRICT

24.10.850 PURPOSE.

To encourage high-quality visitor-serving commercial development as well as high-intensity residential mixed-use development along Ocean Street Soquel Avenue, and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and high-density mixed-use developments density within larger buildings oriented toward Ocean Street and Soquel Avenue, and using building height and massing to create a sense of place that promotes a vibrant and pedestrian oriented environment for residents, workers and visitors consistent with the Ocean Street Area Plan. Also refer to Section 24.12.185 and the Ocean Street Area Plan for design standards.

24.10.851 PRINCIPAL PERMITTED USES.

This district allows a mix of residential and commercial uses within each proposed development, or exclusively commercial development. Each new development within the zone shall incorporate active commercial uses along the site frontage per requirements of Chapter 24.12.

The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines. Design permits are not required for accessory structures and additions that are less than one hundred twenty square feet and less than fifteen feet in building height. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

1. Acting/art/music/dance schools and studios (610);
2. Apparel and accessory stores (250);
3. Eating and drinking establishments (except bars, fast-food) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
4. Financial, insurance, real estate offices (420);
5. Financial services (320);
6. Food and beverage stores (except liquor and convenience stores) (240);
7. General retail merchandise (drug and department stores) (230);
8. Home furnishing stores (270)
9. Medical/health offices (except veterinarians and ambulance services) (410);
10. Museums and art galleries (600);
11. Professional/personal service (except contractors' yards and mortuaries) (310);
12. Repairs, alterations and maintenance services for household items (except boat repair) (340);
13. Small preschool/childcare (twelve or fewer) (510A);
14. Specialty retail supply stores (290); except thrift stores (290m);
15. Theaters (620);

RESIDENTIAL USES:

16. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
17. Flexible Density Units (FDU) Housing
18. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
19. Single-Room Occupancy (SRO) Housing (860)
20. Small and large family daycare homes in residential units.
21. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
    a. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
    b. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.
22. Supportive and transitional housing.
23. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, however accessory dwelling units shall not be subject to approval of a design permit.

COMMERCIAL USES:

24. Communication and information services (550);
25. Community organizations, associations, clubs and meeting halls (570);
26. Educational facilities (public/private) (510);
27. Government and public agencies (530);
28. Houses of worship/religious facilities (500)
29. Lodging (300);
30. Off-site public/private parking facilities, five or more spaces, when combined with another allowed use (930);
31. Professional offices (400);

24.10.852 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

a. Bakery, handicrafts or similar light manufacturing and assembly uses and wholesale trade associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area, where retail sale or service occupies the building frontage;
b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
d. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
e. Thrift stores (290m);
f. Veterinarians (410A);

RESIDENTIAL USES:

g. Temporary structures and uses.
h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

COMMERCIAL USES:

i. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
j. Off-site public/private parking facilities, five or more spaces (930)
k. Recycling collection facilities;
l. Temporary commercial structures and uses;
m. Utilities and resources (540);
n. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses are subject to approval of a special use permit and may also require a design permit per section 24.08.410:

USES FOR ACTIVE FRONTAGE:

a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
c. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
d. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
e. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

RESIDENTIAL USES:

f. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
g. Dormitories, fraternity/sorority residence halls, boardinghouses.
h. Health facilities for inpatient and outpatient psychiatric care and treatment.
i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

COMMERCIAL USES:

j. Contractor/building (310E);
k. Fabricated metal products (manufacturing) (150);
l. Fabricated wire products (manufacturing) (155A);
m. Food and beverage preparation (manufacturing) (100);
n. Furniture and fixtures (manufacturing) (120);
o. Hospitals (520);
p. Laboratory research experimentation, testing, software development;
q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
r. Mortuaries (310I);

s. Motion picture production (manufacturing) (155E);
t. Rental services (360);
u. Solar equipment (manufacturing) (155C);
v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
w. Stone, clay, glass products (manufacturing) (140);
x. Storage and warehouse when connected with permitted use (330);
y. Wholesale trade (nondurable goods) (200):
z. Bakery,
    i. Confectionery,
    ii. Dairy,
    iii. Health foods;
aa. Wholesale trade (durable goods) (210):
    i. Paper products and related (210E),
    ii. Special equipment (machine supply) (210F);

24.10.853 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing principal permitted uses, and which will not impair the present or potential use of adjacent properties, shall be permitted. If the zoning administrator determines that the proposed use is more in character with the conditional uses for this zone, then a use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title. The decision as to whether the use determination requires an administrative use permit or a special use permit shall be based on the use category that is most similar to the proposed use as determined by the zoning administrator.

24.10.854 DISTRICT REGULATIONS.

1. General.

Provisions	**Requirement**
a. Height of buildings – Maximum	
• Commercial-only (stories and feet)	6 & 75
• Mixed use (stories and feet)	6 & 70
• Additional height for volumetric modular, factory-built housing (stories and feet)	0 & 2 + (1 per residential story)
• Accessory	1 & 20
b. Height of buildings – Minimum	
• Commercial or Mixed Use	1 &16
• Accessory	No Minimum
c. Floor Area Ratio, minimum to maximum	1.0 to 2.75

Provisions	**Requirement**
d. Lot Area for creating new parcels – Minimum (net) (sq. ft.)	6000
e. Required lot area per dwelling unit	792 (no requirement for 1-bedroom/studios/ SROs/FDUs)
f. Setbacks	
• Front-yard	0**
• Rear-yard	20*
• Interior	0*
• Exterior	10*, **
g. Open space per unit (residential)	
• Private (sq. ft.)	40
• Common (sq. ft.) and easily accessible to residential units	80
h. Distance between buildings on same lot	10
* Where a Mixed-Use District abuts a residential district, the setbacks for the first three stories shall be as listed, or as required for the adjacent residential district, whichever is greater. When mixed-use development is proposed, above three stories or 35 feet (whichever is less), a neighborhood transition plane at 45 degrees shall apply per 24.12.185 ** Except where special street setback requirements for designated streets apply, then the setback shall not be less than the minimum setback listed in Section 24.12.115 for affected street.	

2. Commercial uses are required with any new development proposal, and Uses for Active frontage must be incorporated on any Ocean Street frontage. Development with a mix of residential and commercial development is encouraged, and residential-only development is not permitted.
3. Where mixed-use is proposed, residential and commercial uses may be mixed either horizontally on the same parcel, or vertically within the same structure. In all cases, Uses for Active Frontage shall occupy any Ocean Street frontage to the dimensions required by Section 24.12.185.
4. Residential units shall not be located on any Ocean Street or Soquel Avenue frontage, but may be located on the ground floor of mixed-use buildings, or on the ground floor of residential buildings on sites where a commercial or mixed use building occupies the street frontage. Residential units can occupy up to 50% of the frontage on thoroughfares other than Ocean Street or Soquel Avenue.
5. Other Requirements. Other regulations which may be applicable to site and building design in this zone are set forth in Title 24.12.

6. All new development adjacent to a "CON – Neighborhood Conservation District" overlay zone shall comply with Section 24.10.4060 standards for new construction on sites abutting overlay district boundaries, to ensure compatibility with the established district.

24.10.855 PARKING.
Off-street parking requirements must be fulfilled in accordance with the provisions of Chapter 24.12 Part 3, Off-Street Parking and Loading Facilities. Guest parking spaces required for the residential units may also be counted toward required commercial parking.

Section 16. Part 10: C-T Thoroughfare Commercial of Chapter 24.10 – Land Use Districts of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

Part 10: C-T THOROUGHFARE COMMERCIAL

24.10.900 PURPOSE.
To provide for retail, commercial, service, amusement, and transient-residential uses which are appropriate to thoroughfare location and dependent upon thoroughfare travel. New development including residential units or uses within the zone shall incorporate Uses for Active Frontage along the site frontage. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.910 PRINCIPAL PERMITTED USES.
The following uses are allowed outright, subject to other requirements of the municipal code including the approval of a Design Permit for new structures when required by Section 24.08.410 (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:
1. Art galleries.
2. Branch banks.
3. Clothing and apparel shops.
4. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12.
5. Hotels, motels and bed-and-breakfast inns.
6. Medical and dental offices.
7. Professional, editorial, real estate, insurance and other general business offices.

RESIDENTIAL USES:
8. Multiple dwellings and condominiums, when located either in the same lot or above first floor commercial development, subject to the minimum land area (net) per dwelling unit of the R-M District (830).
9. Small and large family daycare homes in residential units.

COMMERCIAL USES:

10. Carpenter shop; electrical, plumbing or heating shops; furniture upholstering shop.
11. Garages for the repair of automobiles, subject to performance standards as set forth in this title for principal permitted uses in the I-G District.
12. Handicraft shops and workshops.
13. Medical, optical, and dental clinics and laboratories, not including the manufacture of pharmaceuticals or other (similar) products for general sale or distribution.
14. Mobilehome, trailer, boat, motorcycle sales and service.
15. New car sales and service.
16. Parking facilities of five or fewer spaces.
17. Plant nurseries and greenhouses.
18. Theaters.
19. Used car sales and service, auto parts and supply stores.
20. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.920 ACCESSORY USES.

Uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.930.

24.10.930 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per section 24.08.410:

USES FOR ACTIVE FRONTAGE:

a. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12.
b. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12.
c. Souvenir and gift shops.
d. Stores, shops and general retail, subject to alcohol regulations in Part 12 of Chapter 24.12.
e. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12.

COMMERCIAL USES

f. Ambulance service.
g. Automatic car wash.
h. Bakery; soft-drink bottling plant; laundry, cleaning and dyeing establishment.
i. Garages for the repair of automobiles, trucks and other heavy equipment, subject to performance standards as set forth in this title for principal permitted uses in the I-G District.
j. Recycling collection facilities.
k. Small community care residential facilities.
l. Temporary structures and uses.
m. Truck, boat, trailer, farm equipment, and other heavy equipment sales, service and rental.
n. Veterinary hospitals and clinics.
o. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

p. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

24.10.940 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing uses, and which will not impair the present or potential use of adjacent properties, may be permitted. If the zoning administrator determines that the proposed use is more in character with the conditional uses for this zone, then a use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title. The decision as to whether the use determination requires an administrative use permit or a special use permit shall be based on the use category that is most similar to the proposed use as determined by the zoning administrator.

24.10.950 DISTRICT REGULATIONS.

1. General.

Provisions	**Requirement**
a. Height of buildings – Maximum	
• Principal (stories and feet)	3 & 35
• Accessory	2 & 25
b. Minimum Lot Area (net) (sq. ft.)	5,000
c. Front-yard (feet)	0
d. Rear yard (feet)	10*
e. Side yard	
• Interior (feet)	0*
• Exterior (feet)	0
f. Distance between buildings on same lot (feet)	10
* Except where abutting an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.	

2. Additional Requirements.

a. All uses shall be conducted wholly within a completely enclosed building, except for service stations and parking facilities, or other outdoor uses when appropriately screened and as approved by the zoning administrator, or within an outdoor extension area approved pursuant to Section 24.12.192.

b. In any C-T District directly across a street or thoroughfare, not including a freeway, from any R- District, the parking and loading facilities shall be distant at least ten feet from the

property line, and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.

c. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12.

Section 17. Section 24.10.2301 – Uses, Development Standards and Design Guidelines of Part 24: Central Business District of Chapter 24.10 – Land Use Districts of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.10.2301 USES, DEVELOPMENT STANDARDS AND DESIGN GUIDELINES.

Chapter 4 of the Downtown Plan, as amended, is hereby adopted by reference, and the planning and community development department shall maintain copies of the Downtown Plan in both hard copy and electronic form, for use and examination by the public. The policies and regulations set forth in Chapter 4 of the Downtown Plan shall control all uses in the CBD, Central Business District, and its four subdistricts: Pacific Avenue Retail District; Front Street Riverfront Corridor; Cedar Street Village Corridor; and North Pacific Area.

Section 18. Part 8: Underground Utilities of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

Part 8: UNDERGROUND UTILITIES

24.12.700 GENERAL.

All facilities and wires for the extension of facilities for the supply and distribution of electrical energy and service, including communication service (as defined in Section 12.60.010), shall be placed underground; and further, there exists a need for regulation of certain modifications of existing utility pole lines, all in order to promote and preserve the health, safety, and general welfare of the public, and to assure the orderly development of the city of Santa Cruz.

24.12.710 PROVISIONS.

1. All new extensions of electrical and communications distribution and service facilities, equipment, and lines carrying less than thirty-four thousand five hundred volts hereafter constructed or installed in the city of Santa Cruz shall be placed underground, unless special permission to construct said facilities above ground is granted, as hereinafter provided.
2. All reallocations of existing overhead electrical and communications distribution and service poles supporting lines carrying less than thirty-four thousand five hundred volts required to be relocated by reason of change of grade or alignment or the widening of the street within which such overhead facilities exist shall, upon relocation, be placed underground, unless special permission to reconstruct said facilities above ground is granted, as hereinafter provided. This provision shall apply only to those streets within an area of the city declared by the city council to be an underground utility district.
3. Overhead electrical and communications distribution and service poles supporting lines carrying less than thirty-four thousand five hundred volts shall not be installed to support

overhead facilities where such installation would duplicate an existing pole line within an entire city block.

4. Electric and communication service wires or cables to any new building or structure shall be placed underground unless the Project is subject to an exception identified in Section 24.12.720.
5. Any new building or structure where an expansion of any electric or planned communication service on or within 500 feet of the property is planned to occur within 5 years of construction completion, as demonstrated through related capital projects or private development, and which has not otherwise been permitted for overhead utilities or in-lieu fee payment, shall install dark conduit (as defined in Section 12.60.010) along the project frontage or within the project site, together with any necessary easements for the city to facilitate expansion and future connection to all such service(s) in conformance with the Public Works dark conduit installation specifications that are current at the time of design review and available from the Public Works Department.
6. Any new building or structure, shall be connected to existing or planned electric and communications services by active lines, if available, or dark conduit leading to the building from an adjacent main, in conformance with the applicable Public Works dark conduit installation specifications that are available from the Public Works Department. Any lots or structures with more than one unit shall provide such connections to every individual unit.
7. Any existing building, site, underground utility installation, or structure, for which trenching is required to, from, or along existing or planned electrical or communications services, shall provide underground utilities or dark conduit connections of consistent form and quality with all the specifications of this Section 24.12.710 except as provided in 24.12.720 (7).
8. All conduits, conductors and associated equipment necessary to receive utility service between service conductors or underground pipe or conduit of the supplying utility and the service facilities in the building or structure, and units therein, being served shall be provided by the person building, renovating, owning, operating, leasing or renting said property, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the California Public Utilities Commission and to the lawful requirements of state laws and city ordinances. All such infrastructure, upon completion and acceptance by the city, shall be dedicated as public improvements to the city.

24.12.720 EXCEPTIONS.

The provisions of Section 24.12.710 shall not apply to the following. Applicants shall be responsible for any studies, analysis, and reports required by Public Works to demonstrate eligibility for any exceptions.

1. Poles used exclusively for police and fire alarm boxes or any similar municipal equipment installed under the supervision of, and to the satisfaction of, the city engineer.
2. Poles or electroliers used exclusively for street lighting.
3. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extended from one location on the building to another location on the same building or to an adjacent building on the same lot or parcel without crossing any street.
4. Radio antennas, their associated equipment and supporting structures used by a utility for furnishing communication services.
5. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets and

concealed ducts, and other facilities which are determined by the city engineer as infeasible for undergrounding.

6. The property owner may voluntarily apply to the city engineer to request an alternate discretionary process for the purposes of assessing the applicability of this Part 8 and shall provide Public Works with any studies, analysis, or reports and payment of any associated fees. Subsequent to such study or analysis, the city engineer may require in-lieu payments, grant exceptions or other modifications to the requirements of this Part 8 on a case by case basis.
7. The city engineer may exempt city led projects from the requirement to install dark conduit connections.

Section 19. Section 24.12.1108 – Modification of Existing Establishments Selling Alcoholic Beverages of Part 12: Alcoholic Beverage Sales of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.1108 MODIFICATION OF EXISTING ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.

1. Any establishment lawfully existing prior to the effective date of the ordinance codified in this section and licensed by the state of California for the retail sale of alcoholic beverages for on-site and/or off-site consumption shall obtain a special use permit when (a) the establishment changes its type of liquor license within a license classification and/or (b) there is a substantial change in the mode or character of operation. For purposes of this part, "substantial change in the mode or character of operation" shall include, but not be limited to: (a) a pattern of conduct in violation of other laws or regulations; (b) an increase of twenty percent or greater of floor area in any five-year period to accommodate retail sale of alcoholic beverages for on-site and/or off-site consumption; or (c) either (1) in the case of an establishment which operates on property being acquired by the city by eminent domain or under threat of condemnation and which is required to discontinue or otherwise cease operation because of construction activities undertaken by the city, a period of closure for at least two years or six months after the city's construction activities are completed so as to enable said use to resume, whichever is later, or (2) in any other case, a period of closure for at least six months; or (d) there is a request to add dancing, or there is request for a major extension of hours or changes related to type of entertainment.

2. Any establishment which becomes lawfully established on or after the effective date of the ordinance codified in this part and licensed by the state of California for the retail sale of alcoholic beverages for on-site and/or off-site consumption shall obtain a modification of use permit when (a) the establishment changes its type of liquor license within a license classification and/or (b) there is a substantial change in the mode or character of operations of the establishment.

Section 20. Section 24.14.030 – Slope Regulations (outside the Coastal Zone) of Chapter 24.14 – Environmental Resource Management of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.14.030 SLOPE REGULATIONS (outside the Coastal Zone).

1. Applicability and Purpose. The following regulations are enacted to minimize the risks associated with project development in areas characterized by combustible vegetation and steep and/or unstable slopes. Minor sculpted landforms, such as berms or swales, shall be exempt from

the following regulations. A further purpose is to avoid excessive height, bulk, and mass normally associated with building on slopes.

a. Building permit applications for new structures on slopes of ten percent or greater shall include an accurate topographic map. The map shall contain contours of two-foot intervals for slopes of twenty percent grade.

b. Slopes thirty percent or greater shall not be considered in the density determination of a property.

c. Construction of buildings (as defined in Section 24.22.154) or structures (as defined in Section 24.22.822) on or within twenty feet of slopes fifty percent or greater shall require approval of a slope development permit at a public hearing before the zoning administrator, unless they are exempted pursuant to subsection (1)(g). Construction of buildings (as defined in Section 24.22.154) on or within twenty feet of slopes greater than or equal to thirty but less than fifty percent shall require administrative approval of a slope development permit with no public hearing required, unless they are exempted pursuant to subsection (1)(g).

d. When a slope development permit is required pursuant to subsection (1)(c), a site-specific geological review consistent with the California Division of Mines and Geology guidelines shall be provided by a state-qualified professional. The review shall include consideration of material, height of slope, slope gradient, load intensity, and erosion characteristics of slope material. The recommendations contained in the review, including but not limited to California Building Code requirements, shall be incorporated into the design of the building project to prevent slope instability as a result of new development.

e. All development on slopes shall be designed so that drainage water to and from the site complies with applicable local, Regional Water Quality Control Board, and state standards.

f. Proposed buildings on parcels within or adjacent to fire hazard areas as designated in the safety element of the general plan shall maintain separation from combustible vegetation as required by the city fire department. Removal of combustible vegetation may also be required as part of project approval.

g. Minor development not including buildings (as defined in Section 24.22.154) or grading over fifty cubic yards, may encroach on slopes greater than or equal to thirty percent. Minor development can include things such as walkways, fences, retaining walls less than three feet high above existing grade, planter boxes, stairways, decks extending not more than five feet into a slope greater than or equal to thirty percent, and similar features, or similar minor development as determined by the zoning administrator, may encroach on slopes greater than or equal to thirty percent without a slope development permit.

h. No new lot shall be created that does not comply with the requirements of Section 23.04.050.3, Subdivision Principles – Buildable Lots.

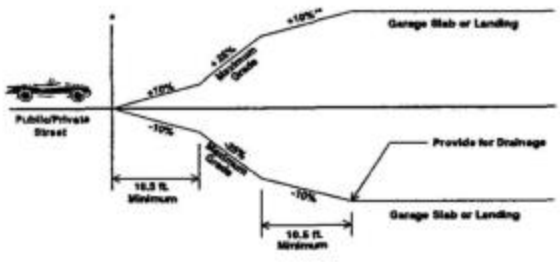
i. For all development within one hundred feet of a coastal bluff, a site-specific geologic report consistent with the California Division of Mines and Geology guidelines shall be prepared by a state qualified professional.

2. Driveway Design Standards.

a. Driveways shall be designed with existing contours to the maximum extend feasible.

b. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight.

c. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:



d. Driveways within slopes that are thirty percent or greater shall require a slope development permit per Part 9 of Chapter 24.08.

Section 21. Section 24.16.015 – Definitions of Chapter 24.16 – Affordable Housing Provisions of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.16.015 DEFINITIONS.

For purposes of this part, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this part its most reasonable interpretation.

1. "Affordable ownership cost" for low income households means average monthly housing costs during the first calendar year of a household's occupancy, including mortgage payments, property taxes, homeowner's insurance, and homeowner's association dues, if any, the sum of which does not exceed eighty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent and divided by twelve. Affordable ownership cost for moderate and very low income households is defined at Section 24.16.205(1).

2. "Affordable rent" means the maximum monthly rent, including utilities and all fees for housing services, which does not exceed the following:

a. For moderate income households: one hundred ten percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent and divided by twelve.

b. For payment standard units: either affordable rent for moderate income households, or the maximum Santa Cruz housing authority payment standard rent for tenant-based subsidy holders, as provided in Section 24.16.030(9)(c)(2).

c. For low income households: eighty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty-five percent and divided by twelve.

d. For very low income households: fifty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent, and divided by twelve.

e. For extremely low income households: thirty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent and divided by twelve.

3. "Affordable units" are dwelling units which are affordable to extremely low, very low, low, median, or moderate income households as defined by this part or by any federal or state housing program and are subject to rental, sale, or resale provisions to maintain affordability.

4. “Approval body” means the body with the authority to approve the proposed residential development.
5. “Area median income” is area median income for Santa Cruz County as published and periodically updated by the state of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.
6. “Assisted living unit” is any dwelling unit in a facility licensed under Chapter 3.2 of the California Health and Safety Code as a residential care facility for the elderly, or an assisted living unit as defined in Section 1771(a)(6) of the California Health and Safety Code.
7. “Assumed household size based on unit size” is a household of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.
8. “Co-housing development” is an intentional community of private dwelling units clustered around shared space. Each attached or single-family home has traditional amenities, including a private kitchen. Shared spaces typically feature a common house, which may include a large kitchen and dining area, laundry, and recreational spaces. Households collaboratively plan and manage shared spaces. The legal structure is typically an HOA, condo association, or housing cooperative.
9. “Congregate living unit” is any dwelling unit in a senior housing development or senior citizen housing development, as defined in Section 51.3 of the California Civil Code, that provides private living quarters with centralized dining services and shared living spaces and may include access to social and recreational activities.
10. “Density bonus” is a density increase over the otherwise allowable maximum residential density on a site, granted pursuant to Part 3 of this chapter.
11. “Employer sponsored housing” means any rental residential development where an employer owns the land to be used in the development and at least seventy-five percent of the units in the development are used to house the employer’s employees.
12. “First approval” is the first of the following approvals to occur with respect to a residential development: development agreement, planned development permit, tentative map, minor land division, use permit, design permit, building permit, or any other permit listed in Section 24.04.030.
13. “Household income” is the combined adjusted gross household income for all adult persons living in a living unit as calculated for the purpose of the Housing Choice Voucher/ Section 8 program under the United States Housing Act of 1937, as amended, or its successor provision.
14. “Household, low income” is a household whose income does not exceed the low income limits applicable to Santa Cruz County, as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.
15. “Household, median income” is a household whose income does not exceed area median income.
16. “Household, moderate income” is a household whose income does not exceed the moderate income limits applicable to Santa Cruz County, as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.
17. “Household, very low income” is a household whose income does not exceed the very low income limits applicable to Santa Cruz County, as published annually pursuant to Title 25 of the

California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

18. “Household, extremely low income” is a household whose income does not exceed the extremely low income limits applicable to Santa Cruz County, as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development.

19. “Inclusionary unit” is an ownership or rental dwelling unit, including Flexible Density Units (FDU) and single room occupancy (SRO) units, within a residential development which is required under this part to be rented at an affordable rent or sold at an affordable ownership cost to specified households.

20. “Live/work unit” is a dwelling unit, part of which is used as a business establishment and the dwelling unit is the principal residence of the business operator or an employee of the business establishment who works in the unit.

21. “Local public employee” means a household including an employee of a city, county, city and county, charter city, charter county, charter city and county, special district, or any combination thereof.

22. “Local public funds” means any discretionary local resources, including but not limited to general and special revenue funds as approved by the Santa Cruz city council, awarded to any residential development project for the purposes of developing affordable housing.

23. “Market rate unit” is a dwelling unit that is not an affordable unit or an inclusionary unit.

24. “Member of the public” means a household that does not include either a “local public employee” or a “teacher or school district employee” with a preference for persons living or working in the city or county of Santa Cruz.

25. “Ownership residential development” means any residential project that includes the creation of two or more new or additional dwelling units or live/work units that may be sold individually, including co-housing developments.

26. “Payment standard unit” means an inclusionary unit available to tenant-based subsidy holders, as provided in Section 24.16.030(9).

27. “Rental residential development” means any residential development that creates one or more additional dwelling units that cannot be lawfully sold individually in conformance with the California Subdivision Map Act.

28. “Residential development” is any project requiring any discretionary permit from the city, or a building permit, for which an application has been submitted to the city, and which would create two or more new or additional dwelling units or FDU or SRO units by construction or alteration of structures, or would create two or more lots through approval of a parcel map or tentative map.

29. “FDU” means a Flexible Density Unit as defined at Section 24.12.1510.

30. “SRO” means a single-room occupancy residential unit that provides sleeping and living facilities in a single room but where sanitary or cooking facilities may be provided within the unit and/or shared within the housing project, or a rooming unit or efficiency unit located in a residential hotel, as that term is defined in accordance with California Health and Safety Code Section 50519, that is offered for occupancy by tenants for at least thirty consecutive days.

31. “Teacher or school district employee” means a household including any person employed by a unified school district maintaining prekindergarten, transitional kindergarten, and grades one to twelve, inclusive, an elementary school district maintaining prekindergarten, transitional kindergarten and grades one to eight, inclusive, or a high school district maintaining grades nine to twelve, inclusive, including but not limited to certified and classified staff.

32. “Tenant-based subsidy holder” (subsidy holder) is a household that holds a tenant-based voucher with the county of Santa Cruz housing authority.

Section 22. Section 24.16.020 – Basic On-Site Inclusionary Housing Requirements of Chapter 24.16 – Affordable Housing Provisions of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.16.020 BASIC ON-SITE INCLUSIONARY HOUSING REQUIREMENTS.

1. Applicability.

a. The inclusionary housing requirements defined in this chapter are applicable to all residential developments that create two or more new and/or additional dwelling units or FDU or SRO units at one location by construction or alteration of structures, or would create two or more lots through approval of a parcel map or tentative map, except for exempt residential developments under subsection (2).

b. Additional rent above and beyond affordable rent or affordable ownership cost may be permitted for the commercial/work space in a live/work unit at a rent that is determined to be affordable to qualifying households and is proportionate to the amount of commercial space provided. The amount of rent for the commercial portion of the live/work unit shall be agreed upon by the developer, the economic development director, and the planning and community development director. If no agreement can be reached, the city will retain an outside financial consultant to evaluate and determine the allowable affordable rent and establish a methodology for determining future commercial rent levels. The methodology for determining future commercial rent levels shall be defined in every affordable housing development agreement for residential developments that include at least one live/work unit.

2. The following residential developments are exempt from the requirements of this chapter:

a. Residential developments developed pursuant to the terms of a development agreement executed prior to the effective date of the ordinance codified in this chapter; provided, that such residential developments comply with any affordable housing requirements included in the development agreement or any predecessor inclusionary housing requirements in effect on the date the development agreement was executed.

b. Residential developments for which a complete application was filed with the city prior to the effective date of the ordinance codified in this chapter; provided, that such residential developments comply with any predecessor inclusionary housing requirements in effect on the date the application for the residential development was deemed complete.

c. Residential developments if exempted by California Government Code Section 66474.2 or 66498.1; provided, that such residential developments comply with any predecessor inclusionary housing requirements in effect on the date the application for the residential development was deemed complete.

d. Residential developments replacing dwelling units that have been destroyed by fire, flood, earthquake, or other acts of nature, so long as no additional dwelling units are created by the residential development; and provided, that such residential developments comply with any inclusionary housing requirements previously applied to the dwelling units being replaced.

e. Accessory dwelling units.

f. Rental residential developments with two to four dwelling units.

3. Ownership Residential Developments with Two to Four Dwelling Units. For ownership residential developments that would create at least two but not more than four new or additional dwelling units and/or live/work units at one location, the applicant shall either: (a) make one inclusionary unit available for sale at an affordable ownership cost; (b) make one inclusionary unit available at an affordable rent for low income households; or (c) pay an in-lieu fee calculated pursuant to Section 24.16.030(6).

4. Ownership Residential Developments with Five or More Dwelling Units. For ownership residential developments that would create five or more new or additional dwelling units and/or live/work units at one location, the applicant shall provide inclusionary units as follows:

a. Affordable Housing Requirement for Ownership Residential Developments. In an ownership residential or live/work development, twenty percent of the dwelling units shall be made available for sale to low and moderate income households at an affordable ownership cost.

b. Fractional Affordable Housing Requirement for Ownership Residential Developments – 0.7 Units or Less. If the number of dwelling units required under subsection (4)(a) results in a fractional requirement of 0.7 or less, then the applicant shall either: (i) make one inclusionary unit available for sale at an affordable ownership cost; (ii) make one inclusionary unit available at an affordable rent for low income households; or (iii) pay an in-lieu fee calculated pursuant to Section 24.16.030(6). This subsection (4)(b) applies to the fractional unit only, and whole units shall be provided as required by subsection (4)(a).

c. Fractional Affordable Housing Requirement for Ownership Residential Developments – More Than 0.7 Units. If the number of dwelling units required under subsection (4)(a) results in a fractional requirement of greater than 0.7, then the applicant shall either: (i) make one inclusionary unit available for sale at an affordable ownership cost; or (ii) make one inclusionary unit available at an affordable rent for low income households. This subsection (4)(c) applies to the fractional unit only, and whole units shall be provided as required by subsection (4)(a).

d. Rental Units in an Ownership Residential Development.

i. In an ownership residential development where all dwelling units are initially offered for rent, an applicant may satisfy the inclusionary requirements by providing rental units as provided in subsection (5).

ii. The rent regulatory agreement required by Section 24.16.045 shall include provisions for sale of the inclusionary units at an affordable ownership cost to eligible households within ninety days from the issuance of the public report by the California Department of Real Estate permitting sale of the units or at termination of the tenant’s lease whichever is later and otherwise in compliance with state law; provided, however, that the sale of the entire ownership residential development from one entity to another shall not trigger the obligation to sell individual inclusionary units. To the extent relocation payments are required by law the applicant shall be wholly responsible for the cost of preparing a relocation plan and making required payments. Any tenant of an inclusionary unit at the time units are offered for sale that qualifies to purchase an inclusionary unit at an affordable ownership cost shall be offered a right of first refusal to purchase the inclusionary unit. At sale appropriate documents shall be recorded to ensure the continued

affordability of the inclusionary units at an affordable ownership cost as required by Section 24.16.045.

5. Rental Residential Developments with Five or More Dwelling Units. For rental residential developments that would create five or more new or additional dwelling units and/or live/work units at one location, the applicant shall provide inclusionary units as follows:

a. Rental residential developments that would create five or more new or additional dwelling units or live/work units at one location shall provide twenty percent of the dwelling units as inclusionary units, which shall be made available for rent to low income households at an affordable rent.

b. SRO Developments. In a rental residential development comprised of SRO units, twenty percent of the single-room occupancy units shall be made available for rent to very low income households at an affordable rent.

c. Fractional Affordable Housing Requirement for Rental Residential Developments with More Than Five Dwelling Units. If the number of dwelling units required results in a fractional requirement of 0.7 or less, then there will be no inclusionary requirement for the fractional unit. If the number of dwelling units required results in a fractional requirement of greater than 0.7, then the applicant shall make one inclusionary unit available at an affordable rent. This subsection (5)(c) applies to the fractional unit only, and whole units shall be provided as required by subsections (5)(a) and (b).

6. The requirements of subsections (3) through (5) are minimum requirements and shall not preclude a residential development from providing additional affordable units or affordable units with lower rents or sales prices than required.

a. By mutual agreement by the developer, the planning and community development director, and the economic development director, the percentage of inclusionary units may be increased in exchange for reduced parking and/or other development requirements.

b. If the developer agrees to make at least forty percent of the residential project available for rent to low income households at a rental cost affordable to low income households, in addition to reduction of development requirements, by mutual agreement by the developer, the planning and community development director, and the economic development director, the city may also provide financial incentives to increase the number of inclusionary units in a project.

7. For purposes of calculating the number of inclusionary units required by this section, an accessory dwelling unit or units, constructed on parcels in the R-1 Districts or otherwise as part of a development of detached, single-family homes, shall not be counted either as part of the residential development or as an affordable unit fulfilling the inclusionary requirements for the residential development.

8. For the purposes of calculating the number and type of inclusionary units required by this section, accessory dwelling units constructed on parcels with multifamily structures, either as part of the initial development or anytime thereafter, shall be subject to the requirements of Section 24.16.020.5, commencing with the fifth accessory dwelling unit proposed for the parcel. The first four accessory dwelling units on such a parcel shall not be counted either as part of the residential development or as affordable units fulfilling the inclusionary requirements for the residential development. The inclusionary requirement for accessory dwelling units constitutes a separate inclusionary requirement than that of the primary residential use and shall be met with accessory dwelling units or as otherwise permitted under 24.16.030.

9. For purposes of calculating the number of inclusionary units required by this section, any dwelling units authorized as a density bonus pursuant to Part 3 of this chapter shall not be counted as part of the residential development. However, if a developer receives a city rental housing bonus as authorized by Section 24.16.035(4), then all of the dwelling units in the project, including the dwelling units authorized as a density bonus, shall be counted as part of the residential development for purposes of calculating the inclusionary units required by this section.

Section 23. Section 24.16.025 – Standards for Inclusionary Units of Chapter 24.16 – Affordable Housing Provisions of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.16.025 STANDARDS FOR INCLUSIONARY UNITS.

1. All inclusionary units shall remain affordable in perpetuity.
2. Inclusionary units shall be dispersed throughout the residential development to prevent the creation of a concentration of affordable units within the residential development, and no required inclusionary units shall be constructed as accessory dwelling units, except for inclusionary accessory dwelling units required for residential developments including five or more accessory dwelling units, subject to the requirements of Section 24.16.020.8.
3. Inclusionary units shall be compatible with the design of market rate units in terms of exterior appearance, materials, and finished quality. Interior finishes, features, and amenities may differ from those provided in the market rate units, so as long as the finishes, features, and amenities are durable, of good quality, compatible with the market rate units, and consistent with contemporary standards for new housing.
4. The applicant may reduce square footage of inclusionary units as compared to the market rate units, provided all units conform to all requirements of Titles 18 and 19 and meet the minimum square footage requirement that affordable units are at least seventy-five percent of the average size of all market rate units in the development with the same bedroom count, and for residential developments including five or more accessory dwelling units, the inclusionary requirements for the accessory dwelling units shall be met by providing accessory dwelling units conforming to the above standards for size. For the purpose of this subsection, the “average size” of a unit with a certain bedroom count equals the total square footage of all market rate units or all accessory dwelling units, with that bedroom count in the development divided by the total number of market rate units, or accessory dwelling units, with the same bedroom count in the development.
5. For developments with multiple market rate unit types containing differing numbers of bedrooms, inclusionary units shall be representative of the market rate unit mix and for developments including accessory dwelling units, the required inclusionary accessory dwelling units shall be calculated separately and shall be representative of the accessory dwelling unit size mix.
6. All building permits for inclusionary units in a phase of a residential development shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the inclusionary units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for inclusionary units in a phase of a residential development shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units. When alternative methods of compliance are proposed pursuant to Section 24.16.030, the planning and community development director and the

economic development director may jointly approve alternative phasing of market rate and inclusionary units if it finds that the proposal provides adequate security to ensure construction of the inclusionary units. Phases of construction shall be defined as a part of the first approval.
7. Rental to Tenant-Based Subsidy Holders. Owners of rental residential developments or SRO developments shall accept tenant-based subsidy holders (subsidy holders) as tenants of the inclusionary units, on the same basis as all other prospective tenants. The owner shall not apply selection criteria to subsidy holders that are more burdensome than the criteria applied to all other prospective tenants, nor shall the owner apply or permit the application of management policies or lease provisions which have the effect of precluding occupancy of the inclusionary units by subsidy holders.

Section 24. Part 2: Accessory Dwelling Units of Chapter 24.16 – Affordable Housing Provisions of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.16.100 PURPOSE.
The ordinance codified in this part provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single- or multifamily dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled and others within existing neighborhoods, and homeowners who create accessory dwelling units may benefit from added income and an increased sense of security.

In addition the ordinance codified in this part provides a mechanism to grant legal status to existing illegally constructed accessory dwelling units in single-family neighborhoods. By encouraging legalization, safe dwellings may be added to the city's existing housing supply.
Thus it is found that accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities throughout the city of Santa Cruz. To ensure that accessory dwelling units will conform to General Plan policy the following regulations are established.

24.16.120 LOCATIONS PERMITTED.
Accessory dwelling units are permitted on lots of any size in conjunction with a proposed or existing residential use in any zone that allows residential uses.

24.16.125 DEFINITIONS.
The following definitions shall apply to accessory dwelling units throughout the municipal code:

"Conversion accessory dwelling unit" shall mean any accessory dwelling unit created primarily by the conversion of any permitted, entitled, or legal nonconforming structure, or portion of such a structure. On property developed with multifamily structures only areas that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, shall be eligible to become conversion accessory dwelling units. Consistent with zoning standards, conversion accessory dwelling units shall be permitted to expand the

existing footprint of the structure by up to one hundred fifty square feet, and the existing height by up to two feet, and must be in conformance with all requirements of Section 24.16.142.

"New construction accessory dwelling unit" shall mean any accessory dwelling unit that includes new construction and which does not meet the definition and requirements for a conversion accessory dwelling unit.

24.16.130 PERMIT PROCEDURES.

1. Accessory dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.140 et seq.
2. Accessory dwelling units on substandard lots shall not be required to obtain a design permit unless they are associated with the construction of a new single-family dwelling per Section 24.08.400 et seq.
3. City shall issue a ministerial building permit for an accessory dwelling unit or junior accessory dwelling unit without discretionary review or a hearing, consistent with the provisions of this chapter and state law, within sixty days of submittal of a complete building permit application, unless provided otherwise. The sixty-day review period shall not apply when:
    a. Additional administrative or discretionary review is required under applicable provisions of the Santa Cruz Municipal Code or otherwise allowed by state law.
        i. Applications to construct accessory dwelling units shall be subject only to ministerial permitting processes to the extent necessary to allow construction of a single-story accessory dwelling unit conforming to the size limits stated in Section 24.16.140(3). Applications that propose to locate an accessory dwelling unit on a parcel or portion of a parcel triggering additional administrative or discretionary review shall only be relieved of the requirement for those reviews when no alternative site plan or project proposal can be created which would allow the creation of an up to eight-hundred-square-foot accessory dwelling unit that would not trigger additional reviews;
    b. If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the same lot or parcel; or
    c. When the applicant seeks a delay.
4. Applications to construct accessory dwelling units on properties that are designated as historic resources by the city, the state of California, or by the National Register of Historic Places shall show substantial compliance with the guidelines of the Secretary of the Interior for development on such properties.
5. Applications to construct accessory dwelling units on properties that are subject to the Citywide Creeks and Wetlands Plan shall demonstrate compliance with the requirements established in that plan for such properties, as implemented by Section 24.08.2100 et seq.

24.16.140 DEVELOPMENT STANDARDS.

All accessory dwelling units, both new construction and conversion, must conform to the following requirements:

1. Number of Accessory Dwelling Units per Parcel.
    a. For parcels zoned for and including a proposed or existing single-family home: One accessory dwelling unit shall be allowed for each parcel. Each parcel may also include a junior accessory dwelling unit conforming to the standards set forth in Section 24.16.170.

b. For parcels developed with an existing multifamily structure(s): Two new construction and at least one conversion accessory dwelling unit shall be allowed on each parcel. Up to twenty-five percent of the number of existing dwellings in the structure may be added as conversion accessory dwelling units. When the twenty-five percent limit results in a fraction of a unit, the total number of accessory dwelling units that may be added shall be determined by rounding the fraction up to the next whole number.

i. For the purposes of this section, multifamily structures are those that contain more than one dwelling unit, including but not limited to duplexes, triplexes, apartment buildings, and condominium buildings.

2. Parking. No off-street parking shall be required for any accessory dwelling unit outside of the Coastal Zone. Any parking spaces, covered or uncovered, removed in order to create an accessory dwelling unit shall not be required to be replaced outside the Coastal Zone. For properties within the Coastal Zone, parking requirements are contained in Section 24.12.240(1)(w).

3. Unit Size.

a. The floor area for new construction detached accessory dwelling units shall not exceed ten percent of the net lot area or eight hundred fifty square feet for a studio or one-bedroom ADU, or one thousand square feet for an ADU with more than one bedroom, whichever is greater, and no detached new construction ADU shall exceed a maximum of one thousand two hundred square feet of habitable area.

b. The floor area for new construction accessory dwelling units attached to the principal residential use on the property shall not exceed fifty percent of the existing habitable floor area of the principal residential use on the property, or eight hundred fifty square feet for a studio or one-bedroom ADU, or one thousand square feet for an ADU with more than one bedroom, whichever is greater.

c. The floor area for conversion accessory dwelling units shall not be limited, subject to compliance with Section 24.16.142.

d. Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall be accommodated by calculating the unit square footage size in a manner that accounts for the difference between the square footage of the proposed structure and the square footage of a traditional frame house.

e. Stairways which provide access to accessory dwelling units do not count toward the floor area of an accessory dwelling unit when the stairs are not part of the conditioned space, the stairs do not include any other rooms or room-like areas that would function as habitable floor area for the ADU, and there is a fire-rated entry door at the top of the stairs at the entrance to the accessory dwelling unit.

4. Existing Development on Lot. One of the following conditions must be present in order to approve an application to create an accessory dwelling unit:

1. One or more single-family dwellings exists on the lot or will be constructed in conjunction with the accessory dwelling unit;

2. The lot contains an existing multifamily structure, as defined in subsection (1)(b)(i).

5. Rear Yard Lot Coverage. In no case shall any accessory dwelling unit be limited in size based on rear yard lot coverage requirements contained in Section 24.12.140(5). In the application of Section 24.12.140(5), accessory dwelling units shall count toward the limit on allowable coverage by other accessory structures.

6. The following standards apply to accessory dwelling units located outside the standard side and rear yard setbacks for the zone district in which they are proposed:

a. The entrance to the accessory dwelling unit shall face the interior of the lot unless the accessory dwelling unit is directly accessible from an alley, a public street, or the Monterey Bay Sanctuary Scenic Trail.

b. Windows which face an adjoining residential property shall be designed to obscure views of neighboring yards by ADU occupants, including transom windows, translucent glass, or other methods; alternatively, fencing or landscaping shall be required to provide screening.

7. Alley or Rail Trail Orientation. When an accessory dwelling unit is adjacent to an alley or the Monterey Bay Sanctuary Scenic Trail, the accessory dwelling unit is encouraged to be oriented toward the alley or trail with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four-foot back-out which includes the alley. Fences shall be three feet, six inches tall along the alley. However, higher fencing up to eight feet can be considered in unusual design circumstances, subject to review and approval of the zoning administrator.

8. Occupancy.

a. For accessory dwelling units permitted between January 1, 2020, and January 1, 2025, owner occupancy shall not be required and no land use agreement requiring owner occupancy shall be recorded or enforced on properties containing these units.

b. For accessory dwelling units permitted on or before December 31, 2019, or on or after January 1, 2025, the property owner or an adult member of the property owner's immediate family, limited to the property owner's spouse, adult children, parents, or siblings, and subject to verification by the city, must occupy either the primary or accessory dwelling as his or her principal place of residence except under circumstances as established by resolution by the city council that may allow the property owner or the executor or trustee of the property owner's estate to apply to the city council for approval of a temporary change in use allowing both units to be rented for a period of no more than two years with a possible extension of one year by the planning director if circumstances warrant. Upon the expiration of the rental period, the property owner and/or the property owner's immediate family member, as specified above, shall reoccupy the property, or the property owner shall cease renting one of the units, or shall sell the property to a buyer who will reside on the property. A fee to cover the costs of processing such a request shall be in an amount established by resolution by the city council.

c. For purposes of this chapter, the property owner is the majority owner of the property as shown in the most recent Santa Cruz County assessor's roll.

d. If there is more than one property owner of record, the owner with the majority interest in the property shall be deemed the property owner for purposes of this chapter. Any property owner of record holding an equal share interest in the property may be deemed the majority property owner if no other property owner owns a greater interest. (For example, if the property is owned by two people, each with a fifty percent interest, either of the two owners may be deemed the property owner for purposes of the owner occupancy requirement. If three people own the property, each with a thirty-three and one-third percent interest, any one of the three may be deemed the property owner for purposes of the owner occupancy requirement.)

e. Notwithstanding subsection (8)(a), the community development director, in consultation with the city manager and city attorney, shall be authorized to promulgate regulations intended to legalize accessory dwelling units which are nonconforming solely by virtue of the fact that the property owner has failed to comply with subsection (8)(b)'s owner occupancy requirement, including but not limited to regulations providing for the

amortization of the nonconformity by specifying a period of time within which the absentee owner must either establish occupancy or discontinue the accessory dwelling unit use of the property, or alternatively sell the property, and regulations providing for the recordation of land use agreements specifying the terms of amortization.

f. Accessory dwelling unit properties shall be used for long-term residential purposes. Accessory dwelling unit properties may neither be used on a transient occupancy basis nor for short-term/vacation rental purposes. Within condominium or townhouse properties that contain an accessory dwelling unit associated with a specific individual unit and not the larger common condominium or townhouse complex, neither the accessory dwelling unit nor the associated condominium or townhouse unit shall be used as a short-term rental.

i. Exception. A legal accessory dwelling unit property that had legal status prior to November 10, 2015, and was in use as a short-term/vacation rental prior to that date, and for which the owner remits transient occupancy tax in compliance with Chapter 3.28 in full in a timely manner for the use of the property as short-term/vacation rental purposes, may continue the use. The owner must meet the owner occupancy requirement of this code.

9. Connections Between Units. At the discretion of the planning director, accessory dwelling units may be permitted to create direct access between units, or common access to a shared garage, laundry room, or storage area; provided, that each unit meets the definition of dwelling unit found in Section 24.22.320.

10. Other Code Requirements. The accessory dwelling unit shall meet the requirements of the California Building Standards Code, including the alternative means and methods section as prescribed therein.

11. Large Home Design Permit. The square footage of an accessory dwelling unit shall not be counted with the square footage of the single-family home in determining whether a large home design permit is required.

24.16.141 NEW CONSTRUCTION ACCESSORY DWELLING UNIT DEVELOPMENT STANDARDS.

1. Design. The design of the accessory dwelling unit shall relate to the design of the principal single-family dwelling by use of the compatible exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

2. Setbacks for New Construction Detached Accessory Dwelling Units.

a. The side yard and rear yard setbacks for a new construction detached single-story accessory dwelling unit shall not be less than three feet and the distance between buildings on the same lot must be a minimum of six feet.

b. Any portion of a new construction accessory dwelling unit that is over sixteen feet in height shall provide side setbacks of at least five feet and rear setbacks of at least ten feet.

i. Exception: Any two-story accessory dwelling unit oriented toward an alley, street, or the Monterey Bay Scenic Sanctuary Trail shall provide a setback of no less than five feet from the side and rear property lines.

c. If any portion of a new construction accessory dwelling unit is located in front of the principal structure, then the front and side yard setbacks shall be the same as those required for single-family homes in the zoning district.

3. Setbacks for New Construction Attached Accessory Dwelling Units. New construction attached accessory dwelling units shall meet the same setbacks required for the principal structure, either

the single-family dwelling or the multi-family structure, by the zoning district, except that any requirement for an additional setback based on height over fifteen feet shall not apply to the portion of the structure that contains the accessory dwelling unit.

4. Building Height and Stories.

a. A one-story detached new construction accessory dwelling unit shall be no more than sixteen feet in height measured to the roof peak.

b. A two-story detached new construction accessory dwelling unit shall meet one of the following standards, with height measured to the roof peak:

i. Any two-story accessory dwelling unit that is built within four feet of a side and rear property line shall be subject to a height limit of sixteen feet.

ii. Any two-story accessory dwelling unit that is oriented toward an alley, street, or the Monterey Bay Scenic Sanctuary Trail shall be subject to a height limit of twenty-two feet.

iii. Any other two-story accessory dwelling unit shall be subject to a height limit of twenty-two feet.

c. Any two-story detached new construction accessory dwelling unit shall place access stairs, decks, entry doors, and windows toward the interior of the lot, an alley, road, or the Monterey Bay Sanctuary Scenic Trail, if applicable. Second-story windows shall be oriented to obscure views of neighboring yards by ADU occupants by using transom windows, translucent glass, or other methods. These requirements do not apply to two-story ADUs that conform to the setbacks required for the primary structure on the parcel.

d. An attached new construction accessory dwelling unit may occupy any level of the principal single-family dwelling and must comply with the height standard established for single-family homes in the zone district, except as noted in subsection (3).

e. If the design of the principal structure has special roof features that should be matched on the detached accessory dwelling unit to enhance design compatibility, the maximum allowed building height of the accessory dwelling unit may be exceeded in order to include such similar special roof features, subject to review and approval of the zoning administrator as part of the review of the building permit application.

5. Substandard Lots. When a new construction accessory dwelling unit is proposed on a substandard residential lot, as defined in Section 24.22.520, the following design standards shall apply, but shall not serve to limit the accessory dwelling unit to a size of less than eight hundred square feet:

a. The maximum allowable lot coverage for all structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage (attached and detached), decks and porches (greater than thirty inches in height and not cantilevered), and any second-story cantilevered projection (enclosed or open) beyond two and one-half feet. Decks under thirty inches in height or fully cantilevered with no vertical support posts do not count toward lot coverage for this purpose. Second-story enclosed cantilevered areas that project less than thirty inches from the building wall do not count toward lot coverage. For such areas that project more than thirty inches from the building wall, only the floor area that projects more than thirty inches shall be counted as lot coverage.

b. The floor area for all second stories shall not exceed fifty percent of the first floor area for all structures, except in cases where the first floor area of the structure to which a second story is being added constitutes thirty percent or less of the net lot area.

c. Continuous long walls parallel to the side property line with narrow side yards shall be minimized.

d. Landscaping shall be required at least for front yard areas.

e. Structures, landscaping or other features shall incorporate methods to lessen the visibility of garages on a street facade.

6. Large Home Design Permit. Accessory dwelling units, both attached and detached, conversion and new construction, shall not contribute to the need for a large home design permit and, consistent with Section 24.16.130, shall be subject only to ministerial review. The city reserves the right to delay action on an application to build an accessory dwelling unit until such time as the permits for the primary residential use on the parcel have been approved.

24.16.142 CONVERSION ACCESSORY DWELLING UNIT DEVELOPMENT STANDARDS.

1. Setbacks and Lot Coverage. Conversion accessory dwelling units shall be permitted to maintain the existing setbacks and lot coverage of the structure to be converted or reconstructed, regardless of their conformance to current zoning standards.

2. Reconstruction. Structures to be converted may either be converted utilizing the existing structural components of the building, or reconstructed within the existing three-dimensional physical space occupied by the structure.

3. Additions and Expansions. An accessory dwelling unit shall be considered a conversion accessory dwelling unit when the proposed dwelling unit is created primarily within an existing or reconstructed structure.

a. Expansions of floor space up to one hundred fifty square feet shall be permitted, and these expansions shall comply with the development standards that apply to new construction accessory dwelling units as stated in Section 24.16.141, and shall not enlarge the accessory dwelling unit beyond one thousand two hundred square feet, unless necessary to accommodate ingress and egress to the accessory dwelling unit.

b. Expansions of height up to two feet in additional height shall be permitted, and these expansions shall comply with the height limits set for new construction accessory dwelling units in Section 24.16.141.

c. Any expansion in excess of the above thresholds will trigger review as a new construction accessory dwelling unit, including assessment of any required fees.

24.16.150 DEED RESTRICTIONS.

Before obtaining a building permit for an accessory dwelling unit or junior accessory dwelling unit the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory dwelling unit or junior accessory dwelling unit shall not be sold separately.

2. The unit is restricted to the approved size.

3. The use of the accessory dwelling unit or junior accessory dwelling unit shall be in effect only so long as the property is in compliance with the ordinance as codified and the land use agreement recorded on the property, including any requirements regarding occupancy.

4. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement.

5. The deed restrictions shall lapse upon removal of the accessory dwelling unit or junior accessory dwelling unit.

6. For properties with accessory dwelling units and/or junior accessory dwelling units that are located in a permit parking program district, the primary residence and the accessory dwelling unit combined shall qualify only for the number of residential parking permits that would have been available to the primary residence. No additional permits will be granted for the accessory dwelling unit. The property owner shall offer the tenant of an accessory dwelling unit a residential parking permit if requested by the tenant.
7. For properties developed with single-family homes, neither the accessory dwelling unit, the junior accessory dwelling unit, nor the primary unit shall be used as a short-term rental. On properties zoned for and developed with multifamily structures, the accessory dwelling unit shall not be used as a short-term or vacation rental. In units within condominium or townhouse properties that contain an accessory dwelling unit associated with a specific individual unit and not the larger common condominium or townhouse complex, neither the accessory dwelling unit nor the associated condominium or townhouse unit shall be used as a short-term rental.

24.16.160 ZONING INCENTIVES.

The following incentives are to encourage construction of accessory dwelling units:
1. Affordability Requirements for Fee Waivers. Accessory dwelling units proposed to be rented at affordable rents, as established by the city, may have development fees waived per Part 4 of this chapter. Existing dwelling units shall be relieved of the affordability requirement upon payment of fees in the amount previously waived plus the difference between that amount and the fees in effect at the time of repayment.
2. Covered Parking. The covered parking requirement for the principal single-family dwelling shall not apply if an accessory dwelling unit is provided. However, no plumbing fixtures may be installed in any remaining existing garage or newly constructed garage on a property that has an accessory dwelling unit without approval of the zoning administrator.
3. Front or Exterior Yard Parking. Three parking spaces may be provided in the front or exterior yard setback under this incentive with the parking design subject to approval of the zoning administrator. The maximum impervious surfaces devoted to the parking area shall be no greater than the existing driveway surfaces at time of application. Not more than fifty percent of the front yard width shall be allowed to be parking area.
4. Tandem Parking. For a parcel with a permitted accessory dwelling unit, required parking spaces for the principal single-family dwelling and the accessory dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than three total cars in tandem may be counted towards meeting the parking requirement.

24.16.170 JUNIOR ACCESSORY DWELLING UNITS.

1. Notwithstanding any other regulation or definition of this code, a junior accessory dwelling unit shall be permitted on parcels in zones where single-family dwellings are an allowed use and where single-family structures exist or are proposed on the site, and where the owner of the property occupies the property as their primary place of residence.
2. For the purposes of this section, “junior accessory dwelling unit” shall have the same meaning as defined in Section 65852.22 of the California Government Code.
3. Junior accessory dwelling units must be attached to a single-family dwelling, may be created in any part of an existing or proposed single-family dwelling, and may be created in an addition to a single-family dwelling.
4. Junior accessory dwelling units may be no larger than five hundred square feet in size.

5. Junior accessory dwelling units shall contain, at a minimum, the following features:
a. An exterior entrance separate from that of the primary home.
b. A cooking facility with appliances.
c. A food preparation counter and storage cabinets of reasonable size in relation to the size of the junior accessory dwelling unit.
6. Junior accessory dwelling units may include separate sanitation facilities, or may share sanitation facilities with the primary dwelling.
7. Junior accessory dwelling units that contain all the required features of a dwelling unit will not be required to maintain an interior connection between the junior accessory dwelling unit and the primary dwelling. Junior accessory dwelling units that do not contain all the required features of a dwelling unit will be required to maintain an interior connection between the junior accessory dwelling unit and the primary dwelling unit.
8. A deed restriction pursuant to Section 24.16.150 shall be required and recorded on the parcel.

Section 25. Section 24.16.205 - Definitions of Chapter 24.16 – Affordable Housing Provisions of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.16.205 DEFINITIONS.

For purposes of this Part 3 of this chapter, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this Part 3 its most reasonable interpretation.

1. “Affordable ownership costs” means a sales price resulting in projected average monthly housing costs during the first calendar year of a household’s occupancy, including mortgage payments, property taxes, homeowners insurance, and homeowners association dues, if any, and a reasonable allowance for utilities, property maintenance, and repairs, which do not exceed the following:
a. For moderate-income households: one hundred ten percent of area median income adjusted for assumed household size based on unit size, multiplied by thirty-five percent, and divided by twelve.
b. For lower-income households: seventy percent of area median income adjusted for assumed household size based on unit size, multiplied by thirty percent and divided by twelve.
c. For very-low-income households: fifty percent of area median income adjusted for assumed household size based on unit size, multiplied by thirty percent and divided by twelve.
The city may determine sales prices of affordable units by any reasonable method so long as average monthly housing payments of eligible households do not exceed those permitted by this definition.
2. “Affordable rent” means monthly housing expenses, including rent, utilities, and all fees for housing services, which does not exceed the following:

a. For lower-income households: sixty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent and divided by twelve.

b. For very-low-income households: fifty percent of area median income, adjusted for assumed household size based on unit size, multiplied by thirty percent and divided by twelve.

c. For federally subsidized units under the Housing Choice Voucher/Section 8 Program or other similar federal programs, federal rental terms may be applied at the discretion of the planning and community development director.

3. “Affordable units” are dwelling units which are affordable to very-low-, lower-, or moderate-income households as defined by this Part 3 and are subject to rental, sale, or resale provisions to maintain affordability.

4. “Area median income” is area median income for Santa Cruz County as published by the state of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.

5. “Assumed household size based on unit size” is a household of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.

6. “Child care facility” is a child daycare facility other than a family daycare home, as defined in Section 24.22.355, including, but not limited to, infant centers, preschools, extended daycare facilities, and school age child care centers.

7. “Commercial development” is a construction project for nonresidential uses.

8. “Commercial development bonus” is a modification of development standards mutually agreed upon by the city and a commercial developer that is provided to a commercial development eligible for such a bonus under Section 24.16.258. Examples of a commercial development bonus include an increase in floor area ratio, increased building height, or reduced parking.

9. “Density bonus” is a density increase over the otherwise allowable maximum residential density on a site, granted pursuant to this Part 3 of this chapter or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density.

10. “Density bonus units” are residential units granted pursuant to this Part 3 of this chapter which exceed the otherwise allowable maximum residential density for a housing development.

11. “Development standard” is any site or construction condition that applies to a housing development pursuant to any ordinance, General Plan element, specific plan, or other local condition, law, policy, resolution, or regulation. A “site and construction condition” is a development regulation or law that specifies the physical development of a site and buildings on the site in a housing development.

12. “First approval” is the first of the following approvals to occur with respect to a housing development: specific plan, development agreement, planned development permit, tentative map, minor land division, use permit, design permit, building permit, or any other permit listed in Section 24.04.030.

13. “Flexible Density Unit” or “FDU” is a dwelling unit ranging from two hundred twenty to six hundred fifty square feet that is exempt from General Plan and Zoning Ordinance density standards. Developments including this unit type may consist solely of FDUs or include other residential units.

14. “Household income” is the combined adjusted net household income for all adult persons living in a living unit as calculated pursuant to California Code of Regulations, Title 25, Section 6916, or successor provision.

15. “Household, low or lower income” is a household whose income does not exceed the lower-income limits applicable to Santa Cruz County, as published and periodically updated by the California Department of Housing and Community Development pursuant to California Health and Safety Code Section 50079.5.
16. “Household, moderate income” is a household whose income does not exceed the moderate-income limits applicable to Santa Cruz County, as published and periodically updated by the California Department of Housing and Community Development pursuant to California Health and Safety Code Section 50079.5.
17. “Household, very low income” is a household whose income does not exceed the very-low-income limits applicable to Santa Cruz County, as published and periodically updated by the State Department of Housing and Community Development pursuant to California Health and Safety Code Section 50105.
18. “Housing development” is a development project on contiguous lots that are the subject of one development application, consisting of five or more residential units (not including any density bonus units), including single-family and multifamily and single-room occupancy units, for sale or for rent. For the purposes of this Part 3, “housing development” also includes a subdivision or a common interest development consisting of five or more residential units or unimproved residential lots, a mixed-use development that includes five or more residential units or unimproved residential lots, the substantial rehabilitation and conversion of an existing commercial building to residential use, and the substantial rehabilitation of an existing multifamily dwelling, where the rehabilitation or conversion would create a net increase of at least five residential units. In all cases density bonus units are not included for the purpose of determining whether the development consists of five or more units or lots.
19. “Incentives and concessions” are regulatory concessions as listed in Section 24.16.255.
20. “Inclusionary unit” is an ownership or rental dwelling unit or single-room occupancy unit within a housing development which is required under Part 1 of this chapter to be rented at affordable rents or sold at an affordable ownership cost to specified households.
21. “Major transit stop” is an existing site, or a site included in the regional transportation plan, that contains a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of fifteen minutes or less during the morning and afternoon peak commute periods. A housing development is considered to be within one-half mile of a major transit stop if all parcels within the housing development have no more than twenty-five percent of their area farther than one-half mile from the stop and if not more than ten percent of the units or one hundred units, whichever is less, in the housing development are farther than one-half mile from the stop.
22. “Market rate unit” is a dwelling unit which is not an affordable unit as defined in this Part 3.
23. “Maximum residential density” is the maximum number of residential units allowed in a housing development by the city’s zoning ordinance and by the land use element of the General Plan on the date that the application for the housing development is deemed complete. If the maximum density allowed by the zoning ordinance is inconsistent with the density allowed by the land use element of the General Plan, the land use element density shall prevail. This definition is used to calculate a density bonus pursuant to this Part 3 of this chapter.
24. “Partnered housing agreement” is an agreement approved by the city between a commercial developer and a housing developer identifying how the commercial development will provide housing available at affordable ownership cost or affordable rent. A partnered housing agreement may consist of the formation of a partnership, limited liability company, corporation, or other entity

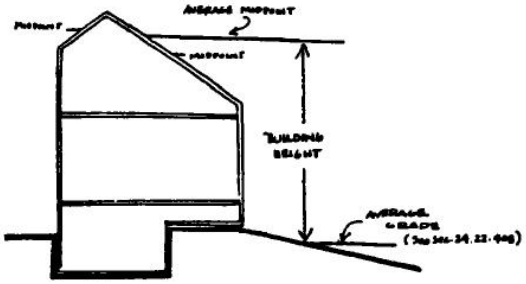
recognized by the state in which the commercial developer and the housing developer are each partners, members, shareholders, or other participants, or a contract between the commercial developer and the housing developer for the development of both the commercial development and the housing development.

25. "Special needs housing" is any housing, including supportive housing, intended to benefit, in whole or in part, persons identified as having special needs relating to mental health; physical disabilities; developmental disabilities, including without limitation intellectual disability, cerebral palsy, epilepsy, and autism; and risk of homelessness, and housing intended to meet the housing needs of persons eligible for mental health services funded in whole or in part by the Mental Health Services Fund, created by California Welfare and Institutions Code Section 5890.

26. "Unobstructed access" to a location means that a resident is able to access the location without encountering natural or constructed impediments.

Section 26. Section 24.22.160 – Building, Height of in Chapter 24.22 – Definitions of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.22.162 BUILDING, HEIGHT OF.



The vertical distance from average grade, as defined herein, to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average midpoint of roof planes (calculated by using the intersection of the roofline with the exterior building wall, not including eaves or overhangs, as the low point and the peak of the roof as the high point) of the highest gable of a pitch or hip roof. In calculating the height of a stepped or terraced building, the height of each individual segment of the building shall first be calculated; the height of a stepped or terraced building is the height of the tallest segment of the building. Height limitations shall not apply to uses listed in Section 24.12.150, Height limit modifications, of this title.

Section 27. Section 24.22.355 – Family Daycare Home of Chapter 24.22 – Definitions of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.22.355 FAMILY DAYCARE HOME.

1. A family daycare home means a home that regularly provides care, protection, and supervision for fourteen or fewer children, in the provider's own home, for periods of less than twenty-four hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home. Such facilities must be licensed by the state of California and

operate under the standards of state law. The capacities include children under the age of ten who live in the home.

A family daycare home, either small or large, includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A family daycare home, either small or large, is where the daycare provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned.

a. "Large family daycare home" means a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home, as set forth in Section 1597.465 of the State Health and Safety Code and as defined in State regulations.

b. "Small family daycare home" means a facility that provides care, protection, and supervision for eight or fewer children, including children under 10 years of age who reside at the home, as set forth in Section 1597.44 of the State Health and Safety Code and as defined in State regulations.

Section 28. Section 24.22.456.1 – Housing, Volumetric Modular of Chapter 24.22 – Definitions of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

24.22.456.1 HOUSING, VOLUMETRIC MODULAR

Buildings for residential or mixed commercial and residential buildings composed fully or primarily (over 50%) of modules or building systems that are manufactured off-site in such a manner that all concealed parts or processes of manufacture cannot be inspected on the construction site. These factory-finished modules are then stacked and joined onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted by the California Building Standards Commission pursuant to Section 19990 of the Health and Safety Codes to form a substantially complete building. Ideally, only bolting and interconnection of building services is required at the site. This definition does not apply to mobilehomes or recreational vehicles.

Section 29. Section 24.22.586 – Open Space, Usable of Chapter 24.22 – Definitions of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.22.586 OPEN SPACE, USABLE.

Outdoor area on the ground, roof, balcony, deck, or porch which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. The term shall not include off-street parking or driveway areas, nor shall such area have a slope greater than ten percent, or any dimension of less than ten feet. The term may include private balconies if their smallest dimension is four linear feet or more.

For new construction, where trees are retained on a site, the area under the canopy of a retained tree shall count double toward the Usable Open Space requirement. This area shall be calculated as the area contained within the circumference of a circle drawn using a radius equivalent to the average depth of the canopy from the center of the tree.

Section 30. This ordinance shall take effect and be in full force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 15th day of November, 2022, by the following vote:

AYES: Councilmembers Kalantari-Johnson, Golder, Meyers; Vice Mayor Watkins; Mayor Brunner.

NOES: Councilmembers Cummings, Brown.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this ___ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2022-18 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

_____
Bonnie Bush, City Clerk Administrator