

CITY OF SANTA CRUZ
809 Center Street
Santa Cruz, California 95060



CITY COUNCIL AGENDA

Regular Meeting - August 23, 2022

- 10:00 A.M. CLOSED SESSION, ZOOM/COURTYARD CONFERENCE ROOM
- 11:30 A.M. CONSENT AND GENERAL BUSINESS, ZOOM/COUNCIL CHAMBERS
- 6:00 P.M. ORAL COMMUNICATIONS AND PUBLIC HEARING, ZOOM/COUNCIL CHAMBERS

IMPORTANT NOTICE:

Pursuant to California Government Code 54953(e)(1)(A) and (C), and the City of Santa Cruz's resolution authorizing continued virtual participation in public meetings given the COVID-19 pandemic, meetings of the Santa Cruz City Council are being conducted with a hybrid format, providing both in-person and virtual participation in order to promote social distancing and protect the health and safety of attendees, staff, and Councilmembers.

In order to minimize exposure to COVID-19, the meeting may be viewed remotely, using any of the following sources:

- Click on Zoom link (no time delay): <https://zoom.us/j/94684401344>
- Online at <http://www.cityofsantacruz.com/government/city-council/council-meetings>
- Online at [Watch - Community Television of Santa Cruz County](#)
- Comcast Channel 25

Or: Call any of the numbers below. If one is busy, try the next one.

- 1-833-548-0276 (Toll Free)
- 1-833-548-0282 (Toll Free)
- 1-877-853-5247 (Toll Free)
- 1-669-900-9128

Enter the meeting ID number: 946 8440 1344

- When prompted for a Participant ID, press #.
- Press *9 on your phone to "raise your hand" when the Mayor calls for public comment.
- It will be your turn to speak when the Mayor calls on you. Press *6 to unmute yourself. The timer will then be set to 2 minutes.

Correspondence to be included in the agenda packet must be received by 5:00 pm Monday, August 22nd.

PLEASE NOTE:

- Requests for extra speaking time on items other than Oral Communications must be made by 5:00 p.m. on Sunday, August 28th by emailing the Mayor and the City Clerk. Approval will be confirmed via email.

sbrunner@cityofsantacruz.combbush@cityofsantacruz.com

The City of Santa Cruz does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment, please call the City Clerk's Department at 420-5030 at least five days in advance so that we can arrange for such special assistance, or email CityClerk@cityofsantacruz.com. The Cal-Relay system number: 1-800-735-2922.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 420-5030 al menos cinco días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a cityclerk@cityofsantacruz.com. El número del sistema Cal-Relay es: 1-800-735-2922.

Closed Session**10:00 AM****Closed Session****1. Conference with Labor Negotiators (Government Code §54957.6)**

SEIU Temporary Employees
SEIU Service Employees
Mid Managers, OE3
Supervisors, OE3
Fire Management
Fire, IAFF
Police Management
Police Officers Association
Executives

City Negotiator - Lisa Murphy

2. Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(4))

Initiation of litigation (one potential case)

City Council

11:30 AM

Call to Order

Roll Call

Presiding Officer's Announcements

Statements of Disqualification

Additions and Deletions

City Attorney Report on Closed Session

Council Meeting Calendar

3. The City Council will review the meeting calendar attached to the agenda and revise it as necessary.

Council Memberships in City Groups and Outside Agencies

4. The Presiding Officer will provide Councilmembers with the opportunity to update Council on any external committee meetings that occurred since the last Council meeting.

Consent Agenda

5. Resolution Extending the Emergency Declaration in Connection with the CZU August Lightning Complex Fire by Sixty (60) Days (CA)

Resolution extending by sixty days the Local Emergency Declaration in connection with the CZU August Lightning Complex Fire.

Consent Agenda (continued)

6. Resolution Extending the Emergency Declaration in Connection with the COVID-19 Pandemic by Sixty (60) Days (CA)

Resolution extending by sixty days the Declaration of Emergency in connection with the COVID-19 pandemic.

7. Resolution Authorizing the City to Continue Teleconferenced Public Meetings Pursuant to Assembly Bill 361 (CA)

Resolution authorizing legislative bodies of the City of Santa Cruz to continue the use of teleconferenced meetings pursuant to Assembly Bill 361.

8. Minutes of the August 9, 2022 City Council Meeting (CC)

Motion to approve as submitted.

9. Minutes of the August 16, 2022 City Council Special Meeting (CC)

Motion to accept as submitted.

10. Collective of Results and Evidence-Based (CORE) Investments Bridge Funding (CM)

Motion to:

1) Approve recipients for Collective of Results and Evidence-Based (CORE) bridge funding contracts; and

2) Adopt a resolution amending the FY 2023 budget to appropriate \$90,000 from the City's Capital Investment Program (CIP) for the City's contribution.

11. Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans for the Santa Cruz Public Libraries (HR)

Resolution amending the Classification and Compensation Plans to the FY 2023 Budget Personnel Complement by implementing the Library Board approved Budget/Position and Classification changes in the Library.

Consent Agenda (continued)**12. Award Contract for Playground Equipment at Garfield Park Playground (PR)**

Resolution to award a contract to Landscape Structures, Inc. (Delano, MN) for the purchase of playground equipment that will be installed at Garfield Park in the amount of \$219,777.02.

13. Citywide Vegetation Management - Award Contract (PW)

Motion to accept the bid of Lewis Tree Service (Santa Cruz, CA) for Citywide Vegetation Management in the amount of \$117,000, and to authorize the City Manager to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

14. Traffic Striping Installation and Maintenance - Award Contract (PW)

Motion to accept the bid of Chrisp Company (Fremont, CA) for Traffic Striping Installation and Maintenance in the amount of \$130,000, and to authorize the City Manager to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

15. Cost of Construction - Fee Revision (PW)

Resolution revising the Traffic Impact Fee Estimate Form to include a revised PM peak hour rate of \$4,928 and rescinding Resolution No. NS-29,865.

16. Annual San Lorenzo River Flood Control Maintenance (m409505) - Award Contract (PW)

Motion to award a contract for the annual San Lorenzo River Flood Control Maintenance to Kenny Robinson Construction (Santa Cruz, CA) in the amount of \$275,000, and to authorize the City Manager to execute an agreement in a form acceptable to the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

Consent Agenda (continued)

17. Transfer within the Water Department's Capital Investment Program for FY 2022 Water Program Administration Expenses - Budget Adjustment (WT)

Resolution amending the FY 2022 budget by transferring \$1,956,115 from the Water Department's Capital Investment Program (CIP) Project c701901, Water Program Administration, to various other Water Department CIP Projects for the purpose of allocating actual program administration expenses to active Water Program CIP Projects.

End Consent Agenda

General Business

18. Independent Police Auditor Report (CM)

Receive a report from the City's Independent Police Auditor, OIR Group.

General Business (continued)

Please note:

- The Public Comment period for the below item will be for items 19.1 and 19.2.
- Group requests for extra speaking time will be limited to a total of three (3) groups, with an allotment of 3 minutes each. Requests for extra speaking time must be emailed to the City Clerk and Mayor Brunner by 5:00 p.m. on Sunday, August 21st. Approval will be on a first come, first serve basis, and will be confirmed via email.

sbrunner@cityofsantacruz.com

bbush@cityofsantacruz.com

- Public comment will be limited to no more than a total of 30 minutes. Each speaker will have 2 minutes.

19. HOMELESSNESS RESPONSE UPDATE

19.1. Homelessness Response Quarterly Update (CM)

Receive updates regarding Council-directed homelessness response programs and services, including Homelessness Response Action Plan implementation details, objectives, and outcomes.

19.2. Benchlands Closure and Restoration - Budget Adjustment and Refuse Disposal, Abatement, and Landscape Remediation Contract Approval (CM)

Motion to:

1) Adopt a resolution amending the FY 2023 budget to transfer \$1,000,000 from the Safe Sleeping Hygiene Bay Project c102205 to the Benchlands Restoration Project c102304; and

2) Authorize the City Manager to execute an emergency procurement Agreement, in a form to be approved by the City Attorney, between the City of Santa Cruz and Clean Team Associates in the amount of \$280,000 to remove encampment debris in the San Lorenzo Park Benchlands.

General Business (continued)

Please note: Public comment for the below item will be limited to 2 minutes per speaker.

20. Revised Fiscal Impact Report for the Empty Home Tax Initiative Petition (FN)

Receive a revised fiscal impact report to that which was presented to Council at the June 28, 2022 meeting, pursuant to California Elections Code Section 9212, related to the Empty Home Tax initiative petition.

Recess - The City Council will recess to the 6:00 p.m. session.

City Council

6:00 PM

Call to Order

Roll Call

Oral Communications Announcement - Community members may address the Council for two minutes or less about any matter not on the agenda. 30 minutes is allocated for Oral Communications. No extra time for groups will be granted.

Oral Communications

Public Hearing

21. Amendments to Municipal Code Titles 6, 12, 13, 15, 16 and 24 Related to Objective Development Standards for Multi-Family Housing, New Mixed Use Zoning Districts, Development Review Process Changes, Street Trees, Right-of-Way Improvements, and the Water Efficient Landscape Ordinance; Associated Updates to the Zoning Map; and Establish In-Lieu Fees for Street Tree Removals (File No. FP20-0002) and Additional 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 (File Nos. A22-0002 and A22-0003) (PL)

Motion to:

- 1) Introduce for publication an ordinance making the amendments to the Santa Cruz Municipal Code, as presented in the attached documents, for code sections not included in the Local Coastal Program or Implementation Plan; and
- 2) Introduce for publication an ordinance making the amendments to the Santa Cruz Municipal Code, as presented in the attached documents, for code sections that are included in the Local Coastal Program or Implementation Plan; and
- 3) Introduce for publication an ordinance making the proposed amendments to the zoning map, as stated in the ordinance and as shown in the associated map exhibit; and
- 4) Adopt a resolution establishing a new in-lieu fee requirement for street tree removals.

Adjournment

INFORMATION ITEMS PREVIOUSLY DISTRIBUTED TO CITY COUNCILMEMBERS

None Issued.

MAYOR'S PROCLAMATIONS

1. Proclaiming Thursday, August 18, 2022 as “Never Give Up Day” and encouraging all citizens to join in making this day a springboard for awareness-raising actions.

Advisory Body Appointments

The following positions are vacant. Council will make the appointments at a future meeting.

Parks and Recreation Commission	One Opening
Commission for the Prevention of Violence Against Women	One opening

Public Hearing

If, in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action either 60 days or 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6 Please refer to code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes “final.” The 60-day rule applies to all public hearings conducted pursuant to the City’s Zoning Ordinance, Title 24, Santa Cruz Municipal Code. The 90-day rule applies to all other public hearings.

City Council Agenda Legislative History Addendum

No information was submitted.

City staff is responsible for providing the City Clerk with such documentation and information for the Legislative History Addendum. The information will be on file in the City Clerk's Department.

The Addendum is a listing of information specific to City Council business, but which does not appear on a Council meeting agenda. Such entities would include, but not be limited to: Court decisions, Coastal Commission Appeals of City Council actions, Closed Session Agreements/Settlements, which are public record, Association of Monterey Bay Area Governments, Local Agency Formation Commission.

Rosemary Balsley

From: Sasha Lydon <sashalydon@yahoo.com>
Sent: Monday, August 22, 2022 4:43 PM
To: City Council
Subject: Council Meeting 8/23/22 agenda item one Contract Negotiations

Dear City Council,

Given what your offer was when last I wrote and what your offer is now I can only presume that you didn't read my last letter.

Once again I can't come to the meeting or call in because I'm busy. I work *for you*, billing our SCMU customers and stimulating revenue so that you can continue to let people miss manage city funds.

We were out of contract in April, it's the end of August. You or your representative's seemed to think that asking the public for an increase in sales tax after a pandemic and during the largest inflation hike in decades would go down well, intimating that we had to wait for that to be approved to bargain. I never thought that fragrant piece of excrement would pass and I'm surprised it did as well as it did, but in the end you offered us big eyes, a sob story and bag of nothing in your Last best and final offer.

You are going to have to do better than that. I'm tired of working in a place where the city pays money to put up signs that say you appreciate us, when you clearly don't. I'd like you to add the cost of that imbecility to our cola (there are way too many stupid ways you've spent money for me to list but I think a 10% cola is fully justified).

You offer us a Bonus, that won't pay for half or even a third of most people's monthly rent. Did you see that lovely article that talked about how to meet the average rent for a two bedroom apartment in Santa Cruz you need to make \$65 dollars an hour? That we are the 2nd most expensive place to live *in the country*, behind San Francisco?

TL: DR.

Give us a fair salary increase. Squeeze until it hurts your pet projects, I for one am done putting you before me.

Sasha Lydon

Utility Account Specialist.

Water Dept.

8/22/22

P.S. I because I'm so outraged about this whole situation, I am trying to commit to not spending money in the city limits. I feel sorry for the local businesses but I'd rather generate sales taxes elsewhere.

Meeting Type
Holiday
Jewish Holiday
Regular Meeting
Special Meeting
Study Session (will be added as scheduled)
Budget Hearing

City Council Meeting Calendar for 2022

Please note: Meeting times are not final and are likely to change

DATE	Location	Meeting Type
September 5	City Hall Closure - Labor Day	
September 13	Council Chambers/Zoom	Closed Session - Closed to the Public
	Council Chambers/Zoom	Council Regular Meeting - Open to the Public
September 25/26	Rosh Hashanah (City observed - sundown to sundown)	
September 27	Council Chambers/Zoom	Closed Session - Closed to the Public
	Council Chambers/Zoom	Council Regular Meeting - Open to the Public
October 4/5	Yom Kippur (City observed - sundown to sundown)	
October 11	Council Chambers/Zoom	Closed Session - Closed to the Public
	Council Chambers/Zoom	Council Regular Meeting - Open to the Public
October 25	Council Chambers/Zoom	Closed Session - Closed to the Public
	Council Chambers/Zoom	Council Regular Meeting - Open to the Public
November 8	Council Chambers/Zoom	Closed Session - Closed to the Public
	Council Chambers/Zoom	Council Regular Meeting - Open to the Public
November 11	City Hall Closure - Veteran's Day (observed)	
November 22	Council Chambers/Zoom	Closed Session - Closed to the Public
	Council Chambers/Zoom	Council Regular Meeting - Open to the Public
November 24	City Hall Closure - Thanksgiving Day	
November 25	City Hall Closure - Day After Thanksgiving Day	
December 18/19	Hanukkah (City observed - sundown to sundown)	
December 13	Council Chambers/Zoom	Closed Session - Closed to the Public
	Council Chambers/Zoom	Council Regular Meeting - Open to the Public
December 25	City Hall Closure - Christmas Day	
December 27 Meeting Cancelled - CITY COUNCIL DARK		

Council Membership in City Groups and Outside Agencies (2022) – Updated May 24, 2022 (LAFCO City-seat term ended in May)

Councilmembers may provide direction, request additional information or that a topic raised be agendaized for future Council action. The Presiding Officer may request oral updates from Council Ad Hoc Committees.

City Council Standing Committees	Councilmember	Assigned Staff
Community Programs	Watkins, Brown, Kalantari-Johnson	Tiffany Wise-West
Public Safety	Watkins, Golder, Cummings	Emeline Nguyen

City Council Ad Hoc Committees	Councilmember	Assigned Staff
Council Ad Hoc Budget and Revenue Committee	Brown, Watkins, Brunner	Laura Schmidt
Oversized Vehicles Ordinance Ad Hoc Committee	Golder, Kalantari-Johnson, Brunner	Brian Borguno
Charter Amendment Committee	Meyers, Golder, Watkins	
Beach Flats Parking Subcommittee	Cummings, Brown, Brunner	Brian Borguno
Health in All Policies Committee	Brunner, Kalantari-Johnson, Watkins	Tiffany Wise-West

External Governmental Agencies/ Intergovernmental Coordinating Committees	Councilmember	Assigned Staff
Association of Monterey Bay Area Governments (AMBAG)	Cummings, Brown (alternate)	Lee Butler
City–Santa Cruz City Schools Committee	Watkins, Golder, Kalantari-Johnson	Tony Elliot
City Select Committee	Brunner	Matt Huffaker
Library Financing Authority	Brunner, Watkins (alternate)	Matt Huffaker
Homelessness 2x2 Committee	Watkins, Brunner	Lee Butler
Monterey Bay Air Resources District (City Nominee)	Brown	Tiffany Wise-West
Central Coast Community Energy Policy Board <i>Central Coast Community Energy Operations Board</i>	Meyers, Brunner (alternate) Mark Dettle, Tiffany Wise-West (alternate)	Mark Dettle
Santa Cruz County Integrated Waste Management Local Task Force	Golder, Cummings (alternate)	Bob Nelson, Leslie O'Malley (staff alternate)
Santa Cruz County Consolidated Redevelopment Successor Agency Oversight Board	Meyers	Bonnie Lipscomb
Santa Cruz Metropolitan Transit District Board (METRO)	Meyers, Kalantari-Johnson	Claire Gallogly
Santa Cruz County Regional Transportation Commission (RTC)	Brown, Golder (alternate)	Nathan Nguyen Claire Gallogly (alternate)
Santa Cruz Mid-County Groundwater Agency	Councilmember Meyers, Water Commissioner David Baskin, Water Commissioner Doug Engfer (alternate)	Rosemary Menard

External Governmental Agencies/ Intergovernmental Coordinating Committees

Councilmember

Assigned Staff

Santa Margarita Groundwater Agency	Water Commissioner Doug Engfer, Former Water Commissioner David Baskin (citizen alternate)	Rosemary Menard
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Joint Powers Authorities/City Groups

Staff Appointments

Agency Contact Information

Santa Cruz County Animal Services Authority	Laura Schmidt, Bernie Escalante	Santa Cruz County Animal Services Authority 2200 7th Avenue Santa Cruz, CA 95062 https://www.scanimalshelter.org/
Santa Cruz Public Libraries	Matt Huffaker	Santa Cruz Public Libraries 117 Union Street Santa Cruz, CA 95060 https://www.santacruzpl.org/
Santa Cruz Regional 9-1-1	Laura Schmidt	Santa Cruz Regional 9-1-1 495 Upper Park Rd. Santa Cruz, CA 95065 (831) 471-1000

External Community Organizations

Councilmember/Staff

Agency Contact Information

Area Agency on Aging (AAA) Advisory Council	Brown, Brunner (Council alternate), Rita Hester (citizen alternate)	Seniors Council, Clay Kempf 234 Santa Cruz Ave. Aptos, CA 95003 Phone: (831) 688-0400
Climate Action Task Force	Cummings, Dr. Tiffany Wise-West (staff)	Dr. Tiffany Wise-West Twise-west@cityofsantacruz.com
Cowell Working Group	Meyers, Tony Elliot (staff)	CWG Facilitated by Save the Waves
Criminal Justice Council	Cummings, Kalantari-Johnson (alternate), Bernie Escalante	Criminal Justice Council of Santa Cruz County cjcsantacruzcounty@gmail.com
Downtown Management Corporation	Meyers, Cummings, Bonnie Lipscomb (staff)	Downtown Management Corporation runitt@cityofsantacruz.com 337 Locust Street, Santa Cruz, CA 95060
Santa Cruz County Youth Action Network	Kalantari-Johnson	jburr@unitedwaysc.org United Way of Santa Cruz County 4450 Capitola Rd, Ste 106 Capitola, CA 95010
Santa Cruz Community Farmers' Market	Watkins, Brunner (alternate) Bonnie Lipscomb (staff)	Mr. Nesh Dillon Executive Director SCCFM P.O. Box 8189 Santa Cruz, CA 95061
Visit Santa Cruz County	Watkins, Brunner, Bonnie Lipscomb (staff)	Visit Santa Cruz County 303 Water Street, Suite 100 Santa Cruz, CA 95060 800-833-3494 or 831-425-1234
Community Action Board (CAB)	Kalantari-Johnson, Eve Bertram, UCSC Professor (alternate)	Community Action Board of Santa Cruz County, Inc. 406 Main St. STE 207 Watsonville, CA 95076 831-763-2147



City Council AGENDA REPORT

DATE: 08/11/2022

AGENDA OF: 08/23/2022

DEPARTMENT: City Attorney

SUBJECT: Resolution Extending the Emergency Declaration in Connection with the CZU August Lightning Complex Fire by Sixty (60) Days (CA)

RECOMMENDATION: Resolution extending by sixty days the Local Emergency Declaration in connection with the CZU August Lightning Complex Fire.

BACKGROUND: The CZU August Lightning Complex Fire that began on August 15, 2020, has caused unprecedented damage and destruction in areas of Santa Cruz and San Mateo Counties immediately north of the City of Santa Cruz, and currently constitutes a severe threat to portions of the City and vital City-owned infrastructure in areas of unincorporated Santa Cruz County.

DISCUSSION: Chapter 2.20 of the City of Santa Cruz Municipal Code, at Section 2.20.030, empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity or disaster, subject to confirmation by the City Council at the “earliest practicable time.” During the existence of such emergency, the Director of Emergency Services is also authorized, pursuant to Section 2.20.040(1), to “[m]ake and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency,” also subject to confirmation by the City Council “at the earliest practicable time.”

In view of the facts and circumstances described above, on Friday, August 21, 2020, the City Manager declared the existence of a local emergency in the City of Santa Cruz. At its August 25, 2020 regular meeting, the City Council ratified the emergency declaration by Resolution No. NS-29,704, and the Executive Orders issued pursuant thereto. At its October 27, 2020 regular meeting, the City Council adopted Resolution No. NS-29,731 declaring the existence of a State of Emergency in connection with the CZU August Lightning Complex Fire, confirming the proclamation of same dated August 21, 2020 by the Director of Emergency Services, and ratifying Executive Order 2020-19 issued pursuant thereto. At its regular meetings of December 8, 2020, January 26, 2021, March 9, 2021, April 27, 2021, and June 22, 2021, the Council adopted Resolution Nos. NS-29,750, NS-29,765, NS-29,781, NS-29-803, and NS-29,840, further extending the declaration of emergency by 60 days. At its special meeting of September 21, 2021, the Council adopted Resolution No. NS-29,872, further extending the declaration of emergency by another 60 days. At its regular meetings of November 9, 2021, December 14, 2021, February 8 2022, March 22, 2022, May 10, 2022, and June 28, 2022 the Council adopted

Resolution Nos. NS-29,885, NS-29,899, NS-29-925, NS-29-940, NS-29-974, and NS-30,007, further extending the declaration of emergency by another 60 days.

The attached resolution, if adopted by the City Council, would extend the emergency declaration related to the CZU August Lightning Complex Fire emergency by an additional 60 days, to October 22, 2022.

FISCAL IMPACT: Actions taken by the City during a declared emergency are potentially recoverable from Cal OES (California Governor’s Office of Emergency Services) and FEMA (Federal Emergency Management Agency). Accordingly, it is recommended that the Council extend the declaration of emergency as provided for herein until it has determined that conditions giving rise to the emergency have been abated.

Prepared By:
Stephanie Duck
Deputy City Attorney

Submitted By:
Tony Condotti
City Attorney

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX

RESOLUTION NO. NS-XX,XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ EXTENDING A
LOCAL EMERGENCY DECLARATION IN CONNECTION WITH THE CZU AUGUST
LIGHTNING COMPLEX FIRE

WHEREAS, under Santa Cruz Municipal Code (SCMC) § 2.20.030, the City Manager serves as the Emergency Services Director, and empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity or disaster; and

WHEREAS, in the event of an emergency declaration, as the Emergency Services Director, the City Manager has the authority to take various actions in the City's interest, including making and issuing "rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency" subject to ratification by the City Council "at the earliest practicable time." (SCMC § 2.20.040); and

WHEREAS, the wildfires known as the CZU August Lightning Complex Fire that began on August 15, 2020 have destroyed structures and threatened numerous residences and acres of valuable wildland and watershed resulting in evacuations and displacement of residents, road closures, areas of isolation, damage to property and utility systems and damage to critical infrastructure and endangered species within unincorporated areas of Northern Santa Cruz County, and currently constitute an imminent threat to portions of the City, as well as vital City infrastructure located outside of City boundaries; and

WHEREAS, while the wildfires are contained, as of this date, they have charred tens of thousands of acres in the Counties of Santa Cruz and San Mateo, damaged or destroyed over 900 residences and buildings, and will displace hundreds of residents for several months, if not permanently, many of whom are seeking shelter in the City of Santa Cruz; and

WHEREAS, the San Lorenzo River watershed contains significant portions of the area damaged by the wildfires, and the City continues to monitor post-fire hazards and water quality impacts; and

WHEREAS, efforts to assist the affected population and restore the burned area and/or recover from the effects of the wildfire damage, involve assets from Santa Cruz County, City of Santa Cruz, other local governments in Santa Cruz County, and other local governments within California, as well as California State and federal fire and law enforcement assets, the American Red Cross and other volunteer organizations; and

WHEREAS, pursuant to his authority as Emergency Services Director, on August 21, 2020, the City Manager declared the existence of a local emergency in light of the foregoing; and

RESOLUTION NO. NS-XX,XXX

Meeting of: August 23, 2022

WHEREAS, at its August 25, 2020 regular meeting the City Council declared a local emergency, and ratified Executive Order No. 2020-17 – Closing All Off-Trail Open Space Areas within Pogonip and Sycamore Grove, by Resolution No. NS-29,704; and

WHEREAS, at its October 27, 2020 meeting, the City Council adopted Resolution No. NS-29,731 declaring the existence of a State of Emergency in connection with the CZU August Lightning Complex Fire, confirming the proclamation of same dated August 21, 2020 by the Director of Emergency Services, and ratifying Executive Order 2020-19 issued pursuant thereto; and

WHEREAS, at its December 8, 2020 meeting, the City Council adopted Resolution No. NS-29,750, extending the declaration of emergency to February 6, 2021; and

WHEREAS, at its January 26, 2021 meeting, the City Council adopted Resolution No. NS-29,765, extending the declaration of emergency to March 27, 2021; and

WHEREAS, at its March 9, 2021 meeting, the City Council adopted Resolution No. NS-29,781, extending the declaration of emergency to May 8, 2021; and

WHEREAS, at its April 27, 2021 meeting, the City Council adopted Resolution No. NS-29,803, extending the declaration of emergency to June 26, 2021; and

WHEREAS, at its June 22, 2021 meeting, the City Council adopted Resolution No. NS-29,840, extending the declaration of emergency for another 60 days; and

WHEREAS, at its September 21, 2021 special meeting, the City Council adopted Resolution No. NS-29,872, extending the declaration of emergency for another 60 days; and

WHEREAS, at its November 9, 2021 regular meeting, the City Council adopted Resolution No. NS-29, 885, extending the declaration of emergency for another 60 days; and

WHEREAS, at its December 14, 2021 regular meeting, the City Council adopted Resolution No. NS-29-899, extending the declaration of emergency for another 60 days; and

WHEREAS, at its February 8, 2022 regular meeting, the City Council adopted Resolution No. NS-29,925, extending the declaration of emergency for another 60 days; and

WHEREAS, at its March 22, 2022 regular meeting, the City Council adopted Resolution No. NS-940, extending the declaration of emergency for another 60 days; and

WHEREAS, at its May 10, 2022 regular meeting, the City Council adopted Resolution No. NS-974, extending the declaration of emergency for another 60 days; and

WHEREAS, at its June 28, 2022 regular meeting, the City Council adopted Resolution No. NS-30,007, extending the declaration of emergency for another 60 days; and

RESOLUTION NO. NS-XX,XXX

Meeting of: August 23, 2022

WHEREAS, although the CZU Lightning Complex fire has been contained, areas of open space, including Pogonip and Sycamore Grove remain in a an extremely dry and fire prone condition, making the risk of wildfire caused by campfires associated with illegal encampments particularly grave; and

WHEREAS, the risk of severe wildfire is further exacerbated by current serious drought conditions and decreasing water supply; and

WHEREAS, based on the foregoing, the City's emergency response to the CZU Lightning Complex fire will likely be ongoing; and

WHEREAS, pursuant to his authority as Emergency Services Director, the City Manager has issued the following executive orders relating to the CZU Lightning Complex Fire emergency:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz (City Council) as follows:

- A. That the City Council hereby declares that the local health emergency declaration adopted at its August 25, 2020 regular meeting by Resolution No. NS-29,704, and confirmed and re-adopted at its October 27, 2020 regular meeting by Resolution No. NS-29,731, extended an additional 60 days on December 8, 2020 by Resolution No. NS-29,750, January 26, 2021 by Resolution No. NS-29,765, March 9, 2021 by Resolution No. NS-29-781, April 27, 2021 by Resolution No. NS-29,803, June 22, 2021 by Resolution No. NS-29,840, and the local health emergency extended an additional 60 days at its special meeting on September 21, 2021 by Resolution No. NS-29,872, extended an additional 60 days at its regular meeting on November 9, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, and June 28, 2022 by Resolution Nos. NS-29,885, NS-29,899, NS-29,925, NS-29,940, NS-29-974, and NS-30,007, shall be extended an additional sixty (60) days from its adoption pursuant to California Government Code Section 8630, et seq., by this Resolution; and
- B. That, all previously ratified Executive Orders shall remain in force and effect for the duration the emergency, unless sooner rescinded by subsequent City Council action.

PASSED AND ADOPTED this 23rd day of August, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RESOLUTION NO. NS-XX,XXX

Meeting of: August 23, 2022

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator



City Council AGENDA REPORT

DATE: 08/11/2022

AGENDA OF: 08/23/2022

DEPARTMENT: City Attorney

SUBJECT: Resolution Extending the Emergency Declaration in Connection with the COVID-19 Pandemic by Sixty (60) Days (CA)

RECOMMENDATION: Resolution extending by sixty days the Declaration of Emergency in connection with the COVID-19 pandemic.

BACKGROUND: At its regular meeting of March 10, 2020, the City Council adopted Resolution No. NS-29,640 declaring a local health emergency in connection with the global COVID-19 pandemic. The Council's action followed similar actions by California Governor Gavin Newsom on March 4, 2020, and by County of Santa Cruz Health Officer (CHO) Gail Newel on March 6, 2020. On March 16, 2020, the CHO issued a Public Health Order, requiring all Santa Cruz County residents to shelter in place to slow the spread of COVID-19 in the community, and requiring all businesses to cease operations, except for those deemed essential businesses.

On June 15, 2021, as a result of declining positive case counts and hospitalizations, the Governor rescinded a number of restrictions he had instituted to reduce the spread of COVID-19. The Governor did not, however, rescind the proclamation of the State of Emergency he issued on March 4, 2020. Shortly after the Governor rescinded the restrictions, positive cases and hospitalizations began to rise locally and across the state due to the emergence of the highly contagious delta variant. Another COVID-19 variant, known as the omicron variant, emerged in late 2021. The omicron variant quickly became, and still remains, the dominant variant in California and throughout the United States.

On February 25, 2022 and June 17, 2022, as a result of vaccinations rates among Californians and the release of the Governor's SMARTER Plan, the Governor again rescinded a number of restrictions he had instituted to reduce the spread of COVID-19. The Governor did not rescind the proclamation of the State of Emergency he issued on March 4, 2020.

Positive cases and hospitalizations continue to fluctuate, with variants of the virus demonstrating the nature of the pandemic is unpredictable and transmission rates have the potential to rise quickly. Further, variants of the virus continue to emerge, and it is unknown at this time whether such variants may result in a new surge in COVID-19 cases.

The Council has received updates at its regular meetings related to COVID-19 and has extended the March 10, 2020 declaration of local health emergency at its regular meetings of April 28, 2020, June 23, 2020, August 11, 2020, September 22, 2020, November 10, 2020, December 8, 2020, January 26, 2021, March 9, 2021, April 27, 2021, and June 22, 2021, by adopting Resolution Nos. NS-29,653, NS-29,677, NS-29,695, NS-29,714, NS-29,739, NS-29,749, NS-29,766, NS-29,782, NS-29,802, and NS-29,839, at its special meeting of September 21, 2021 by adopting Resolution No. NS-29,873, at its regular meetings of November 9, 2021, December 14, 2021, February 8, 2022, March 22, 2022, May 10, 2022, and June 28, 2022, by adopting Resolution Nos. NS-29,884, NS-29,898, NS-29,924, NS-29,941, NS-29,973 and NS-30,006.

DISCUSSION: During a declared emergency the City Manager, acting as the City’s Emergency Services Director is empowered to take various actions in response to the emergency, including making and issuing “rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency” subject to ratification by the City Council “at the earliest practicable time.” The Resolution would extend the emergency declaration by sixty days from the date of its adoption, to October 22, 2022.

FISCAL IMPACT: Actions taken by the City during a declared emergency relating to the response and measures taken to slow the spread of the COVID-19 epidemic and mitigate the effects thereof on our community are potentially recoverable from Cal OES (California Governor’s Office of Emergency Services) and FEMA (Federal Emergency Management Agency). Accordingly, it is recommended that the Council extend the declaration of emergency as provided for herein until it has determined that conditions giving rise to the emergency have been abated.

Prepared By:
Stephanie Duck
Deputy City Attorney

Submitted By:
Tony Condotti
City Attorney

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX

RESOLUTION NO. NS-XX,XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ EXTENDING
BY 60 DAYS THE DECLARATION OF EMERGENCY IN CONNECTION WITH THE
COVID-19 PANDEMIC

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State of California due to the threat posed by COVID-19; and

WHEREAS, on March 6, 2020, the County of Santa Cruz Health Officer ("Health Officer"), under her civil authority, declared a Local Health Emergency, finding an imminent and proximate threat to public health and welfare from the introduction of COVID-19 in the County of Santa Cruz; and

WHEREAS, on June 15, 2021, February 25, 2022 and June 17, 2022, in response to declining COVID-19 case counts and hospitalizations, and percentage of vaccinated Californians, the Governor lifted a number of restrictions put in place to decrease the spread of COVID-19 during the initial progression of the pandemic, however, the Governor has not rescinded the March 4, 2020 proclamation of a state of emergency within the State of California; and

WHEREAS, despite initial progress made locally and within the state in addressing the pandemic, the emergence of the highly contagious omicron variant continues to cause an increase in positive cases and hospitalizations locally and throughout the State of California; and

WHEREAS, positive cases and hospitalizations continue to fluctuate with variants of the virus demonstrating the nature of the pandemic is unpredictable and transmission rates have the potential to rise quickly as the virus evolves; and

WHEREAS, in light of the current COVID-19 pandemic, the Santa Cruz City Council declared a local health emergency re COVID-19 by Resolution No. NS-29,640 on March 10, 2020, extended the emergency declaration by Resolution No. NS-29,653 adopted at its regular meeting of April 28, 2020, and further extended the emergency declaration by Resolution Nos. NS-29,677 on June 23, 2020, NS-29,695 on August 11, 2020, NS 29,714 on September 22, 2020, NS-29,739 on November 10, 2020, NS-29,749 on December 8, 2020, NS-29,766, on January 26, 2021, NS-29,782, on March 9, 2021, NS-29,802 on April 27, 2021, and NS-29,839 on June 22, 2021, at its special meeting of September 21, 2021 by Resolution No. NS-29,873, at its regular meeting of November 9, 2021 by Resolution No. NS-29,884, and at its regular meeting of December 14, 2021 by Resolution No. NS-29-898, at its regular meeting of February 8, 2022 by Resolution No. NS-29,924, at its regular meeting of March 22, 2022 by Resolution No. NS-29,941, at its regular meeting of May 10, 2022 by Resolution No. NS-29,973, and at its regular meeting of June 28, 2022 by Resolution No. NS-30,006, extending the Declaration of Emergency for another sixty days.

WHEREAS, under the California Emergency Services Act (Cal. Govt. Code § 8630, et seq.), upon declaration of a local emergency, the City Council must review the need for continuing

RESOLUTION NO. NS-XX,XXX

the emergency declaration at least once every sixty (60) days until it terminates the local emergency; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz (City Council) as follows:

A. That the City Council hereby declares that the local health emergency declaration adopted at its March 10, 2020 regular meeting by Resolution No. NS-29,640, extended at its April 28, 2020 regular meeting by Resolution No. NS-29,653, at its June 23, 2020 regular meeting by Resolution No. NS-29,677, at its August 11, 2020 regular meeting by Resolution No. NS-29,695, at its September 22, 2020 regular meeting by Resolution No. NS-19,714, at its November 10, 2020 regular meeting by Resolution No. NS-29,739, at its December 8, 2020 regular meeting by Resolution No. NS-29,749, at its January 26, 2021 regular meeting by Resolution No. NS-29,766, at its March 9, 2021 regular meeting by Resolution No. NS-29,782, at its April 27, 2021 regular meeting by Resolution No. NS-29,802, at its June 22, 2021 regular meeting by Resolution No. NS-29,839, at its September 21, 2021 special meeting by Resolution No. NS-29,873, at its November 9, 2021 regular meeting by Resolution No. NS-29, 884, at its December 14, 2021 regular meeting by Resolution No. NS-29,898, at its February 8, 2022 regular meeting by Resolution No. NS-29,924, at its regular meeting of March 22, 2022 by Resolution No. NS-29,941, at its regular meeting of May 10, 2022 by Resolution No. NS-29,973, and at its regular meeting of June 28, 2022 by Resolution No. 30,006, shall be adopted and extended an additional sixty (60) days pursuant to California Government Code Section 8630, et seq., by this Resolution; and

B. That this Resolution shall remain in full force and effect and shall thereafter terminate on the sixtieth (60th) day after its adoption, unless earlier terminated or further extended by subsequent City Council action.

PASSED AND ADOPTED this 23rd day of August 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator



City Council AGENDA REPORT

DATE: 08/11/2022

AGENDA OF: 08/23/2022

DEPARTMENT: City Attorney

SUBJECT: Resolution Authorizing the City to Continue Teleconferenced Public Meetings Pursuant to Assembly Bill 361 (CA)

RECOMMENDATION: Resolution authorizing legislative bodies of the City of Santa Cruz to continue the use of teleconferenced meetings pursuant to Assembly Bill 361.

BACKGROUND: On March 4, 2020, Governor Newsom issued a proclamation of State of Emergency in response to the developing COVID-19 pandemic. Due to the continued spread of the virus, the Governor issued Executive Order N-29-20 on March 17, 2020, which included a provision authorizing suspensions to the Ralph M. Brown Act's ("Brown Act") teleconferencing rules in order to facilitate virtual meetings while public health orders were in place.

On June 11, 2021, the Governor issued Executive Order N-08-21, which provided that the Brown Act teleconferencing suspensions would expire after September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill 361 ("AB 361"), an urgency measure taking effect immediately, which amended the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology provided certain conditions are met.

DISCUSSION: AB 361 allows for teleconferenced meetings during a declared State of Emergency, as defined under the California Emergency Services Act, if one of the following circumstances apply: (1) State or local officials have imposed or recommended measures to promote social distancing; (2) The legislative body is meeting to determine whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (3) The legislative body has determined that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees.¹

The Governor's March 4, 2020 proclamation of State of Emergency is still in effect. Measures continue to exist that impose and recommend measures to promote social distancing. The California Department of Public Health ("CDPH") requires that all individuals wear masks indoors in specific, high-risk settings.² Further, the CDPH and the Santa Cruz County Health

¹ Cal. Gov't Code § 54953(e)(1)(A)-(C)

² See CDPH, *Guidance for the Use of Face Coverings* (Updated April 20, 2022), <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>.

Officer strongly recommend that all individuals continue to wear masks in indoor public settings.³

The highly transmissible omicron variant continues to contribute to the increase in positive cases and hospitalizations locally and throughout the State. Additionally, other variants of COVID-19 exist, and it is unknown at this time whether other variants may result in a new surge in COVID-19 cases. As such, holding meetings in person would present imminent risks to the health or safety of attendees due to the continued spread of COVID-19.

To continue teleconferenced meetings under AB 361, the City Council will need to declare every thirty (30) days that it has reconsidered the circumstances of the State of Emergency and either (1) the State of Emergency continues to directly impact the ability of the members to meet safely in person; or (2) State or local health officials continue to impose or recommend measures to promote social distancing.⁴

This declaration is needed for any use of teleconferenced meetings pursuant to AB 361, including for two City meeting models: (1) A City Council hybrid model that uses the City Council Chambers as an in person venue along with teleconference attendance; and (2) Continued use of teleconferencing for City Council and Brown Act City boards, commissions and committees.

At its regular meeting of October 12, 2021, the City Council adopted Resolution No. NS-29,877, authorizing legislative bodies of the City of Santa Cruz to continue using teleconferenced meetings pursuant to AB 361. At its regular meetings of November 9, 2021, November 23, December 14, 2021, January 11, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 24, 2022, June 14, 2022, June 28, 2022, and August 9, 2022, the City Council adopted Resolution Nos. NS-29,886, NS-29,894, NS-29,900, NS-29,915, NS-29,923, NS-29,933, NS-29,942, NS-29,954, NS-29,975, NS-29,987, NS 29,994, NS-30,005, and NS-30,017, further authorizing legislative bodies of the City of Santa Cruz to continue using teleconferenced meetings pursuant to AB 361.

This resolution would re-authorize the legislative bodies of the City of Santa Cruz to continue to use teleconferenced meetings for an additional thirty (30) from the date of its adoption.

FISCAL IMPACT: None.

Prepared By:
Stephanie Duck
Deputy City Attorney

Submitted By:
Tony Condotti
City Attorney

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX

³ See Press Release, Twelve Bay Area Health Officers to Life Most Indoor Mask Mandates on February 16 (Feb. 9, 2022), https://www.santacruzhealth.org/Portals/7/pdfs/Coronavirus/02.09.22%20ABAHO%20Masking_FINAL.pdf. See also, BAY AREA HEALTH OFFICERS URGE PUBLIC TO TAKE PRECAUTIONS AS COVID LEVELS RISE (May 13, 2022), <https://www.santacruzhealth.org/Portals/7/pdfs/Coronavirus/ABAHOMaskRecommendationENG.05132022.pdf>.

⁴ Cal. Gov't Code § 54953(e)(3).

RESOLUTION NO. NS-XX,XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AUTHORIZING
THE CONTINUED USE OF TELECONFERENCED MEETINGS PURSUANT TO ASSEMBLY
BILL 361

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, due to the threat of COVID-19, Governor Newsom issued Executive Order N-29-20, which suspended certain requirements of Government Code section 54950 *et seq.*, the Ralph M. Brown Act (“Brown Act”), in order to allow local legislative bodies to conduct meetings telephonically or electronically without a physical meeting place; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which stated that the provision suspending requirements of the Brown Act in Executive Order N-29-20 would remain in effect through September 30, 2021, at which point the suspensions would expire; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill 361 into law, an urgency measure effective upon adoption, amending the Brown Act to allow legislative bodies to continue to meet remotely during a proclaimed State of Emergency, and either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees;

WHEREAS, on October 12, 2021, the City Council adopted Resolution No. NS-29, 877, making its initial finding that the requisite conditions exist for the legislative bodies of the City of Santa Cruz to conduct remote teleconference meetings; and

WHEREAS, on November 9, 2021, November 23, 2021, December 14, 2021, January 11, 2022, February 8, 2022, March 8, 2022, March 22, 2022, April 12, 2022, May 10, 2022, May 24, 2022, June 14, 2022, June 28, 2022, and August 9, 2022, the City Council adopted Resolution Nos. NS-29,886, NS-29,894, NS-29,900, NS-29,915, NS-29,923, NS-29,933, NS-29,942, NS-29,954, NS-29,975, NS-29,987, NS-29,994, NS-30,005, and NS-30,017, each making a subsequent finding that the requisite conditions exist for the legislative bodies of the City of Santa Cruz to conduct remote teleconference meetings; and

WHEREAS, as a condition of authorizing the continued use of teleconferenced meetings, the City Council must, every 30 days, reconsider the circumstances of the State of Emergency that exists in the City and the City Council has done so; and

WHEREAS, the State of Emergency proclaimed by the Governor on March 4, 2020, remains in effect; and

WHEREAS, the California Department of Public Health and the Santa Cruz County Health Officer require that all individuals wear face coverings indoors in specified high-risk settings, and continue to strongly recommend that all individuals wear face coverings in indoor public settings; and

WHEREAS, the highly contagious omicron variant continues contribute to the increase in positive cases and hospitalizations locally and throughout the State of California, demonstrating the unpredictable nature of the pandemic, and that transmission rates have the potential to rise quickly; and

WHEREAS, other variants of COVID-19 exist, including an Omicron subvariant, BA.2, and it is unknown at this time whether this or other variants may result in a new surge in COVID-19 cases; and

WHEREAS, due to the continued impact of COVID-19, the City continues to be concerned about the health and safety of attendees at public meetings should they be held in person and in a shared indoor public meeting space, as such, the City Council desires to take the actions necessary to comply with AB 361 and to continue to hold its meetings remotely;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz (City Council) as follows:

- A. The City Council hereby acknowledges that the Governor's State of Emergency proclamation issued on March 4, 2020 remains in effect; and
- B. The City Council finds that due to the emergence of the omicron variant and the continued threat of COVID-19, holding in person meetings for the City Council, City Commissions, and City Committees continues to present imminent risks to the health or safety of attendees.
- C. The legislative bodies of the City of Santa Cruz are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
- D. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) thirty days from the adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Santa Cruz may continue teleconferencing without compliance with the Brown Act's prior rules regarding teleconferencing.

PASSED AND ADOPTED this 23rd day of August, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

MINUTES OF A CITY COUNCIL MEETING

August 9, 2022

12:30 PM

Mayor Brunner opened the City Council Closed Session at 12:30 p.m. in a public meeting in Council Chambers, for the purpose of announcing the agenda, and receiving public testimony.

Roll Call

Present: Councilmembers Kalantari-Johnson, Cummings, Brown, Meyers (via Zoom); Vice Mayor Watkins (arrived at 12:34 p.m.); Mayor Brunner.

Absent: Councilmember Golder.

Staff: City Manager M. Huffaker, Assistant City Manager L. Schmidt, City Attorney T. Condotti, Director of Economic Development B. Lipscomb, Human Resources Director L. Murphy, Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush.

Public Comment

Mayor Brunner opened the public comment period at 12:34 p.m. There were no speakers. Mayor Brunner closed the public comment period at 12:35 p.m.

Referral to Closed Session

1. City-owned Property Located on Mount Hermon Road in Scotts Valley, CA, APNs 022-721-07, 022-721-08, and 002-721-09 (ED)

MOTION: Councilmember Cummings moved, seconded by Councilmember Brown, to refer to Closed Session for discussion regarding price, terms of payment, or both.

ACTION: The motion carried with the following vote.

AYES: Councilmembers Kalantari-Johnson, Cummings, Brown, Meyers; Vice Mayor Watkins; Mayor Brunner.
NOES: None.
ABSENT: Councilmember Golder.
DISQUALIFIED: None.

Councilmember Meyers announced that she will be recusing herself from voting on item 2 as her spouse's income comes from the owners of 333 Locust Street.

2. 333 Locust Street, APN 005-033-03 (ED)

MOTION: Vice Mayor Watkins moved, seconded by Councilmember Kalantari-Johnson, to refer to Closed Session for discussion regarding price, terms of payment, or both.

ACTION: The motion carried with the following vote.

AYES: Councilmembers Kalantari-Johnson, Cummings, Brown; Vice Mayor Watkins; Mayor Brunner.
NOES: None.
ABSENT: Councilmember Golder.
DISQUALIFIED: Councilmember Meyers.

Closed Session

3. Conference With Legal Counsel - Liability Claims (Government Code §54956.95)

- 1) Claimant: Denise Susan Barr
- 2) Claimant: Progressive West Insurance Company

Claims against the City of Santa Cruz

Closed Session (continued)

4. Conference with Labor Negotiators (Government Code §54957.6)

SEIU Temporary Employees
SEIU Service Employees
Mid Managers, OE3
Supervisors, OE3
Fire Management
Fire, IAFF
Police Management
Police Officers Association
Executives

City Negotiator - Lisa Murphy

5. Conference with Legal Counsel - Existing Litigation (Govt. Code §54956.9(d)(1))

1) City of South Miami v. DeSantis
11th Cir. No. 21-13657 (request for amicus curiae joinder)

2) City of Santa Cruz v. Regents of the University of California, et al.
(Santa Cruz County Superior Court Case No. 22CV00373)

3) Sunset Farms, LLC v. City of Santa Cruz
Santa Cruz County Superior Court Case No. 19CV01725

Closed Session (continued)

6. Real Property Negotiations (Government Code §54956.8)

1) Property: Approximately 8.15 acres located on Mount Hermon Road in Scotts Valley, CA

APNs: 022-721-07, 022-721-08, 022-721-09

Owner: City of Santa Cruz

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and City of Scotts Valley

Under Negotiation: Price, terms of payment, or both

2) Property: 333 Locust Street

APN: 005-033-03

Owner: Smith Laura Trustee, Mathews William G. and Cynthia S. Trustees, and Smith Sara Wood, Trustee

City Negotiator: Bonnie Lipscomb

Negotiating Parties: City of Santa Cruz and Laura Smith Trustee et al.

Under Negotiation: Potential Acquisition including price, terms of payment, or both

At this time, the meeting was closed to the public. (See pages 6176—6177 for a report on Closed Session.)

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

MINUTES OF A CITY COUNCIL MEETING
August 9, 2022

3:00 PM

Call to Order - Mayor Brunner called the meeting to order at 3:02 p.m. in Council Chambers.

Roll Call

Present: Councilmembers Kalantari-Johnson, Golder (arrived at 3:21 p.m.), Cummings, Brown, Meyers (via Zoom); Vice Mayor Watkins; Mayor Brunner.

Absent: None.

Staff: City Manager M. Huffaker, Assistant City Manager L. Schmidt, City Attorney T. Condotti, Director of Public Works M. Dettle (via Zoom), Director of Planning and Community Development L. Butler (via Zoom), Director of Economic Development B. Lipscomb (via Zoom), Director of Information Technology K. Morgan (via Zoom), Human Resources Director L. Murphy (via Zoom), Fire Chief R. Oatey (via Zoom), Water Director R. Menard (via Zoom), Director of Parks and Recreation T. Elliot (via Zoom), Finance Director E. Cabell, Senior Civil Engineer J. Spangrud, Assistant Director of Public Works/City Engineer N. Nguyen, Senior Planner T. Maier (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush.

Presentations

7. Central Coast Community Energy Annual Update

Gabe Ruiz, Senior Commercial Accounts Manager with the Central Coast Community Energy, provided the membership annual update.

Presiding Officer's Announcements

Statements of Disqualification - None.

Additions and Deletions - None.

City Attorney Report on Closed Session

Conference With Legal Counsel - Liability Claims (Government Code §54956.95)

- 1) Claimant: Denise Susan Barr
- 2) Claimant: Progressive West Insurance Company

Claims against the City of Santa Cruz

Council received a status report, took up under agenda item 16, and took no reportable action.

Conference with Labor Negotiators (Government Code §54957.6)

SEIU Temporary Employees
SEIU Service Employees
Mid Managers, OE3
Supervisors, OE3
Fire Management
Fire, IAFF
Police Management
Police Officers Association
Executives

City Negotiator - Lisa Murphy

Council received a status report from the City Negotiator, and took no reportable action.

City Attorney Report on Closed Session (continued)Conference with Legal Counsel - Existing Litigation (Govt. Code §54956.9(d)(1))

- 1) City of South Miami v. DeSantis
11th Cir. No. 21-13657 (request for amicus curiae joinder)
- 2) City of Santa Cruz v. Regents of the University of California, et al.
(Santa Cruz County Superior Court Case No. 22CV00373)
- 3) Sunset Farms, LLC v. City of Santa Cruz
Santa Cruz County Superior Court Case No. 19CV01725

Council received a status report on the City of South Miami v. DeSantis, and by motion voted 6 in favor and 0 opposed, with Councilmember Golder absent, to join an amicus curiae brief being prepared by the County of Santa Clara and is currently pending in the 11th circuit court of appeals. Council received a status report on the remaining two items and took no reportable action.

Real Property Negotiations (Government Code §54956.8)

- 1) Property: Approximately 8.15 acres located on Mount Hermon Road in Scotts Valley, CA
APNs: 022-721-07, 022-721-08, 022-721-09
Owner: City of Santa Cruz
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and City of Scotts Valley
Under Negotiation: Price, terms of payment, or both
- 2) Property: 333 Locust Street
APN: 005-033-03
Owner: Smith Laura Trustee, Mathews William G. and Cynthia S. Trustees, and Smith Sara Wood, Trustee
City Negotiator: Bonnie Lipscomb
Negotiating Parties: City of Santa Cruz and Laura Smith Trustee et al.
Under Negotiation: Potential Acquisition including price, terms of payment, or both

Council, with the exception of Councilmember Meyers, received a status report from the City Negotiator and took no reportable action.

City Manager Report

8. The City Manager provided a report and updates on the City's business and events of interest.

City Manager M. Huffaker provided updates and responded to Councilmember questions on the November 2022 elections, new downtown businesses, the Newell Creek Dam Project, pursuing additional revenue streams after the failing of Measure F, and homelessness response.

Council Meeting Calendar

9. The City Council reviewed and did not revise the meeting calendar attached to the agenda.

Consent Agenda

Councilmember Cummings pulled item 14 for further discussion.

Vice Mayor Watkins made a comment on item 15.

Councilmember Brown made a comment on item 22.

Senior Civil Engineer J. Spangrud and Assistant Director of Public Works/City Engineer N. Nguyen responded to Councilmember Cummings' questions regarding item 18.

Mayor Brunner opened the public comment period. The following person spoke via teleconference:

Unidentified person spoke regarding item 18.

Mayor Brunner closed the public comment period.

MOTION: Vice Mayor Watkins moved, seconded by Councilmember Brown, to approve the remaining Consent Agenda.

ACTION: The motion carried unanimously with the following vote.

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

Consent Agenda (continued)**10. Resolution Authorizing the City to Continue Teleconferenced Public Meetings Pursuant to Assembly Bill 361 (CA)**

Resolution No. NS-30,017 was adopted authorizing legislative bodies of the City of Santa Cruz to continue the use of teleconferenced meetings pursuant to Assembly Bill 361.

11. Minutes of the June 28, 2022 City Council Meeting (CC)

Motion carried to approve as submitted.

12. Certification of Canvass of the June 7, 2022 Primary Election (CC)

Resolution No. NS-30,018 was adopted confirming and approving the certificate of canvass of ballots and returns for the City of Santa Cruz Primary Election held on June 7, 2022, and declaring the following results:

- Measure E (District Elections) passed by a majority vote of the electorate of the City of Santa Cruz, thus amending the City's Charter and transitioning to six council districts and an at-large Mayor beginning at the November 8, 2022 election.
- Measure F (Sales and Use Tax) failed, with a majority of the electorate of the City of Santa Cruz voting against.

13. Resolution Ordering an Election for Two Council Seats, Districts 4 and 6, and Mayor for the November 8, 2022 Statewide General Election (CC)

Resolution No. NS-30,019 was adopted ordering an election, requesting the County Elections Department to conduct the election, and requesting consolidation of the election with the November 8, 2022 Statewide General Election.

Consent Agenda (continued)**14. Support for the Protection of Reproductive Rights and Various California Legislative Bills (CN)**

Councilmember Cummings, Councilmember Kalantari-Johnson, and Vice Mayor Watkins made a comment.

Mayor Brunner opened the public comment period. There were no speakers. Mayor Brunner closed the public comment period.

MOTION: Councilmember Cummings moved, seconded by Councilmember Kalantari-Johnson, to:

- Adopt Resolution No. NS-30,020 expressing the Santa Cruz City Council's support for the protection of reproductive rights; and
- Authorize the Mayor to send a letter to state legislators on behalf of the City Council in support of California Assembly Bill 133 (AB 133), Senate Bill 245 (SB 245), Assembly Bill 1356 (AB 1356), Assembly Bill 1666 (AB 1666), Assembly Bill 1918 (AB 1918), Assembly Bill 2091 (AB 2091), Assembly Bill 2134 (AB 2134), Assembly Bill 2223 (AB 2223), Assembly Bill 2626 (AB 2626), and Senate Bill 374 (SB 374).
- Direct staff to return to Council no later than the second meeting in September with a resolution to formally endorse and support California Proposition 1, Right to Reproductive Freedom Amendment, which, if passed would support amending the State Constitution to prohibit the State from interfering with or denying an individual's reproductive freedom, which is defined to include a right to an abortion and a right to contraceptives.

ACTION: The motion carried unanimously with the following vote.

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

15. Sister Cities Committee Member Code of Conduct Issues (CN)

Resolution No. NS-30,021 was adopted admonishing a Sister Cities Committee Member for disrespectful conduct toward a City employee.

Consent Agenda (continued)**16. Liability Claims Filed Against the City of Santa Cruz (FN)**

Motion carried to reject the liability claim of a) Denise Susan Barr; and to return as late the claim of b) Progressive West Insurance Company, based on staff recommendation.

17. Water Street Signal Interconnect Conduit Project (c401602) - Notice of Completion (PW)

Motion carried to accept the work of Alfaro Communications Construction, Inc. (Compton, CA) as completed per the plans and specifications and authorize the filing of the Notice of Completion for Water Street Signal Interconnect Conduit Project (c401602).

18. State Route 1/9 Intersection Improvements (c400805) - Contract Amendment 1 (PW)

Motion carried to approve Contract Amendment 1 to an agreement with WSP USA, Inc. (Dallas, TX) to provide construction management services for the State Route 1/9 Intersection Improvement Project (c400805).

19. CCTV Inspection Van - Award Contract (PW)

Motion carried to award a contract for the purchase of one replacement CCTV Inspection Van from Jack Doheny Company (Antioch, CA) in the amount of \$316,705.14.

20. Graham Hill Water Treatment Plant Gate Entrance Replacement Project - Notice of Completion (WT)

Motion carried to accept the work of Anderson Pacific Engineering Construction, Inc. (Santa Clara, CA) as complete per the plans and specifications and authorizing the filing of a Notice of Completion for the Graham Hill Water Treatment Plant Gate Entrance Replacement Project and to authorize the Water Director to sign the Notice of Completion as the Owner's Authorized Agent.

Consent Agenda (continued)

21. Resolution to Reimburse Capital Expenditures from Future State Water Resources Control Board Financing for Newell Creek Pipeline Replacement Project (WT)

Resolution No. NS-30,022 was adopted authorizing the Water Department to be reimbursed by State Water Resources Control Board (SWRCB) for costs related to the Newell Creek Pipeline Replacement Project.

22. Santa Cruz Grand Jury Response (WT)

Motion carried to authorize the Mayor to respond to the Santa Cruz Civil Grand Jury on behalf of the City of Santa Cruz.

23. Beltz Water Treatment Plant Filter Rehabilitation Project - Notice of Completion (WT)

Motion carried to accept the work of ERS Industrial Services, Inc. (Fremont, CA) as complete per the plans and specifications and authorizing the filing of a Notice of Completion for the Beltz Water Treatment Plant Filter Rehabilitation Project and to authorize the Water Director to sign the Notice of Completion as the Owner's Authorized Agent.

24. Laguna Creek Diversion Retrofit Project - Notice of Completion (WT)

Motion carried to accept the work of Granite Rock Construction, Inc. (Watsonville, CA) as complete per plans and specifications and authorizing the filing of a Notice of Completion for the Laguna Creek Diversion Retrofit Project and to authorize the Water Director to sign the Notice of Completion as the Owner's Authorized Agent.

25. Ratification of \$100,000 Application Fee for Water Infrastructure and Finance Innovation Act Loan and Related Budget Adjustment (WT)

Resolution No. NS-30,023 was adopted to approve the budget adjustment ratifying the July 15, 2022 payment of \$100,000 Water Infrastructure and Finance Innovation Act application fee and appropriating funds from the Water Department FY 2023 budget for the application fee.

End Consent Agenda

Consent Public Hearings

Senior Planner T. Maier spoke regarding item 27, informing Council of the following amendments made to item 17 on the Conditions of Approval.

From:

Prior to recordation of the revised subdivision map, the El Rancho Carbonera Homeowners Association (“HOA”) shall vote on the annexation of the market-rate lot (formerly Lot B). The applicant shall submit official meeting minutes as evidence of the vote. If the vote supports annexation, the annexation shall be formalized prior to map recordation. If the vote does not support annexation, it shall not be required in order to amend the map. This would not preclude the El Rancho Carbonera Homeowners Association and the owner of Lot B from mutually agreeing to annex the property into the HOA in the future.

To:

1. Prior to recordation of the revised subdivision map, the applicant shall request a vote of the Rancho Carbonera Owners Association (“HOA”) regarding the annexation of the market-rate lot (formerly Lot B). The applicant shall submit official meeting minutes and/or other appropriate evidence of the request and action by the HOA in response to the request. Should the HOA approve the annexation of the market-rate lot, such annexation shall be formalized prior to map recordation. If, following the applicant’s request for a vote of the HOA regarding annexation of the market-rate lot,
 - 1) a vote of the HOA does not occur within a period of six (6) months and result in support for annexation;
 - or,
 - 2) if all measures necessary to effect final action on the annexation cannot be secured within a total period of twelve (12) months following the applicant’s request, annexation of the market-rate lot shall not be required in order to amend the map.

“Final action,” as used herein, shall mean any and all legal actions necessary to approve the annexation including, but not limited to, obtaining consent of existing lenders to the annexation, to the extent needed in order for the HOA to take final action. This would not preclude the Rancho Carbonera Owners Association and the owner of Lot B from mutually agreeing to annex the property into the HOA in the future. Should the applicant and/or owner seek modification to the above-mentioned time periods, such revision may be considered through an application for Minor Modification, subject to review and approval per City of Santa Cruz Municipal Code Section 24.04.160 on a time/materials basis.

Consent Public Hearings (continued)

Mayor Brunner opened the public comment period. There were no speakers. Mayor Brunner closed the public comment period.

MOTION: Councilmember Golder moved, seconded by Councilmember Meyers, to approve the Consent Public Hearing Agenda.

ACTION: The motion carried unanimously with the following vote.

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

26. 2nd Reading and Final Adoption of Ordinance No. 2022-11 Second Amendment of the 555 Pacific Avenue Apartments Development Agreement (ED/PL)

Motion carried to adopt Ordinance No. 2022-11 approving the second amendment of the development agreement between Green Valley Corporation and the City of Santa Cruz for 94 residential condominiums and 4,680 square feet of commercial space within four separate tenant spaces fronting on Pacific Avenue at 555 Pacific Avenue.

27. 109 S. Rapetta Rd. (Application No. CP21-0060) - Assessor's Parcel Numbers 008-391-15, -16, and -18 - Final Map Amendment and Major Modification to Planned Development Permit #97-279 to Amend the El Rancho Carbonera Subdivision Map and Modify Lot B to Allow For Residential Development on a Parcel Located in the R-1-7 (Single Family Residence) Zoning District (PL)

Resolution No. NS-30,024 was adopted with the amendments made by staff, acknowledging the environmental determination and approving the Final Map Amendment and Major Modification, as designed in Alternative 2, to allow for residential development on Lot B in the El Rancho Carbonera Subdivision subject to the attached conditions of approval.

General Business

28. Transportation and Public Works Commission Appointment (CC)

Mayor Brunner opened the public comment period. There were no speakers. Mayor Brunner closed the public comment period.

Councilmember Cummings nominated Chad Mitcham.

Councilmember Meyers nominated Ryan Meckel.

Voting for Ryan Meckel: Councilmembers Kalantari-Johnson, Golder, Meyers; Vice Mayor Watkins; Mayor Brunner.

Voting for Chad Mitcham: Councilmembers Cummings, Brown.

Ryan Meckel was appointed to the Transportation and Public Works Commission, with a term ending January 31, 2024.

29. Resolution Requesting the Placement of a Transient Occupancy Tax Increase on the Ballot of the November 8, 2022 California Statewide General Election (CN)

Mayor Brunner gave a presentation and responded to Councilmember questions.

Mayor Brunner opened the public comment period. The following people spoke.

Unidentified person
Unidentified person
Unidentified person
Casey Beyer

Mayor Brunner closed the public comment period.

General Business (continued)**29. Resolution Requesting the Placement of a Transient Occupancy Tax Increase on the Ballot of the November 8, 2022 California Statewide General Election (CN) (continued)**

MOTION: Councilmember Golder moved, seconded by Vice Mayor Watkins, to:

- Accept an update on the recent work of the City Council Ad Hoc Budget and Revenue Committee; and
- Adopt Resolution No. NS-30,025 requesting that the consolidated November 8, 2022 California Statewide General Election include a general purpose tax measure proposing that the City of Santa Cruz' current Transient Occupancy Tax rate of eleven percent (11%) be increased to twelve percent (12%) for hotels, motels, inns, and other commercial lodging facilities; and from eleven percent (11%) to fourteen percent (14%) for short-term residential vacation rental properties; and
- Support the measure for the purposes of: authorizing arguments; providing direction regarding the authors; directing the City Attorney to prepare the impartial analysis; and providing direction to the City Manager regarding the preparation of the fiscal analysis, as appropriate.

City Manager M. Huffaker responded to Councilmember questions.

Director of Economic Development B. Lipscomb spoke.

ACTION: The motion carried unanimously with the following vote.

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

Recess - The City Council recessed at 4:42 p.m. to the 5:30 p.m. session.

Oral Communications

5:30 PM

Oral Communications Announcement - The Mayor provided a brief announcement about Oral Communications.

Oral Communications

At 5:32 p.m. Mayor Brunner opened Oral Communications for members of the public who wished to speak regarding items not listed on the City Council agenda.

G. Lee Young spoke regarding Men Overcoming Abusive or Angry Behavior (MOAAB), letting Council know their meetings have resumed since the onset of the COVID pandemic.

Andy Werner spoke, thanking Council for the proclamation declaring June 30th as Andy Werner day.

Unidentified person spoke regarding an upcoming meeting about the Benchlands encampment.

Unidentified person spoke regarding natural springs on West Cliff Drive that have become polluted.

Unidentified person spoke regarding the food scrap program.

Unidentified person spoke regarding the trolley not operating and suggested building a tunnel from Pacific Avenue to the beach.

Serg Kagno spoke regarding Recovery Café Santa Cruz and invited City Councilmembers to visit Recovery Café San Jose.

Keith McHenry spoke regarding Food not Bombs, and invited Council to a meeting about the Benchlands.

Councilmember Brown announced that the Senior Council will be at the Downtown Farmer's Market, providing food for seniors.

Unidentified person spoke regarding a meeting about the Benchlands, inviting Council to attend.

At 5:51 p.m. Mayor Brunner closed Oral Communications.

Adjournment - The City Council adjourned at 5:52 p.m.

Respectfully Submitted:

Julia Wood, Deputy City Clerk Administrator

Attest:

Bonnie Bush, City Clerk Administrator

Approved:

Sonja Brunner, Mayor

MINUTES ARE UNOFFICIAL UNTIL APPROVED BY COUNCIL

City of Santa Cruz
809 Center Street
Santa Cruz, California 95060

MINUTES OF A CITY COUNCIL SPECIAL MEETING

August 16, 2022

4:00 PM

Call to Order - Vice Mayor Watkins called the meeting to order at 4:05 p.m. in Council Chambers.

Roll Call

Present: Councilmembers Kalantari-Johnson, Golder, Cummings, Brown, Meyers; Vice Mayor Watkins; Mayor Brunner (arrived at 4:10 p.m.).

Absent: None.

Staff: City Manager M. Huffaker, Assistant City Manager L. Schmidt (via Zoom), City Attorney T. Condotti, Water Director R. Menard, Deputy Water Director/Water Engineering Manager H. Luckenbach (via Zoom), Director of Public Works M. Dettle (via Zoom), Chief of Police B. Escalante (via Zoom), Director of Planning and Community Development L. Butler (via Zoom), Finance Director E. Cabell (via Zoom), Director of Information Technology K. Morgan (via Zoom), Fire Chief R. Oatey (via Zoom), Director of Parks and Recreation T. Elliot (via Zoom), Deputy City Clerk Administrator J. Wood, City Clerk Administrator B. Bush.

General Business

1. Securing Our Water Future City Council Study Session (WT)

Water Director R. Menard and Deputy Water Director/Water Engineering Manager H. Luckenbach gave a presentation and responded to Councilmember questions.

Mayor Brunner opened the public comment period. The following people spoke.

Doug Engfer
Unidentified person

Mayor Brunner closed the public comment period.

Consent Agenda

City Manager M. Huffaker and Elissa Benson, Assistant County Administrative Officer with the County of Santa Cruz, responded to Councilmember Cummings' question.

Councilmember Kalantari-Johnson made a comment.

Mayor Brunner opened the public comment period. There were no speakers. Mayor Brunner closed the public comment period.

MOTION: Councilmember Kalantari-Johnson moved, seconded by Vice Mayor Watkins, to approve the Consent Agenda.

ACTION: The motion carried unanimously with the following vote.

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

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

2. **\$5M Short-Term Loan for the Purchase of Watsonville Community Hospital (CM)**

Motion carried authorizing the City Manager to execute a short-term loan agreement, in a form approved by the City Attorney, in the amount of \$5 million with the County of Santa Cruz to support the purchase of the Watsonville Community Hospital (WCH) by August 31, 2022.

End Consent Agenda

Adjournment - The City Council adjourned at 6:20 p.m.

Respectfully Submitted:

Julia Wood, Deputy City Clerk Administrator

Attest:

Bonnie Bush, City Clerk Administrator

Approved:

Sonja Brunner, Mayor



City Council AGENDA REPORT

DATE: 08/10/2022

AGENDA OF: 08/23/2022

DEPARTMENT: City Manager

SUBJECT: Collective of Results and Evidence-Based (CORE) Investments Bridge Funding (CM)

RECOMMENDATION: Motion to:

- 1) Approve recipients for Collective of Results and Evidence-Based (CORE) bridge funding contracts; and
 - 2) Adopt a resolution amending the FY 2023 budget to appropriate \$90,000 from the City's Capital Investment Program (CIP) for the City's contribution.
-

BACKGROUND: In 2015, the Santa Cruz County Board of Supervisors (Board of Supervisors or Board) approved a phased-in approach to transition from the historical Community Programs funding model to a results-based collective impact model. After extensive research and collaboration with various stakeholders from multiple sectors, the County's Human Services Department (HSD) Community Programs funding process was renamed Collective of Results and Evidence-Based (CORE) Investments.

CORE Investments is both a funding model and a movement designed to improve the health and well-being of county residents. The development of the CORE program Request for Proposal (RFP) has been community informed, Board and Santa Cruz City Council (Council) approved, and staff implemented. This included multiple community stakeholder meetings both to keep stakeholders informed of the RFP development, to gather input on how best to develop the RFP considering the changing needs of the community since the first RFP, and training once the RFP was released. Staff (County and City) provided updates to the Board and Council, keeping elected bodies informed of these community engagement efforts, and having them take action as to the updated model, RFP format, final RFP, proposed recipients, and awarded recipients.

On June 7, 2022, HSD and City staff presented a list of programs recommended for CORE funding, the process followed to implement the RFP, the opportunity to appeal, and the analysis of the recommended awards. The Board and Council voted to approve the recommended awards for the CORE Investments funding. The Board removed one (1) recommended grantee, the Harm Reduction Coalition (HRC) of Santa Cruz County. The Council directed staff to explore transition plans in conjunction with HSD for organizations not recommended for funding and to report back at the next Council meeting.

On June 28, 2022, the Board and Council approved the FY 2023 CORE List of Recommended Awards and directed staff to execute associated agreements. The Board and Council also directed that staff return on or before December 13, 2022 with a debrief and lessons learned on the RFP process and a CORE program update. The Council further requested an estimate of costs for consultants and administrative staff time as part of that update. Finally, the Board and Council also approved three (3) months of transitional funding, also known as bridge funding, for all FY 2022 CORE programs that applied and were not recommended for FY 2023, with City staff to return in August to provide additional information for this bridge funding.

DISCUSSION: Staff are working to implement the CORE FY 2023 awards, with HSD taking lead on the administrative actions needed. HSD is working closely with all current CORE funded agencies that applied for a continuation of their program to ensure that all eligible agencies receive transition / bridge funding if they had FY 2022 CORE programs and applied for but were not recommended for funding in FY 2023. The proposed transition funding will allow the agencies more time to adjust their budgets and programs.

After detailed analysis, the recommended bridge funding covers 3.5 months for all agencies, regardless of funding level.

HSD is already working with the identified recipients of the bridge funding per the attached list.

Finally, the County has taken the lead, working with the City and the CORE Steering Committee, to develop the CORE lessons learned evaluation methodology. This project will cover the RFP framework, application, evaluation and decision-making process, contracting, and communications and technical assistance. Input will be from all aspects of the CORE community, including applicants (funded and not funded), grant writers, the CORE Steering Committee, elected officials, staff, and RFP panelists. Running from this summer, a final report will be delivered in Spring 2023, with a check-in report back to the Board and Council as directed in December 2022.

Additional Options for current CORE funded agencies not recommended for award

HSD also recognizes the important work of community partners, and that sufficient local government funding will always be a challenge. In the coming year, HSD is committed to partnering with the Health Services Agency, other County departments, and other jurisdictions to explore potential other funding opportunities to support the work of Community Based Organizations not recommended for CORE funding.

FISCAL IMPACT: Per June Council action, the City FY 2023 investment for CORE is \$1,080,000 and will be dispersed according to the memorandum of understanding with the County. In addition, Council approval of the bridge funding list requires additional funding – this will be covered by a reduction from the City’s FY 2023 Capital Investment Program (CIP) in the amount of \$90,000.

Prepared/Submitted By:
Laura Schmidt
Assistant City Manager

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. CORE FY 2023 ONE-TIME BRIDGE FUNDING LIST.PDF
2. BUDGET ADJUSTMENT

CORE FY 2023 One-time Bridge Funding List

Previous CORE Program with Annual Funding Below \$25,000				
Vendor	Program	Previous Program Annual Funding	3.5 Month Bridge FY 2023	Total Bridge FY 2023
Advocacy, Inc.	Long Term Care Ombudsman Program	\$57,500	\$16,771	\$16,771
Central Coast YMCA	Afterschool and Day Camp Program/YF4L	\$17,000	\$4,958	\$4,958
Community Bridges	Child & Adult Care Food Program	\$15,000	\$4,375	\$112,496
Community Bridges	Child Development Division	\$210,700	\$61,454	
Community Bridges	Elderday	\$145,000	\$42,292	
Community Bridges	Lift Line	\$15,000	\$4,375	
Community Bridges - Family Resource Centers	La Manzana Community Resources	\$163,000	\$47,542	\$128,246
Community Bridges - Family Resource Centers	Live Oak Community Resources	\$60,000	\$17,500	
Community Bridges - Family Resource Centers	Mountain Community Resources	\$154,000	\$44,917	
Community Bridges - Family Resource Centers	Nueva Vista Community Resources	\$62,700	\$18,288	
Court Appointed Special Advocates (CASA)	Court Appointed Special Advocates	\$103,000	\$30,042	\$32,958
Court Appointed Special Advocates (CASA)	Juvenile Justice Program	\$10,000	\$2,917	
Encompass Community Services	Mindfulness-Based Medication Assisted Treatment Program	\$70,000	\$20,417	\$35,788
Encompass Community Services	TAY (Transition Age Youth) Youth Advocacy Project	\$52,700	\$15,371	
Families In Transition	Family Housing Stabilization	\$68,500	\$19,979	\$19,979
Family Service Agency of the Central Coast	I-You Venture	\$15,000	\$4,375	\$38,238
Family Service Agency of the Central Coast	Counseling Services	\$54,100	\$15,779	
Family Service Agency of the Central Coast	Senior Outreach	\$22,000	\$6,417	
Family Service Agency of the Central Coast	Survivors Healing Center	\$25,000	\$7,292	
Family Service Agency of the Central Coast	WomenCARE	\$15,000	\$4,375	\$50,021
Housing Matters	180/2020	\$171,500	\$50,021	
Janus of Santa Cruz	Co-occurring Disorder (COD) Capable	\$20,000	\$5,833	\$5,833
Mental Health Client Action Network (MHCAN)	Drop-In Center	\$35,300	\$10,296	\$22,050
Mental Health Client Action Network (MHCAN)	Motivational Interviewing Peer Support Counseling	\$40,300	\$11,754	
New Life Community Services	Gemma	\$60,000	\$17,500	\$17,500
Pajaro Valley Prevention & Student Assistance	Seven Challenges	\$172,000	\$50,167	\$50,167
Pajaro Valley Unified School District	Healthy Start Program	\$43,000	\$12,542	\$12,542
Parents Center	Parents Center - paid through HSA	\$17,000	\$4,958	\$4,958
Planned Parenthood Mar Monte (PPMM)	PPMM: Westside & Watsonville Health Centers	\$121,000	\$35,292	\$35,292
Salud Para La Gente	Coordinated Care Program	\$200,000	\$58,333	\$58,333
Santa Cruz Barrios Unidos, Inc	Barrios Unidos Productions Team A	\$8,000	\$2,333	\$21,000
Santa Cruz Barrios Unidos, Inc	Educational Outreach Program	\$25,000	\$7,292	
Santa Cruz Barrios Unidos, Inc	Educational Outreach (City)	\$15,000	\$4,375	
Santa Cruz Barrios Unidos, Inc	Kids Club (City)	\$24,000	\$7,000	
Santa Cruz Toddler Care Center	Child Care Services	\$4,500	\$1,313	\$22,079
Santa Cruz Toddler Care Center	Santa Cruz Toddler Care Center	\$71,200	\$20,767	
Senior Citizen Org of San Lorenzo Valley	Senior Outreach and Activities	\$15,000	\$4,375	\$4,375
The Diversity Center	Connexiones and the Transgender Program	\$10,000	\$2,917	\$2,917
YWCA of Watsonville	YWCA State Preschool	\$20,000	\$5,833	\$5,833
Totals		\$2,408,000	\$702,333	\$702,333

☒ Council Approval
☐ Administrative Approval

City of Santa Cruz
BUDGET ADJUSTMENT REQUEST

Clear Form

Fiscal Year: 2023
Date: 08/16/2022

CM/FN Use Only:
Reso #:
BA Ref #:

Purpose: Bridge funding for FY 2022 CORE programs not recommended for funding in FY 2023.

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
311-00-00-0000-49101		Capital Investment Program from GF	-90,000
TOTAL REVENUE			-90,000

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
101-00-00-0000-59103		Transfer to CIP	-90,000
101-10-00-6102-54990		Misc. Supplies and Services	90,000
TOTAL EXPENDITURE			0

NET: \$ -90,000

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING REVIEWED	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
Emeline Nguyen <small>Digitally signed by Emeline Nguyen Date: 2022.08.16 13:26:14 -07'00'</small>	Laura Schmidt <small>Digitally signed by Laura Schmidt DN: cn=Laura Schmidt, o=City of Santa Cruz, ou=City Manager's Office - Assistant City Manager email=l.schmidt@cityofsantacruz.com, c=US Date: 2022.08.16 13:31:56 -07'00'</small>	Lupita Alamos <small>Digitally signed by Lupita Alamos DN: cn=Lupita Alamos, o=City of Santa Cruz, ou=Finance, email=l.alamos@cityofsantacruz.com, c=US Date: 2022.08.16 13:53:57 -07'00'</small>	Elizabeth Cabell <small>Digitally signed by Elizabeth Cabell DN: cn=Elizabeth Cabell, o=City of Santa Cruz, ou=Finance Director's Office email=e.cabell@cityofsantacruz.com, c=US Date: 2022.08.16 13:54:45 -07'00'</small>	



City Council AGENDA REPORT

DATE: 08/10/2022

AGENDA OF: 08/23/2022

DEPARTMENT: Human Resources

SUBJECT: Resolution Amending the City of Santa Cruz Personnel Complement and Classification and Compensation Plans for the Santa Cruz Public Libraries (HR)

RECOMMENDATION: Resolution amending the Classification and Compensation Plans to the FY 2023 Budget Personnel Complement by implementing the Library Board approved Budget/Position and Classification changes in the Library.

BACKGROUND: As part of the Santa Cruz Public Library's finalization of its strategic plan and 5-year work plan, recommended classification and position changes have been proposed and presented in a Staff Report to the Library Joint Powers Authority Board on August 4, 2022.

DISCUSSION: Over the past several months, the Library conducted various listening sessions with staff. A result of these listening sessions was the confirmation that the Library relies too heavily on temporary staff to keep branches open. This reliance on temporary staff hinders library operations and leads to reduced levels of service, programming, and outreach to the community. It also puts a strain on the behind-the-scenes operations, including pulling professional staff away from librarian duties to help with customer service coverage and the support it takes to schedule temporary staff each day based on changes in daily staffing needs. The Library would like to take a phased approach to changes in the staffing model by first addressing the branch staff who provide services while the branch is open, described as Phase 1.

Phase 1 seeks to provide adequate staffing levels to create smooth and less stressful operations. It will also ensure staff is trained and professional when providing services to the public, something the Library experienced gaps with when using temporary employees. This approach to staffing will also help the library recruit, train, and retain benefited permanent staff by lessening job fatigue and staff having to fill multiple positions. Phase 1 will ensure excellent customer service while also meeting strategic goals by helping to dedicate Librarian staff to meeting program, outreach, and service needs.

Phase 2 will examine the impact of these changes on front-line library service and the ability to improve programming and outreach to the community.

Phase 1 of the staffing model plans to hire 8.5 FTE Library Assistant II positions throughout the system. The Library intends to fund Phase 1 of the staffing model changes with a portion of the temporary budget and the new MOE funds the Library receives after the recent adoption of the

LFA 4th Amendment Agreement. Additionally the Library is changing, primarily increasing hours to four existing Library Assistant II positions and combining two 20 hour part time positions into one 40 hour position to four existing positions.

Attrition in the Library Specialist and Information Specialist classifications created the vacancies and opportunities for replacing these positions with both a Community Relations Specialist and Librarian I/II position which better reflects the work duties in both marketing and outreach duties and conducting adult program and services.

The recommended position and classification changes and related expenditures as outlined on the Library's August 4, 2022 Staff Report to the Library Joint Powers Authority Board have been approved for adjustment to the Library's FY 2023 Operating Budget. The attached Resolution is being brought to council for administrative implementation of the City's Classification and Compensation plan.

FISCAL IMPACT: The fiscal impact of these FY 2023 Position and Classification changes were approved by the Library Joint Powers Authority Board at its August 4, 2022 meeting as part of the FY 2023 Library's Adopted Budget

Prepared By:
Cathy Bonino
Principal HR Analyst

Submitted By:
Lisa Murphy
HR Director

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX
2. LIBRARY STAFF REPORT - AUGUST 4 2022.DOCX

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING
THE CLASSIFICATION AND COMPENSATION PLANS – LIBRARY

WHEREAS, staff has recommended certain modifications to the Classification and Compensation Plans.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz as follows:

That effective September 3, 2022 the City of Santa Cruz Classification and Compensation Plans be modified to:

	<u>Class No.</u>	<u>Activity</u>	<u>Classification Title</u>	<u>Salary</u> (new classification and changes)
<u>Library</u>				
Add two (2) Positions:	283-xxx	3601	Library Assistant II .50 FTE	
Add three (3) Positions:	283-xxx	3601	Library Assistant II .75 FTE	
Add four (4) Positions:	283-xxx	3601	Library Assistant II 1.0 FTE	
Change From: 283-013			Library Assistant II 1.00 FTE	
Change To:		3601	Library Assistant II .75 FTE	
Change From: 283-072			Library Assistant II .50 FTE	
Change To:		3601	Library Assistant II 1.00 FTE	
Change From: 283-082			Library Assistant II .50 FTE	
Change To:		3601	Library Assistant II 1.00 FTE	
Change From: 283-063			Library Assistant II .50 FTE	
Change To:		3601	Library Assistant II 1.00 FTE	
Change From: 283-075			Library Assistant II .50 FTE	
Change To:		3601	Library Assistant II 1.00 FTE	
Change From: 283-078			Library Assistant II .50 FTE	
Change To:		3601	Library Assistant II 1.00 FTE	
Change From: 283-064			Library Assistant II .50 FTE	

RESOLUTION NO. NS-XX,XXX

Change To:	3601	Library Assistant II 1.00 FTE
Change From: 283-004		Library Assistant II .50 FTE
Change To:	3601	Library Assistant II 1.00 FTE
Delete Position:	283-080	Library Assistant II .50 FTE
Delete Position:	283-071	Library Assistant II .50 FTE
Delete Position:	283-070	Library Assistant II .50 FTE
Delete Position:	283-025	Library Assistant II .50 FTE
Add Position:	750-xxx 3601	Librarian I/II 1.0 FTE
Add Position:	757-xxx 3601	Community Relations Specialist 1.0 FTE
Delete Position:	285-001	Library Information Specialist 1.0 FTE
Delete Position:	740-001	Library Specialist 1.0 FTE

PASSED AND ADOPTED this 23rd day of August, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

Chair Mali LaGoe
Vice Chair Carlos Palacios
Board Member Jamie Goldstein
Board Member Matt Huffaker



STAFF REPORT

DATE: August 4, 2022
TO: Library Joint Powers Authority Board
FROM: Yolande Wilburn, Library Director
RE: Classification Changes

RECOMMENDATION

Approve classification changes and the expenditure to the FY 23 Library Operating Budget.

DISCUSSION

The Library continues to finalize its strategic plan and 5-year work plan goals. However, in anticipation of the final proposal, the Library would like to move forward with the following classification changes, resulting in increased expenditure in the FY 23 operating budget.

1. *Remove Library Specialist/Volunteer Coordinator*
2. *Add Community Relations Specialist*

3. *Remove Library Information Specialist/CMS*
4. *Add Librarian II/CMS*

The Library Director spent the last six months conducting listening sessions with staff. The listening sessions revealed the Library would immediately benefit from a few staffing changes. Attrition in the Library Specialist and Information Specialist classifications created the vacancies used to offset the expenditures.

In addition to managing volunteers, the Library Specialist-Volunteer Coordinator helped plan and organize library events and outreach utilizing volunteers. Analysis in the marketing department revealed that the Librarian currently providing marketing is overextended with marketing and outreach duties while also conducting adult programs and services. To deepen relationships with our partners and improve communication, collaboration, and outreach, we request removing the Library Specialist-Volunteer Coordinator position and adding a Community Relations Specialist.

The Librarian can then focus on programming and outreach. At the same time, the Community Relations Specialist will provide the marketing experience and capacity the Library needs to communicate its mission, vision, and message.

The Community Relations Specialist develops public and internal communication strategies and coordinates and implements informational, educational, and outreach communication and events. They provide development and maintenance of the department's website and social media pages, including updating and expanding the content and appearance of the site. They facilitate developing and implementing community engagement to identify community needs and interests and manage library media relations, including writing news releases, articles, social media, and blog posts. They serve as the media contact for the Library, ensuring that communication efforts are coordinated with the cities and County.

The Santa Cruz Public Libraries develops and maintains a robust collection of materials to support the educational and informational needs of the community. The importance of having professional Librarians perform collection selection and deselection across genres, formats, and languages is an essential component of Library operations. Collection Development takes professional judgment, skill, and knowledge gained through a master's degree in library science. The necessary skills can be attained through other education and experience, though this is not typical. Therefore, we recommend converting the vacant Library Information Specialist position to a Librarian II position to ensure the highest levels of material selection for our patrons.

Financial Impact

Classification Change Financial Impact: **\$85,694**

The Library will fund the classification changes by utilizing the removal of one Library Specialist/Volunteer Coordinator, and one Library Information Specialist vacancy and the new MOE funds the Library receives from the recent LFA 4th Amendment Agreement adoption. The chart below outlines the impact on the general fund.

FY 23 Operating Budget		
Approval of Item 8:		
MOE & Sales Tax Adjustments		\$ 1,370,651
Janitorial Increases	\$ 72,000	
8% for Collections	\$ 109,652	
Subtotal	\$ 1,188,999	
Classification Changes	\$ 85,694	
Total	\$ 1,103,304	

Attachments:

Budget Adjustment

Prepared by: Kira Henifin, Principal Management Analyst

Reviewed and Approved by: Yolande Wilburn, Library Director



County of Santa Cruz

COUNTY ADMINISTRATIVE OFFICE

701 OCEAN STREET, SUITE 520, SANTA CRUZ, CA 95060-4073

831) 454-2100 • FAX: (831) 454-3420 • TDD/TTY: CALL 711

CARLOS J. PALACIOS, COUNTY ADMINISTRATIVE OFFICER

April 25, 2022

TO: Each Member of the Board of Directors of the Library Financing Authority

2021-22 3rd QUARTER LIBRARY SALES TAX REVENUE UPDATE

Dear Members of the Board of Directors:

The purpose of this letter is to provide an update on the Library Sales Tax actual receipts for the 3rd quarter of Fiscal Year (FY) 2021-22.

Library Sales Tax actual receipts for the 3rd quarter totaled \$3,455,708, or \$412,601 (13.6%) more than the 3rd quarter estimate in the 2021-22 adopted budget. Based on year-to-date actuals, receipts will total \$13,607,914, or \$1,191,912 (9.6%) more than the 2021-22 adopted budget, and \$340,708 (2.6%) more than the January estimate. This is also a \$1,828,026 (15.5%) increase from 2020-21 actual receipts, as shown in the attached history.

In FY 2021-22, the amount available to the two library systems is estimated at \$13,591,890 after administrative costs. This provides distributions of approximately \$3,096,232 to the Watsonville Library and \$10,495,658 to the Santa Cruz City/County Library System.

This office will provide an update in June as part of the next regular meeting of the Library Financing Authority. If you have any questions, please call me at 454-2100.

Sincerely,

DocuSigned by:

Nicole Coburn

Nicole Coburn

Assistant County Administrative Officer

Attachment

cc: Library Director, Santa Cruz City/County Library System
Library Director, Watsonville Library
County Administrative Officer
City Managers
Auditor-Controller-Treasurer-Tax Collector
Finance Director, City of Santa Cruz
Finance Director, City of Watsonville

SERVING THE COMMUNITY – WORKING FOR THE FUTURE

Library Sales Tax Receipts - Quarterly and Annual

Year	Quarter	Quarterly Actual	Estimate *	Annual		
				Actual / Estimate *	Change over Prior Year *	% Change over Prior Year
2010-11	1	1,845,994				
2010-11	2	1,944,408				
2010-11	3	1,784,248				
2010-11	4	1,738,035		\$7,312,685	\$365,266	5.26%
2011-12	1	1,977,610				
2011-12	2	2,017,194				
2011-12	3	1,926,748				
2011-12	4	1,878,232		\$7,799,784	\$487,098	6.66%
2012-13	1	2,067,292				
2012-13	2	2,213,276				
2012-13	3	2,073,641				
2012-13	4	2,010,230		\$8,364,440	\$564,656	7.24%
2013-14	1	2,308,067				
2013-14	2	2,271,714				
2013-14	3	2,211,364				
2013-14	4	2,082,934		\$8,874,079	\$509,639	6.09%
2014-15	1	2,321,923				
2014-15	2	2,338,481				
2014-15	3	2,295,975				
2014-15	4	2,183,913		\$9,140,291	\$266,212	3.00%
2015-16	1	2,458,685				
2015-16	2	2,516,897				
2015-16	3	2,378,260				
2015-16	4	2,244,832		\$9,598,675	\$458,384	5.01%
2016-17	1	2,503,646				
2016-17	2	2,571,786				
2016-17	3	2,487,745				
2016-17	4	2,334,143		\$9,897,319	\$298,645	3.11%
2017-18	1	2,650,310				
2017-18	2	2,701,663				
2017-18	3	2,548,173				
2017-18	4	2,445,825		\$10,345,970	\$448,651	4.53%
2018-19	1	2,621,108				
2018-19	2	3,060,073				
2018-19	3	2,755,632				
2018-19	4	2,509,718		\$10,946,530	\$600,560	5.80%
2019-20	1	2,763,878				
2019-20	2	2,808,769				
2019-20	3	2,898,615				
2019-20	4	1,932,316		\$10,403,578	(\$542,952)	-4.96%
2020-21	1	2,948,620				
2020-21	2	2,946,224				
2020-21	3	2,887,198				
2020-21	4	2,997,846		\$11,779,888	\$1,376,310	13.23%
2021-22	1	3,502,644				
2021-22	2	3,416,562				
2021-22	3	3,455,708				
2021-22	4		3,233,000	\$13,607,914	\$1,828,026	15.52%
2021-22 Total Receipts Net of Fees/Costs				\$13,591,890		

* Bold amounts are estimated.

History for additional years going back to Fiscal Year 1997-98 is available upon request.

**FOURTH AMENDMENT TO THE JOINT EXERCISE OF POWERS
AGREEMENT ESTABLISHING THE SANTA CRUZ COUNTY LIBRARY
FINANCING AUTHORITY**

WHEREAS, the Santa Cruz County Library Financing Authority (“the Financing Authority”) was created in 1996 for the purpose of financing library services and facilities; and

WHEREAS, the Financing Authority was established pursuant to the Joint Exercise of Powers Law of the State of California, constituting Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (“the Act”); and

WHEREAS, an original agreement entitled the “Joint Exercise of Powers Agreement Santa Cruz County Library Financing Authority” (“the Agreement”) was entered into by each of the parties in May 1996; and

WHEREAS, an agreement amending the original Agreement was entered into by each of the parties in November 2013; and

WHEREAS, a Second Amendment to the Agreement was entered into by each of the parties in December 2015; and

WHEREAS, a Third Amendment to the Agreement was entered into by each of the parties in June 2021; and

WHEREAS, a Fourth Amendment to the Agreement is necessary to increase the Maintenance of Effort contributions and extend the term three years; and

WHEREAS, said Section 9.5 of said Second Amendment authorizes amendments at any time, or from time to time, only by the unanimous consent of the parties.

NOW THEREFORE, the Board of Supervisors of the County of Santa Cruz, and the City Councils for the Cities of Santa Cruz, Watsonville, Scotts Valley and Capitola agree to further amend the Third Amendment as follows:

1. **Article III – Contributions** is hereby amended as follows:

Section 3.1 – Maintenance of Effort Contributions of the Cities. Commencing with the 2022-23 fiscal year, the City of Santa Cruz shall contribute a Maintenance of Effort (“MOE”) amount each year in the amounts shown below:

City of Santa Cruz Maintenance of Effort

Fiscal Year	Amount
2022-23	\$1,976,853
2023-24	\$2,214,546
2024-25	\$2,452,089

Commencing with the 2022-23 fiscal year, the City of Watsonville shall contribute a MOE amount each year in the amounts shown below:

City of Watsonville Maintenance of Effort

Fiscal Year	Amount
2022-23	\$541,684
2023-24	\$541,684
2024-25	\$541,684

Section 3.2 – Maintenance of Effort Contributions of the County. Commencing with the 2022-23 fiscal year, and subject to the terms below, the County of Santa Cruz, on behalf of the Unincorporated Area and the cities of Capitola and Scotts Valley, shall contribute a MOE amount from the County Library Fund each year in the amounts shown below:

County Library Fund Maintenance of Effort

Fiscal Year	Amount
2022-23	\$6,322,019
2023-24	\$6,870,918
2024-25	\$7,422,372

If the Annual Net Amount of Allocated Taxes received by the County Library Fund is less than the annual MOE amount shown above, the County shall contribute the lesser amount as its annual MOE contribution. In no instance shall the County's annual MOE contribution exceed the Annual Net Amount of Allocated Taxes received by the County Library Fund.

If the Annual Net Amount of Allocated Taxes received by the County Library Fund exceeds the annual MOE amount shown above, the County shall allocate any excess funds in the County Library Fund for exclusive use on library improvements, major maintenance, or services at County Library Fund branches (including Capitola and Scotts Valley branches) with input by library staff and the cities of Capitola and Scotts Valley.

2. **Article IV – Annual Budget/Disbursement of Funds** is hereby amended as follows:

Section 4.3 – Disbursement of Funds. Commencing with the 2023-23 fiscal year, the amounts available from MOE contributions, taxes or fees, and carryover balances or surplus funds shall be disbursed as follows:

(A) The estimated amount available from MOE contributions shall be distributed to the Santa Cruz City/County Library System and the Watsonville Library each year in the amounts shown below:

Santa Cruz City/ County Library System

Fiscal Year	Amount
2022-23	\$7,276,853
2023-24	\$8,114,546
2024-25	\$8,952,089

Watsonville Library

Fiscal Year	Amount
2022-23	\$1,563,703
2023-24	\$1,512,602
2024-25	\$1,464,056

The Watsonville Library's MOE distribution remains fixed at \$1,563,703 in the 2022-23 fiscal year and then reduces so that the Watsonville Library's share of the Annual Net Amount of Allocated Taxes received by the County Library Fund reaches the targeted level of funding based on the population served.

3. **Article VI – Term and Withdrawal** is hereby amended as follows:

Section 6.1 – Term. The changes outlined in this Fourth Amendment shall commence upon the execution by the parties hereto, and will continue to remain in effect through June 30, 2025.

All other provisions of said Agreement shall remain the same.

IN WITNESS WHEREOF, the parties hereto have caused this Fourth Amendment to be executed and attested by their proper officers thereunto duly authorized on the day and year stated below the name of each of the parties. This Fourth Amendment may be signed in counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

COUNTY OF SANTA CRUZ

Approved as to form:

By: DocuSigned by:
Carlos J. Palacios
935841884693442...
Dated: 7/16/2022

DocuSigned by:
Ruby Marquez
87E8D02EEC8447...

CITY OF SANTA CRUZ

Approved as to form:

By: DocuSigned by:
Matt Huffaker
907765055581400...
Dated: 7/7/2022

DocuSigned by:
Anthony Condotti
9434C8029839450...

CITY OF WATSONVILLE

Approved as to form:

By: DocuSigned by:
Tamara Vides
62EF430759F2477...
Dated: 7/11/2022

DocuSigned by:
Samantha Butler
C0E26B9C468347A...

CITY OF CAPITOLA

Approved as to form:

By: DocuSigned by:
Jamie Goldstein
98193072C65A980...
Dated: 7/11/2022

DocuSigned by:
Samantha Butler
C0E26B9C468347A...

CITY OF SCOTTS VALLEY

Approved as to form:

By: DocuSigned by:
Mali LaGoe
2308057A8819400...
Dated: 7/7/2022

DocuSigned by:
Kirsten Powell
33C3E0924F647F...

Library Financing JPA Fourth Amendment May 2022

Chair Mali LaGoe
Vice Chair Carlos Palacios
Board Member Jamie Goldstein
Board Member Matt Huffaker



STAFF REPORT

DATE: August 4, 2022
TO: Library Joint Powers Authority Board
FROM: Yolande Wilburn, Library Director
RE: Annual Staff Training Day

RECOMMENDATION

Approve Closure for All Staff Training Day on Thursday, October 13, 2022.

DISCUSSION

In September 2013, the Library Joint Powers Authority approved an annual and recurring staff training day requiring all branches to close on Columbus Day.

In 2021, All Staff Training Day was moved to a Thursday to accommodate the work schedules of Sunday through Thursday or Tuesday through Saturday. The Library Holiday Closure Policy Schedule erroneously listed the closure as Columbus Day, Monday, October 10, 2022.

Therefore, we recommend adjusting the date to remain open on Columbus Day and close on Thursday, October 13, 2022.

Report Prepared by: Kira Henifin, Principal Management Analyst

Reviewed and Forwarded by: Yolande Wilburn, Library Director

Chair Mali LaGoe
Vice Chair Carlos Palacios
Board Member Jamie Goldstein
Board Member Matt Huffaker



STAFF REPORT

DATE: August 4, 2022
TO: Library Joint Powers Authority Board
FROM: Yolande Wilburn, Library Director
RE: Library Policies

RECOMMENDATION

Accept and File:

Policy #307 Freedom to View
Policy #308 Freedom to Read
Policy #311 Library Bill of Rights

DISCUSSION

The Library System is governed by policies in order to maintain standards to ensure a safe and healthy environment for staff and patrons.

The Library would like the LAC to review the attached three (3) policies that are up for renewal.

Attachments:

Policy #307 Freedom to View
Policy #308 Freedom to Read
Policy #311 Library Bill of Rights

Report Prepared by: Kira Henifin, Principal Management Analyst

Reviewed and Approved by: Yolande Wilburn, Library Director

The Freedom to View Statement

JPAB Policy # 307
Approved: 7/1997
Last Revised: 8/2022
Five-year Review Schedule: 8/2027

The freedom to view, along with the freedom to speak, to hear, and to read is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore, we affirm these principles:

1. It is in the public interest to provide the broadest possible access to films and other audiovisual materials because they have proven to be among the most effective means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
 2. It is in the public interest to provide for audiences films and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
 3. It is our professional responsibility to resist the constraint of labeling or prejudging a film on the basis of the moral, religious or political beliefs of the producer or filmmaker, or on the basis of controversial content.
 4. It is our professional responsibility to contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.
-

Adopted by the Education Film Library Association in February, 1979, and endorsed in June, 1979 by the Intellectual Freedom Committee of the American Library Association.

Adopted by the Santa Cruz City/County Library System [citizen] Board in December 1987, and by the Library Oversight Committee at its first meeting on November 3, 1988.

Confirmed by the Library Joint Powers Authority Board in July 1997.

ALA Website:

Freedom to View Statement

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore, these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

Endorsed January 10, 1990, by the ALA Council

FREEDOM TO READ

JPAB Policy #308

Adopted: 6/1953

Revised: 8/2022

Five-year Review Schedule: 8/2027

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that

publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

- 1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.**

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

- 2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.**

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

- 3. It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.**

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

- 4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.**

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters'

values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

- 5. It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.**

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

- 6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.**

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

- 7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.**

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said.

Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society.

Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

The Library Bill of Rights

JPAB Policy # 311
Approved: 7/1997
Last Revised: 8/2022
Five-year Review Schedule: 8/2027

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services:

1. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
4. Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas.
5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
7. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

First adopted by the American Library Association in 1949, with subsequent amendments approved and incorporated over the years.

Adopted by the Santa Cruz City/County Library System [citizen] Board;
adopted at the first meeting of the Library Oversight Committee on November 3, 1988;
confirmed by the Library Joint Point Powers Authority Board, July 1997.

Chair Mali LaGoe
Vice Chair Carlos Palacios
Board Member Jamie Goldstein
Board Member Matt Huffaker



STAFF REPORT

DATE: August 4, 2022
TO: Library Joint Powers Authority Board
FROM: Yolande Wilburn, Library Director
RE: Staffing Proposal

RECOMMENDATION

Approve staffing model Phase 1 including additional FTEs and the reduction of the temporary budget for FY 23.

DISCUSSION

Over the past several months the Library has conducted various listening sessions with staff. A result of these listening sessions was the confirmation that the Library relies too heavily on temporary staff to keep branches open. This reliance on temporary staff hinders library operations and leads to reduced levels of service, programming, and outreach to the community. It also puts a strain on the behind the scenes operations including pulling professional staff away from librarian duties to help with customer service coverage and the support it takes to schedule temporary staff each day based on changes in daily staffing needs.

The Library would like to take a phased approach to changes in the staffing model by first addressing the branch staff who provide services while the branch is open, described as Phase 1. Phase 1 seeks to provide adequate staffing levels to create smooth and less stressful operations. Phase 1 will also ensure staff are trained and professional when providing services to the public, something that the Library experienced gaps with when using temporary employees. This approach to staffing will also help the library recruit, train and retain benefitted permanent staff by lessening job fatigue and staff having to fill multiple positions. Phase 1 will ensure excellent customer service while also meeting strategic goals by helping to dedicate Librarian staff to meeting program, outreach and service needs.

Phase 2 will examine the services and programs Librarians provide to the community. This report is currently being developed and will be presented to the Board at their November meeting.

FINANCIAL IMPACTS

Phase 1 of the staffing model plans for the hiring of 8.5 FTE Library Assistant IIs throughout the system. The Library plans to fund Phase 1 of the staffing model changes with a portion of the temporary budget as well as with the new MOE funds the library will receive after the recent adoption of the LFA 4th Amendment Agreement.

The table below breaks down the number of Library Aide hours each branch with the influx of new Library Assistants.

LJPB Staffing Proposal	Aide Hours (Weekly)	Annual Salary		LAI FTE	Salary & Benefits
APT	50	\$ 40,140		0.25	\$ 22,719
BC	20	\$ 16,056		0.75	\$ 68,156
B40	30	\$ 24,084		1.00	\$ 90,874
				0.75	\$ 68,156
CAP	50	\$ 40,140		1.00	\$ 90,874
				1.00	\$ 90,874
DTN	120	\$ 96,336		0.50	\$ 90,874
DTN/CMS	20	\$ 16,056			
FEL	30	\$ 24,084		1.00	\$ 90,874
				0.75	\$ 68,156
GP	20	\$ 16,056			
LO	30	\$ 24,084		1.00	\$ 90,874
LSB	10	\$ 8,028		0.50	\$ 45,437
SV	50	\$ 40,140			
OUT	20	\$ 16,056			
TOTAL FTE ADDED	450	\$ 361,261		8.50	\$ 817,869

The tables below show the reduction in the temporary personnel budget and the costs associated with hiring the new 8.5 FTE Library Assistant IIs.

FY 23 Adopted Temp Budget	\$ 825,000
Library Aides-Systemwide	\$ 361,261
On Call Substitutes	\$ 90,000
Subtotal: New Temp Budget	\$ 451,261
Balance of MOE Funds Used	\$ 1,103,304
Balance of Temporary Budget	\$ 373,739
Staffing Proposal Balance	\$ 817,869
Remainder of New Revenues	\$ 659,175

The cost of the new benefitted permanent hired Library Assistant IIs is offset by applying the temporary personnel budget savings as well as applying the remainder of the MOE funds from the previous staff report. After these staffing changes are made, the Library will have a remainder of roughly \$650K for Phase 2 or other adjustments needed in FY 23.

Attachments:
Budget Adjustment

Report Prepared by: Kira Henifin, Principal Management Analyst

Reviewed and Forwarded by: Yolande Wilburn, Library Director

☐ Council Approval
☒ Administrative Approval

City of Santa Cruz
BUDGET ADJUSTMENT REQUEST

Clear Form

Fiscal Year: 2023
Date: 08/04/2022

CM/FN Use Only:
Reso #:
JE Post#:

Purpose: Adjusted MOE and sales tax revenue with associated expenditures. LJPB 8/4/2022

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
951-36-51-0000-41211		Sales Tax	208,766
951-36-51-0000-43311		MOE	1,161,580
951-36-51-0000-46620		Interest Earning from County	305
TOTAL REVENUE			1,370,651

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
951-36-51-3605-52211		Janitorial Services	20,000
951-36-51-3607-52211		Janitorial Services	10,000
951-36-51-3611-52211		Janitorial Services	10,000
951-36-51-3606-52211		Janitorial Services	32,000
951-36-51-3601-53106	p360814-100-2020-185	Books and Materials	109,652
951-36-51-3601-52199		Other Professional Technical Services	55,650
951-36-51-3601-51110		Regular Full Time	540,066
951-36-51-3601-51122		Temporary Pay	-373,739
951-36-51-3601-51111		Regular Part Time	363,497
TOTAL EXPENDITURE			767,126

NET: \$ 603,525

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING* APPROVAL	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL



City Council AGENDA REPORT

DATE: 08/10/2022

AGENDA OF: 08/23/2022

DEPARTMENT: Parks and Recreation

SUBJECT: Award Contract for Playground Equipment at Garfield Park Playground (PR)

RECOMMENDATION: Resolution to award a contract to Landscape Structures, Inc. (Delano, MN) for the purchase of playground equipment that will be installed at Garfield Park in the amount of \$219,777.02.

BACKGROUND: City Council (Council) authorized the Garfield Park renovation project in the FY 2022 Capital Investment Program (CIP) plan. The existing Garfield Park playground was installed in 1997. Structurally, the playground is approaching the end of its lifespan. To meet current requirements under the Americans with Disabilities Act (ADA) along with the American Society for Testing Materials (ASTM) and the Consumer Product Safety Commission (CPSC) parks staff performed extensive public outreach to design play structures that incorporate community feedback and meet or exceed current code compliance standards.

DISCUSSION: Section 3.08.170 of the Municipal Ordinance allows the City to buy from cooperative purchasing agreements when is in the best interest of the City to do so.

The City of Santa Cruz is a member of Cooperative NPP.Gov and will utilize a cooperative contract to purchase from Landscape Structures Incorporated. NPP Contract No. PS21070 is effective through March 22, 2027. The cooperative contract has been awarded by virtue of a public and formal competitive procurement process compliant with state statutes and formal procurement methods. Cooperative agreements result from a procurement process completed by a consortium or single agency that is authorized for use by other municipalities and government agencies.

Landscape Structures Incorporated has successfully completed other projects for the City in the past and staff recommends utilizing this vendor for this improvement to the Garfield Park Playground.

FISCAL IMPACT: This project (c302217) is funded by a Prop 68 Per Capita grant in the amount of \$177,952 with matching funds in the amount of \$44,488 from the Parks and Recreation Facility Tax (Fund 249). This project has no impact on the General Fund.

Prepared By:
Mike Godsy
Field Supervisor

Submitted By:
Tony Elliot
Director of Parks &
Recreation

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. RESOLUTION.DOCX
2. GARFIELD PARK IMAGE 001.JPG
3. GARFIELD PARK IMAGE 002.JPG

RESOLUTION NO. NS-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AWARDING THE CONTRACT FOR THE PURCHASE OF PLAYGROUND EQUIPMENT THAT
WILL BE INSTALLED AT GARFIELD PARK TO LANDSCAPE STRUCTURES, INC. (DELANO, MN)

WHEREAS, the City Council of the City of Santa Cruz authorized the Garfield Park renovation project as part of the fiscal year 2022 capital improvement projects list; and

WHEREAS, the existing playground equipment at Garfield Park has been install and fixtured at the park for over forty-five years; and

WHEREAS, to meet current standards in accessibility, design, and safety improvements as compelled by the Americans with Disabilities Act, the American Society for Testing Materials design standards, and the Consumer Product Safety Commission; and

WHEREAS, the City of Santa Cruz was awarded a proposition 68 per capita grant in the amount of \$177,952 with matching funds from the parks and recreation facility tax (Fund 249) in the amount of \$44,488.00; and

WHEREAS, the City of Santa Cruz is a member of Cooperative NPP.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Santa Cruz authorizes the City Manager to enter into an agreement, on a form as approved by the City Attorney, with Landscape Structures, Inc. for the purchase and installation of playground equipment at Garfield Park in the amount of \$219,777.02.

PASSED AND ADOPTED this XX day of XX, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator



Garfield Park

1159826-04-01 Pending Approval • 06.22.2022



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Garfield Park

1159826-04-01_BTalPending Approval • 06.27.2022



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City Council AGENDA REPORT

DATE: 08/10/2022

AGENDA OF: 08/23/2022

DEPARTMENT: Public Works

SUBJECT: Citywide Vegetation Management – Award Contract (PW)

RECOMMENDATION: Motion to accept the bid of Lewis Tree Service (Santa Cruz, CA) for Citywide Vegetation Management in the amount of \$117,000, and to authorize the City Manager to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

BACKGROUND: The Public Works Street Maintenance division maintains more than 50 areas within the city limits annually. These efforts manage vehicle traffic and bicycle and pedestrian access to improve safety, as well as limit fire risks in the public right of way.

DISCUSSION: Lewis Tree Service was one of three vegetation management companies requested to submit bids on multiple locations involving riparian habitat, greenbelts and roadway right of ways that include trees and vegetation. Out of the three companies contacted (Lewis Tree, Davey Tree and Community Tree), Lewis Tree submitted the most competitive bids. These quotes included the use of weed whips, chain saws, excavators and cranes. Staff recommends awarding the contract to the lowest and responsible bidder, Lewis Tree Service.

FISCAL IMPACT: There are adequate funds in the Public Works FY 2023 General Fund budget within the Street Maintenance division for these services.

Prepared By:
Christina Alberti
Management Analyst

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:
None.

Rosemary Balsley

From: Jane Mio <jmio@earthlink.net>
Sent: Saturday, August 20, 2022 8:51 PM
To: City Council
Cc: Matt Huffaker; Mark Dettle
Subject: 8/23/22 City Council Consent agenda # 13

Dear City Council Members,

Thank you for the opportunity to suggest a clarifying addition to the
Consent Agenda item # 13: Citywide Vegetation Management – Award Contract (PW):

RECOMMENDATION: Motion to accept the bid of Lewis Tree Service (Santa Cruz, CA) for Citywide Vegetation Management in the amount of \$117,000 **in compliance with applicable City Management Plans, understanding of the USACOE and Waterways Consulting's vegetation management prescriptions and CDFW permit RMA 1600- 2013-0176-R3 regulatory requirements.**, and to authorize the City Manager to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

REASON FOR SUGGESTION:

This contract involves vegetation management work in sensitive riparian habitat & greenbelts, which are subject to regulatory tool use such as weed whips, chain saws, excavators and cranes.

Consent Agenda item # 16 also pertains to riparian corridor. The City & PW's support their contract award recommendation by highlighting that the **Contractor staff is best qualified in their knowledge and understanding of the various regulatory permits & requirements.**

Therefore doesn't it stand to reason that the item # 13 contract includes that the contractor has knowledge of the regulatory permits, requirements and the work crew will comply with them?

Thank you for your time to consider my suggestion.
Kind regards,
jane mio

Consent agenda item # 16:
Annual San Lorenzo River Flood Control Maintenance
Award a contract to Kenny Robinson Construction (Santa Cruz, CA) in the amount of \$275,000



City Council AGENDA REPORT

DATE: 08/10/2022

AGENDA OF: 08/23/2022

DEPARTMENT: Public Works

SUBJECT: Traffic Striping Installation and Maintenance – Award Contract (PW)

RECOMMENDATION: Motion to accept the bid of Chrisp Company (Fremont, CA) for Traffic Striping Installation and Maintenance in the amount of \$130,000, and to authorize the City Manager to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

BACKGROUND: In fall of 2016 the City of Gilroy issued a Request for Proposals (RFP) for striping installation and maintenance contract. The RFP was advertised on their city website and Ebidboard, which is the same process and online site the City of Santa Cruz (City) uses to advertise projects. The only proposal City of Gilroy received was from Chrisp Company. In October 2020, the City of Alameda also conducted a competitive RFP process and Chrisp won that bid as well. The current contract is valid through June 30, 2023, with the option of extending the agreement for an additional two years. For the last five years, the City has been able to take advantage of other agencies' competitive contracts, locking in the same low rates.

The City's Public Works Street Maintenance Division regularly requests striping installation and maintenance from Chrisp Company. They are typically the only contractor willing to bid on projects in the Santa Cruz regional area and are currently in contract to stripe the most recently completed annual overlay and cape seal projects as well as special improvement projects as needed each year.

DISCUSSION: Section 3.08.170 of the Municipal Ordinance allows the City to use cooperative purchasing agreements when feasible. Based on the open procurement process performed and fair pricing received by the City of Alameda, and to save time on procurement and encumber striping maintenance funds, the Street Maintenance Division is seeking authorization for an open purchase order with Chrisp Company in the amount of \$130,000. Note that the pricing schedule received by the City of Alameda meets or is lower than the current pricing in contracts with the City and Chrisp Company has agreed to extend the same pricing, terms, and conditions to the City.

FISCAL IMPACT: There are adequate funds in the Public Works FY 2023 General Fund budget within the Street Maintenance division for these services.

Prepared By:
Christina Alberti
Management Analyst

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. CITY OF ALAMEDA – CHRISP COMPANY AGREEMENT AND FEE SCHEDULE.PDF

Contract Sheet for Job: 10A.20.676

100007
Alameda, City Of
950 West Mall Square
RM 110
Alameda, CA 94501

Cust Job: P.W. 02-20-08
Cust PO:
Project: FY 2020-23 On-Call Striping & Signage
City: Alameda

Contract: 10A.20.676
Bid No: 49226
Retention: 5%
Contact:

Item	Description	Unit	Qty	Unit Price	Amt	Qty to Date	Date Inv #	Date Inv #
THREE YEAR CONTRACT 10/06/20 ENDING 6/30/2023								
01	10/06/2020-6/30/2021 Year One	EA	1.00	150,000.000	150,000.00	0.00	/	/
02	07/01/2021-6/30/2022 Year Two	EA	1.00	150,000.000	150,000.00	0.00	/	/
03	07/01/2022-6/30/2023 Year Three	EA	1.00	150,000.000	150,000.00	0.00	/	/
A REMOVAL of STRIPING, MARKINGS, and REFLECTO								
1.01	Pavement Marking	SF	0.00	3.000	0.00	0.00	/	/
1.02	12" Wide Stripe	LF	0.00	2.000	0.00	0.00	/	/
1.03	8" Wide Stripe	LF	0.00	2.000	0.00	0.00	/	/
1.04	6" Wide Stripe	LF	0.00	2.000	0.00	0.00	/	/
1.05	4" Wide Stripe	LF	0.00	2.000	0.00	0.00	/	/
1.06	Detail 2 - Yellow Centerline	LF	0.00	1.200	0.00	0.00	/	/
1.07	Detail 9 - Lane Line	LF	0.00	1.200	0.00	0.00	/	/
1.08	Detail 21 - No Passing Zones	LF	0.00	1.200	0.00	0.00	/	/
1.09	Detail 22 - No Passing Zones	LF	0.00	1.200	0.00	0.00	/	/
1.10	Detail 23 - No Passing Zones Markers	LF	0.00	1.200	0.00	0.00	/	/
1.11	Detail 24 - Left Edge Line	LF	0.00	1.200	0.00	0.00	/	/
1.12	Detail 25 - Left Edge Line	LF	0.00	1.200	0.00	0.00	/	/
1.13	Detail 25A - Left Edge Line	LF	0.00	1.200	0.00	0.00	/	/
1.14	Detail 27B - Right Edge Line	LF	0.00	1.200	0.00	0.00	/	/
1.15	Detail 27C - Right Edge Line	LF	0.00	1.200	0.00	0.00	/	/
1.16	Detail 28 - Median Islands	LF	0.00	2.400	0.00	0.00	/	/
1.17	Detail 29 - Median Islands	LF	0.00	2.400	0.00	0.00	/	/
1.18	Detail 32 - Two-way Left Turn Lane	LF	0.00	2.400	0.00	0.00	/	/
1.19	Detail 36 - Exit Ramp Neutral Area	LF	0.00	1.200	0.00	0.00	/	/
1.20	Detail 36B - Entrance Ramp Neutral Area	LF	0.00	1.200	0.00	0.00	/	/
1.21	Detail 37B - Lane Drop Markings	LF	0.00	1.200	0.00	0.00	/	/
1.22	Detail 38 - Channelization Line	LF	0.00	1.200	0.00	0.00	/	/
1.23	Detail 39 (Non-Skid)	LF	0.00	1.200	0.00	0.00	/	/
1.24	Detail 39A - Bike Lane Intersection Line (Non-Skid)	LF	0.00	1.200	0.00	0.00	/	/
1.25	Detail 40 - Lane Line Extension	LF	0.00	1.200	0.00	0.00	/	/
1.26	Detail 40A - Alternate to Detail 40	LF	0.00	1.200	0.00	0.00	/	/
1.27	Detail 41 - Centerline Extension	LF	0.00	1.200	0.00	0.00	/	/
1.28	Detail 41A - Alternate to Detail 41	LF	0.00	1.200	0.00	0.00	/	/
B PAINT STRIPING and MARKINGS								
2.01	Curb Painting	LF	0.00	4.000	0.00	0.00	/	/
2.02	Parking T's or L's	EA	0.00	20.000	0.00	0.00	/	/
2.03	Bike Lane Markings & Arrows (Non-Skid)	SF	0.00	4.000	0.00	0.00	/	/
2.04	Paint Marking	SF	0.00	3.850	0.00	0.00	/	/
2.05	12" Wide Stripe	LF	0.00	3.300	0.00	0.00	/	/
2.06	8" Wide Stripe	LF	0.00	2.200	0.00	0.00	/	/

Contract Sheet for Job: 10A.20.676

100007
Alameda, City Of
950 West Mall Square
RM 110
Alameda, CA 94501

Cust Job: P.W. 02-20-08
Cust PO:
Project: FY 2020-23 On-Call Striping & Signage
City: Alameda

Contract: 10A.20.676
Bid No: 49226
Retention: 5%
Contact:

Item	Description	Unit	Qty	Unit Price	Amt	Qty to Date	Date _____ Inv # _____	Date _____ Inv # _____
2.07	6" Wide Stripe	LF	0.00	1.650	0.00	0.00	____/____/____	____/____/____
2.08	4" Wide Stripe	LF	0.00	1.100	0.00	0.00	____/____/____	____/____/____
2.09	Detail 2 - Yellow Centerline	LF	0.00	1.000	0.00	0.00	____/____/____	____/____/____
2.10	Detail 9 - Lane Line	LF	0.00	1.000	0.00	0.00	____/____/____	____/____/____
2.11	Detail 21 - No Passing Zones	LF	0.00	1.800	0.00	0.00	____/____/____	____/____/____
2.12	Detail 22 - No Passing Zones	LF	0.00	2.000	0.00	0.00	____/____/____	____/____/____
2.13	Detail 23 - No Passing Zones Markers	LF	0.00	2.200	0.00	0.00	____/____/____	____/____/____
2.14	Detail 24 - Left Edge Line	LF	0.00	0.900	0.00	0.00	____/____/____	____/____/____
2.15	Detail 25 - Left Edge Line	LF	0.00	1.000	0.00	0.00	____/____/____	____/____/____
2.16	Detail 25A - Left Edge Line	LF	0.00	1.100	0.00	0.00	____/____/____	____/____/____
2.17	Detail 27B - Right Edge Line	LF	0.00	0.900	0.00	0.00	____/____/____	____/____/____
2.18	Detail 27C - Right Edge Line Extension	LF	0.00	0.900	0.00	0.00	____/____/____	____/____/____
2.19	Detail 28 - Median Islands	LF	0.00	1.800	0.00	0.00	____/____/____	____/____/____
2.20	Detail 29 - Median Islands	LF	0.00	2.000	0.00	0.00	____/____/____	____/____/____
2.21	Detail 32 - Two-way Left-Turn Lane	LF	0.00	1.900	0.00	0.00	____/____/____	____/____/____
2.22	Detail 36 - Exit Ramp Neutral Area	LF	0.00	1.800	0.00	0.00	____/____/____	____/____/____
2.23	Detail 36B - Entrance Ramp Neutral Area	LF	0.00	1.800	0.00	0.00	____/____/____	____/____/____
2.24	Detail 37B - Lane Drop Markings	LF	0.00	1.800	0.00	0.00	____/____/____	____/____/____
2.25	Detail 38 - Channelization Line	LF	0.00	1.800	0.00	0.00	____/____/____	____/____/____
2.26	Detail 39 - Bike Lane (Non-Skid)	LF	0.00	1.500	0.00	0.00	____/____/____	____/____/____
2.27	Detail 39A - Bike Lane Intersection Lie (Non-Skid)	LF	0.00	1.400	0.00	0.00	____/____/____	____/____/____
2.28	Detail 40 - Lane Line Extension	LF	0.00	1.000	0.00	0.00	____/____/____	____/____/____
2.29	Detail 40A - Alternate to Detail 40	LF	0.00	1.000	0.00	0.00	____/____/____	____/____/____
2.30	Detail 41 - Centerline Extension	LF	0.00	1.000	0.00	0.00	____/____/____	____/____/____
2.31	Detail 41A - Alternate to Detail 41	LF	0.00	1.000	0.00	0.00	____/____/____	____/____/____
C THERMOPLASTIC STRIPING and MARKING								
3.01	Install Blue Marker for Fire Hydrants	EA	0.00	27.500	0.00	0.00	____/____/____	____/____/____
3.02	Parking T's or L's	EA	0.00	22.500	0.00	0.00	____/____/____	____/____/____
3.03	Bike Lane Markings & Arrows (Non-Skid)	SF	0.00	7.600	0.00	0.00	____/____/____	____/____/____
3.04	Pavement Marking	SF	0.00	5.350	0.00	0.00	____/____/____	____/____/____
3.05	12" Wide Stripe	LF	0.00	4.800	0.00	0.00	____/____/____	____/____/____
3.06	8" Wide Stripe	LF	0.00	3.200	0.00	0.00	____/____/____	____/____/____
3.07	6" Wide Stripe	LF	0.00	2.400	0.00	0.00	____/____/____	____/____/____
3.08	4" Wide Stripe	LF	0.00	1.200	0.00	0.00	____/____/____	____/____/____
3.09	Detail 2 - Yellow Centerline	LF	0.00	1.200	0.00	0.00	____/____/____	____/____/____
3.10	Detail 9 - Lane Line	LF	0.00	1.200	0.00	0.00	____/____/____	____/____/____
3.11	Detail 21 - No Passing Zones	LF	0.00	2.400	0.00	0.00	____/____/____	____/____/____
3.12	Detail 22 - No Passing Zones	LF	0.00	3.000	0.00	0.00	____/____/____	____/____/____
3.13	Detail 23 - No Passing Zones Markers	LF	0.00	2.000	0.00	0.00	____/____/____	____/____/____

Contract Sheet for Job: 10A.20.676

100007
Alameda, City Of
950 West Mall Square
RM 110
Alameda, CA 94501

Cust Job: P.W. 02-20-08
Cust PO:
Project: FY 2020-23 On-Call Striping & Signage
City: Alameda

Contract: 10A.20.676
Bid No: 49226
Retention: 5%
Contact:

Item	Description	Unit	Qty	Unit Price	Amt	Qty to Date	Date _____ Inv # _____	Date _____ Inv # _____
3.14	Detail 24 - Left Edge Line	LF	0.00	1.200	0.00	0.00	____/____/____	____/____/____
3.15	Detail 25 - Left Edge Line	LF	0.00	1.500	0.00	0.00	____/____/____	____/____/____
3.16	Detail 25A - Left Edge Line	LF	0.00	1.800	0.00	0.00	____/____/____	____/____/____
3.17	Detail 27B - Left Edge Line	LF	0.00	1.200	0.00	0.00	____/____/____	____/____/____
3.18	Detail 27C - Right Edge Line	LF	0.00	1.100	0.00	0.00	____/____/____	____/____/____
3.19	Detail 28 - Median Islands	LF	0.00	4.800	0.00	0.00	____/____/____	____/____/____
3.20	Detail 29 - Median Islands	LF	0.00	5.800	0.00	0.00	____/____/____	____/____/____
3.21	Detail 32 - Two-way Left Turn Lane	LF	0.00	5.500	0.00	0.00	____/____/____	____/____/____
3.22	Detail 36 - Exit Ramp Netral Area	LF	0.00	2.650	0.00	0.00	____/____/____	____/____/____
3.23	Detail 36B - Entrance Ramp Neutral Area	LF	0.00	2.650	0.00	0.00	____/____/____	____/____/____
3.24	Detail 37B - Lane Drop Markings	LF	0.00	2.600	0.00	0.00	____/____/____	____/____/____
3.25	Detail 38 - Channelization Lane	LF	0.00	2.650	0.00	0.00	____/____/____	____/____/____
3.26	Detail 39 - Bike Lane (Non-Skid)	LF	0.00	2.900	0.00	0.00	____/____/____	____/____/____
3.27	Detail 39A - Bike Lane Intersection Line (Non-Skid)	LF	0.00	2.750	0.00	0.00	____/____/____	____/____/____
3.28	Detail 40 - Lane Line Extension	LF	0.00	2.000	0.00	0.00	____/____/____	____/____/____
3.29	Detail 40A - Centerline Extension	LF	0.00	2.000	0.00	0.00	____/____/____	____/____/____
3.30	Detail 41 - Centerline Extension	LF	0.00	2.000	0.00	0.00	____/____/____	____/____/____
3.31	Detail 41A - Alternate to Detail 41	LF	0.00	1.500	0.00	0.00	____/____/____	____/____/____
D GREEN BIKE MARKINGS								
4	Install Green Bike Markings (Methyl Methacrylate Marking)	SF	0.00	12.000	0.00	0.00	____/____/____	____/____/____
E SIGN and POLE WORK								
5.01	Place Temporary No Parking Signs on Barricades (Blank Temporary No Parking Signs will be provided by the City)	EA	0.00	55.000	0.00	0.00	____/____/____	____/____/____
5.02	Install Uni-Strut Pole in Cement	EA	0.00	315.000	0.00	0.00	____/____/____	____/____/____
5.03	Install Uni-Strut Pole in Soil	EA	0.00	295.000	0.00	0.00	____/____/____	____/____/____
5.04	Pole Extension	EA	0.00	120.000	0.00	0.00	____/____/____	____/____/____
5.05	Remove Pole	EA	0.00	80.000	0.00	0.00	____/____/____	____/____/____
5.06	Remove Sign / Plaque	EA	0.00	55.000	0.00	0.00	____/____/____	____/____/____
5.07	Relocate Sign / Plaque	EA	0.00	85.000	0.00	0.00	____/____/____	____/____/____
5.08	Install S1-1 School Sign	EA	0.00	550.000	0.00	0.00	____/____/____	____/____/____
5.09	Install Various Plaques for School Zone Signs	EA	0.00	145.000	0.00	0.00	____/____/____	____/____/____
5.10	Install Sign / Plaque	EA	0.00	125.000	0.00	0.00	____/____/____	____/____/____
Total Contract Amount				450,000.00				



City Council AGENDA REPORT

DATE: 08/11/2022

AGENDA OF: 08/23/2022

DEPARTMENT: Public Works

SUBJECT: Cost of Construction – Fee Revision (PW)

RECOMMENDATION: Resolution revising the Traffic Impact Fee Estimate Form to include a revised PM peak hour rate of \$4,928 and rescinding Resolution No. NS-29,865.

BACKGROUND: The City Council approved changes to the Traffic Impact Fee (TIF) program in August 2021. The changes included an increase in the PM peak hour rate, which has not changed since 2012. The increase included an initial 10% increase to the PM peak hour trip and a 2% increase each year that the Engineering News Record (ENR) cost of construction index is 2% or greater. The fee took effect September 1, 2021 and increased the fee from \$3,850 to \$4,480 for the net new PM peak hour trips that development generates. The annual increases take effect at the new fiscal year and is done administratively. The Public Works Department may request a higher increase by resolution if very high construction cost increases occur.

DISCUSSION: Over the last 10 years, construction costs on average exceeded a 50% increase (5% per year), with increases of 14.2-15.1% this year per the Engineering News Record Cost of Construction Index (CCI). This is a much greater increase than originally anticipated. This continues to limit the TIF program's ability to fund multi-modal transportation projects and the balance in the fund is at its lowest ever since the early stage of the program.

The Highway 1/9 project has been more expensive than projected despite acquiring State grants for the construction portion of the project. There are a number of important intersection improvements and bike/pedestrian projects that will rely on the program for matching funds and for standalone funding. Without this program Arana Gulch Multi-use Paths, the Beach Area Roundabouts, Ocean/Water Intersection Improvements, and other projects would not have been built.

Staff is recommending a total 10% increase in the per PM peak hour trip for this year due to the large CCI increases over the past year. The fee has already been increased by 2%. The fee would take effect September 1, 2022 and would increase the fee from \$4,570 to \$4,928 for the net new PM peak hour trips that development generates. The 2% annual increase would continue to be applied administratively and increases would take effect at the following fiscal year on July 1, 2023 if construction costs continue to increase. While this will not “catch us up”, it will improve the resiliency of the program and allow the mitigation projects to be implemented in a more-timely manner.

Because the TIF addresses cumulative development impacts, some of the improvement projects are typically longer range and complex projects. Many are already identified in the Capital Investment Program (CIP), which is the appropriate medium to address how cumulative development mitigation projects are programmed.

FISCAL IMPACT: The TIF provides an important financing mechanism to address traffic impacts related to development and provides a fair share methodology. It often provides important local matching funds for alternative transportation grants. There is no impact to the General Fund.

Prepared By:
Nathan Nguyen
Assistant Director/City
Engineer

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. RESOLUTION.DOC
2. TIF ESTIMATE FORM.DOC

RESOLUTION NO. NS-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ MODIFYING
THE CITYWIDE TRAFFIC IMPACT FEE AND RESCINDING
RESOLUTION NO. NS-29,865

WHEREAS, the City of Santa Cruz wishes to address the traffic impacts associated with new development citywide; and

WHEREAS, the City of Santa Cruz is authorized by the California Constitution to levy fees on new development; and

WHEREAS, the City General Plan Policy M3.1.5 recommends that a Transportation Impact Fee be maintained and updated to ensure that developers pay a proportional share of circulation system and alternative transportation improvements; and

WHEREAS, the City of Santa Cruz adopted an ordinance on April 27, 2004 establishing a system of traffic impact fees that distributes the cost of mitigation measures fairly to those developments contributing to the impacts; and

WHEREAS, the City of Santa Cruz adopted the Environmental Impact Report for the Santa Cruz City General Plan on June 26, 2012 that identified the need for improved infrastructure City-wide to address growth in weekday peak hour trips from potential development and a mitigation program to address those impacts.

WHEREAS, the City of Santa Cruz approved modifications the program on November 12, 2012 to improve administrative efficiency and flexibility and established the Citywide Traffic Impact Fee Area incorporating the Citywide Traffic Mitigation Program and the Beach/SOLA mitigation measures.; and

WHEREAS, the Traffic Impact Fee Estimate Form was modified administratively to reflect changes in land use categories and trip generation rates based on revisions to the Institute of Transportation Engineers published data and other relevant transportation sources; and

WHEREAS, the trip impact fees were adjusted for the Downtown Area, the Soquel Avenue Corridor, the Water Street Corridor, the Ocean Street Corridor, and Mission Street Corridor, to reflect the anticipated reduction in trip generation associated with mixed use development, and:

WHEREAS, The City's California Environmental Quality Act (CEQA) and CEQA Guidelines were revised on June 9, 2020 to comply with Senate Bill 743 (SB 743) to use Vehicle Miles Traveled (VMT) as a measure of significance in analyzing transportation impacts under CEQA as set forth in CEQA Guidelines section 15064.3(b) and it did not preclude traffic impact fee mitigation programs.

RESOLUTION NO. NS-

WHEREAS, the trip impact fees were increased in 2017 and in 2021 as the cost of construction had increased at least 50% over the last 10 years jeopardizing the programs ability to fund public multi-modal transportation projects to address growth from development.

WHEREAS, the trip impact fees were adjusted for the Downtown Area based on the Downtown Amendments adopted November 28, 2017 to reflect additional development potential, and:

WHEREAS the Transportation Impact Study Guidelines are renamed the Transportation Study Requirements to improve consistency in application and conformance for all development projects that meet the thresholds and that further revisions may be undertaken administratively as determined appropriate by City staff.

WHEREAS, the Citywide traffic impact fee is currently \$4,570 per new peak hour trip and those fees are adjusted administratively on July 1, by 2% per annum if the change in the construction cost index for the preceding year is 2% or greater as determined by the Engineering News Record, the McGraw Hill Construction Weekly.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Santa Cruz that the Citywide traffic impact fee is increased to \$4,928 per new peak hour trip effective September 1, 2022 to address construction cost index increases of over 15% this past year.

BE IT FURTHER RESOLVED that Resolution No. NS-29,865 is hereby rescinded.

PASSED AND ADOPTED this 23rd day of August, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

Attachment 1
City of Santa Cruz - Public Works
Traffic Impact Fee Estimate Form*
FY23

This form is based on the approved Citywide Traffic Impact Fee resolution and is used to estimate traffic impact fees. Land uses not identified in this table shall be estimated on a case by case basis by the staff of the Public Works Department. Where a traffic study is prepared for a proposed project the trip generation estimate made in that study may be used at the discretion of the decision making body.

Property Address:

APN:

Applicant:

Appl/Permit #:

Completed by:

Date:

Land use (ITE Land Use Code)	Trip Gen. Rate per PM Peak Hr A**	Unit of Measure	Prop. Project Details B	Existing Uses C	Project Trips D = A X (B-C)
Single family residence (210)	1.01	Unit			
Apartment (220)	0.62	Unit			
Condo/ Townhouse (270)	0.62	Unit			
Senior Housing (251)	0.27	Unit			
SRO (220 / 1 vehicle)	0.61	Unit			
Hotel/Motel (320)	0.58	Room			
Office (710)	1.5	1,000 sf gfa***			
Medical Office (720)	3.57	1,000 sf gfa***			
Retail (814)	2.3	1,000 sf gfa***			
Retail Building Materials/ Large items (812)	4.5	1,000 sf gfa***			
Supermarket (850)	7.0	1,000 sf gfa***			
Convenience Market (852)	24.1	1,000 sf gfa***			
Service Station (944)	9.7	Pump station			
General Light Industrial (110)	0.97	1,000 sf gfa***			
Manufacturing (140)	0.7	1,000 sf gfa***			
Warehousing (150)	0.32	1,000 sf gfa***			
Mini-warehouse (151)	0.02	Storage unit			
Congregate Care (253)	0.2	Dwelling Unit			
Assisted living (254)	0.22	Bed			
All Suites Hotel (311)	0.6	Room			
Multiplex Movie theater (445)	13.6	Screen			
Free-Standing Discount (815)	5.0	1,000 sf gfa***			
Nursery (817)	7.5	Acre			

Comment:

* This form is used to estimate traffic impact fees of development based on submitted preliminary plans. Actual fees will be calculated based on final plans and uses submitted at the time of a building permit. The fee will be based on the per trip cost (may include an annual cost of construction inflation factor) at the time of submittal.

*** Square foot gross floor area.

Auto Parts, Apparel, Pharmacy, and High turnover Restaurant reduced by 15% for pass-by trips. Fast food, Supermarkets and Coffee Shop were reduced by 30% for pass-by trips.

Rosemary Balsley

From: Garrett <garrettphilipp@aol.com>
Sent: Friday, August 19, 2022 11:35 AM
To: City Council
Subject: 8.23.22 Agenda Item #15 Jack those fees

8.23.22 Agenda Item #15 Jack those fees

Dear Council,

Reading this item shows me you are masters of obfuscation as It's real hard to figure out exactly what justifies this approach to funding. I'll give it a try anyway.

Essentially you are saying construction costs, such as projects you undertake improving traffic flow, go up every year and the reason is? You apparently blame any construction project in the city and therefore you should use your authority to deny permits to jack so called "impact fees" on every project whether it actually has any impact or not. Is that close?

You cite traffic diversions around construction sites as causing this need to improve traffic flow. I scratch my head trying to figure how much traffic is actually diverted in such a way with for instance building a single family residence that requires improvements to the traffic system. You know some construction just replaces old buildings and doesn't actually add to traffic flow overall in any way.

I hardly see the connection of the Hwy 9 project which you say is going cost over run being the fault of someone remodeling or building an ADU somewhere in the city.

But I don't work for the government, so why would I see these connections you seem to see?

In REAL small print I see building for Auto Parts, Apparel, Pharmacy, and High turnover Restaurant reduced by 15% for pass-by trips. Fast food, Supermarkets and Coffee Shop were reduced by 30% for pass-by trips which actually went down, a lot. Care to explain the difference?

Garrett Philipp



City Council AGENDA REPORT

DATE: 08/10/2022

AGENDA OF: 08/23/2022

DEPARTMENT: Public Works

SUBJECT: Annual San Lorenzo River Flood Control Maintenance (m409505) – Award Contract (PW)

RECOMMENDATION: Motion to award a contract for the annual San Lorenzo River Flood Control Maintenance to Kenny Robinson Construction (Santa Cruz, CA) in the amount of \$275,000, and to authorize the City Manager to execute an agreement in a form acceptable to the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

BACKGROUND: The San Lorenzo River annual maintenance is required as outlined in the San Lorenzo Urban River Plan and as a flood control measure required by the US Army Corps of Engineers' Operations, Maintenance, Repair, Replacement and Rehabilitation (OMRR&R) manual. This maintenance consists of vegetation management within the parameters set forth in the above-noted documents.

This year's vegetation management will be conducted primarily within the riverine reach (Highway 1 to Water Street bridges), with additional work in the transitional reach (Water Street to Laurel Street bridges) and estuarine reach (the east bank of Laurel Street to the Riverside Avenue bridge).

DISCUSSION: The San Lorenzo River requires annual vegetation maintenance to comply with the requirements outlined in the San Lorenzo Urban River Plan and to maintain flood capacity as required by the US Army Corps of Engineers (USACOE). These prescriptions require all willows over 3-inch diameter at breast height (dbh) be cut and all other riparian trees (elders, alders, cottonwoods) over 6-inches dbh be removed. The work takes about four weeks and begins after the nesting season is over, after September 1. The California Department of Fish and Wildlife (CDFW) amended permit allows vegetation maintenance to occur between September 1 to January 15 to decrease project impacts to nesting and breeding birds, the USACOE requires that the vegetation maintenance be completed prior to winter flood flows.

In 2017, the Central Coast Regional Water Quality Control Board (RWQCB), with consensus from the California Department of Fish and Wildlife (CDFW), directed Public Works staff to discontinue the practice of chipping cut vegetation in place when conducting the vegetation management for flood control due to the potential risk of increased nitrate in the water from decomposing chipped material. This significantly increased the cost and amount of time related to flood control work in the San Lorenzo River because the cut vegetation is dried on the levee

bank for several days prior to being chipped into a truck and transported off site. The additional cost of prevailing wage and increased labor personnel has added to the City's cost of annual vegetation maintenance for flood control.

Kenny Robinson Construction's staff, formerly Draft Horses for Hire, has successfully completed the annual San Lorenzo River vegetation management program for flood control since 2003. The staff is best qualified in their knowledge and understanding of the USACOE and Waterways Consulting's vegetation management prescriptions and CDFW permit RMA 1600-2013-0176-R3 regulatory requirements. The City of Santa Cruz's consulting biologist works closely daily with the contractors as required by the CDFW permit.

Section 3.08.150 of the Purchasing Ordinance allows the Purchasing Division to award a contract without competition when there is only one source for the required item/service. The Purchasing Division concurs that Kenny Robinson Construction is the only company able to provide the Annual San Lorenzo River Flood Control Maintenance at the proposed cost and within the allowable time frame.

FISCAL IMPACT: There is \$275,000 budgeted in the FY 2023 Stormwater Overlay Enterprise Fund (Fund 752) in the San Lorenzo River System Maintenance project (m409505). This is no impact to the General Fund.

Prepared By:
Filipina Warren
Public Works Operations
Manager

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:
Matt Huffaker
City Manager

Christina Alberti
Management Analyst

ATTACHMENTS:

1. VEGETATION PRESCRIPTIONS.PDF
2. LOCATION MAP.PDF

Table 1: Recommended Vegetation Management Prescriptions

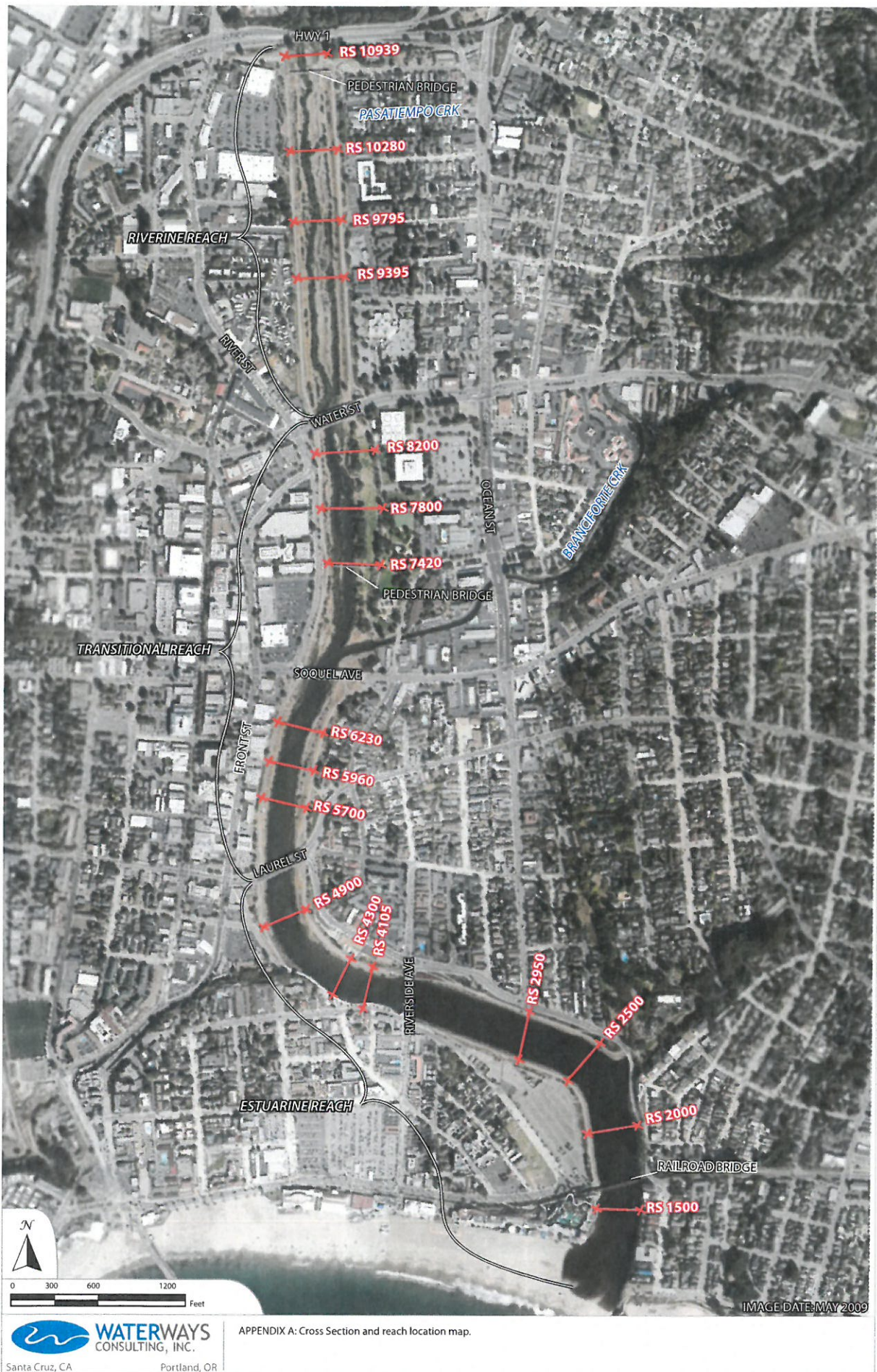
Management Area	Vegetation Management Prescription (Annual)
Bankfull Channel Instream Channel Bed	Remove riparian vegetation that exceeds accepted Corps Manning's "n" roughness coefficient for the flood control channel. A 5-foot edge of stream buffer area should be maintained on either side of the wetted edge.
Riverine (Hwy 1 to Water St.)	Allow 10-foot wide strip of willow and alder along toe of levee. Permit willow growth to 3 inches dbh, alder growth to 6 inches dbh. The lower limbs of the alder trees should be trimmed. The willows should be thinned to favor providing overhanging cover to the low flow channel. Maintain a 5-foot buffer along wetted edges of channel, but thin groves and limb up trees. Remove any trees in 5-foot buffer area that are greater than 6 inches dbh.
Transitional (Water St. to Laurel St.)	A 10-foot wide strip of woody riparian vegetation, tules and cattails should be maintained on the west bank. The east bank should be maintained to promote trees overhanging water. Trees or branches that fall in the water should be assessed for cutting into smaller pieces and may be removed entirely if they cause an immediate safety hazard. Sandbars should be maintained to allow volunteer groves to establish, but cleared of all trees greater than 6 inches dbh.
Estuarine (Laurel St. to Ocean)	A 5-foot wide strip of willow, cattail, and tule should be maintained at the levee toe. Willows should have stem diameters no greater than 6 inches ¹ and be limbed up and periodically thinned to create defined groves.

¹ Revised from original vegetation prescriptions listed in Table 5 of the San Lorenzo River and Lagoon Management Plan (SH+G, 2002). Original value of 0.5 inches was intended to be 0.5 feet (6 inches). This is made apparent by the management and restoration actions included in Tables 12-14 of same report which call for the removal of all trees greater than 6 inches dbh.

History of Cross-Section Monitoring

In May 2002, vegetation characteristics were recorded with the survey data and a composite roughness value was calculated for one section within each reach (SH+G, 2003). In February 2004, vegetation characteristics were recorded with the survey data and a composite roughness value was calculated at four cross-sections in the Riverine Reach. Vegetation characteristics surveys and roughness modeling were not performed in 2005, 2014, or 2016. Topographic surveys, vegetation characteristics surveys and roughness modeling were conducted at monitoring cross-sections in the Riverine and Transitional Reaches, and topographic surveys only were conducted at the sections in the Estuarine Reach on the following dates:

- November 2006
- October 2007
- October 2008
- November 2009
- September 2010
- October 2011
- October 2012
- October 2013
- November 2015
- May 2017 (only conducted at four cross-sections)
- April 2018
- December 2019
- December 2020
- November/December 2021



APPENDIX A: Cross Section and reach location map.

Rosemary Balsley

From: Jane Mio <jmio@earthlink.net>
Sent: Saturday, August 20, 2022 8:51 PM
To: City Council
Cc: Matt Huffaker; Mark Dettle
Subject: 8/23/22 City Council Consent agenda # 13

Dear City Council Members,

Thank you for the opportunity to suggest a clarifying addition to the
Consent Agenda item # 13: Citywide Vegetation Management – Award Contract (PW):

RECOMMENDATION: Motion to accept the bid of Lewis Tree Service (Santa Cruz, CA) for Citywide Vegetation Management in the amount of \$117,000 **in compliance with applicable City Management Plans, understanding of the USACOE and Waterways Consulting's vegetation management prescriptions and CDFW permit RMA 1600- 2013-0176-R3 regulatory requirements.**, and to authorize the City Manager to execute the contract in a form approved by the City Attorney. The Public Works Director is authorized to execute change orders within the approved project budget.

REASON FOR SUGGESTION:

This contract involves vegetation management work in sensitive riparian habitat & greenbelts, which are subject to regulatory tool use such as weed whips, chain saws, excavators and cranes.

Consent Agenda item # 16 also pertains to riparian corridor. The City & PW's support their contract award recommendation by highlighting that the **Contractor staff is best qualified in their knowledge and understanding of the various regulatory permits & requirements.**

Therefore doesn't it stand to reason that the item # 13 contract includes that the contractor has knowledge of the regulatory permits, requirements and the work crew will comply with them?

Thank you for your time to consider my suggestion.
Kind regards,
jane mio

Consent agenda item # 16:
Annual San Lorenzo River Flood Control Maintenance
Award a contract to Kenny Robinson Construction (Santa Cruz, CA) in the amount of \$275,000



City Council AGENDA REPORT

DATE: 08/08/2022

AGENDA OF: 08/23/2022

DEPARTMENT: Water

SUBJECT: Transfer within the Water Department's Capital Investment Program for FY 2022 Water Program Administration Expenses – Budget Adjustment (WT)

RECOMMENDATION: Resolution amending the FY 2022 budget by transferring \$1,956,115 from the Water Department's Capital Investment Program (CIP) Project c701901, Water Program Administration, to various other Water Department CIP Projects for the purpose of allocating actual program administration expenses to active Water Program CIP Projects.

BACKGROUND: On June 28, 2022 Council approved the renewal of a five-year agreement with HDR Engineering, Inc. (HDR) for Program Management services to assist Water Department with the implementation of a large and complex CIP. Each fiscal year, HDR develops a Service Order (SO) for tasks to be completed within that fiscal year. The work completed in FY 2022 was under SO 7.

HDR's scope of work for each SO includes both project specific, as well as more broadly defined tasks that apply to all projects. Effort spent on the latter tasks is charged to a general CIP project, c701901 Water Program Administration. For example, when HDR is tasked to work on a specific capital project, their time is easy to document in blocks of time per project; however, a few staff members work on tasks that develop, design, or support processes impacting all the Water Program projects, such as cost control and risk management. As a result, their time cannot be easily estimated per project and are instead charged to project c701901. At the end of a fiscal year, the actual expenses charged to c701901 are split, based on the total project estimated cost, amongst the various Water Program CIP projects.

DISCUSSION: When creating each SO, HDR provides an estimate of work to be completed under project c701901 for that fiscal year. That cost is used to budget and create a purchase order to pay for the actual work completed by HDR throughout the fiscal year. During the fiscal year-end process, the actual expenses (along with the associated budget appropriation) are transferred to the active CIP projects supported by HDR.

Transferring the Water Program Administration expenses from c701901 to the active projects benefitting from this work allows the City to track these costs as a capital expense within the construction CIP project and, in some cases, to seek reimbursement from outside funding sources.

FISCAL IMPACT: There is no impact to either the General Fund or the Water Operations Fund.

Prepared By:
Malissa Kaping
Principal Management
Analyst

Submitted By:
Rosemary Menard
Water Director

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:
1. BUDGET ADJUSTMENT.PDF

☒ Council Approval
☐ Administrative Approval

City of Santa Cruz
BUDGET ADJUSTMENT REQUEST

Clear Form

Fiscal Year: 2022
 Date: 08/10/2022


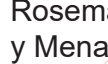

CM/FN Use Only:
 Reso #:
 BA Ref #:

Purpose: Transfer \$1,956,115 from the Water Dept's Capital Investment Program (CIP), c701901, Water Program Administration, to various other Water Dept. CIP Projects for the purpose of allocating actual program administration expenses to active Water Program CIP Projects.

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
TOTAL REVENUE			0

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
		See attached	
TOTAL EXPENDITURE			0

NET: \$ 0

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING REVIEWED	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
 <small>Digitally signed by Rosemary Menard DN: cn=Rosemary Menard, o=City of Santa Cruz, ou=Water Department, email=rmenard@cityofsantacruz.com, c=US Date: 2022.08.10 12:39:53 -0700</small>	 <small>Digitally signed by Michael Manno DN: cn=Michael Manno, o=City of Santa Cruz, ou=Finance, email=mmanno@cityofsantacruz.com, c=US Date: 2022.08.11 11:22:41 -0700</small>	 <small>Digitally signed by Elizabeth Cabell DN: cn=Elizabeth Cabell, o=City of Santa Cruz, ou=Finance, email=ecabell@cityofsantacruz.com, c=US Date: 2022.08.10 14:12:27 -0700</small>		

FY22 Water Program Admin Fee BA and JE

Project Number	GL Number	Project Name	FY22 BA Amount	FY22 JE Amount
c700025-100-2020-0	711-70-91-7152-57302	Graham Hill WTP Facility Improvement Plan	\$ 598,331	\$ (598,331)
c701501-100-2020-0	711-70-91-7152-57302	Graham Hill WTP Concrete Tanks	\$ 182,302	\$ (182,302)
c701502-100-2020-0	711-70-91-7152-57302	Graham Hill WTP Flocculator Rehab/Replacement	\$ 7,420	\$ (7,420)
c701505-100-2020-0	711-70-91-7153-57302	University Tank No. 4 Rehab/Replacement	\$ 26,762	\$ (26,762)
c701506-100-2020-0	711-70-91-7153-57302	University Tank No. 5 Replacement	\$ 16,695	\$ (16,695)
c701606-100-2020-0	711-70-91-7153-57302	Newell Creek Dam Inlet/Outlet Replacement	\$ 409,867	\$ (409,867)
c701609-100-2020-0	711-70-91-7153-57302	Aquifer Storage & Recovery Mid County Groundwater	\$ 19,602	\$ (19,602)
c701611-100-2020-0	711-70-91-7153-57302	Recycled Water Feasibility Study	\$ 5,097	\$ (5,097)
c701701-100-2020-0	711-70-91-7153-57302	Newell Creek Pipeline Rehab/Replacement	\$ 4,762	\$ (4,762)
c701705-100-2020-0	711-70-91-7153-57302	Water Supply Augmentation	\$ 361,024	\$ (361,024)
c701801-100-2020-0	711-70-91-7153-57302	Laguna Creek Diversion Retrofit Project	\$ 12,262	\$ (12,262)
c701806-100-2020-0	711-70-91-7153-57302	River Bank Filtration Study	\$ 27,655	\$ (27,655)
c701903-100-2020-0	711-70-91-7151-57302	Tait Diversion Rehab/Replacement Project	\$ 31,513	\$ (31,513)
c701906-100-2020-0	711-70-91-7153-57302	Felton Diversion & Pump Station Assessment	\$ 17,314	\$ (17,314)
c701908-100-2020-0	711-70-91-7153-57302	North Coast System Repair and Replacement Project	\$ 2,309	\$ (2,309)
c702001-100-2020-0	711-70-91-7151-57302	Distribution System Water Quality	\$ 405	\$ (405)
c702002-100-2020-0	711-70-91-7153-57302	Brackney Landslide Area Pipeline Risk Reduction	\$ 45,827	\$ (45,827)
c702101-100-2020-0	711-70-91-7153-57302	ASR Mid County Exisiting Infrastructure	\$ 35,991	\$ (35,991)
c702105-100-2020-0	711-70-91-7153-57302	Newell Creek Pipeline Felton/Graham Hill	\$ 139,043	\$ (139,043)
c702109-100-2020-0	711-70-91-7159-57302	Graham Hill WTP Entrance Improvements	\$ 3,634	\$ (3,634)
c702202-100-2020-0	711-70-91-7159-57901	CMMS Software Replacement for Water Dept	\$ -	\$ (50,933) *
c702203-100-2020-0	711-70-91-7152-57302	Beltz 12 Ammonia Removal	\$ 8,299	\$ (8,299)
c701901-100-2020-0	711-70-91-7159-57302	Water Program Adminstration	\$ (1,956,115)	\$ 2,007,048
NET TRANSFER			\$ -	\$ -

* Expenses (HDR staff time) for the CMMS Software RFP/vendor selection process was charged to c701901 in error. This work was budgeted correctly in c702202 and only the actual expense of \$50,933 needs to be transferred to correct this error.



City Council AGENDA REPORT

DATE: 08/11/2022

AGENDA OF: 08/23/2022

DEPARTMENT: City Manager

SUBJECT: Independent Police Auditor Report (CM)

RECOMMENDATION: Receive a report from the City's Independent Police Auditor, OIR Group.

BACKGROUND: In January 2003, Santa Cruz City Council created the Independent Police Auditor (IPA) position. The IPA is charged with providing independent reviews of the citizen complaint process and reviewing and making recommendations regarding the City's Police Department (SCPD) policies and practices.

In July 2020, the City Manager's Office issued a Request for Proposals (RFP) to select a new IPA. In December 2020, the RFP panel selected OIR Group, led by Michael Gennaco, a nationally recognized expert on law enforcement reform and accountability systems.

DISCUSSION: Within the scope of their contract (see attachment), the OIR Group annually reviews cases with the City's Public Safety Committee (PSC) and also publishes at least annually a public report.

The OIR Group's annual report ("Independent Police Auditor Annual Report - March 2022") includes summaries of cases reviewed, information about misconduct complaint investigations and trends, recommendations concerning improvements to SCPD policy, procedures and training, and the results of audits since December 1, 2020.

OIR Group presented the report to the PSC on March 23, 2022 and are now presenting it to Council. The report addresses the IPA's review of thirteen formally investigated public complaints, administrative investigations involving an in-custody death and a vehicle pursuit, and two additional concerns about SCPD performance. The report notes that many files reviewed reflect "thorough investigations and sound conclusions" but also outlines 26 recommendations to strengthen accountability systems, including ways that SCPD can improve investigation and review of critical incidents.

FISCAL IMPACT: None.

Submitted By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. IPA SCOPE OF WORK.PDF
2. INDEPENDENT POLICE AUDITOR ANNUAL REPORT - MARCH 2022.PDF

EXHIBIT A: SCOPE OF WORK

The Scope of Work for the Independent Police Auditor (IPA) includes the following :

1. Review of Santa Cruz Police Department (SCPD) Cases

- a. Internal Affairs Investigations:
 - i. IPA will review all Department Internal Affairs investigations involving complaints against police officers which allege excessive or unnecessary force.
 - ii. IPA will review some or all other Department Internal Affairs investigations, including internally initiated allegations of misconduct, against police officers to determine if the investigation was complete, thorough, objective, and fair.
 - iii. IPA may attend Internal Affairs interviews of any civilian witness/complainant. The IPA may ask questions directly of civilians at the end of the interview in a manner that will not disrupt the timeliness or violate the Police Officers Bill of Rights.
 - iv. IPA shall make a request, in writing, to the Police Chief for further investigation whenever IPA concludes that further investigation is warranted.
 - v. Unless IPA receives a satisfactory written response from the Police Chief, IPA shall make a request in writing to the City Manager for further investigation.
- b. Officer-Involved Shootings - IPA will review each Department investigation of any officer-involved shooting (regardless of whether a person was hit by gunfire) to determine if the investigation was complete, thorough, objective, and fair.
- c. Citizen Complaints – IPA may recommend to Council that an independent investigation of a citizen complaint involving allegations of excessive force or violation of civil rights be conducted. IPA may interview any civilian witnesses or complainants in the course of IPA's reviewing an investigation into any citizen complaint.
- d. Other review parameters:
 - i. At the discretion of the IPA, IPA may attend interviews of complainants, public witnesses, and sworn officers.
 - ii. The IPA may ask questions directly (civilians) or through the lead investigator (police personnel), in a manner that will not disrupt the timeliness or violate the Police Officers Bill of Rights.
 - iii. IPA will have full access to completed complaint investigation files; all evidence related to the issue, reports (as allowed by state law), analysis, proposed findings, and any proposed discipline.
 - iv. IPA will provide evaluations as to whether an investigation is complete, thorough, and objective and/or an explanation if more investigation or a change in finding is recommended.

- v. IPA will document any recommendations on policy, procedures, or training growing out of a complaint investigation.
- vi. If an external investigator is used, IPA will provide input into the scope of work of the investigator, and offer assistance in the selection of the investigator.

2. Receipt of Cases

- a. Santa Cruz Police shall have a documented process to send notice to the IPA of all complaints, classification¹ of complaints, and assigned investigator.
- b. IPA shall have a publicly noticed email and phone number to receive complaints directly and will refer them to the SCPD for investigation. IPA will be involved in review of cases per “1. Review of Santa Cruz Police Department (SCPD) Cases” above.
- c. In order to monitor cases and coordinate interviews as needed, the IPA shall receive updates from an SCPD Internal Affairs Sergeant regarding cases and investigations.

3. Notice of Death, Serious Injury, or Other Critical Incidents

The IPA will receive timely notification of critical incidents with authority to respond to the scene at IPA’s discretion. An SCPD Internal Affairs Sergeant shall notify the IPA. Critical incidents include:

- a. Officer-involved shootings, regardless of whether a person was hit by gunfire;
- b. A traffic collision involving police officers that result in death or serious bodily injury to another person;
- c. A use of force resulting in death or serious bodily injury per California definition (injuries requiring hospitalization for an overnight stay) to another person; or
- d. All deaths while an arrestee/detainee is in the custodial care of the Department.

4. Audit Santa Cruz Police Department Misconduct Complaint and Discipline Process

- a. The IPA will have access to the SCPD complaint database and regularly assess issues such as the nature of complaints, how complaints are classified, and whether investigation timelines are met.
- b. The IPA will have access to SCPD personnel and discipline records and will assess the discipline system for fairness and appropriate levels of discipline.

5. Audit Santa Cruz Police Department Policies, Procedures, and Training

The IPA should prioritize and audit SCPD policies, procedures, or training related to these topics or other matters that may be identified and take precedence for auditing purposes. The following is not an exhaustive list of issues but indicative of what can be done:

¹ Classification is a SCPD hierarchical construct for complaints and can be found in Attachment C.

- a. Progress on meeting SCPD Strategic Plan goals - in particular, goals with regards to training on procedural justice, the Guardian mindset, implicit/unconscious bias, and de-escalation.
 - b. Progress on SCPD compliance with CA Racial and Identity Profiling Act of 2015 (RIPA) requirements SCPD stop data, using SCPD data reported under RIPA and other appropriate sources.
 - c. SCPD enforcement actions with regards to bias.
 - d. Individual use of force investigations, including Taser usage, and use of force aggregate data.
 - e. Body camera usage by officers and review by supervisors, Professional Standards, etc.
6. Recommend Changes/Improvements to Policy, Procedure, or Training
 - a. Systematically review SCPD existing policies and procedures and evaluate new or changed SCPD policies.
 - b. Systematically review SCPD training.
 - c. Make written recommendations for improvements or changes to SCPD policy, procedure, or training regarding any matter to the Police Chief.
7. Produce Reports
 - a. Regarding reviews conducted:
 - i. IPA shall provide evaluations of cases to the City's Public Safety Committee, with a carbon copy the City Manager and Police Chief.
 - ii. At least annually, the IPA shall review the IPA's case evaluations with the Public Safety Committee in closed session.
 - b. IPA will publish public reports, at least on an annual basis, to include: information about misconduct complaint investigations and trends; recommendations concerning improvements to SCPD policy, procedures, and/or training; results of audits. IPA may be requested to present reports to the City Manager and City Council.
8. Conduct Independent Investigations

In cases in which the IPA deems an investigation insufficient or the SCPD does not open an investigation, and recommendations for additional investigation are not heeded, after written notification to and concurrence from the City Manager and the City Attorney, the IPA may conduct additional or an independent investigation. The SCPD will provide full access to all materials concerning the incident underlying the complaint and all relevant personnel.



7142 Trask Avenue Playa del Rey, CA 90293
OIRGroup.com

Independent Police Auditor Annual Report

March 2022

Michael Gennaco
Samara Marion

Independent Police Auditor Team
City of Santa Cruz

Executive Summary

The Independent Police Auditor for the City of Santa Cruz (IPA) is pleased to provide its second annual report on its work, findings, and recommendations. Our oversight role with the City affords us the opportunity to review the Santa Cruz Police Department's investigations of complaints filed by members of the public, internally generated complaints, and administrative investigations of significant incidents such as in-custody deaths and vehicle pursuits. Upon completion of its investigations, Santa Cruz Police Department ("SCPD") provides its investigative file and conclusions for IPA review. This annual report addresses IPA's review of thirteen formally investigated public complaints, administrative investigations involving an in-custody death and a vehicle pursuit, and two additional concerns about SCPD performance.

Many of the files we reviewed reflected thorough investigations and sound conclusions. We observed the Department using individual incidents as an opportunity for making thoughtful recommendations to improve the performance of individual officers and the agency as a whole.

Our review also identified areas of the Department's accountability systems that should be strengthened. Our twenty-six recommendations address these concerns. Some public complaints involved significant investigative delays that would have precluded discipline had actionable misconduct been identified. The Department should develop a system to accurately log in, track and monitor complaint investigations to ensure their timely completion. The Department's complaint policy should be revised to require prompt interviews of complainants. The Department's notification to complainants about the Department's investigation's conclusion should be timely and when appropriate, describe any reform or learning that resulted from the complaint.

We also identified aspects of the Department's investigation and review of critical incidents that can be improved. The Department's policy on Officer-Involved Shootings and Deaths would be enhanced by requiring interviews of involved and witness officers before the end of their shift. We also recommend (at least for deadly force incidents and other critical incidents) that the Department (pursuant to current policy) convene a Use of Force Review Board for critical incidents so that the Department has a formal process to discuss, monitor and

implement recommendations and action steps arising from the Board's assessment. Finally, our review of an incident at a rental storage locker provided an opportunity to address the role "bias by proxy"¹ may have played in the original call for service and the subsequent interaction the complainant and her two companions had with SCPD officers. We recommended that the Department revise its Biased-Based Policing policy to address bias by proxy and develop training for officers, supervisors and dispatchers.

Below is our summary of cases we reviewed and key recommendations.

Case Summary	Allegations	SCPD Finding	Auditor Recommendations
An individual arrested for being under the influence of drugs became unresponsive when removed from the police vehicle. Officers promptly summoned medical care. He was transported to the hospital and died shortly thereafter.	Review for compliance with SCPD policy	In policy; SCPD recommended discussion with the District Attorney about delayed interviews and monitoring of non-seat-belted arrestees.	Timely interviews of involved and witness officers. Monitor handcuffed, non-seat belted arrestees during transport. Require In-car video recording during arrestee transport. Implement a Use of Force Review Board. Debrief officers post-Review Board. Debrief officers in this case about their incorrect assumption that the arrestee was feigning his medical distress. (IPA Recommendations 1-8)
In response to a report of a gun brandishing during a road-rage incident, SCPD officers stopped a car matching the suspect vehicle. investigation determined the driver was the victim, not the perpetrator of the gun threat. Numerous officers were involved in the high-risk felony stop.	Excessive force, discourtesy, racial profiling	In policy; SCPD recommended dispatch records be preserved; 911 caller should have been interviewed; number of officers in high risk stop should be reassessed; officer counseled for not activating his body worn camera.	Ensure post-incident recommendations are considered and implemented. Document time, date and manner SCPD receives complaints. Require approval and documentation of significant investigative delays. Monitor complaint investigations through status updates to the Chief. Require tolling exception to one-year statute of limitations be approved & documented. Describe any reform or learning from complaint when notifying the complainant of the investigation's conclusion. (IPA Recommendations 9-14)

¹ Bias by proxy occurs "when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against." Fidel, Producing Bias-Free Policing: A Science-Based Approach (2017) Springer International Publishing, p. 90.

Case Summary	Allegations	SCPD Finding	Auditor Recommendations
<p><i>SCPD officers contacted complainant and companions who were helping her load boxes from her rental storage unit into a van. Complainant alleged the officer was rude and threw his business card on the ground when his contact information was requested. The call for service did not describe criminal or suspicious behavior and the complainant and companions questioned why their lawful presence resulted in police response.</i></p>	Discourtesy	Sustained	<p>Re-evaluate this complaint in light of bias by proxy principles. Develop policy and training on bias by proxy. Retain complainant's notification letters. Require complainants be interviewed about each allegation and investigate accordingly. Notify the complainant of SCPD's investigative conclusions and explain its policy and training efforts on bias by proxy.</p> <p>(IPA Recommendations 15-19)</p>
<p>An internal complaint concerning an officer driving to a call for service in an unsafe manner and initiating a pursuit on Highway 17 in an extremely dangerous manner.</p>	<p>Driving unsafely initiating pursuit without justification, driving in a pursuit that threatened public safety; continuing to engage in a pursuit when ordered to terminate it</p>	Sustained	<p>IPA found the investigation thorough and resulting in timely remediation.</p>

Case Summary	Allegations	SCPD Finding	Auditor Recommendations
The complainant and her boyfriend alleged they were wrongly arrested for possession of a stolen vehicle, the officer used excessive force by pointing a firearm at her and threatening to kill her dog.	Unlawful arrest Excessive Force	Unfounded	<p>Revise SCPD's complaint policy to require timely interviews of complainants. (IPA Recommendation 20)</p> <p>The investigation did not conclude until almost two years after complaints were filed, providing further support for Recommendations 10-13 that address the timely completion of investigations.</p> <p>IPA found investigative conclusions were sound and supported by body-worn camera footage and a confirmed stolen vehicle report.</p>
The complainant alleged that officers damaged his watch while he was in custody.	Damage to property	Unfounded	IPA noted the Department made reasonable efforts to investigate this complaint though there were significant delays during the investigation.
SCPD officers responded to a disturbance call that resulted in the complainant's arrest.	False arrest; refusal to provide name & badge number; ordered to stand; failure to provide reason for arrest; kicked during a search; handcuffs too tight; injury to shoulder; seatbelt too tight; refused access to restroom; refused to accept citizen arrest	<p>Allegations resulted in exonerated, unfounded or not sustained findings.</p> <p>Command staff noted the need to complete investigations within a year and recommended that having a complainant view video of the incident could assist during the complaint process.</p>	<p>In appropriate cases permit complainants to view the body-worn camera footage of the incident that gave rise to their complaint. (IPA Recommendation 21).</p> <p>The investigation did not commence until ten months after receipt of the complaint and was not completed until two weeks after the one-year statute of limitations had run, providing further support for Recommendations 10-13.</p> <p>Body worn camera video supported investigation's conclusions that the officers' actions were within policy.</p>

Case Summary	Allegations	SCPD Finding	Auditor Recommendations
Complainant alleged that an officer improperly parked in the bike lane and was discourteous.	Illegal parking Discourtesy	Exonerated Not sustained	
The complainant alleged that the officer was rude, pushed his skateboard into a puddle and drove the wrong way on a one-way street when pursuing him.	Unsafe driving Rudeness	Sustained SCPD noted that rudeness, aggression and professional demeanor were recurring issues for this ranger who is no longer a SCPD employee.	
The complainant alleged that the ranger was rude while issuing a citation.	Discourtesy	Exonerated	Consider implementing a procedure that identifies and offers mediation for low level complaints. (IPA Recommendation 22)
The complainants alleged that the ranger was rude, hostile and aggressive.	Discourtesy	Sustained SCPD notified complainants that their complaint resulted in further training.	
The Department initiated an investigation after a social media posting of a picture claimed that a named SCPD officer was standing next to an individual making a Hitler salute.		SCPD investigation concluded that that the individual in the photo was not the named SCPD officer nor any other SCPD officer.	

Case Summary	Allegations	SCPD Finding	Auditor Recommendations
Complainant alleged that SCPD officers failed to enforce a court-issued restraining order and that the officers' failure was in retaliation for filing of a previous complaint involving the same officer from a previous incident.	Refusal to serve a civil restraining order; failure to cite or arrest the restrained party; retaliation for prior complaint	Unfounded on all allegations	<p>Issue roll call training on Civil Harassment Restraining Orders After Hearing.</p> <p>Implement a system that captures accurate and sufficient detailed information regarding the intake, status and disposition of complaints.</p> <p>Re-evaluate the findings in this case and consider issuing the complainant a new disposition letter. (IPA Recommendations 23-25)</p>
Complainant alleged that a SCPD officer unlawfully towed his car and failed to appear at a post-storage hearing.	Improper Tow Failure to appear at post-storage hearing	Unfounded	The investigation was thorough and timely; the complainant did not provide further requested information about the post-storage hearing and thus, no further investigation occurred on this allegation.
Anonymous complaint that an officer engaged in racist conduct 40 years ago, is an alcoholic and drinks on the job.	Biased policing; alcohol and drug-free workplace; conduct unbecoming	Unfounded	The investigation was thorough and timely.
IPA and the Chief received a letter from a parent concerning the Department's social media posting of their son's name and circumstances of the arrest. The parent pointed out that in other social media posts by the Department involving arrests on the same charges the arrestee's identity was not included.		The Department removed the posting.	Develop policy to address the circumstances for including or excluding the identity of an arrestee in its social media postings. (IPA Recommendation 26).

Case Summary	Allegations	SCPD Finding	Auditor Recommendations
<p>SCPD officer arrested the complainant for vandalism after he used liquid chalk to paint in the middle of the street. He was handcuffed, transported by patrol car to the parking lot of the jail, and cited and released from the scene without incident. The arrest and release were captured on the officers' body-worn cameras. The District Attorney reviewed the incident and concluded there was no basis for criminal charges against the involved officers.</p>			<p>IPA reviewed the incident and concluded the officers complied with Department policy.</p>

Outreach to City and Community

IPA Michael Gennaco has continued to meet with community members and advocacy groups, with most meetings virtual as a result of the COVID pandemic. IPA has participated in ACLU sponsored fora and participated in panels convened by the NAACP and UC Santa Cruz advocacy groups

Since our first reporting period, IPA Gennaco and IPA team member Samara Marion have both met with the Chief and his command staff. Ms. Marion also attended the Chief's Advisory Committee meeting.

On April 19, 2021, IPA attended a virtual meeting organized by the Chief and Santa Cruz Police Department to discuss the Department's preparations to support and manage anticipated protests concerning the verdict in the Derek Chauvin murder trial. This meeting included city council members and several community leaders and advocates.

IPA has also continued to field referrals and complaints regarding SCPD police actions. Because Samara Marion, a member of the IPA team, now resides in Santa Cruz, we expect our in-person availability and our access to both the public and the Police Department to increase in the coming year.

Review of SCPD Investigations

Case 1: In Custody Death

This investigation involved an in-custody death after two SCPD officers arrested an individual for being under the influence of drugs. While waiting to be booked at the jail, the arrestee became unresponsive when the officers removed him from the police vehicle, prompting an evaluation by the on-duty jail nurse. He was transported to the hospital by ambulance, went into cardiac arrest and died shortly thereafter in the emergency room. A forensic pathologist determined that the individual died from ventricular tachycardia with cardiac arrest caused by acute methamphetamine intoxication and a congenital bicuspid aortic valve.

The Santa Cruz County Critical Incident Guideline was initiated at the time of the arrestee's death. As provided by the Critical Incident Guideline, and in an effort to ensure the objectivity of the process and result, it is the Santa Cruz County

District Attorney's Office that leads the criminal investigation when an in-custody death occurs. When the case involves its personnel, the Santa Cruz Police Department provides assistance. Additionally, the Chief initiated the Department's own administrative investigation into the incident to evaluate compliance with agency policies and procedures. Per the protocol established by the Department's "Officer-Involved Shootings and Deaths" policy (#305), that internal review was led by the Department's Professional Standards Unit.

Given the scope of our auditing responsibilities, we focused on the SCPD administrative process in conducting our review. We do, however, mention elements of the criminal investigation below, to the extent they influenced the efficacy of the SCPD internal inquiry. It should be noted that the District Attorney ultimately determined that there was no basis for prosecuting the officers in conjunction with the man's death.

SCPD had a considerable body of evidence upon which to base its ultimate findings and recommendations. Surveillance and officer body-worn camera footage from the day of the incident captured several relevant aspects of what had occurred. These included the original stop and arrest, the individual's entry into and exit from the SCPD's patrol vehicle, and the efforts by the officers, jail staff, and emergency medical personnel to attend to him before he was transported by ambulance to the hospital. Additionally, SCPD's investigation included interviews of jail, ambulance and medical staff, in addition to a witness who had called 911 after observing the individual stumbling and falling.

SCPD also conducted administrative interviews of the involved officers. To SCPD's credit, SCPD requested that the District Attorney immediately commence its criminal investigation of the incident, including prompt interviews of the involved officers. However, the District Attorney did not conduct officer interviews until three days after the incident. SCPD conducted its administrative interviews of the officers shortly after the DA had concluded its interviews. As SCPD command staff members themselves noted in the materials we looked at, the three-day delay in interviewing the involved officers was antithetical to the best practice of collecting and preserving evidence immediately following the incident.

As for any possible influence by SCPD officers on the man's death, the involved personnel denied using any force other than wrist locks (while placing the individual in handcuffs and into the patrol vehicle) and sternum rubs and pressure on his ear (while addressing the individual's sudden non-responsiveness after being removed from the patrol vehicle). BWC footage showed an extremely intoxicated and often incoherent individual stiffening slightly while officers handcuffed him and placed him in the patrol vehicle. The arrestee was handcuffed and sitting upright – though not seat-belted when officers originally placed him in the patrol car. He was lying on his stomach with his head leaning down toward the driver's side floorboard and his hands cuffed behind his back when officers opened the patrol vehicle door after arriving at the jail. Officers stated they did not seat belt the arrestee because it would have required them to reach across him, and his known history of aggression toward officers led them to believe he would become combative.

A Department command staff member reviewed the Department's administrative report and concurred with the report's findings that the officers had not violated any SCPD policies. He made two recommendations:

1. That SCPD discuss with the District Attorney's Office the delay in interviewing the involved officers, in light of the value of investigating and collecting evidence immediately in an in-custody death.
2. That SCPD's Seat Belt policy (#1010) be revised to require constant monitoring of individuals handcuffed in patrol vehicles who cannot be safely seat-belted, since their freedom of movement could lead to an increased risk of positional asphyxiation.

SCPD's internally generated recommendations are noteworthy both in substance and approach. They identify and seek to address key concerns: the importance of timely officer interviews to both the intrinsic effectiveness and the public's confidence in the investigative process, and the need for a refinement of transport practices to better ensure detainee safety. More broadly, the recommendations reflect a commitment to meaningful self-scrutiny – an approach that uses incident review as an opportunity for thoughtful reassessment and strategies to impact future operations. SCPD's willingness to take that step is commendable.

Our own views on this incident are related, and push a bit further in the identified directions. To enhance both the criminal and administrative investigation of critical incidents, IPA recommends that the Department propose that the County's Critical Incident Guideline be revised to require interviews of involved and witness officers before the end of their shift unless extenuating circumstances (such as an injury of an officer) preclude this. SCPD should also revise its Officer Involved Shooting and Death policy (#305) to incorporate this same requirement. This latter step is particularly important, insofar as the Department has direct control over its own procedures.

As for the seat belt issue, SCPD's current Seat Belt policy has not yet incorporated the recommendation that emerged from this case a year ago.² It is not apparent that the Department's review of critical incidents such as this one includes a process to monitor the implementation of recommendations that result from the review. As discussed further below, a Use of Force Review Board would assist during this important stage.

Additionally, as another safety and transparency measure, IPA recommends that the Department consider requiring the activation of in-car video camera when transporting prisoners. The transporting officer in this case reported that the arrestee was yelling while he was being transported; the backup officer reported hearing yelling from the vehicle when it was stationary. However, there was no recording of the arrestee's behavior because the transporting officer had turned off his body-worn camera while transporting the arrestee³ and he had not

² Per a new California state law that takes effect on January 1, 2022, law enforcement agencies are prohibited from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia in addition to prohibiting officers from using the carotid restraint or choke hold. See https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB490. SCPD will need to revise its relevant policies to align with the new standards.

³ SCPD's Body Worn Camera policy permits officers to stop recording when the arrestee is cooperative and safely secured inside a police car or law enforcement facility. The policy advises officers to resume recording "if an arrestee becomes uncooperative, or if there is some evidentiary purpose." See SCPD Policy 426.7.

activated the in-car video camera during transport.⁴ In light of the Department's responsibility for the care and custody of prisoners, requiring the activation of the in-car video camera during their transport can provide an important safety and transparency tool.

Another topic worthy of Department consideration (and consistent with SJPD current policy but *not* current practice) is a Use of Force Review Board, at least for critical incidents. The Department's Officer-Involved Shooting and Death policy states that completed administrative investigations shall be submitted to the Use of Force Review Board. (See Policy 305.5 (c)(6)⁵). From IPA's file review, it does not appear that this case was submitted to a Use of Force Review Board. Nor does it appear that the Department has a practice of convening a Use of Force Review Board upon completion of an administrative investigation of a critical incident such as this in-custody death. Moreover, although its Shooting and Death policy mentions a Use of Force Review Board, the Board's composition, duties, timelines, meetings and scope are not defined.

A growing number of police departments convene a Use of Force Review Board comprised of command staff, training personnel and other relevant members to review the administrative and criminal investigations into critical incidents as to both individual performance and agency-wide issues. The Review Board provides an opportunity to assess the full incident, including officer tactics and decision-making, planning and coordination, force option choices, supervision, de-escalation efforts, equipment, training and post-incident responses (including medical assistance and community outreach). After considering all these components, the Review Board should have a formal process to document,

⁴ SCPD's marked patrol vehicles are equipped with a Mobile Audio/Video (MAV) recording system that turns on automatically whenever the unit's emergency lights are activated and the recording system remains on until turned off manually. Officers can manually activate the audio recording which also activates video recording. (See SCPD Policy 421). The officer did not use the patrol vehicle's emergency lights during transport and thus the MAV recording system was not automatically activated. Nor did the officer manually turn on the audio recording system during transport.

⁵ The Department's Officer-Involved Shooting and Death policy states, "Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy." (4/14/2021).

monitor and implement recommendations and action steps arising from the Board's discussions. The involved and witness officers should be specifically debriefed at the conclusion of the process regarding any issues/concerns identified by the Review Board.⁶

Another topic for Department consideration involved the officers' initial view that the detainee was faking his medical distress. When the officers pulled the non-responsive detainee out of the patrol vehicle, they attempted to have him stand upright and he collapsed onto his knees. They continued to assume the detainee was feigning his symptoms, repeatedly ordering him to stand up. One officer told him, "Stop, you were fine five minutes ago, stand up." To their credit, they summoned medical assistance. However, when the jail nurse arrived, they told her, "He's pretending to be unresponsive," and explained that he had been screaming the whole way to the jail until they opened the door to remove him from the patrol car.⁷ The IPA recommends that the Department debrief with the involved officers about this case, including their incorrect assumption that the detainee was feigning his medical distress as well as the other issues raised by the Department's and IPA's review.

RECOMMENDATION ONE: The Department should propose that the County's Critical Incident Guideline be revised to include interviews of involved and witness officers before the end of their shift unless extenuating circumstances such as significant injury to an officer preclude this.

RECOMMENDATION TWO: The Department should revise its Officer-Involved Shooting and Death policy to require interviews of involved and witness officers before the end of their shift unless precluded by extenuating circumstances such as an injury of an officer.

RECOMMENDATION THREE: The Department should revise its Seat Belt policy to require constant monitoring of individuals handcuffed in patrol

⁶ The involved officers in this case were notified by letter that their conduct was in policy. There is no indication in the file that the involved officers were debriefed about the specific issues and learning points that emerged from the review process.

⁷ As previously mentioned, there was no audio recording of the detainee while he was inside the patrol vehicle.

vehicles who cannot be safely seat-belted in light of the significant risk of positional asphyxiation of handcuffed individuals lying in a stomach-down position.

RECOMMENDATION FOUR: The Department should revise its Mobile Audio/Video (MAV) policy to require the activation of the in-car video camera when transporting prisoners.

RECOMMENDATION FIVE: The Department should revise its Officer-Involved Shooting and Death policy to define the Use of Force Review Board's composition, duties, timelines, meetings and scope.

RECOMMENDATION SIX: The Department should revise its Officer-Involved Shooting and Death policy to include a formal process to document, monitor and implement recommendations and action steps arising from the Board's assessments.

RECOMMENDATION SEVEN: The Department should revise its Officer-Involved Shooting and Death policy to require that involved and witness officers be debriefed on any issues/concerns identified by the Review Board.

RECOMMENDATION EIGHT: The Department should debrief with the involved officers about this incident, including their incorrect assumption that the detainee was feigning his medical distress as well as the other issues raised by the Department's and IPA's review.

Case 2: Public Complaint

This investigation arose from a complaint involving SCPD's response to a report of a road-rage incident and collision involving two vehicles, the brandishing of a gun, and one vehicle's flight from the scene. When SCPD officers spotted a vehicle matching one of the suspect vehicles, they conducted a high-risk vehicle stop and took the driver into custody. Further investigation at both scenes determined that the driver was actually the victim, not the perpetrator of the gun threat. The driver was released from the scene.

The Department's investigation addressed allegations of excessive force, discourtesy and racial profiling. The investigation included interviews of the

complainant, involved and witness officers, civilian witnesses and review of body-worn camera footage. Although the original reporting party was not interviewed and radio communications were not obtained, other aspects of the investigation were thorough.

A Department command staff member reviewed the incident, concurred with the investigator's findings of no misconduct and made four recommendations:

1. In cases involving a complaint, the investigator should request that radio communications be preserved immediately.
2. Officers should have re-contacted the original reporting party to clarify why they believed the gun was associated with the vehicle the police stopped.
3. In a high-risk vehicle stop, officers and supervisors should constantly re-evaluate the number of officers and vehicles on scene.
4. The officer who did not have his body-worn camera on during the incident should be counseled.

As with the in-custody death case, these recommendations are reflective of a commendable emphasis on improvement. However, other than indicating that the officer was counseled about activating his body-worn camera, the file did not document any Departmental efforts to implement the recommendations. Again, the Department should develop a better mechanism to ensure that any recommendations coming out of a force review are timely considered and when appropriate, implemented.

This complaint process also revealed some shortcomings in the Department's handling. The protracted timeline of the investigation was one problematic issue. The complainant was not interviewed until at least four months after filing the complaint. The Department did not take any investigative steps (such as conducting witness and involved officer interviews) until almost a full year had passed. Dispatch recordings were no longer available because the request for their retention had not been made in a timely manner.

The investigative file did not document or explain the reasons for delay. Nor did the file include any authorization from the Chief to extend the investigation beyond 90 days as required by Department policy. On its face, then, the seventeen-month delay from receipt of the complaint in May 2019 until completion of the Department's investigative findings in October 2020 seems to

have violated the Department's policy that complaint investigations be completed within 90 days. (See SCPD policy 1009.3.1)⁸

The time lag had other implications as well. State law requires that officers be provided notice of discipline within a year of the incident unless tolling exceptions apply. (See California Government Code section 3304). Thus, by taking seventeen months to complete the investigation and make findings, the Department would have been precluded by state law from disciplining any of the officers had the Department identified actionable misconduct.

In addition to these delays, the date the Department received the complaint is in question.⁹ According to the second investigator assigned to the case, he learned from the original investigator that the Department received the complaint on May 23, 2019. However, the complaint form is signed and dated by the complainant on April 2, 2019. The investigative file did not include any notes from the original investigator as to the date, time and manner he received the complaint.

Apart from the inherent disadvantages to such uncertainty, officer misconduct allegations are subject to the aforementioned one-year statute of limitations period for discipline to be viable. SCPD clearly needs a system that uniformly documents the date, time and manner of receipt of complaints and monitors the assignment and completion of complaint investigations.

We recommend that the Chief or his designee be provided monthly updates on the status of complaint investigations.¹⁰ We suggest that the current policy that

⁸ SCPD policy 1009.3.1 requires completion of Category I and II complaints within 90 days. Category I complaints involve allegations regarding excessive use of force, unlawful arrests, discrimination, bias, or criminal activity. Category II complaints involve "relatively minor violations of procedure, courtesy, service or conduct." The Chief's approval is required to extend completion of a Category I complaint investigation; the Deputy Chief's approval is required to extend completion of a Category II complaint investigation.

⁹ This is not the only complaint case during this reporting period where the "date of receipt" was at issue. (See Case 2020-024 discussed below)

¹⁰ It is our understanding that in August 2021, the former Chief began to require the Professional Standards Unit to report regularly on the status of its investigations, a practice the interim Chief has continued. Additionally, the interim Chief has indicated that beginning in January, the Acting Deputy Chief will also attend these case status

requires authorization from the Chief or Deputy Chief to extend complaint investigations beyond the 90-day deadline be enforced and documented in the investigative file. Additionally, the Department's personnel complaint policy should be revised to require any tolling exceptions¹¹ to the one-year statute of limitations be approved by a supervisor in consultation with the City Attorney and documented in the investigative file.

Finally, the Department missed an important opportunity when it issued its findings letter to the complainant. The Department's letter to the complainant explained why it concluded the complainant's allegations were not sustained or unfounded. However, the Department's letter could have also explained that the complainant's concerns and subsequent internal affairs investigation did provide a basis for improving the Department's response to felony traffic stops and investigative practices.

RECOMMENDATION NINE: SCPD should implement a more robust mechanism to ensure that any recommendations coming out of a post-incident review are timely considered and implemented.

RECOMMENDATION TEN: The Department should implement a system for accurately documenting the time, date and manner it has received a personnel complaint in its investigative file, and should update its Personnel Complaint policy to include this documentation requirement.

RECOMMENDATION ELEVEN: The Department's Personnel Complaint policy should be revised to require that any reasons for significant investigative delays be documented in the investigative file, and SCPD should ensure compliance with the approval requirement for extensions.

RECOMMENDATION TWELVE: The Department should continually monitor the timeliness of its complaint investigations through regular status updates to the Chief or his designee.

meetings. These are positive steps to address some of the timeliness issues we have identified.

¹¹ The concept of tolling refers to a "stopping of the clock" that extends the normal one-year statutory deadline when certain conditions – such as a pending criminal investigation about the same conduct – apply.

RECOMMENDATION THIRTEEN: The Department's Personnel Complaint policy should be revised to require that any tolling exception to the one-year statute of limitations be approved by a supervisor in consultation with the City Attorney and documented in the investigative file.

RECOMMENDATION FOURTEEN: The Department should describe any reform or learning that resulted from the complaint when notifying the complainant of its investigation's conclusion.

Case 3: Public Complaint

This investigation arose from an incident involving three SCPD officers contacting the complainant and two individuals who were helping her load boxes from her rental storage locker into a cargo van during mid-afternoon. The complainant alleged that one officer was rude, antagonistic and threw his business card on the ground when one of the individuals requested his contact information. She also alleged that a sergeant was rude and hung up on her when she called to lodge her complaint.

Computer Assisted Dispatch (CAD) notes indicated that a 911 caller requested that police respond to a public storage facility where a male adult was unloading 20 or more boxes that included brand new bikes into a van; the involved individuals were described as a white female adult and a black male adult. Two minutes later the caller advised dispatch "it is about 10K worth bikes" and that he was "just passing through the area."

The interaction among the complainant, the two males who were helping her and the lead SCPD officer was captured on a BWC recording, including the officer flipping his business card to the ground – purportedly to maintain social distance.

The lieutenant assigned to investigate the complaint correctly concluded that the officer's act of flipping his business card to the ground violated the Department's policy that officers be courteous and respectful to members of the public. Equally important to the Department's review process was the lieutenant's discussion with the officer in which he admitted he could have handled the situation differently, and they identified strategies for better communication with the public in the future. Nonetheless, the lieutenant's remedial actions and the Department's review fell short.

The Department's review should have considered the role that "bias by proxy" may have played in the original call for service and the subsequent interaction with the complainant and the two men who were assisting her. Bias by proxy occurs when individuals call the police and their request for service is more reflective of their own prejudice than any actual observed misconduct. Recent well-known examples include the arrests of two Black men waiting for the arrival of an acquaintance at the Philadelphia Starbucks,¹² and police response to a Black student napping in the Yale University common room.¹³ When police act on a request for service that stems from a caller's own bias, there is a significant risk of an encounter that, in one way or another, reinforces that bias and its harms.¹⁴

In this incident, the call for service did not describe criminal or suspicious behavior. In fact, moving boxes at a storage facility mid-day is precisely the type of behavior expected at that location. When police arrived on scene, the complainant and her companions immediately questioned why their lawful presence at the rented storage locker resulted in a police response. The Department's review should have addressed this issue, not only as a stated element in the encounter but also as a fundamental part of the dynamic that ultimately prompted the complaint.

The Department's current Bias-Based Policing policy does not address the topic of bias by proxy.¹⁵ The California Attorney General's Racial and Identity Profiling Advisory (RIPA) Board recommends that law enforcement agencies develop

¹² <https://www.cnn.com/2018/05/02/us/starbucks-arrest-agreements/index.html>.

¹³ <https://www.washingtonpost.com/news/grade-point/wp/2018/05/10/a-black-yale-student-fell-asleep-in-her-dorms-common-room-a-white-student-called-police/>.

¹⁴ Fridell, A. (2017). A Comprehensive Program to Produce Fair and Impartial Policing. In Producing Bias-Free Policing. Springer, p. 90.

¹⁵ Of note, in 2020 the City of Santa Cruz adopted a type of bias by proxy ordinance. The ordinance's purpose is "to allow individuals who have been reported to law enforcement for unfair and unnecessary reasons to seek justice and restitution, and it also is intended to motivate people who contact law enforcement to consider the reasons they are making the report." See <https://www.codepublishing.com/CA/SantaCruz/#!/SantaCruz09/SantaCruz0986.html#9.86>.

policies and training on how to prevent bias by proxy when responding to calls for service. RIPA recommends that the policy include:

- how officers can identify a bias-based call for service;
 - once identified, how officers and dispatchers should interact with the caller who has made a bias-based call for service;
 - how an officer should interact with the community member who is the subject of the bias-based call;
 - how the officer's supervisor should interact with the caller;
 - required training for officers and dispatchers that covers responding to bias-based calls for service; and
- guidelines for how to implement a restorative justice approach to address bias-based incidents in the community.¹⁶

The Department should re-evaluate this complaint through the lens of bias by proxy. The Department should revise its Bias-Based Policing policy to address bias by proxy, including the above-mentioned topics recommended by the California Attorney General's RIPA Board. The Department should also develop bias by proxy training for both officers, supervisors and dispatchers.¹⁷ The dialogue in this encounter could be useful for scenario-based training.

Another area of improvement concerns the complainant's allegation about her attempt to lodge her complaint. File notes indicated that the complainant called the Department on the day of the storage unit incident to complain and called back the next day to request a different sergeant to take her complaint. During her interview with the investigating sergeant, she said she was more concerned with the storage unit incident that had prompted her call to the Department than with the sergeant whom she said was rude and had hung up on her when she had called to file a complaint. To the Department's credit, the investigation included interviewing the intake sergeant about this contact. However, the

¹⁶ See Racial and Identity Profiling Advisory Board Report 2021, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021.pdf>.

¹⁷ We understand that the dispatchers are a County-wide and separate entity from the police department and can only be encouraged to participate in such training. We are hopeful that those overseeing such service would see the value in participating in such joint training.

investigator did not question the complainant about her complaint intake experience and ultimately, the Department made no findings about this allegation. The investigation should have obtained the complainant's account of what occurred when she called the Department to complain, and her account and other relevant evidence should have been evaluated to determine the merits of this allegation. In the future, the Department should ensure that the complainant is interviewed as to each allegation and that a final personnel complaint investigation includes findings for each allegation.

Another area for improvement concerns how the Department informs the complainant of its investigative results, a duty required by state law.¹⁸ In this case, there was no letter in the Department's investigative file informing the complainant of the investigative results.¹⁹ Best practices dictate that copies of the complainant letters should be retained in the investigative file. In fact, in October 2020, we recommended that the Department develop a protocol to ensure that copies of complainant letters are retained as part of the investigative file.²⁰

This case (and several other examples of the problem from this reporting period) provides further support to prioritize this recommendation. After the Department completes its re-evaluation of this case, we suggest the Department notify the complainant in writing of its investigative conclusions and take the opportunity to explain whatever policy and training efforts resulted from this complaint.

¹⁸ California Penal Code section 832.7 (e)(1) requires law enforcement agencies to provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

¹⁹ The Department's recent attempt to locate a copy of the complainant's letter was unsuccessful. Although a memo from a lieutenant indicates he recontacted the complainant and at that time discussed the investigation, this discussion occurred before the lieutenant had presented his investigative findings for review to command staff.

²⁰ October 21, 2020 Review of IIPA Activity (December 19, 2019 to October 20, 2020) Letter to City of Santa Cruz Public Safety Committee Members from Michael Gennaco, Interim Independent Police Auditor, page 4.
<https://www.cityofsantacruz.com/home/showpublisheddocument/82971/637475328717100000>

RECOMMENDATION FIFTEEN: The Department should re-evaluate this complaint by focusing on principles of bias by proxy when responding to calls for service.

RECOMMENDATION SIXTEEN: The Department should develop policy and training on how to prevent bias by proxy when responding to calls for service.

RECOMMENDATION SEVENTEEN: The Department should develop a written protocol to require that copies of complainant letters are retained and included as part of the investigative file.

RECOMMENDATION EIGHTEEN: The Department should revise its Personnel Complaint policy to require that the complainant be interviewed as to each allegation and that a final personnel complaint investigation include findings for each allegation.

RECOMMENDATION NINETEEN: The Department should notify the complainant in writing of its investigative conclusions and explain its policy and training efforts on bias by proxy.

Case 4: Administrative Case

This incident involved an internal complaint about an officer driving to a call for service in an unsafe manner, initiating a pursuit without proper justification, driving in a pursuit in a manner that threatened the safety of the public and the officer, and continuing to engage in a pursuit when ordered to terminate it. The investigation was thorough and resulted in timely remediation.

To be more specific, the supervisor called the officer back to the Department to complete the pursuit notification and documentation requirements. He then promptly reviewed the officer's in-car and body-worn camera videos that confirmed the extreme dangerousness of the pursuit. (The officer drove into oncoming traffic at speeds up to 80 mph for 5 miles on Highway 17—one of the most dangerous highways in the state which has sharp turns, blind spots, and narrow shoulders over the mountain between Santa Cruz and San Jose.) Shortly thereafter, he notified his watch commander about the officer's conduct as an apparent violation of the pursuit policy. Per the watch commander's instruction, the following day he drafted a memorandum outlining the officer's conduct and

potential pursuit policy violations that was reviewed by command staff and resulted in an immediate IAD investigation.

While deference to an officer's due process rights is important, it need not be mutually exclusive with timely, affirmative intervention. This is a principle that many agencies overlook, and we commend SCPD for this approach.

Case 5: Public Complaint

This incident involved a complaint concerning the officers' arrest of a complainant and her boyfriend for possessing a stolen vehicle. The complainant alleged that she and her boyfriend were wrongly arrested, that an officer used excessive force by pointing his firearm at her, and that he threatened to kill her dog. The complainant's boyfriend alleged that he was wrongfully arrested.

Although the complainants were not interviewed as part of the investigative process, other aspects of the investigation were thorough. The arrest of both complainants was captured on officers' body-worn cameras.

Concerning timeliness, the investigation concluded almost two years after the complaints were filed. The file did not document the reasons that the investigation took twenty-three months to complete. This case provides further support for adopting Recommendations Ten through Thirteen to ensure the timely completion of the Department's complaint investigations.

Despite issues of timeliness, the investigative conclusions were sound. Supported by body-worn camera footage, the Department concluded that the allegations of threats and pointing a firearm at the complainant were unfounded. The Department also exonerated the officer of the false arrest allegation based on a confirmed stolen vehicle report and the complainants' statements. The Department notified the complainants of their conclusions.

SCPD command staff's review of the investigation noted that complainants should be interviewed during the complaint investigation. Additionally, the review emphasized the importance of timely investigations and noted that either the investigation should be completed within the one-year statute of limitations and/or any "tolling exception" should be documented.

IPA recommends that the Department's policy on Personnel Complaints be revised to require timely interviews of complainants.²¹

RECOMMENDATION TWENTY: The Department's Personnel Complaint policy should be revised to require reasonable efforts to timely interview complainants.

Case 6: Public Complaint 2020-003

The complainant alleged that SCPD officers damaged his watch while he was in police custody. An investigator reviewed body-worn camera footage of the complainant's arrest, which showed the complainant handing his watch to the officer and then returning it to his wrist and being taken into custody without incident. Body-worn camera footage of the complainant's in-custody interview showed the complainant without his watch. The complaint form did not include a phone number or email for the complainant. The file indicated the investigator wrote the complainant at the complainant's address for follow up. The Department made reasonable efforts to investigate this complaint. This case involved a significant delay between receipt of the complaint in October 2019 and notification to the complainant of the investigation's disposition in March 2021 that the allegation of damage to his watch was unfounded.

Case 7: Public Complaint

This complaint arose from SCPD officers' response to a disturbance call involving the complainant and a neighbor that resulted in the complainant's arrest. Body-worn camera video from the officers captured the complainant's arrest and supported the investigation's conclusions that the officers' actions were within policy.

Again, the timeliness of the Department's investigation was problematic. Investigation of the complaint did not commence until ten months after receipt of the complaint. The investigative report was not completed until two weeks after

²¹ Although the Department's Personnel Complaint policy requires supervisors to ensure that complainants are interviewed during reasonable hours, thereby implying that complainants should be interviewed as part of the investigation, the policy does not explicitly require a complainant interview. (See Policy 1009). As indicated above, SCPD's command staff noted the absence of complainant interviews in this case and stated that, absent extenuating circumstances such as complainant's non-cooperation, complainant interviews should be required during a complaint investigation.

the one-year statute of limitations had run. Attempts to contact civilian witnesses did not occur until after the one-year statute of limitations had expired. No documentation or explanation for the delays was included in the file. This case provides further support for adopting Recommendations Ten through Thirteenth to ensure the timely completion of complaint investigations.

A member of the Department's command staff reviewed the investigation and noted the need to complete the investigation within a year or document the applicable tolling exception. He also suggested that in select cases such as the current one – where the complainant's recollection of events is substantially different from the body-worn camera footage – it could be fruitful to view the video with the complainant to clear up misunderstandings or discrepancies about the incident. This is a sound recommendation that in appropriate cases could assist in providing both the Department and complainants a better understanding of the incident.

RECOMMENDATION TWENTY-ONE: The Department should develop a policy that in appropriate cases permits complainants to view the body-worn camera footage of the incident that gave rise to their complaint.

Case 8: Public Complaint

The complainant alleged that an officer had improperly parked in the bike lane, causing a hazard to bicyclists, and was discourteous when the complainant approached him. The investigative officer determined that no body-worn camera footage existed of the encounter. Due to inadequate signage and the officer's engagement in a lawful purpose, the Department exonerated the officer on the allegation of illegal parking. The Department issued a "not sustained" finding regarding the discourtesy allegation in light of the absence of body-worn camera footage and both party's respective accounts appearing equally credible.²²

Case 9: Public Complaint

The complainant alleged that a ranger was rude, unprofessional, and unnecessarily pushed his skateboard into a puddle. He also alleged that the

²² The Department's letter to the complainant was not included in the investigative file. See Recommendation Seventeen, above, that addresses this issue.

officer driving the police vehicle that attempted to stop him drove the wrong way on a one-way street.

A supervisor's investigation of the unsafe driving allegation was thorough and timely and resulted in a finding that the officer had in fact driven unsafely in responding to the call. SCPD ordered remediation to address this problem.

The supervisor also noted that concerns about rudeness, aggression, and professional demeanor were recurring issues for the ranger and that he needed to work on his de-escalation skills when coming into contact with non-compliant individuals.²³ The ranger was counseled concerning active listening, de-escalation, and basic communication skills.

Case 10: Public Complaint

The complainant alleged that a ranger was rude, aggressive and discourteous during an encounter in which the complainant was issued a citation. Body-worn camera footage indicated that the ranger was professional in demeanor. However, an opportunity to view the body-worn camera footage with the complainant could have potentially facilitated a discussion about the ranger's safety concerns as well as the complainant's immediate apology that the ranger did not acknowledge for a better shared understanding of the incident. Alternatively, this complaint could have benefitted from mediation which the Department lists as an option on its complaint form.²⁴ The Department should consider implementing a procedure that identifies and offers mediation for low level complaints such as this one.

²³ Notably, this ranger was also subject to another complaint (Case No.2020-16, below) for similar conduct. The ranger is no longer an employee of SCPD due to restructuring of the ranger program.

²⁴ The Department's complaint form instructs complainants to choose one of the five options: 1) a commendation; 2) a concern; 3) request for mediation information; 4) a citizen inquiry; and 5) a citizen complaint. Concerning mediation, the complaint form states, "If you filed a citizen complaint, you may request to mediate your complaint. Mediation is a dispute resolution process where parties involved met with trained party mediators to constructively discuss their differences. Mediation is voluntary and may only proceed upon agreement by all parties and approval by the Chief of Police."

Although the file did not include a letter to the complainant explaining the Department's conclusion, notes indicated that the assigned investigator informed her of the investigation's result.

RECOMMENDATION TWENTY-TWO: The Department should consider implementing a procedure that identifies and offers mediation for low level complaints.

Case 11: Public Complaint

This complaint involved negative interactions the complainants had with a ranger whom they described as rude, hostile and aggressive. (See case 2020-014, above.) The investigation was thorough and timely and resulted in counseling of the ranger. To the Department's credit, the correspondence with the complainants about the investigation's disposition noted the value of their feedback as an impetus for further training in customer service and de-escalation.

Case 12: Public Complaint

The Department initiated an investigation after a social media posting of a picture that claimed that a named SCPD officer was standing next to an individual who was making a Hitler salute. The Department conducted an extensive investigation that confirmed that the individual in the photo was not the named SCPD officer, nor any other SCPD employee.

Case 13: Public Complaint

This case involved a complaint that SCPD officers failed to enforce a court-issued restraining order and alleged that the officers' failure was in retaliation for the filing of a previous complaint involving the same officer from the previous incident.

The manner in which the Department discovered the complaint was irregular and problematic. The Department's complaint form, signed by the complainant includes a one-page typed summary of the incident and a copy of a Watsonville Superior Court's Civil Harassment Restraining Order After Hearing and a picture of the alleged restrained party. A note in the investigative file states that the complaint was found in an envelope in a file cabinet in a folder, but there is no date on the envelope and no "received" stamp to indicate when the Department officially received the complaint. The note also states the complaint was not

entered in IAPro (the Department's system for tracking complaints). But the note itself is not signed, and no investigator apparently recalled receiving or seeing the complaint before. Nor is any date provided as to when or by whom the envelope was discovered.

On August 12, 2020—14 months after the complainant signed the complaint and two months beyond the statute of limitations—an investigator assigned to investigate the complaint wrote a memo outlining his investigation. He learned from Dispatch that the restraining order was listed as served on June 14, 2019 at 11:13 hours. Dispatch could not determine whether this information was available to the officers during their contact with the complainant and the individual restrained by the court order.

The investigator met with the primary officer with whom the complainant had contact on June 14, 2019 concerning the restraining order. He could not recall the incident. The investigator reviewed body-worn camera footage from four officers who came into contact with the complainant and the restrained party on the night of the incident. One officer called an unnamed supervisor during the incident and after concluding the call, advised the officers they were not to serve the civil restraining order in question. The officers returned the restraining order paperwork and advised the complainant to contact the Sheriff's office for civil process servicing.

The investigator also stated that his supervisor told him that the complainant had not previously filed any complaint with the Department, thereby undercutting the supposed motive for retaliation asserted by the complainant. The basis of the supervisor's claim is not indicated.

Twenty-one months after the date of the complaint—the Department sent a letter to the complainant stating:

1. The allegation that officers refused to serve a civil restraining order in violation of department policy is unfounded because a department policy prohibits officers from serving civil processes or rendering assistance in a civil court case. Furthermore, it was not apparent whether the officers knew the order had been served earlier that day.
2. The allegation that the officers failed to cite or arrest the restrained party was unfounded because it was not apparent whether the officers knew the order had been served.

3. The allegation that the restrained party should have been arrested for being under the influence or cited for expired registration was unfounded for lack of evidence.
4. The allegation that officers were acting in retaliation to a prior complaint about a 4/1/19 incident was unfounded because the Department has no record of the complainant filing a formal complaint about an incident on 4/1/19.

The IPA found fault with several aspects of these conclusions. The Department's failure to assist the complainant in enforcing the civil harassment restraining order is problematic. The Watsonville Superior Court issued a Civil Harassment Restraining Order After Hearing that specifically states that the order is "enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS)." The order also instructs that if the law enforcement agencies has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, ***the agency must advise the restrained person of the terms of the Order and then enforce it. Violations of this Order are subject to criminal penalties.***" (See California Judicial Council Form CH-130 Civil Harassment Restraining Order After Hearing, page 5.)²⁵

The Department incorrectly concluded that the Department's Policy 320.2.9 (a) prevented the officers from advising the restrained party of the terms of the court's civil harassment restraining order and enforcing it. As part of the Department's Standards of Conduct and Discipline, Policy 320.2.9 (a) states that officers "will not serve civil processes nor will they render assistance in civil court cases, except when the City of Santa Cruz is party or they have been subpoenaed in the proper manner." The officers were not acting as a process server in a civil law suit. They were required to enforce a court-ordered civil harassment restraining order. The signed court order issued on California Judicial Council Form CH-130 that the complainant provided them gave specific instructions about law enforcement's enforcement duties. The officers' initial

²⁵ A copy of the California Judicial Council Form CH-130 the Watsonville Superior Court judge used to issue her court order and its instructions to law enforcement on their duty to advise the restrained person are available at <https://www.courts.ca.gov/documents/CH130.pdf>.

mishandling was clearly compounded by the erroneous outcome of the complaint review.

The Department should issue roll call training on Civil Harassment Restraining Orders After Hearing that instructs officers on their duty to advise restrained parties of the terms of the order, and on how to take enforcement action as needed. The roll call training should also clarify that Policy 320.2.9(a) does not apply to court-ordered civil harassment restraining orders.

Equally problematic is the Department's finding that the retaliation complaint was unfounded. The premise of the Department's position was the lack of any prior complaint – and thus the lack of any corroboration for the animus the woman believed that officers were showing in the June 2019 incident. This was mistaken. Indeed, and contrary to this erroneous assertion, the Department had received an earlier formal complaint from the complainant about a felony car stop that had occurred on April 1, 2019. One of SCPD's officers from the felony car stop was also involved in the civil harassment restraining order incident.

Given SCPD officers' refusal to follow the restraining order's explicit instructions, it is not unreasonable that the complainant questioned whether her previous complaint influenced the officers' reluctance and ultimate refusal to take enforcement action on her behalf. Not only did the Department's investigation and letter to the complainant fail to adequately address the complainant's concern of retaliation, but the Department's continued insistence that it had no record of the previous complaint she filed two months before this one surely cast doubt on the effectiveness of the Department's system and any substantive results that eventually emerged from it.²⁶

This case is clearly reflective of procedural deficiencies that require attention. To accurately keep track of and monitor its complaints, the Department should implement a system that at a minimum identifies complainants, the date and nature of their complaints, the involved officers, and the status and disposition of complaints.

²⁶ For a discussion of the complainant's prior complaint, see Case No. 2019-032 discussed at pages 6-8.

Under the circumstances, the Department should re-evaluate the findings in this case and consider issuing the complainant a new disposition letter.

RECOMMENDATION TWENTY-THREE: The Department should issue roll call training on Civil Harassment Restraining Orders After Hearing that instructs officers on their duty to advise restrained parties of the terms of the order and how to take enforcement action. The roll call training should also clarify that Policy 320.2.9(a) does not apply to court-ordered civil harassment restraining orders.

RECOMMENDATION TWENTY-FOUR: The Department should implement a system that captures accurate and sufficient detailed information regarding intake, status, and disposition of complaints for easy tracking and reference.

RECOMMENDATION TWENTY-FIVE: The Department should re-evaluate the findings in this case and consider issuing the complainant a new disposition letter.

Case 14: Public Complaint

This case involves an allegation that a SCPD officer had unlawfully towed the complainant's vehicle without providing proper notice, and that SCPD improperly failed to appear at a post-storage hearing. Documentation indicated that the Department's Vehicle Abatement officer followed the proper steps to provide notification to tow the vehicle. The investigation was thorough and timely, and the complainant was notified of the investigation's results that the officer's actions complied with Department policy. The complainant did not provide further requested information concerning the post-storage hearing, thus precluding the investigator from further inquiry into the allegation.

Case 15: Public Complaint

This case involved an anonymous complaint that an officer engaged in unspecified racist conduct forty years ago, is an alcoholic, and drinks on the job. The Department engaged in a timely and detailed investigation that found no evidence of the alleged misconduct.

Additional Matters

Apart from the formally investigated complaint cases discussed above, the IPA also monitored two additional incidents after outreach from involved parties. They were concerned about aspects of the SCPD performance in their respective matters.

Concern About the Department's Social Media Posting

A parent sent a letter to both the Chief and IPA concerning the Department's social media posting of their son's name and circumstances of the arrest. The parent pointed out that in other social media posts by the Department involving arrests on the same charges the identity of the individual was not included. The Department agreed to remove the posting. The Department's Use of Social Media Policy (#322) does not address the circumstances for including or excluding the identity of arrestees. IPA recommends that the Department develop policy to address this topic.

In developing such a policy, SCPD should consider the implications of new law AB 1475, which came into effect on January 1, 2022, and restricts the public posting of booking photos of those arrested for non-violent offenses unless certain conditions are met. The legislation also requires law enforcement to purge the posting of any booking photo from social media platforms if the individual is acquitted or other conditions are met. In that bill, the legislature spoke approvingly of San Francisco PD's decision to prohibit the release of booking photos in most cases. While this case did not involve the release of a booking photo, the concepts and competing considerations are analogous.

RECOMMENDATION TWENTY-SIX: The Department should develop policy to address the circumstances for including or excluding the identity of an arrestee in its social media postings.

Complaint About a Vandalism Arrest

SCPD officers arrested the complainant for vandalism after he used liquid chalk to paint in the middle of the street. SCPD officers handcuffed the complainant and transported him by patrol vehicle to the parking lot of the jail without incident.

At the parking lot, an officer explained to the complainant that if he provided his name, he would be cited and released. When he complained that his handcuffs were too tight, the officer loosened his handcuffs and permitted him to stand outside of the patrol vehicle while the other officer verified his identity and wrote him the ticket. Upon the complainant's request, the officer provided his badge number and his business card. The complainant signed the ticket and he was released from the scene. The complainant's arrest and subsequent release at the parking lot jail were captured on the officers' body-worn cameras.

Upon request of the complainant, the District Attorney reviewed the incident to determine whether there was any basis for filing criminal charges of false arrest and false imprisonment against the involved officers. In a written email to the complainant, the District Attorney noted that when officers arrived on scene, the complainant was actively painting in the street. The officers arrested the complainant for vandalism (Penal Code 594). The District Attorney pointed out that vandalism includes defacing with graffiti which does not require permanent damage. The District Attorney concluded that the officers had probable cause to arrest the complainant for vandalism and there was no basis for filing criminal charges against the involved officers.

Upon request of the complainant, IPA also reviewed body-worn camera footage of the incident, as well as other relevant documents and evidence. IPA concluded that the officers had probable cause to arrest the complainant, responded appropriately when the complainant stated that his handcuffs were too tight, provided badge number and business card upon request, and acted professionally with the complainant.

Conclusion

Throughout the past year, recently departed Chief Mills and newly named interim Chief Escalante were receptive to the Independent Police Auditor's role and fully cooperated in providing access to the documents we needed to fulfill our monitoring responsibilities. Many of the files that we reviewed reflected the thoroughness of the investigations in a commendable way, and the Department's effective use of individual incidents as a springboard for thoughtful recommendations to improve the performance of individual officers and the agency as a whole.

During the review period, we also observed a few cases with significant investigative delays that would have precluded discipline had actionable misconduct been identified. We have since learned that staff changes within the Professional Standards Unit along with delayed training due to COVID contributed to the Department's challenges.²⁷ Our recent discussions with the interim Chief and his command staff have been positive. Already we have seen the Department take important steps to address some of the concerns we have raised in this report.

We look forward to continuing this work with interim Chief Escalante and his Department.

²⁷ The pandemic placed additional challenges on law enforcement's ability to complete internal investigations state-wide, so much so that the Governor extended the one-year deadline for completion of such cases.

Rosemary Balsley

From: Big Joe 77 <skeepinitreal@gmail.com>
Sent: Saturday, August 20, 2022 5:06 AM
To: City Council
Subject: Independent Police Auditor's Report- Scope

Honorable Mayor, Vice Mayor, and council members,

In reviewing the Independent Police Auditor's report (Agenda Item 18) I noticed that OIR Group didn't review SCPD Case# 21S-01145 involving (then) 33 year old Joshua Nay.

The incident took place within the date parameters of the report, involved alleged misconduct on the part of the Police, and from my understanding, ended up in a lawsuit won by the plaintiff.

I'd like somebody, either OIR Group or the City Attorney, to explain why the scope of this report didn't include a review of police procedures/ policy for this case.

Thank you

--

Big Joe 77
Keepin' it Real



Independent Police Auditor Annual Report 2021

Michael Gennaco
Samara Marion

SANTA CRUZ CITY COUNCIL PRESENTATION
AUGUST 23, 2022



Our Role as Independent Police Auditor (IPA)

- Review complaint investigations
- Review officer-involved shootings & other critical incidents
- Provide input on SCPD policies and procedures
- Report to City Council annually
- Meet with Santa Cruz community members and police department



2021 IPA Activities

Met with community members,
advocacy groups and SCPD

Reviewed 13 public complaint
investigations, 2 administrative
investigations and 2 other
policing performance matters

Drafted 2021 Annual Report

Observations from Reviewing Investigations

Cooperative and
Receptive Department

Thorough investigations
and sound conclusions

Thoughtful internal
review process

Areas for Improvement

26 IPA Recommendations

Timeliness of Investigations

Aspects of the Complaint Process

Investigation Procedures for
Critical Incidents

Bias by Proxy Policy and Training

Post-Annual Report Update

- SCPD has taken positive steps to address the timeliness of investigations
- SCPD actively addressing other Annual Report recommendations
- IPA and SCPD meet quarterly



QUESTIONS



City Council AGENDA REPORT

DATE: August 14, 2022

AGENDA OF: August 23, 2022

DEPARTMENT: City Manager's Office

SUBJECT: Homelessness Response Quarterly Update (CM)

RECOMMENDATION: Receive updates regarding Council directed homelessness response programs and services, including Homelessness Response Action Plan implementation details, objectives and outcomes.

BACKGROUND: In 2021, the City Council passed the Camping Standards and Services Ordinance (CSSO) and Oversized Vehicle Ordinance (OVO). These two ordinances contain programmatic elements aimed at providing alternative shelter and parking locations for those living unhoused on City streets. In addition, the City Council adopted the City's first comprehensive Homelessness Response Action Plan (HRAP) on March 8, 2022.

With these new policies and plans in place, staff has been working on developing services that utilize best practices and identifying funding and partnerships to ensure long-term sustainability. To keep Council and the public abreast of the new programs coming online, program outcomes, and the means by which the programs are funded, staff has committed to providing quarterly homelessness response updates to the Council. This is the third quarterly update of 2022.

DISCUSSION: Until recently, the City's role in the area of homelessness response has been one of support to the County both as a partner in the region's Continuum of Care and through in-kind contributions to County-funded health and human services programming. However, the passage of the Camping Services and Standards Ordinance (CSSO) and the Oversize Vehicle Ordinance (OVO), and the associated programming, have shifted the City into the new position of ongoing service provision for homelessness response. This requires the establishment of additional infrastructure and resources to support the significantly increased requirements and commitments associated with a comprehensive and holistic approach to homelessness response.

In recognition of this fact, staff created the Homelessness Response Action Plan (HRAP), which was adopted by Council on March 8, 2022. The HRAP is an evolving, responsive, and action-oriented plan to guide the City's homelessness response for the next three years. Embedded in the HRAP are steps necessary to help ensure:

1. Growth of City organizational capacity to execute the plan;
2. The necessary coordination with the County and regional partners;
3. Identification of funding sources to support ongoing programming;

4. Appropriate data collection and reporting for tracking success;
5. Adequate alternative shelter options throughout the region; and
6. Effective land stewardship by the City.

At the March 8, 2022 City Council meeting, staff presented an expenditure plan for the State of California \$14 million appropriation that was developed collaboratively with the County of Santa Cruz. The use of these funds was integrated into and supports the goals and objectives in the HRAP. The evolving context in homelessness response requires ongoing flexibility - including in the specific uses of the State funds. The broad categories of funding will remain consistent; however, the specifics may need to change based upon the availability of other funding opportunities, the development of other programs and services by the County, or as a result in shifting needs and priorities.

As the City moves significantly into new shelter service provision, the need to collaborate and align with the County and other local jurisdictions becomes even more essential. To this end, the City and County maintain regular collaborative meetings focused on homelessness response. These meetings have allowed both agencies to better understand their respective priorities and efforts, as well as to share insights on provision of services, successes, and resource identification. Examples of this recent collaboration is the joint efforts underway to create a north county navigation center and an expanded Coral Street campus.

While the City-County collaboration is very active and appreciated, it does not ensure that both agencies always see eye-to-eye on the best path forward. Although the goal of minimizing homelessness is shared, there is not always agreement on the means to get there, particularly as limited funding is available. As the County shifts its investments from emergency shelter provision to a focus on more permanent supportive housing and service-rich shelter beds focused on improved outcomes, the number of emergency shelter beds for individuals in the City remains a significant challenge. The County's coordinated entry system has been fully subscribed for some time now, making access to the limited number of existing shelter beds difficult. The County's shift should provide more stable shelter options and better overall outcomes for homeless in the long run, but in the short term, the City is left to carry a significant burden as the number of County-run emergency shelter sites continues to close in our region. These challenges are compounded by the concentration of regional homelessness services located within the City and fewer services elsewhere in the County, creating a concentration of the number of unhoused in the City of Santa Cruz.

The City continues to work on acquiring the resources and infrastructure needed to supplement the decline in the County's temporary shelter facilities resulting from the end of COVID-19 funding. As noted in the previous quarterly update on May 10, 2022, one-time state funds are being leveraged, along with federal one-time American Rescue Plan Act (ARPA) funding, to launch and expand the City's safe sleeping and safe parking programs, stand up additional emergency shelter sites, and bolster our organization's overall homelessness response capacity and effectiveness.

This quarterly update provides a summary of the recent activity, including a comprehensive update on the City's homelessness response programming, ongoing City-County collaborations, and the allocation of the State funding.

UPDATES:

Homeless Response Action Plan Implementation

The HRAP provides a comprehensive list of actions to ensure the City has the necessary systems, people, and partnerships to successfully implement the programs associated with the CSSO and OVO. This includes building internal staffing capacity to accomplish the objectives, as well as the establishment of data collection mechanisms to ensure that outcomes can be tracked and can be evaluated. In addition, the HRAP contains steps in the areas of permanent affordable and supportive housing, basic support services, care and stewardship, and community safety.

Building Internal Capacity to support the City's Homelessness Response

Homelessness response continues to be a Citywide effort touching nearly every department, and as noted in the previous quarterly update, the workload delineated in the HRAP exceeds the current capacity of City staff. The homelessness response efforts outlined in the CSSO and OVO, in addition to the continued demand brought on by the ongoing homelessness crisis, requires an expansion of Citywide resources and staffing. The HRAP outlines the development of new and expanded services and programs, as well as the infrastructure expansion needed for successful implementation. In order to implement the HRAP, several staff positions were identified and approved by Council. At the March 8, 2022 meeting, the Council approved the creation of several new positions in the Homelessness Response Team. The Homelessness Services Coordinator (0.65 full-time equivalent (FTE)) and three part-time Homelessness Response Outreach and Shelter Specialists (2.0 FTE) were hired and are working in these roles. In addition, two Community Service Officers (2.0 FTE) have been specifically dedicated to support the City's homelessness response.

At the May 10 meeting, Council approved several other City staff positions outlined in the HRAP, including a part-time Community Relations Specialist and a five positions in a new Public Works Homelessness Response Field Division. The part-time Community Relations Specialist (0.5 FTE) was recently hired. This position will work with the Communications Manager in developing and disseminating information on the City's homelessness response activities and programs to residents and individuals experiencing homelessness in the City of Santa Cruz. The Community Relations Specialist will also lead the implementation of community engagement efforts to collect community input and build community consensus on specific homelessness response projects. The Public Works Homelessness Response Field Division (4.5FTE) will consist of a Field Supervisor, a Senior Homelessness Response Field Worker, two Homelessness Response Field Workers, and a part-time Building Maintenance Worker II. State of California funding is also being allocated to support the infrastructure and operating costs of this new division.

These new positions will work across all City departments in an integrated approach to homelessness response. Although these positions will reside across multiple departments (e.g., Homelessness Response Field Worker positions in Public Works and Community Service Officers in the Police Department), the work of these employees will be part of a coordinated effort supported by the City Manager's Office.

Data Collection & Financial Systems Development

In the process of developing specific outcomes for the HRAP, the limitations of local and regional data collection and data integration became clear. Since the City has not traditionally played a role in health and human services, it does not have the necessary infrastructure and

systems for collecting client data, nor in many cases, access to systems at the County level. In the first Action Area of the HRAP, “Building Capacity & Partnerships,” several of the goals and objectives are focused on City-County collaboration, including the establishment of more comprehensive data collection and data sharing mechanisms across jurisdictions and local agencies. This goal is extremely important for evaluation and evidence-based assessments to determine effectiveness of our efforts. Significant progress has been made on this front in the past two months.

City Outreach staff have obtained access to HMIS and are utilizing the data system to enter client data for participants at the 1220 River Transitional Community Camp. In addition, the participants in the City’s safe sleeping programs at the Armory are also being entered into HMIS. More recently, the County launched a new HMIS Outreach module to gather information and support engagement and rehousing efforts for persons experiencing homelessness that are not in shelter programs. This new data collection tool is being piloted by County, City, and nonprofit service providers as part of the rehousing-focused service coordination in advance of the closure of the Benchlands sanctioned camp and the restoration of San Lorenzo Park.

Similarly, staff in the Finance Department and City Manager’s Office have made significant progress in developing an integrated, Citywide budget tracking system and homelessness response financial infrastructure for Fiscal Year (FY) 2023. Together, these tools will improve the City’s ability to make effective financial decisions on homelessness response and make efficient use of resources. In addition, a methodology has been established for tracking staff time on homelessness response across departments.

Coral Street Master Plan

On June 1, 2022 the City released a Request for Proposals (RFP) for the Coral Street Housing and Services Master Plan Charrette. This RFP sought a land development, architectural, planning, and/or urban design consulting firm to organize and facilitate a community and stakeholder engagement process to inform the conceptual design and development of a master plan around the Coral Street and River Street area to provide new/expanded housing and services for people experiencing or at-risk of homelessness. The submittal deadline was June 22, 2022, and the City received one proposal from Dahlin Group, Inc. Staff reviewed the proposal and found that it met the City’s needs for the planned project.

The Dahlin Group’s work plan begins with stakeholder interviews to evaluate existing conditions and to understand program needs and spatial implications. The consultant will then prepare test fit and typology studies for various program needs that will be used as the basis for creation of various alternative development scenarios. Two or three of the alternative development scenarios will be used as the base for a design charrette, where community members provide input on the potential development options. After Dahlin has an opportunity to assess the ideas and translate them into alternative development scenarios, they will identify a draft preferred plan. A second community meeting will be held to solicit feedback on the draft preferred plan. Following these efforts, the baseline analysis, a draft vision plan and goals, a summary of the charrette process and community feedback, an updated draft preferred plan, and potential phasing and alternatives for the site and public realm will be presented to the Planning Commission and City Council. The overall process is expected to take approximately seven months.

The work will be funded through the \$14 million received from the state as part of its FY 2022 budget. Dahlin Group’s proposal fee is under the \$100,000 threshold for Council authorization,

so staff are proceeding with finalizing the contract, which is expected to be complete in August, at which time the consultant's work on the project will commence.

Housing Matters Hygiene Bay Remodel

On April 14, 2022, the City released a Request for Proposals for the Housing Matters Hygiene Bay Remodel Project. The submission deadline was May 12, 2022, and three bids were received. On June 28, 2022, Council authorized the award of the contract to Selden & Son in the amount of \$1,359,800. The remodel consists of ground floor work including selective demolition for the installation of new walls, floors, moisture barriers, partitions, and fixtures. A new reception desk, cabinets, and lockers will be installed for a new reception area. New electrical work includes new lighting, power supply for various new components, and a new electrical panel. The new HVAC work will include new ducts and exhaust fans installation, among other tasks. A pre-construction meeting was held on-site on August 1, 2022, and construction has now commenced. The project is expected to be completed in early February 2023.

Acquisition of 125 Coral Street Property

In May 2022, the City purchased the property at 125 Coral Street, which is adjacent to the Housing Matters Campus. The property will be a prominent opportunity site for the upcoming Coral Street master planning effort and will make it possible to build a north county navigation center. Navigation centers are low-threshold, high-services temporary shelters programs for persons experiencing homelessness. Current plans envision a new navigation center to be part of the services and shelter needs addressed in the master plan. The exact location and how it is related to other uses, such as permanent supportive housing, will be explored as part of the design charrette and master plan process. The property acquisition was funded through the use of the State of California \$14 million appropriation to the City to support homelessness response efforts.

Eviction Prevention

In partnership with the County of Santa Cruz and other local jurisdictions, there was an agreed-upon need to augment eviction prevention efforts given the impending expiration of the State eviction moratorium and a backlog in the processing of applications for relief that tenants and landlords submitted to the State. On April 12, 2022, Council authorized the allocation of \$150,000 of the state funds be used to support eviction prevention efforts in alignment with the County's commitment of \$500,000. This funding expanded an existing contract with Community Action Board to provide assistance in to support legal education and mediation services to reduce potential evictions and prevent homelessness.

Benchlands Rehousing Focused Service Coordination

Earlier this year, Council provided staff direction to work toward closing the Benchlands to camping, and on April 12, 2022, the City Manager reported to Council that staff are working towards a closure. A separate staff report on this same Council agenda covers present operational plans and progress in the effort to close the Benchlands camp and restoration of the area to its intended use as a park that is utilized by the entire community.

Several factors that are critical to the success of this effort are already underway – including expansion of existing shelter capacity in the City, along with collaboration with the County to expand case management, service connections, and rehousing efforts for persons camping in the Benchlands in advance of the closure. City and County staff, along with community partners, are meeting weekly to coordinate, align, and augment services in the Benchlands. The County

has set up a mobile office for outreach workers behind the County building to serve the Benchlands, and a service schedule has been drafted by participating providers. City Outreach staff has been leading the effort to conduct a census of persons camping in the Benchlands and has entered the information into HMIS to facilitate engagement, coordination, and connection to rehousing supports and other services. The collective goal is to engage every person camping in the Benchlands and work with them to develop a rehousing/sheltering plan.

Related to this effort and as reported at the March 8, 2022 quarterly update, the County received a \$2.3 million Encampment Resolution Grant from the State of California focusing on connecting persons living in encampments along the San Lorenzo River to permanent and stable housing. This new program will combine outreach and case management with flexible “housing scholarships” for 65 persons to help eliminate financial barriers to the services and supports they need to successfully transition to stable housing. This program is up and running, but it is not yet at full capacity due to labor supply issues in the region. In addition, the County’s Healing the Streets program is also providing outreach and connections to behavioral health services.

Santa Cruz County 2022 Point-in-time Homeless Count Findings

The County’s Housing for Health Division (H4H) presented the initial results of the 2022 Point in Time (PIT) Count of Persons Experiencing Homelessness Data to the Board of Supervisors on August 9, 2022. H4H staff in partnership with contractor Applied Survey Research (ASR) and community volunteers, including numerous City staff and Councilmembers, implemented the first step in an annual point-in-time count of households experiencing homelessness on February 28, 2022. The final, full 2022 report release, which includes geographic breakdowns by jurisdiction, is expected within one to two months. The initial 2022 PIT data indicate an overall increase in homelessness of 6% between 2019 and 2022 (from 2,167 people to 2,299 people) in Santa Cruz County. The unsheltered population increased by 4% (from 1,700 to 1,774). The findings provide point to some positive trends including:

- 59% decrease in homelessness among families with children under 18.
- 94% decrease in unsheltered homelessness among families.
- The count estimated only five families were unsheltered on the night of the count.
- No unsheltered children under age 18 were identified in the count (a 51-person decrease from 2019).
- Homelessness among youth aged 18 to 24 years old declined by 61% overall and by a similar percentage among the unsheltered youth.

These positive findings were tempered by notable increases in homelessness among veterans, people with disabilities that have been homeless for a year or more, and people who have had multiple or long episodes of homelessness. The 2022 PIT count data, indicates the number of “chronically homeless” people increased by 129% from 403 in 2019 to 921 in 2022. The 2022 data also shows significant increases in the number of people with self-reported behavioral health and health problems experiencing homelessness.

Housing for Health Partnership

The regional Continuum of Care (CoC) organization “launched” under its new governance structure on April 20, 2022. Formerly the Homeless Action Partnership, the CoC is now called the Housing for Health Partnership (H4H). The City has two representatives on the 15-person Policy Board that is responsible for high level policy direction, planning and decision-making.

Staffing for the H4H Partnership continues to be provided by The County of Santa Cruz Human Services Agency, Housing for Health Division.

The most recent quarterly Policy Board meeting was on June 8, 2022. The H4H staff provided an update on the four Project Homekey applications submitted, including the news that one project received an award, the Veteran's Village, for \$6,435,000. The other applications are still pending decisions. The Policy Board also approved the transfer of two Youth Homelessness Demonstration Project (YHDP) HUD CoC rapid rehousing grants totaling \$415,820 from their current grant recipients to Covenant House and authorized Housing for Health Division (H4H) staff to work with CSFC, Inc. and Covenant House to pursue Project Homekey and Homeless Housing, Assistance, and Prevention (HHAP) funding for the creation of a new, 20-bed youth transitional house project at a former licensed children's residential care site located at 2714/2716 Freedom Blvd. in an unincorporated area near Watsonville. The board also authorized the Housing for Health Division staff to submit a joint, collaborative Housing Homeless, Assistance, and Prevention (HHAP)-3 Local Homelessness Action Plan and Application to the California Interagency Council on Homelessness (Cal ICH) requesting the Watsonville/Santa Cruz City & County CoC allocation of \$3,243,331 and Santa Cruz County allocation of \$3,027,108 with a minimum of 10% for services for unaccompanied youth between 12 and 24 years old. The next H4H Board meeting is August 17, 2022, which has not yet occurred as of the drafting of this report.

Camping Services & Standards Ordinance (CSSO), Safe Sleeping and Shelter

Implementation of the CSSO calls for a 24/7 sanctioned sheltering location and/or available homeless persons' storage, with 150 safe sleeping spaces identified as a minimum. The Homelessness Response Team has continued its work to stand up sanctioned sheltering locations as directed by Council. The need for safe sleeping capacity has taken on further urgency in recent months following the Countywide reductions of County shelter options due to the expiration of pandemic-related funding. The City is actively working in collaboration with the County to further expand capacity in the City and in other parts of the County.

National Guard Armory

The City Overlook program opened in mid-May 2022 in the area on the south side of the National Guard Armory building. This tent-based safe sleeping program operated by the Salvation Army has the capacity to serve 65 persons on a 24/7 basis and ten persons overnight. The 24/7 program has been operating at near full capacity since late June 2022. In anticipation of the closure of the County's shelter program inside the Armory building on June 30, 2022, City staff engaged The Salvation Army in discussions regarding operation of a City-funded program in this space. At the June 28, 2022 Council meeting, Council approved a contract with The Salvation Army to operate an expanded program with a total capacity of 135 persons at the Armory site for fiscal year 2022-2023. The Salvation Army is currently recruiting to fill the positions for the expanded program, and City Staff has been working with them to get the contract finalized and the expanded program up and running as soon as possible. The programming that The Salvation Army provides at the Armory includes two meals a day, and regular shuttle service from the site to central locations in the city. When necessary, the Salvation Army will also be working with local providers (e.g., Lifeline and ParaCruz) regarding specialized transportation for persons with disabilities.

Transitional Community Camps

The City's first Transitional Community Camp (TCC) has been open and operational since January 2022. It is located at the City-owned 1220 River St. property and has operated at full capacity of approximately 30 participants. This low barrier camp offers basic services such as showers and cooking facilities, with staff providing daily oversight and case management. A cohesive camp community and camp council has been established with participants working together to maintain the facilities and support one another in adhering to the rules and expectations.

Since its opening, the 1220 TCC has supported 43 individuals who have participated in weekly case management meetings with staff to identify goals and connect participants to services. All current 1220 TCC participants are enrolled into the Homeless Management Information System (HMIS), so services and outcomes can be tracked. All participants have been provided access to on-site County benefits specialists, and behavioral health support is onsite at least once per week. Notable client outcomes since the last report include:

- 2 people obtained housing.
- 1 participant reunited with family and relocated out of the county.
- 10 people have vouchers and are seeking housing
- 1 participant obtained full-time employment
- 2 participants are actively seeking employment

There are plans to open a second TCC later this fiscal year. The preliminary plan for this TCC is to serve women and persons with mobility challenges and will therefore need to be placed in a location accessible to services. Funding for this additional TCC has been identified as part of the \$14 million from the State, and efforts to open the site, including participant and neighborhood outreach, will begin as soon as staff capacity allows. The goal is to enroll a minimum of 15 participants in this new TCC, and potentially up to 30 if the location and site design can accommodate the greater numbers.

Shelter Expansion

In addition to plans for a second TCC, the City continues to pursue options for additional temporary shelter in the community. The following shelter options are currently being explored by City staff as well as regional partners:

Housing Matters' Expansion

The City, the County, and Housing Matters continue to be working in collaboratively to expand shelter capacity at the Housing Matters campus on Coral Street. This expansion will utilize Pallet Shelters (or similar sleeping cabin structures) purchased by the City and will include the other necessary infrastructure to support the program. The program will be operated by Housing Matters through a contract with the County, and will support participants with access case management and housing navigation. The plan is to utilize the footprint of the City-owned River Street Shelter on the Housing Matters campus. The River Street Shelter is in poor condition, and it is not cost-effective to refurbish the building for shelter use. The two buildings will be demolished in the coming weeks, and the site will be cleared and graded to accommodate temporary sleeping shelters. The Public Works department is providing project management for the demolition.

Temporary Housing

Using COVID-19 related funding, the County has funded temporary shelter operations in a number of hotels and motels throughout the County, including some in the City, for the past two plus years. Given the end of this funding, these temporary shelters have closed, and the overall temporary housing capacity in the County, and in Santa Cruz specifically, has declined significantly. Presently, the County is working with the Central California Alliance for Health to fund shelter capacity for the health care system with an anticipated 80-100 bed capacity over the next six months. As noted in its most recent report to the Board of Supervisors on August, 9, 2022, “the absence of stable public funding to support year-round, low-barrier, service-enriched temporary housing programs is the primary barrier to expanding capacity within the County.” The City and County continue to be engaged in conversations about potential hotels or motels that could be used for such purposes. City staff have analyzed locations, surrounding land uses, number of rooms, transient occupancy tax revenues, and various other factors as a means to identify and assess various options. A number of potential properties have been considered, however, it is likely that only one of two would actually be used for such purposes. Further analysis will be needed as this potential approach is explored.

Oversized Vehicle Ordinance (OVO) & Safe Parking

The OVO was adopted by Council on November 9, 2021. Several key elements of the OVO include parking restrictions on City streets between midnight and 5 a.m., a new residential permit program, and the restriction of discharging sewage or greywater on streets or in storm drains. The Council also directed staff to launch a three-tier safe parking program to allow oversized vehicles a legal, overnight parking option within the City limits.

Following an appeal to the Coastal Commission of the Council’s April 12, 2022 approval of the Coastal Permit to implement the Oversized Vehicle Ordinance in the Coastal Zone, the Coastal Commission had an initial hearing on the item on July 14, 2022. This initial hearing was for the Coastal Commission to decide if a “substantial issue” existed regarding the permit or not. The Commission staff initially recommended that “no substantial issue” be found. However, after reviewing the oversize vehicle parking limitations that apply 24/7 within 100 feet of intersections, the Commission staff revised their recommendation and called for the Commission to find “substantial issue.”

On July 14, the Commission found that a “substantial issue” does exist with the Coastal Permit, so they will take jurisdiction over the permit and will act upon it. That action will occur at a de novo hearing where the Commission will take public testimony from anyone interested in the matter, consider all the information presented before and at the hearing, and subsequently approve the permit, deny the permit, or approve the permit with modified conditions. The date for the hearing has not been set yet, but initial indications are that it could occur before the end of the year. City staff have met with the Coastal Commission staff to discuss the concerns they raised, and City staff will continue to coordinate with the Commission staff to provide any additional information that may assist them in their evaluation of the proposal and recommendation.

Despite the delay in the full implementation of the ordinance, the City remains committed to providing the three tiers of safe parking spaces for oversized vehicles.

Tier 1 Emergency Safe Parking (3 spaces total): Emergency, night-only parking spots and associated infrastructure continue to be available in the SCPD parking lot. SCPD is

administering the Tier 1 program on an as-needed basis when they encounter individuals in the field.

Tier 2 Multiple Safe Parking Sites (30 spaces total): The Tier 2 program is currently operational in a downtown City lot with a capacity for six vehicles. Presently, there are 3 participants enrolled in the Tier 2 program. Participants are able to stay overnight for up to 30 days as part of the initial pilot, with extensions having been granted thus far based on available capacity. The number of nights that participants can be continuously enrolled at a location will be evaluated as the full program is implemented. Program parking spots have designated signs and participants are given permits to display in their windshield. Trash facilities are provided on-site, and a portable restroom and hand-washing station is available. Outreach regarding the Tier 2 program is currently being done by parking and SCPD staff as well as through City and County outreach workers. The only requirement to participate in this program is that participants must sign the participant agreement and adhere to the rules of conduct to participate in the program. Staff have identified additional City-owned lots, so expansion to 30 Tier 2 spots can occur as program demand increases.

Tier 3 Operator Supported 24/7 Safe Parking Site (15-20 spaces total): The third tier of the Safe Parking Program is designed to provide more stability to participants through a 24/7 parking program that provides case management and wraparound support services. A nonprofit operator was selected through the City's open Homeless and Housing Services Request for Qualifications process. On June 14, 2022, Council authorized a contract with Association of Faith Communities (AFC) and its partner The Free Guide, in the amount of \$392,348 to operate a Tier 3 program for up to 24 vehicles. The contract has been finalized; AFC/The Free Guide have hired staff and are actively conducting outreach in order to begin operations by the end of August at the Armory site once site preparation is complete.

Homelessness Response Action Plan 3-Year Cost Projections

At the last quarterly update on May 10, 2022, staff provided an expenditure plan for the costs related to implementation of the HRAP over the next three fiscal years, as well as a description of the of the various element and their associated costs. In recognition of the fact that the HRAP much be flexible a responsive to evolving needs in the community, the specific actions and projected costs for specific elements will be expected to shift over time, staff is therefore committed to providing regular updates on the modifications to the expenditure plan.

Since the last quarterly update some changes have been made to the expenditure plan. First, the \$1.3 million for additional shelter at the Housing Matters campus has been reallocated to augment the contract with The Salvation Army to expand shelter capacity at the Armory building from 75 to 135 for one-year. The County has made a commitment to fund the program operations for expanded shelter capacity of 20-30 persons at Housing Matters. Also, the cost of the Housing Bay Remodel was appropriated from both American Rescue Plan Act funds (\$1.9 million) and State of California funds (\$1.7 million) due to timing issues to release the Request for Proposals. As noted earlier in this report, the contract was awarded for this work in the amount of \$1,359,860 from ARPA funds, which is \$540,140 under the projected cost for this work. In addition, this makes the \$1.7 million in State of California funds available for other purposes. As detailed in a separate staff report for this meeting, staff is recommending a budget adjustment so that \$1 million of the \$1.7 million of the State of California funds dedicated to the Hygiene Bay Remodel can be utilized for the Benchlands Restoration Project. The final change

to note, is that \$76,935 of ARPA funds allocated to the Hygiene Bay will be utilized to support infrastructure costs associated with the new Public Works Homeless Response Field Division.

Health in All Policies

HiAP is a collaborative approach to improving the health of all people by incorporating health considerations into decision-making across sectors and policy areas. HiAP is based on 3 pillars: equity, public health, and sustainability. The goal of HiAP is to ensure that all decision-makers are informed about the health, equity, and sustainability impacts of various policy options during the policy development process. The actions and approaches discussed herein support the pillar of equity by providing services, such as shelter, safe sleeping, safe parking, and case management services that support individuals experiencing homelessness. They support public health by providing mental health, case management, and hygiene resources to those experiencing homelessness. The actions and approaches support sustainability by providing resource and land management staff, shelter, and hygiene resources, thereby decreasing the amount of litter, debris, and human waste that is disposed of improperly. Therefore, these actions and approaches are consistent with the three pillars of HiAP.

FISCAL IMPACT: There is no net fiscal impact in the recommended action associated with this report. The HRAP implementation actions were included in the expenditure plan for the \$14 million received from the State of California that was authorized on March 8, 2022, as well as the ARPA funds that were authorized on December 14, 2021. Specific contracts, agreements, and budget adjustments will be brought back to Council as needed, and in a manner consistent with City policies and procedures.

Due to extensive one-time state and federal funding for homelessness response, FY 2024 and beyond funding for ongoing services identified in the Homelessness Response Action Plan will need to be identified as part of future budget cycles.

Prepared By:
Larry Imwalle
Homelessness Response
Manager

Submitted By:
Laura Schmidt
Assistant City Manager

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

None.

Rosemary Balsley

From: Big Joe 77 <skeepinitreal@gmail.com>
Sent: Wednesday, August 17, 2022 6:24 PM
To: City Council
Cc: dl_Dept Heads
Subject: How much do you really care?

Honorable Mayor, Vice Mayor, and Council members,

At your next meeting, you will be receiving a quarterly update on the City's homeless response. Your typical head nodding and "thank you for that presentation" responses just aren't helpful. If you really cared about the City you were elected to govern, you'd ask tough questions. Questions designed to nail down accountability. Questions like:

- the City Manager-

- As the City moves forward with the planned restoration of the upper San Lorenzo Park area, what steps are being taken to prevent further vandalism, theft, and harassment from occurring while work is being done? Your answer should include both while people are working and after hours.
- What will be done to prevent further destruction of the upper park area once the restoration has been completed?
- As I understand it, the Benchlands slum area is to be "sectioned off" with metal fencing to provide outreach workers with smaller groups of transients to work with. Does this plan include 'round the clock supervision of all entrance/egress points? If not, how do you plan on keeping the transients from relocating after hours?
- What are your plans to relocate the benchlands slum should the county's navigation process run longer than anticipated and into the rainy season? Do you have a potential sight yet for this fallback location? Have you conducted any outreach to residents and businesses that may be impacted should this contingency become necessary?

- for Imwalle

- Is the County still directing transients from all over into the benchlands?
- Other than the slum in San Lorenzo Park, how many other slums is the Homeless Response Office monitoring?
- In the Mayor's article in the Sentinel over the weekend, she mentioned numerous fires caused by the transients living in your slum. I noted that the "Code of Conduct" clearly states that fires are forbidden. Can you tell us exactly how many transients have been evicted from the benchlands slum for violating this code?
- I'd also like to know, approximately, just how many transients have been evicted from the benchlands slum for violating all the other rules listed in the "Code of Conduct," and where they were directed to go.
- What are your plans on providing shelter to those who are resistant to shelter options? Any idea on how many transients fall into this category?
- This question is for the City Attorney- In reviewing the Judge's Opinion from the Martin v Boise case, I understand that "sleeping is a human right," but I am unable to locate the part where it says that transients may erect 24/7 encampments. Could you please show me where in that opinion it says that?

- - Can you please provide the community with an itemized expenditure list for your Homeless Action Plan to date? This should include expenses drawn from both the \$14.6M in state aid and the City's General Fund.

-SCFD Chief

- Is it still the policy of your Station Houses that they be accompanied by SCPD Patrol Officers when responding to calls for service in the benchlands slum?
- Do you believe that there will be enough room to respond safely to the continued calls for service within these fenced off sections?
- To the best of your knowledge, are there any transients living in any of the City's Open Spaces (Pogonip, Moore Creek, etc), and if so, are there any plans underway to evict them and close the off trail areas (as in years past)?

-SCPD Chief of Police

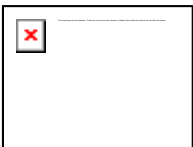
- In April-May, Parks workers collected nearly 700 syringes from the Levee Riverwalk, indicating rampant drug use along this public pathway. Are there any plans to curb this illegal, dangerous behavior in our parks and open spaces? If not, why not?
- When do you believe it's time to activate your mobile command trailer and create a substation in the benchlands slum? Seems to me during the upper park restoration phase would be a good time. If not, why not?
- Now that the emergency bail order has been lifted throughout the county, on average, about how many more transients are being booked daily for drug offenses and property crimes?

It's about time one or more of you began to oversee what has been a completely feckless response from City Hall to date. Be well,

--

Big Joe 77

Keepin' it Real



Rosemary Balsley

From: Robert Norse <rnorse3@hotmail.com>
Sent: Saturday, August 20, 2022 8:13 AM
To: Sonja Brunner
Cc: Dylan Verner-Crist; Jessica of the Sentinel; Tristia of NLCHP; Peter of the ACLU; Reggie Meisler; Keith McHenry; Joy Schendledecker; Sophia Bassett; Julie Schaul; Carol Denney; Jonathan Gettleman; Herman Kalfen; lioness@got.net; Thomas Leavitt; John (!!!) Thielking; Wes White; Peggy (!) Lee Kennedy; Serg Kagno; ckrohn@cruzio.com; City Council; Pat Colbe; Mel Nunez; Brent Adams
Subject: Public Speaking Time on Item 19.1 and Item 19.2

Sonja,

This is to advise you I will be attempting to speak representing HUFF (Homeless United for Friendship & Freedom) on item 19.1 and a second time on item 19.2 on the August 23rd agenda.

Creating an agenda where two different subjects are differently itemized, scheduled for different votes, and then allowed only one public comment period is a violation of the Brown Act. Please follow the law and allow the public proper access and input to a matter of widespread local concern. You can't perform legal sleight-of-hand and present two different items and debates and allow only one public comment period particularly on an item where you are severely limiting public comment. It makes it appear you are simply providing the form but not the substance of legal community access.

Additionally, artificially cramming the subject into a 30-minute speaking time shows a profound contempt for all sides of the community.. You need to reverse this decision to squeeze out meaningful public input and to announce that change in advance. If the subject requires more time, you need to either extend the meeting or (as has been done historically) schedule a second meeting the next day or at a subsequent time.

Your failure to appear at real public forums where you can be directly questioned on these matters (such as the Benchlands discussions being held Mondays at 6 PM at the Resource Center for Non-Violence--or any other public venue for that matter) gives the impression you are unwilling to face the public in an accessible and transparent manner. The time, prior announcement, and restricted setting where token input is allowed at City Council heightens that impression.

Your failure to create a truly workable "Oversized Vehicle" law stems from similar problems. The fact that it was shut down by the Coastal Commission could have been readily predicted---as a similar bigoted law was struck down as having "substantial issues" in 2016 when I appealed it. You need to pay attention to the history and the entire community in a time of budget crisis.

Since it's clear there are no spaces for the majority of Benchlands residents (to say nothing of the broader unhoused community), this latest attempt to "beautify" the park--by transferring safe parking funds to bulldozing payoffs is particularly cynical and odious.

I note you did not respond to the invitation to meet with the Community last Monday. A third event is slated for next Monday the 22nd at the RCNV. Will you be there?

Stay well and housed--unlike hundreds whose tent-homes this Council is about to destroy.

Robert Norse

Rosemary Balsley

From: Robert Norse <rnorse3@hotmail.com>
Sent: Monday, August 22, 2022 9:17 AM
To: huff@list.huffsantacruz.org
Cc: City Council
Subject: Suspect Procedures at City Council--Expanded Letter to Mayor Brunner

Letter to Mayor Brunner on City Council's Latest Homeless Hayride

by Robert Norse ([rnorse3 \[at\] hotmail.com](mailto:rnorse3[at]hotmail.com))

Monday Aug 22nd, 2022 9:12 AM

I wrote a letter to Mayor Brunner regarding the City's end run around human decency in the Benchlands. Item 19 is a double-barreled blast at those outside--showcasing an empty report that has no significant expansion of shelter for the planned Benchlands demolition. As well as a seizure of homeless funding--using it as demolition money.

TO REVIEW THE EXPANDED LETTER TO MAYOR BRUNNER, GO TO
<https://www.indybay.org/newsitems/2022/08/22/18851671.php>



City Council AGENDA REPORT

DATE: 08/11/2022

AGENDA OF: 08/23/2022

DEPARTMENT: City Manager

SUBJECT: Benchlands Closure and Restoration – Budget Adjustment and Refuse Disposal, Abatement, and Landscape Remediation Contract Approval (CM)

RECOMMENDATION: Motion to:

- 1) Adopt a resolution amending the FY 2023 budget to transfer \$1,000,000 from the Safe Sleeping Hygiene Bay Project c102205 to the Benchlands Restoration Project c102304; and
 - 2) Authorize the City Manager to execute an emergency procurement agreement, in a form to be approved by the City Attorney, between the City of Santa Cruz and Clean Team Associates in the amount of \$280,000 to remove encampment debris in the San Lorenzo Park Benchlands.
-

BACKGROUND: The Benchlands Camp, located in the area of lower San Lorenzo Park, began as an ultra-low barrier camp at the start of the pandemic. Over time, the camp has significantly increased in size, growing into an environmental crisis that presents a significant threat to public safety, health and welfare. Earlier this year, Council provided staff direction to work toward closing the Benchlands to camping and restoring it to its intended recreational use.

DISCUSSION: It is staff's opinion that the Benchlands encampment presents a significant threat to public safety, health and welfare, despite the City's significant efforts to maintain the area. Environmental degradation is occurring along the river, and encampment-related pollution is directly impacting adjacent environmentally sensitive habitat. This pollution includes used hypodermic needles, human waste, and trash. Rodents and other pests are now common in and around the Benchlands, and the camp has destroyed many of the trees, turf and plants that once existed in the park.

Despite Santa Cruz Police Department's significant efforts, drug use and stolen property in the camp is widespread. The quality of life for neighbors, many of whom are seniors or low-income, has been significantly impacted. Many neighbors have expressed concern for their safety while walking in the area, and much of the park can no longer be used for its intended recreational purpose. Furthermore, City staff and contractors no longer feel safe working in the Benchlands without a police escort, placing an added burden on our Police Department already struggling with staffing shortages.

In its efforts to maintain the park, the City currently provides water, electricity, bathrooms, wash stations and refuse services, at a cost of approximately \$66,000 a month, not including staff time.

Closure and restoration of San Lorenzo Park and the Benchlands will be a phased approach, with the closure of each segment contingent on the offer of alternative shelter options. In June of this year, the City Council authorized a contract with the Salvation Army to operate a shelter at the Armory. The City is waiting for the Salvation Army to execute the contract and begin operations in order to facilitate the closure of the Benchlands. The phased closure will start with the fencing and closure of the upper portion of the park. Following the closure of the upper park, additional limited fencing will be installed in the Benchlands, dividing it into segments. As each segment of the Benchlands is closed, shelter options will be offered to those affected within that segment. The goal is to provide an alternative sheltering option to all occupants of the park who want shelter. Transportation to shelters will be provided, and the City is preparing to temporarily store personal effects that may be inadvertently left behind. The City will continue to provide outreach and life-safety services until all campers have relocated from the park. City and County outreach teams will continue to work with every individual in the camp to develop a rehousing plan for those interested in alternative shelter.

Restoration of the Benchlands will address the park's degradation over the past two years and allow for additional refurbishment of the park.

The estimated cost to close and restore the park is as follows:

	One Time	On-going (4 Months)	
Fencing Upper & Lower Park	100,000		
Water		4,000	
Transportation	5,000		
Storage	1,000		
Additional Shelter	250,000		
SMU Costs		60,000	
Trash Abatement		85,000	
Porta Potties/Wash Stations/Showers		100,000	
Electrical Charges		1,200	
Restoration Project	50,000		
Miscellaneous supplies and services		16,500	
Clean-up & Abatement	280,000		
Total	686,000	266,700	952,700

Contract Approval:

Staff is requesting authorization to execute a contract with Clean Team Associates in the amount of \$280,000 to remove encampment debris in the San Lorenzo Park Benchlands c102304. Section 3.08.160 of the Purchasing Ordinance allows the Purchasing Manager to award a contract without competition and to authorize others to make emergency procurement of supplies and services items when there exists a threat to public health, welfare, or safety.

FISCAL IMPACT: Funds from the State of California Aid \$14.0 million (CA \$14 million) were allocated in FY 2023 for Homelessness Response Programs, more specifically for the

installation of a new Hygiene Bay at the Housing Matters campus. The Hygiene Bay project will continue to be funded from the American Recovery Plan Act (ARPA), allowing for the availability of the CA \$14 million funds to be used to close and restore the San Lorenzo Park Benchlands. This transfer will take place within the Capital Investment Program with no fiscal impact to the General Fund.

Prepared By:
Lisa Murphy
Deputy City Manager

Submitted By:
Laura Schmidt
Assistant City Manager

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. BUDGET ADJUSTMENT.PDF

☒ Council Approval
☐ Administrative Approval

**City of Santa Cruz
BUDGET ADJUSTMENT REQUEST**

Clear Form

Fiscal Year: **FY2023**
 Date: **08/23/2022**

CM/FN Use Only:
 Reso #:
 BA Ref #:

Purpose: Amending the FY 2023 budget to transfer \$1,000,000 from the Safe Sleeping Hygiene Bay Project c102205 to the Benchlands Restoration Project c102304, the funding source is the State of California Aid \$14.0 million (CA \$14 million) for Homelessness Response.

ACCOUNT	PROJECT	REVENUE EDEN ACCOUNT TITLE	AMOUNT
311-00-00-0000-49178	c102304-991-0-0	Transfer from CA14 HAP	1,000,000
311-00-00-0000-49178	c102205-991-0-0	Transfer from CA14 HAP	-1,000,000
TOTAL REVENUE			0

ACCOUNT	PROJECT	EXPENDITURE EDEN ACCOUNT TITLE	AMOUNT
311-10-16-9981-57990	c102205-100-2020-105	Other Capital Outlay	-1,000,000
		Safe Sleeping Hygiene Bay Project	
311-10-16-9980-57106	c102304-100-2020-0	Land Improvements	1,000,000
		Benchlands Restoration Project	
293-00-00-0000-59103		To General CIP	1,000,000
293-00-00-0000-59103		To General CIP	-1,000,000
TOTAL EXPENDITURE			0

NET: \$ 0

REQUESTED BY	DEPARTMENT HEAD APPROVAL	BUDGET/ACCOUNTING REVIEWED	FINANCE DIRECTOR APPROVAL	CITY MANAGER APPROVAL
Lisa Murphy <small>Digitally signed by Lisa Murphy DN: cn=Lisa Murphy, o=City of Santa Cruz, ou=Human Resources, email=lmurphy@cityofsantacruz.com, c=US Date: 2022.08.16 08:13:35 -0700</small>	Laura Schmidt <small>Digitally signed by Laura Schmidt DN: cn=Laura Schmidt, o=City of Santa Cruz, ou=City Manager's Office - Assistant City Manager, email=lmschmidt@cityofsantacruz.com, c=US Date: 2022.08.16 14:30:32 -0700</small>	Nicholas Gong <small>Digitally signed by Nicholas Gong DN: cn=Nicholas Gong, o=City of Santa Cruz, ou=Finance, email=ngong@cityofsantacruz.com, c=US Date: 2022.08.16 07:11:49 -0700</small>	Elizabeth Cabell <small>Digitally signed by Elizabeth Cabell DN: cn=Elizabeth Cabell, o=City of Santa Cruz, ou=Finance, email=ecabell@cityofsantacruz.com, c=US Date: 2022.08.16 07:13:45 -0700</small>	

Rosemary Balsley

From: Robert Norse <rnorse3@hotmail.com>
Sent: Saturday, August 20, 2022 8:13 AM
To: Sonja Brunner
Cc: Dylan Verner-Crist; Jessica of the Sentinel; Tristia of NLCHP; Peter of the ACLU; Reggie Meisler; Keith McHenry; Joy Schendledecker; Sophia Bassett; Julie Schaul; Carol Denney; Jonathan Gettleman; Herman Kalfen; lioness@got.net; Thomas Leavitt; John (!!!) Thielking; Wes White; Peggy (!) Lee Kennedy; Serg Kagno; ckrohn@cruzio.com; City Council; Pat Colbe; Mel Nunez; Brent Adams
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Your failure to create a truly workable "Oversized Vehicle" law stems from similar problems. The fact that it was shut down by the Coastal Commission could have been readily predicted---as a similar bigoted law was struck down as having "substantial issues" in 2016 when I appealed it. You need to pay attention to the history and the entire community in a time of budget crisis.

Since it's clear there are no spaces for the majority of Benchlands residents (to say nothing of the broader unhoused community), this latest attempt to "beautify" the park--by transferring safe parking funds to bulldozing payoffs is particularly cynical and odious.

I note you did not respond to the invitation to meet with the Community last Monday. A third event is slated for next Monday the 22nd at the RCNV. Will you be there?

Stay well and housed--unlike hundreds whose tent-homes this Council is about to destroy.

Robert Norse

San Lorenzo Park – Benchlands Closure and Restoration

CITY COUNCIL AUGUST 23, 2022

Current
Situation
presents a
significant
threat to the
environment,
public safety,
health and
welfare

- ▶ Environmental Crisis: Environmental degradation is occurring along the river
- ▶ Encampment related pollution is directly impacting the river
- ▶ Significant threat to public safety, health and welfare
- ▶ Despite SCPD significant efforts – drug use and stolen property in the camp is widespread
- ▶ Neighbors are concerned for their safety
- ▶ City staff and contractors no longer feel safe without police escort
- ▶ Cost to maintain is \$66,000/mo
- ▶ City Outreach Workers est. 225 +/- campers

Benchlands Closure Process

Project is contingent upon the Salvation Army opening the Shelter at the Armory

- ▶ Closure was targeted for July – however was delayed until shelter space at the Armory becomes available
- ▶ Council Approved Salvation Army contract in June
- ▶ Closure can not start until the Salvation Army executes the contract & employs additional staff (September)
- ▶ Phase 1: Fencing and closing the upper portion of the park. Started August 15 and will conclude the week of the 22nd. This will remain closed for the duration of the project.
- ▶ Phase 2: When the Armory is open, limited fencing will be installed in the lower Benchlands creating segments.
- ▶ Closure will be a phased approach with each segment closing contingent upon the offer of alternative shelter options

Benchlands Closure Process



The City & County will continue to provide outreach services to connect individuals in the camp to services and develop a rehousing plan for those interested in alternative shelter.



Transportation services to shelters will be provided including those that need additional assistance



Storage: Storage facilities will be provided for property left behind by campers



Existing services in the park will be maintained until all campers have relocated: trash, portable toilets, running water, wash stations, electricity, and showers.

Budget Amendment

Funding is available from the CA \$14. In December of 2021, the hygiene bay project at Housing Matters (\$1.3M) was allocated in both ARPA & CA \$14 as it was unknown at that time which funding source would be available at the time of the project.

	One Time	On-going (4 Months)	
Fencing Upper & Lower Park	100,000		
Water		4,000	
Transportation	5,000		
Storage	1,000		
Additional Shelter	250,000		
SMU Costs		60,000	
Trash Abatement		85,000	
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Restoration Project	50,000		
Miscellaneous supplies and services		16,500	
Clean-up & Abatement	280,000		
Total	686,000	266,700	952,700

Benchlands Closure

- ▶ The closure will shift the visibility of homelessness in the City. The ripple effect will be felt across the community
- ▶ The City will continue its efforts to attempt to prevent the establishment of large encampments, but more shelter is needed
- ▶ Given the staffing levels and resources, encampment enforcement efforts will be limited.
- ▶ Staff is working to stand up additional temporary shelter locations in the City



City Council AGENDA REPORT

DATE: 08/11/2022

AGENDA OF: 08/23/2022

DEPARTMENT: Finance

SUBJECT: Revised Fiscal Impact Report for the Empty Home Tax Initiative Petition (FN)

RECOMMENDATION: Receive a revised fiscal impact report to that which was presented to Council at the June 28, 2022 meeting, pursuant to California Elections Code Section 9212, related to the Empty Home Tax initiative petition.

BACKGROUND: On October 7, 2021, proponents for an initiative petition entitled The Empty Homes Tax submitted a Notice of Intent to Circulate a Petition to amend the City's Municipal Code to establish an Empty Home Tax, which is a parcel tax on vacant residential property.

At the time the Notice of Intent was submitted, proponents requested the City Attorney to provide a ballot title and summary, pursuant to California Elections Code 9203.

On October 22, 2021, the City Clerk provided the proponents with the City Attorney's Title and Summary. The proponents published the Notice of Intent and the Title and Summary on October 26, 2021, and filed the Certificate of Publication with the City Clerk.

On April 21, 2022, the proponents submitted the petition to the City Clerk for a prima facie count. On that same date, the City Clerk determined there were more than the required number of actual signatures on the petition, and delivered the sections to the County Clerk to verify the validity of the signatures.

On May 24, 2022 Council ordered a fiscal impact report, pursuant to California Elections Code Section 9212, related to the Empty Home Tax initiative petition, with the report to come to Council at the June 28, 2022 meeting.

On June 3, 2022 The County Elections Department determined the minimum of 3,848 valid signatures has been met.

On June 28, 2022, the Fiscal Impact Report was presented to Council. Council directed staff to return to Council at the earliest possible meeting with a revised fiscal impact report based upon gathering additional information about potential costs to administer the program, with questions being asked in the following areas:

- Ongoing committee administration
- Costs for distributing tax funds

- Startup costs related to the online web portal

The Council also adopted a resolution ordering an election to be held on November 8, 2022 and consolidating the election for the purpose of adding two measures to the ballot: Empty Home Tax (Measure N) and Our Downtown, Our Future (Measure O).

DISCUSSION: The Finance Department furthered its research and analysis on the fiscal impact estimates as related to the Empty Home Tax citizen initiative by continuing discussions with City departments such as Finance, Information Technology, City Manager's Office, City Attorney's Office, Planning and Community Development, Water, Housing and Economic Development, as well as with the Administrators of the Santa Cruz Regional Transportation Commission (SCCRTC) Measure D Taxpayer Oversight Committee, the County, Eide Bailey, HdL, and SCI Consulting Group, the contractor for the City of Oakland's Measure W Vacant Property Tax.

Ongoing costs for administration of the 9 member committee was revised to \$106,000 from \$126,000. Finance was able to connect with the administrators of the SCCRTC Measure D Taxpayer Oversight Committee to get a better understanding of their meeting schedule and standard topics. The 5 member committee usually meets twice a year for a minimum of two hours. Similar to the proposed EHT committee, the Measure D committee is responsible for an annual report. Currently, costs for administering the tax and the costs for administering the committee are not tracked separately by SCCRTC. SCCRTC did not complete a fiscal impact analysis for the measure before its approval. Finance separated out the estimated costs to administer the tax and the estimated costs for the committee because the proposed ordinance would require differentiation. With the revised estimates, the costs for 3 to 4 regular committee meetings and 1 to 2 community meetings have been separated out to help provide transparency to the methodology of how the estimates were calculated.

Ongoing costs for administration, aside from those of the committee, were revised to \$344,000 from \$296,000. The changes in this category stemmed from discussions with Planning, Code Enforcement, Housing, and Economic Development. After reviewing the original estimate of hours for answering customers questions and responding to public records act requests, staff hours were added to this process as Planning and Code Enforcement would be included in this process. In speaking with the Directors of Planning and Community Development, and Economic Development and Housing, an estimate of staff hours for EHT housing creation and project management was added to the estimate as this function was not addressed previously. This important administrative function will aid the City in fulfilling the intended purpose of the use of tax revenues.

Startup costs related to the online web portal, revenue tracking, and website revisions were revised to \$59,400 from \$80,000. Even though there was an increase in Information Technology (IT) Department hours to assist in these functions, there was a net decrease result in this overall category due to reducing estimated legal hours due to review of data privacy impacts, legal compliance with the new tax, etc. IT cost estimates will increase if the custom development of an EHT application is required. Other changes to this category consisted of including an estimate for the costs of initial mailers calculated based off the hours it takes for current mailings and postage costs. The County corresponded that they do not allow inserts in general to go in the annual property tax bill envelope, and those bills are sent to all approximately 90,000 property owners in the County without the ability to direct mail. The overall estimated start-up cost category was revised to \$534,000 from \$607,000.

During the discussion at the June 28 meeting, there was comparison of the ongoing administration and start-up costs the City of Oakland included in their fiscal impact report versus what the City of Santa Cruz included. After speaking with SCI, it was clear that Oakland well exceeded the start-up cost estimate of \$100,000 they submitted with the ballot measure, as they contracted SCI to develop a custom web application for a not to exceed amount of \$850,000, that was to allow property owners to petition for exemptions of the vacant property tax (VPT) or to appeal the VPT assessment. SCI communicated that since this was a new type of tax, they had to create the structure and the process of the portal from the ground up. Oakland's fiscal impact estimated that ongoing administration costs would be \$452,000, dedicated to staffing positions to support the Commission, tax administration, collection, and enforcement fees. They contracted SCI for a not to exceed amount of \$1,270,000 for a three-year period for ongoing administration and management. In further discussions with SCI, their scope of work does not cover all work needed to administer the tax, and the City of Oakland has dedicated staffing of approximately 1.5-2.0 FTEs for processing appeals and preparing for hearings. Oakland and Santa Cruz are different size cities, and the information provided is just for context, and to further accentuate that any fiscal impact estimate that has been provided are best estimates based on information known at the time.

No changes have been made to the revenue estimates.

FISCAL IMPACT: None.

Prepared By:
Marisol Gomez
Assistant Director of Finance

Submitted By:
Elizabeth Cabell
Director of Finance

Approved By:
Matt Huffaker
City Manager

ATTACHMENTS:

1. EMPTY HOME TAX - REVISED IMPACT REPORT.PDF

Background

The City of Santa Cruz City Council directed the Finance Department to report on the impacts of a citizen initiative ballot measure – Empty Home Tax in accordance with the provisions of California Elections Code Section 9212(a) at their May 24, 2022 Council meeting. The Empty Home Tax will be on the November 8, 2022 ballot for consideration by Santa Cruz voters. The proposed measure would amend the City of Santa Cruz municipal code to add Chapter 3.38 which establishes a special tax on residential parcels that are in use less than 120 days within a calendar year (“vacant parcels”).

The Code further indicates that this report must be presented to the City Council no later than 30 days after the election official certifies the sufficiency of the petition to the City. This report contains Finance Department’s analysis and identifies the resulting impacts we believe the City may experience if the proposed measure is approved by the voters.

Summary of Impacts

A summary of our analysis regarding the impacts the measure may have on the City is provided below.

Impacts under California Elections Code Section 9212(a)

1. *Fiscal Impact*

Based on factors such as property owner exemptions estimated to range from 34%-60%, the City’s Finance Department estimates annual revenue between \$2.5 and \$4 million¹.

Tax collection expenses related to administration are capped at 15% of revenues collected, costs over the cap would be covered by the General Fund; costs from the 9 member Oversight Committee shall not count towards the 15%, and will be paid for by the special tax funds. The measure requires City staff to provide “clerical assistance, administrative support, and technical assistance” to a new Committee that is charged with “community oversight of the tax established by this Chapter, and to make recommendation to the City to improve zoning and land use designations to better support the creation of affordable housing as defined by this Chapter.” The Committee must meet at least once per year but may meet “more frequently as needed.” “The Committee may convene community meetings to solicit community testimony and other input to build trust between the community, neighborhood groups, and the City, and to address other similar and relevant subjects as determined by the Committee within its jurisdiction.” “The Committee may invite subject matter experts and individuals to provide informational presentations,

¹ The range was calculated based upon data from the County of Santa Cruz’s absentee property lists, homeowner exemptions claimed, and long-term and short-term rental data.

including but not limited to” a wide range of groups listed in the measure. City staff “shall be present at the Committee meetings.”

The Finance Department estimates the annual cost to administer this Measure would be approximately \$450,000 with dedicated staffing to support the Oversight Committee, tax administration, collection, and housing project management. In addition, one-time startup costs are estimated at \$534,000 for financial database infrastructure, web development, ordinance implementation, legal counsel, committee establishment and mailing services.

2. *Consistency with General Plan and Housing Element.*

The measure has the potential to raise funds that can be used in the creation of additional affordable housing, which would promote various General Plan guiding principles and goals related to neighborhood vitality, a balanced community, and affordable housing. For example, affordable housing creation and promotion is included in the following policies:

The General Plan Guiding Principles include the following:

“Neighborhood integrity and housing. We will maintain the identity and vitality of our neighborhoods, actively pursuing affordable housing for a diversity of household and promoting compatible livability and high quality design in new buildings, major additions, and redevelopment.” The ballot measure has the potential to raise funds that can be used to create or sustain affordable housing, so consistent with this guiding principle, it would actively pursue affordable housing opportunities.

“A balanced community. We will maintain the community’s longstanding commitment to shared social and environmental responsibility, fostering a balance between employment, housing affordable to persons of all income levels, transportation, and natural resources.” The ballot measure has the potential to raise funds that can be used to create or sustain affordable housing, so those funds could assist with fostering the balance called for in this principle. Thus, if funds are generated from the measure, it would be consistent with this principle.

The Housing Element contains the following goals:

“GOAL 1 An adequate diversity in housing types and affordability levels to accommodate present and future housing needs of Santa Cruz residents.” The measure supports this goal if it results in a net surplus of revenue compared to implementation and staffing costs.

“GOAL 2 Increased and protected supply of housing affordable to extremely low, very low, low, and moderate income households.” The ballot measure has the potential to raise funds that can be used to create or sustain affordable housing, so consistent with this goal, it could increase affordable housing opportunities.

“GOAL 3 Accessible housing and appropriate supportive services that provide equal housing opportunities for special needs populations.” The ballot measure has the potential to raise funds that can be used to create or sustain affordable housing, including supportive housing, so consistent with this goal, it could increase housing opportunities for special needs populations. The measure also states that “up to five (5) percent of the revenue deposited into the Fund in any single year may be used to provide sanitation, bathroom, and hygiene services for the unhoused community in the City.”

“GOAL 4 Increased opportunities for low and moderate income residents to rent or purchase homes.” The ballot measure has the potential to raise funds that can be used to create or sustain affordable rental or ownership housing, so consistent with this goal, it could increase affordable housing opportunities.

The proposed measure would not directly conflict with Section 65008 of the Government Code or Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

3. *Land Use and Housing.*

The measure has the potential to raise funds that can be used in the creation of additional affordable housing, which would promote various General Plan guiding principles and goals related to neighborhood vitality, a balanced community, and even economic development, since housing scarcity and costs are cited as a barrier to attraction and retention of employees. Should excess funds be generated through the tax, the funds could be used to stimulate the development of new affordable housing projects that would assist in meeting the City’s regional housing needs. However, it is unclear if the measure would result in a net positive benefit or not, as the total tax that will be collected and the total costs associated with the administration of the tax collection program and the costs associated with the staffing of and support for the Committee called for in the measure are unknown.

4. *Impacts on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space.*

Unlikely to have a direct impact here as the initiative refers to existing properties.

5. *Business Attraction, Retention and Employment.*

While the annual revenue from the proposed empty home tax and the full cost of administration and Committee support are unknown at this time, the fund, over time, could accumulate revenue that could aid in the development or preservation of affordable housing units in Santa Cruz. The creation and preservation of affordable housing is critical to the successful attraction and retention of employees for most, if not all, of businesses in

Santa Cruz. The ability to hire and retain employees is often predicated on the ability to secure affordable housing in the community, particularly for tourist-based economies like Santa Cruz. At a residential rental vacancy rate consistently between 1%-3% city-wide and considerable wait lists for the majority of multi-family affordable housing units in Santa Cruz, the community has long suffered from inadequate affordable housing to serve existing residents which has directly impacted the long-term success of local businesses and employers located in Santa Cruz. Ongoing revenue from the proposed empty home tax could positively impact the community's ability to attract and retain business and employment, if the revenues ultimately exceed the costs of administering the program and of staffing the Commission established by the measure.

6. *Vacant Land.*

The initiative will probably not have appreciable impacts of vacant parcels of land. Since the question on whether a unit is vacant or not does not have an impact on whether to develop undeveloped land.

7. *Agricultural Lands, Open Space, Traffic Conditions, Business Districts and Revitalization Areas.*

The initiative is unlikely to have an impact in this category as the ordinance is related to existing properties.

8. *Any other matters the legislative body requests to be in the report.*

No other matters were requested.

Conclusion

Vacant or Empty Home Tax initiatives are not widely utilized among California cities at this time. However the cities of San Francisco and Oakland have variations of a similar tax for commercial properties, undeveloped parcels and residential properties that have recently been implemented but partly delayed due to COVID-19. As such, analysis for impacts on this type of tax are largely estimates at this point in time. As a side note however, the City of Los Angeles, and more locally, the City of Capitola are having discussions on whether to add this type of tax to their November ballots.

Tax on Vacant Parcels ("Empty Homes Tax")
Estimate of Annual Revenue

	# of Properties	Empty Home Tax Tiers			
		Total Estimated Revenue	SFR - \$6,000	Multi - \$6,000	Multi - \$3,000
(1) Residential properties on absentee list	4,668				
(2) Remove properties listed per addresses match query	(268)				
(3) Homeowner's exemption claimed	(401)				
Potential empty units	3,999				
(4) Used as long-term rental (assume 66%)	(2,639)				
(5) Registered in short-term rental program	(291)				
Estimate of empty units before other exemptions	1,069				
(6) Exempt units 34% (bottom of range)	(364)				
Taxable empty units	705	\$ 4,143,000	3,696,000	360,000	87,000
(7) Breakdown of units by Tier			616	60	29
(6) Exempt units 60% (top of range)	(642)				
Taxable empty units	427	\$ 2,508,000	2,238,000	216,000	54,000
(7) Breakdown of units by Tier			373	36	18

- (1) Information from HdL on 21/22 County of Santa Cruz absentee listing, property tax bill mailed to location other than situs
- (2) Addresses reviewed for duplication or abbreviation, address match
- (3) Units that receive the homeowner's exemption through County of Santa Cruz
- (4) Percentage based on current data from the City of Santa Cruz long-term rental program
- (5) Cross reference of addresses registered in the City's short term rental program
- (6) Estimate of exemption factor provided as a top and bottom range
- (7) Ratio based off of 21/22 Residential Summary Roll as provided by HdL

From: Garrett <garrettphilipp@aol.com>
Sent: Friday, August 19, 2022 12:09 PM
To: City Council
Subject: 8.23.22 Agenda Item # 20 Communist Empty Homes Tax

8.23.22 Agenda Item # 20 Communist Empty Homes Tax

NO ON Measure "N"

Dear Council,

I would point out Oakland has a very different occupancy figure of less than 50 days, not 120 days as in this nevertheless equally odious ballot measure.

I copy my July Sentinel letter to the editor here to save me typing it in all over again.

"All too often the local radicals want to copy ordinances of "far left home office" cities like Oakland (Empty Home Tax) or San Francisco. According to a well conducted study by Wallethub using 36 weighted metrics vs total budget per capita of the 150 largest cities, it turns out San Francisco is the 2nd and Oakland is the 7th worst run city in America. The proposed "tax " is neither a sales, or use tax. It is a definition of crimes with large penalties, such as the crime of using private tax paid property as a week end get-a-way or the crime of an incorrect daily accounting for three years of past occupancy use. In nations where "housing is a right" (Russia), refusing housing is not a right. You live where told to live, for as long as the government says. Let's not copy that either."

You might want to make it REAL CLEAR as far as financial impact that there is no assurance this won't cost more to administer forever than it brings in as people have a way of adjusting to the government imposing large fines and taxes, and only 15% of incoming money can be used to administer. REAL CLEAR.

Not unlike Measure M which the people hugely voted down, these anti-property rights , i.e. wanna be communists, are back at it again, no less with the backing of a council member (Brown) who also just doesn't get the meaning of a public NO when attacking property and privacy rights.

Garrett Philipp - Westside

Rosemary Balsley

From: Richard Beach <realtorbeach@gmail.com>
Sent: Sunday, August 21, 2022 9:50 AM
To: City Council
Subject: Opposed to Measure N

We oppose Measure N as an encroachment on private property rights. There seems to be a group of people in Santa Cruz and in the city government opposed to private property rights and using their positions to chip away at private property rights.

In addition, the structure of Measure N. Requiring 10,000+ owners to submit forms each year is an expensive and necessary bureaucratic expense when the number of vacant properties is small. You already have a database showing vacant properties.

Richard and Susan Beach
674 High St.
Santa Cruz, Ca 95060

--

Best Regards,
Richard Beach
RealtorBeach@Gmail.com

From: Katherine Paterson <kmp0163@yahoo.com>
Sent: Monday, August 22, 2022 12:18 PM
To: City Council
Subject: Comments Measure N

***KATHERINE AND GORON PATERSON AND
THE ROBERT MASSA FAMILY OPPOSE MEASURE N
PLEASE SEE ARGUMENTS BELOW:***

ARGUMENTS AGAINST MEASURE N

- Property owners impacted by Measure N already pay nearly highest property tax rate in California and contribute significantly to County funds.*
- Property owners impacted by Measure N as of February 16, 2022 are subject to Prop 19 property reassessments significantly raising property tax bills.*
- Many Property owners impacted by Measure N acquired their property decades ago with modest incomes. Owners worked hard to save for purchase - Measure N penalizes hard working tax paying families*
- It is unethical for UCSC plan a 9000 student increase in enrollment by 2040 and claim a housing shortage and crisis. Geographically the surrounding area can not provide housing UCSC's increase in enrollment and will result in over building in the City of Santa Cruz.*
- If housing has become unaffordable then one is seeking housing in a market which they don't have the means to live in. The solution is to find away to acquire the means or seek housing in another market.*
- If Santa Cruz has shortage of housing, there are more people desiring to live in Santa Cruz than the geographic area has capacity for. It is false that fees assessed by Measure N can raise enough funding for low income housing.*
- Funding for housing for the homeless is in place as well as existing shelters.*
- Historically low unemployment and under employment does not support that homelessness is not economic issue but a mental health and drug crisis neither of which can be resolved by low income housing.*

WE RESPECTFULLY,

KATHERINE AND GORDON PATERSON AND THE ROBERT MASSA FAMILY

Rosemary Balsley

From: info@emptyhometax.org
Sent: Monday, August 22, 2022 11:57 AM
To: Sonja Brunner; Shebreh Kalantari-Johnson; Donna Meyers; Martine Watkins; Sandy Brown; Justin Cummings; Renee Golder
Cc: Bonnie Bush; City Council
Subject: Item 20: Empty Home Tax Fiscal Impact Report Request for More Time and Comments for the Public Record for August 23, 2022 Santa Cruz City Council Meeting

Importance: High

Good morning Mayor Brunner and Councilmembers:

I would like to thank you for your unanimous vote at the June 28th City Council meeting directing staff to refine the administrative costs for the Empty Home Tax now known as Measure N. I am happy to see a Revised Fiscal Impact Report scheduled for Item 20 at your August 23, 2022 meeting and would like to request additional time to speak on that item. Also thank you to staff for the additional work although the broad coalition of residents supporting Measure N believe there still remains some misinterpretations of the intent of the proposed ordinance and some included costs that are not warranted.

First and foremost we want to again emphasize your staff estimates that \$2.5 - \$4 million will be raised annually to create affordable housing our community desperately needs and that this is a revenue positive program that WILL NOT dip into the general fund.

Under Section 3 of the report staff states that costs for administration and staffing are unknown. Although exact numbers are not available, staff produced a range of costs that when compared to projected revenue show a net positive program and this should be clearly stated in the report. By design, the Empty Home Tax used great care with the advice of a well-qualified tax lawyer to ensure there are minimal administration requirements written into the ordinance. This allows the City Council with the advice of staff to adopt procedures that are effective, efficient and keep costs low. Outside of minimal one time startup costs to build on the existing web infrastructure for tax collection and creation of procedures for notification and collection of the tax the level of administrative burden can be adjusted to match the revenue generated. Meaning, if revenue is low the city can choose to scale back enforcement and staff time accordingly to ensure this program is a net positive gain for the city's budget. This fact should be clearly stated in the report.

There is no indication that the Empty Home Tax Ordinance increases the city's risk of legal action. The \$100,000 line item in the startup costs for "litigation response" should be removed.

The scope of work of Empty Home Tax Oversight Committee (Committee) as defined are to meet once a year, publish an annual report and review financial and operational reports produced by staff. This is identical to existing committees overseeing school parcel taxes and 2016 Measure D. All other potential actions of the proposed Committee are preceded by the word “may” which make them optional and not a requirement of the ordinance. Including these potential actions as costs is not appropriate and should be removed from the report.

Section 3.38.070. Empty Home Tax Oversight Committee.

A. The Empty Home Tax Oversight Committee is hereby established for community oversight of the Tax established by this Chapter, and to make recommendations to the City to improve zoning and land use designations to better support the creation of affordable housing as defined by this Chapter.

B. The Committee shall meet at least one (1) time per calendar year and more frequently as needed. The first meeting of the Committee each year shall be held within three (3) months of the release of the annual audit. A majority of Committee members may request in writing that the City Council approve the Committee meeting more than once per year.

According to the City’s legal staff Tony Condotti via an email exchange , “As far as possible future amendments, Section 7 authorizes the City Council to amend to Ch. 3.38 “in any manner that does not decrease or increase the tax rates, or otherwise constitute a tax increase for which voter approval is required by...” Prop. 218. “

The following clarifications could be adopted by the City Council to make clear that the Committee does not have the ability to direct staff or meet more frequently than once a year without a majority of the City Council’s approval which was the intent of this section.

Section 3.38.070(B) says “shall meet” the City Council could clarify the scope of the annual work of the Committee simply by amending that section to read

B. The Committee shall meet at least one (1) time per calendar year and more frequently ~~as needed~~ as requested by the majority of the Committee and approved by the majority of the City Council. The first meeting of the Committee each year shall be held within three (3) months of the release of the annual audit. A majority of Committee members may request in writing that the City Council approve the Committee meeting more than once per year.

I. The City Manager or designee shall provide clerical assistance, administrative support and technical assistance to the Committee for the required annual meeting and as directed by the City Council and shall be present at the Committee meetings.

The budget for the Committee should be adjusted to more accurately reflect the requirements in the ordinance

ONGOING Committee	Adjusted costs	
Administration of EHTO Committee - agendas, meeting minutes, etc.	\$2,280	(reduced by 2/3 from sta
Attend EHTO Committee meetings 3 to 4 a year - staff time, prep, logistics etc.	\$4,456	(reduced by 2/3 from sta
Community meetings 1 to 2 a year - staff time, prep, outreach, logistics etc.	not required unless approved by City Council	
Prepare ad-hoc reports and analysis for EHTO Committee	not required unless approved by City Council	
Annual Report	\$8,358	
Legal counsel	not required no decision making powers	
Total Costs	\$15,094	

Making the requested adjustments to the budget prior to accepting the Fiscal Impact report will provide voters with the most accurate information available. The data supported requested adjustments to the budget presented bring the totals to:

Startup costs = \$433,736

Annual Committee costs for one public meeting and associated administrative support = \$15,094

Yearly administrative costs = \$344,000

It should be clearly stated that the estimated yearly administration costs are below the 15% reimbursement cap in the ordinance for the low end estimate of revenue generation (\$2,500,000 * .15 = \$375,000).

Thank you for your attention to this important matter and your willingness to step up to ensure voters have accurate information to inform their vote in November.

We look forward to continuing to connect with Santa Cruzans and add to the thousands of residents who already support Measure N and are ready to take action to create more affordable housing in our community.

Regards,
Cyndi Dawson

Yes on Measure N
Cyndi Dawson
Campaign Manager
Fund Affordable Housing
emptyhometax.org
@emptyhometax
831-200-3878
[Donate Now](#)



Rosemary Balsley

From: eric grodberg <ericgrodberg@yahoo.com>
Sent: Monday, August 22, 2022 3:49 PM
To: City Council
Subject: Item 20: Fiscal Impact Analysis - EHT

Dear Mayor Brunner and Council

I appreciate Staff's EHT Impact Analysis and due to the many unknowns, the difficulties of accurately forecasting both the costs and the revenues. I also appreciate Council Member Brown's desire for Staff to take a second look at the cost side.

I am puzzled and disappointed that staff did not take a deeper dive into the revenue side. Though I readily acknowledge the uncertainties, I think staff significantly overestimated the number of homes that would be subject to the EHT.

After estimating the number of empty homes, staff arbitrarily guessed that property owners EHT exemptions would "*range from 34%-60%.*" However, exemptions apply to houses that don't meet the EHT "*In Use*" 120 day minimum occupancy requirement. *In Use* houses do not require exemptions - they are simply not subject to the Tax. Of Staff's estimated 1,069 vacant homes, many of them are likely to be *In Use* and subject to the Tax at all.

Please consider the following:

Property Tax Mailing Address different from Property Address: That's a good place to start. However, there are many folks who live at the property but have their tax bills sent to a different address. For example, I had a neighbor who lived at his property but had his bills sent to his accountant. Also, some elderly folks and others who are simply not good with bills and have their tax and other bills handled by friends or relatives. I have another neighbor who does this. A third neighboring house is used by an extended family and while none of them live full time at the home, it is collectively used well beyond the EHT 120 day/yr minimum.

Residential Rental Inspection Program: Marisol repeatedly referred to the Long Term Rental Program. I assume that she meant the RRIP. Eliminating all properties in the RRIP is an obvious first step. However, there are many occupied homes not in the RRIP that should also be accounted for.

- Properties lived in by **friends and family of the owner**. They are not rented, but also not owner occupied
- **Rented properties not in the RRIP** - rentals that have avoided/evaded registering with the RRIP will not qualify as vacant under the EHT. These properties still exist. For SFRs Planning largely relies on owners to sign up for the RRIP. If they don't register on their own, there's a good chance they won't be registered in the program.
- **Exemptions:** - Marisol used RRIP exemptions to estimate EHT exemptions. I don't think this is a good comparison. There are very few RRIP exemptions while there are many EHT exemptions and the nature of the programs' exemptions and requirements are quite different. Furthermore, to avoid the EHT, a house only has to be in use 120 days/year, which is likely to eliminate many properties that at first glance appear unoccupied. They are not used as full time residences, but are "in use" by the EHT's definition.

Homeowner's Exemption: Some folks who qualify for it, don't take it. It's not a reliable way to determine occupancy.

Abandoned and Derelict Homes: These might qualify for the EHT tax, but they will be extremely hard to collect the tax on. There are a number of them around town. Many of them have serious and longstanding Code Complaints against them. You could cross reference with Code Compliance to find some of these.

Evasion and Enforcement: Enforcement will be difficult. Many property owners whose homes might qualify for the EHT will either not fill out the annual affidavit or falsely claim that their property was "in use" for 120 days. It will be very costly and difficult for the City to prove otherwise.

Changed Usage: If the EHT does pass, the number of vacant units will decrease.

- **RRIP** - after the RRIP was put in place, many (estimates are hundreds) rental units 'self-abated' (i.e., disappeared).
- **Vancouver example:** Prior to its implementation, the city estimated 21,000 vacant units. In its most recent reporting, 1,627 registered - only 7.6% of the City's initial estimate and that number has declined yearly. (see attached)

American Community Survey 5-year data vs. Census: EHT proponents claim that 9% of all homes are vacant, citing The US Census or California Department of Finance figures (the latter is based on Census data.) This is not a valid metric because

1. The Census is a point in time count and does not measure year round occupancy of individual units.
2. The Census' definition of vacancy is much broader than the EHT's and includes some homes that are occupied and others that are under construction.
3. The 2020 Census was taken during the height of the lockdown when UCSC went remote and almost 20,000 students left the City.

In contrast the ACS from 2016-2020 shows a homeowner vacancy rate of 1.2% and a rental vacancy rate of 0.9%. See attachments for detail.

Vancouver: Vancouver, a major international destination with a population of 630,000 has only 1,627 registered vacant homes. It is reasonable to assume that Santa Cruz would not have a higher per capita rate of vacant homes than Vancouver, putting the EHT proponents' estimate of 2,000 taxable homes in the realm of fantasy. (See attached Vancouver City report)

Vancouver also had 900 complaints/appeals - the risk to Santa Cruz of litigation is indeed real.

Thanks for your consideration.
Sincerely,

-Eric Grodberg

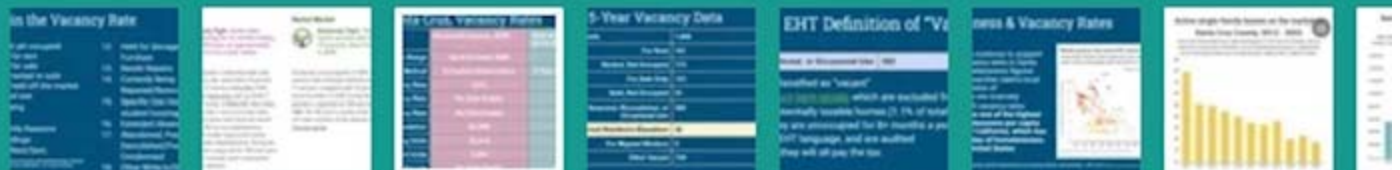
See
<https://noeht.org/data> for more details and citations.

The City of Santa Cruz Vacancy Rate

City of Santa Cruz, Vacancy Rates

	Decennial Census, 2020	2020 ACS (2016-2020)
Date Range	April-October 2020	
Method	Complete Enumeration	5 Year Sample
Total Vacancy Rate	9.5%	
Homeowner Vacancy Rate	No Data Exists	
Rental Vacancy Rate	No Data Exists	
Population	62,956	
Housing Units	24,014	
Vacant Units	2,283	
Parcels	No Data Exists	No Data Exists

ACS 5-year data is more reliable for cities with populations under 65,000 w
Cruz. Note the homeowner and rental vacancy rate.



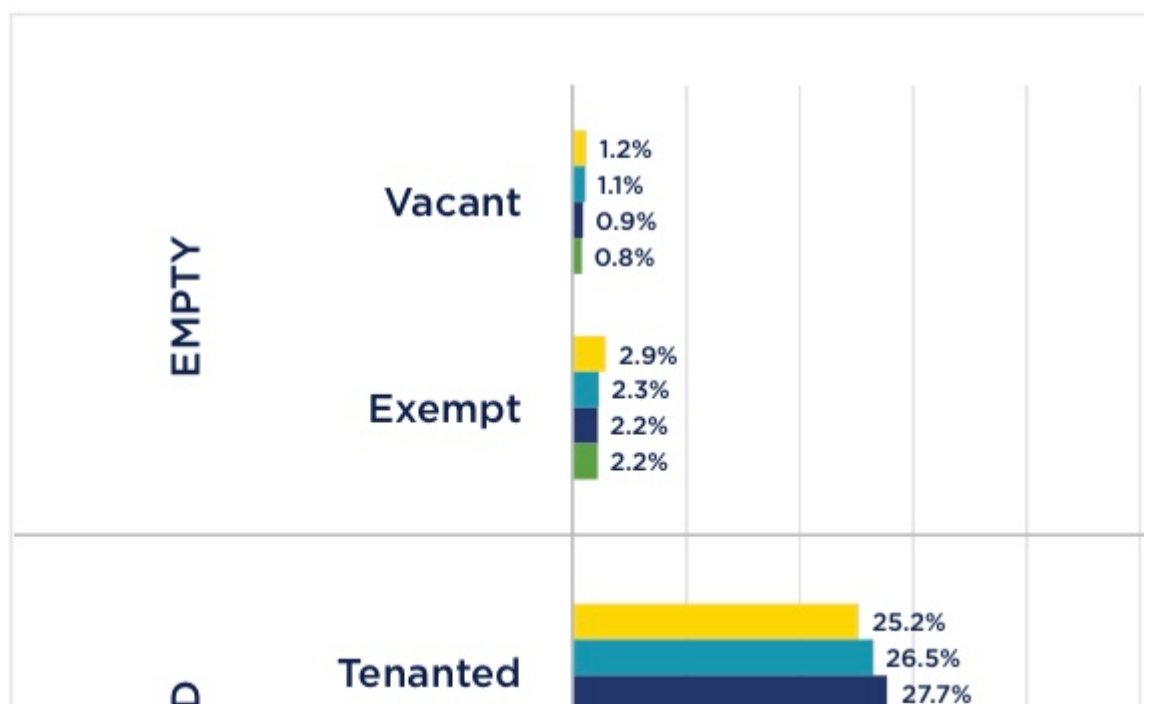
What Does the Data Show?

VANCOUVER DECLARATION VACANCY AND GEOGRAPHI

Property Status: 2017 to 2020 Tax Reference Years

	2017
EMPTY	
Exempt	5,479
Vacant*	2,193
OCCUPIED	
Principal Residence	131,432
Tenanted	46,934
Total	186,038

*Includes properties declared, determined and deemed vacant.



Complaints

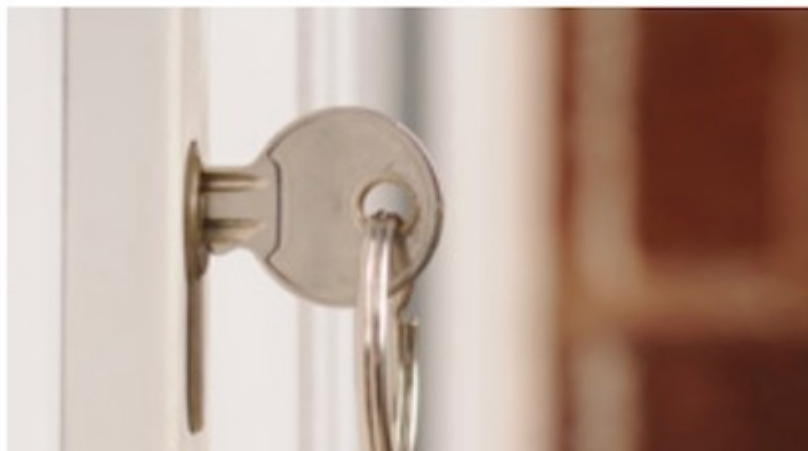
Complaints received were primarily triggered in instances where property owners had failed to make their declaration on time, or where property owners were in disagreement with their audit determination. In order to contest the EHT invoice they received, these property owners were required to submit a Notice of Complaint.

Total complaints completed by the vacancy tax review officer to November 1, 2021, are as follows:

	Period to November 1			
	2018	2019	2020	2021
Accepted*	1,207	346	403	900
Rejected	252	237	156	171
Total	1,459	583	559	1,071

* Most of the accepted complaints related to property owners who were originally deemed vacant because they failed to make a declaration. For 2020, 600 of the 900 accepted complaints were for properties previously deemed vacant.

Property owners whose complaints were rejected were required to pay the tax or request a review of their case from the external review panel.



Late Declaration

In 2017, the first year, property owners who missed the declaration deadline were required to submit a Notice of Complaint to contest the EHT invoice they received. If they did not submit a late declaration, they would have the tax rescinded. The original declaration process to submit a late declaration was to submit a Notice of Complaint. If a property owner did not submit a late declaration by the deadline, they would have to submit a Notice of Complaint to contest the EHT invoice for the reference period and the property status. The original declaration process is the second business day after the original declaration deadline.

The original deadline for the 2017 and 2018 vacancy tax was December 31, 2018 and 2019, respectively. In May 2020, City Council passed a resolution to extend the deadline for late declarations to the original 2018 and 2019 deadlines. Following this one-time extension, property owners for 2017 and 2018 have had to submit a Notice of Complaint process and the property status were determined to be vacant. If evidence provided, re-

Review panel

Total reviews completed by the external review panel from November 1, 2021, are as follows:

	2018

Indicator #3: Breakdown of exemptions by type

Breakdown of properties by property type that qualified for an exemption⁵:

Condo	2017	2018	2019	2020
Property Transfer	1,598	1,154	1,132	1,283
Redevelopment/ Renovation	97	95	91	127
Strata Restriction	522	587	564	536
Other	516	271	274	188
TOTAL	2,733	2,107	2,061	2,134

Single Family	2017	2018	2019	2020
Property Transfer	809	486	507	663
Redevelopment/ Renovation	1,199	1,199	1,120	920
Strata Restriction	1	0	0	2
Other	327	190	164	128
TOTAL	2,336	1,875	1,791	1,713

Other	2017	2018	2019	2020
Property Transfer	54	15	23	24
Redevelopment/ Renovation	150	150	170	182
Strata Restriction	14	15	8	10
Other	192	165	168	164
TOTAL	410	345	369	380

Breakdown of properties that qualified for an exemption in 2020:



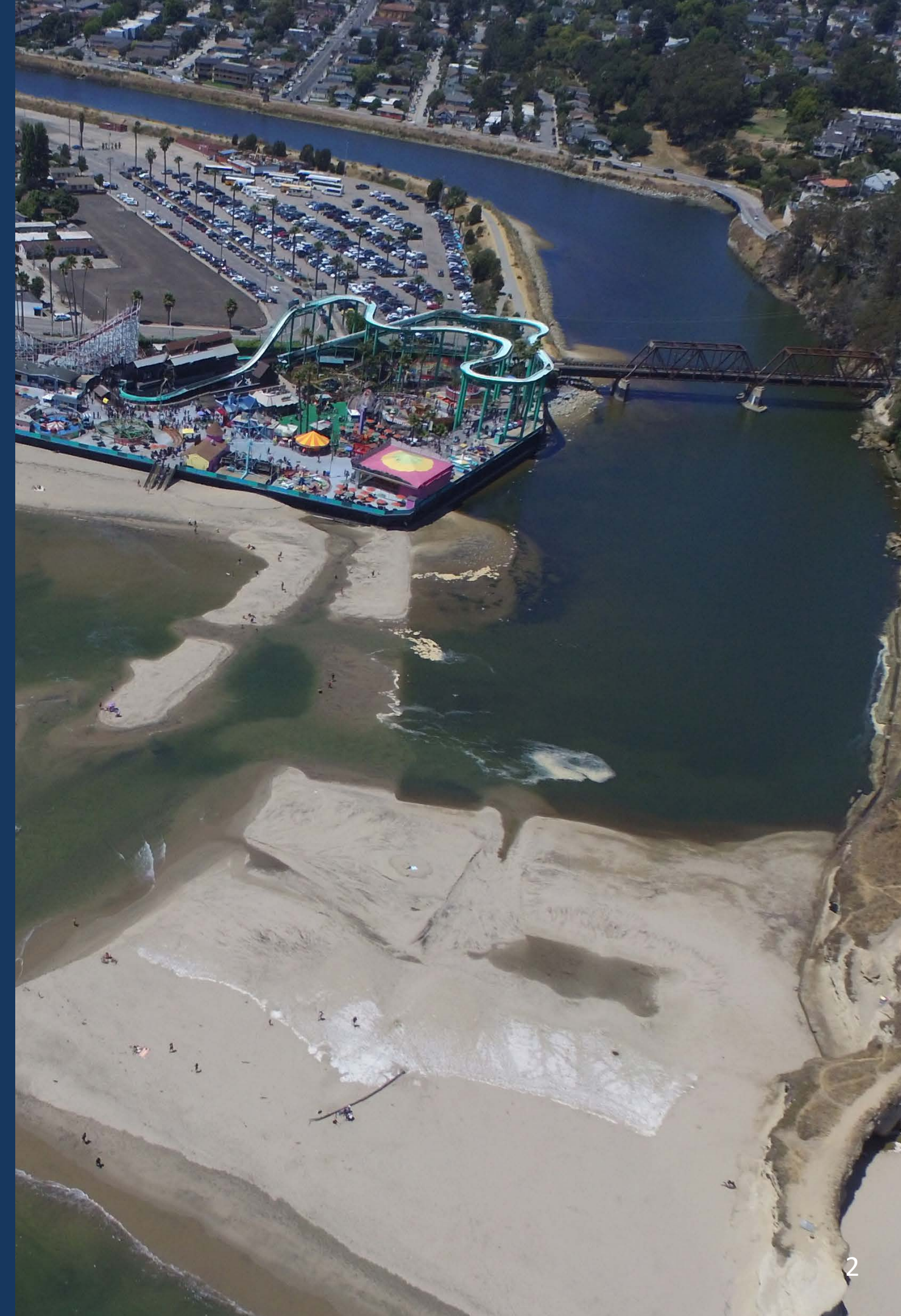


Review of the EHT Impact Report

City of Santa Cruz – Finance Department
August 23, 2022

Agenda

- Background
- Recap of Council and Public Concerns
- Revised Fiscal Impact Report



What is Empty Homes Tax?

- Parcel tax on vacant homes
 - Vacant = In use < 120 days per year
- Revenue used to support affordable housing initiatives



Fiscal Impact Report – 6/28/2022

- Concerns
 - Start-up Costs
 - Website Costs
 - Legal Costs
 - Committee Costs
 - Use of SCMU Utility Data
 - Revenue Estimates
 - Data Collection



IT Start-up and Website Costs

- City of Oakland estimated \$100K
 - Actual costs were \$850K
- May require a new database, SQL license, virtual server, additional staff
- IT project scope will include prepare, design, build, test, deploy, sustain



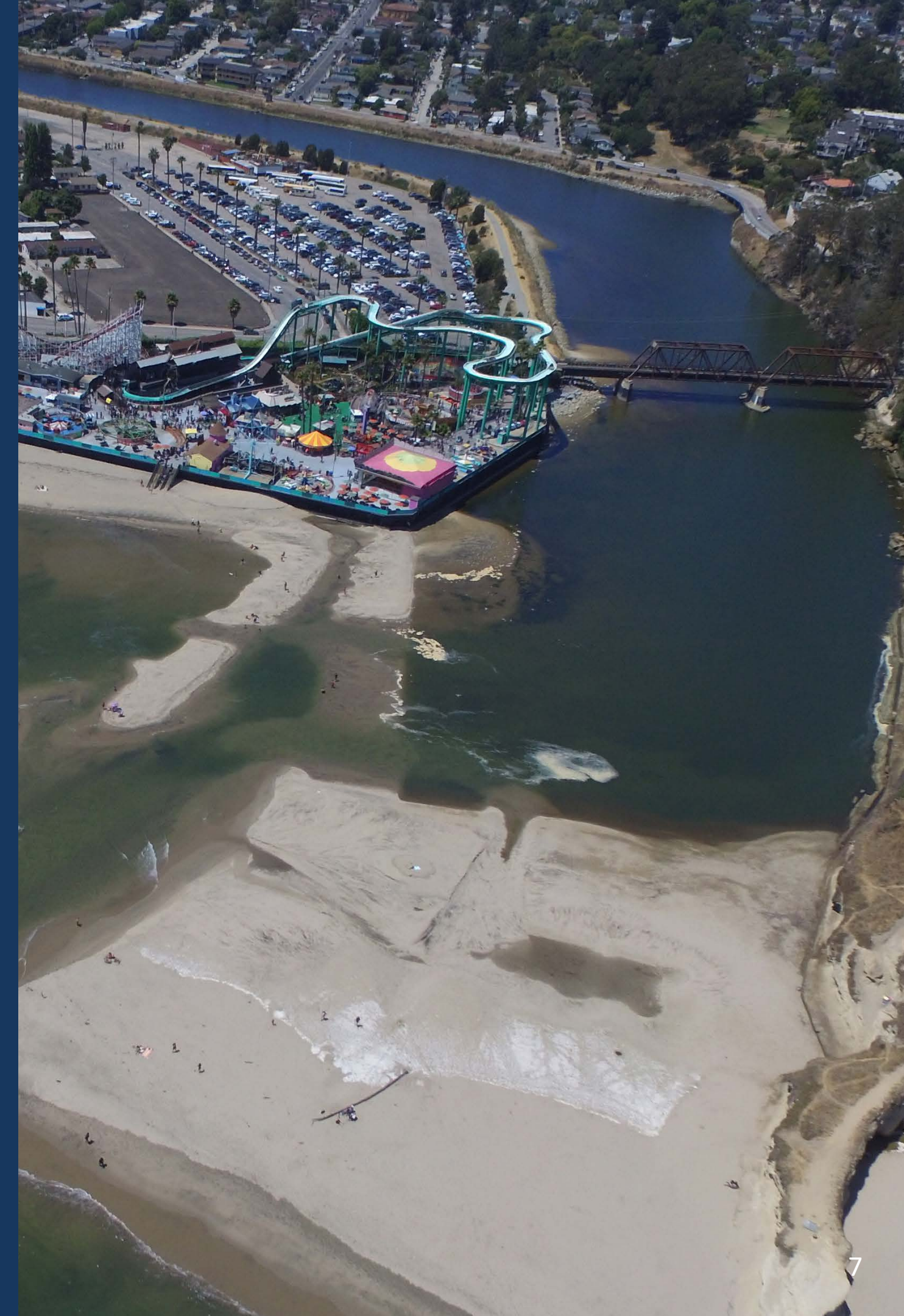
Litigation Costs

- Reviewed hours and cost estimate
- Difficult to predict costs
- Recent 4 month bench trial - \$150K



Committee Costs

- Estimate 3 – 4 regular committee meetings per year
- Estimate 1 – 2 community meetings per year
- Separated costs for regular and community meetings



Revenue Estimates

- Exemption estimates and analysis is reviewed with County

SCMU Data

- Consumption data is private
- Zero consumption does not indicate vacancy



Declaration Process

- Property owner must declare vacancy status by April 15
- Owner exemptions verified by the City
- City may audit property annually



Summary of Cost Changes

	Original Estimate 6/28/2022	Revised Estimate 8/23/2022
Total Startup	\$607,480	\$533,746
Total Ongoing Committee	\$126,374	\$106,018
Total Ongoing Administrative	\$296,070	\$344,000
Total First Year (Start-up + ½ Ongoing)	\$818,702	\$758,755
Total Ongoing (Committee and Administrative)	\$422,444	\$450,018



Thank you!

City of Santa Cruz – Finance Department
August 23, 2022



City Council AGENDA REPORT

DATE: 8/17/2022

AGENDA OF: 8/23/2022

DEPARTMENT: Planning & Community Development

SUBJECT: Amendments to Municipal Code Titles 6, 12, 13, 15, 16 and 24 Related to Objective Development Standards for Multi-Family Housing, New Mixed Use Zoning Districts, Development Review Process Changes, Street Trees, Right-of-Way Improvements, and the Water Efficient Landscape Ordinance; Associated Updates to the Zoning Map; and Establish In-Lieu Fees for Street Tree Removals (File No. FP20-0002) and Additional 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 (File Nos. A22-0002 and A22-0003) (PL)

RECOMMENDATION: Motion to:

- 1) Introduce for publication an ordinance making the amendments to the Santa Cruz Municipal Code, as presented in the attached documents, for code sections not included in the Local Coastal Program or Implementation Plan; and
- 2) Introduce for publication an ordinance making the amendments to the Santa Cruz Municipal Code, as presented in the attached documents, for code sections that are included in the Local Coastal Program or Implementation Plan; and
- 3) Introduce for publication an ordinance making the proposed amendments to the zoning map, as stated in the ordinance and as shown in the associated map exhibit; and
- 4) Adopt a resolution establishing a new in-lieu fee requirement for street tree removals.

BACKGROUND: The City's General Plan has allowed different development intensities than the Zoning Ordinance from its adoption by City Council in 2012. Staff have been working on an effort to bring the City's Zoning Ordinance and General Plan into alignment with one another in various ways since then. The initial effort to correct the mismatch was known as the Corridors Plan and was focused on developing a plan for the four major transportation corridors through

the City: Mission Street, Ocean Street, Water Street, and Soquel Avenue. This work was paused in 2017 and then officially halted by the City Council in August of 2019 due to concern over the level of housing intensity included in the adopted General Plan. The General Plan and City Zoning Code have been out of sync since the adoption of the 2030 General Plan in 2012.

Recent legislative changes have direct implications for situations where the General Plan and Zoning Ordinance are not in alignment. With AB 3194 (Daly), the Housing Crisis Act of 2019, and other changes to the Housing Accountability Act, the misalignment between the City's land use regulating policies means that a greater development capacity allowed based on the land use designation in the General Plan must be allowed on a property regardless of any limitations based on the Zoning Ordinance. Additionally, any action to reduce the amount of housing that can be built on a parcel of land must be accompanied by a simultaneous action to increase the amount of housing that may be built elsewhere within the jurisdiction's boundaries. As described above, the City currently falls into this situation of having General Plan and Zoning out of alignment in the areas designated for Mixed-Use development along the four primary transportation corridors, and the City Council directed staff to address the existing inconsistency through amendments to the Zoning Ordinance only and make no changes to the development intensities included in the adopted 2030 General Plan at this time.

The changes to the Housing Accountability Act further limit the discretion of local agencies by prohibiting the denial or conditioning of a development proposal in a manner that reduces the amount of housing on the site based on subjective design or development standards. Subjective standards may only be applied to development proposals in a manner that *"facilitate[s] and accommodate[s] development at the density permitted on the site and proposed by the development"* (CA Gov. Code 65589.5(f)(1)). The City currently has many objective standards in its Zoning Code and General Plan that have long been part of the development review process. However, the City has also been able to use subjective standards and findings to regulate new development as well. Given the changes in State law, it benefits the City to transform many subjective standards and findings into objective ones and to consider new standards that will add more certainty to the development review process.

Project Goals and Scope

This work is all part of the Objective Standards for Multi-Family and Mixed-Use Housing ("project"). It has involved the project team working with the community to develop and refine objective design and development standards to supplement and quantify existing standards found in the Zoning Ordinance and General Plan. Simultaneous efforts in the Public Works Department and the Parks and Recreation Department have resulted in proposed standards for utility undergrounding, refuse receptacles, sidewalk widths, street lighting, roadway improvements, and standards for planting and maintaining street trees. The project also seeks to create new zone districts that can be applied to sites identified for mixed-use in the adopted 2030 General Plan. This project includes a complete set of zoning standards that will allow development proposals to achieve the development capacities identified in the General Plan, as required.

In addition to the objective standards project, the proposed ordinance includes amendments to improve the functionality of the Zoning Ordinance and bring it up to date with State law. The objective standards and Zoning Ordinance updates were originally processed as two separate

ordinance amendments, but because they propose to amend some of the same Zoning Ordinance sections (24.04 and 24.12), they could create overwriting issues with updating the Ordinance if processed separately. To prevent confusion and ensure that the intended revisions are made for both projects, the revisions of the two projects have been combined into one ordinance, with a separate ordinance for Municipal Code sections that are not part of the Local Coastal Program.

This report will briefly address the six topical areas of the ordinance amendments, discuss the rezoning proposal, and will direct readers to attachments for additional detail on any of the topics addressed. The project includes Design and Development Standards for Multifamily housing, Amendments to existing zones and permit processing to incorporate the Design and Development Standards, amendments relating to Public Works, amendments relating to and supporting street trees, and other miscellaneous Zoning Ordinance changes, as well as the proposed rezoning of 387 parcels of property to implement the new mixed-use zone districts. The six topics covered by the proposed amendments are:

1. Design and Development Standards for Multifamily Housing,
2. Development Review Process Changes,
3. New Mixed Use Zones,
4. Public Works Standards,
5. Street Tree Standards, and
6. Miscellaneous Zoning Ordinance Updates

Community Engagement

A goal of this project has been broad community engagement and ensuring that a representative segment of Santa Cruz residents and workers are providing feedback and insight about the most important features of site and building design. As discussed in the attached Community Engagement memo presented to both the Planning Commission and the City Council in December 2020, the project team focused on reaching historically marginalized demographic groups such as low-income households, the Latinx community, and students. Further, this process included efforts to reach new voices and residents who have not previously participated in a public outreach campaign like this one regardless of their demographic identities.

The project team, including City staff and consultants, conducted community outreach in four primary phases designed to bring in new voices and provide the context for community members to participate in meaningful ways. The process began in the spring of 2021 with an outreach event focused on introducing the project and explaining some of the history of land use regulation and the inequities that have resulted from past zoning practices. Following this event in the Summer of 2021, the largest phase, a Community Survey on Design, garnered over 600 responses, including 40+ responses in Spanish language and providing a solid foundation for the project team to understand the values and priorities of the community. Following the survey, the project team drafted design standards, and worked with Focus Groups to refine and adjust the standards to be sure that a broad range of perspectives were represented. Six focus groups including Students, East Side Residents, Latinx/Chicanx Residents, Low-Income Households, Young Adults 25-35, and Renters provided the specificity and nuance needed to refine the draft standards before releasing them for public review in the Fall of 2021. The final round of public review and comment on the draft standards allowed for some additional clarifications, edits, and

adjustments to the draft design standards. A comprehensive list of responses to these public comments is included with the materials for the Planning Commission Agenda of June 2, 2022.

Test-Fits

In addition to the input from the Santa Cruz community, the project team conducted technical analyses to evaluate the City's existing General Plan and Zoning standards to identify areas of incompatibility as well as financial infeasibility. Testing the existing development standards with a hypothetical development helped to illustrate where existing standards are effective and where they started to break down. A Feasibility Calculator Tool was developed using multiple financial inputs to help determine if a project could be financially viable. In looking at the hypothetical projects, these "test-fits" provided an unbiased look at the way the existing regulations work to shape the built environment and evaluated how the regulations work on different types of sites. The project team looked at one large site and one smaller site in the Mixed-Use High Density (MXHD) General Plan Land Use Designation, as well as one Mixed-Use Medium Density (MXMD) site, and one Multiple Residence - Low Density Zoning District (R-L) multifamily site to perform these tests of hypothetical housing developments. The full details of these tests are included with the Planning Commission Staff Report of January 7, 2021 attachment. While the analysis gets quite detailed, the main take away points were these:

- Small sites are challenging because of the relative challenges of smaller projects (efficiencies of scale like fewer square feet to spread costs and development standards such as setbacks and parking that take up a greater percentage of the project site).
- 2.75 floor area ratio (FAR) can be reached on MXHD sites, but the project would likely need at least a four-story height limit.
- Not all sites may be economically feasible for mixed-use.
- Parking requirement for retail is high
 - Ground floor retail on larger developments typically required an extra level of structured parking, but
 - Retail parking pushed the development over the FAR limits, and
 - Retail parking is difficult on small sites due to the parking requirements.
- If mixed-use continues to be a priority for the City, the standards could:
 - Reduce parking requirements for retail in certain areas or in mixed projects,
 - Exclude parking from FAR calculation (undesirable), or
 - Eliminate the parking requirement for retail on small sites under 10k sf (or similar)
- Reduced intensity is likely to slow housing development.
- Residential-only development is more economically feasible than mixed-use.
- Even when development is deemed feasible, the profit margins are tight, indicating a housing market sensitive to cost increases.

DISCUSSION: Over the past two years staff have worked with the consultant team at Urban Planning Partners to design and execute an equitable and effective planning process that can serve the goals of fully implementing the City's 2030 General Plan and creating design and development standards for multifamily housing through an engaging public process. Achieving these goals helps ensure that new residential development in Santa Cruz contributes positively to the built environment and enhances residents' and visitors' sense of place while meeting the

needs of current and future residents for a full range of housing options. Concurrently, staff in other City departments have been working to ensure that their own standards are sufficiently objective so that they can be applied in a predictable manner to development proposals. The proposed changes by the Public Works Department seek to address the level of objectivity in standards relating to public realm and street right-of-way improvements, and the Parks and Recreation Department proposes standards for ensuring installation of new street trees and has taken the opportunity to make several amendments aimed at modernizing and updating the regulations about street trees and other vegetation in the public right-of-way. Lastly, as mentioned above, this item has also been combined with a Zoning Ordinance amendment package addressing conformance with various state laws, adjustments to fencing and accessory structure regulations, and other minor amendments.

Design and Development Standards for Multifamily Housing

The proposed design and development standards apply to the entire City except for the Downtown Plan area, which has its own objective design standards. The standards will apply to all new housing that is built except for new single-family homes and new accessory dwelling units. All other housing will be required to meet these standards to qualify for a streamlined project review process. The standards are proposed as a new section within Chapter 24.12 of the Santa Cruz Municipal Code relating to Community Design, and will ultimately also be produced as a standalone document for developers, the public, and decision-makers to reference. Both documents will contain the same language, with some minor changes to the way cross-references are made in each.

When reviewing the proposed standards, please note that each subsection includes a title and a goal indicating intent of the standard and note that some standards will apply to all development proposals while others apply only to certain zone districts or only along major transportation corridors. The maps of “Residential Zones,” “Commercial and Mixed-Use Zones,” and “Parcels on Corridors” included with the attachments show the parcels where the various standards will apply based on zoning and location.

Public Review Comments

A public review draft was released in November 2021 to allow time for the community, local designers, developers, and staff to review the standards and fine-tune them. Several refinements have been made that reflect this input. The strikeout version of the standalone document included with the attached Planning Commission item of June 2, 2022, shows the changes that were made following the release of the public review draft. Most of the changes shown are additions to add clarity and specificity to the standards as drafted, and some address specific situations that were not called out explicitly in the Public Review draft, such as how standards for public frontage apply on lots with multiple frontages. A few of the standards did change significantly: the draft standard for Upper-Level Taper was replaced with a standard for a Neighborhood Transition Plane, and the draft standard requiring Live-Work units on the ground floor of residential buildings in commercial zones was re-worked to create an allowance for these units rather than a requirement, coupled with additional standards for commercial uses in those buildings.

The structured feedback collected through the online engagement platform led to a change in the proposed standards for tapering at roof tops of building over three stories in height, and that

standard has been replaced by a standard requiring a transition to neighboring residential areas by incorporating setbacks and landscaped buffer strips. (See standards I. D(3), I. E(2) for buffering, and II. A. for neighborhood transitions.)

Several community members submitted suggestions for additional standards. Examples of standards that were added to the proposed draft objective design standards include requirements for dark sky best practices for lighting, landscape buffers in most areas with neighborhood transitions, full shielding of headlights from parking structures, options for open space amenities for project residents, and setting standards to buffer rooftop activity and lighting from adjacent residential uses. A full list of the community comments staff received is included with the Planning Commission Item of June 2, 2022 as the Community Suggested Standards attachment and is organized by comment author's name. The document also includes a staff response to each suggestion indicating whether a community comment was incorporated or addressed in the proposed standards, is already sufficiently addressed through other existing state or local regulations, is prohibited by existing regulations, or is not recommended due to staff concerns regarding policy choices or implementation.

These changes to the standards are discussed in more detail in the attached Planning Commission Agenda Report dated June 2, 2022.

Development Review Process Changes

Streamlining of the development review process is proposed because additional objective design standards will create more development certainty and State law has fundamentally altered the amount of discretion available to local jurisdictions. Given the requirement to approve housing development proposals that conform to the objective standards, the proposed amendments seek to reduce the number of development applications that will require a public hearing before either the Zoning Administrator or the Planning Commission.

Because the objective design standards for multifamily and mixed-use housing are new and limited to features of site and building design, staff and the consultant team understand the possibility that development proposals may need or desire to vary from one or more of the standards to some degree. For example, the standards for building articulation require that a building be articulated (in one of three ways) at least once for every 30 feet of frontage. A situation could arise where a site would require four such articulations based on a strict application of the standards, but the developer is proposing a design that includes only three articulations due to construction constraints. Staff is interested in supporting housing development and also faithfully implementing the standards that have been drafted through extensive community participation. To this end, the proposed ordinance would allow for alternative designs only when a public hearing is held and only when the hearing body can make certain findings. At a public hearing, the hearing body will consider the merits of the proposed alternative design relative to the goal established for each of the standards from which they are proposing to vary. Other entitlement solutions providing opportunities to vary from development standards (Variance, Planned Development Permit and Density Bonus) will continue to require a public hearing.

These proposed new procedures are implemented in code Sections 24.04.090, 24.04.130, and 24.08.400 et seq, and they are discussed in further detail in the attached Planning Commission Agenda materials of June 30, 2022.

The proposed review process would maintain the existing requirement for a Design Permit for all new multifamily or mixed-use development proposals. The proposed process would lower the threshold for triggering that permit from three units or more to two units or more to fully comply with the definition of multifamily housing in the Housing Accountability Act. By requiring a Design Permit, the City ensures that the right to appeal a project approval is maintained, even if a public hearing is not required as part of the initial action, and that the California Environmental Quality Act (CEQA) will continue to apply. Importantly, the City's Community Outreach Policy will remain unchanged for multifamily development proposals regardless of the level of review, creating an opportunity for nearby residents to be notified of new development proposals and to participate in a discussion with the project developer about the proposal prior to the completion of the review by City staff.

New Mixed-Use Zone Districts

Six new zone districts are proposed to be added to Chapter 24.10 to implement the vision and land use pattern established in the City's 2030 General Plan and the Ocean Street Area Plan (OSAP). These zones will implement the three mixed-use General Plan land use designations that have been in place in Santa Cruz since the 2030 General Plan was adopted in 2012, as well as the height ranges adopted in the OSAP in 2014. The six new zones consist of four zones along Ocean Street, one zone along Mission Street, and one zone along Soquel Avenue/Branciforte Avenue/Water Street/Morrissey Boulevard. The locations of these new zones are shown in the attached Zoning Map Amendments exhibit to the attached Zoning Map Ordinance. The zone districts and the purpose of each is listed below. A summary of the site standards for each zone is included as an attachment.

The six new zoning districts proposed are:

1. 24.10.800 Mixed-Use, Medium Density (MU-M): located along Mission Street.
2. 24.10.810 Mixed-Use, High Density (MU-H): located along portions of Soquel Avenue, Water Street, Branciforte Avenue, and Morrissey Boulevard.
3. 24.10.820 Mixed-Use, Ocean Medium Density (MU-OM): located on Ocean Street.
4. 24.10.830 Mixed-Use, Ocean High Density (MU-OH): located on Ocean Street.
5. 24.10.840 Mixed-Use, Visitor-Serving High Density (MU-VH): located on Ocean Street.
6. 24.10.850 Mixed-Use, Visitor Additional Height (MU-VA): located on Ocean Street.

The proposed new zoning districts allow the Zoning Ordinance to align with the 2030 General Plan. The 2030 General Plan uses Floor Area Ratio (FAR: ratio of floor area square footage within a building to the square footage of a parcel) to set the amount of development allowed on a given site. In the Mixed-Use High Density (MXHD) and Mixed-Use Visitor Commercial (MXVC), the FAR in the General Plan is 2.75. The FAR is 1.75 for the Mixed-Use Medium Density (MXMD) designation. The current zoning standards do not allow for these General Plan

development intensities, so changes to standards such as height, setbacks, and open space requirements are necessary to comply with state law.

The MU-H zone district implements the MXHD General Plan designation, the MU-VH and MU-VA zone districts implement the MXVC General Plan designation, and the MU-M, MU-OM, and MU-OH zone districts implement the MXMD General Plan designation.

Staff determined the degree of the mismatch between the FAR and the development standards of the current zoning code through the test-fit analyses discussed above. These test-fits were previously presented to the Planning Commission and the City Council on January 7, 2021, and March 9, 2021, respectively. In these new zones, additional stories of height are proposed to address the discrepancies identified through that analysis. For example, properties in the proposed MU-H zone will have an allowed height of five stories and 60 feet of height, rather than the three stories and 40 feet of height currently allowed in the Community Commercial zone.

Increasing the height in these districts is necessary, because since the beginning of 2019, state law has required that local municipalities allow full build out of the planned development capacity on any parcel where housing is an allowed use, based either on the General Plan or zoning allowance. The law allows existing zoning to be waived if it cannot accommodate a General Plan development capacity, allowing instead zoning standards that accommodate the full development capacity. To that end, these amendments to the zoning ordinance do not change development capacity that is already possible and only seek to create more transparency and consistency for all users of the document including the general public, staff, developers, and decision makers.

Rezoning/Amendments to Zoning Map

The action to amend the zoning map to include six new mixed-use zone districts and to rezone the parcels as identified on the attached maps will create a zoning map that fully implements the land use pattern and designations established in the 2030 General Plan. The land use pattern creates residential and commercial intensity in areas with access to public transit, bike lanes, and a critical mass of retail and service uses to support households and create employment opportunities. Focusing new development into these areas represents the current best practices for zoning and supports the community by creating new opportunities for both residential and commercial development within the existing infrastructure of the City. The required finding was made by the Planning Commission based upon the uses, site standards, and other regulations of the six mixed-use zone districts, and maps showing the parcels to be rezoned fully implement the provisions of their General Plan land use designation. A total of 387 properties are proposed for rezoning to one of the proposed six new zone districts. The zoning map changes are made through an ordinance, so a draft ordinance reflecting those changes is attached.

Planning Commission Review

The portions of this project that fall within the City's zoning code, Title 24 of the Santa Cruz Municipal Code, were reviewed by the Planning Commission as two parts due to the size and scale of the item. The Planning Commission reviewed the objective design and development standards on June 2, 2022 and reviewed the rezoning and development review processes first on

June 30, 2022 and then again on July 21, 2022. The zoning ordinance update amendment package was part of a separate action by the Planning Commission and is discussed in another section below.

Action on Design and Development Standards

On June 2, 2022, the Planning Commission received a report from the project team addressing the final package of the objective standards. A draft package had previously been presented to and discussed by the Planning Commission in late 2021. The project team addressed the overall scope of the proposed standards, focusing on the adjustments and edits that had been made in response to public comments (a comprehensive list of responses to public comments received via email is included with the agenda report for the item). The Commission received public comment on the proposal and then deliberated on the proposed amendments.

The Planning Commission supported all of the staff-recommended objective standards and sought to add several other standards by way of motion. First, on a vote of 6-1, the Commission recommended that two conditions be added to the proposed objective development standards: first, that no vinyl windows be permitted on street-facing building facades, and second, that developments of fifty units or more provide bus passes to tenants at their request. Second, on a vote of 4-3, the Commission recommended that the inclusionary housing requirements of the Municipal code be adjusted to require that development proposals of more than 50 units meet an inclusionary standard of 25% and that proposals of more than 100 units meet an inclusionary standard of 30%.

For the first motion regarding vinyl windows, staff has considered these recommendations and has adjusted the staff-recommended ordinance as follows:

- Vinyl windows are not permitted on building faces oriented toward streets, other than alleys, for buildings up to three stories in height.
- Vinyl windows are not permitted on any building face of buildings over three stories in height.

Staff agrees the Commission's idea of not permitting vinyl windows in certain circumstances and seeks to further improve upon the idea with the above recommendations. Staff is concerned that taller buildings can be especially visible on all four sides, including from adjacent neighborhoods, so high-quality window materials should be used consistently around the building at four stories or more in height. At three stories in height or fewer, the Planning Commission recommendation would remain unchanged.

Additionally, while staff generally supports a standard relating to increased mandatory Transportation Demand Management (TDM) strategies as part of new rental housing development, staff recommends that the Council direct staff to consider such a measure as part of the more comprehensive transportation demand management and parking requirements policy work that will be part of the implementation of the forthcoming Climate Action Plan. Currently, providing bus passes is one of the options developers can use to reduce their overall parking requirement for a project based on the City's Parking Reduction Worksheet, and there are other options available that provide a larger reduction in trips based on our local conditions. Policy makers will want to evaluate the pros and cons of requiring a specific TDM measure as part of

the Objective Standards project. The location of the project will be relevant, as not all areas of the City are equally well-served by transit, and currently Metro does not have an established program for purchasing bulk passes.. An alternative could allow developers to select TDM strategies from the existing worksheet that could total a set amount of reduction in required parking, and such flexibility could be preferable in some, most, or all circumstances based on the size, location, and type of housing development project. Staff and decision-makers will also want to consider how monitoring of this type of requirement would take place over time, and what the consequences would be if transit service shifted significantly. City staff may want to discuss with Metro what the best options are before creating a standard like this.

If providing bus passes is the preferred option, other considerations should be: rationale for including only projects of over fifty units, whether the passes should be provided (via a homeowners' association) to both renters and property owners residing within ownership projects, and whether passes should be provided only upon request or to all residents (as a measure to potentially induce ridership and to increase funding for Metro), how compliance monitoring would take place and what the enforcement mechanism would be for non-compliance. In order to allow for consideration of these and potentially other relevant topics, staff recommends that this topic be considered at a later time with the various implementation actions as part of the forthcoming adoption of the new Climate Action Plan.

With regard to the two provisions relating to the City's affordable housing inclusionary rate recommended by the Planning Commission, staff has not included these measures in the staff-recommended ordinance amendments for a number of reasons. Staff is concerned that there is no evidence in the record to support this recommendation. No financial feasibility analysis has been conducted on the implications for such a change on whether housing development would occur or not. As part of the upcoming Housing Element process, such analysis would be needed to assess the City's governmental constraints on housing. Additionally, due to the cost associated with producing and operating deed-restricted housing units affordable to low-income households, rental rates or sales prices for market-rate units are increased to cover those costs. The test-fit analysis and Feasibility Calculator Tool created as part of the Objective Standards project showed that as little as a 2% shift in profit margin is sufficient to move a project from "likely" to be built to "not likely" to be built. A slowdown in housing production will have negative consequences for not only city residents seeking housing units, but for City administration and planning entitlement processes, as required by state law and enforced by the California Department of Housing and Community Development (for example, see discussion below of SB 35).

Staff has looked for examples of inclusionary housing rates similar to the ones recommended by the Planning Commission and found none that were established without a supporting nexus study. Recently, the City of San Francisco saw housing production fall by as much as 50% in the wake of increasing inclusionary rates above 20%¹. While many factors could contribute to that decrease, staff is concerned that the increase in inclusionary rates and its associated increase in development costs did play a role given the timing of the slowdown, and staff is concerned that

¹ "San Francisco housing development has slowed to a crawl, with no uptick in sight: 'The costs are simply too high'", [San Francisco Chronicle](#). June 27, 2022

Santa Cruz could experience similar reductions in housing production if increases to the inclusionary requirements such as those recommended by Planning Commission were adopted.

Should a higher inclusionary rate lead to a slowdown in housing production, it could lead to fewer affordable units being built than under the current inclusionary rate. For example, if 500 housing units were applied for in the past 12 months, a 50% slow-down would reduce that to 250 housing units. Setting aside the potential for density bonus units, applying the current inclusionary rate of 20% would yield 100 affordable housing units out of the 500, compared with the recommended inclusionary rate of 25-30%, which would yield between 63 and 75 affordable housing units if the pace of housing production slowed to 250 units. In this scenario, the higher inclusionary rate results in both fewer market rate housing units and fewer affordable housing units, both of which are undesirable outcomes.

Should a slowdown in housing production occur, the City would not meet its Regional Housing Needs Allocation (RHNA) target. If that were the case, the City's exposure under SB 35 permit streamlining would also be increased, with most, if not all, development proposals eligible for the streamlined SB 35 development approval process. This situation would limit community input in the development review process and would eliminate the City's authority to apply CEQA to new housing developments, both of which are important pieces of the entitlement process. Making "adequate progress" toward the RHNA obligation is defined in the state law as both: 1) meeting the RHNA requirements for every income category by the end of the 8-year RHNA period; and, 2) issued permits for at least half of the Above-Moderate (market rate) income category obligation at the midpoint of the 8-year cycle. The State requirements push for a production in affordable and market rate housing. For market rate, the City will need to issue permits for at least 803 market rate housing units between mid-2023 and the end of 2027 to meet the RHNA target. For comparison, the City issued permits for only 356 such units over the past four years, through the end of 2021.

Regarding the Density Bonus, since the adjustment to the City's inclusionary rate from the historic rate of 15% to the current 20% rate citywide, all but three of the sixteen development proposals subject to that higher rate that are considered "significant" under the City's Community Outreach Policy have been Density Bonus applications. Of those three, two are proposing development that is not subject to a density cap (one in the Downtown Plan Area and one as a single-room occupancy (SRO) proposal), and one is utilizing a Planned Development Permit process to seek variation from existing standards in exchange for a public benefit. Utilizing the State Density Bonus Law often has the effect of reducing the effective affordability rate to 15% or less overall – which is similar to the previously established inclusionary requirement supported by the 2018 analysis by the City's economic consultant Keyser-Marston.

Based on these facts, staff does not recommend increasing the inclusionary rate without substantially more evidence showing that such a move will not have a cooling effect on housing production. There is currently no such evidence in the record. Slowing production of market rate housing through increased inclusionary requirements will also slow the production of needed affordable, inclusionary units. The resulting production slowdown has the potential to increase all housing costs at a faster pace than would be the case if more housing is produced, and a housing production slowdown does not support the interests of any of the City's current residents.

other than those that currently own property. Development of new affordable housing units will be more successfully addressed by supporting market rate housing production and through the creation of new or increased federal, state, and local funding sources that can fund the construction or acquisition of housing that can be deed restricted to remain affordable over the long term.

Action on proposed Mixed-Use zones and Permit Review processes

On June 30, 2022, the Planning Commission heard the proposal to rezone properties into six new mixed-use zone districts and their associated development standards and heard the proposed changes to the permit review process. There were several motions in deliberation but due to the absence of one Commissioner, all motions proposed yielded tied 3-3-1 votes, and the item was continued to the hearing on July 21, 2022.

At the meeting on July 21, the Commission passed a motion to recommend that Council approve the staff recommendation and further add a development standard that an inclusionary rate of 25% be applied to the base units of a project seeking a 35% Density Bonus and that an inclusionary rate of 30% be applied to the base units of a project seeking a 50% Density Bonus.

Increasing the inclusionary rate in this manner would have the effect of yielding an overall affordability rate of 18.5% and 20% respectively for the described scenarios. Staff has received a preliminary opinion from the City Attorney's office that such an approach, with differing inclusionary requirements for Density Bonus and non-Density Bonus projects could potentially be crafted in a way that it does not conflict with the existing Density Bonus Law or the *Latinos Unidos vs. County of Napa* decision. However, there are no examples of other jurisdictions that have pursued such an action. For the same reasons detailed above, staff does not recommend the addition of this type of standard, primarily due to the strong possibility that it would slow housing production and result in fewer affordable and market-rate housing units, thereby hindering the City in making adequate progress toward upcoming RHNA obligations. These issues are discussed in further detail in the attached Planning Commission Staff Report on the continued Objective Standards item from July 21, 2022.

Public Works Standards

The proposed Public Works Municipal Code revisions incorporated into the municipal code amendments create objective standards for the Public Works elements that apply to all new multi-family and mixed-use residential projects. The proposed amendments include: Sections 6.12 (refuse container storage), 12.60 (underground utility districts and overhead wires), 15.15 (public realm design), 15.20 (sidewalk standards), and 24.12 (required loading spaces, underground utilities/fiber optic conduit, and driveway sight distances). All proposed revisions work together to create objective standards consistent with the City's General Plan, Area Plans, and Zoning Codes, and to help ensure that new development contributes positively to the urban environment by incorporating appropriate public improvements and necessary safety features.

These proposed amendments were reviewed by the Transportation and Public Works Commission on May 16, 2022 and received a recommendation for approval by the City Council. Agenda Report materials and minutes from that meeting are attached.

Street Tree Standards

The proposed standards for multifamily housing in Section 24.12.186 create a requirement for street trees to be planted adjacent to new housing development. The revisions proposed to Chapter 13.30 include objective standards that improve the clarity, usefulness, and consistency in the Municipal Code.

The proposed revisions to the Tree Ordinance also follow the recommendations of the Street Tree Master Plan, which was reviewed by the Parks and Recreation Commission in March 2021 and approved by City Council in April 2021. Among the objectives in the Urban Forest Policy and Regulation focus area of the plan (Goal 11) is to “explore revising and amending municipal code to promote the protection of community trees.” Specifically, the plan recommends higher professional standards for contractors and conformance with current industry standards so that street trees are planted and maintained in a manner that will lead to their long-term success. The proposed revisions will also improve the City’s legal protections and ability to recover costs associated with street tree planting and maintenance.

These proposed amendments were reviewed by the Parks and Recreation Commission on April 11 and June 13, 2022, and they were recommended for approval by the City Council. Agenda materials and minutes from those hearings are attached.

Street Tree In-lieu Fee Resolution

Staff are proposing the establishment of an in-lieu fee for street trees. In the City of Santa Cruz, in-lieu fees are currently assessed for permitted removal of a heritage tree when no tree can be replanted on site. Funds received go into the Street Tree Fund (Fund #125) and are used to support the acquisition and planting of trees on public lands throughout the City. Currently no in-lieu fee is assessed for non-heritage-size street trees that are removed and cannot be replaced on site.

The proposed language in Chapter 13.30.100 is that in circumstances where replacement of a removed street tree is not feasible due to conflicts with planned or existing public infrastructure, including other street trees, or existing private infrastructure, the Parks Department director may in his or her sole discretion, authorize the payment of an in-lieu fee. This fee shall be set by City Council resolution.

Staff propose to assess in-lieu fees based on the cost for the City to purchase, install, water for two years, and perform an initial structural pruning on a replacement tree. For removed street trees greater than seven inches in diameter, the fee would be based on the planting of a 24” box tree. For removed street trees less than or equal to 7” in diameter, the fee would be based on the planting of a #15 container size tree. Our current calculations and proposed fees for inclusion in the master fee schedule are \$1,705 for trees greater than seven inches in diameter and \$1,510 for trees less than or equal to seven inches in diameter. These fees are in line with those assessed by other municipalities surveyed. The P&R Commission voted in their August 8, 2022 meeting to support the establishment of a street tree mitigation fee, and a resolution that would effectuate that is included as an attachment and recommended action.

Establishing an in-lieu fee for street trees should support Santa Cruz’s urban forest in two ways. One, fees such as these proposed may incentivize property owners to replant on site. Two, these

fees should increase funding for City-supported tree planting and maintenance throughout Santa Cruz. For the above-noted reasons, staff recommends that the Council adopt the resolution to establish this fee at this time.

Further detail on this item can be found in the attached agenda materials for the Parks and Recreation Commission agenda of August 8, 2022. The Parks and Recreation Commission has recommended this resolution for adoption by the City Council.

Miscellaneous Zoning Ordinance Changes

The proposed miscellaneous revisions that update the Zoning Ordinance fall into several categories: amendments for internal consistency, process streamlining, conforming with State law, updating existing standards, and other minor corrections and revisions. Amendments that would provide internal consistency in the Zoning Ordinance include updating the list of permit types in Chapter 24.04 – Administration. Amendments to streamline processes include removing the public hearing requirement for a restaurant to serve alcohol (Low Risk Alcohol Permit) and changing the setbacks for 6-foot exterior side yard fences adjacent to streets. Amendments for conformance with State law include updating the regulations related to family daycare homes and relocation assistance. Amendments that update existing standards include changes to 24.12.140 – Accessory Buildings and Structures. Several other minor corrections and revisions would add the Planning Director to those allowed to initiate zoning map and code text amendments and remove references the Redevelopment Agency. More detail on the proposed Zoning Ordinance updates can be found in the attached Planning Commission staff report from July 21, 2022.

Community Outreach

A community meeting was held for the ordinance update item on May 12, 2022. One member of the public had questions about the amendment, specifically asking for examples of when the Planning Director might initiate a zoning map or code text amendment and expressing concern about the proposed change of the maximum fence height. While Zoning Ordinance updates are generally included in the Advance Planning Division's Three-Year Work Plan, which is approved by City Council, there are occasions when changes to State law go into effect rapidly and ordinances to adjust to such changes may not be included in the Work Plan, necessitating the Planning Director to initiate the text amendment. It should also be noted that after the community meeting, the proposed amendment related to fence heights was moved from the Ordinance Update project to the Objective Standards as it fit in with other related changes proposed in that project.

In addition to the community meeting, staff reached out personally to a property owner, Kindred Sparks, with a non-compliant accessory building in her front yard about which the City had received complaints and which is subject to a Code Enforcement case. Ms. Sparks was informed about the community meeting and of the public hearing schedule for the ordinance amendments, and staff discussed the draft code revisions with her.

Staff also received comments and suggestions related to changes to the fence ordinance after the Planning Commission public hearing. Staff made minor clarifications based on this input to

make clear that the fence ordinance also applies to hedges and to further clarify the openness of the portion of fences over six feet.

Planning Commission

The Zoning Ordinance update project was presented to the Planning Commission on July 21, 2022. One letter was received by the Planning Commission that brought up three topics related to the amendment package item and the Objective Standards item. The letter asked about when the Planning Director would initiate zoning map and text amendments (Ordinance Update), it discussed the issue of light pollution and glare (Objective Standards), and it expressed concern about the proposed change in fence height (originally in Ordinance Update, now in Objective Standards).

The change in fence height would allow a fence to be up to 8 feet height if the section of fence between six feet and eight feet in height is at least 50% transparent. Applications for this type of fence are commonly received by the City, and there is generally no community opposition to these projects. For the sake of permit streamlining and reduction of process requirements for staff and the public, staff believes the proposed changes to the fence height requirements are reasonable. Notably, whereas most provisions in the objective standards section apply to developments of two or more units, these expanded fencing allowances would also apply to single-family residences.

Ms. Sparks, the owner of the nonconforming accessory building in her front yard, was the only member of the public to speak to the Planning Commission on this item. She said she had researched whether treehouses needed permits and upon finding that they do not, she had allowed her son to build what she described as a treehouse in the front yard. As the building is not supported by the tree and is a free-standing building supported by posts built adjacent to the tree, the City does not consider it to be a treehouse. It has at least two solid walls and a roof, so it is considered an accessory building.

The existing accessory building regulations do not allow accessory buildings in the front or exterior side yard setbacks. Staff initially proposed amendments to the Planning Commission to modify the current prohibition to allow accessory buildings that are no more than 5 feet in height and 30 square feet in area within the front and exterior side setbacks. This proposed change was intended to allow a children's playhouse to be in the front yard while prohibiting other larger buildings such as storage sheds and still seeking to maintain visibility between public streets and homes. In addition, the proposed ordinance would allow accessory structures such as gazebos and pergolas in the front and exterior yard setbacks if they are not higher than 8 feet and are at least 90 percent transparent. The intent is to allow such structures but to ensure visibility both to the main building from the sidewalk/street and from the main building to the sidewalk/street, providing both opportunities for neighborly interchanges and eyes on the street as a safety measure. In addition, the height limitation is intended to prevent such structures from dominating the front setback, keeping the residential structure as the main feature of the property.

After deliberation, the Planning Commission voted six to zero with one member absent to recommend that the City Council approve the staff-recommended Zoning Ordinance Update amendments with one modification: that children's play structures be exempt from the ordinance

if they are less than fifty square feet in plan area, less than fourteen feet in height, have a minimum setback of three feet from the front property line, and would not create a traffic safety hazard. While the ordinance as proposed defines a building as having a roof and walls, as opposed to structures, which are more open, it is Staff's interpretation that the Planning Commission did not make this distinction and intended this modification to include both structures and buildings that are designed and used by and for children. Staff has some concerns about visibility issues that may occur due to this modification, where views between the main residence and street/sidewalk are obstructed, but staff recommends acceptance of this modification due to the generally temporary nature of children's play structures and their infrequent placement in the front setback. With this modification, the originally proposed exception for accessory buildings in front and exterior side yard no more than 5 feet in height and 30 square feet in area becomes obsolete and is replaced by the Planning Commission modification. Notably, staff has confirmed that the Planning Commission's recommendation, which staff has carried forward into the proposed ordinance, would allow for Ms. Sparks' play structure to remain in place, should Council ultimately adopt such code changes.

Local Coastal Program Consistency

The City's Local Coastal Program (LCP) is the tool used by the City and the Coastal Commission to effectively regulate development activities within the Coastal Zone. Because the objective design standards will apply to all new multi-family and mixed-use housing developed in the City, the standards constitute amendments to the Local Coastal Program Implementation Plan. City staff consulted with Coastal Commission Staff this past winter to review the draft standards for potential concerns.

The Coastal Commission identified the previously-proposed reduction to required open space in residential zone districts as a potential concern for coastal resources, and as a result, staff has removed this reduction and is proposing to maintain existing requirements for total square footage of open space per dwelling unit for residential zone districts. As the proposed standards are facilitating allowed existing development capacities rather than increasing those capacities, which are already permitted by the LCP, staff concludes that the remainder of the proposed ordinance will have no physical effect on the size or type of development permitted within the Coastal Zone.

The proposed amendments to the Municipal Code would implement several Policies and Programs in the City's LCP. The following are the LCP provisions that are supported by the actions included in this package of amendments:

Policy CD 1.1: "Infill and intensify land uses consistent with existing neighborhood or commercial district patterns in developed areas currently served by municipal services."

Program CD 1.1.2: "Develop design criteria to ensure compatibility of infill development with existing neighborhoods and proposed development patterns."

Policy CD 3.6: “In pedestrian areas, require building design to be responsive to the pedestrian environment. These areas include but are not limited to Downtown, South of Laurel, the Beach, wharf, shoreline, and commercial shopping areas.”

Policy CD 3.7: “Require development to incorporate features to promote pedestrian use including new linkages to the pedestrian system.”

Program L 2.1.2: “Maximize land intensity or densities in areas unconstrained by resources or hazards and having adequate service capabilities.”

Program L 2.6.4.3: “Allow and encourage residential development in non-residential districts and develop appropriate design guidelines and incentives for this type of development.”

Program L 2.9.1: “Identify areas where mixed-use development opportunities exist and develop appropriate guidelines and incentives to encourage that type of development.”

Program L 5.3: “Provide for high-density development and mixed uses, where appropriate, as well as transit- and pedestrian-oriented land use patterns to reduce dependence on the automobile and support the use of mass transit and other alternative transportation modes.”

Program C 5.9.7 “Where possible underground utilities along the City’s roads and prioritize utility undergrounding on streets scheduled for reconstruction.”

Staff believes that this list demonstrates the conformance of the proposed amendment package with the goals, policies and programs of the LCP, and by extension the California Coastal Act.

Next Steps

Following action by the City Council, if the project is approved, a second reading will take place on the next available agenda, and then the municipal code amendments will take effect outside the Coastal Zone 30 days after the second reading. Staff will prepare a submittal to the California Coastal Commission for review of the sections of the proposed ordinance that are part of the Local Coastal Program Implementation Plan (LCP IP) and will work with Coastal Commission staff to process the amendments in a reasonable timeline. The amendments will not take effect inside the Coastal Zone until they are approved by the Coastal Commission.

Staff will begin implementation of the ordinances in accordance with the dates and locations where they take effect and will begin processing development applications with the new process and objective standards later this year.

Additionally, there are a few follow up items that will require public hearings later this year or early next: first, at a prior Council meeting, we highlighted the need for a clean-up General Plan text amendment to remove and clarify text that is no longer enforceable under the current state law. This item was inadvertently missed in the effort to pull all the components of the Objective Standards project together for hearings and will be processed soon. Additionally, the Ocean Street Area Plan (OSAP) requires an amendment to increase the height limit on 15 parcels between Soquel Avenue and Water Street, and west of the intersection of Water and Ocean

Streets that are currently identified in that plan for a 3-story height limit, but which are identified in the General Plan with a 2.75 FAR limit. These two restrictions are incompatible, and planning staff will need to run a community outreach process to work on raising the heights to allow full development of the allowances in the General Plan, and then those sites will need to be rezoned into the appropriate mixed-use zone.

Environmental Review

The project seeks to fully implement what is already allowed in the General Plan and covered by the General Plan's Environmental Impact Report adopted in June 2012. The project also seeks to draft additional objective standards to better define development proposals and ensure the City's goals, as expressed in the 2030 General Plan for active transportation, maintaining the urban forest, promoting high-quality materials and design in new development, and supporting local economic activity and quality of life for residents can be met. Per State of California law, these standards are only to be used so long as they do not impede the allowed development capacities in the General Plan. Given that the amendments do not increase already studied and allowed development intensity, that they largely affect aesthetics, and that they further goals and policies evaluated as part of the General Plan, pursuant to Section 15183 of the California Environmental Quality Act Guidelines, no further environmental review under the California Environmental Quality Act (CEQA) is required.

Regarding the amendments relating to accessory structures and children's play equipment, the proposed amendments do not change the level of impact these structures would have on the natural environment, and due to their small size, largely temporary nature (in the case of children's play structures), and ancillary use compared to the primary residential uses on a property, with the intensity of the primary use not being affected by the proposed amendments, such structures are unlikely to create significant environmental impacts. These proposed amendments are therefore exempt from CEQA review under Section 15061(b)(3).

Health in All Policies

The items relating to the creation of objective standards that are currently before Council are consistent with the Health in All Policies pillars of equity, public health, and sustainability in that they were developed through equitable outreach to a broad population (including those historically underrepresented) and create development standards that may encourage the construction of needed housing, particularly multi-family housing units that serve a broad range of the community and that incorporates sustainable design outcomes.

The proposed amendments to public right-of-way improvements are consistent with the Health in All Policies pillars of equity, public health and sustainability in their promotion of wider access to high-speed internet through requirements for fiber optic conduit, their support of walkable neighborhoods by increasing the width of sidewalks in many neighborhoods to make walking a safer and more accessible mode of transit.

The standards requiring street trees in Title 24, the changes to the Tree Ordinance, and the Street Tree In-lieu Fee Resolution support the Health in All Policies sustainability pillar and the Collective of Results and Evidence-based (CORE) goal of Healthy Environments by insuring that the multiple environmental benefits brought by trees are included in development projects, that industry standard care is given to street trees, and that street tree replacement is prioritized.

The items relating to the miscellaneous Zoning changes are consistent with the Health in All Policies pillars of equity, public health, and sustainability in that they improve the usability of the Zoning Ordinance for all people. The proposed amendments, while relatively minor in nature, will help bring the Zoning Ordinance into conformance with State law, streamline processing of specific permits, more clearly define certain processes and standards, and remove obsolete phrases and sections.

FISCAL IMPACT: The project itself had a minimal direct fiscal impact, as the vast majority of consultant costs were covered by grant funds. The draft objective standards seek to align the Zoning Ordinance and General Plan standards while also adding transparency to the development review process. Streamlining of conforming projects is also proposed. This may incentivize and induce new mixed-use and multi-family housing development proposals, so the City could receive greater permit fees and impact fees associated with new development. New residents would also result in additional sales tax revenues associated with those residents' spending. However, new residents also bring additional service demands, so any new revenues could come with new service delivery costs.

The establishment of a Street Tree In-lieu Fee will lead to additional funding for planting and establishment of trees on public lands in the City.

Prepared by:

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Planning and Community
Development Director

Approved by:

Matt Huffaker
City Manager

ATTACHMENTS:

Proposed Amendments to Santa Cruz Municipal Code, Non-Coastal Clean
Proposed Amendments to Santa Cruz Municipal Code, Coastal Clean
Proposed Amendments to Santa Cruz Municipal Code, Non-Coastal, Redline
Proposed Amendments to Santa Cruz Municipal Code, Coastal, Redline
Ordinance Amending Zoning Map and Exhibit with Amended Zoning Map
Resolution Establishing Fees for Street Tree Removals
Objective Standards Community Engagement Memo
Maps of Residential and Commercial/Mixed Use Zones, and Parcels with Corridor Frontage
PC Staff Report, Objective Standards, January 7, 2021
PC Staff Report and Minutes, Objective Standards, June 2, 2022
PC Staff Report and Minutes, Objective Standards, June 30, 2022
PC Staff Report and Minutes, Continued Objective Standards, July 21, 2022
PC Staff Report and Minutes, Zoning Update, July 21, 2022
TPWC Staff Report and Minutes, Objective Standards, May 16, 2022
PRC Staff Report and Minutes, Street Tree Ordinance, April 11, June 13, 2022
PRC Staff Report and Minutes, Tree In-lieu Fee Resolution, August 8, 2022
Summary of new Mixed Use zone districts
Public Correspondence

ORDINANCE NO. 2022-XX

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. 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 3. 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 4. 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.**
- 13.30.065 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 plan.**
- 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.”

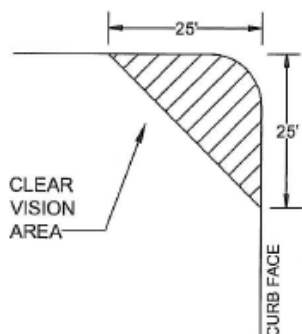
13.30.020 PURPOSE.

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) “Median area” means a planting area lying within a traffic median or traffic island in the public right-of-way.
- (g) “Owner” or “property owner” means the owner of real property as shown on the most recent county assessor’s roll.
- (h) “Parkway” means that portion of the public right-of-way between the curb and the sidewalk.
- (i) “Planting strip” means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.
- (j) “Prune” means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.
- (k) “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.
- (l) “Roadway” means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.
- (m) “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.
- (n) “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.
- (o) “Street” means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.
- (p) “Street tree” means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.
- (q) “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.
- (r) “Traffic Diverter” means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.
- (s) “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.
- (t) “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 by 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;
- (9) Planting and replacing street trees pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in Section 13.30.090.

(c) Before any street tree is planted, pruned, root pruned, removed, or replaced 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, replacement, 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, replacement, or other maintenance.

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 root prune, 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.

- i. 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. This fee shall be set by city council resolution.
- (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 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, electroliner 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 ~~forces~~ 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 as defined in chapter 9.56, monetary damages may be assessed as specified by the director which may include a tree appraisal in accordance with current tree appraisal methods prepared by the International Society of Arboriculture.

13.30.140 INFRACTION.

Any person who violates the provisions of Section 13.30.100 shall be guilty of an infraction 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. ~~through the city clerk~~ 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 5. 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 6. 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 curblin.
- (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 curblin 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 7. 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 = $(0.55 \text{ or } 0.45)$
(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 8. 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 9. 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 10. 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 11. 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 12. 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
<p>* 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</p>	

** 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 13. 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*
• Exterior	8*, **
f. Open space per unit (residential)	

Provisions	Requirement
• Private (sq. ft.)	40
• Common (sq. ft.) and easily accessible to residential units	80
e. Distance between buildings on same lot	10
<p>* 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</p> <p>** 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.</p>	

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 14. 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

Provisions	Requirement
c. Floor Area Ratio, minimum to maximum	1.0 to 2.75
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
<p>* 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</p> <p>** 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.</p>	

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 15. 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 16. 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 17. 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 supplying 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 18. 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 19. 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).

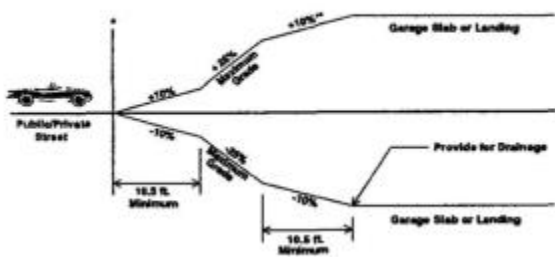
d. When a slope development permit is required pursuant to subsection (1)(c), a site-specific geological review consistent with the California Division of Mines and Geology guidelines shall be provided by a state-qualified professional. The review shall include consideration of material, height of slope, 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 20. 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 SOU 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 21. 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.

89. 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 22. 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 23. 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 ~~six~~ 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 for 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 24. 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.

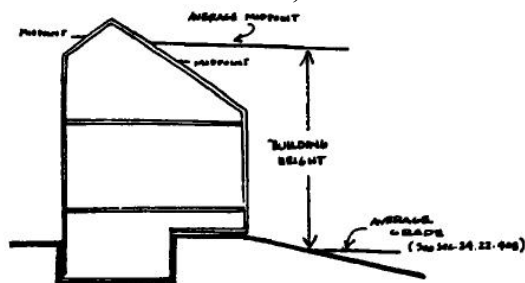
5. “Assumed household size based on unit size” is a household of one person in a studio apartment, two persons in a one-bedroom unit, three persons in a two-bedroom unit, and one additional person for each additional bedroom thereafter.
6. “Child care facility” is a child daycare facility other than 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 25. 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 26. 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 27. 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 28. 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 ~~least~~ 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 29. This ordinance shall take effect and be in full force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 23rd day of August, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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-
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk Administrator

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING CHAPTERS 24.04 – ADMINISTRATION; 24.08 – LAND USE PERMITS AND FINDINGS; 24.10 – LAND USE DISTRICTS; AND 24.12 – COMMUNITY DESIGN OF THE SANTA CRUZ MUNICIPAL CODE AND LOCAL COASTAL PROGRAM TO ESTABLISH OBJECTIVE DEVELOPMENT STANDARDS FOR MULTI-FAMILY HOUSING, ADD NEW MIXED-USE ZONING DISTRICTS, IMPLEMENT DEVELOPMENT REVIEW PROCESS CHANGES, AND MAKE ADDITIONAL MODIFICATIONS TO MUNICIPAL CODE TITLE 24 – ZONING ORDINANCE 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

Section 1. Section 24.04.030 – Types of Permits and Other Actions Authorized by this Title of Chapter 24.04 – Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.030 TYPES OF PERMITS AND OTHER ACTIONS AUTHORIZED BY THIS TITLE.

The following permits and actions are established in order to carry out the purposes and requirements of this title:

1. Appeals;
2. Coastal permit;
3. Conditional fence permit;
4. Conservation regulations modifications (in the Coastal Zone only);
5. Design permit;
6. Demolition/conversion permit:
 - a. Demolition authorization permit for residential structures,
 - b. Historic demolition permit;
7. Extension of permits;
8. Historic building survey: building designation and deletion;
9. Historic alteration permit;
- 9a. Administrative historic alteration permit;
10. Historic landmark designation;
11. Mobile homes: certificate of compatibility;
12. Mobile home park conversion;
13. Planned development permit;
14. Project modifications, pursuant to Section 24.04.160(4)(b);
15. Relocation permit;
16. Revocation of permits;
17. Signs:
 - a. Design permit (for signs),
 - b. Building permit (for signs),
 - c. Sign permit – public art exception;

18. Slope Development Permit (outside the Coastal Zone)
19. Use permit:
 - a. Administrative use permit, for uses requiring an administrative use permit;
 - b. Special use permit, for uses requiring a special use permit;
20. Variance;
21. Watercourse development permit;
22. Watercourse variance;
23. Zoning Ordinance and General Plan text/map amendments.

Section 2. Section 24.04.050 – Permit Application, Submittal and Processing of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.050 PERMIT APPLICATION, SUBMITTAL AND PROCESSING.

Application for any permit shall be made by the property owner, or his/her authorized agent, to the zoning administrator on forms prescribed for the purpose. Alternatively, where a property developer has entered into an owner participation agreement or a disposition and development agreement with the city of Santa Cruz for development of property for which the developer has yet to secure site control, the city may make the permit application if the subject agreement provides for the city's acquisition of the property on the developer's behalf. The application shall include information as may be necessary for adequate review of the application. A list of such information is set forth on the application form.

Section 3. Section 24.04.090 – Public Hearing Requirement of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.090 PUBLIC HEARING REQUIREMENT.

A public hearing shall be required for the following:

1. Appeals;
2. Coastal permit except for an accessory dwelling unit;
3. Conditional fence permit when required by Section 24.08.620;
4. Design permit:
 - a. When accompanying another permit requiring a public hearing or upon a zoning administrator determination that a public hearing is required;
 - b. For new two-story structures and/or second-story additions associated with a single-family residential use on substandard residential lots, excluding any Accessory Dwelling Unit or Junior Accessory Dwelling Unit as defined in Chapter 24.16 Part;
 - c. For large homes in R-1 Districts per Section 24.8.450;
 - d. Wireless telecommunications facilities per Part 15 of Chapter 24.12; or
 - e. New structures or improvements to existing structures in the West Cliff Drive Overlay District that require a coastal permit.
 - f. Mixed-Use or Residential Development that varies from one or more of the objective design standards of Chapter 24.12.185 of the Municipal Code

5. Density Bonus Applications
6. Demolitions: residential, except for a single-family residence, and historical buildings;
7. Historic building survey: building designation, deletion;
8. Historic landmark alteration permit;
9. Historic landmark designation;
10. Mobile home park conversion;
11. Slope Development Permit (on or within 20 feet of a 50% or greater slope) outside the Coastal Zone;
12. Planned development permit;
13. Revocation of permits;
14. Use permits:
 - a. Administrative use permit, except:
 - i. when the proposed use is temporary, as defined in this title;
 - ii. for variations to parking design requirements and number of spaces;
 - iii. half baths in accessory structures; and
 - iv. for low risk alcohol outlets;
 - b. Special use permit (including historic district/historic landmark use permit);
15. Variance;
16. Watercourse variance;
17. Project modifications, pursuant to Section 24.04.160(4)(c);
18. Zoning Ordinance and General Plan text and map amendments.

Section 4. Section 24.04.130 – Decision-Making Body With Final Authority on Application Approval of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.130 DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION APPROVAL.

The following table indicates the decision-making body who can approve, deny or conditionally approve an application, whether or not a public hearing is required, and the bodies to which appeals can be made:

1. The planning commission and city council may refer certain aspects of any application to the zoning administrator for final action.
2. The zoning administrator may refer any of the matters on which he/she is authorized to act to the planning commission or historic preservation commission.
3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU*)		ZA*	CPC/CC/CCC*
Administrative Use Permit: Temporary uses, variations to parking design requirements and number of spaces, low risk alcohol outlets, and half baths in accessory buildings	ZA			CPC/CC
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC
Slope Regulations Modifications (Variance) in the Coastal Zone			CPC	CC
Slope Development Permit (on or within 20 feet of a 50% or greater slope) outside the Coastal Zone			ZA	CPC/CCC
Slope Regulations Modifications (Design Permit) in the Coastal Zone	ZA			CPC/CC
Slope Development Permit (on or within 20 feet of a slope greater than or equal to 30% and less than 50%) outside the Coastal Zone	ZA			CPC/CC
Design Permit	ZA			CPC/CC
1. Substandard lots: New two-story structures and second-story additions with a single-family residential use, excluding ADUs			ZA	CPC/CC
2. Large homes per Section 24.08.450			ZA	CPC/CC
3. Wireless telecommunications facilities	ZA		ZA	CPC/CC

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
4. New structures or improvements to existing structures in the WCD Overlay which are exempt or excluded from coastal permit requirements	ZA			CPC/CC
5. New structures or improvements to existing structures in the WCD Overlay which require a coastal permit			ZA	CPC/CC
6. Mixed-Use or Residential Development conforming to all standards of Section 24.12.185	ZA			
7. Mixed-Use or Residential Development varying from no more than five standards of Chapter 24.12.185 of the Municipal Code			ZA	
8. Mixed-Use or Residential Development that varies from six or more standards of Chapter 24.12.185 of the Municipal Code			CPC	
Demolition Permit				
1. Single-family residential	ZA			CPC/CC
2. Multifamily residential			CPC	CC
3. Historic demolition permit			HPC	CC
4. Nonresidential	ZA**		ZA**	CPC/CC
General Plan Text and Map Amendments		C	CC/CCC***	
Historic Alteration Permit			HPC	CC
Administrative Historic Alteration Permit	ZA			HPC/CC
Historic Building Survey:				
Building designation, deletion		HPC	CC	

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Historic District Designation		HPC/CPC	CC	
Historic Landmark Designation		HPC	CC	
Mobile Homes (Certificate of Compatibility)	ZA			CPC/CC
Mobile Home Park Conversion			CPC	CC
Outdoor Extension Areas per Section 24.12.192	ZA			CPC/CC
Planned Development Permit		CPC	CC	
Project (Major) Modification	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Project (Minor) Modification	ZA			CPC/CC
Relocation of Structures Permit	ZA			CPC/CC
Revocation Permit	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Sign Permit	ZA			CPC/CC
Special Use Permit			CPC	CC
Variance			ZA	CPC/CC
Watercourse Variance			CPC	CC
Watercourse Development Permit	ZA			CPC/CC
Zoning Ordinance Text and Map Amendments				
Amendments recommended by CPC		CPC	CC/CCC***	
Amendments not recommended by CPC		CPC		CC/CCC***
CCC = California Coastal Commission CC = City Council CPC = City Planning Commission HPC = Historic Preservation Commission ZA = Zoning Administrator				

* For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application. In the coastal zone, all proposed accessory dwelling units shall require a coastal permit (unless they are exempt or excluded from coastal permit requirements) and shall be processed in the manner described in Chapter 24.04 and Section 24.08.200 et seq. (including in terms of public noticing and process for appeal to the Coastal Commission) except that no public hearing shall be required. In addition to all other applicable LCP requirements, standards for ADUs in the coastal zone are specified in Section 24.12.140(10).
** Such permits shall be issued administratively, without a public hearing, unless a cultural resources evaluation, prepared by a qualified consultant as determined by the zoning administrator, determines that the building or structure is eligible for listing on the city Historic Building Survey.
*** California Coastal Commission in case of CLUP policy, CLIP elements.
**** At a regularly scheduled meeting, a majority of the council may take an action to direct any project or amendment to be called from a lower hearing body prior to a final action or during an appeal period in accordance with Section 24.04.175(2).

Section 5. Section 24.04.160 – Life of Permit of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.160 LIFE OF PERMIT.

1. Expiration.

- a. Each approved permit shall expire and become null and void thirty-six months from the date on which it is approved, unless exercised; a lesser time period may be specified. A relocation permit shall be exercised within six months.
- b. An approved permit applies to the subject property and runs with the land. Once exercised, an approved permit remains effective unless terminated or modified and remains effective even if the subject property is rezoned.
- c. An approved permit is transferable to any future owner of the subject property.
- d. Any use permit which has been exercised shall expire and become void where the use has ceased for a period of six consecutive months, whether or not it is the intent to abandon said use.
- e. All active permits as of March 10, 2009, and those approved up to and including March 10, 2010, shall have the life of the permit automatically extended an addition one year from the length of time currently allowed under subsection (1)(a). This extension authorization shall expire on March 11, 2011, unless otherwise extended by the city council.

2. Extension of Permits. Any permit issued in conjunction with a project that has had its tentative subdivision map or parcel map extended pursuant to the provisions of the California Subdivision Map Act, Government Code Sections 66410 et seq. or the city's Subdivision Ordinance, S.C.M.C. Title 23, shall have its associated land use permits automatically extended for a period coextensive to any extension of the tentative subdivision map or parcel map attributable to the application of Subdivision Map Act or Subdivision Ordinance provisions.

3. Revocation of Permits. In any case where the conditions to the granting of a permit have not been or are not complied with, the decision-making body with final authority over said permit shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to

comply with said conditions, or correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than ten calendar days after the date of such notice. Following such hearing and, if good cause exists therefor, the decision-making body with final authority over said permit may revoke such permit.

4. Modifications.

a. Minor Modifications. The zoning administrator may modify conditions imposed on any permit at the request of the permit holder where evidence has been submitted that the requested modifications:

- (1) Will not significantly alter the approved permits; and
- (2) Are made on the basis of changed circumstances since the original approval; and
- (3) Would not contradict or go against any direction in the record that was instrumental in the approval of the original permit; and
- (4) In the case of a housing development application, that the requested modification applies to a variation from a design standard that was previously reviewed at a public hearing as an alternative design, or does not involve a variation from the design standards of Section 24.12.185.

b. Minor Modification Criteria. The zoning administrator may approve any requested minor modifications on any permit which involves minor increases in floor area that do not exceed fifteen percent of the approved project or involve use intensifications permitted by the zone that do not increase parking above fifteen percent of the approved parking for the project, or approve partial variation from one of the standards in Section 24.12.185 without a public hearing as long as the proposed modification is consistent with all sections of the Zoning Ordinance, or the purpose of the standard in Section 24.12.185 as applicable. Only one such modification or project will be allowed within any five-year period without review by the planning commission or at a publicly noticed zoning administrator hearing if the original approval was administrative or was decided at a public hearing before the zoning administrator. Minor modifications not related to such increases in floor area or use intensifications may be approved without a public hearing and are not subject to the five year limitation.

c. Major Modifications. The zoning administrator shall refer to the decision-making body with final authority for review and action any requested modifications which involve significant increases in size or nature of an approved project beyond those limits set in subsection (4)(b). A public hearing will be required unless the permit proposed for modification was approved administratively, in which case the modification may also be decided administratively, or may be elevated at the discretion of the zoning administrator. In the case of a housing development project, any variation from a requirement of Section 24.12.185 that was not previously reviewed at a public hearing, shall trigger the need for a public hearing at the level indicated by 24.08.420.

Section 6. Section 24.08.030 – Procedure – Administrative Use 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 amended as follows:

24.08.030 PROCEDURE – ADMINISTRATIVE USE PERMIT.

1. The zoning administrator is hereby authorized to issue use permits for all uses designated in the district regulations of this title as being subject to the issuance of an administrative use permit.
2. A public hearing shall be held, except in the following cases:
 - a. Where the proposed use is temporary, as defined herein;
 - b. Where the proposed use permit is for a variation to design standards for parking or for a reduction to the required number of parking spaces; or
 - c. Where the proposed use is for the construction of a half bathroom in an accessory building, subject to the requirements in Section 24.12.140; or
 - d. Where the proposed use is for a low risk alcohol outlet subject to the requirements of Part 12: Alcoholic Beverage Sales of Chapter 24.12.

Section 7. Part 5: Design 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 amended as follows:

Part 5: DESIGN PERMIT

24.08.400 PURPOSE.

The purpose of the design permit is to promote the public health, safety and general welfare through the review of architectural and site development proposals and through application of recognized principles of design, planning and aesthetics and qualities typifying the Santa Cruz community. This section of the zoning ordinance is also part of the Local Coastal Implementation Plan.

24.08.410 GENERAL PROVISIONS.

A design permit shall be required for the following types of projects:

1. Multiple dwellings and dwelling groups containing two or more dwelling units;
2. New structures intended for commercial use;
3. New structures intended for industrial use;
4. Commercial or industrial uses of land not involving a building;
5. Accessory structures and uses except those accessory uses or structures customarily associated with and accessory to a single-family dwelling unless a design permit is otherwise required in this title;
6. Any structure on, or use of, a substandard residential lot when that structure or use is associated with a single-family residential use, except for structures which provide access to the first floor for the physically challenged and accessory structures that are less than one hundred twenty square feet and less than fifteen feet in building height. Such accessory structures shall be included in the calculation of maximum lot coverage pursuant to Section 24.08.440;
7. Any exterior remodeling and/or site alteration of either fifty thousand dollars or twenty-five percent additional floor area to any existing commercial or industrial building or structure, except within the Central Business District (CBD) zone and for properties within the Mission Street Urban Design Plan area, within which a design permit shall be required for any exterior alteration or remodeling for which the construction costs of such work exceed ten thousand

dollars; the design of such exterior improvements shall be consistent with the applicable design requirements contained in the Downtown Plan or Mission Street Urban Design Plan;

8. Any project where the applicant is a public agency over which the city may exercise land use controls;

9. Public projects in the Coastal Zone, including but not limited to buildings, roads, bridges, wharf structures, shoreline riprap, and port district projects;

10. Any project which requires a design permit as a result of a specific city action or as a result of a condition of a prior project approval;

11. Parking lots with capacity for five or more spaces;

12. Any project which requires a planned development permit;

13. Single-family homes over four thousand square feet in R-1-10, three thousand five hundred square feet in R-1-7, and three thousand square feet in R-1-5 zoning districts;

14. Any structures in the West Cliff Drive Overlay District.

Electric vehicle charging stations are exempt from the requirement for a design permit.

24.08.420 PROCEDURE.

1. Applications for design permits shall be acted upon by the zoning administrator without a public hearing unless the design permit is accompanied by an application which must be heard by a higher body (planning commission or city council) or meets the requirements for review at a public hearing by either the Zoning Administrator of the City Planning Commission as delineated below. When acting on a fully compliant application for a housing development project, the ZA shall make the findings required by 24.08.425.

2. Any applications for design permits of the types listed below ~~above~~ shall be acted upon by the zoning administrator at a public hearing:

- a) New two-story structures and/or second-story additions associated with a single-family residential use on substandard residential lots;
- b) Large homes per Section 24.08.450;
- c) Wireless telecommunications facilities per Part 15 of Chapter 24.12; or
- d) New structures or improvements to existing structures in the West Cliff Drive Overlay District that require a coastal permit.
- e) Mixed-Use or multifamily residential development that varies from no more than five of the objective design standards of Section 24.12.185 of the Municipal Code, pursuant to the findings required by 24.08.426.

3. Any applications for design permits for mixed use or multifamily residential development that vary from six or more of the objective design standards of Section 24.12.185 of the Municipal Code shall be acted upon by the City Planning Commission at a public hearing, pursuant to the findings required by 24.08.426.

24.08.425 FINDINGS REQUIRED – FULLY-COMPLIANT MIXED-USE OR MULTIFAMILY DEVELOPMENT.

Applications for design permits for projects including two or more multifamily residential units shall be reviewed at the minimum level of review for which they are qualified based on the criteria for design review. Projects for which the following findings can be made will not be subject to a public hearing except by reason of appeal.

1. The site plan and building design are consistent with design and development policies, limited to those policies that constitute objective standards therein when required by state law, of

the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.

2. The site plan and building design are in full conformance with the design standards of Section 24.12.185.

24.08.426 FINDINGS REQUIRED – ALTERNATIVE DESIGN MULTI-FAMILY OR MIXED-USE DEVELOPMENT.

Applications for design permits for projects including two or more multifamily residential units shall be reviewed at the minimum level of review for which they are qualified based on the criteria for design review. Projects which propose to vary from one or more of the design standards of Section 24.12.185 shall be subject to a public hearing in accordance with 24.08.420. The public hearing body shall approve the design permit based upon the following findings. These findings shall apply only to alternative designs for compliance with Section 24.12.185, and are not applicable to applications seeking to vary from any other standard, requirement, or policy of the Municipal Code.

1. With the exception of the standards for which the project is seeking alternative design, the site plan and building design are consistent with design and development policies, limited to those policies that constitute objective standards therein when required by state law, of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.

2. For each standard for which the project proposes an alternative design, the proposed alternative meets the intent of the stated goal identified for the relevant standard in Section 24.12.185.

24.08.430 FINDINGS REQUIRED – GENERAL.

All applications for design permits that cannot be reviewed under Sections 24.08.425 or 24.08.426 shall be reviewed in relation to below established criteria for design review.

Applications for design review other than those processed pursuant to Sections 24.08.425 and 24.08.426 shall be approved if proposed buildings, structures, streets, landscaping, parking, open space, natural areas and other components of the site plan conform with the following criteria, as applicable:

1. The site plan and building design are consistent with design and development policies of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.

2. For nonresidential projects, the project's location, size, height, operations, and other significant features and characteristics are compatible with and do not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, safety, and welfare. For residential projects, the project complies with the objective standards and requirements of the zoning district in which it is located, as well as any objective standards of any area plan or other regulatory document that applies to the area in which the project is located.

3. For nonresidential projects, the project provides for an arrangement of uses, buildings, structures, open spaces, and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.
4. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.
5. Design of the site plan respects design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures takes into account maintenance of public views; rooftop mechanical equipment is incorporated into roof design or screened from public rights-of-way to the extent possible. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters are accessible and screened.
6. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.
7. To the extent feasible, the orientation and location of buildings, structures, open spaces and other features of the site plan maintain natural resources including significant trees and shrubs, minimize impacts to solar access of adjacent properties, and minimize alteration of natural land forms; building profiles, location, and orientation must relate to natural land forms.
8. The site plan ensures that the scale, bulk, and setbacks of new development preserves important public views along the ocean and of designated scenic coastal areas. Where appropriate and feasible, the project shall restore and enhance visual quality of visually degraded areas.
9. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.
10. Building and structures shall be designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling, ventilation, and lighting.

24.08.440 STANDARDS FOR SUBSTANDARD RESIDENTIAL LOT DEVELOPMENT.

Whenever a project associated with a single-family residential use is proposed for a substandard residential lot, as defined in Section 24.22.520, applications for design review shall be approved if the findings set forth in Section 24.08.430 can be made and proposed buildings, structures, landscaping and other components of the site plan conform to the following additional criteria:

1. The maximum allowable lot coverage for structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage and other accessory buildings (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 toward lot coverage.

2. The floor area for second stories shall not exceed fifty percent of the first floor area, except in cases where the first floor constitutes thirty percent or less of the net lot area.
3. New structures shall be consistent with the scale of structures on adjacent lots and generally be compatible with existing surrounding structures.
4. New structures shall be sited in ways which avoid causing substantial change in the pattern of existing building projections along streets. Continuous long, parallel abutting walls on narrow side yards shall be avoided.
5. Spacing of buildings and overall siting of structures shall maximize the potential for solar access to each lot.
6. Landscaping shall be required at least for front yard areas and shall be used to screen parking from street.
7. Structures shall incorporate methods to lessen the impact of garages on a street facade.

Section 8. Part 3: R-S Residential Suburban 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:

24.10.200 PURPOSE.

To provide a residential living area within the city which allows low residential densities and provides a transition to rural areas which adjoin portions of the city. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.210 PRINCIPAL PERMITTED USES.

1. Single-family dwelling.
2. Community care facilities including daycare (except family daycare homes) and foster home (six or fewer persons).
3. Crop and tree farming and grazing lands.
4. Small and large family daycare homes in residential units.
5. Community garden.
6. 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. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - c. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.230.
 - d. Living quarters for persons regularly employed on the premises, when located within principal building.
7. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
8. Supportive and transitional housing in single-family dwellings.

24.10.230 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:

- a. Family animal farm.
- b. Temporary structures and uses.
- c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

24.10.240 USE DETERMINATIONS.

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.

24.10.250 DISTRICT REGULATIONS.

1. General.

Provision	Classification or Type of Use			
	Single-Family Residential			
	RS-10A	RS-5A	RS-2A	RS-1A
a. Height of Buildings (Maximum)				
• Principal: (stories and feet)	2 & 30	2 & 30	2 & 30	2 & 30
• Accessory: (stories and feet)	1 & 20	1 & 20	1 & 20	1 & 20
b. Lot area (acre)	10 acres	5 acres	2 acres	1 acre
c. Lot width (feet)	250	200	150	100
d. Front yard (feet)	40*	40*	40*	40*
e. Rear yard (feet)	30	30	30	30
f. Side yards (feet)	25	20*	20*	15*
* For any attached or detached garage or carport with doors or entrances fronting on a front or exterior side property line, the setback shall be a minimum of twenty feet from said property line or the setback required for the district, whichever is greater.				

2. Dwellings per Lot. Unless otherwise provided, there shall be only one dwelling per lot.
3. Design Guidelines. Development guidelines adopted by the city shall be used as applicable to provide site design standards to augment the general district regulations in the development of property in this district.

4. The minimum distance between buildings on the same lot shall be ten feet between main buildings; six feet between main buildings and accessory buildings, including accessory dwelling units; and six feet between accessory buildings.

Section 9. Part 4: R-1 Single-Family Residence 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:

24.10.300 PURPOSE.

To stabilize and protect the residential characteristics of the district, and to promote and encourage a suitable environment for family life and single persons; and intended for single-family detached dwellings and the services appurtenant thereto. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Please also see Part 42, Sections 24.10.4200 et al. for properties within the West Cliff Drive Overlay District. Please also see Section 24.08.440 for substandard lots and Section 24.08.450 for large home developments.

24.10.310 PRINCIPAL PERMITTED USES.

1. Single-family dwelling.
2. Community care facilities including daycare (except family daycare homes) and foster homes (six or fewer persons).
3. Small and large family daycare homes in residential units.
4. Community garden.
5. 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. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - c. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.330.
6. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
7. Supportive and transitional housing in single-family dwellings.

24.10.330 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:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

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:

- a. Bed-and-breakfast inns, subject to requirements contained in Chapter 24.12, Part 9.
- b. Community care facilities including nursing homes, retirement homes, daycare (except family daycare homes) and foster homes (seven or more persons).
- c. Health facilities for inpatient and outpatient psychiatric care and treatment.
- d. Off-street parking facilities accessory to a contiguous commercial property not to exceed one hundred feet from the boundary of the site they are intended to serve.
- e. Plant nurseries and greenhouses.
- f. Noncommercial recreation areas, buildings and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs.
- g. Educational, religious, cultural, or public utility or public service uses and buildings; but not including corporation yards, storage or repair yards, and warehouses.
- h. Two-family dwellings (duplexes) on corner lots having an area of seven thousand five hundred square feet or more, and subject to the following limitations:
 - (1) Such duplexes shall maintain at least two thousand square feet of usable open space, one thousand square feet of which shall be directly accessible to each unit within the duplex;
 - (2) Setbacks from the street shall be the same as for a single-family dwelling, i.e., the setback from one street shall be considered a front yard setback and the setback from the other street shall be considered an exterior side yard setback; however, garages or carports shall have a minimum setback of twenty feet from the property line to the vehicle entrance of the structure.
- i. Riding stables on parcels at least five acres in size for the boarding of horses to serve the neighborhood.

24.10.340 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.

24.10.350 DISTRICT REGULATIONS.

1. General.

Provision	Classification or Type of Use		
	Single-Family Residential R-1-10	R-1-7	R-1-5
a. Height of Buildings (Maximum)			
• Principal: (stories and feet)	2 1/2 & 30	2 1/2 & 30	2 1/2 & 30

Provision	Classification or Type of Use Single-Family Residential		
	R-1-10	R-1-7	R-1-5
• Accessory: (stories and feet)	1 & 15	1 & 15	1 & 15
• Single-story structure	1 & 19	N/A	N/A
b. Minimum lot area (net) (square feet)	10,000	7,000	5,000
c. Minimum lot width (feet)	70	70	50
d. Front yard (feet)	25*	20*	20*
e. Rear yard (feet)	30	25	20
f. One side yard (feet)	10	7*	5*
g. Both side yards – total			
• Interior lot (feet)	20	14	10
• Exterior lot (feet)	22	16	13
h. Exterior side yard or end (feet)	12*	9*	8*
i. Maximum building area without design permit	4,000 (See Section 24.08.450 for findings)	3,500	3,000
* For any attached or detached garage or carport with doors or entrances fronting on a front or exterior side property line, the setback shall be a minimum of twenty feet from said property line or the setback required for the district, whichever is greater.			

2. Dwellings per Lot. Unless otherwise provided, there shall be only one dwelling per lot.
3. The minimum distance between buildings on the same lot shall be ten feet between main buildings; six feet between main buildings and accessory buildings including accessory dwelling units; and six feet between accessory buildings.
4. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, and Chapter 24.16, Part 2, Accessory Dwelling Units.

24.10.351 SUBSTANDARD R-1 LOT DEVELOPMENT REQUIREMENTS AND REGULATIONS.

1. Two or more vacant, contiguous lots in the R-1, Single-Family Residential District which are each less than fifty feet in width, and which are under common ownership, shall not constitute or be deemed a lawful site for building purposes, unless they are combined to be made conforming with respect to width, or an administrative use permit is obtained for a single-family dwelling for each lot, or unless they are combined and developed as described in subsection (1)(c) below.

- a. Where such lots are combined to meet the lot width requirement of an R-1 District (fifty feet in the R-1-5 District, seventy feet in the R-1-7 and R-1-10 Districts), the resultant lot may be used as a building site as provided by this title.
 - b. Lots as described above may be used as a building site for single-family dwellings upon approval of an administrative use permit for each lot.
 - c. Combined lots may be used as a building site for a duplex, triplex, or a series of duplexes and/or triplexes. The total number of units shall not exceed the original number of lots combined. Findings for approval of a use permit and design permit shall be required.
 - (1) Where any existing lot prior to combination is less than thirty-five feet wide, a special use permit shall be required.
 - (2) Where any existing lot prior to combination is between thirty-five feet and fifty feet wide, an administrative use permit shall be required.
2. The maximum height of structures on lots of thirty-five feet or less in width shall be twenty-two feet.

Section 10. Part 9: R-L Multiple Residence – Low Density 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:

Part 5: R-L MULTIPLE RESIDENCE – LOW-DENSITY DISTRICT

24.10.400 PURPOSE.

To promote the development of multifamily townhouses, condominiums and apartments at a low to medium density of 10.1 to twenty-seven units per acre, depending on unit mix; to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for the lives of families and single persons. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.410 PRINCIPAL PERMITTED USES.

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.)

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structure(s). (830, 840)
2. Community care facilities including daycare (except family daycare homes), retirement homes and foster homes (six or fewer).
3. Small and large family daycare homes in residential units.
4. Two-family dwellings, subject to the density requirements in the General Plan.
5. Community garden.
6. Single-family dwellings, subject to the density requirements in the General Plan.
7. 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. Park and recreational facilities.
 - 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, and Section 24.10.430.
- 8. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.
 - 9. Supportive and transitional housing.

24.10.430 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:
 - a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - b. Temporary structures and uses.
 - c. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
- 2. The following uses are subject to approval of a special use permit and may also a design permit per section 24.08.410:
 - a. Bed-and-breakfast inns, subject to requirements in Chapter 24.12, Part 9.
 - b. Community care facilities including daycare (except family daycare homes), retirement home, foster home, and nursing home (seven or more persons).
 - c. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except that accessory dwelling units are not subject to approval of a design permit unless located on a substandard lot as defined in Section 24.22.520.
 - d. Dormitories, fraternity/sorority residence halls, boardinghouses.
 - e. Health facilities for inpatient and outpatient psychiatric care and treatment.
 - f. Off-street parking facilities accessory to a contiguous commercial property not to exceed one hundred feet from the boundary of the site it is intended to serve.
 - g. Noncommercial recreation areas, buildings, and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs.
 - h. Educational, religious, cultural, public utility or public service buildings and uses; but not including corporation yards, storage or repair yards, and warehouses.
 - i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

24.10.440 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.

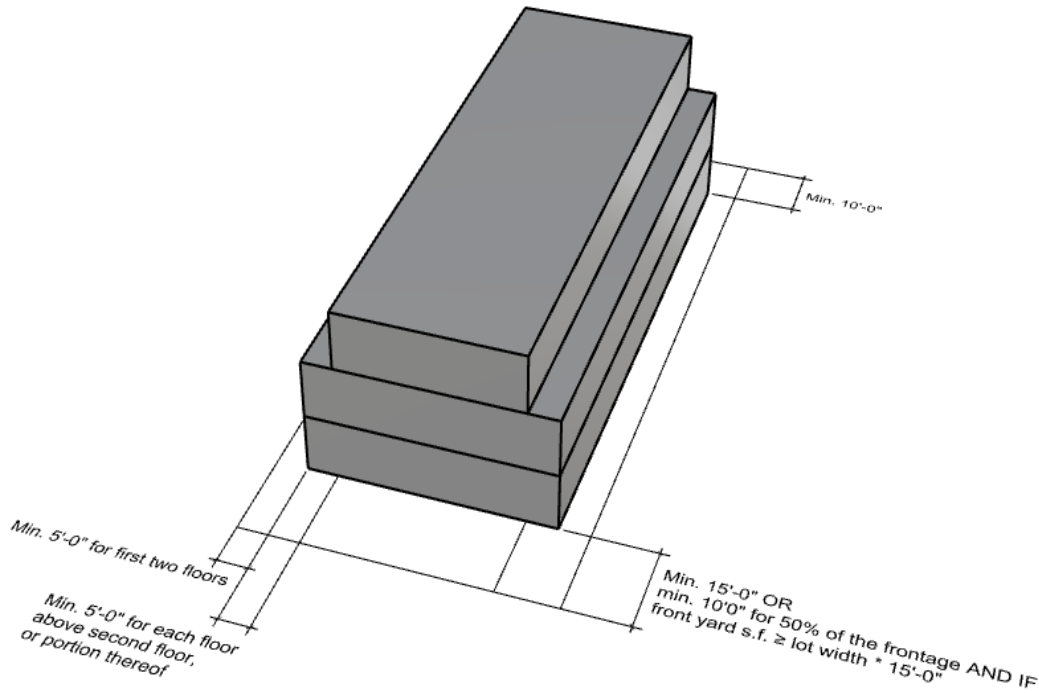
24.10.450 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type	
	Single-Family Detached	2 or More Units
a. Maximum height of buildings		
• Principal (feet)	30	30
• Accessory (stories and feet)	1 and 15	1 and 15
b. Minimum lot area (net) (square feet)	5,000	5,500
c. Minimum lot area per dwelling unit (net) (square feet)		2,200 (1,600 sq. ft. for 1-bedroom/studios)
d. Minimum lot width (feet)	50	50
e. Usable open space per dwelling unit (square feet)	—	400

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet except that the front yard may be reduced to not less than ten feet for a portion not to exceed fifty percent of the building frontage, and providing that a total of fifteen square feet of front yard is provided for each lineal foot of total lot frontage.
- b. The minimum rear yard setback shall be ten feet.
- c. The minimum side yard setback shall be five feet, and five additional feet of setback for each story above the second story.



- (1) There shall be no side yard required for townhouses on interior lots, except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
 - (2) The minimum exterior side yard setback shall be eight feet, and five additional feet of setback for each additional story above the second story.
 - d. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.
 - e. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and accessory buildings, six feet; between accessory buildings, six feet.
 - f. An existing accessory building built prior to July 1, 2014, with a valid building permit or which is a legal nonconforming structure, that has less than the required side or rear yard setback(s) may be converted into a dwelling unit to create a second unit or duplex on a property if all the requirements of the California Building Standards Code are met as well as the other development standards of the zoning district. The floor area for said second unit shall not exceed ten percent of the net lot area up to a maximum of eight hundred square feet. If additional units are allowed on the property, all such units shall meet development standards of the zoning district.
3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, and Chapter 24.16, Part 2, Accessory Dwelling Units.

4. 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.

Section 11. Part 6: R-M Multiple Residence – Medium Density 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:

Part 6: R-M MULTIPLE RESIDENCE – MEDIUM-DENSITY DISTRICT

24.10.500 PURPOSE.

To promote the development of multifamily townhouses, condominiums and apartments at a medium residential density of 20.1 to forty units per acre depending on unit mix; to stabilize and protect the residential characteristics of the district; and to promote a suitable environment for the lives of families and single persons. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.510 PRINCIPAL PERMITTED USES.

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.)

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
2. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
3. Community garden.
4. Small and large family daycare homes in residential units.
5. 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, and Section 24.10.530.
6. Supportive and transitional housing.
7. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.530 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:

- a. Expansion of an existing single-family dwelling if the lot area is six thousand square feet or less.
- b. Two family dwelling if the lot area exceeds five thousand five hundred square feet.
- c. Temporary structures and uses.
- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
- e. Single-family dwellings on substandard lots.
- f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

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:

- a. Bed-and-breakfast inns, subject to requirements contained in Part 9, Chapter 24.12.
- b. Community care facilities (seven or more persons) including daycare (other than family daycare homes), foster home, nursing home, retirement home.
- c. Dormitories, fraternity/sorority residence halls, boardinghouses.
- d. Health facilities for inpatient and outpatient psychiatric care and treatment.
- e. Off-street parking facilities accessory to a contiguous commercial property not to exceed one hundred feet from the boundary of the site they are intended to serve.
- f. Noncommercial recreation areas and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs.
- g. Educational, religious, cultural, public utility or public service buildings or uses; and not including corporation yards, storage or repair yards, and warehouses.
- h. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

24.10.540 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.

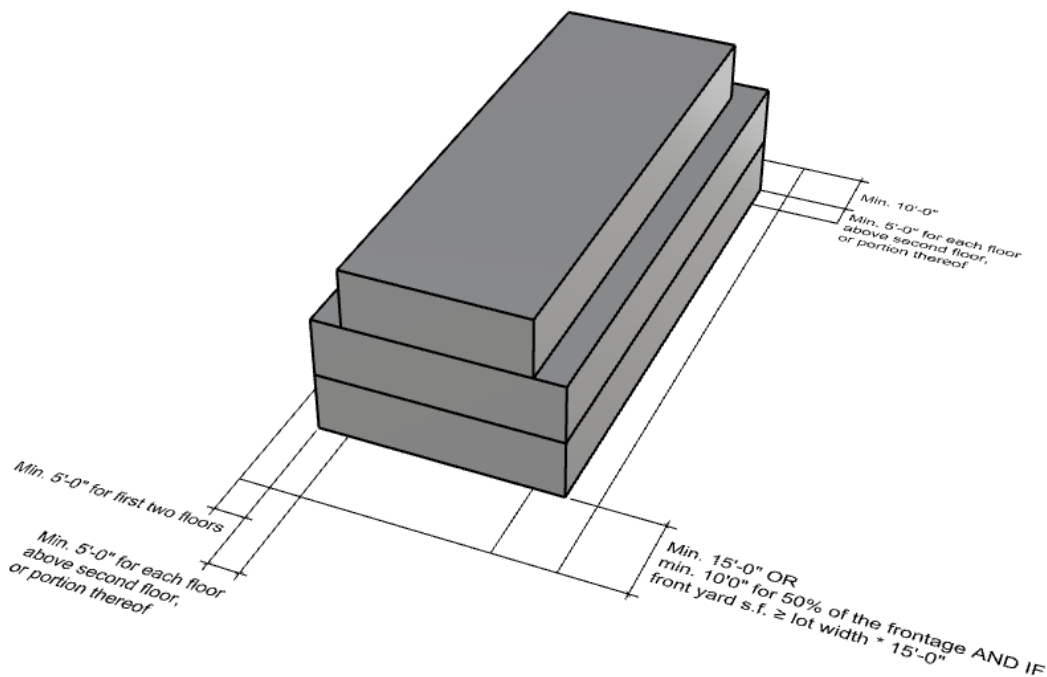
24.10.550 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Type	
	Duplex	3 or More Units
Maximum Height of Buildings		
Principal (feet)	30	35
Accessory (stories and feet)	1 and 15	1 and 15
Minimum lot area (net) (square feet)	4,400	5,500
Minimum lot area (net) per dwelling unit (square feet)	2,200	1,450 (1,100 sq. ft. for 1-bedroom/studios)
Minimum lot width (feet)	50	65
Usable open space per dwelling unit (square feet)	—	400
		200 (1-bedroom/studios)*
* Open space shall be attached or aggregated in a manner that provides usable open space for all units exclusive of setbacks and other small landscape areas less than 10 feet in width. ** Existing lots of 5,500 square feet or greater with a minimum lot width of 50 feet may have 3 or more units if all other RM development standards can be met.		

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.
- b. The minimum rear setback shall be ten feet, and five additional feet of setback for each story above the second story.
- c. The minimum side yard setback shall be five feet, and five additional feet of setback for each story above the second story.



- d. There shall be no side yard required for townhouses, or interior lots, except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
 - e. The minimum exterior side yard setback shall be eight feet, and five additional feet of setback for each additional story above the second story.
 - f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and accessory buildings, six feet; between accessory buildings, six feet.
 - g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.
 - h. An existing accessory building built prior to July 1, 2014, with a valid building permit or which is a legal nonconforming structure, that has less than the required side or rear yard setback(s) may be converted into a dwelling unit to create a second unit or duplex on a property if all the requirements of the California Building Standards Code are met as well as the other development standards of the zoning district. The floor area for said second unit shall not exceed ten percent of the net lot area up to a maximum of eight hundred square feet. If additional units are allowed on the property, all such units shall meet development standards of the zoning district.
3. Other Requirements. 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.

4. 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.

Section 12. Part 6A: R-H Multiple Residence – 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 amended as follows:

Part 6A: R-H MULTIPLE RESIDENCE – HIGH-DENSITY DISTRICT

24.10.560 PURPOSE.

To promote the development of multifamily apartments, townhouses and condominiums at a high residential density of 30.1 to fifty-five units per acre in order to increase the supply of affordable and rental housing, and provide new market rate infill housing opportunities. This district provides a suitable environment for higher density households. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code. (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.) 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. Environmental review must be conducted in accordance with city and state guidelines:

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures; (830, 840)
2. Small community care residential facilities including daycare (except family daycare homes), foster homes, and retirement homes, with six or fewer persons; (800A)
3. Small and large family daycare homes in residential units.
4. Supportive and transitional housing.
5. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.570 ACCESSORY USES.

Accessory uses are principally permitted subject to a design permit when they are a subordinate use to the principal use of the lot. 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.

1. Garages and parking areas, private;
2. Home occupations subject to home occupancy regulations as provided in Section 24.10.160;
3. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Sections 24.10.575 and 24.12.140.

24.10.575 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 in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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):

- a. Expansion of any existing single-family dwelling; (800)
- b. Two-family dwelling if the lot area allows only two. New single-family development is not permitted; (810)
- c. Temporary structures and uses;
- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a Special Use Permit and a Design Permit in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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):

- a. Bed-and-breakfast inns subject to requirements contained in Chapter 24.12, Part 9; (300c)
- b. Community care facilities including daycare (except family daycare homes), foster homes, nursing and retirement homes for seven or more persons; (850e)
- c. Health facilities for in-patient and out-patient psychiatric care and treatment; (410b)
- d. Off-street parking facilities accessory and incidental to a contiguous commercial property with said parking not to exceed one hundred feet from the boundary of the site it is intended to serve; (930)
- e. Public and private noncommercial recreation areas, buildings, and facilities such as parks; (710)
- f. Public and quasi-public buildings and uses including recreational, educational, religious, cultural, public utility or public service uses; but not including corporation yards, storage or repair yards, and warehouses; (500, 510, 530, 540)
- g. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit (570).

24.10.580 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.

24.10.585 DISTRICT REGULATIONS.

1. General.

Provision		Dwelling Unit Type	
		Duplex	3 or More Units
a.	Maximum height of buildings		
	• Principal (feet)	30	48
	• Accessory (stories and feet)	1 and 15	1 and 15
b.	Minimum lot area (net) (sq. ft.)	4,000	5,000
c.	Minimum lot area per dwelling unit (net) (sq. ft.)	2,000	790
d.	Minimum lot width (feet)	50	50
e.	Usable open space per dwelling unit (sq. ft.)	—	250
f.	Lot coverage	45%	70%

2. Setback Requirements.

a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line. Setback requirements may not be reduced for those portions of buildings that are three stories or taller.

b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.

c. The minimum side yard setback shall be five feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.

d. Where a parcel abuts a public right-of-way on opposite sides of the parcel, the front yard setback requirements shall apply to the major street and the rear yard setbacks shall apply to the secondary street; however, in the case of the rear yard setback, the setback shall not be less than the average of the two adjacent lots.

e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, six feet or one foot of setback for each two feet of height of the tallest building, or portions

thereof, whichever is greater; between main buildings and accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

h. To preserve the view to Beach Hill down Front Street, the height of the first twenty-five feet of depth along Front Street shall be limited to twenty-four feet.

3. Design.

a. The site and building design shall conform to the General Site Design Standards, Part 2, Chapter 24.12, Design Guidelines of any applicable area plan, and Section 24.12.185 Objective Design Standards for Multifamily Housing.

4. 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.

24.10.590 FINDINGS REQUIRED.

In addition to required Use and Design Permit findings, any development permit must also meet all the following findings, to the extent permitted by state law:

1. The amenity level of the development, the quality of the architecture, and the landscaping provided substantially enhance the site;

2. The bulk, massing, height, and rooflines of the proposed development are found to be consistent with the Design Criteria and add to the architectural quality of the neighborhood; and

3. The siting, landscaping, access, and design of the proposed development demonstrate a sensitive relationship to the San Lorenzo River and maximize the natural attributes of this riverside location.

Section 13. Part 7A: R-T(A) Subdistrict A – Medium-Density Residential 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:

Part 7A: R-T(A) SUBDISTRICT A – MEDIUM-DENSITY RESIDENTIAL

24.10.602 PURPOSE.

The purpose of Subdistrict A is to establish standards for medium-density residential uses which promote and protect the residential characteristics of the subdistrict and provide a suitable environment for its residents. To preserve the architectural and historic character of this subdistrict, all new development will be reviewed to ensure high-quality design compatible with surrounding residential uses, in compliance with the Beach Hill Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

24.10.603 PRINCIPAL PERMITTED USES.

1. The following uses may be subject to approval of a design permit per section 24.08.410 and other requirements of the Municipal Code (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):

- a. Duplexes; (810)
 - b. Small and large family daycare homes in residential units.
 - c. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.
 - d. Supportive and transitional housing in single-family home or duplex.
 - e. Multiple dwellings, townhouse dwelling groups, and condominiums; (830)
2. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.604 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 and are also subject to all other requirements of the Municipal Code (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):

- a. Single-family dwellings; (810)
- b. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- c. Supportive and transitional housing in multifamily dwellings.
- d. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code (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):

- a. Bed-and-breakfast inns, subject to the requirements contained in Chapter 24.12, Part 9; (300c)
- b. Large community care facilities; (850e)
- c. Group care homes; (850e)
- d. Public and private commercial parking;
- e. Public and private noncommercial recreation areas, buildings and facilities such as parks; (710)
- f. Public and quasi-public buildings and uses including recreational, educational, religious, cultural or public utility or service nature; but not including corporation yards, storage or repair yards, and warehouses; (500, 510, 530, 540, 570)
- g. Retirement homes or centers; (850b)
- h. Supportive and transitional housing.

24.10.606 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.

24.10.608 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.
- b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.
- c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater for the second story and above.
- d. There shall be no side yard required for townhouses or interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

- g. For any attached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.
- 3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, Chapter 24.16, Part 2, Accessory Dwelling Units, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.
- 4. 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.

Section 14. Part 7B: R-T(B) Subdistrict B – Motel Residential-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:

Part 7B: R-T(B) SUBDISTRICT B – MOTEL RESIDENTIAL

24.10.610 PURPOSE.

The purpose of Subdistrict B is to establish and control uses to ensure a compatible mixture of uses addressing the needs of residents and tourists. Dominant uses contemplated are motel and medium-density residential uses. To encourage development which is attractive to both permanent residents and tourists, emphasis will be placed on compatibility of design, landscaping, and a comprehensive review of site planning in compliance with the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

24.10.611 PRINCIPAL PERMITTED USES.

- 1. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
- 2. Small and large family daycare homes in residential units (no design permit required unless otherwise required under Section 24.08.410).
- 3. Multiple dwellings, townhouse dwelling groups, and condominiums (830).
- 4. Single-family and duplex dwellings (800, 810).
- 5. Wireless telecommunication facilities, subject to the regulations in Chapter 24.12, Part 15 requiring no public hearing.

24.10.612 USE PERMIT REQUIREMENTS.

- 1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code (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):
 - a. Storage and equipment structures.
 - b. Temporary structures and uses.
 - c. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - d. Wireless telecommunication facilities, subject to the regulations in Chapter 24.12, Part 15 requiring a public hearing.

- e. Supportive and transitional housing, nine or fewer units.
- 2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code (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):
 - a. Coffee shops subject to the live entertainment regulations in Chapter 24.12, Part 2 (280g).
 - b. Large community care facilities (850e).
 - c. Motel, hotel and bed-and-breakfast inn uses subject to annual business license review (300).
 - d. Public and private commercial parking (940, 950).
 - e. Public and private noncommercial recreation areas, buildings and facilities such as parks (710).
 - f. Public and quasi-public buildings and uses of an administrative, recreational, religious, cultural or public utility or service nature; but not including corporation yards, storage or repair yards, and warehouses (500, 510, 530, 540, 570).
 - g. Retirement homes or centers (850b).
 - h. Supportive and transitional housing, ten or more units.

24.10.614 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.

24.10.616 DISTRICT REGULATIONS.

- 1. General.

Provision	Dwelling Unit Type Medium Density Residential			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—

Provision	Dwelling Unit Type Medium Density Residential			
	1-Family Detached	Duplex	3 or More Units	Other Uses
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Setback Requirements.

a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater; except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.

b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure for the second story and above.

d. There shall be no side yard required for townhouses on interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

4. 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.

Section 15. Part 7B.1: R-T(B)/PER - Motel Residential Performance Overlay 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:

Part 7B.1: R-T(B)/PER – MOTEL RESIDENTIAL PERFORMANCE OVERLAY

24.10.617.1 PURPOSE.

The purpose of the Motel Residential Performance Overlay district is to establish and control uses to ensure development which protects neighborhood integrity while supporting appropriate uses. The goal of the RTB/PER District is to limit the future development of hotel or motel rooms in the district, but to allow ancillary hotel support facilities as well as additional residential development.

24.10.617.2 USE PERMIT REQUIREMENT.

The overlay district allows all of the uses identified in the underlying RTB zone with the exception that new motel or hotel rooms will not be allowed.

The following uses are allowed in the overlay district subject to a Special Use Permit and a Design Permit, in compliance with the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

- a. Indoor and outdoor recreation facilities and other facilities related to existing hotel or motel facilities.
- b. Bed-and-Breakfast Inns.

24.10.617.3 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater; except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided

for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.

b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater, for the second story and above.

d. There shall be no side yard required for townhouses on interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. 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, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan. In addition, development on sites located within the district which fronts on West Cliff Drive shall conform to design standards governing development on West Cliff.

4. Siting.

a. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.

b. Building facades shall be articulated with wall offsets, recesses openings ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.

c. Any third story element of residential or support development shall be stepped back from the two story element by at least fifteen feet, from the property lines at the streets.

d. Buildings design shall be encouraged to include significant building modulation and roof form articulation as specified within the Design Guidelines.

e. All required front setback areas shall be landscaped in accordance with the standards or the Design Guidelines.

5. 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.

Section 16. Part 7C: R-T(C) Subdistrict C – Beach Commercial 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:

Part 7C: R-T(C) SUBDISTRICT C – BEACH COMMERCIAL

24.10.618 PURPOSE.

The purpose of the R-T(C) Subdistrict is to establish standards for development of residential uses mixed with neighborhood commercial, motel, and regional tourist commercial use. These standards are designed both to improve existing uses and encourage new developments in a manner that maintains a harmonious balance between residential and regional commercial uses. New development including residential units or uses within the zone, are encouraged to incorporate Uses for Active Frontage along the site frontage. It is the intent of this zoning that preservation of La Bahia be conducted in accordance with the measures described in the certified final Environmental Impact Report for the Beach and South of Laurel Comprehensive Area Plan.

24.10.619 PRINCIPAL PERMITTED USES.

1. The following uses are allowed, subject to a Design Permit for new construction per section 24.08.410 and other requirements of the Municipal Code (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:

- a. Food and beverage stores (except liquor stores) (240);
- b. Eating and drinking establishments without alcohol sales and subject to the live entertainment regulations in Chapter 24.12, Part 2 (280);

RESIDENTIAL USES:

- c. Flexible density unit (FDU) housing as part of a mixed-use project;
- d. Mixed residential and commercial developments when multiple family units are located either in the same lot or above a first floor of commercial uses, subject to the R-T(A) District regulations (830);
- e. Multiple dwellings, townhouse dwelling groups and condominiums when ground-floor units are designed as Live-Work units consistent with Section 24.12.185.14 and subject to the R-T(A) District regulations (830);
- f. One or two multiple-family units when located above the first floor of permitted commercial uses with no additional parking required (820);
- g. -Small and large family daycare homes in residential units (no design permit required unless otherwise required under Section 24.08.410);
- h. Single-room occupancy (SRO) housing (860);
- i. Single-family residences if lot size does not allow multifamily development, with no live-work or active frontage requirement (800);
- j. Supportive and transitional housing in one or two units when located above the first floor of permitted commercial uses with no additional parking required.

COMMERCIAL USES:

- k. Motel, hotel, and bed-and-breakfast inn uses subject to annual business license review (300);
- l. Off-site parking fewer than five spaces (930);

- m. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15 requiring no public hearing.
- 2. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.620.

24.10.620 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and may also require a design permit per section 24.08.410 and are subject to other applicable requirements of the municipal code (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 use 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:

- a. Acting/art/music/dance studios/schools (610);
- b. Apparel and accessory stores (250);
- c. Community organizations, associations, clubs and meeting halls (570);
- d. Convenience stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);
- e. Eating and drinking establishments (except bars and fast-food restaurants) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- f. Educational facilities (public/private) (510);
- g. General merchandise stores (drug and department stores) (230);
- h. Government and public agencies (530);
- i. Home furnishings (270);
- j. Liquor stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);
- k. Museum and art galleries (600);
- l. Professional offices associated with a visitor-serving use (400);
- m. Repairs, alterations, maintenance services to household items (except boat repair) (340);
- n. Specialty retail supply stores (290);
- o. Video rental (360B);

RESIDENTIAL USES:

- p. Supportive and transitional housing (three to nine units) subject to the R-T(A) District regulations;

COMMERCIAL USES:

- q. Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
- r. Churches (500);
- s. Developed parks (710);
- t. Undeveloped parks and open space (700);
- u. Temporary structures and uses;
- v. Sports and recreation facilities, without alcohol sales (720);
- w. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15 requiring a public hearing.

2. The following uses require a special use permit and design permit and are subject to other applicable requirements of the municipal code (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 use 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:

- a. Bars/taverns subject to alcohol regulations in Chapter 24.12, Part 12 (280C);
- b. Fast-food restaurants subject to alcohol regulations in Chapter 24.12, Part 12 (280H);
- c. Financial, insurance, real estate offices (420);
- d. Fish/seafood wholesale sales (200F);
- e. Medical/health offices (410);
- f. Nightclubs/music halls, subject to live entertainment and alcohol regulations in Chapter 24.12, Part 12 (630);
- g. Personal services (except contractors' yards and mortuaries) (310);
- h. Theaters (620);

RESIDENTIAL USES:

- i. Supportive and transitional housing, subject to the R-T(A) District regulations;

COMMERCIAL USES:

- j. Communication and information (550);
- k. Marine facilities and related uses (560E);
- l. Related research facilities (400L);
- m. Related storage and warehousing (330);
- n. Off-site public/private parking facilities, five or more spaces (930);
- o. Professional offices (400), except as associated with a visitor-serving use;
- p. Sports and recreation facilities subject to alcohol regulations in Chapter 24.12, Part 12 (720);
- q. Utilities and resources (540).

24.10.622 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.

24.10.624 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a.	Maximum height of buildings			
	• Principal buildings (feet)	30	30	36
	• Accessory buildings (feet)	15	15	15
b.	Minimum lot area (net) (square feet)	5,000	5,000	8,000
c.	Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450
d.	Minimum lot width (feet)	50	50	65
e.	Usable open space per dwelling unit (square feet)	—	—	400

2. Other Requirements.

- a. When located across a street from Subdistrict A, parking and loading facilities shall be at least ten feet distant from said property line, and buildings and structures at least fifteen feet from said property line.
- b. The minimum distance between buildings shall be six feet or one foot of setback for each two feet of height of, or portions thereof, a structure, whichever is greater.
- c. For any attached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line, to the entrance of the garage.
- d. 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.
- e. Height:
 - e.1. Maximum Building Height: Uninhabitable mechanical penthouses shall be limited to ten percent of the roof area and will be permitted an additional ten-foot height allowance; provided, that they are set back from the face of the building by a minimum of twenty feet so as not to be visible by pedestrians.
 - Architectural elements such as bell towers, spires, turrets, cupolas, chimneys, dormers, flag poles, etc., are limited to fifteen percent of the roof area and may extend ten feet above the height limitation, subject to design permit review.
 - e.2. Minimum Building Height: Not less than two stories, of which the first floor retail, restaurant and entertainment uses must have a minimum floor-to-floor height of fifteen feet.
- f. Design: All development must be in compliance with adopted design guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.
 - f.1. The design of all new structures shall be based upon “Spanish Colonial Revival” architecture as well as Mission Revival and Mediterranean architecture as described in

- the design guidelines. “Fantasy Victorian” is encouraged for recreational and entertainment development.
- f.2. Buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details or other features typical of Spanish Colonial Revival style.
- f.3. Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows.
- f.4. Building walls shall be stucco and colored white, off-white or very light value, warm-toned hues. Multiple color combinations may be used, provided they are subtle and consist of a limited number of colors. Variations in shade or tone can be used to articulate architectural features.
- f.5. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and moldings.
- f.6. Flat roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.
- g. Siting:
- g.1. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.
- g.2. All store fronts, theater entries, and hotel lobbies shall be located along streets, plazas, courtyards, or sidewalks in order to create visual interest to the pedestrian.
- g.3. Building facades shall be articulated with wall offsets, recesses, openings, ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.
- h. Accessibility:
- h.1. All retail uses must be directly accessible from a sidewalk, plaza, courtyard or other public open spaces.
- h.2. Access must be aesthetically integrated within the development.
- i. Setbacks: Development on this site should be designed to encourage and support activities that unify both sides of Beach Street. For that reason, development shall be required to build to the property line adjacent to Beach Street. Significant planter boxes and other narrowscape concepts should be used to soften this edge but provide active pedestrian access.
- j. Parking:
- j.1. Surface or structured parking may be constructed if the parking is visually screened and/or separated from the street by commercial development of at least fifty feet in depth.
- j.2. Parking structure exteriors shall maintain the same high-quality architectural design and construction standards as all other commercial buildings.
- The large scale and mass of parking structures shall be alleviated through wall offsets, pilasters, arched openings and other distinctive design elements.
 - Decorative elements such as cornices, balustrades, finish materials, colors and lighting shall be used to add interest and integrate the structures within the design character of the area.

- j.3. Parking shall not be the dominant visual element of the site. Existing and/or expanded surface parking which is visible from the street or other areas exposed to public view must be screened and softened by landscaping, low screen wall or a combination of these elements.
- j.4. Surface lots must be planted with trees to reduce heat and glare, that include at least fifteen percent of the surface area to provide visual relief from broad expanses of paving. Shade trees shall be planted around the perimeter and within the lot.
- j.5. Off-site parking may be permitted within this subdistrict if:
 - The city establishes a parking district for the area, the district develops a suitable parking facility, and the development pays an in-lieu parking fee; or
 - The development identifies and develops a suitable permanent parking facility; or
 - The development secures and provides evidence of a long-term lease from a suitable permanent parking facility.
- k. Landscaping:
 - k.1. Interior courtyards and passages are encouraged and shall be planted with colorful perennial and annual plant species. A combination of trees, shrubs and groundcovers shall be used to frame, soften and embellish the quality of the development, to screen undesirable views and to define development boundaries. Landscaping shall be maintained in an attractive condition.
 - k.2. Permanent containers for flowering plants, such as window boxes and planters, are encouraged for use in limited space areas, at entries and in courtyards and plazas, and along the frontages of Beach Street and Riverside Avenue.
- l. Transit: All development proposals within the RTC shall:
 - discourage employee automotive use by instituting one or more of the following: carpooling requirements, transit subsidies, employee shuttle service, and/or
 - provide a contribution and/or cost-sharing for shuttle and/or parking such as on the depot site.
- 3. New development including residential units or uses, with the exception of projects consisting of 100% SRO units, shall incorporate either
 - a. Uses for Active Frontage along a minimum of 50% of the length of the site frontage; or
 - b. Live-work units as defined in 24.12.185.14 along 100% of the site frontage.
- 4. 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.

24.10.624.1 FINDINGS REQUIRED.

In addition to required Use and Design Permit findings, any development permit must also meet the following findings. The proposed project:

- 1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to the adjacent RTA and RTB neighborhoods; and
- 2. Shall provide the amenity level of the development, the quality of architecture, and the landscaping to meet the requirements listed above.

3. Shall be found to contribute to the overall economic health, vitality and general mix of uses in the beach area by providing diverse retail and merchandising for the area.

Section 17. Section 24.10.625.4 – Use Determination of Part 7C.1: R-T(C)/PER: Subdistrict C – Beach Commercial/Performance Overlay Zone 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:

24.10.625.4 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.

Section 18. Part 7D: R-T(D) Subdistrict D – Beach Residential 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:

Part 7D: R-T(D) SUBDISTRICT D – BEACH RESIDENTIAL

24.10.626 PURPOSE.

The purpose of Subdistrict D is to conserve, protect and enhance the beach residential character of the subdistrict and provide a suitable environment for residents. To preserve the small scale and enhance the historic beach cottage character of this subdistrict, and to ensure that new residential land uses are compatible, permanent and of a high quality, all new development will be reviewed in compliance with the Beach Flats Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan and the Conservation Neighborhood Overlay requirements.

24.10.627 PRINCIPAL PERMITTED USES.

1. The following uses are permitted, subject to a design permit per section 24.08.410, Conservation Overlay District (Section 24.10.4000) and other requirements of the Municipal Code (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):

- a. Multiple dwellings, townhouse dwelling groups, and condominiums, three units or more. (830, 840)
- b. Single-family and duplexes (800, 810);
- c. Storage and equipment structures, if ancillary to principal residential use;
- d. Small and large family daycare homes in residential units.

- e. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings;
- f. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit;
- g. Supportive and transitional housing in single-family home or duplex.

24.10.628 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, as well as other requirements of the Municipal Code (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):

- a. Small community care residential facilities.
- b. Temporary structures and uses.
- c. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
- d. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code (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):

- a. Bed-and-breakfast inns, subject to the requirements contained in Chapter 24.12, Part 9. (300c)
- b. Community care facilities. (850e)
- c. Public and private noncommercial recreation areas, buildings and facilities such as parks. (710)
- d. Public and quasi-public buildings and uses including administrative, recreational, educational, religious, cultural, public utility or public service uses; but not including yards, storage or repair yards, and warehouses. (500, 510, 530, 540, 570)
- e. Retirement homes or centers. (850b)
- f. Supportive and transitional housing, three units or more.

24.10.630 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.

24.10.632 DISTRICT REGULATIONS.

1. General.

Provision		Dwelling Unit Type				
		1-Family Detached	Duplex	Triplex	4 or More Units	Other Uses
a.	Height of buildings					
	• Principal (feet)	22	22	22	30	30
	• Accessory (stories and feet)	1 and 15	1 and 15	1 and 15	1 and 15	1 and 15
b.	Minimum lot area (net) (square feet)	3,000	3,600	7,200	8,000	8,000
c.	Minimum lot area (net) per dwelling unit (square feet)	—	1,800	1,600	1,600	—
d.	Minimum lot width (feet)	40	40	80	80	80
e.	Usable open space per dwelling unit (square feet)	—	400	400	400	—
		Dwelling Units				
		First Story	Second Story		Other Uses	
f.	Front yard (feet)	5*	10*		10*	
g.	Rear yard (feet)	10	15		15	
h.	Side yard each side (feet)	4	4		4	
	or: one side (feet)	0	0		0	
	Total both sides (feet)	10	10		10	
i.	Exterior side yard (feet)	5*	5*		5*	
* For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.						

2. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

3. Other Requirements/Standards:

a. Design: All development is subject to a design permit and must be in compliance with adopted Design Guidelines. 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 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

a.1. New buildings shall employ California Bungalow or Victorian architectural style as a basis for design.

- a.2. Buildings shall be similar in scale and form to existing structures and shall incorporate vernacular characteristics, such as pitched gabled roofs, proportionally large overhangs, exposed roof beams and rafter tails, vertically oriented multi-paned windows and front porches.
- a.3. Buildings shall be wood frame construction with horizontal wood siding.
- a.4. Roof forms shall be typical of the Beach Flats with appropriate steeper pitches for Victorians and lesser pitches for California Bungalow style.
- a.5. Roof materials shall be composition or wood shingle.
- b. Parking: All parking shall be located within the rear or at the rear of main structures, if possible. Private multi-residential parking lots shall be screened from the public right-of-way, and meet the requirements of Section 24.12.240, in addition to the following requirements:
 - b.1. All garages and entrances to parking areas shall be set back at least five feet from the adjacent front building setback.
 - b.2. On lots of forty feet or less in width of street frontage, parking access is limited to a maximum of twelve feet of width. On lots of forty feet to sixty-five feet in width, parking access is limited to a maximum of sixteen feet of width; and on lots with greater than sixty-five feet in street frontage, parking access is limited to a maximum of twenty feet.
 - b.3. Driveways shall be minimized in order to maximize land use efficiency and the provision of landscaping and open space.
 - b.4. City parking standard requirements may be reduced in the following manner: one parking space for a one bedroom unit; for two or more bedrooms, the parking requirement may be reduced fifty percent if the following provisions are met:
 - at least fifty percent of new units are two bedrooms or more;
 - for units which meet the city's definition of "affordable"; and
 - if development is deemed compatible with surrounding neighborhood.
- c. Siting: All development shall be sited to create a harmonious streetedge, and to blend into rather than dominate the street.
 - c.1. Entries to individual units and groupings of units shall be located on the ground floor facing the street. These entries shall incorporate architectural and landscaping elements such as porches and arbors that visually reinforce the presence of entries.
 - c.2. Architectural elements, such as towers, balconies, stairs, decorative elements, etc., may be allowed to project up to fifty percent of the front yard setback requirement.
- d. Height: Multiple story developments shall minimize scale through upper story setbacks, individual building elements, and other similar design techniques.
 - d.1. The height of buildings shall be minimized at the street, in the following manner:
 - One-story elements of buildings (including porches) must be set back five feet,
 - Second-story elements of buildings must be set back ten feet.
- e. Landscaping, in compliance with the Design Standards, is required. Landscaping shall be maintained in an attractive condition.
 - e.1. Landscaping shall be designed to enhance the architectural style. All front, rear and side yards shall be fully landscaped except for areas devoted to driveways, patios, walkways or porches.

- e.2. Permanent containers for flowering plants are encouraged for use in limited space areas at entries and in courtyards and plazas.
 - e.3. Vines and climbing plants integrated with building design and used on walls and trellises are encouraged.
 - e.4. Opaque garden walls are not permitted within the front yard setback to maintain the landscape continuity along the street. Fences limited to three feet in height are permitted as long as the fence is at least sixty percent open.
4. 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.

24.10.633 CERTIFICATE OF OCCUPANCY REQUIRED.

In order to ensure safe and sanitary housing and rehabilitation of structures within the RT(D) District, a valid Certificate of Occupancy shall be required for each transfer of the property within the district. Certificates will not be issued for properties with a recorded Notice of Violation. Certificates will be issued when units comply with applicable codes.

Section 19. Part 7E: R-T€ Subdistrict E – Beach Medium/High Density 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:

Part 7E: R-T(E) SUBDISTRICT E – BEACH MEDIUM/HIGH DENSITY RESIDENTIAL

24.10.635 PURPOSE.

The purpose of Subdistrict E is to encourage quality medium and/or high density multifamily residential uses in a manner which promotes excellence in building design, provides for family-oriented development, ensures compatibility with the adjacent conservation overlay zone, and limits the need for parking by encouraging use of alternative means of transportation, including the multi-modal center proposed for the depot site. All new development will be reviewed in compliance with the Beach Flats Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

24.10.636 PRINCIPAL PERMITTED USES.

1. The following uses are permitted and may also require a design permit per section 24.08.410 as well as other requirements of the Municipal Code:
 - a. Duplex dwellings.
 - b. Multiple dwellings, townhouse dwelling groups and condominiums.
 - c. Small and large family daycare homes in residential units.
 - d. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.

24.10.637 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 as well as other requirements of the Municipal Code:

- a. Educational and cultural institutions.
- b. Community care facilities.
- c. Single-family dwellings on substandard lots.
- d. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a special use permit, and may also require a design permit as well as other requirements of the Municipal Code:

- a. Recreational buildings and community centers.
- b. Public and private noncommercial recreation areas, buildings and facilities such as parks, playgrounds and basketball courts.
- c. Public and private commercial parking, subject to landscaping and design standards. Non-conforming parking lots must be brought into compliance within five years of adoption of this Part 7E.

24.10.638 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.

24.10.640 DISTRICT REGULATIONS.

These regulations apply to all development within the RTE subdistrict.

1. General.

Provision		Dwelling Unit Type			Other Uses
		Duplex	3+	7+	
a.	Height of buildings				
	Maximum (feet)	22	22	36	36
b.	Minimum lot area (net) (square feet)	3,400	6,800	10,200	10,200
c.	Minimum lot area (net) (square feet) per dwelling unit	1,700	1,450	1,200	—
d.	Minimum lot width (feet)	40	65	80	80
e.	Open space/dwelling unit (square feet)	400	400	400	—

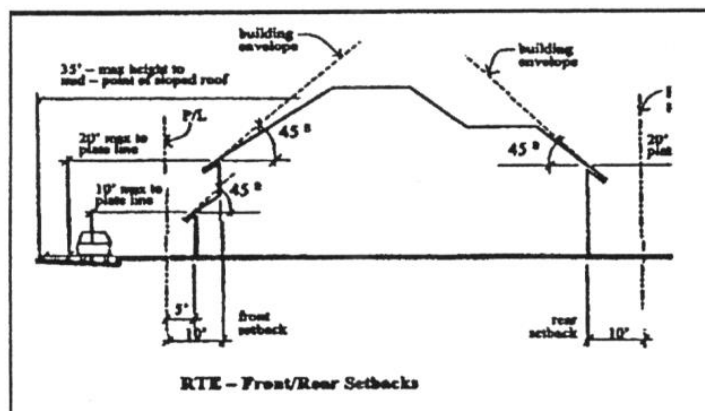
Setbacks		First Story	Second Story	Third Story
f.	Front yard (feet)	5	10	10*
g.	Rear yard (feet)	10	10	10*
h.	Side yard, each side (feet)	3	5	5
	Total both sides (feet)	6	10	10
* Front and rear yards are subject to building envelope. See <i>Setbacks and Height</i> , subsection (2)(a) of this section.				

2. Other Requirements/Standards:

a. Setbacks and Height: Multiple-story developments shall minimize scale through upper story setbacks, articulated building elements, and other similar design techniques.

a.1. The height of buildings shall be minimized at the street, in the following manner:

- One-story elements of buildings (including porches) must be set back five feet from the property line.
- Second-story elements of buildings must be set back ten feet from the property line.
- For three stories, the height of the building must be contained within the building envelope as shown in the following:



a.2. Multi-story buildings or portions of buildings constructed within thirty feet of the Conservation Overlay District shall step-down toward the conservation neighborhood to transition to the adjacent smaller scale conservation area, and shall be no taller than two stories or twenty-three feet at the mid-point of the roof.

b. Design: All development must be in compliance with adopted Design Guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

b.1. The design of all new structures employ California Bungalow, Craftsman, or Spanish Resort Style as described in the Design Guidelines.

b.2. Spanish Resort Style buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that

emulate the scale, proportions and look of wood, decorative iron and tile details. Building forms shall suggest thick masonry and incorporate features such as recessed doors and windows. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and molding.

b.3. Flat-roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.

b.4. California Bungalow and Craftsman-styled buildings shall incorporate appropriately sloped roofs, stucco and/or wood walls, overhangs, porches, trellises, and balconies. Doors and windows shall be of wood (or other durable material that emulates the scale, proportion and appearance of wood).

c. Parking: All parking shall be located within the rear or at the rear of main structures. Private residential parking lots shall be screened from the public right-of-way, and shall meet the requirements of Section 24.12.240, in addition to the following requirements.

c.1. All garages and entrances to parking areas shall be set back at least five feet from the adjacent front building setback, and twenty feet from the front property line.

c.2. On lots of forty feet or less in width of street frontage, parking access is limited to a maximum of twelve feet of width. On lots of forty to sixty-five feet in width, parking access is limited to a maximum of sixteen feet of width; and on lots with greater than sixty-five feet in street frontage, parking access is limited to twenty feet.

c.3. Driveways shall be minimized to maximize land use efficiency and the provision of open space and landscaping.

c.4. Off-site parking may be permitted within this subdistrict if:

- the city establishes a parking district for the area; the district develops a suitable parking facility; and the development pays an in-lieu parking fee, or the development identifies and develops a suitable permanent parking facility,
- off-site parking must be within five hundred feet of the development and secured by ownership or a long-term lease, including a deed restriction limiting the property's use for the required parking.

c.5. City parking standard requirements may be reduced in the following manner: one parking space for a one bedroom unit; for two or more bedrooms, the parking requirement may be reduced fifty percent if one of the following provisions is met:

- at least fifty percent of new units are two bedrooms or more, or
- for units which meet the city's definition of "affordable."

c.6. Where there is joint recreational and seasonal commercial parking use of a site, turf may be substituted for paved surfaces.

d. Open Space: Each development shall provide four hundred square feet of usable open space per unit. This requirement may be met through the provision of balconies and/or decks, patios over eight feet in depth, and landscaped front and rear yards over ten feet in depth. The provision of open space may be reduced to two hundred fifty square feet per dwelling unit, if the development meets one of the following criteria:

- projects providing at least fifty percent of the development as two bedroom units;
- projects providing community facilities such as a community center and/or a child-care facility.

e. Siting: All development shall be sited to create a harmonious streetedge, and to blend into rather than dominate the street.

- e.1. Entries to individual units and groupings of units shall be located on the ground floor facing the street. These entries shall incorporate architectural and landscaping elements such as porches and arbors that visually reinforce the presence of entries.
 - e.2. Architectural elements, such as towers, balconies, stairs, decorative elements, etc., may project up to fifty percent of the front yard setback requirement.
 - e.3. Courtyard-style developments, providing common usable open space, may provide a single, common entryway facing the street.
 - f. Landscaping: Landscaping shall be in compliance with the Design Standards.
 - f.1. Landscaping shall be designed to enhance the architectural style. All front, rear and side yards shall be fully landscaped except for areas devoted to driveways, patios, walkways or porches. All landscaping areas shall be provided with automatic irrigation systems to facilitate the maintenance of the landscape. Landscaping shall be maintained in an attractive condition.
 - f.2. Permanent containers for flowering plants, or similar narrowscape landscaping concepts, are encouraged for use in limited space areas, at entries and in courtyards and plazas at entries and in courtyards and plazas.
 - f.3. Vines and climbing plants integrated with building design and used on walls and trellises are encouraged.
3. 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.

24.10.641 FINDINGS REQUIRED.

Prior to approval of any design permit for development within this district, the following additional findings must be made. The application:

- 1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to an adjacent Neighborhood Conservation Overlay District; and
- 2. Shall meet the requirements listed above for the high amenity level of the development, the quality of architecture, and the landscaping.

Section 20, Part 8: C-C Community Commercial 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:

Part 8: C-C COMMUNITY COMMERCIAL DISTRICT

24.10.700 PURPOSE.

To provide locations throughout the community for a variety of commercial and service uses for residents of the city and the region which promote the policies of the General Plan; to encourage a harmonious mixture of a wide variety of commercial and residential activities including limited industrial uses, if they are compatible and nuisance free. New development including residential units or residential uses within the zone are encouraged to incorporate Uses for Active Frontage along the site frontage. This section of the Zoning Ordinance is also part of the Local Coastal

Implementation Plan. Also refer to Part 43, Sections 24.10.4300 et seq. for properties within the Mission Street Urban Design Overlay District.

24.10.710 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:

- a. Acting/art/music/dance schools and studios (610);
- b. Apparel and accessory stores (250);
- c. Auto supply stores (260C);
- d. Eating and drinking establishments (except bars, fast-food) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- e. Financial, insurance, real estate offices (420);
- f. Financial services (320);
- g. Food and beverage stores (except liquor and convenience stores) (240);
- h. General retail merchandise (drug and department stores) (230);
- i. Home furnishing stores (270);
- j. Medical/health offices (except veterinarians and ambulance services) (410);
- k. Museums and art galleries (600);
- l. Professional/personal service (except contractors' yards and mortuaries) (310);
- m. Repairs, alterations and maintenance services for household items (except boat repair) (340);
- n. Small preschool/childcare (twelve or fewer) (510A);
- o. Specialty retail supply stores (290); except thrift stores (290m);
- p. Theaters (620);
- q. Video rental (650).

RESIDENTIAL USES:

- r. Flexible Density Unit (FDU) Housing
- s. Mixed residential and commercial/office developments involving allowed commercial uses, on the ground floor and multiple dwellings or condominiums either above the first floor or on the same lot;
- t. Multiple dwellings or condominiums when ground-floor units are designed as Live-Work units consistent with Section 24.12.185. 14 and subject to the minimum (net) land area per dwelling unit of the R-M District (830);
- u. One- or two-multiple-family units when located above the first floor with no additional parking required (830);
- v. Single-room occupancy (SRO) housing (860);
- w. Small community care residential facilities;
- x. Small and large family daycare homes in residential units;

COMMERCIAL USES:

- y. Off-site public/private parking facilities, five or fewer spaces (930);
- z. Professional offices (400).
- aa. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.720 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.730.

24.10.730 USE PERMIT REQUIREMENT.

The following uses require an administrative use permit and are subject to other applicable 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 use 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:

- 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. Community organizations, associations, clubs and meeting halls (570);
- e. Educational facilities (public/private) (510);
- f. Government and public agencies (530);
- g. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- h. Thrift stores (290m);
- i. Veterinarians (410A);

COMMERCIAL USES:

- j. Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
- k. Ambulance services (410B);
- l. Auto services and repair subject to performance standards in Section 24.12.900 (350);
- m. Boat repairs (340D);
- n. Building materials/garden supplies (220);
- o. Churches (500);
- p. Communication and information services (550);
- q. Developed parks (710);
- r. 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);

- s. Lodging (300);
- t. Motor vehicle dealers and supplies (260);
- u. Off-site public/private parking facilities, five or more spaces (930);
- v. Recycling collection facilities;
- w. Temporary structures and uses;
- x. Undeveloped parks and open space (700);
- y. Utilities and resources (540);
- z. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

The following uses require a special use permit and are subject to other applicable requirements of the municipal code including the approval of a design permit for new structures when required by Section 24.08.410. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use 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:

- 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. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- d. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

RESIDENTIAL USES:

- e. Community care facilities;

COMMERCIAL USES:

- f. Carpenter, electrical, plumbing, heating, and furniture upholstery shops;
- g. Contractor/building (310E);
- h. Fabricated metal products (manufacturing) (150);
- i. Fabricated wire products (manufacturing) (155A);
- j. Food and beverage preparation (manufacturing) (100);
- k. Furniture and fixtures (manufacturing) (120);
- l. Hospitals (520);
- m. Laboratory research experimentation, testing, software development;
- n. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- o. Local/interurban passenger transit (bus, cab) (560B);
- p. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- q. Mortuaries (310I);

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

24.10.740 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.

24.10.750 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Commercial-Only (stories and feet)	3 & 40
• Residential-Only (stories and feet)	3 & 40
• Additional height for Mixed Use with ground floor retail (stories and feet)	0 & 5
• Additional height for volumetric modular,	0 & 2 + (1 per residential

Provisions	Requirement
factory-built housing (stories and feet)	story)
• Accessory	1 & 20
b. Lot Area – Minimum (net) (sq. ft.)	5,000
c. Setbacks	
• Front-yard	0**
• Rear-yard	0*
• Interior	0*
• Exterior	0*,**
d. Open space per unit (residential only)	
• Private (sq. ft.)	40
• Common (sq. ft.) and easily accessible to residential units	80
e. Distance between buildings on same lot	10
<p>* Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District, subject also to the requirements of Section 24.12.185.10 as applicable.</p> <p>** 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.</p>	

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

3. New development including residential units or uses, with the exception of projects consisting of 100% SRO units, shall incorporate either

- a. Uses for Active Frontage as listed in the allowed uses for the zone along a minimum of % of the length of the site frontage; or
- b. Where exclusively residential development is proposed, all ground floor units at the shall be developed as live-work units as defined in 24.12.185.14.

Section 21. Part 9: MU-M Mixed-Use Medium 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 9: MU-M MIXED-USE MEDIUM DENSITY DISTRICT

* Editor's Note: Former Part 9, previously codified herein was repealed in its entirety by Ord. 94-33 § 34.

24.10.800 PURPOSE.

To promote the development of a harmonious mixture of a wide variety of commercial activities including limited industrial uses, if they are compatible and nuisance free, in conjunction with condominiums and apartments; to stabilize and protect the commercial characteristics of the district; and to promote a walkable, dynamic, and efficient environment for residents, businesses, and workers. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 for design standards.

24.10.801 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. 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. 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.

24.10.802 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. Utilities and resources (540);
- q. 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);

24.10.803 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.

24.10.804 DISTRICT REGULATIONS.

- 1. General.

Provisions	Requirement
a. Height of buildings –	

Provisions	Requirement
Maximum	
<ul style="list-style-type: none"> • Commercial-only (stories and feet) 	3 & 40

• Mixed use (stories and feet)	4 & 45
• 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.)	4500
c. Floor Area Ratio, minimum to maximum	0.75 to 1.75
d. Required lot area per dwelling unit	1,452 (no requirement for 1-bedroom/studios/SROs/FDUs)
e. Setbacks	
• Front-yard	0**
• Rear-yard	15*
• Interior Side	0*
• Exterior Side	8*, **
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.

24.10.805 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 residential units may also be counted toward required commercial parking.

Section 22. Part 9B: MU-OM Mixed-Use Ocean Street Medium 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 9B: MU-OM MIXED-USE OCEAN STREET MEDIUM DENSITY DISTRICT

24.10.820 PURPOSE.

To encourage high-quality neighborhood-and visitor-serving commercial development along Ocean Street and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and medium-density mixed-use developments to promote a vibrant and pedestrian oriented environment for residents, workers and visitors consistent with the Ocean Street Area Plan. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 and the Ocean Street Area Plan for design standards.

24.10.821 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);
32. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.822 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).

24.10.823 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.

24.10.824 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Commercial-only (stories and feet)	3 & 45
• Mixed use (stories and feet)	3 & 40
• 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	0.75 to 1.75
d. Lot Area for creating new parcels – Minimum (net) (sq. ft.)	4000

Provisions	Requirement
e. Required lot area per dwelling unit	1,452 (no requirement for 1-bedroom/studios/SROs/FDUs)
f. Setbacks	
• Front-yard	0**
• Rear-yard	1*
• Interior	0*
• Exterior	8*, **
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
<p>* 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.</p> <p>** 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.</p>	

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 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 Ocean Street frontage. Residential units can occupy up to 50% of the frontage on thoroughfares other than Ocean Street.
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.

24.10.825 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 23. Part 9C: MU-OH Mixed-Use Ocean Street 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 9C: MU-OH MIXED-USE OCEAN STREET HIGH DENSITY DISTRICT

24.10.830 PURPOSE.

To encourage high-quality neighborhood- and visitor-serving commercial development along Ocean Street and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and medium-density mixed-use developments within larger buildings oriented toward Ocean Street and Broadway, and using building height and massing to create a sense of place, while promoting a vibrant and pedestrian oriented environment for residents, workers and visitors consistent with the Ocean Street Area Plan. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 and the Ocean Street Area Plan for design standards.

24.10.831 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);
- 32. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.832 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).

24.10.833 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.

24.10.834 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	0.75 to 1.75
d. Lot Area for creating new parcels – Minimum (net) (sq. ft.)	4000
e. Required lot area per dwelling unit	1,452 (no requirement for 1-bedroom/studios / SROs/FDUs)
f. Setbacks	
• Front-yard	0**
• Rear-yard	10*
• Interior	0*
• Exterior	8*, **
g. Open space per unit (residential)	

Provisions	Requirement
• Private (sq. ft.)	40
• Common (sq. ft.) and easily accessible to residential units	80
h. Distance between buildings on same lot	10
<p>* 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</p> <p>** 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.</p>	

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 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.

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.

24.10.835 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 24. Part 11: C-N Neighborhood Commercial 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:

Part 11: C-N NEIGHBORHOOD COMMERCIAL DISTRICT

24.10.1000 PURPOSE.

To provide commercial and service uses near residential areas for the convenience of local residents. Uses aimed at nearby customers may not require typical development standards such as vehicular parking. 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.

24.10.1010 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code including the requirement for 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 use 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:

- a. Eating and drinking establishments (except bars and fast-food), subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- b. Financial, insurance, real estate offices (420);
- c. Food, beverage stores (except liquor and convenience stores) (240);
- d. Hardware stores (indoor sales only) (220A);
- e. Medical/health offices (except veterinarians and twenty-four-hour clinics) (410);
- f. Professional/personal service (except contractors yards and mortuaries) (310);

RESIDENTIAL USES:

- g. One or two multiple-family units when located above the first floor commercial use with no additional parking required (830);
- h. Small and large family daycare homes in residential units;
- i. 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-L District (840);

COMMERCIAL USES:

- j. Financial services (320);
- k. Off-site public/private parking facilities five or fewer spaces (930);
- l. Professional offices (400);
- m. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.1020 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1030.

24.10.1030 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code including the requirement for 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 use 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:

- a. Acting/art/music/dance studios and schools (610);
- b. Apparel and accessory stores (250);
- c. General retail merchandise (drug and department stores) (230);
- d. Government and public agencies (530);
- e. Preschools/childcare (twelve or fewer) (510A);
- f. Home furnishings (270);
- g. Repair, alteration, maintenance services for household items (except boat repairs) (340);
- h. Specialty retail supply stores (290);
- i. Veterinarians (410A);

RESIDENTIAL USES:

- j. Small community care residential facilities;

COMMERCIAL USES:

- k. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- l. Auto supply stores (260C);
- m. Churches (500);
- n. Community organizations, associations, clubs and meeting halls (570);
- o. Educational facilities (public/private) (510);
- p. Parks and open spaces (700);
- q. Recycling collection facilities;
- r. Temporary structures and uses;
- s. Video rental (650);
- t. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code including the requirement for a design permit for new structures (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 use 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:

- a. Bars, subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- b. Brewpubs, subject to live entertainment and alcohol regulations of Chapter 24.12;
- c. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- d. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;

RESIDENTIAL USES:

- e. Community care facilities;
- f. Community care residential facilities;

COMMERCIAL USES:

- g. Auto services and repair, subject to performance standards in Section 24.12.900 (350);
- h. Fast-food restaurants or drive-in eating facilities, subject to performance standards in Section 24.14.290 and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- i. Off-site public/private parking facilities, five or more spaces (930);
- j. Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- k. Storage and warehouses with permitted retail (330).

24.10.1040 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.

24.10.1050 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Commercial and mixed use (stories and feet)	2 & 30
• Accessory (stories and feet)	1 & 15
b. Minimum Lot Area (net) (sq. ft.)	
• Commercial or residential	5,000

Provisions	Requirement
• Mixed use	8,000
c. Setbacks	
• Front (feet)	10*, **
• Rear (feet)	0*
• Side	
• Interior	0*
• Exterior	10
d. Open space per unit (Residential only)	
• Private (sq. ft.)	40
• Common (sq. ft.) and easily accessible to residential units	80
e. Distance between buildings on same lot (feet)	10
<p>* Except where abutting an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.</p> <p>** Except where special street setback requirements for designated streets apply, then the setback shall be added to the minimum setback listed in Section 24.12.115 for affected streets.</p>	

2. Additional Setback Requirement. In any C-N District directly across a street or thoroughfare, not including a freeway, from any R- District, parking and loading facilities shall be at least ten feet distant from the property line and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.

3. Other Requirements.

a. All uses shall be conducted wholly within a completely enclosed building, except for 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. 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 25. Part 12: C-B Beach Commercial 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:

Part 12: C-B BEACH COMMERCIAL DISTRICT

24.10.1100 PURPOSE.

To provide for commercial uses which are primarily coastal-dependent in nature and which serve tourists and visitors to the Santa Cruz coastal recreational areas. Also, to provide commodities and services to residents of such areas. The C-B District shall be applied only in areas designated in the General Plan and the Local Coastal Program. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.1110 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code (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 use 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:

- a. Acting/art/music/dance schools and studios (610);
- b. Apparel and accessory stores (250);
- c. Eating and drinking establishments (except fast-food restaurants), subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- e. Food and beverage stores (except convenience/liquor stores) (240);
- f. General merchandise (drug and department stores) (230);
- g. Handicraft shops and workshops;
- h. Museums and art galleries (600);
- i. Personal/professional services (except contractors' yards and mortuaries) (310);
- j. Specialty retail supply stores (290); except thrift stores (290m);

RESIDENTIAL USES:

- k. One or two multiple-family units when located above the first floor with no additional parking required (830);
- l. Small and large family daycare homes in residential units;
- m. Mixed residential and commercial development involving permitted or administrative uses on the ground floor and multiple dwellings or condominiums either on the same lot or above the first floor, subject to the minimum land area (net) per dwelling unit of the R-M District (830);

COMMERCIAL USES:

- n. Financial, insurance, real estate offices above first floor (420);
- o. Lodging (300);
- p. Marine facilities (560E);
- q. Mechanical contrivances for amusement purposes, such as Ferris wheels, and roller coasters, south and east of Beach Street only;
- r. Off-site public/private parking facilities, five or fewer spaces (930);
- s. Professional offices above first floor (400);
- t. Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- u. Theaters (620);

- v. Video rental (650);
- w. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.1120 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1130.

24.10.1130 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (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 use 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:

- a. Convenience store, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- b. Educational facilities (public/private) (510);
- c. Fish/seafood/wholesale (200F);
- d. Home furnishings (270B);
- e. Thrift stores (290m);
- f. Professional offices associated with a visitor-serving use;

COMMERCIAL USES:

- g. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- h. Community organizations, associations, clubs and meeting halls (570);
- i. Churches (500);
- j. Financial services (320);
- k. Government and public agencies (530);
- l. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- m. Parks and open spaces (700);
- n. Repairs, alterations, maintenance services for household items (340);
- o. Temporary structures and uses;
- p. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code (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 use 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:

- a. Bars/taverns, subject to live entertainment and alcohol regulations of Chapter 24.12;

- b. 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);
- c. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);

RESIDENTIAL USES:

- d. Group quarters (850);

COMMERCIAL USES:

- e. Off-site public/private parking facilities, five or more spaces (930);
- f. Refreshment stands and vehicles, when located on private property, in locations clearly incidental and adjacent to beach, park, campgrounds, or other major recreational and tourist facilities or activities.

24.10.1140 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.

24.10.1150 DISTRICT REGULATIONS.

- 1. General.

Provisions		Requirement
a.	Height of Building – Maximum	
	• Commercial and Mixed Use (stories and feet)	3 & 40
	• Accessory	1 & 20
b.	Lot area minimum (net) (square feet)	
	• Commercial or residential	5,000
	• Mixed Use	8,000
c.	Setbacks	
	• Front yard	0**
	• Rear yard	0*
	Side yard	

Provisions		Requirement
	• Interior	0 ¹
	• Exterior	0*, **
d.	Open Space Per Unit (Residential Only)	
	• Private (square feet)	40
	• Common (square feet) and easily accessible to residential units	80
e.	Distance between buildings on same lot	10
<p>* Except where abutting an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.</p> <p>** 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 streets.</p>		

2. Other Requirements.

- a. All uses shall be conducted wholly within a completely enclosed building, except for parking facilities, or other outdoor uses when appropriately screened and as approved by the zoning administrator.

3. The following regulations are applicable to site design in the CB Zone north of Beach Street as set forth in General Site Design Standards, Part 2, Chapter 24.12, and the following:

a. Height:

- a.1. Maximum Building Height: Maximum building height shall be thirty-six feet. Uninhabitable mechanical penthouses shall be limited to ten percent of the roof area and will be permitted an additional ten-foot height allowance; provided, that they are set back from the face of the building by a minimum of twenty feet so as not to be visible by pedestrians.

- Architectural elements such as bell towers, spires, turrets, cupolas, chimneys, dormers, flag poles, etc., are limited to fifteen percent of the roof area and may extend ten feet above the height limitation, subject to Design Permit review.

- a.2. Minimum Building Height: Not less than two stories, of which the first floor retail, restaurant and entertainment uses must have a minimum floor-to-floor height of fifteen feet.

- b. Design: All development must be in compliance with adopted Design Guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

- b.1. The design of all new structures be based upon Spanish Colonial Revival architecture as well as Mission Revival and Mediterranean architecture as described in

- the Design Guidelines. Fantasy Victorian is encouraged for recreational and entertainment development.
- b.2. Buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details or other features typical of Spanish Colonial Revival style.
 - b.3. Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows.
 - b.4. Building walls shall be stucco and colored white, off-white or very light value, warm-toned hues. Multiple color combinations may be used, provided they are subtle and consist of a limited number of colors. Variations in shade or tone can be used to articulate architectural features.
 - b.5. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and moldings.
 - b.6. Flat-roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.
- c. Siting:
 - c.1. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.
 - c.2. All store fronts, theater entries, and hotel lobbies shall be located along streets, plazas, courtyards, or sidewalks in order to create visual interest to the pedestrian.
 - c.3. Building facades shall be articulated with wall offsets, recesses, openings, ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.
 - d. Accessibility:
 - d.1. All retail uses must be directly accessible from a sidewalk, plaza, courtyard or other public open spaces.
 - d.2. Access must be aesthetically integrated within the development.
 - e. Setbacks: Development on this site should be designed to encourage and support activities which unify both sides of Beach Street. For that reason, development shall be required to build to the property line adjacent to Beach Street. Significant planter boxes and other narrowscape concepts should be used to soften this edge but provide active pedestrian access.
 - f. Parking:
 - f.1. Surface or structured parking may be constructed if the parking is visually screened and/or separated from the street by commercial development of at least fifty feet in depth.
 - f.2. Parking structure exteriors shall maintain the same high-quality architectural design and construction standards as all other commercial buildings.
 - The large scale and mass of parking structures shall be alleviated through wall offsets, pilasters, arched openings and other distinctive design elements.
 - Decorative elements such as cornices, balustrades, finish materials, colors and lighting shall be used to add interest and integrate the structures within the design character of the area.

- f.3. Parking shall not be the dominant visual element of the site. Existing and/or expanded surface parking which is visible from the street or other areas exposed to public view must be screened and softened by landscaping, low screen wall or a combination of these elements.
- f.4. Surface lots must be planted with trees to reduce heat and glare, that include at least fifteen percent of the surface area to provide visual relief from broad expanses of paving. Shade trees shall be planted around the perimeter and within the lot.
- f.5. Off-site parking may be permitted within this subdistrict if:
 - the city establishes a parking district for the area, the district develops a suitable parking facility, and the development pays an in-lieu parking fee; or
 - the development identifies and develops a suitable permanent parking facility; or
 - the development secures and provides evidence of a long-term lease from a suitable permanent parking facility.
- g. Landscaping:
 - g.1. Interior courtyards and passages are encouraged and shall be planted with colorful perennial and annual plant species. A combination of trees, shrubs and groundcovers shall be used to frame, soften and embellish the quality of the development, to screen undesirable views and to define development boundaries. All landscaping shall be maintained in an attractive condition.
 - g.2. Permanent containers for flowering plants, such as window boxes and planters, are encouraged for use in limited space areas, at entries and in courtyards and plazas, and along the frontages of Beach Street and Riverside Avenue.
- h. Transit: All development proposals within the RTC shall:
 - discourage employee automotive use by instituting one or more of the following: carpooling requirements, transit subsidies, employee shuttle service, and/or
 - provide a contribution and/or cost-sharing for shuttle and/or parking such as on the depot site.
- 4. New development including residential units or uses within the zone shall incorporate Uses for Active Frontage along the site frontage.
- 5. 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.

24.10.1160 FINDINGS REQUIRED.

In addition to required use and design permit findings, any development permit must also meet the following findings. The proposed project:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to the adjacent RTC and RTE neighborhoods; and
2. Shall provide the amenity level of the development, the quality of architecture, and the landscaping to meet the requirements listed above.
3. Shall be found to contribute to the overall economic health, vitality and general mix of uses in the beach area by providing diverse retail and merchandising for the area.

Section 26. Part 13: P-A Professional and Administrative Office 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:

Part 13: P-A PROFESSIONAL AND ADMINISTRATIVE OFFICE DISTRICT*

* Editor's Note: Former Part 13, C-H Heavy Commercial District, previously codified herein and containing portions of Ords. 87-22 and 88-26 was repealed in its entirety by Ord. 93-21 § 8, 5-25-93.

24.10.1200 PURPOSE.

To provide a district for business and professional offices. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. New development including residential units or uses within the zone shall incorporate Uses for Active Frontage along the site frontage. Also refer to Part 43, Sections 24.10.4300 et seq. for properties within the Mission Street Urban Design Overlay District.

24.10.1210 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright if a design permit is obtained for new structures (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:

- a. Financial, insurance, real estate offices (420);
- b. Financial services (320);
- c. Professional offices (400);
- d. Professional/personal services (except contractors' yards and mortuaries) (310);
- e. Medical/health offices (except veterinarians, medical marijuana provider association dispensaries, as defined in Section 24.22.539, ambulance services and emergency medical clinics open earlier than 7:00 a.m. and later than 9:00 p.m.) (410);
- f. Museums and art galleries (600);

RESIDENTIAL USES:

- g. Duplexes together with an allowed commercial use (820);
- h. Multiple dwellings and condominiums, together with an allowed commercial use and subject to minimum land area requirements of R-M District (830);
- i. One to two units above ground floor office use with no additional parking required (810);
- j. Small and large family daycare homes in residential units.

COMMERCIAL USES:

- k. Off-site parking fewer than five spaces (930);
- l. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.1220 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1230.

24.10.1230 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 (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:

- a. Acting/art/music/dance studios and schools (610);
- b. Churches (500);
- c. Communication and information services (550);
- d. Community organizations, associations, clubs and meeting halls (570);
- e. Educational facilities (public/private) (510);
- f. Government and public agencies (530);
- g. Veterinarians (410A);

RESIDENTIAL USES:

- h. Mobilehomes if lot area cannot accommodate multifamily (870);
- i. Single-family residences if lot area cannot accommodate multifamily (810);

COMMERCIAL USES:

- j. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- k. Off-site public/private parking facilities, five or more spaces (930);
- l. 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 (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):

COMMERCIAL USES:

- a. Community care facilities;
- b. Community care residential facilities;
- c. Hospitals (520);
- d. Mortuaries (310I);
- e. Emergency medical clinics open earlier than 7:00 a.m. and later than 9:00 p.m. (410B).

24.10.1240 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.

24.10.1250 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Principal (stories and feet)	2 & 25
• Accessory (stories and feet)	1 & 15
b. Minimum lot area (net) (sq. ft.)	5,000
c. Front yard (feet)	10*
d. Rear yard (feet)	5**
e. Side yard	
• Interior (feet)	0**
• Exterior (feet)	10*
f. Distance between buildings on same lot (feet)	10
<p>* Except that the front yard and the exterior side yard may be reduced to not less than six (6) feet, for a portion not to exceed fifty (50%) percent of the building frontage, and providing that a total of ten (10) square feet of front yard is provided for each lineal foot of total lot frontage.</p> <p>** Except where abutting an R- District, then not less than the minimum yard required for the adjacent yard in the R-District.</p>	

2. Additional Setback Requirement. In any P-A District, directly across a street or thoroughfare, not including a freeway, from any R- District, 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.

3. Other Requirements. 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 27. Section 24.10.1320 – Use Determination 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:

24.10.1320 USE DETERMINATION.

Any other uses or service establishments 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 and are consistent with the policies of the Port District Master Plan and the Local Coastal Land Use Plan, 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.

Section 28. Part 16: General Industrial 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:

24.10.1500 PURPOSE.

To encourage sound industrial development by providing and protecting an environment for such development, subject to regulations necessary to ensure the purity of the land, air, and waters in Santa Cruz County, and the protection of nearby residential, commercial, and industrial uses of the land from hazards, noise, and other disturbances. This section of the zoning ordinance is also part of the Local Coastal Implementation Plan.

24.10.1505 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (numerical references at the ends 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):

- a. Acting/art/music/dance schools and studios (610);
- b. Building materials/garden supply stores (220) with less than forty thousand square feet including indoor floor area and outdoor storage, display, or sales area. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;
- c. Financial, insurance, real estate offices (420);
- d. Food and beverage preparation (100);
- e. Furniture and fixtures (120);
- f. Laboratories and related facilities for research, experimentation, testing, film processing, software development, including cannabis testing;
- g. Medical/health offices/laboratories (410);
- h. Millwork textile products (105);
- i. Printing and publishing or lithographic shops and plants;
- j. Professional offices (400);

- k. Professional/personal service (except mortuaries) (310);
- l. Rental service (360);
- m. Repair, alterations, maintenance (except boat repairs) (340);
- n. Small and large family daycare homes in residential units;
- o. Start-up fabrication assembly or packaging from light metals, prepared materials, or prefabricated parts, including electrical devices if operated in an area no greater than three thousand square feet, and no hazardous materials are used during the operation;
- p. Storage warehousing (330);
- q. Wholesale trade durable goods (210);
- r. Wholesale trade nondurable goods (200).

24.10.1510 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

- a. Agriculture (000);
- b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);
- c. Boat repairs (340D);
- d. Cannabis cultivation, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- e. Cannabis distribution and warehousing, subject to the commercial cannabis regulation, Part 14 of Chapter 24.12;
- f. Cannabis manufacturing, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- g. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- h. Churches (500);
- i. Communication and information services (550);
- j. Community organizations, associations, clubs and meeting halls (570);
- k. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- l. Educational facilities (public/private) (510);
- m. Fabricated metal products (150);
- n. Food and beverage stores (except liquor and convenience stores) (240);
- o. Forestry services (010);
- p. Government and public agencies (530);
- q. Leather tanning (110);
- r. Off-site public/private parking facilities, five or more spaces (930);
- s. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
- t. Parks (700);
- u. Stone, clay, glass products (140);
- v. Temporary structures;

- w. Transportation facilities (560);
 - x. Utilities and resources (540);
 - y. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.
2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
- a. Building material/garden supply stores (220) with forty thousand square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;
 - b. Chemicals and allied products, subject to performance standards (130);
 - c. Group quarters (850);
 - d. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
 - e. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
 - f. Paper and allied products subject to performance standards (125);
 - g. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
 - h. Primary metals and material subject to performance standards (145);
 - i. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
 - j. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed-use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed-use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below forty-five decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
 - k. Smoking lounges as defined in Section 24.22.748.2 and subject to the siting criteria and performance standards in Chapter 5.54;

1. Emergency shelters subject to regulations in Part 17 of Chapter 24.12.

24.10.1520 ACCESSORY USES.

Uses and buildings customarily appurtenant or incidental to uses listed in Section 24.10.1510 subject to the provisions of Section 24.12.140, including service facilities such as bank ATMs, cafeterias, employee recreation centers, daycare and other similar installations; intended solely for use by the occupants of a principal permitted use or uses.

24.10.1525 PROHIBITED USES.

1. Any manufacturing use involving the primary production of products from new materials found to be incompatible with the neighborhood or the city as a whole based on noise, odor, air quality or other adverse environmental impact shall be prohibited.
2. No use which either produces or utilizes asbestos in any manufacturing process shall be permitted.
3. Refinery of petroleum products or other industrial activities in support of off-shore oil drilling shall not be permitted.

24.10.1530 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.

24.10.1540 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Principal (feet)	50
• Accessory (feet)	25
b. Minimum lot area (net) (sq. ft.)	20,000
c. Front yard (feet)	20
d. Rear yard (feet)	10**
e. Side yard	
• Interior (feet)	0*
• Exterior (feet)	10

Provisions	Requirement
f. Distance between buildings on same lot (feet)	10
g. Lot coverage — Maximum (percent)	80**
<p>* Except where abutting the boundary of any other zoning district, then not less than the minimum yard required for the adjacent yard in said abutting zoning district.</p> <p>** Up to an additional five percent of surfaced area may be installed if that area serves as a usable outdoor employee amenity such as recreation or eating facilities, children's play area or similar features.</p>	

2. Additional Setback Requirement. In any I-G District directly across a street or thoroughfare, not including a freeway, from any R- District, parking and loading facilities shall be at least ten feet distant from the property line, and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.

3. Other 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.
- b. 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 29. Part 16B: IG/PER-2: General Industrial District/Performance District of Chapter 24.10 – Land Use Districts of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added under Part 16B of Chapter 24.10 as follows:

24.10.1600 PURPOSE.

The purpose of this General Industrial Performance District is to modify the normal general industrial land use classifications to provide for and encourage appropriate uses for economic development of the Westside industrial lands.

24.10.1605 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (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):

- a. Acting/art/music/dance schools and studios (610);
- b. Adult school/work force training (510F);
- c. Building materials/garden supply stores (220) with less than forty thousand square feet including indoor floor area and outdoor storage, display, or sales area. For building materials/garden supply stores of which fifty percent or more of the square footage will

occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;

- d. Communication and information services (550);
- e. Financial, insurance, real estate offices (420);
- f. Fabricated metal products (150);
- g. Food and beverage preparation and production (100);
- h. Furniture and fixtures (120);
- i. Medical/health offices/laboratories, including cannabis testing (410);
- j. Millwork textile products (105);
- k. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
- l. Primary metals and material subject to performance standards (145);
- m. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- n. Printing and publishing or lithographic shops and plants;
- o. Professional offices (400);
- p. Professional/personal service (except mortuaries) (310);
- q. Rental service (360);
- r. Repair, alterations, maintenance (including boat repairs) (340);
- s. Small and large family daycare homes in residential units;
- t. Start-up fabrication assembly or packaging from light metals, prepared materials, or prefabricated parts, including electrical devices;
- u. Stone, clay, glass design and production (140);
- v. Storage warehousing (330);
- w. Technology related research and development facilities and products;
- x. Wholesale trade durable goods (210);
- y. Wholesale trade nondurable goods (200).

24.10.1610 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

- a. Agriculture (000);
- b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);
- c. Cannabis cultivation, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- d. Cannabis distribution and warehousing, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- e. Cannabis manufacturing, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;

- f. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
 - g. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
 - h. Forestry services (010);
 - i. Leather tanning (110);
 - j. Off-site public/private parking facilities, five or more spaces (930);
 - k. Temporary structures;
 - l. Utilities and resources (540);
 - m. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
- a. Building material/garden supply stores (220) with forty thousand square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;
 - b. Chemicals and allied products, subject to performance standards (130);
 - c. Food and beverage stores (except liquor and convenience stores) (240);
 - d. Government and public agencies (530);
 - e. Group quarters (850);
 - f. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
 - g. Paper and allied products subject to performance standards (125);
 - h. Parks and recreation facilities, subject to alcohol regulations in Chapter 24.12, Part 12 (720);
 - i. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed-use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed-use business are under one ownership.

- (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below forty-five decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- j. Transportation facilities (560).

24.10.1615 ACCESSORY USES.

1. Uses and buildings customarily appurtenant or incidental to uses listed in Section 24.10.1510 subject to the provisions of Section 24.12.140, including service facilities such as bank ATMs, cafeterias, employee recreation centers, daycare and other similar installations; intended solely for use by the occupants of a principal permitted use or uses.
2. Incidental retail sales unrelated to cannabis are a permitted use if:
 - a. The incidental retail sales are directly related to and supportive of a permitted or conditionally permitted use operating on the site; and
 - b. The incidental retail sales area occupies no more than twenty percent of the gross building floor area used or one thousand square feet, whichever is less, and occupied by the permitted or conditionally permitted use; and
 - c. The incidental retail sales have hours of operation similar to or less than the related permitted or conditionally permitted use except that the hours should not exceed 8:00 a.m. to 10:00 p.m.

24.10.1620 PROHIBITED USES.

1. Any manufacturing use involving the primary production of products from new materials found to be incompatible with the neighborhood or the city as a whole based on noise, odor, air quality or other adverse environmental impact shall be prohibited.
2. No use which either produces or utilizes asbestos in any manufacturing process shall be permitted.
3. Refinery of petroleum products or other industrial activities in support of off-shore oil drilling shall not be permitted.

24.10.1630 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.

Section 30. Section 24.10.1780 – Use Determination of Part 18B: P-F Public Facilities 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:

24.10.1780 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.

Section 31. Part 19: E-A: Exclusive Agriculture 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:

Part 19: E-A EXCLUSIVE AGRICULTURAL DISTRICT**24.10.1800 PURPOSE.**

To preserve in agricultural use land presently best suited to that use, and intended for eventual development in other uses pending proper timing for the economical provision of utilities, major streets, and other facilities, so that orderly development will occur. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.1810 PRINCIPAL PERMITTED USES.

1. Agriculture, as defined herein;
2. Animal farm;
3. Crop and tree farming;
4. Ranch and farm dwellings incidental to a principal agricultural use;
5. Stables, barns, silos, and windmills.

24.10.1820 ACCESSORY USES.

1. Customary incidental home occupations, as provided in Section 24.10.160 herein;
2. Guest houses and guest rooms;
3. Living quarters for persons regularly employed on the premises, but not including labor supply camps;
4. Offices incidental and necessary to the conduct of a permitted use;
5. Roadside stands, not exceeding four hundred square feet in floor area, for the sale of agricultural products grown on the premises;
6. The providing of board and room for not more than five paying guests;
7. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1830.

24.10.1830 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:
 - a. Daycare (other than family daycare homes);

- b. Eating and drinking establishments;
 - c. Foster family homes;
 - d. Guest ranches;
 - e. Off-street parking facilities accessory and incidental to an adjacent commercial use;
 - f. Temporary structures;
 - g. Veterinary hospitals and clinics;
 - h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
 - i. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses are subject to approval of a special use permit and a design permit:
- a. Agricultural processing plant;
 - b. Group care homes;
 - c. Helipads;
 - d. Institutions for children or the aged;
 - e. Kennels and riding stables;
 - f. Off-street parking facilities serving commercial districts within three hundred feet of the site;
 - g. Outdoor theaters, golf driving ranges, and other similar open-air commercial recreation facilities;
 - h. Public and private noncommercial recreation areas, buildings and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs;
 - i. Public and quasi-public buildings and uses including administrative, recreational, educational, religious, cultural, public utility or public service uses; but not including corporation yards, storage or repair yards, and warehouses;
 - j. Quarters, accommodation, or areas for transient labor, such as labor cabins or labor supply camps.

24.10.1840 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.

24.10.1850 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Principal (stories and feet)	3 & 50

Provisions	Requirement
• Accessory (stories and feet)	2 & 25
b. Minimum lot area (net) (acres)	20
c. Lot width (feet)	500
d. Front yard (feet)	50
e. Rear yard (feet)	50
f. One side yard (feet)	20
g. Both side yards – total (feet)	50
h. Distance between buildings on same lot (feet)	20

2. Other Requirements. 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 32. Section 24.10.1920 – Use Permit Requirement of Part 20: OF-R Ocean Front (Recreational) 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:

24.10.1920 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:
 - a. Beach, surfing and fishing equipment;
 - b. Fish market;
 - c. Identification signs, appurtenant to uses permitted on the premises;
 - d. Navigation aids and devices not involving the erection of a structure;
 - e. Walls or fences, not to exceed three and one-half feet in height;
 - f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses are subject to approval of a special use permit:
 - a. Navigation aids and devices involving the erection of a structure;
 - b. Public restroom facilities;
 - c. Temporary structures.

Section 33. Section 24.10.1930 – Use Determination of Part 20: OF-R Ocean Front (Recreational) 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:

24.10.1930 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.

Section 34. Section 24.10.2030 – Use Permit Requirement of Part 21: F-P Floodplain 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:

24.10.2030 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:
 - a. Ranch and farm dwellings incidental to a principal agricultural use.
 - b. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses are subject to approval of a special use permit and a design permit:
 - a. Recreational facilities, bridges, roads, utility transmission lines;
 - b. Riding stables for the keeping of horses on sites at least five acres in size.

Section 35. Section 24.10.2040 – Use Determination of Part 21: F-P Floodplain 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:

24.10.2040 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.

Section 36. Section 24.10.2375 – Use Determination of Part 24(A): CBD Subdistrict E – Lower Pacific Avenue 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:

24.10.2375 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.

Section 37. Section 24.10.2385 – Lower Pacific Avenue Design Guidelines of Part 24(A): CBD Subdistrict E – Lower Pacific Avenue 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:

24.10.2385 LOWER PACIFIC AVENUE DESIGN GUIDELINES.

1. Store Front Treatment. The ground-level treatment of buildings and parking structures within the Lower Pacific Avenue subarea should generally comply with the guidelines for the Pacific Avenue retail subarea listed on pages 41-45 of the Downtown Plan, in terms of: storefront access, transparency, and variation; and the use of landscaping, awnings, and canopies. However, it is recognized that the Lower Pacific Avenue subarea has a more informal character than Pacific Avenues, and as such, more variation of ground-level treatment is envisioned and encouraged. The use of porches and terraced gardens as an intermediate space between the ground floor use and the sidewalk is permitted, as long as the finished floor elevation of the ground floor use is not more than 4 feet above or below the sidewalk level and accessibility requirements are met.

Section 38. Section 24.12.110 – Setback Requirements Modifications of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.110 SETBACK REQUIREMENTS MODIFICATIONS.

1. Front Yards.
 - a. Where twenty-five percent or more of the lots fronting on any block in the same zone (exclusive of the frontage along the side of a corner lot) have been improved with buildings permitted in said zone and the depth of the front yards on such lots varies not more than ten feet, then the front yard depth required on any lot in said block shall be not less than the median depth of the front yards on the lots on which are located such existing buildings; or
 - b. In any district where the two adjacent lots on either side of a parcel, neither of which is a corner lot and each of which is in the same zone as the center lot, are already improved with uses permitted in the zone, and the average of the front yards of such adjoining lots is less than that required for the zone, then the required front yard depth for the center lot shall not be less than half the sum of the front yard setbacks of the two adjoining lots; or

- c. Where Section 24.12.185.13 applies, required front yard depth shall not be less than twelve feet measured from back of curb.
2. Corner Lot Yards.
 - a. Where, on a corner lot, an exterior side yard abuts a front yard of an adjoining lot in an R- District, the corner lot exterior side yard shall have a width of not less than one-half of the required depth of such adjacent front yard.
 - b. Each corner lot should have one front yard, two side yards, and one rear yard of the depth required by this title. Normally the front yard shall be across the narrow dimension of the lot and the rear yard opposite this; in unusual cases, however, the location and the relationship of such yards to abutting streets and to each other may be determined by the zoning administrator.
 - c. In any zoning district in which a minimum front yard is established, no obstruction to view between three and one-half feet, and eight feet above grade shall be placed within the clear corner triangle as defined in this title.
3. Double-Frontage Yards. The width of required interior side yard or required rear yard may be reduced or waived when such interior side yard or rear yard abuts an alley or a street (e.g., double-frontage lot), freeway, stream, public utility right-of-way, coastline or other similar feature which precludes or inhibits construction on or development of the property.
4. Lots of Record – Required Yards. In any district for which a minimum lot area is established, a lot of record, as defined in this title, having less than the required area and/or width and/or depth may be used for a use permitted in the district, except as provided in Section 24.10.351.
 - a. In any district or for any use where side yards are required, the minimum side yard width shall be four feet or ten percent of the lot width, whichever is greater, for the first story only. Beyond the first story, the standard side yard setback established in the specific district regulations shall apply.
 - b. In any district or for any use where a rear yard is required, the depth of the rear yard of any such lot shall be ten feet or twenty percent of the depth of the lot, whichever is greater.
 - c. A single-family dwelling may be constructed on any lot of record, subject to Section 24.10.351. For residential districts other than single-family, the district requirements for minimum lot and land area per dwelling unit shall apply, except as modified by the density bonus provisions of this title.

Section 39. Section 24.12.120 – Projections Into Required Yard Areas, Setbacks, and Easements of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.120 PROJECTIONS INTO REQUIRED YARD AREAS, SETBACKS AND EASEMENTS.

1. Projections Into Required Yard Areas. The following are permitted projections into required yard areas. Projections shall not be permitted in yards that are less than the minimum established by district regulations except as provided for in subsection (2), or as allowed in certain areas under Section 24.12.185.13.
 - a. Architectural features such as cornices, canopies, eaves and sills shall be permitted to project into front, rear and side yards two and one-half feet;

- b. Steps serving the first floor, and bay windows, chimneys, decks, and porches serving the first floor and above may extend into front, rear and exterior side yards one-half of the required yard or six feet, whichever results in a greater setback. For interior side yards, maximum projection is one foot, eight inches unless the projection meets the requirements of subsection (1)(c). Bay window, deck, porch and step projections are permissible in interior side yards on the first floor only. In all cases, no projection or aggregate of projections listed in this subsection shall be more than one-third of the building wall along which it is located;
 - c. Unroofed decks, porches, patios and steps of pervious materials twenty inches or less above finished grade may extend into conforming interior side yards without restriction;
 - d. Guardrails on decks and porches and handrails on stairs projecting into required yards on the first floor shall be considered fences and shall be governed by Section 24.12.160, with the exception of guardrails and/or handrails required for access to the first floor for the physically challenged;
 - e. Rain retention systems attached to the main residence may extend into side and rear yards one-half the required yard or six feet, whichever results in the greater setback. For interior side yards, the minimum setback shall be three feet. Such encroachment shall be no higher than six feet from finished grade.
- 2. Any structure necessary to provide access to the first floor for the physically challenged.
 - 3. Projections into Special Street Setbacks. The following uses are permitted within the special street setbacks established in Section 24.12.115 herein.
 - a. Streetlights, traffic signs and signals and appurtenances necessary to the conduct or operation of a public utility, facility, or purpose;
 - b. Fences, walks, hedges, landscaping, outdoor merchandise display, platforms, landings, steps and signs, when constructed or installed so as to have a maximum height of two and one-half feet above curb grade, except as provided for in Section 24.12.120, subsection (3)(d);
 - c. Unenclosed porches, cornices, canopies, eaves, and similar architectural features and signs when constructed so that the clearance from curb grade to the lowest portion thereof, except supporting members, is at least eight feet; and further provided that no supporting member shall have a cross-section of greater than eight inches, nor be located closer than six feet to another supporting member within the setback area;
 - d. Any structure necessary to provide access to the first floor for the physically challenged.
 - 4. Projections into Easements. No structure or projection thereof may extend into a public utility easement.

Section 40. Section 24.12.125 – Landscaping Requirement of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.125 LANDSCAPING REQUIREMENT.

In all districts where yards are required, all portions of each front and exterior side yard, except where improved for pedestrian or vehicular access, or a porch or a patio, shall be landscaped and

permanently maintained. Additional landscaping requirements are contained in Section 24.12.185 Objective Design Standards for Multifamily Housing.

Section 41. Section 24.12.127 – Bird Safe Building Design Requirement of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

24.12.127 BIRD SAFE BUILDING DESIGN REQUIREMENT.

In all districts where new construction or exterior changes to the façade of buildings or structures requiring a Planning Permit are located within 300 feet of any of the following: parcels with a General Plan Land Use Designation of CR, PR, NA, or AG; an open waterway mapped in the City-wide Creeks and Wetlands Management Plan; or any area within 300 feet of undeveloped property likely to provide significant bird habitat, as determined by the Zoning Administrator, proposed buildings or structures shall be designed in a manner consistent with the published Bird Safe Building Design Standards as maintained by the City Planning and Community Development Department and as updated from time to time.

Section 42. Section 24.12.140 – Accessory Buildings of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.140 ACCESSORY BUILDINGS AND STRUCTURES.

In addition to primary structures, it is often useful and convenient to have accessory buildings and structures to provide storage, allow additional usable indoor or sheltered space, or to perform some other function beyond what is included in the primary structure. These spaces can be

provided in a building, defined for the purposes of this section as having a roof and walls, or by another accessory structure such as a pergola or a gazebo. Some spaces, such as children's play equipment, can be classified as either a building (i.e., enclosed playhouse) or a structure (i.e., swing set). The defining characteristic of these buildings and structures is that they are accessory and subordinate to the primary structure and do not detract from the form and function of the primary structure and are complimentary to its use.

1. Accessory Buildings. Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they are located. Accessory buildings are separate and distinct from accessory dwelling units, which are subject to the regulations in Part 2 of Chapter 24.16.

- a. No setback shall be required for an accessory building except as otherwise provided.
- b. No accessory building shall be located in a front or exterior side yard with the exception of buildings used as children's play equipment that do not create traffic safety hazards, that are less than fifty square feet in plan area at grade, less than fourteen feet in height, and with minimum setbacks of three feet. Such buildings are exempt from the restrictions in Section 24.12.140. Children's play structures are defined as structures that are designed, made for, and used by children. The vehicle entry side of a garage or other covered parking may not be located closer than twenty feet from front or exterior side yard lot lines; except that the

vehicle entry side of a garage or other covered parking may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation.

c. Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter 24.10; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.

d. Accessory buildings that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.

e. Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building; and shall conform to principal building rear and side yard requirements of the district in which they are located. No habitable accessory building shall be used as a separate dwelling unit except accessory dwelling units as described in Part 2 of Chapter 24.16. Guesthouses for nonpaying guests are allowed only if permitted in the zoning district in which they are located.

f. Accessory buildings may not cover an area in excess of thirty percent of any required yard setback area for the primary structure. In the coastal zone, standards applicable to accessory dwelling units can be found in Section 24.12.140(10). The footprint of accessory dwelling units shall count toward the maximum allowable lot coverage by other accessory structures in yard setback areas; however, the maximum allowable lot coverage does not apply to the accessory dwelling unit itself.

g. An accessory building attached to a main building by a breezeway is not part of the main building.

h. An accessory building may have one sink installed in it if a building permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building without approval of an administrative use permit. Any additional plumbing fixtures would require an administrative use permit subject to findings listed in subsection (9i) and a building permit for the approved improvements.

i. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit is approved in accordance with district regulations and all of the following findings are made:

- i. The structure and use are subordinate to the principal use; and
- ii. The purpose of the use is incidental to the principal use; and
- iii. The use is customarily or reasonably appurtenant to the permitted use; and
- iv. The structure will not be used as a dwelling unit; and
- v. A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.

- j. In the coastal zone, and in addition to meeting all other applicable requirements (e.g., standards specified in Section 24.16.100 et seq.), ADUs shall meet the following additional standards:
 - i. ADUs are allowed in any zone that allows residential uses on lots of any size, in conjunction with a proposed or existing residential use, provided they are sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable LCP policies and standards, including those that govern wetlands, streams, environmentally sensitive habitat areas, public views, and coastal bluffs.
 - ii. Off-street parking shall be required in compliance with Section 24.12.240(1).
- 2. Accessory Structures. Accessory structures are subject to the regulations and permit requirements of the zoning district in which they are located.
 - a. Accessory structures above eight feet in height shall not be located in a front or exterior side yard with the exception of entry features as described in Section 24.12.150(a)(3). No accessory structure in the front or exterior side yard may be located within the clear corner triangle as defined in section 24.22.202. Any accessory structures located in the front or exterior side yard must be open in nature and must provide and maintain a minimum of ninety percent visual permeability above the first foot in height.
 - b. Accessory structures located in the rear or interior sideyard that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code. This includes fences within the West Cliff Drive Overlay District that conform to Section 24.12.160.
 - c. Children's play structures that do not create traffic safety hazards, that are less than fifty square feet in plan area, less than fourteen feet in height, and with minimum front setbacks of three feet are exempt from the restrictions in Section 24.12.140. Children's play structures are defined as structures that are designed for, made for, and used by children.

Section 43. Section 24.12.150 – Height Limits Modifications of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.150 HEIGHT LIMITS MODIFICATIONS.

- 1. The height limitations specified in this title shall not apply to the following uses:
 - a. Church spires, minarets, belfries, domes;
 - b. Water, fire observation, and lifeguard towers, chimneys, aids to navigation;
 - c. Buildings and structures intended for agricultural purposes;
 - d. Fire walls, not extending more than four feet above the height of the building;
 - e. Cupolas, scenery lofts, or other unoccupied roof structures for the housing of elevators, stairways, or tanks, tanks no more than twenty feet in height. Such structures must be set

back from the edge of the building at a ratio of 1.2 feet horizontal for every 1 foot in height;

f. Ventilating fans, air conditioning, or similar equipment used solely to operate and maintain a building, which are screened from the view of a building of equivalent height by a parapet or other architectural screen;

g. Railings, up to forty-eight (48) inches in height, or the height required by building code, whichever is greater, consistent with the requirements in Section 24.12.185 relating to rooftop decks as applicable.

2. The height limitations specified in this title may be exceeded for the following uses, subject to a special use permit:

a. Smokestacks, monuments, flagpoles;

b. Mechanical contrivances for amusement purposes, such as Ferris wheels, and roller coasters;

c. Antennas for radio broadcast and receiving, electric power transmission and distribution lines, poles and towers;

d. Wireless telecommunications facilities;

e. Places of public assembly such as places of worship, schools, and other permitted public and semipublic buildings, the principal activities of which are conducted on the ground floor of such buildings; provided, that for each foot by which the height of such buildings exceed the maximum height permitted, the depth or width of the required side and rear yards shall be increased by one foot.

Section 44. Section 24.12.160 – Fencing and Screening of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.160 FENCING AND SCREENING.

1. Fencing. Regulations governing the installation, construction and placement of fences and structures in the nature of fences, including hedges, which exceed height limitations contained herein are set forth in Chapter 24.08, Part 7, Conditional Fence Permit.

a. Height Limitations. No person shall erect upon any private property in the city any fence, or structure in the nature of a fence, exceeding the following height limitations:

(1) Within the required front and exterior side yard setback areas established by this title, Chapter 18.04, or other ordinances of the city, fences shall not exceed a height of three feet, six inches from finished grade, except as provided in Chapter 24.08, Part 7;

(2) Within the exterior side yard setback established by this title, Chapter 18.04, or other ordinances of the city, fences outside of the front yard setback or in line with the main building frontage, whichever distance is greater, that are set back a minimum of three feet from the exterior side property line shall not exceed a height of six feet from finished grade, except as provided in Chapter 24.08, Part 7. Fences within the exterior side yard setback that are less than three feet from the side property line or within the front setback area shall not exceed a height of three feet, six inches from finished grade. Any yard area between a fence and the sidewalk or property line shall be landscaped and permanently maintained. This landscaping shall not include hedges that are higher than three-and-one-half feet.

(3) On any portion of the property outside of the required front and exterior side yard setbacks, fences shall not exceed a height of eight feet from finished grade, with any portion of the fence above six feet consisting of lattice or other similar material that is at least 50% open except as provided in Chapter 24.08, Part 7, with any portion of the fence above six feet having an open architectural, decorative, or ornamental feature such as lattice or other similar design or material. "Open" means that no more than 50% of the design shall be opaque. This maximum fence height does not apply to fences along an alley or the rail trail associated with an Accessory Dwelling Unit, where fences are limited to three feet, six inches along the alley or rail trail unless a conditional fence permit is approved for greater height.

(4) Any fence along a property line adjacent to a street, or in the adjacent required setback, except in the clear corner triangle, may include a gate, trellis or other entry feature exceeding the height limit stated in subsections (1)(a)(1) and (2). Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such gate, trellis or entry feature shall be permitted per street frontage except as provided in Chapter 24.08, Part 7.

b. Fire Hazard. The erection of any fence which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, or which will interfere with access in case of fire, by the fire department to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians shall not be permitted.

c. Temporary Fences – Exceptions. Nothing contained in this title shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to Chapter 18.04 and other ordinances of the city.

d. Barbed-Wire Fencing. No barbed-wire fences may be constructed, electrified or otherwise, without a conditional fence permit.

e. Hedges. Hedges or dense planting in the nature of a hedge in excess of three feet, six inches in height shall not be grown or maintained within the required front or exterior side yard setbacks of the zoning district in which the property is located.

f. Clear Corner Triangles and Clear Vision Areas. Fences or hedges shall not be greater than, nor allowed to exceed, three feet, six inches in height in the clear corner triangle and the clear vision area as defined in Section 24.22.202.

g. Fences within Watercourse Setback Areas. Fencing within a designated riparian corridor or development setback area of a watercourse shall be consistent with requirements of the watercourse development permit, Section 24.08.2150.

2. Screening.

a. In any nonresidential district adjacent to any R- District, screening between districts shall be provided.

b. All areas of outdoor storage in any commercial or industrial district shall be permanently screened from view from any adjacent street, public way or adjacent private property.

Section 45. Section 24.12.180 – Community Housing Project Requirements of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.180 COMMUNITY HOUSING PROJECT REQUIREMENTS.

1. **Separate Utilities.** A community housing project shall provide for independent services of water, sewer, gas and electricity to each dwelling unit. Separate meters are not required.
2. **Off-Street Parking.** A community housing project shall provide off-street parking as required by Part 3 of this chapter.
3. **Useable Open Space.** A community housing project shall provide usable open space in compliance with the requirements of Section 24.12.185 and the underlying zoning district.
4. **Storage Area.** A community housing project shall provide a minimum of two hundred cubic feet of enclosed storage space within the project capable of being secured by lock or other means for each unit, in addition to kitchen cupboards, clothes and linen closets.

Section 46. Section 24.12.185 – Objective Design Standards for Multifamily Development of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

24.12.185 OBJECTIVE DESIGN STANDARDS FOR MULTIFAMILY DEVELOPMENT.

1. **General**
 - a. The purpose of this section is to provide a set of clear, objective, and measurable standards for multi-family and mixed-use residential development that is consistent with the character of Santa Cruz while also ensuring that new housing development is economically feasible.
 - b. The objective standards in this section relate to building design and site design for new development and redevelopment projects (including all multi-family proposals that meet the definition of demolition in the municipal code).
 - c. The regulations in this section shall apply to new development or redevelopment of residential and mixed-use buildings containing two or more dwellings (excluding any ADUs or Jr. ADUs), proposed in the city of Santa Cruz in any zone district other than the Central Business District (CBD) or Central Business District, Subdistrict –E (CBD-E). In some cases, standards apply to some zoning districts and not others; where no specific district is indicated, standards apply to all zoning districts other than the CBD and CBD-E.

2. **Definitions**

For the purposes of interpreting Municipal Code Section 24.12.185 the following definitions shall apply:

Active Uses. Uses that qualify as Uses for Active Frontage are defined in each zone district where standards for site design requires active frontage.

Buffer Landscaping. Landscaping that can be expected to be at least 50 percent opaque from ground level up to a given height within three years of planting. Such planting includes vines, bushes, shrubs, green walls, or evergreen trees with a first branch height of 2 feet or less.

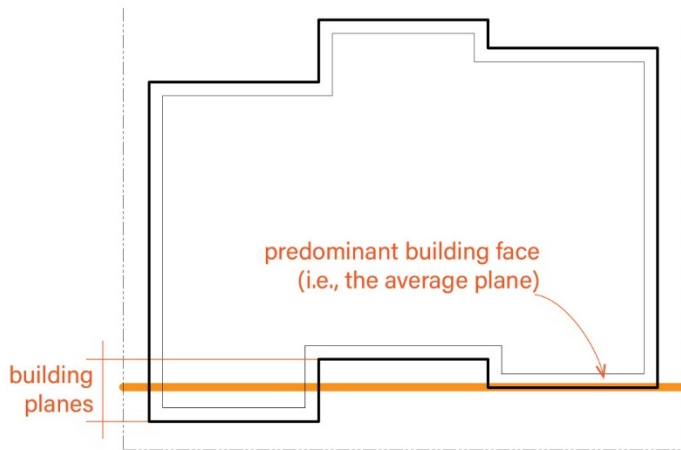
Corridors. Roadways that support a high level of connectivity and intra-city mobility. For the purposes of this document, these roadways are limited to Ocean Street, Mission Street, Water Street, and Soquel Avenue.

Live-Work. Live-work is a type of Residential use that also incorporates commercial uses. The commercial uses allowed in a Live-Work unit are dictated by the uses allowed in the underlying zoning district.

Living Wall. A Living Wall is 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.

Predominant Building Face. Measured in plan view, the predominant building face is the average plane of the face of the building at any given level. This average includes any legal, enclosed building projections (such as bay windows or dormers), and unenclosed insets (such as inset doorways, balconies, or building notches). See Figure 1.

Figure 1: Predominant Building Face

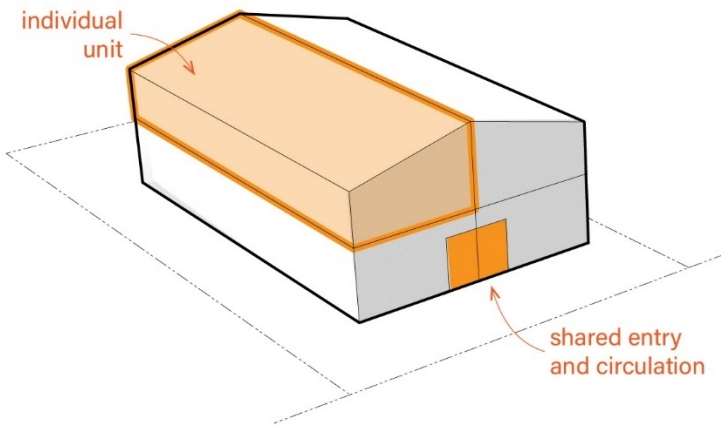


Public Frontage. A frontage that faces a street, public right of way, publicly accessible pedestrian path, or public open space, such as a river levee.

Shielded Luminaire. A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

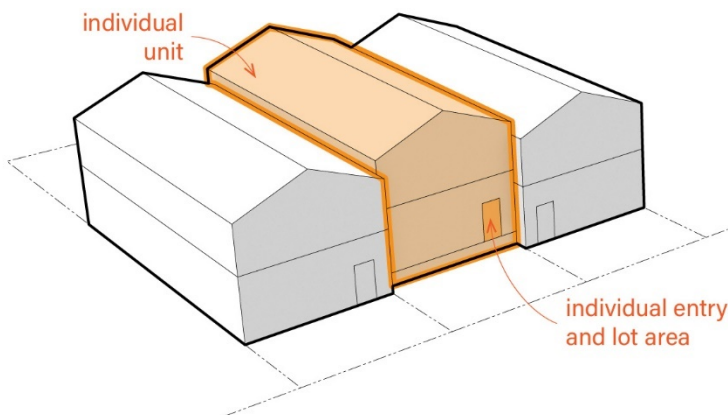
Stacked Flats. A multi-family building type that consists of units stacked vertically with shared circulation and no parking within the building envelope. See Figure 2.

Figure 2: Stacked Flats



Townhomes. A townhome is a multi-family building type that consists of side-by-side units, each standing on a discrete area of land, which may or may not be a separate legal lot, with parking on the ground floor within the building envelope. See Figure 3. This definition shall not apply beyond this section of the Municipal Code, and does not supersede the Definition of Dwelling, Townhouse in Section 24.22.318.

Figure 3: Townhomes



3. Maximum Building Length

Goals: To incentivize multi-family buildings that are more affordable by design, and more 'house-sized' in residential zone districts.

- a. In all R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts: The maximum building length shall be as dictated by required setbacks and parcel dimensions. Where the building façade along the public frontage is no greater than 75 feet in length and where the proposal meets the definition of a stacked flat building type (as opposed to a townhome building type), the parking requirement shall be reduced by half.
- i. On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest sidewalk. Where required sidewalks are of equal width, this requirement shall apply to all frontages. Required sidewalk widths are determined by considering any relevant Area

Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.

- b. In C-C, R-T(C), C-T, C-N, C-B, PA and all MU districts: The maximum building length shall be as dictated by required setbacks and parcel dimensions.

4. Walkability

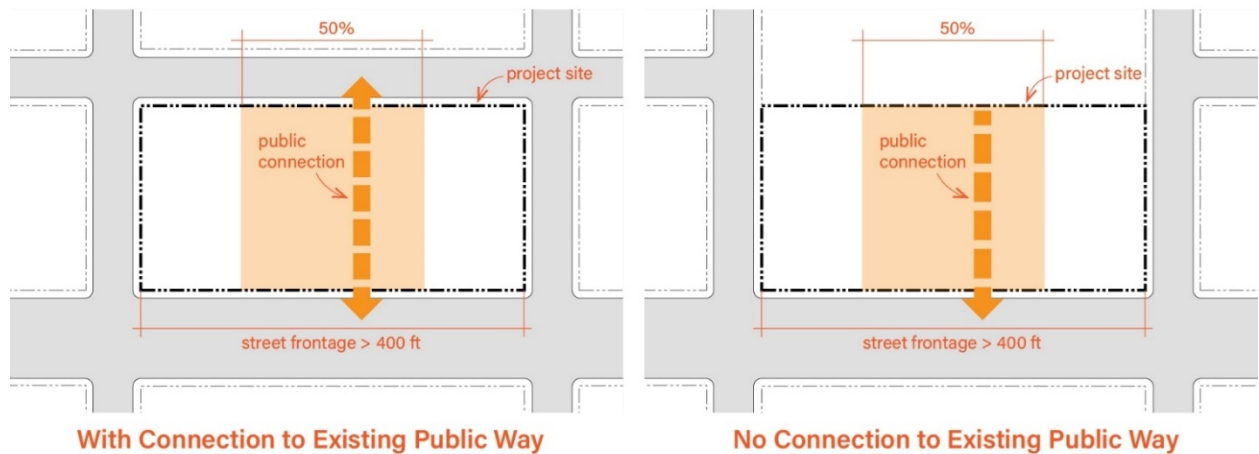
Goal: To promote pedestrian permeability and walkability through districts as redevelopment occurs over time, particularly for larger sites.

- a. Existing public connections:
 - i. In all areas of the city, where a project site includes an existing public street, alley, path, paseo, trail, or other public pedestrian connection, this public connection will be maintained or relocated within the project site.
 - ii. Existing frontage improvements including any bike lanes or sidewalks will be maintained, repaired, or upgraded as dictated by any applicable Area Plan, or, in the case where no Area Plan applies, the requirements of Section II.E Ground Floor Design, or the requirements for sidewalk widths as defined in Chapter 15.20 of the Municipal Code. Where any inconsistency between regulatory documents is present, the widest applicable sidewalk requirement shall apply.
 - 1. Decorative sidewalks may be required based on Area Plan standards. Installation of all sidewalks will be based on the standard details provided by the Department of Public Works.
 - iii. The total number of connections through the site for cyclists and pedestrians shall not be reduced.

5. New public connections:

- a. Where a new public street, alley, path, paseo, trail, or other public pedestrian connection is required by an Area Plan, this connection shall be incorporated into any development or redevelopment proposal for the sites identified by the Area Plan.
- b. Where the street frontage length of a site exceeds 400 feet along a single roadway, and there is not already a public connection required by an Area Plan, the project proposal shall include a minimum of one publicly accessible street, alley, path, paseo, trail, or other public pedestrian connection within the middle 50 percent of the site. See Figure 4.
 - i. Where the new street, alley, path, paseo, or trail cannot connect to an existing public way, the owner of the property may reserve the right to restrict access to the public way until such time as further development allows such a connection to be made. When a connection to another public way is made, clear public access shall be provided, signage indicating that it is a public passage shall be posted, any gates or physical access restrictions shall be removed, and access shall be guaranteed through the granting of a public easement.

Figure 4: New Public Connections



- c. Regardless of the street frontage length of a project, properties abutting a public street, alley, path, paseo, trail, or other public connection on a side or rear property line shall incorporate a connection between the parcel street frontage and that existing public connection with any new development or redevelopment proposal. These connections shall allow clear passage during daylight or business hours as applicable, whichever is longer. This standard shall not apply to corner lots.
- d. All new pedestrian or bicycle connections not including required street-side improvements such as sidewalks and on-street bike lanes shall be at least 10 feet wide and a minimum of 80 percent open to the sky. Standards for public or private streets shall be met as required by Department of Public Works design guidelines.
- e. Development or redevelopment proposals on properties with street frontage shall be required to install new or improve existing sidewalks in accordance with the requirements of any Area Plan, the requirements of Section II.E Ground Floor Design, and the requirements for sidewalk widths as defined in chapter 15.20, as applicable. Where any inconsistency between standards exists, the wider sidewalk standard shall apply.

6. Public Frontages

Goal: To ensure that new development is pedestrian-oriented and provides ground floor uses that activate the public realm.

- a. Where a common Residential lobby is provided, the lobby shall be accessed from a public frontage.
- b. In all MU zones, the ground floor along any public frontage shall consist of 100 percent Uses for Active Frontage as allowed in the underlying zone district, with the exception of lobby space subject to the limitations of 24.12.185.6.e.
- c. In the C-C, R-T(C), C-T, C-N, C-B, PA zones, the ground floor along the public frontage shall consist of no less than 50 percent Uses for Active Frontage as allowed in the underlying zone district.
 - i. On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest sidewalk. Where required sidewalks are of equal width, this requirement shall apply to all frontages. Required sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all

cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.

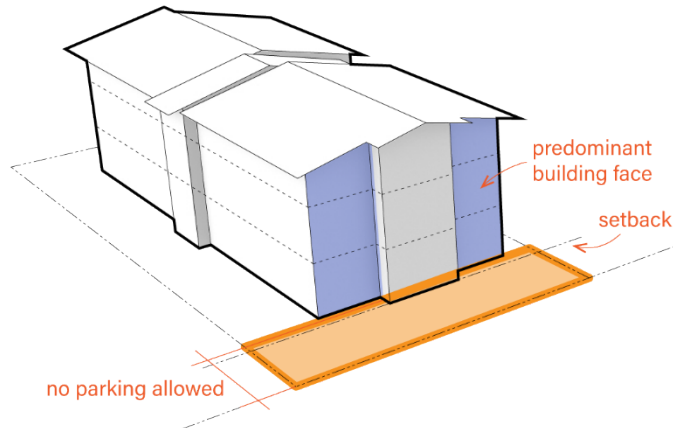
- d. Uses for Active Frontage shall be subject to the following standards:
 - i. Uses for Active Frontage shall be built to a minimum depth of at least 25 feet as measured perpendicular to the predominant building face, with the exception of areas for building ingress/egress and access to parking or loading areas. If more than one ground floor Active Frontage space is provided, the 25-foot minimum depth shall be applied as an average depth of the total depth of all the Active Frontage spaces along the predominant building face.
 - ii. Mechanical rooms shall not be placed along the public frontage. Mechanical rooms shall be located adjacent to a driveway or parking area.
 - iii. On lots with multiple public frontages, such as corner lots or double-frontage lots, mechanical rooms may be located on a public frontage. For these lots, mechanical rooms are prohibited along the public frontage requiring the widest sidewalk of all frontages on the property. Where required sidewalks are of equal width, mechanical rooms are prohibited along all frontages. Sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.
 - iv. Amenities provided to building residents do not qualify as Uses for Active Frontage unless they are also open and available to the general public.
- e. In the C-C, R-T(C), C-T, C-N, C-B, PA, and all MU zones, the ground floor facing a public frontage shall be subject to the following standards:
 - i. On corner lots, the ground floor shall have 100 percent commercial uses at the corner, extending for at least 30 feet on either side of the corner, or the distance of the frontage of the corner parcel, whichever is less.
 - ii. Entries to ground floor uses shall be placed at an average of every 50 linear feet or less of building frontage. The following uses are exempt from this requirement:
 - 1. Food and Beverage Stores, Medical/Health Offices
 - 2. Lodging in areas designated MXVC in the 2030 General Plan
 - iii. Residential or Commercial lobbies are limited to a maximum of 30 feet of frontage, unless they are combined with an Active Use, in which case they are limited to 50 feet of frontage.
- f. In all R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts, with the exception of flag-lots, a parcel's public frontage shall be comprised of ground-floor residential uses that are oriented toward the public frontage.
- g. Ground floor residential units that face a public frontage shall provide an entry facing toward the public frontage that provides access into an entry area, living area, kitchen, or hallway (not a bathroom or bedroom, with the exception of studios).
- h. Entries facing a public frontage shall include a minimum of 48 square feet of flat, unenclosed, covered area, which may be a projection, or inset, or a combination of the two. (See Planning Code Section 24.12.120 for allowed projections into setback areas.)

7. Parking Location and Screening

Goal: To minimize the visual impact of parked cars from sidewalks and streets.

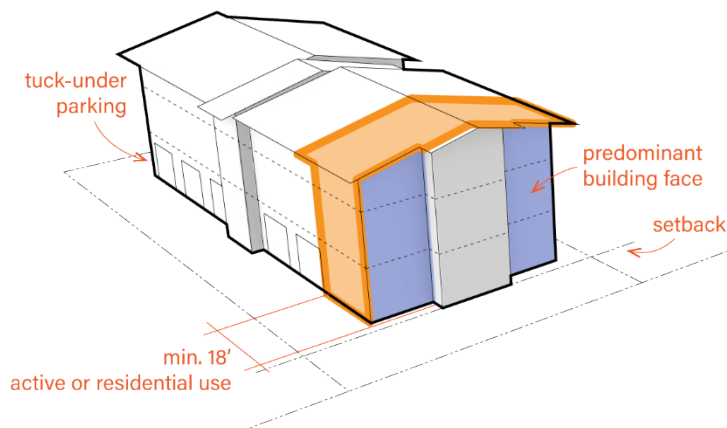
- a. Off street parking and loading facilities, including bike parking requirements, shall be provided as required in Section 24.12.200 et seq.
- b. For projects including five or more dwelling units, parking shall not be located in the area between the front lot line and a line extended horizontally from the plane of the predominant building face to the edges of the lot. See Figure 5.

Figure 5: Parking Location



- c. Residential parking for projects including five or more dwelling units shall be screened from view in the following ways:
 - i. Podium parking facing a public frontage shall be wrapped with Uses for Active Frontage as allowed in the applicable zone district or residential uses on all levels facing a public frontage to a depth of at least 18 feet average, measured on each level perpendicular from the predominant building face. (Also see Sections 24.12.185.13 Corridor Frontage and .14 Ground Floor Design.)
 - ii. Tuck-under parking shall be entirely contained within the building and screened by garage doors. Where it faces a public frontage and is setback less than 15 feet from the public right of way, tuck-under parking shall be wrapped with active or residential uses to a depth of at least 18 feet average, measured perpendicular from the predominant building face. See Figure 6. (Also see Sections 24.12.185.13 Corridor Frontage and .14 Ground Floor Design.)

Figure 6: Tuck-Under Parking Screening



- d. The entire perimeter of a surface parking area that fronts onto a side or rear yard, except the width of the access, shall be screened by buildings, evergreen buffer landscaping to a minimum depth of 3 feet, or fences that are at least 75 percent opaque. Fences or hedges shall not be greater than, nor allowed to exceed 8 feet in height on an interior side yard or rear yard, or 3.5 feet in height in a front or exterior side yard. (Also see Section 24.12.280.)
- e. In any multi-level parking structure, the exterior shall be fully screened, and automobile headlamps shall be shielded so as to not be visible from adjacent parcels, streets, public parks, publicly accessible outdoor space, or designated open space area.
- f. Driveways and approaches shall comply with the standards set forth in Municipal Code Sections 15.20 and 24.12.280 and the driveway approach standard detail included with the public works standards in effect at the time of design review and shall be designed in accordance with AASHTO Green Book sight distance standards. Ingress/egress to driveway approaches may be limited based on the results of a Transportation Study.

8. Landscape and Buffering

Goals: To enhance the urban forest, provide shade for buildings and sidewalks, incorporate landscape, and provide visual buffering into new development in a way that is visually appealing and consistent with the character of Santa Cruz.

In R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts, the goal of landscape is also to soften the massing of buildings as they front the street. In commercial and mixed-use districts, the goal is also to create a landscaped edge to sidewalks and encourage the incorporation of terraces and balconies for usable outdoor space (livability), architectural interest (modulation), and access to outdoor space for public health and passive cooling (resilience).

- a. In all R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts:
 - i. All open spaces in the front setback (excluding areas for driveways and sidewalks), shall be at least 75 percent landscape (planted materials) that are selected to comply with WELO standards as found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review. The selected planted materials shall be WELO compliant even when the formal requirements of the WELO do not apply to the project.
 - ii. Selected plant species for the site shall incorporate a mix of trees, shrubs, and ground cover.
 - iii. Turf areas shall include no more than 25 percent of the total irrigated area on the site.
- b. In the C-C, R-T(C), C-T, C-N, C-B, PA and all MU zones:
 - i. All public frontages shall incorporate 12 square feet of planted area for each 30 linear feet of building frontage counted by rounding up to the next increment of planted area. For example, a building with a 31-foot building frontage would incorporate a minimum of 24 square feet of landscaped area (two increments of 12 square feet).
 - ii. This may be provided in small, individual pockets of planting, or in larger planted areas, and must occur within the property line. This standard applies regardless of ground floor use.
 - iii. A landscaped buffer of at least 5 feet in depth and the length of the property line shall be provided at the rear property line on sites that are 100 feet or greater in depth and abut a residentially zoned parcel at the rear property line.

- iv. Plants shall be selected to comply with WELO standards found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review.
- v. Street Trees shall be planted in the public right of way, or within 5 feet of the public right of way, at a rate of 1 tree per each 30 feet of site frontage. Spacing of trees shall be sufficient to accommodate the mature canopy of each specimen, and installation shall be in compliance with the planting requirements of the Parks and Recreation and Public Works Departments, including the Street Tree Master Plan, and the requirements of Municipal Code Sections 13.30, 15.20, and 24.12.186 as applicable at the time of design review.
- vi. Any plantings or landscaping materials within surface parking areas are required to comply with the City's Low-Impact Development (LID) standards, Storm Water Best Management Practices, and Storm Water Management Program.
- c. Refuse/Recycling Storage Facility: Enclosures for refuse bins or dumpsters are required of all new multi-family and mixed-use residential projects with three 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 Standard Design Policy.

9. Usable Open Space

Goal: To enhance the livability of new residential buildings with well-designed, functional open spaces with landscaping and amenities for residents to enjoy.

- a. In the C-C, R-T(C), C-T, C-N, C-B, PA and all MU districts:
 - i. At least 40 square feet of private open space and at least 20 square feet of common open space shall be provided per dwelling unit.
 - ii. Common open space may be substituted for private open space at a ratio of 2:1 (i.e., 80 square feet of common open space may be substituted for 40 square feet of private open space).
- b. In all R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts: the amount of required open space shall be determined by the underlying zone district standard.
- c. In all districts where residential uses are an allowed use:
 - i. Private usable open space must be at least 4 feet in any horizontal dimension and common usable open space must be at least 15 feet in any horizontal dimension.
 - ii. There shall be no limit to the percent of the required open space that may be assigned to private balcony or patio areas.
 - iii. No less than 25 percent of the total common open space area shall be permanently landscaped with live plant material incorporating trees, shrubs, and groundcover.
 - iv. A minimum of three of the following features shall be incorporated into common open spaces and maintained on the site:
 - 1. Fixed or movable seating
 - 2. Picnic-style tables
 - 3. Shade trees (see allowances under 24.22.586, Open Space, Useable) or shaded canopy
 - 4. Community garden
 - 5. Flowering plants
 - 6. Native habitat
 - 7. Play area for pets

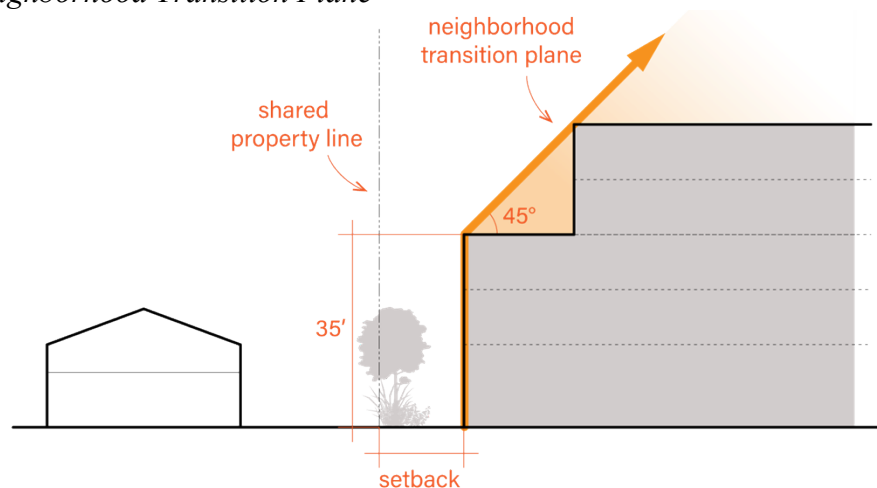
8. Educational or interpretive information about geographic, historic, or ecological features, such as plaques about relevant tribal history or indigenous plant information
9. Outdoor kitchen equipment or fire pit
10. Children's play equipment
11. Sports courts
12. Public art or interactive art, such as a life-size chess game, sculpture, or murals
13. Spa, pool, or hot tub
- d. Common open space may be provided on building rooftops as roof decks. Such usable open space is not counted as an additional story if rooftop structures comply with Municipal Code Section 24.12.150 Height Limits Modifications.
- e. Up to 30 percent of required common open space may be provided as publicly accessible open space that supports a retail or restaurant use, such as a courtyard, outdoor dining area, or other active use (i.e. not auto or bike parking), which is open to the sky, and is not less than 15 feet in any horizontal dimension, so long as the space is freely accessible to building residents without requirements to patronize the business use. Areas that are reserved exclusively for customers will not count toward required open space.

10. Neighborhood Transition

Goal: To create a transition between new development and existing neighborhoods, provide privacy for current and future residents, and minimize potential shading on neighboring residents.

- a. In the C-C, R-T(C), C-T, C-N, C-B, PA, and all MU districts: along property lines that abut an R-district:
 - i. Buildings shall not intercept a 45-degree neighborhood transition plane inclined inward from the underlying setback, starting at a height of 35 feet above grade. See Figure 7.

Figure 7: Neighborhood Transition Plane



- ii. Private or shared balconies and decks shall not extend into an underlying setback.

- iii. The occupiable area of roof decks, including any deck on roof area falling under the neighborhood transition plane, shall be set back at least 3 feet from the building edge and any railings, shade structures, or accessory structures shall not intersect the required neighborhood transition plane. Rooftop lighting shall also comply with Lighting requirements of Section 24.12.185.17.

11. Roof Form

Goal: To ensure that the tops of buildings are designed with architectural interest, and to reduce the bulk of buildings as they meet the sky.

- a. Buildings shall be designed with variation in roof form. The number of required roof forms shall be calculated at a ratio of at least one roof form for every 30 feet of frontage and shall be located within 15 feet of the predominant building face on all building frontages. On Corner lots or double-frontage lots, standards for variation in roof form will apply to all frontages. See Figure 8.
 - i. Roof form is defined as a geometric plane or set of planes which form the top enclosure of a volumetric area below it/them. Common types of roof forms are gabled, hipped, sloped, flat, and flat with a decorative parapet. Examples of roof forms are illustrated in Figure 9.
 - ii. A change in roof form must be combined with a change in height of at least 3 feet, a horizontal change in plane of at least 4 feet, or a change in roof pitch. See Figure 7 for examples. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.
 - iii. Smaller roof forms that cover enclosed space (such as dormers and bay windows) count as individual roof forms if they are at least 36 square feet in horizontal surface area. Bay windows located on a wall below another roof form will not count as individual roof forms regardless of size.
 - iv. Unenclosed space (such balconies, terraces, porticos, and belfries) count as individual roof forms if they are at least 48 square feet in horizontal area. Balconies should also conform to the standards for Useable Open Space in Section 24.12.185.8.
 - v. For the purposes of calculating the number of required roof forms on a building, each increment of 30 feet of building frontage requires an additional roof form, counted by rounding up to the next whole number. For example, a frontage of 31 feet would be required to provide two roof forms. However, there is no maximum dimension for any one roof form, nor are roofs required to be designed in 30-foot increments.

Figure 8: Applying Roofline Standards

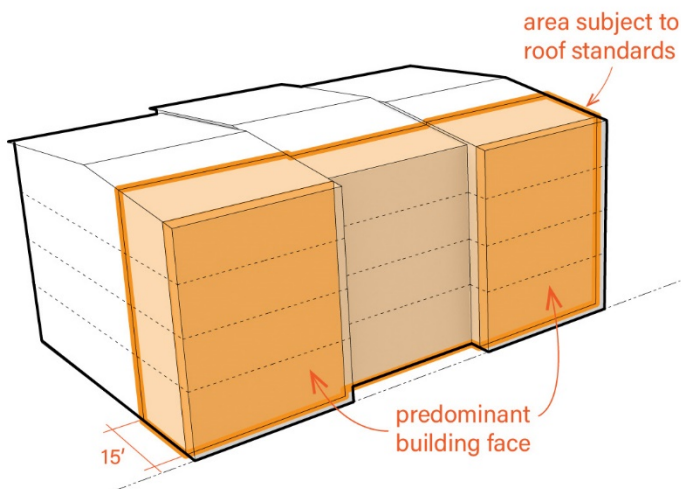
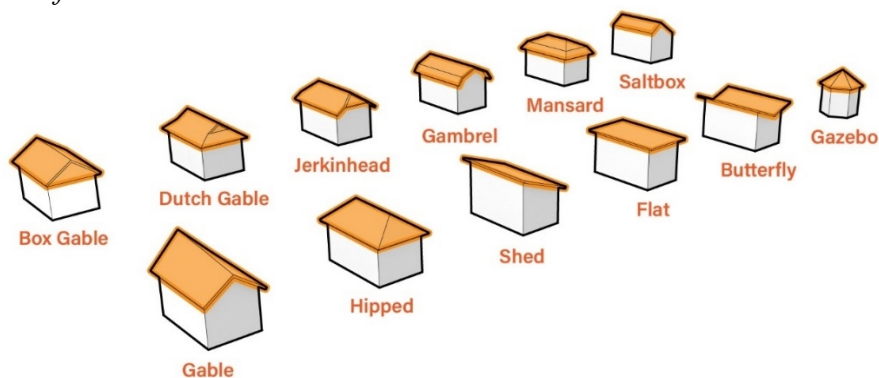


Figure 9: Roof Forms

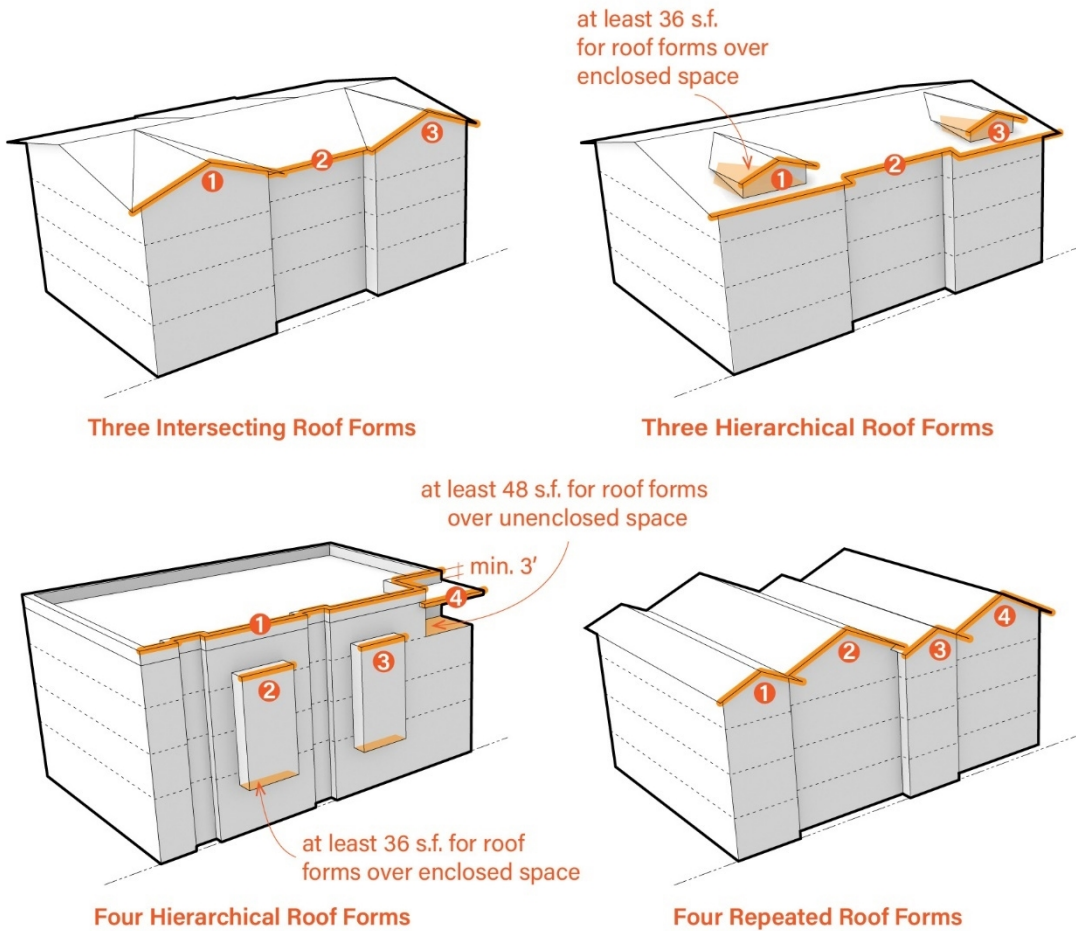


b. Combining Roof Forms

- i. The required number of roof forms may intersect to create more complex roof forms or may be organized in a hierarchy. Examples of combined roof forms are illustrated in Figure 10.
- ii. Roof forms may be repeated, as with a flat roof that steps up or down, or a sawtooth.
- iii. Where two or more forms intersect or combine to create more complex forms, each is counted as an individual roof form. For example, two hipped forms may intersect to create a hip and valley form, which would count as two roof forms.
- iv. Where two or more roof forms are organized in a hierarchy, each is counted as an individual roof form. For example, the dominant roof form may be a hipped roof, which has two dormers with open gable roofs, which would count as three roof forms. Another example is a flat roof on a building that has two bay windows with flat roofs, each at least 36 square feet in area. See Figure 6 for examples.
- v. For flat roofs and flat roofs with decorative parapets, changes in roofline must be accompanied by a minimum 2-foot change in height relative to the adjacent roof form. For buildings that are three stories or taller, the minimum change in height shall be 3 feet. This change in height shall be measured to the top of the parapet, where

present. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.

Figure 10: Combining and Counting Roof Forms



12. Building Modulation

Goal: To break up large building faces and create visual interest for pedestrians, neighbors, and visitors.

- a. Where no other modulation controls apply (e.g., an Area Plan), building faces that are longer than 30 feet wide shall be articulated in one of the following three ways.
 - i. Provide a horizontal change in plane for every 30 feet building face, rounded up to the next whole number (e.g., a frontage of 31 feet would be required to provide two changes in plane). As shown in Figure 11, the change in plane must be at least 4 feet deep and 6 feet wide, and must be open to the sky; or

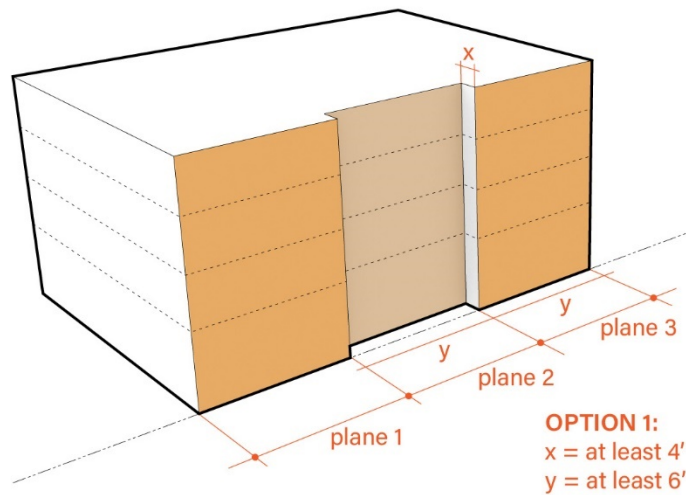
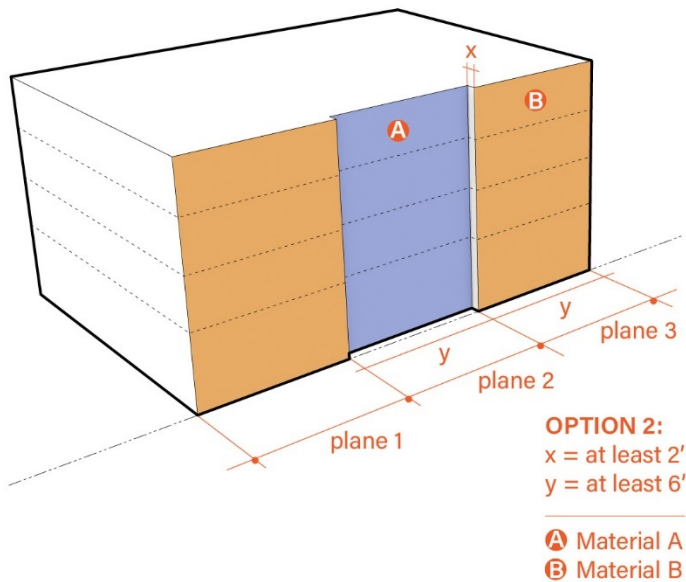


Figure 11: Building Modulation – Option One

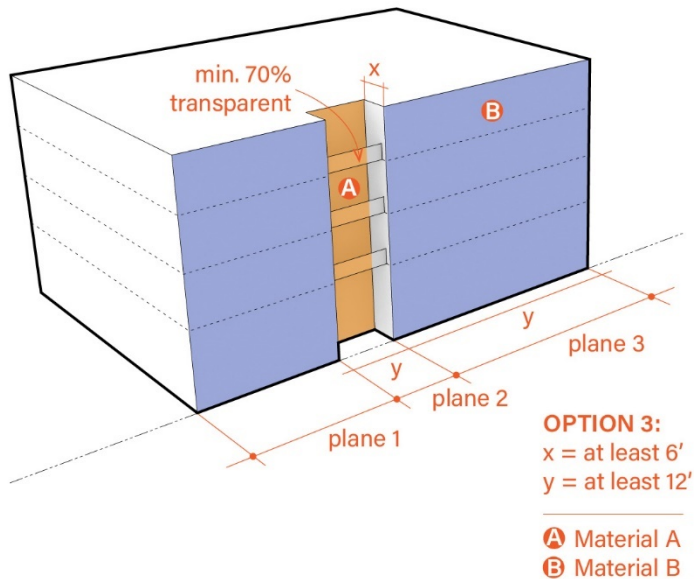
- ii. Provide a horizontal change in plane for every 30 feet of building face, rounded up to the nearest whole number (e.g., a building face of 31 feet would be required to provide two changes in plane). As shown in Figure 12, the change in plane must be at least 2 feet deep and 6 feet wide, and be combined with a change in material; or

Figure 12: Building Modulation – Option Two



- iii. Provide a horizontal change in plane at an interval of 50 feet or less. As shown in Figure 13, the change in plane must be at least 6 feet deep and 12 feet wide, and be combined with a change in material. When implemented as building notches, such notches may contain balconies, as long as the railing is at least 70 percent see-through or transparent.

Figure 13: Building Modulation – Option Three



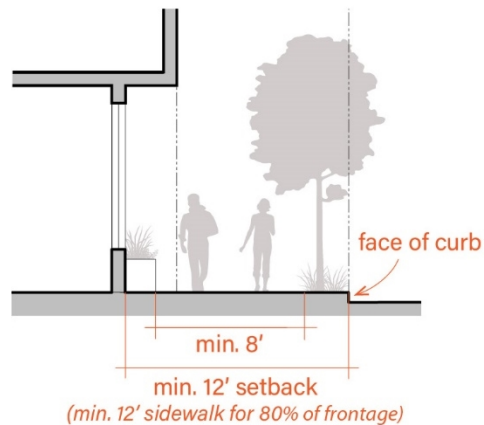
- b. Building faces that are less than 30 feet wide are not required to have a change in plane incorporated into their design.
- c. Projections from the building face including balconies, awnings, signs, and decorative elements are not considered to be changes in plane.

13. Corridor Frontage

Goal: To ensure that buildings in denser, mixed-use districts are designed with functional, human-scaled ground floors that promote walkability and provide space for local businesses.

- a. Unless otherwise dictated by an Area Plan, the ground floor frontage facing a Corridor shall be set back at least 12 feet from the face of the curb. See Figure 14.
 - i. This may be achieved by setting back only the ground floor, but in no case shall any portion of the proposed building extend into or over the public right-of-way, except that awnings and balconies at the second story or above may extend into the right of way no more than 3 feet. No projection shall be closer than 8 feet to the centerline of an alley, driveway, or path of automobile circulation except with the approval of the City Engineer based on considerations of public safety and welfare (e.g., utility considerations, emergency access, etc.).
 - 1. This setback area shall not be counted toward the requirement to incorporate Uses for Active Frontage, and the area shall be used as a 12-foot-wide sidewalk over at least 80 percent of the frontage.
 - 2. In no case shall the passable sidewalk width be less than 8 feet without approval of an Administrative Use Permit and revocable license as allowed under Municipal Code Section 24.12.192 for Outdoor Extension Areas, in which case the passable sidewalk width shall not be less than 6 feet.

Figure 14: Corridor Frontage



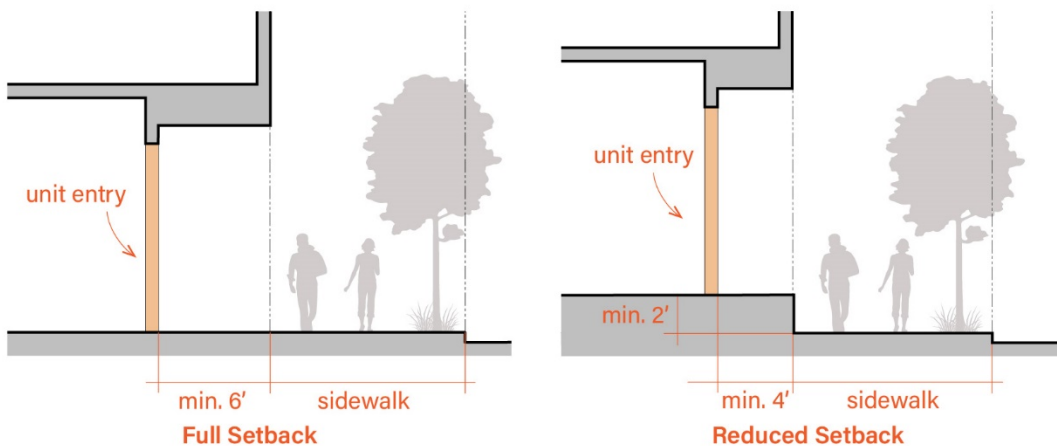
14. Ground Floor Design

Goal: To ensure that buildings in commercial districts are designed with ground floors that support walkability with functional commercial or live-work frontages. Also, where residential units are allowed, to ensure well-designed frontages that strike a balance between privacy for the resident and activation of the sidewalk.

- a. In the C-C, R-T(C), C-T, C-N, C-B, PA and all MU districts, commercial ground-floors shall be designed as follows:
 - i. Minimum ground floor frontage transparency of 70 percent between a height of 2 feet and 12 feet measured parallel above sidewalk grade.
 - ii. Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 3. In a commercial space, any mezzanine shall be set back at least 30 feet from the building frontage and shall occupy no more than one-third of the area of the ground floor.
 - iii. Entries shall be inset from the building face at least 2 feet.
- b. In the C-C, R-T(C), C-T, C-N, C-B, PA, and C-B zones where residential development is allowed, ground floor residential units shall not occupy more than 50 percent of a public frontage. Residential units on the ground floor may be designed as Live-Work units or may be exclusively residential units.
- c. Any Live-Work units shall be designed as follows:
 - i. Live-Work units are only permitted on the ground floor.
 - ii. Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 4. In a Live-Work unit any mezzanine shall be set back at least 18 feet from the building frontage and shall occupy no more than one-half of the area of the ground floor.
 - iii. Minimum ground floor depth of 18 feet.
 - iv. Minimum unit/storefront width of 12 feet.
 - v. Minimum ground floor frontage transparency of 50 percent between a height of 2 feet and 12 feet measured parallel above sidewalk grade.
 - vi. Entries shall be inset from the building face at least 2 feet.

- d. In in the C-C, R-T(C), C-T, C-N, C-B and PA zones where residential units other than Live-Work units are located at the ground floor, the following standards shall apply:
 - i. Where units are individually accessed, the entry must be set back at least 6 feet from the property line; this setback may be reduced to 4 feet if the unit is elevated at least 2 feet from the sidewalk (as with a stoop). See Figure 15.
 1. This may be a setback of the ground floor only, or a setback of the entire building face.
 2. This setback area may include an architectural feature indicating private space including but not limited to a railing, gate, entry landing, or doorstep.
 3. This area may include landscaping or private open space for an individual unit. In order to qualify as private open space, the area must be separated from the sidewalk by one of the following mechanisms intended to indicate the privacy of the space:
 - An increase in elevation of at least 2 feet;
 - A railing or gate;
 - Clustered landscaping, as in a hedge or other dense planting, not exceeding 42 inches in height.

Figure 15: Ground Floor Residential Entry Setback



- e. Where a unit does not have individual access to the sidewalk, active living areas (including living rooms, dining rooms and kitchens, but excluding bedrooms, bathrooms, and hallways) are required at the building frontage, and must be set back at least 4 feet from the sidewalk; this setback may be reduced to 2 feet if the unit is elevated at least 2 feet above the sidewalk. See Figure 16.
 - i. This may be a setback of the ground floor only, or of the entire building face.
 - ii. This setback area shall incorporate landscaping or planters.

Figure 16: *Ground Floor Residential – Without Individual Access*

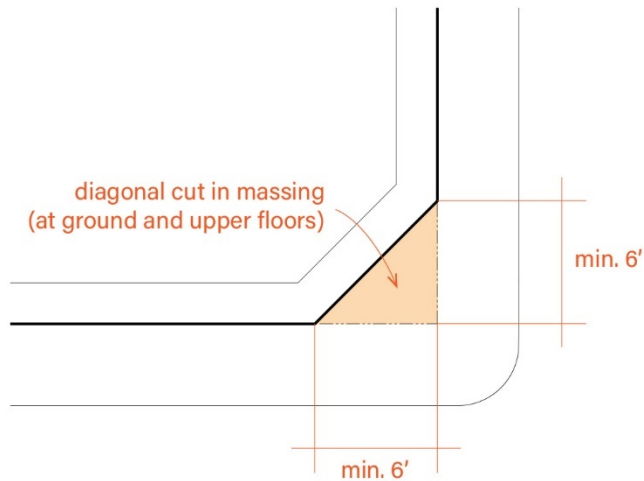


15. Architectural Detail

Goal: To highlight the prominence of corner buildings along Corridors, ensure that buildings have an appropriate level of detailing, and ensure that building facades convey the qualities of substantiality and depth.

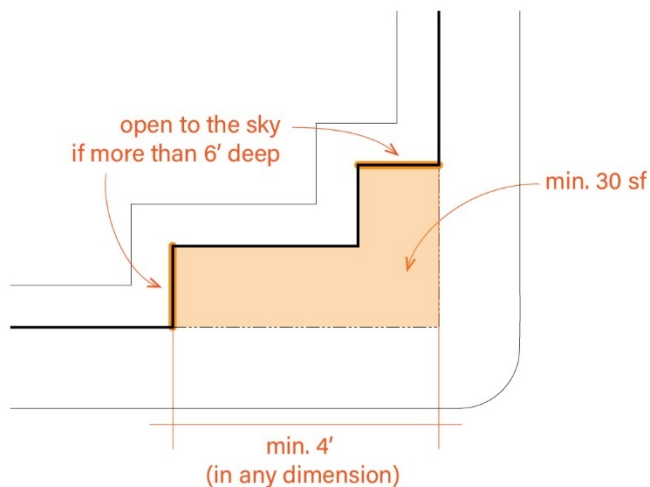
- a. Buildings that are mixed-use and/or three stories in height or greater shall visually differentiate the ground floor from the floors above by one or more of the following:
 - i. a change in material; and/or
 - ii. a change in plane; and/or
 - iii. a cornice line, belly band, or similar horizontal element.
- b. Buildings at the intersection of a Corridor and another street (including another Corridor) shall implement at least one of the following corner features:
 - i. Increased height of the corner roofline of at least 3 feet above the adjacent roofline; and/or
 - ii. A chamfered corner with a diagonal cut at least 6 feet on either side of the corner. See Figure 17. This may be at the ground floor only, or for the entire height of the building; and/or

Figure 17: Chamfered Corner



- c. A public open space of at least 30 square feet in area, and not less than 4 feet in any dimension, which may be designed to look like an extension of the sidewalk. Where the depth of this space is less than 6 feet, it may be open only at the ground floor. Where the depth of this space is greater than 6 feet it must be open to the sky. See Figure 18.

Figure 18: Public Open Space at Corner



- d. Buildings in the C-C, R-T(C), C-T, C-N, C-B, PA and MU zones shall apply at least two categories of the following architectural features to each building face and to each level above ground floor. Buildings may incorporate different features on each face and level or may use the same two features on each face and level, so long as each face and level includes features from at least two categories.

- i. Category 1 - Terrace, balcony, or Juliette balcony with a minimum projection of 10 inches and a minimum width of 3 feet (at least one per level; see also Section 24.12.185.10 Neighborhood Transition).
- ii. Category 2 - Windows detailed with a lintel, sill, or arch
- iii. Category 3 - Awnings, louvers, or shutters
- iv. Category 4 - Decorative cornice or decorative lighting sconces (see also Section 24.12.185.17 Lighting)
- e. Windows shall be inset such that there is at least 2 inches between the plane of the glass and the plane of the building face for all windows above the ground floor; this depth shall be increased to 3 inches for buildings that include 4 or more stories, for all windows above the ground floor.
- f. Walls or portions of walls that are unfenestrated (without windows, balconies, or glass doors) that extend from grade up to the roofline are limited to a maximum horizontal width of 15 feet.

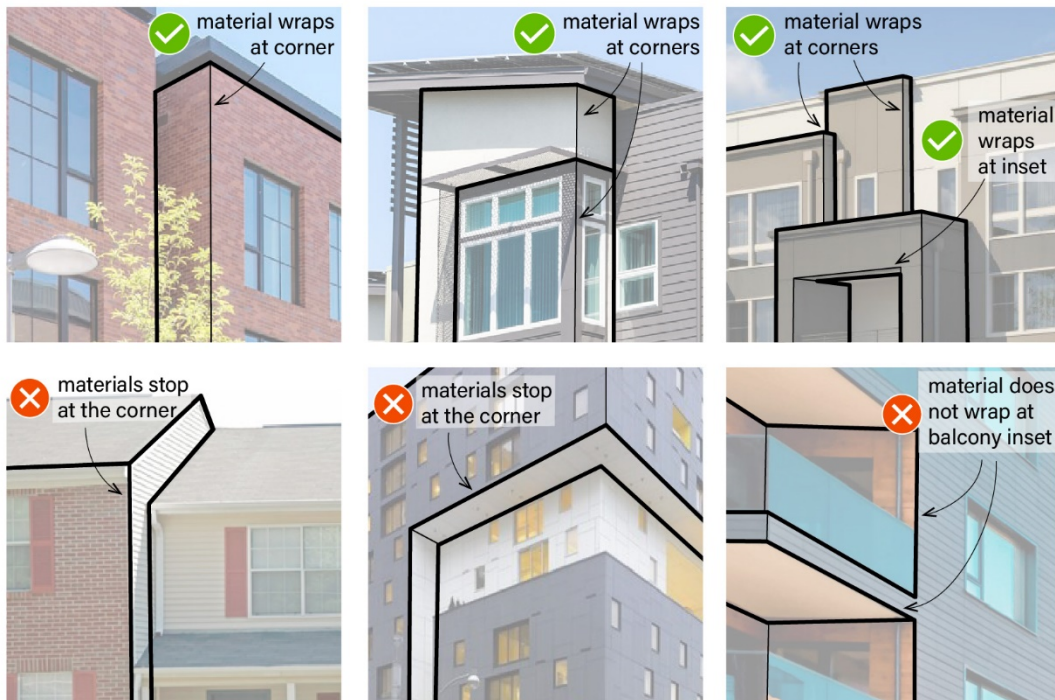
16. Building Materials

Goal: To ensure that building materials are high-quality, durable, convey a sense of permanence, and reflect the existing character of buildings in the urban environment.

- a. Building materials shall be selected according to the following criteria:
 - i. The following materials are acceptable for use on building faces: tile, brick, glass, metal (except as prohibited below) painted or sealed wood, concrete, stucco, plaster, adobe, and stone (engineered or natural), and living walls (as defined).
 - ii. Unarticulated or flat panelized materials (such as metal, cement board, or GFRC panels) are prohibited on public frontages but may be incorporated on other building faces. Panels for modular and pre-fabricated construction are allowed (including sandwich panels).
 - iii. Any materials that are not explicitly listed here require an administrative design review permit to ensure that approved materials conform to the goal of this section.
- b. Buildings shall incorporate two or more of the accepted materials listed above or as approved in the design of each building face. No single material may make up more than 85 percent of any building face. This can include materials for building decoration (e.g., awnings, louvers, balconies, cornice lines, or windowsills), but does not include fenestration (glass, frames, or other elements of windows and doors).
- c. Vinyl windows are prohibited in the following circumstances:
 - i. Any mixed-use or residential buildings more than three stories in height.
 - ii. On a building face oriented toward a public street other than an alley of a mixed use or residential building three stories in height or less.
- d. At building corners, except for living walls, all materials shall wrap around the corner to a depth of at least 4 inches. This includes corners of insets, reveals, or changes in plane that are 4 inches or greater in depth, as with a balcony, ground floor entry, or change in plane. See examples shown in Figure 19.
- e. Living walls shall meet the following standards:
 - i. The living wall shall be permanently integrated into the exterior design of the building face upon which they are planted.
 - ii. The living wall shall not be located on a north, or north-east-facing building face.
 - iii. The living wall shall include an integrated irrigation system.

- iv. The living wall shall be created using materials specifically designed for the purpose of installing and maintaining plants within the intended context (considering sun, shade, fog, rain exposure, and any other relevant environmental factors) on an exterior building face.
- v. Components of a living wall shall be considered with other landscape elements, and are subject to the requirements of the City's WELO.
- vi. Nothing in this section shall regulate or require the installation of living walls on the interior of any building.

Figure 19: Material Application



17. Lighting

Goal: To ensure that public areas of buildings are lit for wayfinding and safety, while minimizing impacts of glare, light trespass, and light pollution in order to help make new development Dark Sky friendly.

- a. Individual exterior luminaires shall be shielded to direct light downward and shall not exceed 1,260 lumens. Exterior light fixtures shall utilize light sources with a color temperature that does not exceed 3000 Kelvin.
 - i. A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
- b. Outdoor lights shall not blink, flash, flicker, or change intensity (excluding motion-detecting lights).

- c. Lighting shall be provided at parking lots, pedestrian paths, outdoor gathering spaces, building entries, and any other pedestrian-accessible areas.
- d. Lighting of outdoor service, loading, and storage areas shall not be visible from the street or adjacent properties.
- e. Rooftop lighting shall be set back at least 12 feet from the edge of any building face that is oriented towards any R-district.
- f. The height of luminaires shall not exceed 15 feet above grade for all luminaires other than those in parking areas or decorative sconces as allowed under F. 3. Architectural Detail.
- g. Building faces shall be illuminated such that surfaces located at least 10 horizontal feet away from building entries shall have at least 66 percent less luminance than surfaces within 10 horizontal feet of building entries. Compliance shall be demonstrated with a lighting plan.

Section 47. Section 24.12.186 – Requirements for Street Trees of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

24.12.186 REQUIREMENTS FOR STREET TREES.

1. When new development or redevelopment is proposed that triggers the requirement for a sidewalk greater than or equal to seven feet in width based on requirements of Section 24.12.185.12, Section 15.20.060, or any applicable Area Plan, street trees shall be provided by the owner or developer either within the public right-of-way along any site frontage or within five feet any site frontage immediately adjacent to the required public sidewalk. The street trees shall be permanently maintained in the approved location by the owner or successor in interest of the property whose project triggered the tree planting requirement.
 - a. The street trees shall conform to the Public Works Department Tree Planting Details and Tree Sidewalk Program Policy. Except when otherwise provided in those guidelines, the street trees provided shall be a minimum of one tree for each 30 feet of frontage of the property along each street frontage, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. For example, a lot that is no more than 30 feet in width is required to provide a minimum of one street tree, and a lot of 50 feet in width is required to provide a minimum of two street trees.
 - i. If closer spacing is recommended by an applicable area plan the spacing in the area plan shall govern.
 - ii. The rates above govern the number of trees to be provided but do not establish a minimum spacing. Trees may be grouped at the recommendation of the Landscape Architect or Project Certified Arborist.
 - b. 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, and all the standards of Chapter 13.30.
 - i. Planting wells may incorporate alternative technologies to enhance root development and promote tree growth. Where existing soils beyond the tree well are not conducive to tree growth, as determined by the City of Santa Cruz Urban Forester, techniques

- including but not limited to structural soils and suspended pavement may be conditioned.
- c. Street trees newly planted in the public right-of-way or within five feet of the public right-of-way shall not be planted:
 - i. Within a Clear Vision Area required by the city
 - ii. Within 3 feet of a parking sign unless the Department of Public Works agrees to relocate the sign at the expense of the project.
 - iii. Within 5 feet of a gas or water meter, or underground electrical conduit.
 - iv. Within 5 feet of a fire hydrant.
 - v. Within 10 feet of a sewer lateral.
 - vi. Within 10 feet of an electrical utility pole.
 - vii. Within 10 feet of a driveway.
 - viii. Within 15 feet of a crosswalk.
 - ix. Within 20 feet of a traffic signal.
 - x. Within 15 feet of existing trees unless the location is recommended by a landscape architect or Project Certified Arborist, as approved by the City of Santa Cruz Urban Forester, who will base their determination on site and tree species, to prevent mature tree canopies from conflicting.
 - d. Utility infrastructure shall be consolidated if necessary in order to accommodate the siting of street trees.
 - e. Where location criteria eliminate all options for locating the required number of street trees within the public right-of-way or within five feet of the public right-of-way, and utilities cannot be further consolidated to allow for installation of street trees as demonstrated in a landscaping plan, the requirement to provide street trees shall be met in the following alternative method:
 - i. Incorporation of trees on the development site at a rate of 1.5 trees per 1 street tree that is not provided, with fractional requirements rounded up to the next whole number.
 - 1. These trees may be located anywhere on the site, including but not limited to; a buffer at the rear of the property, in a permanent rooftop garden (not in a stand-alone planter), or as a shade tree within a parking area.
 - 2. Trees placed within 5 feet of any paved area shall be installed consistent with the Public Works Department Tree Planting Details.

Section 48. Section 24.12.192 – Outdoor Extension Areas of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.192 OUTDOOR EXTENSION AREAS.

The purpose of outdoor extension areas is to enhance streetscape on the city's corridors by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public street. These uses include outdoor eating areas, retail areas and landscaping. In this section the term "adjacent business" shall apply to the business using the extension area. If the sidewalk width allows it, the adjacent business may be

separated from the extension area by the public walkway. This section is applicable citywide, except for areas within the Downtown Plan which are subject to Section 24.10.2340.

Section 49. Section 24.12.240 – Number of Parking Spaces Required of Part 3: Off-Street Parking and Loading Facilities of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.240 NUMBER OF PARKING SPACES REQUIRED.

1. Where the computation of required parking spaces produces a fractional result, fractions of one-half or greater shall require one full parking space.

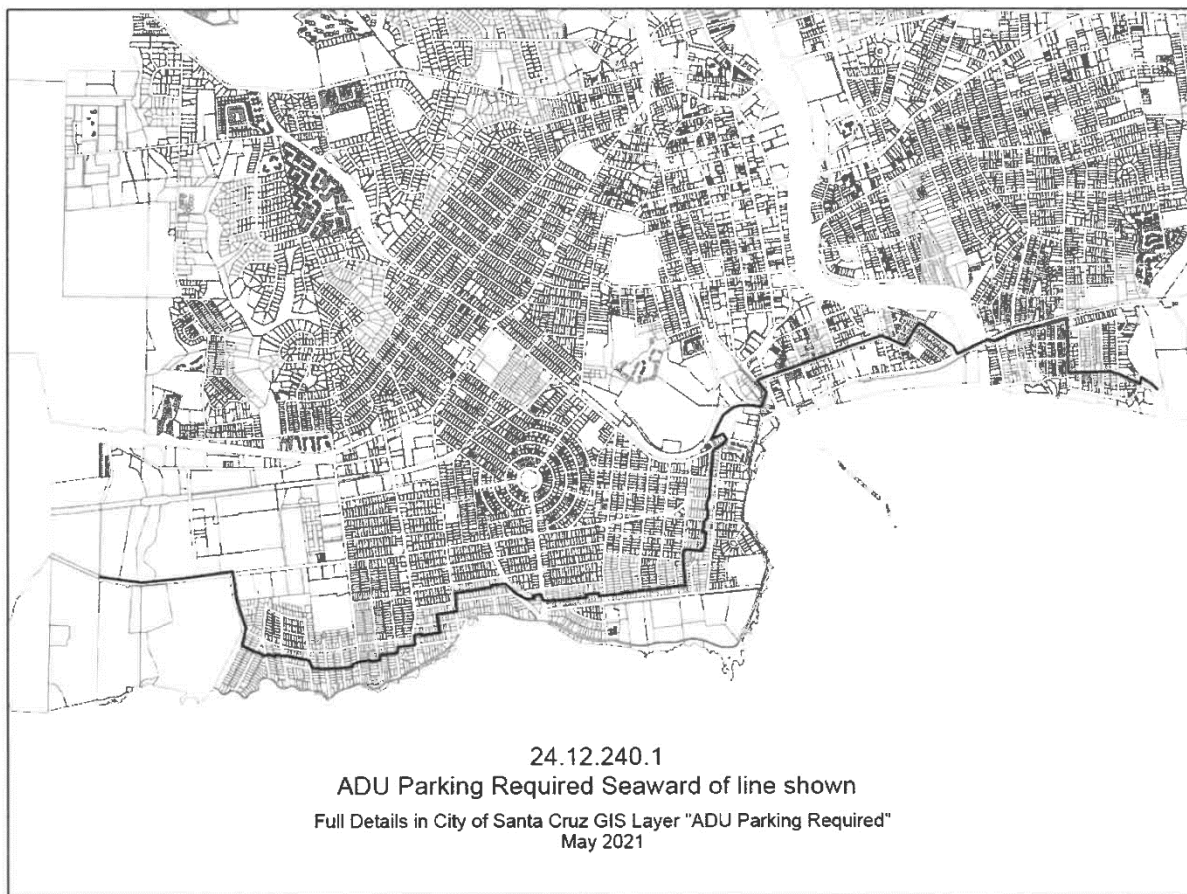
	Use	Spaces Required
a.	Automobile or machinery sales and service garages	1 for each 400 square feet of floor area
b.	Banks without automatic teller machines	1 for each 400 square feet of floor area
c.	Banks with automatic teller machines	1 for each 400 square feet of floor area; plus 1.5 for each machine
d.	Business and professional offices, excluding medical and dental offices	1 for each 300 square feet of floor area
e.	Billiard parlors	1.5 for each table
f.	Community care residential facilities, including, but not limited to: assisted living facilities, children's homes, congregate care homes, nursing homes, residential treatment facilities	1 for every 5 guests, plus 1 for each employee on the shift with the maximum number of personnel
g.	Houses of worship	1 for each 3.5 seats in the sanctuary
h.	Dancehalls and assembly halls without fixed seats, exhibition halls, except church -assembly rooms in conjunction with auditoriums	1 for each 3 persons of design occupancy load
i.	Family daycare and foster family homes	1 for every 5 guests, plus 1 for the resident owner or manager
j.	Funeral homes, mortuaries	1 for each 5 seats of the aggregate number of seats provided in all assembly rooms
k.	Furniture and appliance stores, household equipment	1 for each 800 square feet of sales floor area
l.	Hospitals	1 for each bed, plus 1 for each employee on the shift with the maximum number of personnel
m.	Hotels, motels	1 for each unit intended for separate

	Use	Spaces Required		
		occupancy, plus 1 for the resident owner or manager		
n.	Manufacturing plants, bottling plants, processing plants, packaging plants, furniture repair	1 for each 500 square feet of floor area		
o.	Medical and dental clinics and offices	1 for each 200 square feet of floor area		
p.	Medical (or convalescent) hospitals	1 for each 5 beds, plus 1 for each employee on the shift with the maximum number of personnel		
q.	Physical fitness facilities Physical fitness facilities with more than 15,000 square feet of floor area shall provide an additional 10 percent of the total number of required parking spaces.	1 space for each 250 square feet of floor area		
r.	Physical therapy	1 space per 200 square feet of floor area. In addition, 1 space per 50 square feet of pool (water) area		
s.	Residential Uses			
		Number of Bedrooms		
	Type	Efficiency	1	2+
	Single-family (including townhouses), houseboat, duplex, triplex, multiple mobilehomes, community housing projects, other multifamily dwelling units	1.0	1.0	2.0
	Community housing projects, townhouses, and multifamily projects of 5 units or more		In addition to meeting above residential parking requirements, guest parking spaces shall be provided at a rate 10% of the above standards. Fractional spaces will be rounded up to the next whole number.	
	Lodging, rooming houses and bed-and-breakfast inns		2 spaces, plus 1 for each bedroom that is rented	
	Residence halls, dormitories		0.75 space for each guest or occupant	
	Senior housing development		1 for each 3 dwelling units or rooms intended for separate occupancy, plus an area of land equal to the required off-street parking for multifamily units, not including required open space, which	

Use		Spaces Required
		could be converted to parking should the retirement center change to a multifamily residential use
	Small ownership unit (SOU)	1 space for each dwelling unit
	Single-room occupancy dwelling unit, less than 300 square feet	0.75 for each dwelling unit
	Single-room occupancy dwelling unit, 300 square feet or more	1 for each dwelling unit
	Accessory dwelling unit	<p>The parking standards for accessory dwelling units are as follows (these standards do not affect the amount of required parking for the primary residence):</p> <p>Outside the coastal zone, no off-street parking shall be required for an ADU and spaces removed to accommodate an ADU will not require replacement.</p> <p>On parcels located inside the coastal zone and within the designated areas shown in the LCP Figure “ADU Parking Required” (which follows this table), at least one off-street parking space shall be required for each ADU, and all off-street parking requirements associated with all other residential uses at the site shall be met on site, including replacement parking spaces if any are removed to accommodate an ADU.</p> <p>On parcels located inside the coastal zone but not within the designated areas shown in LCP Figure “ADU Parking Required” (which follows this table), zero parking spaces shall be required for each ADU. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. If other parking areas on a site (e.g., a driveway or other nonstructural parking area) are removed to provide for an ADU, off-street</p>

Use		Spaces Required
		replacement parking spaces shall be required for the primary (non-ADU) residential use.
Use		Spaces Required
t.	Restaurants and other establishments selling food and beverages on the premises (including bars and nightclubs without live entertainment)	1 for each 120 square feet of floor area
u.	Restaurants with counter and/or take-out service or drive-in facilities	1 for each 120 square feet of floor area, plus 1 for each 50 square feet of floor area devoted to counter/take-out service
v.	Research and development facilities	1 for each 325 square feet of floor area, or 1 for every 2 employees (maximum shift), whichever is greater
w.	Retail stores, shops, service establishments, including shopping centers other than furniture and appliance stores	1 for each 250 square feet of floor area
x.	Schools: • Elementary and junior high • High schools	1 for each employee 1 for each employee, plus 1 for each 10 students
y.	Colleges (business, beauty, etc.) and universities	1 for each employee, plus 1 for each 3 students
z.	Self-service laundry and drycleaning establishments	1 for each 200 square feet of floor area
aa.	Service stations	3 for each lubrication or service bay, plus 1 for each employee on the day shift
ab.	Sports arenas, auditoriums, assembly halls, and meeting rooms	1 for each 3.5 seats of maximum seating capacity
ac.	Theaters	1 for each 3.5 seats for the first 350 seats; plus 1 for each 5 additional seats
ad.	Tutoring facilities	1 for each 250 square feet of floor area
ae.	Wholesale establishments, warehouses, service and maintenance center, communications equipment buildings	1 for each 1,000 square feet of floor area

	Use	Spaces Required
af.	Recycling collection facilities <ul style="list-style-type: none"> • Independent • In conjunction with other uses that provide required parking 	2 spaces 0 spaces
ag.	Unspecified uses of buildings, structures, or premises	Where the parking requirement for a particular use is not specifically established in this section, the parking requirements for each use shall be determined by the zoning administrator, and such determination shall be based upon the requirements for similar uses. Public uses not specifically established in this section shall meet the parking requirement as established by the planning commission. The planning commission shall take into account the proposed use and parking availability in the vicinity of the use.
ah.	Uses in Parking District No. 1 (Downtown)	Parking shall be provided in conformance with the resolution of the city council for this district in effect at the time of submittal of a complete application.



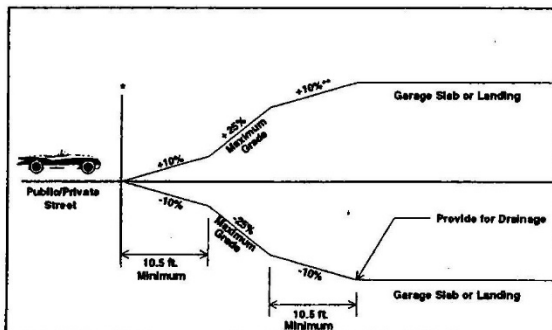
2. Covered Parking. All residential development has the option of including covered or enclosed parking, consistent with other zoning standards. No covered or enclosed parking is required for any residential or mixed-use housing unit.
3. Unbundled Parking. All residential development of has the option to rent or sell off-street parking spaces separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s). Unbundled parking will qualify for a reduced parking requirement when executed in conformance with the requirements of Section 24.12.290.3(e).
4. 3. The following exceptions may be granted for specific types of residential projects:
 - a. Exceptions to parking requirements may be granted to publicly subsidized housing units, affordable housing projects, and projects for special needs or senior tenants where such requirements are in conflict with state or federal regulations or funding policies.
 - b. SRO parking requirements may be reduced by one-quarter space for each dwelling unit if the project is either located:
 - (1) Within one-quarter mile or one thousand three hundred twenty feet of an alternative parking facility and spaces are available and can be committed to residents;
or
 - (2) Within one-quarter mile or one thousand three hundred twenty feet of access to public transportation such as a bus stop.

- c. Parking requirements for mixed use developments in the I-G District, as permitted under Section 24.10.1510(2)(k)(3), may be reduced by a maximum of four-tenths space for each dwelling unit as a part of an on-site shared parking plan.
 - d. In addition to the allowances afforded through accessory dwelling unit regulations in Part 2 of Chapter 24.16, existing covered parking may be converted into additional units if all the requirements for the underlying zoning district can be met and replacement parking can be provided that meets the other parking requirements herein.
5. 4. No more than forty percent of the front setback of a residential property developed with up to four dwelling units (excluding any ADUs or Jr. ADUs) shall be utilized or developed for parking. No portion of the front setback of a residential property developed with more than four dwelling units (excluding any ADUs or Jr. ADUs) shall be utilized or developed for parking (See also Section 24.12.185.7). No more than fifty percent of the front setback of a residential property may be paved or covered with any impervious surface.

Section 50. Section 24.12.280 – Design Requirements of Part 3: Off-Street Parking and Loading Facilities of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.280 DESIGN REQUIREMENTS.

1. Driveway Design Standards.
 - a. Parking facilities hereafter established and which are located adjacent to a required front yard in an adjoining A-District or R-District shall be provided with a clear vision area and parking facilities which are located adjacent to two intersecting streets shall include a clear corner triangle as defined in this title. These areas shall be maintained in conformance with Section 13.30.110.
 - b. The total clear space to accommodate a vehicle in driveways and private parking areas used as private parking facilities for single-family residential uses shall not be smaller than the dimensions of required on-site parking spaces.
 - c. Driveways shall be designed to conform with existing contours to the maximum extent feasible.
 - d. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight in clear vision areas and clear corner triangles based on AASHTO Green Book sight distances.
 - e. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:



* Back edge of standard city driveway.

** All percentages are measured from the edge of standard city driveway.

f. Driveways and approaches shall comply with the applicable standards set forth in Chapter 15.20.

2. Parking Facility Layout. The diagrams entitled “Sample Parking Designs and Standards,” included at the end of this chapter, shall be used for dimensions in the development and arrangement of parking spaces and parking areas. Layout and traffic flow is illustrative only and these standards may be varied with supportive documentation of acceptable circulation by a California-licensed civil engineer.

a. Each standard-size parking space shall be not less than nineteen feet in length by eight and one-half feet in width. Each compact parking space shall be not less than sixteen feet in length by seven and one-half feet in width.

3. Access to Spaces or Facilities.

a. Access to parking facilities shall not be less than twenty feet in width; except as follows:

(1) Access to parking facilities containing five or fewer parking spaces shall be not less than ten feet in width, except as provided in subsection (1), Driveway Design Standards, for private facilities for single-family homes.

(2) Access to parking facilities containing between six and twenty parking spaces shall be not less than twelve feet in width.

(3) Where separate one-way drive aisles are proposed, each shall be not less than ten feet in width.

(4) The zoning administrator shall determine the width of driveways serving parking facilities in the GB-O District based on the following findings:

i. That the width is necessary to preserve the open-space character of the area;

ii. That the width contributes to the compatible use of open-space lands.

(5) The public works department, planning and community development department, and/or the fire department may approve designs that vary from the above standards based on the individual circumstances of a parcel or use.

b. Backing Out.

(1) General. Driveways and aisles in a parking facility shall be designed so that vehicles do not back out into a street other than a residential alley.

(2) Exceptions. Parking facilities for single-family dwellings and duplexes not located on a highway or major or minor arterial, as shown on the General Plan Land Use Map, may provide for backing into the street. Parking facilities for three-family dwelling or triplex or four-family dwelling or fourplex may be designed to back out onto a street only if the street is not an arterial or collector street.

(3) Dimensions. Public and private parking facilities shall provide at least twenty-four feet of clear area behind parking spaces for backing-out and turning movements when ninety-degree parking spaces are used, at least fifteen feet when forty-five-degree parking is used, and at least eighteen feet when sixty-degree parking is used. In unique situations, a California-licensed civil engineer may demonstrate with a turning diagram that this dimension can be reduced and still provide adequate on-site circulation for standard sized vehicles. Reductions in back-out area are subject to review and approval by the planning director or designee in consultation with the director of public works or designee.

4. Tandem Spaces.
 - a. Required parking spaces for residential uses may be provided in a tandem arrangement no more than three parking spaces deep. No parking space may be in tandem with a parking space for a separate dwelling unit except as allowed for accessory dwelling units.
5. Border Barricades. Every parking facility containing angled or ninety-degree parking spaces adjacent to a street right-of-way shall, except at entrance and exit drives, be developed with a solid curb or barrier along such street right-of-way line; or shall be provided with a suitable concrete barrier at least six inches in height and located not less than two feet from such street right-of-way line. Such wall, fence, curb, or barrier shall be securely installed and maintained.
6. Surfacing. All off-street parking facilities shall be surfaced with a minimum of five inches of concrete, or one and one-half inches of asphalt overlying four inches of base rock; except:
 - a. Temporary off-street parking facilities, which may be surfaced by placement of a single bituminous surface treatment upon an aggregate base, which bituminous treatment and base shall be subject to the approval of the director of public works;
 - b. Driveways and parking pads for single-family residences may be surfaced with four inches of concrete or other approved material;
 - c. Parking facilities approved by the zoning administrator or planning commission for a different parking surface;
 - d. All off-street parking facilities shall be so graded and drained as to dispose of all surface water from within the area; in no case shall such drainage be allowed to cross sidewalks.
7. Marking. Parking spaces within a facility shall be clearly marked and delineated. For nonresidential uses, wheel stops or curbing may be required.
8. Lighting. Lighting shall be directed onto the subject property only and shielded so that the light source is not visible from adjacent properties or streets. The requirements of Section 24.12.185.17 shall also apply to development proposals including any multi-family housing.
9. Landscaping and Screening.
 - a. General Requirements. Landscaping shall be provided in conjunction with the development or modification of any parking space or facility. Landscaping is employed to diminish the visibility and impact of parked cars by screening and visually separating them from surrounding uses and the street; to provide shade and relief from paved areas; to channel the flow of traffic and generally contribute to good site design.
 - (1) Every commercial parking facility abutting property either located in R-Districts or in residential uses shall be separated from such property or use by a permanently maintained evergreen hedge, view-obscuring wall or fence, raised planter, planted berm or the like. Such screening devices shall be of sufficient height to diminish the visibility and impact of parked cars and visually separate them from the adjacent residential zone or use. Screening devices may not exceed the standards set forth in Section 13.30.110.
 - (2) Except for parking facilities for single-family lot development, landscaped areas shall be separated from paved parking areas by a six-inch continuous concrete curbing, or other permanent landscape feature including fencing, gravel, or rigid landscape edging. Parking facilities that incorporate landscaped storm water treatment or retention areas in conformance with adopted city best management practices for low impact development shall be exempt from this requirement adjacent to those areas used for treatment or retention.

b. Standards for Multifamily, Over Five Units, Commercial and Industrial Developments. Every parking facility shall include a minimum of ten percent of area devoted to parking in permanent landscaping. Landscaping shall be installed in areas used to channel the flow of traffic within parking rows, at the entry to aisles, and at other locations specified by the approving body. Required landscaping shall include appropriate vegetation including trees which shall be provided in sufficient size and quality to adequately screen and soften the effect of the parking area, within the first year. Additional standards for screening found in Section 24.12.185 shall also apply where required.

Section 51. Section 24.12.295 – Off-Street Loading Facilities of Part 3: Off-Street Parking and Loading Facilities of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.295 OFF-STREET LOADING FACILITIES.

1. Purpose. To reduce street congestion and traffic hazards and to add to the safety and convenience of the community, adequate, attractively designed, and functional facilities for off-street loading shall be incorporated as necessary in conjunction with new uses of land.

2. General Provisions. For every building hereafter erected, which is to be occupied by manufacturing, storage, warehouse, commercial, residential, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, exercise facility or other similar uses or mixed-use combinations requiring the receipt or distribution by vehicles of material and merchandise, off-street loading areas shall be provided in accordance with the requirements herein.

In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

3. Requirements.

a. Required Off-Street Loading Spaces

Use	Size of Use	Required Off-Street Loading Spaces
Manufacturing, storage, warehouse, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, exercise facility, or other similar uses	10,000 to 24,999 square feet of gross floor area	1 Type B
	25,000 to 49,000 square feet of gross floor area	2 Type B
	For each additional 50,000 square feet of gross floor area or fraction thereof	1 Type B
Office	0-24,999 square feet of gross floor area	0
	25,000-99,999 square feet of gross floor area	1 Type A
	over 100,000 square feet of gross floor area	2 Type A

Use	Size of Use	Required Off-Street Loading Spaces
Residential	0-50 Units	0
	51-200 Units	1 Type A
	over 200 Units	2 Type A

b. Minimum Dimensions for Loading Spaces

MINIMUM DIMENSIONS FOR LOADING SPACES			
Type of Loading Space Required (See Table 22.112.130-A)	Minimum Length (feet)	Minimum Width (feet)	Required Vertical Clearance (feet)
Type A	24	8	None
Type B	30	10	14

- c. Such space shall not occupy all or any part of any required front or exterior yard area or court space, and shall not be located closer than twenty ~~five~~ feet to any lot in an R-District, unless inside a structure or separated from such district by a wall not less than eight feet in height.
- d. Sufficient room for maneuvering vehicles shall be provided on site.
- e. Each loading berth shall be accessible from a street or alley.
- f. The location of entrances and exits will be determined based on the results of a transportation study (if required based on Section 15.15.010) and approved by the City's public works director. Alternatively, the applicant may allow the public works director to specify entrance and exit locations.
- g. The loading area, aisles and access drives shall be paved with a durable, dustless surface, and shall be so graded and drained so as to disperse surface water.
- h. Wheel stops and bumper rails shall be provided for safety and to protect property.
- i. If the loading area is illuminated, lighting shall be directed away from any abutting residential sites and adjacent streets to reduce light and glare impacts, and shall conform to the standards of Sections 24.12.185.17 and 24.12.280.8 as applicable.
- j. No repair work or servicing of vehicles shall be conducted in a loading area.
- k. Trucks with trailers or detached trailers shall not be stored on-site.
- l. Loading areas shall be maintained in good condition and kept free of trash, debris, and display or advertising uses. No changes shall be made in the number of loading spaces designated on the parking plan without approval of zoning administrator.
- m. Required off-street loading facilities shall be located on the same site as the use for which the off-street loading spaces are required.

Section 52. Section 24.12.430 – Protection of Archaeological Resources of Part 5: Historic Preservation of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES.

- 1. Policy and Purpose. Existing in Santa Cruz are certain deposits and sites of cultural significance believed to have been left by Native Americans and other early inhabitants. These

deposits and sites are unique and irreplaceable phenomena of significance in the history of the city and the understanding of the cultural heritage of our land and of all humankind. Such sites have a deep, spiritual significance to Native Americans, especially the native peoples of the state of California, and constitute a precious archaeological and historical heritage which is fast disappearing as a result of public and private land development. Uncontrolled excavation or modification of these resources would destroy their cultural integrity. This loss would affect future generations and must be prevented in the public interest. Such cultural resources should be preserved in an undisturbed state wherever possible for future generations who should be more skilled and have access to better methods of study. In order to promote the public welfare, it is necessary to provide regulations for the protection, enhancement, and perpetuation of such sites. This section, therefore, is intended to provide a procedure for preserving the valuable cultural resources in the city of Santa Cruz. It should be noted that California Public Resources Code Section 5097.9 and Health and Safety Code Section 7050.5 protect archaeological and paleontological resources and supersede any local regulations.

2. Archaeological reconnaissance is required on sites proposed for development within areas identified as “highly sensitive” or “sensitive” on the general plan maps labeled “areas of archaeological sensitivity” and “historical archaeology sensitivity” prior to the issue of building or development permits.

3. An archaeological reconnaissance shall include archival research, site surveys and necessary supplemental testing as may be required and shall be conducted by a qualified archaeologist. The significance of identified resources shall be ascertained in accordance with CEQA definitions. If significant impacts are identified, impacts and mitigation measures outlined could include but are not limited to avoidance, project redesign, deposit capping, resource recovery options and/or on-site monitoring by an archaeologist during excavation activities. A written report describing the archaeological findings of the research or survey shall be provided to the city and development applications shall demonstrate compliance with any recommended mitigations identified in the required report.

4. Exemptions for minor development are allowed within “sensitive” areas only. “Minor development” is defined for this purpose as development that involves spot excavation to a depth of twelve inches or less below existing grade or uses that have virtually no potential of resulting in significant impacts to archaeological deposits. Exempt projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

5. Developer’s Action on Discovery of Artifacts or Remains During Excavation or Development. Any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource, shall:

- a. Immediately cease all further excavation, disturbance, and work on the project site;
- b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;
- c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner shall notify only the planning director;

- d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.
6. Coroner's Action on Discovery of Remains. If human remains are discovered, the sheriff-coroner or his/her representative shall promptly inspect the remains to determine the age and ethnic character of the remains and shall promptly, after making such determinations, notify the planning director. If the remains are found to be Native American in origin, the sheriff-coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission will identify the Native American most likely descendant who will provide recommendations for the proper treatment of the remains and associated artifacts per California State Resources Code Section 5079.9.
7. Planning Director's Action on Discovery of Artifacts. If any artifacts are discovered, the planning director shall cause an on-site inspection of the property to be made. The purpose of the inspection shall be to determine whether the discovery is of an archaeological resource or cultural resource. In making a determination, the planning director may also consult with Native American groups, qualified archaeologists, or others with the necessary expertise.
8. Discovery Not an Archaeological/Cultural Resource. Upon determining that the discovery is not of an archaeological/cultural resource, the planning director shall notify the property owner of such determination and shall authorize the resumption of work.
9. Discovery an Archaeological/Cultural Resource. Upon determining that the discovery is of an archaeological/cultural resource, the planning director shall notify the property owner that no further excavation or development may take place until a mitigation plan or other measures have been approved by the director for the protection of the site.
10. Mitigation Plan. The property owner or his/her agent shall prepare any required mitigation plan. The mitigation plan shall include conditions necessary or appropriate for the protection of the resource including, but not limited to, conditions on the resumption of work, redesign of the project, or other conditions deemed appropriate by the planning director. The director shall review the mitigation plan and may consult with Native Americans, archaeologists, or other interested persons to ensure proper protection of the resource. When the director is satisfied that the mitigation plan is adequate and that the development plan has been altered sufficiently to demonstrate compliance with all recommended mitigations of the mitigation plan, the director shall authorize the resumption of work in conformance with the mitigation plan.
11. Referral to Historic Preservation Commission. The planning director may refer to the historic preservation commission the decision whether the discovery is of an archaeological/cultural resource and the decision whether the mitigation plan is adequate to protect the resource. If the director refers the matter to the historic preservation commission, a public hearing shall be held in conformity with the requirements of this title relating to public hearings.

Section 53. This ordinance shall take effect and be in full force thirty (30) days after final adoption for areas of the City outside the Coastal Zone and shall take effect and be in full force upon certification by the California Coastal Commission for areas of the City located within the Coastal Zone.

Section 29. This ordinance shall take effect and be in full force thirty (30) days after final adoption outside of the Coastal Zone. Within the Coastal Zone, this ordinance shall take effect and be in full force after approval by the Coastal Commission.

PASSED FOR PUBLICATION this 23rd day of August, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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- and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

City Clerk Administrator

ORDINANCE NO. 2022-XX

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. 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.

(86) “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.

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

Section 3. 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 4. 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.

13.30.065 ~~Harming~~ Damaging street trees forbidden.

13.30.067 House moving.

13.30.070 Duties of public utilities.

13.30.080 ~~Master~~ Approved street tree list.

13.30.090 ~~Master~~ Street tree planting plan.

13.30.100 Permits required.

13.30.110 Prohibited vegetation – Nuisance.

13.30.120 Abatement of public nuisances.

~~13.30.130—Charges against property owners or other persons pursuant to this chapter.~~

~~13.30.140~~**130** Recovery of damages for loss of street trees.

~~13.30.150~~**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—House moving.~~

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.

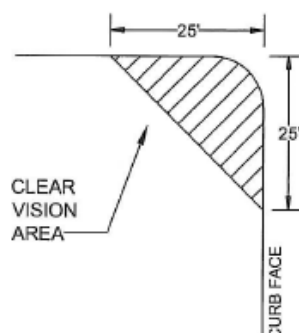
The city council finds that planting and preserving trees enhances the natural beauty of Santa Cruz, promotes the city’s ecological balance, and is in the public interest. The purpose of this Street Tree and Nuisance Vegetation Ordinance is to provide a set of standards and regulations for the protection, 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) “Median area” means a planting area lying within a traffic median or traffic island in the public right-of-way.

(g) “Owner” or “property owner” means the owner of real property as shown on the most recent county assessor’s roll.

(h) “Parkway” means that portion of the public right-of-way between the curb and the sidewalk.

(i) “Planting strip” means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.

(j) “Prune” means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.

(k) “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.

(l) “Roadway” means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.

(m) “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.

(n) “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.

(o) “Street” means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.

(p) “Street tree” means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.

(q) “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.

(r) “Traffic Diverter” means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.

(s) “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.

(t) “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 ~~a list of street trees approved by the parks and recreation commission;~~
 - (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 ~~in maintaining parkways~~ as required by this code 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 ~~on public property;~~
 - (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, ~~trim, prune,~~ pruning, root pruning, spraying, replace or otherwise maintain maintenance of any street tree planted on public property pursuant to the requirements of this chapter. ~~within the city of Santa Cruz.~~
 - (6) No maintenance service shall be provided by the city to any tree standing on private property beyond the parkway or street 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, ~~and/or~~ 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, ~~and/or~~ 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. All duties, obligations and liabilities of property owners specified by Sections 15.20.210 and 15.20.220 of this code apply to maintenance of parkways and street trees. Specifically, a property owner obligated by Section 15.20.210 to maintain a sidewalk area must prune and trim all trees, tree roots, shrubs, hedges and ground cover, and weed, clear and otherwise maintain all included parkways so as to make the area safe and convenient for public use. A property owner who fails to so maintain a street tree or a parkway adjoining his property is liable under Section 15.20.220 of this code for any injury or damage suffered by a member of the public which is caused by said failure. Maintenance of parkways, as required by this section, includes maintenance of all trees and other vegetation contained in planters located on parkways and in traffic diverters adjacent to parkways.

(b) Maintenance required under this Section 13.30.060 ~~Section 15.20.210 of this code~~ shall include, but not be limited to the following acts:

- (1) Watering as necessary;
- (2) Removing any material which would be harmful ~~injurious~~ to street trees, such as wire, rope, and signs;
- (3) Notifying the director of any diseased street tree or hazard posed by 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 ~~and trimming~~ 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, street tree roots, 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 ~~trimming~~ street trees, and 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 ~~for their well-being~~ so as to avoid any damage to public health, safety and welfare, to standards set by the city;
- (9) Planting and replacing street trees pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in Section 13.30.090.

(c) Before any street tree is planted, pruned, ~~trimmed~~ root pruned, removed, or replaced 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 ~~guidelines, standards and recommendations of the department:~~

(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, replacement, 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, replacement, or other maintenance.

~~In order to enforce maintenance of street trees and parkways under this chapter, all relevant provisions and procedures delineated in Section 15.20.210 of this code and Chapter 22 of Division 7, Part 3, of the Streets and Highways Code and related provisions will be applied.~~

13.30.065 ~~HARMING~~ DAMAGING STREET TREES FORBIDDEN.

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

- (a) ~~Cutting~~ Pruning a street tree to expose business signs or buildings or for any other purpose except as provided 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 ~~structure~~ other improvement in a manner which may be detrimental to the health of ~~injurious to~~ 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 MASTER APPROVED STREET TREE LIST.

- (a) The director of parks and recreation shall prepare and maintain the Approved Street Tree master street tree List enumerating the species of shade and ornamental trees permitted to be planted on public property in the public right-of-way. The master street tree list shall be submitted to the parks and recreation commission which shall make a final recommendation to the city council. When approved by the city council 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 master street tree List shall be made available to the public through the department of parks and recreation. The master street tree list shall be reviewed annually by the director and the parks and recreation commission.
- (b) Newly planted street trees planted in a public right-of-way must comply with the master 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 MASTER STREET TREE PLANTING PLAN.

- (a) The director shall prepare a master Street Tree Master planting 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. This plan shall identify tree species and areas within the city appropriate for their use. 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 ~~on any parkway or right-of-way.~~
- (1) The application required ~~herein~~ in this subsection (a) shall state the number of trees to be planted or set out the location, grade size, and variety of each tree, the method of planting, and such other information as the director may require.

(2) The director shall ~~shall~~ 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 Trimming Pruning and Removal. A tree permit shall be obtained from the director by any person proposing to ~~No person shall root prune, transplant or remove any tree on public property or within the city public right-of-way without first filing an application and procuring a permit to do so from the director. A permit shall also be obtained from the director by any person proposing to~~ No person shall 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 on public property or within the city public right-of-way, without first filing an application and procuring a permit to do so from the director.

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

(2) The director shall ~~shall~~ may issue the permit upon finding that the proposed action is necessary to protect the curb, gutter ~~or~~, 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 ~~trimming~~ 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.

i. 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. This fee shall be set by city council resolution.

(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 ~~is not satisfied by approval of other city departments, or under city contracts.~~

(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 ~~any of the following~~, 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 condition, including but not limited to the following:

(a) Any tree, ~~or 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 ~~the~~ 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 ~~plants~~ vegetation growing into or over any street trees, or any public hydrant, pole, electroliner or sidewalk area;

(d) Existence of any tree within the city limits that is irretrievably damaged, declining, infested, dead or infected with disease, pests, objectionable insects, scales, 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, ~~or dense thorny trees~~, shrubs, vegetation, and plants ~~on any street or part thereof 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 remove the condition, and the time within which such work must be completed. Such time for compliance shall not exceed ninety days after the date of service of said notice. The notice shall also state that the required work will be performed by the city forces or by others under the city's supervision of the director 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. within 60 days. Any failure to pay the city for the cost incurred by the city may also 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 their enforcement in this chapter.

(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 CHARGES AGAINST PROPERTY OWNERS OR OTHER PERSONS PURSUANT TO THIS CHAPTER.

The cost of the abatement of any public nuisance sought to be charged against the owner of the adjacent private property in accordance with the terms of this chapter may be assessed by the city council against the parcel of private property owned by such person as follows:

(a) ~~A notice and order of proposed assessment of charges against such person for failure to comply with said order this chapter shall be served personally upon said property owner stating:~~

~~(1) The date of the order affecting such person and requiring compliance with the terms of this chapter;~~

~~(2) Notice of the failure of the owner to complete the work, as specified by the order, within the time therein specified;~~

~~(3) The dates of performance of the work as specified by the order, by the city of Santa Cruz or such persons or contractors as it may retain to undertake the work;~~

~~(4) The charge incurred by the city of Santa Cruz for performance in accordance with said order;~~

~~(5) The date and place of hearing of the report of the director before the city council requesting a resolution of the city council authorizing the city clerk to prepare, execute and file a lien against the real property owned by such person in the office of the recorder of Santa Cruz County.~~

(b) On the date and hour specified in said notice, the city council shall review the report of the director and authorize the preparation, execution and filing of a notice of lien, as provided in this chapter, for all or such portion of the charges reported by the director for the compliance with the order.

(c) The notice of lien shall be filed in the office of the county recorder for Santa Cruz County and shall be in the form of a certificate substantially in the following form:

NOTICE OF LIEN

Pursuant to the authority of Chapter 13.30 of the Santa Cruz Municipal Code, and as duly authorized by the City Council of the City of Santa Cruz on the _____ day of _____, 19 __, by Resolution No. _____, the City of Santa Cruz does hereby claim a lien upon the property hereinafter described for the charges duly assessed by the Council of the City of Santa Cruz as the cost incurred by the City of Santa Cruz for _____ pursuant to order of the Director of Parks and Recreation for the City of Santa Cruz dated _____, the same has not been paid nor any part thereof, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 10% per annum, from the day of _____, 19 __, (insert

date of confirmation of assessment by City Council), has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is claimed is that certain piece or parcel of land lying and being in the City of Santa Cruz, County of Santa Cruz, State of California, and more particularly described as follows:
(Legal description of the property, either by metes and bounds or by subdivision number. Assessor's parcel number cannot be used for this type of lien.)

13.30.140~~130~~ RECOVERY OF DAMAGES FOR LOSS OF STREET TREES.

Any person who damages or destroys a street tree on public property is liable to the city for the any costs of the tree's repair or replacement related to the repair or replacement of such street tree. Recovery of monetary damages and/or replacement of trees and shrubs shall be in accordance with the current plant appraisal formula prepared by the International Society of Arboriculture.

(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 as defined in chapter 9.56, monetary damages may be assessed as specified by the director which may include a tree appraisal in accordance with current tree appraisal methods prepared by the International Society of Arboriculture.

~~(a) — Replacement value up to eight-inch trunk caliper size shall be based upon the current retail price of a comparable tree up to eight-inch trunk caliper measured at four and one-half feet from the top of the container soil level or the existing soil grade at the site of a damaged tree.~~

~~Replacement value shall include the cost of replanting or removing a tree.~~

~~(b) — Replacement trees shall be chosen in accordance with the master street tree planting plan or a species selected by the director.~~

~~(c) — For trees larger than eight inches in trunk caliper, the monetary value shall be determined on the basis of the current value per square inch of the tree trunk cross-section measured at four and one-half feet above grade in accordance with the formula prepared by the International Society of Arboriculture.~~

~~(d) — A twenty-percent deduction may be applied to any tree found by the director to be in poor condition prior to its damage or destruction.~~

~~(e) — When injury has occurred during work on any structure, collision with any motor vehicle, an act of vandalism, or house moving, the responsible party shall not be released from liability until the director has determined that the tree(s) has fully recovered.~~

13.30.150~~140~~ INFRACTION.

Any person who violates the provisions of Section 13.30.100 shall be guilty of an infraction punishable by a fine of not less than one hundred dollars the maximum amount permitted by law for a first offense and in doubling increments for each successive offense. 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. ~~through the city clerk~~ 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. ~~and The appellant shall state the nature of the application and the basis for the appeal and shall specifically cite the provision of this chapter which is relied upon to appeal the action or decision. upon which the decision of the official or body is considered to be in error.~~
- (b) Such appeals, to be effective, must be received by the secretary to the parks and recreation commission ~~or by the city clerk~~ 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) ~~Upon receipt of the appeal, the secretary to the parks and recreation commission shall schedule the 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 ~~by the city clerk at the earliest next regular meeting consistent with city council agenda preparation and meeting schedules.~~

(b) ~~Unless otherwise required in this chapter, neither the parks and recreation commission, nor the city council need hold public hearings in considering matters on appeal.~~

(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 HOUSE MOVING SEVERABILITY.

~~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.~~

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 5. 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 6. 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 7. 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.

(ee~~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.

~~(ff)~~~~hh~~ (gg) “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.

(gg~~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.

(~~hh~~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.

(~~ii~~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).

(~~jj~~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.

(~~kk~~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.

(~~ll~~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.

(~~mm~~oo) “Overhead sprinkler irrigation systems” means systems that deliver water through the air (e.g., spray heads and rotors).

(~~nn~~pp) “Overspray” means the irrigation water which is delivered beyond the target area.

(~~oo~~qq) “Pervious” means any surface or material that allows the passage of water through the material and into the underlying soil.

(~~pp~~rr) “Plant factor” or “plant water use factor” is a factor, when multiplied by ETo, that estimates the amount of water needed by plants.

(~~qq~~ss) “Precipitation rate” means the rate of application of water measured in inches per hour.

(~~rr~~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.

(~~ss~~uu) “Rain sensor” or “rain-sensing shutoff device” means a component which automatically suspends an irrigation event when it rains.

(~~tt~~vv) “Recreational area” means areas dedicated to active play such as parks, playgrounds, sports fields, and golf courses where turf provides a playing surface.

(~~uu~~ww) “Reference evapotranspiration” or “ETo” means a standard measurement of environmental parameters which affect the water use of plants.

(~~vv~~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.

(~~ww~~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.

(~~xx~~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.

(~~yy~~aaa) “Sprinkler head” means a device which delivers water through a nozzle.

- (zzbbb) “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.
- (aaacc) “Station” means an area served by one valve or by a set of valves that operate simultaneously.
- (bbbddd) “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.
- (eeeeee) “Submeter” means a private metering device to measure water applied to the landscape that is installed after the primary utility water meter.
- (ddfffi) “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.
- (eeeggg) “Valve” means a device used to control the flow of water in the irrigation system.
- (fffhhh) “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).
- (gggiii) “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:

$$\text{Landscape Water Budget} = (0.55 \text{ or } 0.45) (\text{ETo}) (0.00083) (\text{LA}), \text{ where:}$$

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.
- ~~(2)~~(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.
- ~~(3)~~(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 8. 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~~may be initiated by the city council, ~~and the planning commission,~~ or the Planning Director. In the case of the zoning map, amendments ~~may~~ can also be initiated by the owner, or authorized agent of the owner of the property included in said proposed change.

Section 9. 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 ~~one~~two years prior to the date of submission of the application for the demolition/conversion permit, ~~or 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.~~

Relocation assistance shall be defined as two months' rent, ~~or~~ 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 ~~issuance~~ 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 ~~may~~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 10. 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:

Part 23: CONDITIONAL DRIVEWAY PERMIT

24.08.2310 GENERAL PROVISIONS.

A conditional driveway permit may be granted by the zoning administrator at a public hearing, subject to conditions, including but not limited to the provisions contained in this section. The driveway shall be:

1. — At least twenty feet in depth, the measurement being made at the back of the sidewalk located behind the driveway approach;
2. — Sized to provide not more than one parking space for lots less than fifty feet in width or two parking spaces for lots fifty feet or greater;
3. — At least four feet or the minimum side yard width required for the zoning district, whichever is greater, from any adjacent side or rear property line of an abutting lot and offset from the center of the lot's street frontage along which it is located;
4. — Designed to blend in with existing landscaping and minimize impervious surfaces when located within the required front or exterior side yard setback; and
5. — Designed to incorporate landscape screening where feasible and appropriate without creating a safety hazard.

24.08.2320 FINDINGS REQUIRED.

A conditional driveway permit shall be granted when the following findings can be made:

1. — The issuance of such a permit is reasonably necessary for the preservation of valuable property rights or full use and enjoyment of the property;
2. — The driveway will not create a safety hazard for pedestrians or vehicular traffic;
3. — The appearance of the driveway is compatible with the design and appearance of the existing residence and site plan, including existing landscaping, trees, natural land forms, and other features of the site;
4. — The driveway is a planned site feature which avoids dominating the site or overwhelming adjacent properties and structures; and

~~5. The driveway will be constructed using four inches of concrete or other material approved by the zoning administrator or planning commission.~~

Section 11. 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 is are exempt from local regulations.

Section 12. 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:

RESIDENTIAL USES:

- a. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
- b. Dormitories, fraternity/sorority residence halls.
- c. Health facilities for inpatient and outpatient psychiatric care and treatment.
- d. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.
- e. USES FOR ACTIVE FRONTAGE
- f. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- g. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- h. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- i. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- j. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

COMMERCIAL USES:

- k. Contractor/building (310E);
- l. Fabricated metal products (manufacturing) (150);
- m. Fabricated wire products (manufacturing) (155A);
- n. Food and beverage preparation (manufacturing) (100);
- o. Furniture and fixtures (manufacturing) (120);
- p. Hospitals (520);
- q. Laboratory research experimentation, testing, software development;
- r. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- s. Mortuaries (310I);
- t. Motion picture production (manufacturing) (155E);
- u. Rental services (360);
- v. Solar equipment (manufacturing) (155C);

- w. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- x. Stone, clay, glass products (manufacturing) (140);
- y. Storage and warehouse when connected with permitted use (330);
- z. Wholesale trade (nondurable goods) (200):
 - i. Bakery,
 - ii. Confectionery,
 - iii. Dairy,
 - iv. Health foods;
- aa. 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.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>4 & 50</u>
• <u>Mixed use (stories and feet)</u>	<u>5 & 55</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>6000</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>1.0 to 2.75</u>
<u>d. Minimum lot area per dwelling unit (net) (sq. ft.)</u>	<u>792 (no requirement for 1-bedroom/studios/ SROs/FDU's)</u>
• <u>Units with two or more bedrooms</u>	<u>792</u>

<u>Provisions</u>	<u>Requirement</u>
• <u>Units with less than two bedrooms</u>	<u>No Density Limit</u>
<u>e. Setbacks</u>	
• <u>Front-yard</u>	<u>0**</u>
• <u>Rear-yard</u>	<u>20*</u>
• <u>Interior</u>	<u>0*</u>
• <u>Exterior</u>	<u>10*, **</u>
<u>f. Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and accessible to residential units</u>	<u>80</u>
<u>g. Distance between buildings on same lot</u>	<u>10</u>
<p>* <u>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</u></p> <p>** <u>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.</u></p>	

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 13. 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.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>4 & 55</u>
• <u>Mixed use (stories and feet)</u>	<u>4 & 50</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>

<u>Provisions</u>	<u>Requirement</u>
<u>b. Height of buildings – Minimum</u>	
• <u>Commercial or Mixed Use</u>	<u>1 & 16</u>
• <u>Accessory</u>	<u>No Minimum</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>1.0 to 2.75</u>
<u>c. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>4000</u>
<u>d. Required lot area per dwelling unit</u>	<u>792 (no requirement for 1-bedroom/studios/SROs/FDUs)</u>
<u>e. Setbacks</u>	
• <u>Front-yard</u>	<u>0**</u>
• <u>Rear-yard</u>	<u>15*</u>
• <u>Interior</u>	<u>0*</u>
• <u>Exterior</u>	<u>8*, **</u>
<u>f. Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and easily accessible to residential units</u>	<u>80</u>
<u>e. Distance between buildings on same lot</u>	<u>10</u>
<p>* 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</p> <p>** 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.</p>	

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 14. 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.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>6 & 75</u>
• <u>Mixed use (stories and feet)</u>	<u>6 & 70</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Height of buildings – Minimum</u>	
• <u>Commercial or Mixed Use</u>	<u>1 & 16</u>
• <u>Accessory</u>	<u>No Minimum</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>1.0 to 2.75</u>
<u>d. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>6000</u>
<u>e. Required lot area per dwelling unit</u>	<u>792 (no requirement for 1-bedroom/studios/SROs/FDUs)</u>
<u>f. Setbacks</u>	
• <u>Front-yard</u>	<u>0**</u>
• <u>Rear-yard</u>	<u>20*</u>
• <u>Interior</u>	<u>0*</u>
• <u>Exterior</u>	<u>10*, **</u>
<u>g. Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and easily accessible to residential units</u>	<u>80</u>
<u>h. Distance between buildings on same lot</u>	<u>10</u>
<u>* 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</u>	

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 15. 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.
- ~~34.~~ Clothing and apparel shops.
- ~~45.~~ Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12.
- ~~58.~~ Hotels, motels and bed-and-breakfast inns.
- ~~69.~~ Medical and dental offices.
- ~~715.~~ Professional, editorial, real estate, insurance and other general business offices.

RESIDENTIAL USES:

- ~~8h.~~ Multiple dwellings and condominiums, when located either in the same lot or above first floor commercial development ~~nine units or fewer~~, subject to the minimum land area (net) per dwelling unit of the R-M District (830).
- ~~9.~~ ~~16.~~ Small family daycare facility in a single-family home or duplex. Small and large family daycare homes in residential units.

COMMERCIAL USES:

- ~~103.~~ Carpenter shop; electrical, plumbing or heating shops; furniture upholstery shop.
- ~~116.~~ 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.
- ~~127.~~ Handicraft shops and workshops.
- ~~1310.~~ Medical, optical, and dental clinics and laboratories, not including the manufacture of pharmaceuticals or other (similar) products for general sale or distribution.
- ~~1411.~~ Mobilehome, trailer, boat, motorcycle sales and service.
- ~~1512.~~ New car sales and service.
- ~~1613.~~ Parking facilities of five or fewer spaces.
- ~~1714.~~ Plant nurseries and greenhouses.
- ~~1817.~~ Theaters.
- ~~1918.~~ 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~~d. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12.
- ~~b~~e. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12.
- ~~c~~j. Souvenir and gift shops.
- ~~d~~m. Stores, shops and general retail, subject to alcohol regulations in Part 12 of Chapter 24.12.
- ~~e~~n. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12.
- ~~k~~. ~~Single family dwellings~~
- ~~q~~. ~~Two family dwellings,~~

COMMERCIAL USES:

- ~~f~~a. Ambulance service.
- ~~g~~b. Automatic car wash.
- ~~h~~e. Bakery; soft-drink bottling plant; laundry, cleaning and dyeing establishment.
- ~~f~~. ~~Large family daycare homes.~~
- ~~i~~g. 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~~i. Recycling collection facilities.
- ~~k~~l. Small community care residential facilities.
- ~~l~~o. Temporary structures and uses.
- ~~m~~p. Truck, boat, trailer, farm equipment, and other heavy equipment sales, service and rental.
- ~~n~~f. Veterinary hospitals and clinics.
- ~~o~~s. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.
- ~~p~~t. 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 aA 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	

Provisions	Requirement
• 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 16. 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 ~~Recovery~~ 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 17. 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 supplying 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. ~~Where this requirement would be impractical or unreasonable, the director of public works, upon application of the property owner, may permit overhead services.~~
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 18. 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 ~~or redevelopment agency~~ 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 ~~or redevelopment agency~~, a period of closure for at least two years or six months after the city’s ~~or redevelopment agency’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 19. 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.

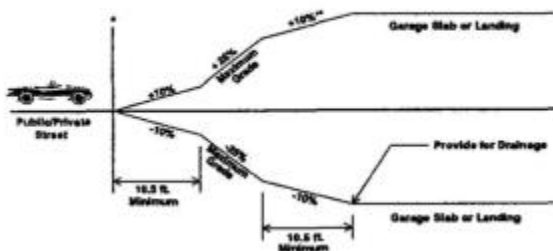
i. For all development within one hundred feet of a coastal bluff, a site-specific geologic report consistent with the California Division of Mines and Geology guidelines shall be prepared by a state qualified professional.

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](#) an exception listed in Section 24.14.040.

Section 20. 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 ~~or SOU or (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 ~~SOU~~ 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. “~~SOU~~” “FDU” means a ~~small ownership unit~~ 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 21. 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 **SOUF DU** 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 ~~unless an alternative is approved under Section 24.16.030.~~

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.

~~89.~~ 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 22. 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 23. 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. ~~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 that are compatible with residential development.~~ 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 ~~six~~ 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 ~~for~~ 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 24. 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~~13. “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~~14. “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~~15. “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~~16. “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~~17. “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~~18. “Incentives and concessions” are regulatory concessions as listed in Section 24.16.255.

~~20~~19. “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~~20. “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~~21. “Market rate unit” is a dwelling unit which is not an affordable unit as defined in this Part 3.

~~23~~22. “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~~23. “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.

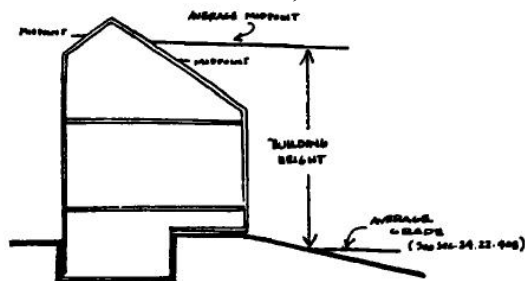
~~24.~~ “Small ownership unit” or “SOU” is a dwelling unit containing no more than one bedroom and floor area ranging from four hundred to six hundred fifty square feet, located on a separate subdivided parcel and included in a housing development where all dwelling units are SOU units and are offered for sale to the general public.

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 25. 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 26. 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.

~~A large family daycare home may provide family daycare to seven to twelve children, inclusive, or up to fourteen children, inclusive, if all of the following conditions are met:~~

~~(i) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.~~

~~(ii) No more than three infants are cared for during any time when more than twelve children are being cared for.~~

~~(iii) The licensee notifies a parent that the facility is caring for two additional school age children and that there may be up to thirteen or fourteen children in the home at one time.~~

~~(iv) The licensee obtains the written consent of the property owner when the family daycare home is operated on property that is leased or rented.~~

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.

~~A small family daycare home may provide family daycare to six or fewer children, or eight or fewer children if all of the following conditions are met:~~

~~(i) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.~~

- ~~(ii) — No more than two infants are cared for during any time when more than six children are cared for.~~
- ~~(iii) — The licensee notifies each parent that the facility is caring for two additional school age children and that there may be up to seven or eight children in the home at one time.~~
- ~~(iv) — The licensee obtains the written consent of the property owner when the family daycare home is operated on property that is leased or rented.~~

Section 27. 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 28. 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 more than twenty-five percent of the required open space be assigned to private balcony 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 ~~least~~ 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.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING CHAPTERS 24.04 – ADMINISTRATION; 24.08 – LAND USE PERMITS AND FINDINGS; 24.10 – LAND USE DISTRICTS; AND 24.12 – COMMUNITY DESIGN OF THE SANTA CRUZ MUNICIPAL CODE AND LOCAL COASTAL PROGRAM TO ESTABLISH OBJECTIVE DEVELOPMENT STANDARDS FOR MULTI-FAMILY HOUSING, ADD NEW MIXED-USE ZONING DISTRICTS, IMPLEMENT DEVELOPMENT REVIEW PROCESS CHANGES, AND MAKE ADDITIONAL MODIFICATIONS TO MUNICIPAL CODE TITLE 24 – ZONING ORDINANCE 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

Section 1. Section 24.04.030 – Types of Permits and Other Actions Authorized by this Title of Chapter 24.04 – Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.030 TYPES OF PERMITS AND OTHER ACTIONS AUTHORIZED BY THIS TITLE.

The following permits and actions are established in order to carry out the purposes and requirements of this title:

1. Appeals;
2. Coastal permit;
- ~~3. Conditional driveway permit;~~
- ~~3~~4. Conditional fence permit;
- ~~4~~5. Conservation regulations modifications (in the Coastal Zone only);
- ~~5~~6. Design permit;
- ~~6~~7. Demolition/conversion permit:
 - a. Demolition authorization permit for residential structures,
 - b. Historic demolition permit;
- ~~7~~8. Extension of permits;
- ~~8~~9. Historic building survey: building designation and deletion;
- ~~9~~10. Historic alteration permit;
- ~~9a~~10a. Administrative historic alteration permit;
- ~~10~~11. Historic landmark designation;
- ~~11~~12. Mobile homes: certificate of compatibility;
- ~~12~~13. Mobile home park conversion;
- ~~13~~14. Planned development permit;
- ~~14.~~ Project modifications, pursuant to Section 24.04.160(4)(b);
15. Relocation permit;
16. Revocation of permits;
17. Signs:

- a. Design permit (for signs),
- b. Building permit (for signs),
- c. Sign permit – public art exception;
- 18. Slope Development Permit (outside the Coastal Zone)
- 19. Use permit:
 - a. Administrative use permit, for uses requiring an administrative use permit; ~~plus the following:~~
 - ~~(1) Any earth-disturbing activity on known archaeological sites,~~
 - b. Special use permit, for uses requiring a special use permit;
- 20. Variance;
- 21. Watercourse development permit;
- 22. Watercourse variance;
- 23. Zoning Ordinance and General Plan text/map amendments;
- 24. ~~Project modifications, pursuant to Section 24.04.160(4)(b).~~

Section 2. Section 24.04.050 – Permit Application, Submittal and Processing of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.050 PERMIT APPLICATION, SUBMITTAL AND PROCESSING.

Application for any permit shall be made by the property owner, or his/her authorized agent, to the zoning administrator on forms prescribed for the purpose. Alternatively, where a property developer has entered into an owner participation agreement or a disposition and development agreement with ~~the redevelopment agency~~ of the city of Santa Cruz for development of property for which the developer has yet to secure site control, the ~~city redevelopment agency~~ may make the permit application if the subject agreement provides for the ~~city's redevelopment agency's~~ acquisition of the property on the developer's behalf. The application shall include information as may be necessary for adequate review of the application. A list of such information is set forth on the application form.

Section 3. Section 24.04.090 – Public Hearing Requirement of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.090 PUBLIC HEARING REQUIREMENT.

A public hearing shall be required for the following:

- 1. Appeals;
- 2. Coastal permit except for an accessory dwelling unit;
- 3. Conditional fence permit when required by Section 24.08.620;
- 4. Design permit:
 - a. When accompanying another permit requiring a public hearing or upon a zoning administrator determination that a public hearing is required;
 - b. For new two-story structures and/or second-story additions associated with a single-family residential use on substandard residential lots, excluding any Accessory Dwelling

Unit or Junior Accessory Dwelling Unit as defined in Chapter 24.16 Part 2 ~~in the R-S and any R-1 Districts;~~

c. For large homes in R-1 Districts per Section 24.8.450;

d. Wireless telecommunications facilities per Part 15 of Chapter 24.12; or

e. New structures or improvements to existing structures in the West Cliff Drive Overlay District that require a coastal permit.

f. Mixed-Use or Residential Development that varies from one or more of the objective design standards of Chapter 24.12.185 of the Municipal Code

5. Density Bonus Applications

6. Demolitions: residential, except for a single-family residence, and historical buildings;

76. Historic building survey: building designation, deletion;

87. Historic landmark alteration permit;

98. Historic landmark designation;

109. Mobile home park conversion;

1140. Slope Development Permit (on or within 20 feet of a 50% or greater slope) outside the Coastal Zone;

1241. Planned development permit;

12. ~~Relocation of structures;~~

1342. Revocation of permits;

1443. Use permits:

a. Administrative use permit, except:

i. when the proposed use is temporary, as defined in this title;

ii. for variations to parking design requirements and number of spaces; ~~and~~

iii. half baths in accessory structures; and

iv. for low risk alcohol outlets;

b. Special use permit (including historic district/historic landmark use permit);

1544. Variance;

1645. Watercourse variance;

1746. Project modifications, pursuant to Section 24.04.160(4)(c);

1847. Zoning Ordinance and General Plan text and map amendments.

Section 4. Section 24.04.130 – Decision-Making Body With Final Authority on Application Approval of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.130 DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION APPROVAL.

The following table indicates the decision-making body who can approve, deny or conditionally approve an application, whether or not a public hearing is required, and the bodies to which appeals can be made:

1. The planning commission and city council may refer certain aspects of any application to the zoning administrator for final action.

2. The zoning administrator may refer any of the matters on which he/she is authorized to act to the planning commission or historic preservation commission.

3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU*)		ZA*	CPC/CC/CCC*
Administrative Use Permit: Large family daycare homes, temporary <u>Temporary</u> uses, <u>variations to parking design requirements and number of spaces, low risk alcohol outlets</u> , and half baths in accessory buildings	ZA			CPC/CC
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Driveway Permit	-	-	ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC
Slope Regulations Modifications (Variance) in the Coastal Zone			CPC	CC
Slope Development Permit (on or within 20 feet of a 50% or greater slope) outside the Coastal Zone			ZA	CPC/CCC
Slope Regulations Modifications (Design Permit) in the Coastal Zone	ZA			CPC/CC
Slope Development Permit (on or within 20 feet of a slope greater than or equal to 30% and less than 50%) outside the Coastal Zone	ZA			CPC/CC
Design Permit	ZA			CPC/CC
<u>1.</u> Substandard lots: New two-story structures and second-story <u>additions with a single-</u>			ZA	CPC/CC

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
<u>family residential use</u> , excluding ADUs				
<u>2.</u> Large homes per Section 24.08.450			ZA	CPC/CC
<u>3.</u> Wireless telecommunications facilities	ZA		ZA	CPC/CC
<u>4.</u> New structures or improvements to existing structures in the WCD Overlay which are exempt or excluded from coastal permit requirements	ZA			CPC/CC
<u>5.</u> New structures or improvements to existing structures in the WCD Overlay which require a coastal permit			ZA	CPC/CC
<u>6. Mixed-Use or Residential Development conforming to all standards of Section 24.12.185</u>	<u>ZA</u>			
<u>7. Mixed-Use or Residential Development varying from no more than five standards of Chapter 24.12.185 of the Municipal Code</u>			<u>ZA</u>	
<u>8. Mixed-Use or Residential Development that varies from six or more standards of Chapter 24.12.185 of the Municipal Code</u>			<u>CPC</u>	
Demolition Permit				
1. Single-family residential	ZA			CPC/CC
2. Multifamily residential			CPC	CC

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
3. Historic demolition permit			HPC	CC
4. Nonresidential	ZA**		ZA**	CPC/CC
General Plan Text and Map Amendments		C	CC/CCC***	
Historic Alteration Permit			HPC	CC
Administrative Historic Alteration Permit	ZA			HPC/CC
Historic Building Survey:				
Building designation, deletion		HPC	CC	
Historic District Designation		HPC/CPC	CC	
Historic Landmark Designation		HPC	CC	
Mobile Homes (Certificate of Compatibility)	ZA			CPC/CC
Mobile Home Park Conversion			CPC	CC
Outdoor Extension Areas per Section 24.12.192	ZA			CPC/CC
Planned Development Permit		CPC	CC	
Project (Major) Modification	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Project (Minor) Modification	ZA			CPC/CC
Relocation of Structures Permit	ZA			CPC/CC
Revocation Permit	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Sign Permit	ZA			CPC/CC
Special Use Permit			CPC	CC
Variance			ZA	CPC/CC
Watercourse Variance			CPC	CC

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Watercourse Development Permit	ZA			CPC/CC
Zoning Ordinance Text and Map Amendments				
Amendments recommended by CPC		CPC	CC/CCC****	
Amendments not recommended by CPC		CPC		CC/CCC****
CCC = California Coastal Commission CC = City Council CPC = City Planning Commission HPC = Historic Preservation Commission ZA = Zoning Administrator				
* For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application. In the coastal zone, all proposed accessory dwelling units shall require a coastal permit (unless they are exempt or excluded from coastal permit requirements) and shall be processed in the manner described in Chapter 24.04 and Section 24.08.200 et seq. (including in terms of public noticing and process for appeal to the Coastal Commission) except that no public hearing shall be required. In addition to all other applicable LCP requirements, standards for ADUs in the coastal zone are specified in Section 24.12.140(10).				
** Such permits shall be issued administratively, without a public hearing, unless a cultural resources evaluation, prepared by a qualified consultant as determined by the zoning administrator, determines that the building or structure is eligible for listing on the city Historic Building Survey.				
*** California Coastal Commission in case of CLUP policy, CLIP elements.				
**** At a regularly scheduled meeting, a majority of the council may take an action to direct any project or amendment to be called from a lower hearing body prior to a final action or during an appeal period in accordance with Section 24.04.175(2).				

Section 5. Section 24.04.160 – Life of Permit of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.04.160 LIFE OF PERMIT.

1. Expiration.

- a. Each approved permit shall expire and become null and void thirty-six months from the date on which it is approved, unless exercised; a lesser time period may be specified. A relocation permit shall be exercised within six months.
- b. An approved permit applies to the subject property and runs with the land. Once exercised, an approved permit remains effective unless terminated or modified and remains effective even if the subject property is rezoned.
- c. An approved permit is transferable to any future owner of the subject property.

- d. Any use permit which has been exercised shall expire and become void where the use has ceased for a period of six consecutive months, whether or not it is the intent to abandon said use.
- e. All active permits as of March 10, 2009, and those approved up to and including March 10, 2010, shall have the life of the permit automatically extended an addition one year from the length of time currently allowed under subsection (1)(a). This extension authorization shall expire on March 11, 2011, unless otherwise extended by the city council.
2. Extension of Permits. Any permit issued in conjunction with a project that has had its tentative subdivision map or parcel map extended pursuant to the provisions of the California Subdivision Map Act, Government Code Sections 66410 et seq. or the city's Subdivision Ordinance, S.C.M.C. Title 23, shall have its associated land use permits automatically extended for a period coextensive to any extension of the tentative subdivision map or parcel map attributable to the application of Subdivision Map Act or Subdivision Ordinance provisions.
3. Revocation of Permits. In any case where the conditions to the granting of a permit have not been or are not complied with, the decision-making body with final authority over said permit shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than ten calendar days after the date of such notice. Following such hearing and, if good cause exists therefor, the decision-making body with final authority over said permit may revoke such permit.
4. Modifications.
- a. Minor Modifications. The zoning administrator may modify conditions imposed on any permit at the request of the permit holder where evidence has been submitted that the requested modifications:
- (1) Will not significantly alter the approved permits; and
 - (2) Are made on the basis of changed circumstances since the original approval; and
 - (3) Would not contradict or go against any direction in the record that was instrumental in the approval of the original permit; and
 - (4) In the case of a housing development application, that the requested modification applies to a variation from a design standard that was previously reviewed at a public hearing as an alternative design, or does not involve a variation from the design standards of Section 24.12.185.
- b. Minor Modification Criteria. The zoning administrator may approve any requested minor modifications on any permit which involves minor increases in floor area that do not exceed fifteen percent of the approved project or involve use intensifications permitted by the zone that do not increase parking above fifteen percent of the approved parking for the project, or approve partial variation from one of the standards in Section 24.12.185 without a public hearing as long as the proposed modification is consistent with all sections of the Zoning Ordinance, or the purpose of the standard in Section 24.12.185 as applicable. Only one such modification or project will be allowed within any five-year period without review by the planning commission or at a publicly noticed zoning administrator hearing if the original approval was administrative or was decided at a public hearing before the zoning administrator. ~~Additional~~ Minor modifications not related to such increases in floor

area or use intensifications may be approved without a public hearing and are not subject to the five year limitation.

c. Major Modifications. The zoning administrator shall refer to the decision-making body with final authority for review and action any requested modifications which involve significant increases in size or nature of an approved project beyond those limits set in subsection (4)(b). A public hearing will be required unless the permit proposed for modification was approved administratively, in which case the modification may also be decided administratively, or may be elevated at the discretion of the zoning administrator. In the case of a housing development project, any variation from a requirement of Section 24.12.185 that was not previously reviewed at a public hearing, shall trigger the need for a public hearing at the level indicated by 24.08.420.

Section 6. Section 24.08.030 – Procedure – Administrative Use 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 amended as follows:

24.08.030 PROCEDURE – ADMINISTRATIVE USE PERMIT.

1. The zoning administrator is hereby authorized to issue use permits for all uses designated in the district regulations of this title as being subject to the issuance of an administrative use permit.
2. A public hearing shall be held, except in the following cases:
 - a. Where the proposed use is temporary, as defined herein;
 - ~~b. Where the proposed use pertains to a large family daycare home as defined in Section 24.22.355;~~
 - ~~e~~b. Where the proposed use permit is for a variation to design standards for parking or for a reduction to the required number of parking spaces; or
 - ~~d~~c. Where the proposed use is for the construction of a half bathroom in an accessory building, subject to the requirements in Section 24.12.140.; or
 - d. Where the proposed use is for a low risk alcohol outlet subject to the requirements of Part 12: Alcoholic Beverage Sales of Chapter 24.12.

Section 7. Part 5: Design 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 amended as follows:

Part 5: DESIGN PERMIT

24.08.400 PURPOSE.

The purpose of the design permit is to promote the public health, safety and general welfare through the review of architectural and site development proposals and through application of recognized principles of design, planning and aesthetics and qualities typifying the Santa Cruz community. This section of the zoning ordinance is also part of the Local Coastal Implementation Plan.

24.08.410 GENERAL PROVISIONS.

A design permit shall be required for the following types of projects:

1. Multiple dwellings and dwelling groups containing ~~three~~two or more dwelling units;
 2. New structures intended for commercial use;
 3. New structures intended for industrial use;
 4. Commercial or industrial uses of land not involving a building;
 5. Accessory structures and uses except those accessory uses or structures customarily associated with and accessory to a single-family dwelling unless a design permit is otherwise required in this title;
 6. Any structure on, or use of, a substandard residential lot when that structure or use is associated with a single-family residential use, except for structures which provide access to the first floor for the physically challenged and accessory structures that are less than one hundred twenty square feet and less than fifteen feet in building height. Such accessory structures shall be included in the calculation of maximum lot coverage pursuant to Section 24.08.440;
 7. Any exterior remodeling and/or site alteration of either fifty thousand dollars or twenty-five percent additional floor area to any existing commercial or industrial building or structure, except within the Central Business District (CBD) zone and for properties within the Mission Street Urban Design Plan area, within which a design permit shall be required for any exterior alteration or remodeling for which the construction costs of such work exceed ten thousand dollars; the design of such exterior improvements shall be consistent with the applicable design requirements contained in the Downtown Plan or Mission Street Urban Design Plan;
 8. Any project where the applicant is a public agency over which the city may exercise land use controls;
 9. Public projects in the Coastal Zone, including but not limited to buildings, roads, bridges, wharf structures, shoreline riprap, and port district projects;
 10. Any project which requires a design permit as a result of a specific city action or as a result of a condition of a prior project approval;
 11. Parking lots with capacity for five or more spaces;
 12. Any project which requires a planned development permit;
 13. Single-family homes over four thousand square feet in R-1-10, three thousand five hundred square feet in R-1-7, and three thousand square feet in R-1-5 zoning districts;
 14. Any structures in the West Cliff Drive Overlay District.
- Electric vehicle charging stations are exempt from the requirement for a design permit.

24.08.420 PROCEDURE.

1. Applications for design permits shall be acted upon by the zoning administrator without a public hearing unless the design permit is accompanied by an application which must be heard by a higher body (planning commission or city council) or meets the requirements for review at a public hearing by either the Zoning Administrator of the City Planning Commission as delineated below. When acting on a fully compliant application for a housing development project, the ZA shall make the findings required by 24.08.425.
2. Any applications for design permits of the types listed below ~~above~~ shall be acted upon by the zoning administrator at a public hearing ~~pertains to:~~
 - a) New two-story structures and/or second-story additions associated with a single-family residential use on substandard residential lots in R-1 districts;
 - b) Large homes per Section 24.08.450;
 - c) Wireless telecommunications facilities per Part 15 of Chapter 24.12; or

- d) New structures or improvements to existing structures in the West Cliff Drive Overlay District that require a coastal permit.
- e) Mixed-Use or multifamily residential development that varies from no more than five of the objective design standards of Section 24.12.185 of the Municipal Code, pursuant to the findings required by 24.08.426.

3. Any applications for design permits for mixed use or multifamily residential development that vary from six or more of the objective design standards of Section 24.12.185 of the Municipal Code shall be acted upon by the City Planning Commission at a public hearing, pursuant to the findings required by 24.08.426.

24.08.425 FINDINGS REQUIRED – FULLY-COMPLIANT MIXED USE OR MULTIFAMILY DEVELOPMENT.

Applications for design permits for projects including two or more multifamily residential units shall be reviewed at the minimum level of review for which they are qualified based on the criteria for design review. Projects for which the following findings can be made will not be subject to a public hearing except by reason of appeal.

1. The site plan and building design are consistent with design and development policies, limited to those policies that constitute objective standards therein when required by state law, of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.

2. The site plan and building design are in full conformance with the design standards of Section 24.12.185.

24.08.426 FINDINGS REQUIRED – ALTERNATIVE DESIGN MULTI-FAMILY OR MIXED USE DEVELOPMENT.

Applications for design permits for projects including two or more multifamily residential units shall be reviewed at the minimum level of review for which they are qualified based on the criteria for design review. Projects which propose to vary from one or more of the design standards of Section 24.12.185 shall be subject to a public hearing in accordance with 24.08.420. The public hearing body shall approve the design permit based upon the following findings. These findings shall apply only to alternative designs for compliance with Section 24.12.185, and are not applicable to applications seeking to vary from any other standard, requirement, or policy of the Municipal Code.

1. With the exception of the standards for which the project is seeking alternative design, the site plan and building design are consistent with design and development policies, limited to those policies that constitute objective standards therein when required by state law, of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.

2. For each standard for which the project proposes an alternative design, the proposed alternative meets the intent of the stated goal identified for the relevant standard in Section 24.12.185.

24.08.430 FINDINGS REQUIRED – GENERAL.

All applications for design permits that cannot be reviewed under Sections 24.08.425 or 24.08.426 shall be reviewed in relation to below established criteria for design review. Applications for design review other than those processed pursuant to Sections 24.08.425 and 24.08.426 shall be approved if proposed buildings, structures, streets, landscaping, parking, open space, natural areas and other components of the site plan conform with the following criteria, as applicable:

1. The site plan and building design are consistent with design and development policies of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.
2. For nonresidential projects, the project's location, size, height, operations, and other significant features and characteristics are compatible with and do not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, safety, and welfare. For residential projects, the project complies with the objective standards and requirements of the zoning district in which it is located, as well as any objective standards of any area plan or other regulatory document that applies to the area in which the project is located.
3. For nonresidential projects, the project provides for an arrangement of uses, buildings, structures, open spaces, and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.
4. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.
5. Design of the site plan respects design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures takes into account maintenance of public views; rooftop mechanical equipment is incorporated into roof design or screened from public rights-of-way to the extent possible. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters are accessible and screened.
6. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.
7. To the extent feasible, the orientation and location of buildings, structures, open spaces and other features of the site plan maintain natural resources including significant trees and shrubs, minimize impacts to solar access of adjacent properties, and minimize alteration of natural land forms; building profiles, location, and orientation must relate to natural land forms.
8. The site plan ensures that the scale, bulk, and setbacks of new development preserves important public views along the ocean and of designated scenic coastal areas. Where appropriate and feasible, the project shall restore and enhance visual quality of visually degraded areas.
9. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.

10. Building and structures shall be designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling, ventilation, and lighting.

24.08.440 STANDARDS FOR SUBSTANDARD RESIDENTIAL LOT DEVELOPMENT.

Whenever a project associated with a single-family residential use is proposed for a substandard residential lot, as defined in Section 24.22.520, applications for design review shall be approved if the findings set forth in Section 24.08.430 can be made and proposed buildings, structures, landscaping and other components of the site plan conform to the following additional criteria:

1. The maximum allowable lot coverage for structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage and other accessory buildings (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 toward lot coverage.
2. The floor area for second stories shall not exceed fifty percent of the first floor area, except in cases where the first floor constitutes thirty percent or less of the net lot area.
3. New structures shall be consistent with the scale of structures on adjacent lots and generally be compatible with existing surrounding structures.
4. New structures shall be sited in ways which avoid causing substantial change in the pattern of existing building projections along streets. Continuous long, parallel abutting walls on narrow side yards shall be avoided.
5. Spacing of buildings and overall siting of structures shall maximize the potential for solar access to each lot.
6. Landscaping shall be required at least for front yard areas and shall be used to screen parking from street.
7. Structures shall incorporate methods to lessen the impact of garages on a street facade.

Section 8. Part 3: R-S Residential Suburban 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:

24.10.200 PURPOSE.

To provide a residential living area within the city which allows low residential densities and provides a transition to rural areas which adjoin portions of the city. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.210 PRINCIPAL PERMITTED USES.

1. Single-family dwelling.
2. Community care facilities including daycare (except family daycare homes) and foster home (six or fewer persons).
3. Crop and tree farming and grazing lands.

4. Small and large family daycare homes in residential units~~single-family dwellings or duplexes~~.
5. Community garden.
6. 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. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - c. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.230.
 - d. Living quarters for persons regularly employed on the premises, when located within principal building.
7. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
8. Supportive and transitional housing in single-family dwellings.

24.10.230 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:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - e. ~~Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~ Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

24.10.240 USE DETERMINATIONS.

Any other use or service establishment determined by the zoning ~~board~~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 ~~board~~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.

24.10.250 DISTRICT REGULATIONS.

1. General.

Provision	Classification or Type of Use			
	Single-Family Residential			
	RS-10A	RS-5A	RS-2A	RS-1A

Provision	Classification or Type of Use			
	Single-Family Residential			
	RS-10A	RS-5A	RS-2A	RS-1A
a. Height of Buildings (Maximum)				
• Principal: (stories and feet)	2 & 30	2 & 30	2 & 30	2 & 30
• Accessory: (stories and feet)	1 & 20	1 & 20	1 & 20	1 & 20
b. Lot area (acre)	10 acres	5 acres	2 acres	1 acre
c. Lot width (feet)	250	200	150	100
d. Front yard (feet)	40*	40*	40*	40*
e. Rear yard (feet)	30	30	30	30
f. Side yards (feet)	25	20*	20*	15*
* For any attached or detached garage or carport with doors or entrances fronting on a front or exterior side property line, the setback shall be a minimum of twenty feet from said property line or the setback required for the district, whichever is greater.				

2. Dwellings per Lot. Unless otherwise provided, there shall be only one dwelling per lot.
3. Design Guidelines. Development guidelines adopted by the city shall be used as applicable to provide site design standards to augment the general district regulations in the development of property in this district.
4. The minimum distance between buildings on the same lot shall be ten feet between main buildings; six feet between main buildings and accessory buildings, including accessory dwelling units; and six feet between accessory buildings.

Section 9. Part 4: R-1 Single-Family Residence 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:

24.10.300 PURPOSE.

To stabilize and protect the residential characteristics of the district, and to promote and encourage a suitable environment for family life and single persons; and intended for single-family detached dwellings and the services appurtenant thereto. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Please also see Part 42, Sections 24.10.4200 et al. for properties within the West Cliff Drive Overlay District. Please also see Section 24.08.440 for substandard lots and Section 24.08.450 for large home developments.

24.10.310 PRINCIPAL PERMITTED USES.

1. Single-family dwelling.
2. Community care facilities including daycare (except family daycare homes) and foster homes (six or fewer persons).

3. Small and large family daycare homes in residential units~~single-family dwellings or duplexes~~.
4. Community garden.
5. 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. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - c. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.330.
6. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
7. Supportive and transitional housing in single-family dwellings.

24.10.330 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:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - ~~e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~
 - e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses are subject to approval of ~~an administrative~~ a special use permit and may also require a design permit per section 24.08.410:
 - a. Bed-and-breakfast inns, subject to requirements contained in Chapter 24.12, Part 9.
 - b. Community care facilities including nursing homes, retirement homes, daycare (except family daycare homes) and foster homes (seven or more persons).
 - c. Health facilities for inpatient and outpatient psychiatric care and treatment.
 - d. Off-street parking facilities accessory to a contiguous commercial property not to exceed one hundred feet from the boundary of the site they are intended to serve.
 - e. Plant nurseries and greenhouses.
 - f. Noncommercial recreation areas, buildings and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs.
 - g. Educational, religious, cultural, or public utility or public service uses and buildings; but not including corporation yards, storage or repair yards, and warehouses.
 - h. Two-family dwellings (duplexes) on corner lots having an area of seven thousand five hundred square feet or more, and subject to the following limitations:
 - (1) Such duplexes shall maintain at least two thousand square feet of usable open space, one thousand square feet of which shall be directly accessible to each unit within the duplex;

- (2) Setbacks from the street shall be the same as for a single-family dwelling, i.e., the setback from one street shall be considered a front yard setback and the setback from the other street shall be considered an exterior side yard setback; however, garages or carports shall have a minimum setback of twenty feet from the property line to the vehicle entrance of the structure.
- i. Riding stables on parcels at least five acres in size for the boarding of horses to serve the neighborhood.

24.10.340 USE DETERMINATION.

Any other use or service establishment determined by the zoning board 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.

24.10.350 DISTRICT REGULATIONS.

1. General.

Provision	Classification or Type of Use		
	Single-Family Residential R-1-10	R-1-7	R-1-5
a. Height of Buildings (Maximum)			
• Principal: (stories and feet)	2 1/2 & 30	2 1/2 & 30	2 1/2 & 30
• Accessory: (stories and feet)	1 & 15	1 & 15	1 & 15
• Single-story structure	1 & 19	N/A	N/A
b. Minimum lot area (net) (square feet)	10,000	7,000	5,000
c. Minimum lot width (feet)	70	70	50
d. Front yard (feet)	25*	20*	20*
e. Rear yard (feet)	30	25	20
f. One side yard (feet)	10	7*	5*
g. Both side yards – total			
• Interior lot (feet)	20	14	10
• Exterior lot (feet)	22	16	13
h. Exterior side yard or end (feet)	12*	9*	8*

Provision	Classification or Type of Use Single-Family Residential		
	R-1-10	R-1-7	R-1-5
i. Maximum building area without design permit	4,000 (See Section 24.08.450 for findings)	3,500	3,000
* For any attached or detached garage or carport with doors or entrances fronting on a front or exterior side property line, the setback shall be a minimum of twenty feet from said property line or the setback required for the district, whichever is greater.			

2. Dwellings per Lot. Unless otherwise provided, there shall be only one dwelling per lot.
3. The minimum distance between buildings on the same lot shall be ten feet between main buildings; six feet between main buildings and accessory buildings including accessory dwelling units; and six feet between accessory buildings.
4. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, and Chapter 24.16, Part 2, Accessory Dwelling Units.

24.10.351 SUBSTANDARD R-1 LOT DEVELOPMENT REQUIREMENTS AND REGULATIONS.

1. Two or more vacant, contiguous lots in the R-1, Single-Family Residential District which are each less than fifty feet in width, and which are under common ownership, shall not constitute or be deemed a lawful site for building purposes, unless they are combined to be made conforming with respect to width, or an administrative use permit is obtained for a single-family dwelling for each lot, or unless they are combined and developed as described in subsection (1)(c) below.
 - a. Where such lots are combined to meet the lot width requirement of an R-1 District (fifty feet in the R-1-5 District, seventy feet in the R-1-7 and R-1-10 Districts), the resultant lot may be used as a building site as provided by this title.
 - b. Lots as described above may be used as a building site for single-family dwellings upon approval of an administrative use permit for each lot.
 - c. Combined lots may be used as a building site for a duplex, triplex, or a series of duplexes and/or triplexes. The total number of units shall not exceed the original number of lots combined. Findings for approval of a use permit and design permit shall be required.
 - (1) Where any existing lot prior to combination is less than thirty-five feet wide, a special use permit shall be required.
 - (2) Where any existing lot prior to combination is between thirty-five feet and fifty feet wide, an administrative use permit shall be required.
2. The maximum height of structures on lots of thirty-five feet or less in width shall be twenty-two feet.

Section 10. Part 9: R-L Multiple Residence – Low Density 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:

Part 5: R-L MULTIPLE RESIDENCE – LOW-DENSITY DISTRICT

24.10.400 PURPOSE.

To promote the development of multifamily townhouses, condominiums and apartments at a low to medium density of 10.1 to twenty-seven units per acre, depending on unit mix; to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for the lives of families and single persons. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.410 PRINCIPAL PERMITTED USES.

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.)

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structure(s). (830, 840)
2. Community care facilities including daycare (except family daycare homes), retirement homes and foster homes (six or fewer).
3. ~~Small family daycare homes.~~ Small and large family daycare homes in residential units.
4. ~~Large family daycare homes in single family dwellings or duplexes.~~
45. Two-family dwellings, subject to the density requirements in the General Plan.
56. Community garden.
67. Single-family dwellings, subject to the density requirements in the General Plan.
78. 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. Park and recreational facilities.
 - 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, and Section 24.10.430.
89. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.
940. Supportive and transitional housing.

24.10.430 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:
 - a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - b. Temporary structures and uses.

c. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

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

- a. Bed-and-breakfast inns, subject to requirements in Chapter 24.12, Part 9.
- b. Community care facilities including daycare (except family daycare homes), retirement home, foster home, and nursing home (seven or more persons).
- c. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except that accessory dwelling units are not subject to approval of a design permit unless located on a substandard lot as defined in Section 24.22.520.
- d. Dormitories, fraternity/sorority residence halls, boardinghouses.
- e. Health facilities for inpatient and outpatient psychiatric care and treatment.
- f. Off-street parking facilities accessory to a contiguous commercial property not to exceed one hundred feet from the boundary of the site it is intended to serve.
- g. Noncommercial recreation areas, buildings, and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs.
- h. Educational, religious, cultural, public utility or public service buildings and uses; but not including corporation yards, storage or repair yards, and warehouses.
- i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

24.10.440 USE DETERMINATION.

Any other use or service establishment determined by the zoning board ~~board~~ 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.

24.10.450 DISTRICT REGULATIONS.

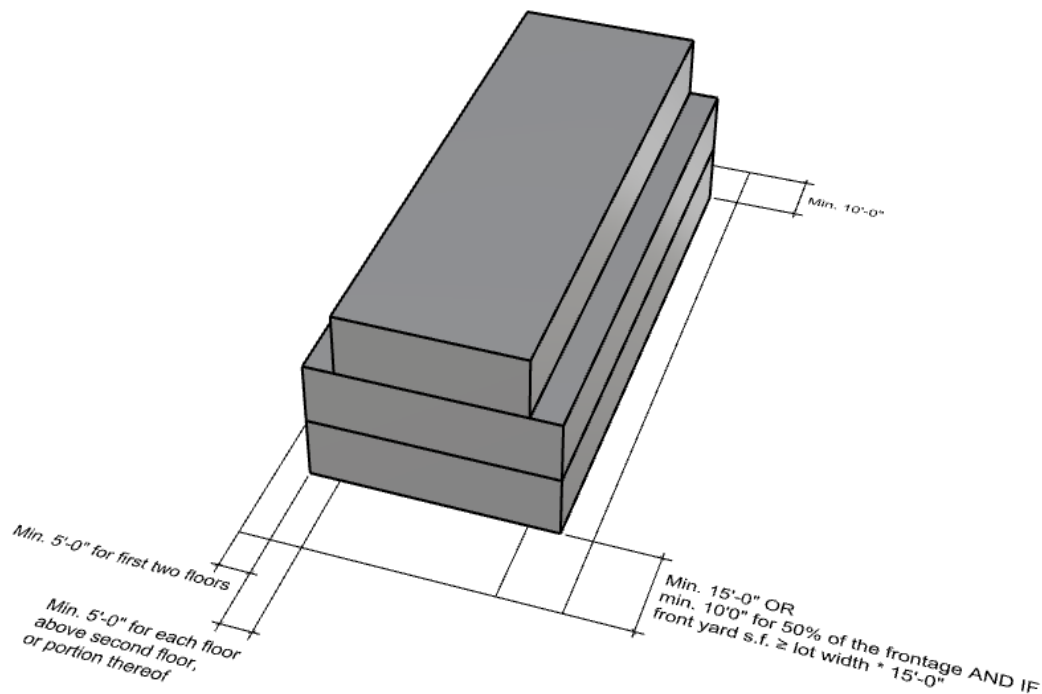
1. General.

Provision		Dwelling Unit Type	
		Single-Family Detached	2 or More Units
a.	Maximum height of buildings		
	• Principal (feet)	30	30
	• Accessory (stories and feet)	1 and 15	1 and 15
b.	Minimum lot area (net) (square feet)	5,000	5,500

c.	Minimum lot area per dwelling unit (net) (square feet)		2,200 (1,600 sq. ft. for 1-bedroom/studios)
d.	Minimum lot width (feet)	50	50
e.	Usable open space per dwelling unit (square feet)	—	400

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet except that the front yard may be reduced to not less than ten feet for a portion not to exceed fifty percent of the building frontage, and providing that a total of fifteen square feet of front yard is provided for each lineal foot of total lot frontage.
- b. The minimum rear yard setback shall be ten feet.
- c. The minimum side yard setback shall be five feet, and or one five additional feet feet of setback for each story ~~three feet of height~~ above the second story, or portion thereof, of a structure, whichever is greater.



- (1) There shall be no side yard required for townhouses on interior lots, except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- (2) The minimum exterior side yard setback shall be eight feet, and five additional feet of setback ~~or one foot of setback for each three feet of height~~ for

~~each additional story above the second story, or portion thereof, of structure, whichever is greater.~~

- d. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.
 - e. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and accessory buildings, six feet; between accessory buildings, six feet.
 - f. An existing accessory building built prior to July 1, 2014, with a valid building permit or which is a legal nonconforming structure, that has less than the required side or rear yard setback(s) may be converted into a dwelling unit to create a second unit or duplex on a property if all the requirements of the California Building Standards Code are met as well as the other development standards of the zoning district. The floor area for said second unit shall not exceed ten percent of the net lot area up to a maximum of eight hundred square feet. If additional units are allowed on the property, all such units shall meet development standards of the zoning district.
3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, and Chapter 24.16, Part 2, Accessory Dwelling Units.
 4. 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.

Section 11. Part 6: R-M Multiple Residence – Medium Density 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:

Part 6: R-M MULTIPLE RESIDENCE – MEDIUM-DENSITY DISTRICT

24.10.500 PURPOSE.

To promote the development of multifamily townhouses, condominiums and apartments at a medium residential density of 20.1 to forty units per acre depending on unit mix; to stabilize and protect the residential characteristics of the district; and to promote a suitable environment for the lives of families and single persons. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.510 PRINCIPAL PERMITTED USES.

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.)

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
2. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
3. Community garden.
4. ~~Small family daycare homes.~~ Small and large family daycare homes in residential units.
5. ~~Large family daycare homes in single-family home or duplex.~~
56. 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, and Section 24.10.530.
67. Supportive and transitional housing.
78. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.530 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:
 - a. Expansion of an existing single-family dwelling if the lot area is six thousand square feet or less.
 - b. Two family dwelling if the lot area exceeds five thousand five hundred square feet.
 - c. Temporary structures and uses.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - e. Single-family dwellings on substandard lots.
 - f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
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:
 - a. Bed-and-breakfast inns, subject to requirements contained in Part 9, Chapter 24.12.
 - b. Community care facilities (seven or more persons) including daycare (other than family daycare homes), foster home, nursing home, retirement home.
 - c. Dormitories, fraternity/sorority residence halls, boardinghouses.
 - d. Health facilities for inpatient and outpatient psychiatric care and treatment.
 - e. Off-street parking facilities accessory to a contiguous commercial property not to exceed one hundred feet from the boundary of the site they are intended to serve.
 - f. Noncommercial recreation areas and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs.

- g. Educational, religious, cultural, public utility or public service buildings or uses; and not including corporation yards, storage or repair yards, and warehouses.
- h. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

24.10.540 USE DETERMINATION.

Any other use or service establishment determined by the zoning board 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.

24.10.550 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Type	
	Duplex	3 or More Units
Maximum Height of Buildings		
Principal (feet)	30	35
Accessory (stories and feet)	1 and 15	1 and 15
Minimum lot area (net) (square feet)	4,400	5,500
Minimum lot area (net) per dwelling unit (square feet)	2,200	1,450 (1,100 sq. ft. for 1-bedroom/studios)
Minimum lot width (feet)	50	65
Usable open space per dwelling unit (square feet)	—	400
		200 (1-bedroom/studios)*
<p>* Open space shall be attached or aggregated in a manner that provides usable open space for all units exclusive of setbacks and other small landscape areas less than 10 feet in width.</p> <p>** Existing lots of 5,500 square feet or greater with a minimum lot width of 50 feet may have 3 or more units if all other RM development standards can be met.</p>		

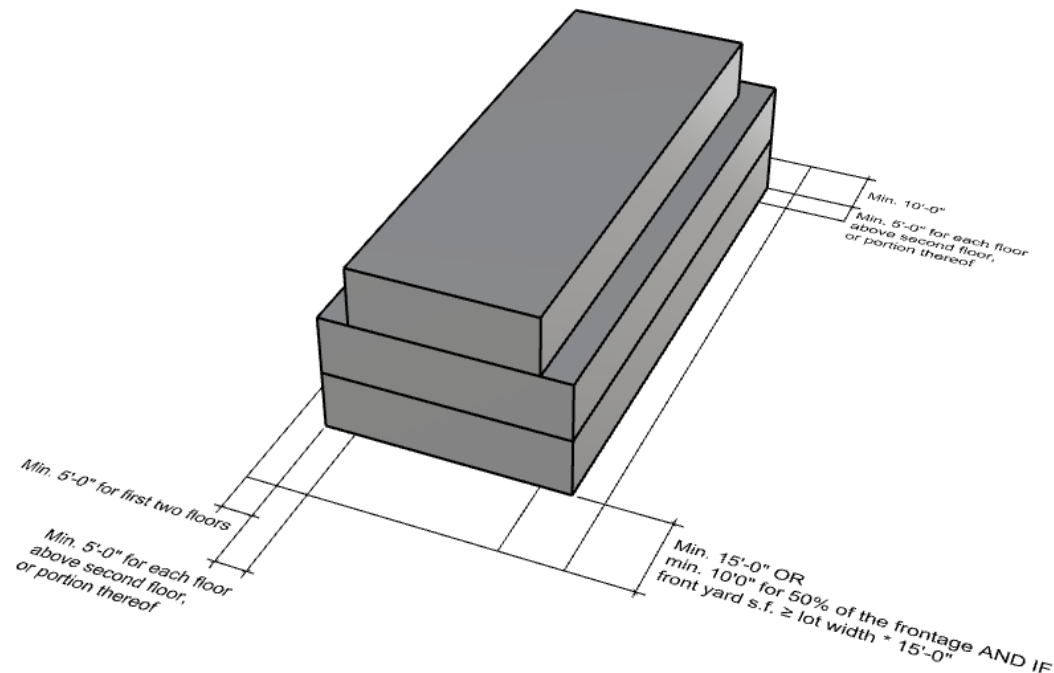
2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet ~~or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater,~~ except that the

front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.

b. The minimum rear setback shall be ten feet, and or five additional feet ~~one foot of setback for each story three feet of height above the second story, or portion thereof, of structure, whichever is greater.~~

c. The minimum side yard setback shall be five feet, and or five additional feet of setback ~~one foot of setback for each story above the second story three feet of height, or portion thereof, of a structure, whichever is greater.~~



d. There shall be no side yard required for townhouses, or interior lots, except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

e. The minimum exterior side yard setback shall be eight feet, and five additional feet of setback ~~or one foot of setback for each three feet of height for each additional story above the second story, or portion thereof, of structure, whichever is greater.~~

f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

- h. An existing accessory building built prior to July 1, 2014, with a valid building permit or which is a legal nonconforming structure, that has less than the required side or rear yard setback(s) may be converted into a dwelling unit to create a second unit or duplex on a property if all the requirements of the California Building Standards Code are met as well as the other development standards of the zoning district. The floor area for said second unit shall not exceed ten percent of the net lot area up to a maximum of eight hundred square feet. If additional units are allowed on the property, all such units shall meet development standards of the zoning district.
3. Other Requirements. 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.
4. 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.

Section 12. Part 6A: R-H Multiple Residence – 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 amended as follows:

Part 6A: R-H MULTIPLE RESIDENCE – HIGH-DENSITY DISTRICT

24.10.560 PURPOSE.

To promote the development of multifamily apartments, townhouses and condominiums at a high residential density of 30.1 to fifty-five units per acre in order to increase the supply of affordable and rental housing, and provide new market rate infill housing opportunities. This district provides a suitable environment for higher density households. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code. (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.) 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. Environmental review must be conducted in accordance with city and state guidelines:

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures; (830, 840)
2. Small community care residential facilities including daycare (except family daycare homes), foster homes, and retirement homes, with six or fewer persons; (800A)
3. ~~Small family daycare homes; (510a)~~ Small and large family daycare homes in residential units.
4. ~~Large family daycare homes in single-family dwellings or duplexes; (510a)~~
45. Supportive and transitional housing.

56. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.570 ACCESSORY USES.

Accessory uses are principally permitted subject to a design permit when they are a subordinate use to the principal use of the lot. 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.

1. Garages and parking areas, private;
2. Home occupations subject to home occupancy regulations as provided in Section 24.10.160;
3. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Sections 24.10.575 and 24.12.140.

24.10.575 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 in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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):

- a. Expansion of any existing single-family dwelling; (800)
- b. Two-family dwelling if the lot area allows only two. New single-family development is not permitted; (810)
- c. Temporary structures and uses;
- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- e. ~~Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~
e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a Special Use Permit and a Design Permit in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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):

- a. Bed-and-breakfast inns subject to requirements contained in Chapter 24.12, Part 9; (300c)
- b. Community care facilities including daycare (except family daycare homes), foster homes, nursing and retirement homes for seven or more persons; (850e)
- c. Health facilities for in-patient and out-patient psychiatric care and treatment; (410b)
- d. Off-street parking facilities accessory and incidental to a contiguous commercial property with said parking not to exceed one hundred feet from the boundary of the site it is intended to serve; (930)

- e. Public and private noncommercial recreation areas, buildings, and facilities such as parks; (710)
- f. Public and quasi-public buildings and uses including recreational, educational, religious, cultural, public utility or public service uses; but not including corporation yards, storage or repair yards, and warehouses; (500, 510, 530, 540)
- g. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit (570).

24.10.580 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.

24.10.585 DISTRICT REGULATIONS.

1. General.

Provision		Dwelling Unit Type	
		Duplex	3 or More Units
a.	Maximum height of buildings		
	• Principal (feet)	30	48
	• Accessory (stories and feet)	1 and 15	1 and 15
b.	Minimum lot area (net) (sq. ft.)	4,000	5,000
c.	Minimum lot area per dwelling unit (net) (sq. ft.)	2,000	790
d.	Minimum lot width (feet)	50	50
e.	Usable open space per dwelling unit (sq. ft.)	—	250
f.	Lot coverage	45%	70%

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line. Setback

requirements may not be reduced for those portions of buildings that are three stories or taller.

b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.

c. The minimum side yard setback shall be five feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.

d. Where a parcel abuts a public right-of-way on opposite sides of the parcel, the front yard setback requirements shall apply to the major street and the rear yard setbacks shall apply to the secondary street; however, in the case of the rear yard setback, the setback shall not be less than the average of the two adjacent lots.

e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

h. To preserve the view to Beach Hill down Front Street, the height of the first twenty-five feet of depth along Front Street shall be limited to twenty-four feet.

3. Design.

a. The site and building design shall conform to the General Site Design Standards, Part 2, Chapter 24.12, and the Beach and South of Laurel Design Guidelines of any applicable area plan, and Section 24.12.185 Objective Design Standards for Multifamily Housing.

b. ~~The building facades that abut streets, public rights-of-way, or public open space, such as a river levee, shall have an articulated facade that creates a designed, three-dimensional rhythm to the building face. Architectural elements such as roof overhangs, roof slopes, building step backs and projections, bay windows, covered porches, entryways, decks and balconies, dormers, and single-story elements may be used to create the required three-dimensional architectural interest in the facade. In addition to the above, the front side and rear building facades that are visible from streets, public rights-of-way or public open space shall be composed of at least two separate building planes. A separate building plane is distinguished by an average horizontal difference of four feet measured perpendicular to the plane closest to the street or property line. These building planes shall occupy at least twenty percent of the total building elevation area but not exceed sixty percent of that area.~~

c. ~~Maintain views to Beach Hill by creating view corridors through new structures. Portions of the building(s) shall not occupy more than sixty percent of the top ten feet of the height limit, as viewed from the center of the Soquel Bridge. The minimum forty percent open view to Beach Hill shall be reasonably distributed over the length of the building.~~

d. ~~All open space, except balconies, shall be fully landscaped. To soften the massing of high density buildings, the building landscape shall include tree massing and/or landscape elements attached to the building such as trellises, arbors, espalier structures, etc.~~

e. ~~All parking shall be fully screened from the roadways, pedestrian ways, and open space by building elements, walls, and landscaping.~~

4. 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.

24.10.590 FINDINGS REQUIRED.

In addition to required Use and Design Permit findings, any development permit must also meet all the following findings, to the extent permitted by state law:

1. The amenity level of the development, the quality of the architecture, and the landscaping provided substantially enhance the site;
2. The bulk, massing, height, and rooflines of the proposed development are found to be consistent with the Design Criteria and add to the architectural quality of the neighborhood; and
3. The siting, landscaping, access, and design of the proposed development demonstrate a sensitive relationship to the San Lorenzo River and maximize the natural attributes of this riverside location.

Section 13. Part 7A: R-T(A) Subdistrict A – Medium-Density Residential 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:

Part 7A: R-T(A) SUBDISTRICT A – MEDIUM-DENSITY RESIDENTIAL

24.10.602 PURPOSE.

The purpose of Subdistrict A is to establish standards for medium-density residential uses which promote and protect the residential characteristics of the subdistrict and provide a suitable environment for its residents. To preserve the architectural and historic character of this subdistrict, all new development will be reviewed to ensure high-quality design compatible with surrounding residential uses, in compliance with the Beach Hill Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

24.10.603 PRINCIPAL PERMITTED USES.

1. The following uses ~~are~~ may be subject to approval of a design permit per section 24.08.410 and other requirements of the Municipal Code (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):

- a. Duplexes; (810)
 - b. ~~Small family daycare facility in single-family home or duplex; (510a)~~ Small and large family daycare homes in residential units.
 - c. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.
 - d. Supportive and transitional housing in single-family home or duplex.
 - e. Multiple dwellings, townhouse dwelling groups, and condominiums; (830)
2. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.604 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 and are also subject to all other requirements of the Municipal Code (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):

- a. Single-family dwellings; (810)
- b. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- ~~c. Multiple dwellings, townhouse dwelling groups, and condominiums (three to nine units); (830)~~
- ~~d. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence);~~
- ~~ce. Supportive and transitional housing in multifamily dwellings (three to nine units).~~
- d. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code (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):

- a. Bed-and-breakfast inns, subject to the requirements contained in Chapter 24.12, Part 9; (300c)
- b. Large community care facilities; (850e)
- c. Group care homes; (850e)
- ~~d. Multiple dwellings, townhouse dwelling groups, and condominiums, ten units or more; (840)~~
- ~~de. Public and private commercial parking;~~
- ~~ef. Public and private noncommercial recreation areas, buildings and facilities such as parks; (710)~~
- ~~fg. Public and quasi-public buildings and uses including recreational, educational, religious, cultural or public utility or service nature; but not including corporation yards, storage or repair yards, and warehouses; (500, 510, 530, 540, 570)~~
- ~~gh. Retirement homes or centers; (850b)~~
- hi. Supportive and transitional housing.

24.10.606 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 aA 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.

24.10.608 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Setback Requirements.

- The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.
- The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.
- The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater for the second story and above.
- There shall be no side yard required for townhouses or interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.
- For any attached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, Chapter 24.16, Part 2,

Accessory Dwelling Units, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

4. 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.

Section 14. Part 7B: R-T(B) Subdistrict B – Motel Residential-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:

Part 7B: R-T(B) SUBDISTRICT B – MOTEL RESIDENTIAL

24.10.610 PURPOSE.

The purpose of Subdistrict B is to establish and control uses to ensure a compatible mixture of uses addressing the needs of residents and tourists. Dominant uses contemplated are motel and medium-density residential uses. To encourage development which is attractive to both permanent residents and tourists, emphasis will be placed on compatibility of design, landscaping, and a comprehensive review of site planning in compliance with the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

24.10.611 PRINCIPAL PERMITTED USES.

1. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
2. ~~Small family daycare homes.~~ Small and large family daycare homes in residential units (no design permit required unless otherwise required under Section 24.08.410).
3. Multiple dwellings, townhouse dwelling groups, and condominiums (830).
4. Single-family and duplex dwellings (800, 810).
5. Wireless telecommunication facilities, subject to the regulations in Chapter 24.12, Part 15 requiring no public hearing.

24.10.612 USE PERMIT REQUIREMENTS.

1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code (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):

- a. ~~Multiple dwellings, townhouse dwelling groups, and condominiums, nine units or fewer (830).~~
- b. ~~Single-family and duplex dwellings (800, 810).~~
- ea. Storage and equipment structures.
- db. Temporary structures and uses.
- e. ~~The providing of board and room for not more than two paying guests per dwelling unit, when located within principal building.~~
- fc. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

- ~~gd.~~ Wireless telecommunication facilities, subject to the regulations in Chapter 24.12, Part 15 requiring a public hearing.
- ~~h.~~ Large family daycare homes ~~(no design permit required unless otherwise required as a result of a structural modification to the residence)~~.
- ~~ie.~~ Supportive and transitional housing, nine or fewer units.
2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code (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):
- a. Coffee shops subject to the live entertainment regulations in Chapter 24.12, Part 2 (280g).
 - b. Large community care facilities (850e).
 - c. Motel, hotel and bed-and-breakfast inn uses subject to annual business license review (300).
 - ~~d.~~ Multiple dwellings, townhouse dwelling groups, and condominiums, ten units or more (840).
 - ~~ed.~~ Public and private commercial parking (940, 950).
 - ~~fe.~~ Public and private noncommercial recreation areas, buildings and facilities such as parks (710).
 - ~~gf.~~ Public and quasi-public buildings and uses of an administrative, recreational, religious, cultural or public utility or service nature; but not including corporation yards, storage or repair yards, and warehouses (500, 510, 530, 540, 570).
 - ~~hg.~~ Retirement homes or centers (850b).
 - ~~ih.~~ Supportive and transitional housing, ten or more units.

24.10.614 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.

24.10.616 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type Medium Density Residential			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36

Provision	Dwelling Unit Type Medium Density Residential			
	1-Family Detached	Duplex	3 or More Units	Other Uses
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Setback Requirements.

a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater; except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.

b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure for the second story and above.

d. There shall be no side yard required for townhouses on interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

4. 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.

Section 15. Part 7B.1: R-T(B)/PER - Motel Residential Performance Overlay 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:

Part 7B.1: R-T(B)/PER – MOTEL RESIDENTIAL PERFORMANCE OVERLAY

24.10.617.1 PURPOSE.

The purpose of the Motel Residential Performance Overlay district is to establish and control uses to ensure development which protects neighborhood integrity while supporting appropriate uses. The goal of the RTB/PER District is to limit the future development of hotel or motel rooms in the district, but to allow ancillary hotel support facilities as well as additional residential development.

24.10.617.2 USE PERMIT REQUIREMENT.

The overlay district allows all of the uses identified in the underlying RTB zone with the exception that new motel or hotel rooms will not be allowed.

The following uses are allowed in the overlay district subject to a Special Use Permit and a Design Permit, in compliance with the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

- a. Indoor and outdoor recreation facilities and other facilities related to existing hotel or motel facilities.
- b. Bed-and-Breakfast Inns.

24.10.617.3 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater; except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.
 - b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
 - c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater, for the second story and above.
 - d. There shall be no side yard required for townhouses on interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
 - e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
 - f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.
 - g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.
3. Other Requirements. 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, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan. In addition, development on sites located within the district which fronts on West Cliff Drive shall conform to design standards governing development on West Cliff.
4. Siting.
 - a. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.
 - b. Building facades shall be articulated with wall offsets, recesses openings ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.
 - c. Any third story element of residential or support development shall be stepped back from the two story element by at least fifteen feet, from the property lines at the streets.
 - d. Buildings design shall be encouraged to include significant building modulation and roof form articulation as specified within the Design Guidelines.
 - e. All required front setback areas shall be landscaped in accordance with the standards or the Design Guidelines.
5. 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.

Section 16. Part 7C: R-T(C) Subdistrict C – Beach Commercial 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:

Part 7C: R-T(C) SUBDISTRICT C – BEACH COMMERCIAL

24.10.618 PURPOSE.

The purpose of the R-T(C) Subdistrict is to establish standards for development of residential uses mixed with neighborhood commercial, motel, and regional tourist commercial use. These standards are designed both to improve existing uses and encourage new developments in a manner that maintains a harmonious balance between residential and regional commercial uses. New development including residential units or uses within the zone, are encouraged to incorporate Uses for Active Frontage along the site frontage. It is the intent of this zoning that preservation of La Bahia be conducted in accordance with the measures described in the certified final Environmental Impact Report for the Beach and South of Laurel Comprehensive Area Plan.

24.10.619 PRINCIPAL PERMITTED USES.

1. The following uses are allowed, subject to a Design Permit for new construction per section 24.08.410 and other requirements of the Municipal Code (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:

- a. Food and beverage stores (except liquor stores) (240);
- ~~fb.~~ Eating and drinking establishments without alcohol sales and subject to the live entertainment regulations in Chapter 24.12, Part 2 (280);

RESIDENTIAL USES:

- ~~(k)c.~~ Flexible density unit (FDU) housing (fifteen units or fewer) as part of a mixed-use project;
- ~~(e)d.~~ Mixed residential and commercial developments when multiple family units are located either in the same lot or above a first floor of commercial uses, subject to the R-T(A) District regulations (830);
- ~~(r)e.~~ Multiple dwellings, townhouse dwelling groups and condominiums (three to nine units) when ground-floor units are designed as Live-Work units consistent with Section 24.12.185.14 and subject to the R-T(A) District regulations (830);
- ~~ef.~~ One or two multiple-family units when located above the first floor of permitted commercial uses with no additional parking required (820);
- ~~eg.~~ Small family daycare facility in single-family home or duplex; Small and large family daycare homes in residential units (no design permit required unless otherwise required under Section 24.08.410);
- ~~(v)h.~~ Single-room occupancy (SRO) housing, fifteen units or fewer (860);
- ~~(p)i.~~ Single-family residences if lot size does not allow multifamily development, with no live-work or active frontage requirement (800);

- gi. Supportive and transitional housing in one or two units when located above the first floor of permitted commercial uses with no additional parking required.

COMMERCIAL USES:

- ~~bk~~. Motel, hotel, and bed-and-breakfast inn uses subject to annual business license review (300);
- dl. Off-site parking fewer than five spaces (930);
- ~~(bb)m~~. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15 requiring no public hearing.

- 2. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.620.

24.10.620 USE PERMIT REQUIREMENT.

- (4)1. The following uses require an administrative use permit and may also require a design permit per section 24.08.410 and are subject to other applicable requirements of the municipal code (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 use 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:

- ~~(ab)~~ Acting/art/music/dance studios/schools (610);
- ~~(be)~~ Apparel and accessory stores (250);
- ~~(ce)~~ Community organizations, associations, clubs and meeting halls (570);
- ~~(df)~~ Convenience stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);
- ~~(ei)~~ Eating and drinking establishments (except bars and fast-food restaurants) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- ~~(fj)~~ Educational facilities (public/private) (510);
- ~~(gl)~~ General merchandise stores (drug and department stores) (230);
- ~~(hm)~~ Government and public agencies (530);
- ~~(in)~~ Home furnishings (270);
- ~~(jp)~~ Liquor stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);
- ~~(ks)~~ Museum and art galleries (600);
- ~~(lt)~~ Professional offices associated with a visitor-serving use (400);
- ~~(ma)~~ Repairs, alterations, maintenance services to household items (except boat repair) (340);
- ~~(nw)~~ Specialty retail supply stores (290);
- ~~(oz)~~ Video rental (360B);

RESIDENTIAL USES:

- ~~(px)~~ Supportive and transitional housing (three to nine units) subject to the R-T(A) District regulations;

COMMERCIAL USES:

- ~~(qa)~~ Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
- ~~(rd)~~ Churches (500);

- (sg) Developed parks (710);
- (th) Undeveloped parks and open space (700);
- ~~(k) Flexible density unit (FDU) housing (fifteen units or fewer) as part of a mixed-use project;~~
- ~~(o) Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence);~~
- ~~(q) Mixed residential and commercial developments when multiple family units are located above first floor of commercial uses, subject to the R-T(A) District regulations (830);~~
- ~~(r) Multiple dwellings, townhouse dwelling groups and condominiums (three to nine units) subject to the R-T(A) District regulations (830);~~
- ~~(v) Single-room occupancy (SRO) housing, fifteen units or fewer (860);~~
- (uy) Temporary structures and uses;
- (vaa) Sports and recreation facilities, without alcohol sales (720);
- (wbb) Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15 requiring a public hearing.

(2)2. The following uses require a special use permit and design permit and are subject to other applicable requirements of the municipal code (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 use 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:

- (a) Bars/taverns subject to alcohol regulations in Chapter 24.12, Part 12 (280C);
- (be) Fast-food restaurants subject to alcohol regulations in Chapter 24.12, Part 12 (280H);
- (cf) Financial, insurance, real estate offices (420);
- (diii) Fish/seafood wholesale sales (200F);
- (ei) Medical/health offices (410);
- (ft) Nightclubs/music halls, subject to live entertainment and alcohol regulations in Chapter 24.12, Part 12 (630);
- (gn) Personal services (except contractors' yards and mortuaries) (310);
- (ht) Theaters (620);

RESIDENTIAL USES:

- ~~(e) Duplexes (810);~~
- ~~(u) Triplexes (820);~~
- (is) Supportive and transitional housing, ~~ten or more units~~, subject to the R-T(A) District regulations;

COMMERCIAL USES:

- (jb) Communication and information (550);
- ~~(d) Educational facilities (public/private) (510);~~
- ~~(g) Flexible density unit (FDU) housing (sixteen units or more) as part of a mixed-use project;~~
- (kh) Marine facilities and related uses (560E);

- (~~li~~) Related research facilities (400L);
- (~~mii~~) Related storage and warehousing (330);
- ~~(j) Mixed residential and commercial developments with noncommercial uses on the ground floor, subject to the R-T(A) District regulations (830);~~
- (~~k~~) Multiple dwellings, townhouse dwelling groups and condominiums (ten units or more) subject to the R-T(A) District regulations (840);
- (~~nm~~) Off-site public/private parking facilities, five or more spaces (930);
- (o) Professional offices (400), except as associated with a visitor-serving use;
- (~~p~~) Single family residences if lot size does not allow multifamily development (800);
- (~~q~~) Single room occupancy (SRO) housing, sixteen units or more (860);
- (~~pf~~) Sports and recreation facilities subject to alcohol regulations in Chapter 24.12, Part 12 (720);
- (~~qv~~) Utilities and resources (540).

24.10.622 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 aA 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.

24.10.624 DISTRICT REGULATIONS.

1. General.

Provision		Dwelling Unit Type			
		1-Family Detached	Duplex	3 or More Units	Other Uses
a.	Maximum height of buildings				
	• Principal buildings (feet)	30	30	36	36
	• Accessory buildings (feet)	15	15	15	15
b.	Minimum lot area (net) (square feet)	5,000	5,000	8,000	5,000
c.	Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d.	Minimum lot width (feet)	50	50	65	65
e.	Usable open space per dwelling unit (square feet)	—	—	400	—

2. Other Requirements.

- a. When located across a street from Subdistrict A, parking and loading facilities shall be at least ten feet distant from said property line, and buildings and structures at least fifteen feet from said property line.
- b. The minimum distance between buildings shall be six feet or one foot of setback for each two feet of height of, or portions thereof, a structure, whichever is greater.
- c. For any attached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line, to the entrance of the garage.
- d. 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.
- e. Height:
 - e.1. Maximum Building Height: Uninhabitable mechanical penthouses shall be limited to ten percent of the roof area and will be permitted an additional ten-foot height allowance; provided, that they are set back from the face of the building by a minimum of twenty feet so as not to be visible by pedestrians.
 - Architectural elements such as bell towers, spires, turrets, cupolas, chimneys, dormers, flag poles, etc., are limited to fifteen percent of the roof area and may extend ten feet above the height limitation, subject to design permit review.
 - e.2. Minimum Building Height: Not less than two stories, of which the first floor retail, restaurant and entertainment uses must have a minimum floor-to-floor height of fifteen feet.
- f. Design: All development must be in compliance with adopted design guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.
 - f.1. The design of all new structures shall be based upon “Spanish Colonial Revival” architecture as well as Mission Revival and Mediterranean architecture as described in the design guidelines. “Fantasy Victorian” is encouraged for recreational and entertainment development.
 - f.2. Buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details or other features typical of Spanish Colonial Revival style.
 - f.3. Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows.
 - f.4. Building walls shall be stucco and colored white, off-white or very light value, warm-toned hues. Multiple color combinations may be used, provided they are subtle and consist of a limited number of colors. Variations in shade or tone can be used to articulate architectural features.
 - f.5. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and moldings.
 - f.6. Flat roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.
- g. Siting:

- g.1. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.
- g.2. All store fronts, theater entries, and hotel lobbies shall be located along streets, plazas, courtyards, or sidewalks in order to create visual interest to the pedestrian.
- g.3. Building facades shall be articulated with wall offsets, recesses, openings, ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.
- h. Accessibility:
 - h.1. All retail uses must be directly accessible from a sidewalk, plaza, courtyard or other public open spaces.
 - h.2. Access must be aesthetically integrated within the development.
- i. Setbacks: Development on this site should be designed to encourage and support activities that unify both sides of Beach Street. For that reason, development shall be required to build to the property line adjacent to Beach Street. Significant planter boxes and other narrowscape concepts should be used to soften this edge but provide active pedestrian access.
- j. Parking:
 - j.1. Surface or structured parking may be constructed if the parking is visually screened and/or separated from the street by commercial development of at least fifty feet in depth.
 - j.2. Parking structure exteriors shall maintain the same high-quality architectural design and construction standards as all other commercial buildings.
 - The large scale and mass of parking structures shall be alleviated through wall offsets, pilasters, arched openings and other distinctive design elements.
 - Decorative elements such as cornices, balustrades, finish materials, colors and lighting shall be used to add interest and integrate the structures within the design character of the area.
 - j.3. Parking shall not be the dominant visual element of the site. Existing and/or expanded surface parking which is visible from the street or other areas exposed to public view must be screened and softened by landscaping, low screen wall or a combination of these elements.
 - j.4. Surface lots must be planted with trees to reduce heat and glare, that include at least fifteen percent of the surface area to provide visual relief from broad expanses of paving. Shade trees shall be planted around the perimeter and within the lot.
 - j.5. Off-site parking may be permitted within this subdistrict if:
 - The city establishes a parking district for the area, the district develops a suitable parking facility, and the development pays an in-lieu parking fee; or
 - The development identifies and develops a suitable permanent parking facility;
 or
 - The development secures and provides evidence of a long-term lease from a suitable permanent parking facility.
- k. Landscaping:
 - k.1. Interior courtyards and passages are encouraged and shall be planted with colorful perennial and annual plant species. A combination of trees, shrubs and groundcovers shall be used to frame, soften and embellish the quality of the

development, to screen undesirable views and to define development boundaries. Landscaping shall be maintained in an attractive condition.

k.2. Permanent containers for flowering plants, such as window boxes and planters, are encouraged for use in limited space areas, at entries and in courtyards and plazas, and along the frontages of Beach Street and Riverside Avenue.

1. Transit: All development proposals within the RTC shall:
 - discourage employee automotive use by instituting one or more of the following: carpooling requirements, transit subsidies, employee shuttle service, and/or
 - provide a contribution and/or cost-sharing for shuttle and/or parking such as on the depot site.

3. New development including residential units or uses, with the exception of projects consisting of 100% SRO units, shall incorporate either

- a Uses for Active Frontage along a minimum of 50% of the length of the site frontage; or
- b. Live-work units as defined in 24.12.185.14 along 100% of the site frontage.

43. 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.

24.10.624.1 FINDINGS REQUIRED.

In addition to required Use and Design Permit findings, any development permit must also meet the following findings. The proposed project:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to the adjacent RTA and RTB neighborhoods; and
2. Shall provide the amenity level of the development, the quality of architecture, and the landscaping to meet the requirements listed above.
3. Shall be found to contribute to the overall economic health, vitality and general mix of uses in the beach area by providing diverse retail and merchandising for the area.

Section 17. Section 24.10.625.4 – Use Determination of Part 7C.1: R-T(C)/PER: Subdistrict C – Beach Commercial/Performance Overlay Zone 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:

24.10.625.4 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 aA 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.

Section 18. Part 7D: R-T(D) Subdistrict D – Beach Residential 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:

Part 7D: R-T(D) SUBDISTRICT D – BEACH RESIDENTIAL

24.10.626 PURPOSE.

The purpose of Subdistrict D is to conserve, protect and enhance the beach residential character of the subdistrict and provide a suitable environment for residents. To preserve the small scale and enhance the historic beach cottage character of this subdistrict, and to ensure that new residential land uses are compatible, permanent and of a high quality, all new development will be reviewed in compliance with the Beach Flats Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan and the Conservation Neighborhood Overlay requirements.

24.10.627 PRINCIPAL PERMITTED USES.

1. The following uses are permitted, subject to a design permit per section 24.08.410, Conservation Overlay District (Section 24.10.4000) and other requirements of the Municipal Code (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):

- a. Multiple dwellings, townhouse dwelling groups, and condominiums, three units or more. (830, 840)
- ba. Single-family and duplexes (800, 810);
- cb. Storage and equipment structures, if ancillary to principal residential use;
- de. ~~Small family daycare homes in single-family homes or duplexes (510a);~~ Small and large family daycare homes in residential units.
- ed. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings;
- fe. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit;
- gf. Supportive and transitional housing in single-family home or duplex.

24.10.628 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, as well as ~~and~~ other requirements of the Municipal Code (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):

- a. Small community care residential facilities.
- b. Temporary structures and uses.
- c. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
- ~~d. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~

d. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code (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):

- a. Bed-and-breakfast inns, subject to the requirements contained in Chapter 24.12, Part 9. (300c)
- b. Community care facilities. (850e)
- c. ~~Multiple dwellings, townhouse dwelling groups, and condominiums, three units or more. (830, 840)~~
- d. Public and private noncommercial recreation areas, buildings and facilities such as parks. (710)
- e. Public and quasi-public buildings and uses including administrative, recreational, educational, religious, cultural, public utility or public service uses; but not including yards, storage or repair yards, and warehouses. (500, 510, 530, 540, 570)
- f. Retirement homes or centers. (850b)
- g. Supportive and transitional housing, three units or more.

24.10.630 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.

24.10.632 DISTRICT REGULATIONS.

1. General.

Provision		Dwelling Unit Type				
		1-Family Detached	Duplex	Triplex	4 or More Units	Other Uses
a.	Height of buildings					
	• Principal (feet)	22	22	22	30	30
	• Accessory (stories and feet)	1 and 15	1 and 15	1 and 15	1 and 15	1 and 15
b.	Minimum lot area (net) (square feet)	3,000	3,600	7,200	8,000	8,000
c.	Minimum lot area (net) per dwelling unit (square feet)	—	1,800	1,600	1,600	—

Provision		Dwelling Unit Type				
		1-Family Detached	Duplex	Triplex	4 or More Units	Other Uses
d.	Minimum lot width (feet)	40	40	80	80	80
e.	Usable open space per dwelling unit (square feet)	—	400	400	400	—
		Dwelling Units				
		First Story	Second Story	Other Uses		
f.	Front yard (feet)	5*	10*	10*		
g.	Rear yard (feet)	10	15	15		
h.	Side yard each side (feet)	4	4	4		
	or: one side (feet)	0	0	0		
	Total both sides (feet)	10	10	10		
i.	Exterior side yard (feet)	5*	5*	5*		
* For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.						

2. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

3. Other Requirements/Standards:

a. Design: All development is subject to a design permit and must be in compliance with adopted Design Guidelines. 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 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

a.1. New buildings shall employ California Bungalow or Victorian architectural style as a basis for design.

a.2. Buildings shall be similar in scale and form to existing structures and shall incorporate vernacular characteristics, such as pitched gabled roofs, proportionally large overhangs, exposed roof beams and rafter tails, vertically oriented multi-paned windows and front porches.

a.3. Buildings shall be wood frame construction with horizontal wood siding.

a.4. Roof forms shall be typical of the Beach Flats with appropriate steeper pitches for Victorians and lesser pitches for California Bungalow style.

a.5. Roof materials shall be composition or wood shingle.

b. Parking: All parking shall be located within the rear or at the rear of main structures, if possible. Private multi-residential parking lots shall be screened from the public right-of-way, and meet the requirements of Section 24.12.240, in addition to the following requirements:

b.1. All garages and entrances to parking areas shall be set back at least five feet from the adjacent front building setback.

- b.2. On lots of forty feet or less in width of street frontage, parking access is limited to a maximum of twelve feet of width. On lots of forty feet to sixty-five feet in width, parking access is limited to a maximum of sixteen feet of width; and on lots with greater than sixty-five feet in street frontage, parking access is limited to a maximum of twenty feet.
- b.3. Driveways shall be minimized in order to maximize land use efficiency and the provision of landscaping and open space.
- b.4. City parking standard requirements may be reduced in the following manner: one parking space for a one bedroom unit; for two or more bedrooms, the parking requirement may be reduced fifty percent if the following provisions are met:
 - at least fifty percent of new units are two bedrooms or more;
 - for units which meet the city's definition of "affordable"; and
 - if development is deemed compatible with surrounding neighborhood.
- c. Siting: All development shall be sited to create a harmonious streetedge, and to blend into rather than dominate the street.
 - c.1. Entries to individual units and groupings of units shall be located on the ground floor facing the street. These entries shall incorporate architectural and landscaping elements such as porches and arbors that visually reinforce the presence of entries.
 - c.2. Architectural elements, such as towers, balconies, stairs, decorative elements, etc., may be allowed to project up to fifty percent of the front yard setback requirement.
- d. Height: Multiple story developments shall minimize scale through upper story setbacks, individual building elements, and other similar design techniques.
 - d.1. The height of buildings shall be minimized at the street, in the following manner:
 - One-story elements of buildings (including porches) must be set back five feet,
 - Second-story elements of buildings must be set back ten feet.
- e. Landscaping, in compliance with the Design Standards, is required. Landscaping shall be maintained in an attractive condition.
 - e.1. Landscaping shall be designed to enhance the architectural style. All front, rear and side yards shall be fully landscaped except for areas devoted to driveways, patios, walkways or porches.
 - e.2. Permanent containers for flowering plants are encouraged for use in limited space areas at entries and in courtyards and plazas.
 - e.3. Vines and climbing plants integrated with building design and used on walls and trellises are encouraged.
 - e.4. Opaque garden walls are not permitted within the front yard setback to maintain the landscape continuity along the street. Fences limited to three feet in height are permitted as long as the fence is at least sixty percent open.
- 4. 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.

24.10.633 CERTIFICATE OF OCCUPANCY REQUIRED.

In order to ensure safe and sanitary housing and rehabilitation of structures within the RT(D) District, a valid Certificate of Occupancy shall be required for each transfer of the property

within the district. Certificates will not be issued for properties with a recorded Notice of Violation. Certificates will be issued when units comply with applicable codes.

Section 19. Part 7E: R-T€ Subdistrict E – Beach Medium/High Density 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:

Part 7E: R-T(E) SUBDISTRICT E – BEACH MEDIUM/HIGH DENSITY RESIDENTIAL

24.10.635 PURPOSE.

The purpose of Subdistrict E is to encourage quality medium and/or high density multifamily residential uses in a manner which promotes excellence in building design, provides for family-oriented development, ensures compatibility with the adjacent conservation overlay zone, and limits the need for parking by encouraging use of alternative means of transportation, including the multi-modal center proposed for the depot site. All new development will be reviewed in compliance with the Beach Flats Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

24.10.636 PRINCIPAL PERMITTED USES.

1. The following uses are permitted and may also require subject to a design permit per section 24.08.410 as well as and other requirements of the Municipal Code:
 - a. Duplex dwellings.
 - b. Multiple dwellings, townhouse dwelling groups and condominiums, six units or fewer.
 - bc. Small family daycare. Small and large family daycare homes in residential units.
 - ed. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.

24.10.637 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, and as well as other requirements of the Municipal Code:
 - a. Educational and cultural institutions.
 - b. Community care facilities.
 - e. Multiple dwellings, townhouse dwelling groups and condominiums, six units or fewer.
 - dc. Single-family dwellings on substandard lots.
 - d. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses are subject to approval of a special use permit; and may also require a design permit as well as and other requirements of the Municipal Code:
 - a. Multiple dwellings, townhouse dwelling groups and condominiums, seven units or more, subject to the approval of the city council upon recommendation of the zoning board.
 - b. Large family daycare facilities.
 - ea. Recreational buildings and community centers.

- d.b.** Public and private noncommercial recreation areas, buildings and facilities such as parks, playgrounds and basketball courts.
- e.c.** Public and private commercial parking, subject to landscaping and design standards. Non-conforming parking lots must be brought into compliance within five years of adoption of this Part 7E.

24.10.638 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 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.

24.10.640 DISTRICT REGULATIONS.

These regulations apply to all development within the RTE subdistrict.

1. General.

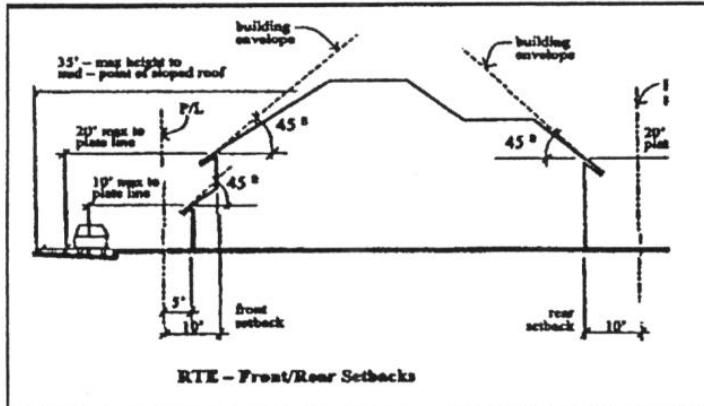
Provision		Dwelling Unit Type			Other Uses
		Duplex	3+	7+	
a.	Height of buildings				
	Maximum (feet)	22	22	36	36
b.	Minimum lot area (net) (square feet)	3,400	6,800	10,200	10,200
c.	Minimum lot area (net) (square feet) per dwelling unit	1,700	1,450	1,200	—
d.	Minimum lot width (feet)	40	65	80	80
e.	Open space/dwelling unit (square feet)	400	400	400	—
Setbacks		First Story	Second Story	Third Story	
f.	Front yard (feet)	5	10	10*	
g.	Rear yard (feet)	10	10	10*	
h.	Side yard, each side (feet)	3	5	5	
	Total both sides (feet)	6	10	10	
* Front and rear yards are subject to building envelope. See <i>Setbacks and Height</i> , subsection (2)(a) of this section.					

2. Other Requirements/Standards:

- a. Setbacks and Height: Multiple-story developments shall minimize scale through upper story setbacks, articulated building elements, and other similar design techniques.

a.1. The height of buildings shall be minimized at the street, in the following manner:

- One-story elements of buildings (including porches) must be set back five feet from the property line.
- Second-story elements of buildings must be set back ten feet from the property line.
- For three stories, the height of the building must be contained within the building envelope as shown in the following:



a.2. Multi-story buildings or portions of buildings constructed within thirty feet of the Conservation Overlay District shall step-down toward the conservation neighborhood to transition to the adjacent smaller scale conservation area, and shall be no taller than two stories or twenty-three feet at the mid-point of the roof.

b. Design: All development must be in compliance with adopted Design Guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

b.1. The design of all new structures employ California Bungalow, Craftsman, or Spanish Resort Style as described in the Design Guidelines.

b.2. Spanish Resort Style buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details. Building forms shall suggest thick masonry and incorporate features such as recessed doors and windows. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and molding.

b.3. Flat-roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.

b.4. California Bungalow and Craftsman-styled buildings shall incorporate appropriately sloped roofs, stucco and/or wood walls, overhangs, porches, trellises, and balconies. Doors and windows shall be of wood (or other durable material that emulates the scale, proportion and appearance of wood).

- c. Parking: All parking shall be located within the rear or at the rear of main structures. Private residential parking lots shall be screened from the public right-of-way, and shall meet the requirements of Section 24.12.240, in addition to the following requirements.
- c.1. All garages and entrances to parking areas shall be set back at least five feet from the adjacent front building setback, and twenty feet from the front property line.
 - c.2. On lots of forty feet or less in width of street frontage, parking access is limited to a maximum of twelve feet of width. On lots of forty to sixty-five feet in width, parking access is limited to a maximum of sixteen feet of width; and on lots with greater than sixty-five feet in street frontage, parking access is limited to twenty feet.
 - c.3. Driveways shall be minimized to maximize land use efficiency and the provision of open space and landscaping.
 - c.4. Off-site parking may be permitted within this subdistrict if:
 - the city establishes a parking district for the area; the district develops a suitable parking facility; and the development pays an in-lieu parking fee, or the development identifies and develops a suitable permanent parking facility,
 - off-site parking must be within five hundred feet of the development and secured by ownership or a long-term lease, including a deed restriction limiting the property's use for the required parking.
 - c.5. City parking standard requirements may be reduced in the following manner: one parking space for a one bedroom unit; for two or more bedrooms, the parking requirement may be reduced fifty percent if one of the following provisions is met:
 - at least fifty percent of new units are two bedrooms or more, or
 - for units which meet the city's definition of "affordable."
 - c.6. Where there is joint recreational and seasonal commercial parking use of a site, turf may be substituted for paved surfaces.
- d. Open Space: Each development shall provide four hundred square feet of usable open space per unit. This requirement may be met through the provision of balconies and/or decks, patios over eight feet in depth, and landscaped front and rear yards over ten feet in depth. The provision of open space may be reduced to two hundred fifty square feet per dwelling unit, if the development meets one of the following criteria:
- projects providing at least fifty percent of the development as two bedroom units;
 - projects providing community facilities such as a community center and/or a child-care facility.
- e. Siting: All development shall be sited to create a harmonious streetedge, and to blend into rather than dominate the street.
- e.1. Entries to individual units and groupings of units shall be located on the ground floor facing the street. These entries shall incorporate architectural and landscaping elements such as porches and arbors that visually reinforce the presence of entries.
 - e.2. Architectural elements, such as towers, balconies, stairs, decorative elements, etc., may project up to fifty percent of the front yard setback requirement.
 - e.3. Courtyard-style developments, providing common usable open space, may provide a single, common entryway facing the street.
- f. Landscaping: Landscaping shall be in compliance with the Design Standards.
- f.1. Landscaping shall be designed to enhance the architectural style. All front, rear and side yards shall be fully landscaped except for areas devoted to driveways, patios, walkways or porches. All landscaping areas shall be provided with automatic

irrigation systems to facilitate the maintenance of the landscape. Landscaping shall be maintained in an attractive condition.

f.2. Permanent containers for flowering plants, or similar narrow-scape landscaping concepts, are encouraged for use in limited space areas, at entries and in courtyards and plazas at entries and in courtyards and plazas.

f.3. Vines and climbing plants integrated with building design and used on walls and trellises are encouraged.

3. 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.

24.10.641 FINDINGS REQUIRED.

Prior to approval of any design permit for development within this district, the following additional findings must be made. The application:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to an adjacent Neighborhood Conservation Overlay District; and
2. Shall meet the requirements listed above for the high amenity level of the development, the quality of architecture, and the landscaping.

Section 20. Part 8: C-C Community Commercial 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:

Part 8: C-C COMMUNITY COMMERCIAL DISTRICT

24.10.700 PURPOSE.

To provide locations throughout the community for a variety of commercial and service uses for residents of the city and the region which promote the policies of the General Plan; to encourage a harmonious mixture of a wide variety of commercial and residential activities including limited industrial uses, if they are compatible and nuisance free. New development including residential units or residential uses within the zone are encouraged to incorporate Uses for Active Frontage along the site frontage. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Part 43, Sections 24.10.4300 et seq. for properties within the Mission Street Urban Design Overlay District.

24.10.710 PRINCIPAL PERMITTED USES.

1.—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:

- a. Acting/art/music/dance schools and studios (610);

- b. Apparel and accessory stores (250);
- c. Auto supply stores (260C);
- d. Eating and drinking establishments (except bars, fast-food) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- e. Financial, insurance, real estate offices (420);
- f. Financial services (320);
- g. Food and beverage stores (except liquor and convenience stores) (240);
- h. General retail merchandise (drug and department stores) (230);
- i. Home furnishing stores (270);
- j. Medical/health offices (except veterinarians and ambulance services) (410);
- ~~l~~ k. Museums and art galleries (600);
- ~~o~~ l. Professional/personal service (except contractors' yards and mortuaries) (310);
- ~~p~~ m. Repairs, alterations and maintenance services for household items (except boat repair) (340);
- ~~r~~ n. Small preschool/childcare (twelve or fewer) (510A);
- ~~t~~ o. Specialty retail supply stores (290); except thrift stores (290m);
- ~~u~~ p. Theaters (620);
- ~~v~~ q. Video rental (650).

RESIDENTIAL USES:

- ~~L~~ r. Flexible Density Unit (FDU) Housing
- ~~s. Mixed residential and commercial/office developments involving permitted or administrative uses~~ allowed commercial uses, on the ground floor and from three to nine multiple dwellings or condominiums either above the first floor or on the same lot;
- ~~t. Multiple dwellings or condominiums, three to nine units when ground-floor units are designed as Live-Work units consistent with Section 24.12.185. 14 and subject to the minimum (net) land area per dwelling unit of the R-M District (830);~~
- ~~k~~ u. One- or two-multiple-family units when located above the first floor with no additional parking required (830);
- ~~v. Single-room occupancy (SRO) housing, fifteen units or fewer (860);~~
- ~~q~~ w. Small community care residential facilities;
- ~~s~~ x. ~~Small family daycare facility in single-family home or duplex;~~ Small and large family daycare homes in residential units;

COMMERCIAL USES:

- ~~m~~ y. Off-site public/private parking facilities, five or fewer spaces (930);
- ~~n~~ z. Professional offices (400).
- aa. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.720 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.730.

24.10.730 USE PERMIT REQUIREMENT.

4. The following uses require an administrative use permit and are subject to other applicable 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 use 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:

- ~~d~~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;
- ~~e~~b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- ~~c~~.h. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- ~~d~~. Community organizations, associations, clubs and meeting halls (570);
- ~~e~~.m. Educational facilities (public/private) (510);
- ~~f~~.p. Government and public agencies (530);
- ~~g~~x. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- ~~h~~z. Thrift stores (290m);
- ~~i~~.ee. Veterinarians (410A);
- ~~o~~. Foster family homes;
- ~~t~~. Multiple dwellings or condominiums, three to nine units subject to the minimum (net) land area per dwelling unit of the R-M District (830);
- ~~d~~. Single room occupancy (SRO) housing, fifteen units or fewer (860);
- ~~a~~. Flexible Density Unit (FDU) Housing

COMMERCIAL USES:

- ~~a~~j. Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
- ~~b~~k. Ambulance services (410B);
- ~~e~~l. Auto services and repair subject to performance standards in Section 24.12.900 (350);
- ~~m~~f. Boat repairs (340D);
- ~~n~~g. Building materials/garden supplies (220);
- ~~o~~i. Churches (500);
- ~~p~~j. Communication and information services (550);
- ~~q~~l. Developed parks (710);
- ~~r~~n. 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);
- ~~s~~q. Lodging (300);

- ~~r.~~—Mixed residential and commercial/office developments involving permitted or administrative uses on the ground floor and from three to nine multiple dwellings or condominiums above the first floor;
- ~~ts.~~ Motor vehicle dealers and supplies (260);
- u. Off-site public/private parking facilities, five or more spaces (930);
- v. Recycling collection facilities;
- ~~wy.~~ Temporary structures and uses;
- ~~xaa.~~ Undeveloped parks and open space (700);
- ~~ybb.~~ Utilities and resources (540);
- ~~zdd.~~ Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

The following uses require a special use permit and are subject to other applicable requirements of the municipal code including the approval of a design permit for new structures when required by Section 24.08.410. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use 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:

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

RESIDENTIAL USES:

- ~~d.~~—Large family daycare;
- ~~e~~e. Community care facilities;

COMMERCIAL USES:

- ~~f~~b. Carpenter, electrical, plumbing, heating, and furniture upholstery shops;
- ~~g~~e. Contractor/building (310E);
- ~~h~~g. Fabricated metal products (manufacturing) (150);
- ~~i~~h. Fabricated wire products (manufacturing) (155A);
- ~~j~~i. Food and beverage preparation (manufacturing) (100);
- ~~k~~j. Furniture and fixtures (manufacturing) (120);
- ~~l~~k. Hospitals (520);
- ~~m~~l. Laboratory research experimentation, testing, software development;
- ~~n~~m. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- ~~o~~n. Local/interurban passenger transit (bus, cab) (560B);

- ~~pø.~~ Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- ~~p.~~ ~~Mixed residential and commercial/office developments, with ten or more multiple dwellings or condominiums, either above commercial uses or units on the same lot (840);~~
- ~~q.~~ ~~Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);~~
- ~~qf.~~ Mortuaries (310I);
- ~~rs.~~ Motion picture production (manufacturing) (155E);
- ~~su.~~ Rental services (360);
- ~~v.~~ ~~Single-room occupancy (SRO) housing sixteen units or more (860);~~
- ~~tw.~~ Solar equipment (manufacturing) (155C);
- ~~ux.~~ Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- ~~vy.~~ Stone, clay, glass products (manufacturing) (140);
- ~~wz.~~ Storage and warehouse when connected with permitted use (330);
- ~~xaa.~~ Wholesale trade (nondurable goods) (200):
- (a) Bakery,
 - (b) Confectionery,
 - (c) Dairy,
 - (d) Health foods;
- ~~ybb.~~ Wholesale trade (durable goods) (210):
- (a) Paper products and related (210E),
 - (b) Special equipment (machine supply) (210F);

24.10.740 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 aA 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.

24.10.750 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Commercial- <u>Only</u> (stories and feet)	3 & 40
• Commercial or mixed use or residential <u>Residential-Only</u> (stories and feet)	<u>3 & 40</u>
• <u>Additional height for Mixed Use with ground floor retail</u>	<u>0 & 5</u>

<u>(stories and feet)</u>	
<u>• Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• Accessory	1 & 20
b. Lot Area – Minimum (net) (sq. ft.)	<u>5,000</u>
• Commercial or residential	5,000
• Mixed Use	8,000
c. Setbacks	
• Front-yard	0 **
• Rear-yard	0 *
• Interior	0 *
• Exterior	0 *,**
d. Open space per unit (residential only)	
• Private (sq. ft.)	<u>40</u> 100
• Common (sq. ft.) and easily accessible to residential units	<u>80</u> 150
e. Distance between buildings on same lot	10
<p>* Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District, <u>subject also to the requirements of Section 24.12.185.10 as applicable.</u></p> <p>** 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.</p>	

~~2. Additional Setback Requirement. In any C-C District directly across a street or thoroughfare, not including a freeway, from any R-District, parking and loading facilities shall be at least ten feet distant from the property line and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.~~

~~32. Other 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. Other regulations which may be applicable to site design and this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12.~~

3. New development including residential units or uses, with the exception of projects consisting of 100% SRO units, shall incorporate either

- a. Uses for Active Frontage as listed in the allowed uses for the zone along a minimum of % of the length of the site frontage; or
- b. Where exclusively residential development is proposed, all ground floor units at the shall be developed as live-work units as defined in 24.12.185.14.

Section 21. Part 9: MU-M Mixed-Use Medium 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 9: MU-M MIXED-USE MEDIUM DENSITY DISTRICT

* Editor's Note: Former Part 9, previously codified herein was repealed in its entirety by Ord. 94-33 § 34.

24.10.800 PURPOSE.

To promote the development of a harmonious mixture of a wide variety of commercial activities including limited industrial uses, if they are compatible and nuisance free, in conjunction with condominiums and apartments; to stabilize and protect the commercial characteristics of the district; and to promote a walkable, dynamic, and efficient environment for residents, businesses, and workers. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 for design standards.

24.10.801 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. 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. 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.

24.10.802 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. Utilities and resources (540);
- q. 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);

24.10.803 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.

24.10.804 DISTRICT REGULATIONS.

1. General.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	

• <u>Commercial-only (stories and feet)</u>	<u>3 & 40</u>
• <u>Mixed use (stories and feet)</u>	<u>4 & 45</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>4500</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>0.75 to 1.75</u>
<u>d. Required lot area per dwelling unit</u>	<u>1,452 (no requirement for 1-bedroom/studios/ SROs/FDUs)</u>
<u>e. Setbacks</u>	
• <u>Front-yard</u>	<u>0**</u>
• <u>Rear-yard</u>	<u>15*</u>
• <u>Interior Side</u>	<u>0*</u>
• <u>Exterior Side</u>	<u>8*, **</u>
<u>f. Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and accessible to residential units</u>	<u>80</u>
<u>g. Distance between buildings on same lot</u>	<u>10</u>
<p>* <u>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</u></p> <p>** <u>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.</u></p>	

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.

24.10.805 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 residential units may also be counted toward required commercial parking.

Section 22. Part 9B: MU-OM Mixed-Use Ocean Street Medium 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 9B: MU-OM MIXED-USE OCEAN STREET MEDIUM DENSITY DISTRICT

24.10.820 PURPOSE.

To encourage high-quality neighborhood-and visitor-serving commercial development along Ocean Street and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and medium-density mixed-use developments to promote a vibrant and pedestrian oriented environment for residents, workers and visitors consistent with the Ocean Street Area Plan. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 and the Ocean Street Area Plan for design standards.

24.10.821 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);

32. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.822 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);

24.10.823 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.

24.10.824 DISTRICT REGULATIONS.

1. General.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>3 & 45</u>
• <u>Mixed use (stories and feet)</u>	<u>3 & 40</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Height of buildings – Minimum</u>	
• <u>Commercial or Mixed Use</u>	<u>1 & 16</u>
• <u>Accessory</u>	<u>No Minimum</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>0.75 to 1.75</u>
<u>d. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>4000</u>
<u>e. Required lot area per dwelling unit</u>	<u>1,452 (no requirement for 1-bedroom/studios/ SROs/FDUs)</u>
<u>f. Setbacks</u>	
• <u>Front-yard</u>	<u>0**</u>
• <u>Rear-yard</u>	<u>1*</u>
• <u>Interior</u>	<u>0*</u>
• <u>Exterior</u>	<u>8*, **</u>
<u>g. Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and easily accessible to residential units</u>	<u>80</u>
<u>h. Distance between buildings on same lot</u>	<u>10</u>
<p>* 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</p>	

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 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 Ocean street frontage. Residential units can occupy up to 50% of the frontage on thoroughfares other than Ocean Street.

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.

24.10.825 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 23. Part 9C: MU-OH Mixed-Use Ocean Street 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 9C: MU-OH MIXED-USE OCEAN STREET HIGH DENSITY DISTRICT

24.10.830 PURPOSE.

To encourage high-quality neighborhood- and visitor-serving commercial development along Ocean Street and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and medium-density mixed-use developments within larger buildings oriented toward Ocean Street and Broadway, and using building height and massing to create a sense of place, while promoting a vibrant and pedestrian oriented environment for residents, workers and visitors consistent with the Ocean Street Area Plan. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 and the Ocean Street Area Plan for design standards.

24.10.831 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);
32. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.832 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);

24.10.833 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.

24.10.834 DISTRICT REGULATIONS.

1. General.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>4 & 55</u>
• <u>Mixed use (stories and feet)</u>	<u>4 & 50</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Height of buildings – Minimum</u>	
• <u>Commercial or Mixed Use</u>	<u>1 & 16</u>
• <u>Accessory</u>	<u>No Minimum</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>0.75 to 1.75</u>
<u>d. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>4000</u>
<u>e. Required lot area per dwelling unit</u>	<u>1,452 (no requirement for 1-bedroom/studios/ SROs/FDUs)</u>
<u>f. Setbacks</u>	
• <u>Front-yard</u>	<u>0**</u>
• <u>Rear-yard</u>	<u>10*</u>

<u>• Interior</u>	<u>0*</u>
<u>• Exterior</u>	<u>8*,**</u>
<u>g. Open space per unit (residential)</u>	
<u>• Private (sq. ft.)</u>	<u>40</u>
<u>• Common (sq. ft.) and easily accessible to residential units</u>	<u>80</u>
<u>h. Distance between buildings on same lot</u>	<u>10</u>
<p>* 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</p> <p>** 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.</p>	

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 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.

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.

24.10.835 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 24. Part 11: C-N Neighborhood Commercial 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:

Part 11: C-N NEIGHBORHOOD COMMERCIAL DISTRICT

24.10.1000 PURPOSE.

To provide commercial and service uses near residential areas for the convenience of local residents. Uses aimed at nearby customers may not require typical development standards such as vehicular parking. 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.

24.10.1010 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code including the requirement for 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 use 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:

- a. Eating and drinking establishments (except bars and fast-food), subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- b. Financial, insurance, real estate offices (420);
- ~~c~~d. Food, beverage stores (except liquor and convenience stores) (240);
- ~~d~~e. Hardware stores (indoor sales only) (220A);
- ~~e~~f. Medical/health offices (except veterinarians and twenty-four-hour clinics) (410);
- ~~f~~j. Professional/personal service (except contractors yards and mortuaries) (310);

RESIDENTIAL USES:

- g. One or two multiple-family units when located above the first floor commercial use with no additional parking required (830);
- ~~h~~k. ~~Small family daycare facility in a single-family home or duplex.~~ Small and large family daycare homes in residential units.
- ~~i~~l. Multiple dwellings and condominiums, ten or more units 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-L District (840);
~~Multiple dwellings and condominiums, three to nine units when located above first floor commercial uses, subject to the minimum land area per dwelling unit of the R-L District (830);~~

COMMERCIAL USES:

- ~~j~~e. Financial services (320);
- ~~k~~h. Off-site public/private parking facilities five or fewer spaces (930);
- ~~i~~i. Professional offices (400);
- m. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.1020 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1030.

24.10.1030 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code including the requirement for 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 use 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:

- a~~b~~. Acting/art/music/dance studios and schools (610);
- b~~e~~. Apparel and accessory stores (250);
- c~~i~~. General retail merchandise (drug and department stores) (230);
- d~~j~~. Government and public agencies (530);
- e~~n~~. Preschools/childcare (twelve or fewer) (510A);
- f~~k~~. Home furnishings (270);
- g~~p~~. Repair, alteration, maintenance services for household items (except boat repairs) (340);
- h~~f~~. Specialty retail supply stores (290);
- i~~t~~. Veterinarians (410A);

RESIDENTIAL USES:

- j~~q~~. Small community care residential facilities;

COMMERCIAL USES:

- k~~a~~. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- l~~d~~. Auto supply stores (260C);
- m~~e~~. Churches (500);
- n~~f~~. Community organizations, associations, clubs and meeting halls (570);
- o~~g~~. Educational facilities (public/private) (510);
- h~~—~~ Family daycare homes and foster family homes;
- p~~m~~. Parks and open spaces (700);
- q~~o~~. Recycling collection facilities;
- r~~s~~. Temporary structures and uses;
- s~~u~~. Video rental (650);
- t~~v~~. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code including the requirement for a design permit for new structures (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 use

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:

- ab. Bars, subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- be. Brewpubs, subject to live entertainment and alcohol regulations of Chapter 24.12;
- cf. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- di. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;

RESIDENTIAL USES:

- ed. Community care facilities;
- fe. Community care residential facilities;

COMMERCIAL USES:

- ga. Auto services and repair, subject to performance standards in Section 24.12.900 (350);
- hg. Fast-food restaurants or drive-in eating facilities, subject to performance standards in Section 24.14.290 and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- h. ~~Large family daycare facilities;~~
- j. ~~Two or more stand-alone multiple-family units subject to the minimum land area (net) per dwelling unit of the R-L District (830);~~
- k. ~~Multiple dwellings and condominiums, ten or more units 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-L District (840);~~
- il. Off-site public/private parking facilities, five or more spaces (930);
- jm. Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- kn. Storage and warehouses with permitted retail (330).

24.10.1040 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 aA 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.

24.10.1050 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	

Provisions	Requirement
• Commercial and mixed use (stories and feet)	2 & 30
• Accessory (stories and feet)	1 & 15
b. Minimum Lot Area (net) (sq. ft.)	
• Commercial or residential	5,000
• Mixed use	8,000
c. Setbacks	
• Front (feet)	10 ^{*,**}
• Rear (feet)	0*
• Side	
• Interior	0*
• Exterior	10
d. Open space per unit (Residential only)	
• Private (sq. ft.)	100 40
• Common (sq. ft.) and easily accessible to residential units	150 80
e. Distance between buildings on same lot (feet)	10
<p>* Except where abutting an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.</p> <p>** Except where special street setback requirements for designated streets apply, then the setback shall be added to the minimum setback listed in Section 24.12.115 for affected streets.</p>	

2. Additional Setback Requirement. In any C-N District directly across a street or thoroughfare, not including a freeway, from any R- District, parking and loading facilities shall be at least ten feet distant from the property line and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.

3. Other Requirements.

- a. All uses shall be conducted wholly within a completely enclosed building, except for 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. 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 25. Part 12: C-B Beach Commercial 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:

Part 12: C-B BEACH COMMERCIAL DISTRICT

24.10.1100 PURPOSE.

To provide for commercial uses which are primarily coastal-dependent in nature and which serve tourists and visitors to the Santa Cruz coastal recreational areas. Also, to provide commodities and services to residents of such areas. The C-B District shall be applied only in areas designated in the General Plan and the Local Coastal Program. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.1110 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code (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 use 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:

- a. Acting/art/music/dance schools and studios (610);
- b. Apparel and accessory stores (250);
- c. Eating and drinking establishments (except fast-food restaurants), subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- e. Food and beverage stores (except convenience/liquor stores) (240);
- f. General merchandise (drug and department stores) (230);
- g. Handicraft shops and workshops;
- h~~l~~. Museums and art galleries (600);
- i~~n~~. Personal/professional services (except contractors' yards and mortuaries) (310);
- j~~q~~. Specialty retail supply stores (290); except thrift stores (290m);

RESIDENTIAL USES:

- k. One or two multiple-family units when located above the first floor with no additional parking required (830);
- l~~p~~. ~~Small family daycare facilities, in single-family home or duplex;~~ Small and large family daycare homes in residential units.
- m. Mixed residential and commercial development involving permitted or administrative uses on the ground floor and from three to nine multiple dwellings or condominiums either

on the same lot or above the first floor, subject to the minimum land area (net) per dwelling unit of the R-M District (830);

COMMERCIAL USES:

- nd. Financial, insurance, real estate offices above first floor (420);
- oh. Lodging (300);
- pi. Marine facilities (560E);
- qj. Mechanical contrivances for amusement purposes, such as Ferris wheels, and roller coasters, south and east of Beach Street only;
- rm. Off-site public/private parking facilities, five or fewer spaces (930);
- se. Professional offices above first floor (400);
- tf. Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- us. Theaters (620);
- vt. Video rental (650).
- w. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.1120 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1130.

24.10.1130 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (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 use 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:

- ae. Convenience store, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- be. Educational facilities (public/private) (510);
- cg. Fish/seafood/wholesale (200F);
- di. Home furnishings (270B);
- ep. Thrift stores (290m);
- fe. Professional offices associated with a visitor-serving use;

COMMERCIAL USES:

- ga. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- hb. Community organizations, associations, clubs and meeting halls (570);
- id. Churches (500);
- jf. Financial services (320);
- kh. Government and public agencies (530);
- lj. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;

k. ~~Mixed residential and commercial development involving permitted or administrative uses on the ground floor and from three to nine multiple dwellings or condominiums above the first floor, subject to the minimum land area (net) per dwelling unit of the R-M District (830);~~

l. ~~Multiple dwellings and condominiums, three to nine units, subject to the minimum land area (net) per dwelling unit of the R-M District (830);~~

m. Parks and open spaces (700);

n. Repairs, alterations, maintenance services for household items (340);

o. Temporary structures and uses;

~~p.~~ **p.** Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code (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 use 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:

a. Bars/taverns, subject to live entertainment and alcohol regulations of Chapter 24.12;

~~b.~~ **b.** 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);

~~c.~~ **c.** Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);

RESIDENTIAL USES:

d. Group quarters (850);

COMMERCIAL USES:

~~b.~~ ~~Large family daycare facilities;~~

~~e.~~ ~~Mixed residential and commercial developments with ten or more multiple dwellings or condominiums, either above the first floor or on the same parcel, subject to the minimum land area (net) per dwelling unit of the R-M District (840);~~

~~f.~~ ~~Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);~~

~~h.~~ **e.** Off-site public/private parking facilities, five or more spaces (930);

~~i.~~ **f.** Refreshment stands and vehicles, when located on private property, in locations clearly incidental and adjacent to beach, park, campgrounds, or other major recreational and tourist facilities or activities.

24.10.1140 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.

24.10.1150 DISTRICT REGULATIONS.

1. General.

Provisions		Requirement
a.	Height of Building – Maximum	
	• Commercial and Mixed Use (stories and feet)	3 & 40
	• Accessory	1 & 20
b.	Lot area minimum (net) (square feet)	
	• Commercial or residential	5,000
	• Mixed Use	8,000
c.	Setbacks	
	• Front yard	0**
	• Rear yard	0*
	Side yard	
	• Interior	0 ¹
	• Exterior	0*, **
d.	Open Space Per Unit (Residential Only)	
	• Private (square feet)	100 40
	• Common (square feet) and easily accessible to residential units	150 80
e.	Distance between buildings on same lot	10
<p>* Except where abutting an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.</p> <p>** 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 streets.</p>		

~~2. Additional Setback Requirement. In any C-B District directly across a street or thoroughfare, but not including a freeway, from an R-District, parking and loading facilities shall be at least ten~~

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

23. Other Requirements.

- a. All uses shall be conducted wholly within a completely enclosed building, except for parking facilities, or other outdoor uses when appropriately screened and as approved by the zoning administrator.

34. The following regulations are applicable to site design in the CB Zone north of Beach Street as set forth in General Site Design Standards, Part 2, Chapter 24.12, and the following:

a. Height:

- a.1. **Maximum Building Height:** Maximum building height shall be thirty-six feet. Uninhabitable mechanical penthouses shall be limited to ten percent of the roof area and will be permitted an additional ten-foot height allowance; provided, that they are set back from the face of the building by a minimum of twenty feet so as not to be visible by pedestrians.

- Architectural elements such as bell towers, spires, turrets, cupolas, chimneys, dormers, flag poles, etc., are limited to fifteen percent of the roof area and may extend ten feet above the height limitation, subject to Design Permit review.

- a.2. **Minimum Building Height:** Not less than two stories, of which the first floor retail, restaurant and entertainment uses must have a minimum floor-to-floor height of fifteen feet.

- b. **Design:** All development must be in compliance with adopted Design Guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

- b.1. The design of all new structures be based upon Spanish Colonial Revival architecture as well as Mission Revival and Mediterranean architecture as described in the Design Guidelines. Fantasy Victorian is encouraged for recreational and entertainment development.

- b.2. Buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details or other features typical of Spanish Colonial Revival style.

- b.3. Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows.

- b.4. Building walls shall be stucco and colored white, off-white or very light value, warm-toned hues. Multiple color combinations may be used, provided they are subtle and consist of a limited number of colors. Variations in shade or tone can be used to articulate architectural features.

- b.5. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and moldings.

- b.6. Flat-roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.

c. Siting:

- c.1. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.
 - c.2. All store fronts, theater entries, and hotel lobbies shall be located along streets, plazas, courtyards, or sidewalks in order to create visual interest to the pedestrian.
 - c.3. Building facades shall be articulated with wall offsets, recesses, openings, ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.
- d. Accessibility:
 - d.1. All retail uses must be directly accessible from a sidewalk, plaza, courtyard or other public open spaces.
 - d.2. Access must be aesthetically integrated within the development.
- e. Setbacks: Development on this site should be designed to encourage and support activities which unify both sides of Beach Street. For that reason, development shall be required to build to the property line adjacent to Beach Street. Significant planter boxes and other narrowscape concepts should be used to soften this edge but provide active pedestrian access.
- f. Parking:
 - f.1. Surface or structured parking may be constructed if the parking is visually screened and/or separated from the street by commercial development of at least fifty feet in depth.
 - f.2. Parking structure exteriors shall maintain the same high-quality architectural design and construction standards as all other commercial buildings.
 - The large scale and mass of parking structures shall be alleviated through wall offsets, pilasters, arched openings and other distinctive design elements.
 - Decorative elements such as cornices, balustrades, finish materials, colors and lighting shall be used to add interest and integrate the structures within the design character of the area.
 - f.3. Parking shall not be the dominant visual element of the site. Existing and/or expanded surface parking which is visible from the street or other areas exposed to public view must be screened and softened by landscaping, low screen wall or a combination of these elements.
 - f.4. Surface lots must be planted with trees to reduce heat and glare, that include at least fifteen percent of the surface area to provide visual relief from broad expanses of paving. Shade trees shall be planted around the perimeter and within the lot.
 - f.5. Off-site parking may be permitted within this subdistrict if:
 - the city establishes a parking district for the area, the district develops a suitable parking facility, and the development pays an in-lieu parking fee; or
 - the development identifies and develops a suitable permanent parking facility; or
 - the development secures and provides evidence of a long-term lease from a suitable permanent parking facility.
- g. Landscaping:
 - g.1. Interior courtyards and passages are encouraged and shall be planted with colorful perennial and annual plant species. A combination of trees, shrubs and groundcovers shall be used to frame, soften and embellish the quality of the

development, to screen undesirable views and to define development boundaries. All landscaping shall be maintained in an attractive condition.

g.2. Permanent containers for flowering plants, such as window boxes and planters, are encouraged for use in limited space areas, at entries and in courtyards and plazas, and along the frontages of Beach Street and Riverside Avenue.

h. Transit: All development proposals within the RTC shall:

- discourage employee automotive use by instituting one or more of the following: carpooling requirements, transit subsidies, employee shuttle service, and/or
- provide a contribution and/or cost-sharing for shuttle and/or parking such as on the depot site.

4. New development including residential units or uses within the zone shall incorporate Uses for Active Frontage along the site frontage.

5. 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.

24.10.1160 FINDINGS REQUIRED.

In addition to required use and design permit findings, any development permit must also meet the following findings. The proposed project:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to the adjacent RTC and RTE neighborhoods; and
2. Shall provide the amenity level of the development, the quality of architecture, and the landscaping to meet the requirements listed above.
3. Shall be found to contribute to the overall economic health, vitality and general mix of uses in the beach area by providing diverse retail and merchandising for the area.

Section 26. Part 13: P-A Professional and Administrative Office 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:

Part 13: P-A PROFESSIONAL AND ADMINISTRATIVE OFFICE DISTRICT*

* Editor’s Note: Former Part 13, C-H Heavy Commercial District, previously codified herein and containing portions of Ords. 87-22 and 88-26 was repealed in its entirety by Ord. 93-21 § 8, 5-25-93.

24.10.1200 PURPOSE.

To provide a district for business and professional offices. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. New development including residential units or uses within the zone shall incorporate Uses for Active Frontage along the site frontage. Also refer to Part 43, Sections 24.10.4300 et seq. for properties within the Mission Street Urban Design Overlay District.

24.10.1210 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright if a design permit is obtained for new structures (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:

- a. Financial, insurance, real estate offices (420);
- b. Financial services (320);
- ~~c~~d. Professional offices (400);
- ~~d~~e. Professional/personal services (except contractors yards and mortuaries) (310);
- ~~e~~f. Medical/health offices (except veterinarians, medical marijuana provider association dispensaries, as defined in Section 24.22.539, ambulance services and emergency medical clinics open earlier than 7:00 a.m. and later than 9:00 p.m.) (410);
- ~~f~~g. Museums and art galleries (600);

RESIDENTIAL USES:

- ~~g~~f. Duplexes together with an allowed commercial use (820);
- ~~h~~. Multiple dwellings and condominiums, together with an allowed commercial use and two to nine units, subject to minimum land area requirements of R-M District (830);
- ~~i~~h. One to two units above ground floor office use with no additional parking required (810).
- ~~j~~i. ~~Small family daycare facility in a single-family home or duplex.~~ Small and large family daycare homes in residential units.

COMMERCIAL USES:

- ~~k~~e. Off-site parking fewer than five spaces (930);
- ~~l~~. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.1220 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1230.

24.10.1230 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 (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:

- ~~a~~b. Acting/art/music/dance studios and schools (610);
- ~~b~~e. Churches (500);
- ~~c~~d. Communication and information services (550);
- ~~d~~e. Community organizations, associations, clubs and meeting halls (570);
- ~~e~~g. Educational facilities (public/private) (510);
- ~~f~~i. Government and public agencies (530);
- ~~g~~n. Veterinarians (410A);

RESIDENTIAL USES:

- ~~f.~~ Duplexes (820);
- ~~j~~h. Mobilehomes if lot area cannot accommodate multifamily (870);
- ~~m~~i. Single-family residences if lot area cannot accommodate multifamily (810);

COMMERCIAL USES:

- ~~a~~j. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- ~~h~~k. ~~Large family daycare homes and foster~~ Foster family homes;
- ~~k.~~ ~~Multiple dwellings and condominiums, two to nine units, subject to minimum land area requirements of R-M District (830);~~
- l. Off-site public/private parking facilities, five or more spaces (930);
- ~~o~~m. 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 (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):

COMMERCIAL USES:

- a. Community care facilities;
- b. Community care residential facilities;
- c. Hospitals (520);
- d. Mortuaries (310I);
- ~~e.~~ ~~Multiple dwellings and condominiums, ten or more units, subject to minimum land area requirements of the R-M District (830);~~
- ~~f~~e. Emergency medical clinics open earlier than 7:00 a.m. and later than 9:00 p.m. (410B).

24.10.1240 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 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.

24.10.1250 DISTRICT REGULATIONS.

- 1. General.

Provisions	Requirement
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Provisions	Requirement
a. Height of buildings – Maximum	
• Principal (stories and feet)	2 & 25
• Accessory (stories and feet)	1 & 15
b. Minimum lot area (net) (sq. ft.)	5,000
c. Front yard (feet)	10*
d. Rear yard (feet)	5**
e. Side yard	
• Interior (feet)	0**
• Exterior (feet)	10*
f. Distance between buildings on same lot (feet)	10
<p>* Except that the front yard and the exterior side yard may be reduced to not less than six (6) feet, for a portion not to exceed fifty (50%) percent of the building frontage, and providing that a total of ten (10) square feet of front yard is provided for each lineal foot of total lot frontage.</p> <p>** Except where abutting an R- District, then not less than the minimum yard required for the adjacent yard in the R-District.</p>	

2. Additional Setback Requirement. In any P-A District, directly across a street or thoroughfare, not including a freeway, from any R- District, 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.

3. Other Requirements. 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 27. Section 24.10.1320 – Use Determination 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:

24.10.1320 USE DETERMINATION.

Any other uses or service establishments ~~that are~~ determined by the zoning administrator to be of the same general ~~nature~~-character as the foregoing uses, ~~and which;~~ ~~those that~~ will not impair the present or potential use of adjacent properties and are consistent with the policies of the Port

District Master Plan and the Local Coastal Land Use Plan, may be permitted ~~allowed by special use permit~~. 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.

Section 28. Part 16: General Industrial 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:

24.10.1500 PURPOSE.

To encourage sound industrial development by providing and protecting an environment for such development, subject to regulations necessary to ensure the purity of the land, air, and waters in Santa Cruz County, and the protection of nearby residential, commercial, and industrial uses of the land from hazards, noise, and other disturbances. This section of the zoning ordinance is also part of the Local Coastal Implementation Plan.

24.10.1505 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (numerical references at the ends 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):

- a. Acting/art/music/dance schools and studios (610);
- b. Building materials/garden supply stores (220) with less than forty thousand square feet including indoor floor area and outdoor storage, display, or sales area. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;
- c. Financial, insurance, real estate offices (420);
- d. Food and beverage preparation (100);
- e. Furniture and fixtures (120);
- f. Laboratories and related facilities for research, experimentation, testing, film processing, software development, including cannabis testing;
- g. Medical/health offices/laboratories (410);
- h. Millwork textile products (105);
- i. Printing and publishing or lithographic shops and plants;
- j. Professional offices (400);
- k. Professional/personal service (except mortuaries) (310);
- l. Rental service (360);
- m. Repair, alterations, maintenance (except boat repairs) (340);
- n. Small and large family daycare homes in residential units ~~facility in a single-family home or duplex~~;

- o. Start-up fabrication assembly or packaging from light metals, prepared materials, or prefabricated parts, including electrical devices if operated in an area no greater than three thousand square feet, and no hazardous materials are used during the operation;
- p. Storage warehousing (330);
- q. Wholesale trade durable goods (210);
- r. Wholesale trade nondurable goods (200).

24.10.1510 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

- a. Agriculture (000);
- b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);
- c. Boat repairs (340D);
- d. Cannabis cultivation, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- e. Cannabis distribution and warehousing, subject to the commercial cannabis regulation, Part 14 of Chapter 24.12;
- f. Cannabis manufacturing, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- g. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- h. Churches (500);
- i. Communication and information services (550);
- j. Community organizations, associations, clubs and meeting halls (570);
- k. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- l. Educational facilities (public/private) (510);
- m. Fabricated metal products (150);
- n. Food and beverage stores (except liquor and convenience stores) (240);
- o. Forestry services (010);
- p. Government and public agencies (530);
- q. Leather tanning (110);
- r. Off-site public/private parking facilities, five or more spaces (930);
- s. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
- t. Parks (700);
- u. Stone, clay, glass products (140);
- v. Temporary structures;
- w. Transportation facilities (560);
- x. Utilities and resources (540);
- y. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

- a. Building material/garden supply stores (220) with forty thousand square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;
- b. Chemicals and allied products, subject to performance standards (130);
- ~~c. Large family day care;~~
- ~~cd.~~ Group quarters (850);
- ~~de.~~ Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
- ~~ef.~~ Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- ~~fg.~~ Paper and allied products subject to performance standards (125);
- ~~gh.~~ Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- ~~hi.~~ Primary metals and material subject to performance standards (145);
- ~~ij.~~ Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- ~~jk.~~ Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below forty-five decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- ~~kl.~~ Smoking lounges as defined in Section 24.22.748.2 and subject to the siting criteria and performance standards in Chapter 5.54;
- ~~lm.~~ Emergency shelters subject to regulations in Part 17 of Chapter 24.12.

24.10.1520 ACCESSORY USES.

Uses and buildings customarily appurtenant or incidental to uses listed in Section 24.10.1510 subject to the provisions of Section 24.12.140, including service facilities such as bank ATMs, cafeterias, employee recreation centers, daycare and other similar installations; intended solely for use by the occupants of a principal permitted use or uses.

24.10.1525 PROHIBITED USES.

1. Any manufacturing use involving the primary production of products from new materials found to be incompatible with the neighborhood or the city as a whole based on noise, odor, air quality or other adverse environmental impact shall be prohibited.
2. No use which either produces or utilizes asbestos in any manufacturing process shall be permitted.
3. Refinery of petroleum products or other industrial activities in support of off-shore oil drilling shall not be permitted.

24.10.1530 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 aA 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.

24.10.1540 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Principal (feet)	50
• Accessory (feet)	25
b. Minimum lot area (net) (sq. ft.)	20,000
c. Front yard (feet)	20
d. Rear yard (feet)	10**
e. Side yard	
• Interior (feet)	0*
• Exterior (feet)	10
f. Distance between buildings on same lot (feet)	10

Provisions	Requirement
g. Lot coverage – Maximum (percent)	80**
<p>* Except where abutting the boundary of any other zoning district, then not less than the minimum yard required for the adjacent yard in said abutting zoning district.</p> <p>** Up to an additional five percent of surfaced area may be installed if that area serves as a usable outdoor employee amenity such as recreation or eating facilities, children’s play area or similar features.</p>	

2. Additional Setback Requirement. In any I-G District directly across a street or thoroughfare, not including a freeway, from any R- District, parking and loading facilities shall be at least ten feet distant from the property line, and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.

3. Other 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.
- b. 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 29. Part 16B: IG/PER-2: General Industrial District/Performance District of Chapter 24.10 – Land Use Districts of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added under Part 16B of Chapter 24.10 as follows:

24.10.1600 PURPOSE.

The purpose of this General Industrial Performance District is to modify the normal general industrial land use classifications to provide for and encourage appropriate uses for economic development of the Westside industrial lands.

24.10.1605 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (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):

- a. Acting/art/music/dance schools and studios (610);
- b. Adult school/work force training (510F);
- c. Building materials/garden supply stores (220) with less than forty thousand square feet including indoor floor area and outdoor storage, display, or sales area. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square

feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply.

- d. Communication and information services (550);
- e. Financial, insurance, real estate offices (420);
- f. Fabricated metal products (150);
- g. Food and beverage preparation and production (100);
- h. Furniture and fixtures (120);
- i. Medical/health offices/laboratories, including cannabis testing (410);
- j. Millwork textile products (105);
- k. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
- l. Primary metals and material subject to performance standards (145);
- m. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- n. Printing and publishing or lithographic shops and plants;
- o. Professional offices (400);
- p. Professional/personal service (except mortuaries) (310);
- q. Rental service (360);
- r. Repair, alterations, maintenance (including boat repairs) (340);
- s. Small and large family daycare homes in residential units~~facility in a single-family home or duplex~~;
- t. Start-up fabrication assembly or packaging from light metals, prepared materials, or prefabricated parts, including electrical devices;
- u. Stone, clay, glass design and production (140);
- v. Storage warehousing (330);
- w. Technology related research and development facilities and products;
- x. Wholesale trade durable goods (210);
- y. Wholesale trade nondurable goods (200).

24.10.1610 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

- a. Agriculture (000);
- b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);
- c. Cannabis cultivation, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- d. Cannabis distribution and warehousing, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- e. Cannabis manufacturing, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- f. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;

- g. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
 - h. Forestry services (010);
 - i. Leather tanning (110);
 - j. Off-site public/private parking facilities, five or more spaces (930);
 - k. Temporary structures;
 - l. Utilities and resources (540);
 - m. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
- a. Building material/garden supply stores (220) with forty thousand square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;
 - b. Chemicals and allied products, subject to performance standards (130);
 - ~~c. Large family daycare homes;~~
 - ~~cd.~~ Food and beverage stores (except liquor and convenience stores) (240);
 - ~~de.~~ Government and public agencies (530);
 - ~~ef.~~ Group quarters (850);
 - ~~fg.~~ Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
 - ~~gh.~~ Paper and allied products subject to performance standards (125);
 - ~~hi.~~ Parks and recreation facilities, subject to alcohol regulations in Chapter 24.12, Part 12 (720);
 - ~~ij.~~ Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.

- (4) Ambient interior noise levels can be mitigated below forty-five decibels.
- (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- j. Transportation facilities (560).

24.10.1615 ACCESSORY USES.

1. Uses and buildings customarily appurtenant or incidental to uses listed in Section 24.10.1510 subject to the provisions of Section 24.12.140, including service facilities such as bank ATMs, cafeterias, employee recreation centers, daycare and other similar installations; intended solely for use by the occupants of a principal permitted use or uses.
2. Incidental retail sales unrelated to cannabis are a permitted use if:
 - a. The incidental retail sales are directly related to and supportive of a permitted or conditionally permitted use operating on the site; and
 - b. The incidental retail sales area occupies no more than twenty percent of the gross building floor area used or one thousand square feet, whichever is less, and occupied by the permitted or conditionally permitted use; and
 - c. The incidental retail sales have hours of operation similar to or less than the related permitted or conditionally permitted use except that the hours should not exceed 8:00 a.m. to 10:00 p.m.

24.10.1620 PROHIBITED USES.

1. Any manufacturing use involving the primary production of products from new materials found to be incompatible with the neighborhood or the city as a whole based on noise, odor, air quality or other adverse environmental impact shall be prohibited.
2. No use which either produces or utilizes asbestos in any manufacturing process shall be permitted.
3. Refinery of petroleum products or other industrial activities in support of off-shore oil drilling shall not be permitted.

24.10.1630 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.

Section 30. Section 24.10.1780 – Use Determination of Part 18B: P-F Public Facilities 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:

24.10.1780 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 aA 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.

Section 31. Part 19: E-A: Exclusive Agriculture 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:

Part 19: E-A EXCLUSIVE AGRICULTURAL DISTRICT

24.10.1800 PURPOSE.

To preserve in agricultural use land presently best suited to that use, and intended for eventual development in other uses pending proper timing for the economical provision of utilities, major streets, and other facilities, so that orderly development will occur. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.1810 PRINCIPAL PERMITTED USES.

1. Agriculture, as defined herein;
2. Animal farm;
3. Crop and tree farming;
4. Ranch and farm dwellings incidental to a principal agricultural use;
5. Stables, barns, silos, and windmills.

24.10.1820 ACCESSORY USES.

1. Customary incidental home occupations, as provided in Section 24.10.160 herein;
2. Guest houses and guest rooms;
3. Living quarters for persons regularly employed on the premises, but not including labor supply camps;
4. Offices incidental and necessary to the conduct of a permitted use;
5. Roadside stands, not exceeding four hundred square feet in floor area, for the sale of agricultural products grown on the premises;
6. The providing of board and room for not more than five paying guests;
7. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1830.

24.10.1830 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:
 - a. Daycare (other than family daycare homes) ~~and foster homes for children;~~

- b. Eating and drinking establishments;
- c. Foster family homes;
- d. Guest ranches;
- e. Off-street parking facilities accessory and incidental to an adjacent commercial use;
- f. Temporary structures;
- g. Veterinary hospitals and clinics;
- h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

i. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a special use permit and a design permit:
 - a. Agricultural processing plant;
 - b. Group care homes;
 - c. Helipads;
 - d. Institutions for children or the aged;
 - e. Kennels and riding stables;
 - f. Off-street parking facilities serving commercial districts within three hundred feet of the site;
 - g. Outdoor theaters, golf driving ranges, and other similar open-air commercial recreation facilities;
 - h. Public and private noncommercial recreation areas, buildings and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs;
 - i. Public and quasi-public buildings and uses including administrative, recreational, educational, religious, cultural, public utility or public service uses; but not including corporation yards, storage or repair yards, and warehouses;
 - j. Quarters, accommodation, or areas for transient labor, such as labor cabins or labor supply camps.

24.10.1840 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 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.

24.10.1850 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Principal (stories and feet)	3 & 50

Provisions	Requirement
• Accessory (stories and feet)	2 & 25
b. Minimum lot area (net) (acres)	20
c. Lot width (feet)	500
d. Front yard (feet)	50
e. Rear yard (feet)	50
f. One side yard (feet)	20
g. Both side yards – total (feet)	50
h. Distance between buildings on same lot (feet)	20

2. Other Requirements. 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 32. Section 24.10.1920 – Use Permit Requirement of Part 20: OF-R Ocean Front (Recreational) 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:

24.10.1920 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:
 - a. Beach, surfing and fishing equipment;
 - b. Fish market;
 - c. Identification signs, appurtenant to uses permitted on the premises;
 - d. Navigation aids and devices not involving the erection of a structure;
 - e. Walls or fences, not to exceed three and one-half feet in height.
 - f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses are subject to approval of a special use permit:
 - a. Navigation aids and devices involving the erection of a structure;
 - b. Public restroom facilities;
 - c. Temporary structures.

Section 33. Section 24.10.1930 – Use Determination of Part 20: OF-R Ocean Front (Recreational) 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:

24.10.1930 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 aA 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.

Section 34. Section 24.10.2030 – Use Permit Requirement of Part 21: F-P Floodplain 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:

24.10.2030 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:
 - a. Ranch and farm dwellings incidental to a principal agricultural use.
 - b. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses are subject to approval of a special use permit and a design permit:
 - a. Recreational facilities, bridges, roads, utility transmission lines;
 - b. Riding stables for the keeping of horses on sites at least five acres in size.

Section 35. Section 24.10.2040 – Use Determination of Part 21: F-P Floodplain 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:

24.10.2040 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 aA 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.

Section 36. Section 24.10.2375 – Use Determination of Part 24(A): CBD Subdistrict E – Lower Pacific Avenue 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:

24.10.2375 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing established uses, and which will not impair the present or potential use of adjacent properties, may be permitted. ~~An administrative use permit will be required.~~ 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.

Section 37. Section 24.10.2385 – Lower Pacific Avenue Design Guidelines of Part 24(A): CBD Subdistrict E – Lower Pacific Avenue 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:

24.10.2385 LOWER PACIFIC AVENUE DESIGN GUIDELINES.

1. Store Front Treatment. The ground-level treatment of buildings and parking structures within the Lower Pacific Avenue subarea should generally comply with the guidelines for the Pacific Avenue retail subarea listed on pages 41-45 of the Downtown Recovery Plan, in terms of: storefront access, transparency, and variation; and the use of landscaping, awnings, and canopies. However, it is recognized that the Lower Pacific Avenue subarea has a more informal character than Pacific Avenues, and as such, more variation of ground-level treatment is envisioned and encouraged. The use of porches and terraced gardens as an intermediate space between the ground floor use and the sidewalk is permitted, as long as the finished floor elevation of the ground floor use is not more than 4 feet above or below the sidewalk level and accessibility requirements are met.

Section 38. Section 24.12.110 – Setback Requirements Modifications of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.110 SETBACK REQUIREMENTS MODIFICATIONS.

1. Front Yards.
 - a. Where twenty-five percent or more of the lots fronting on any block in the same zone (exclusive of the frontage along the side of a corner lot) have been improved with buildings permitted in said zone and the depth of the front yards on such lots varies not more than ten feet, then the front yard depth required on any lot in said block shall be not less than the median depth of the front yards on the lots on which are located such existing buildings; or
 - b. In any district where the two adjacent lots on either side of a parcel, neither of which is a corner lot and each of which is in the same zone as the center lot, are already improved with uses permitted in the zone, and the average of the front yards of such adjoining lots is less than that required for the zone, then the required front yard depth for the center lot shall not be less than half the sum of the front yard setbacks of the two adjoining lots; or

c. Where Section 24.12.185.13 applies, required front yard depth shall not be less than twelve feet measured from back of curb.

2. Corner Lot Yards.

a. Where, on a corner lot, an exterior side yard abuts a front yard of an adjoining lot in an R- District, the corner lot exterior side yard shall have a width of not less than one-half of the required depth of such adjacent front yard.

b. Each corner lot should have one front yard, two side yards, and one rear yard of the depth required by this title. Normally the front yard shall be across the narrow dimension of the lot and the rear yard opposite this; in unusual cases, however, the location and the relationship of such yards to abutting streets and to each other may be determined by the zoning administrator.

c. In any zoning district in which a minimum front yard is established, no obstruction to view between three and one-half feet, and eight feet above grade shall be placed within the clear corner triangle as defined in this title.

3. Double-Frontage Yards. The width of required interior side yard or required rear yard may be reduced or waived when such interior side yard or rear yard abuts an alley or a street (e.g., double-frontage lot), freeway, stream, public utility right-of-way, coastline or other similar feature which precludes or inhibits construction on or development of the property.

4. Lots of Record – Required Yards. In any district for which a minimum lot area is established, a lot of record, as defined in this title, having less than the required area and/or width and/or depth may be used for a use permitted in the district, except as provided in Section 24.10.351.

a. In any district or for any use where side yards are required, the minimum side yard width shall be four feet or ten percent of the lot width, whichever is greater, for the first story only. Beyond the first story, the standard side yard setback established in the specific district regulations shall apply.

b. In any district or for any use where a rear yard is required, the depth of the rear yard of any such lot shall be ten feet or twenty percent of the depth of the lot, whichever is greater.

c. A single-family dwelling may be constructed on any lot of record, subject to Section 24.10.351. For residential districts other than single-family, the district requirements for minimum lot and land area per dwelling unit shall apply, except as modified by the density bonus provisions of this title.

Section 39. Section 24.12.120 – Projections Into Required Yard Areas, Setbacks, and Easements of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.120 PROJECTIONS INTO REQUIRED YARD AREAS, SETBACKS AND EASEMENTS.

1. Projections Into Required Yard Areas. The following are permitted projections into required yard areas. Projections shall not be permitted in yards that are less than the minimum established by district regulations except as provided for in subsection (2), or as allowed in certain areas under Section 24.12.185.13.

a. Architectural features such as cornices, canopies, eaves and sills shall be permitted to project into front, rear and side yards two and one-half feet;

- b. Steps serving the first floor, and bay windows, chimneys, decks, and porches serving the first floor and above may extend into front, rear and exterior side yards one-half of the required yard or six feet, whichever results in a greater setback. For interior side yards, maximum projection is one foot, eight inches unless the projection meets the requirements of subsection (1)(c). Bay window, deck, porch and step projections are permissible in interior side yards on the first floor only. In all cases, no projection or aggregate of projections listed in this subsection shall be more than one-third of the building wall along which it is located;
 - c. Unroofed decks, porches, patios and steps of pervious materials twenty inches or less above finished grade may extend into conforming interior side yards without restriction;
 - d. Guardrails on decks and porches and handrails on stairs projecting into required yards on the first floor shall be considered fences and shall be governed by Section 24.12.160, with the exception of guardrails and/or handrails required for access to the first floor for the physically challenged;
 - e. Rain retention systems attached to the main residence may extend into side and rear yards one-half the required yard or six feet, whichever results in the greater setback. For interior side yards, the minimum setback shall be three feet. Such encroachment shall be no higher than six feet from finished grade.
- 2. Any structure necessary to provide access to the first floor for the physically challenged.
 - 3. Projections into Special Street Setbacks. The following uses are permitted within the special street setbacks established in Section 24.12.115 herein.
 - a. Streetlights, traffic signs and signals and appurtenances necessary to the conduct or operation of a public utility, facility, or purpose;
 - b. Fences, walks, hedges, landscaping, outdoor merchandise display, platforms, landings, steps and signs, when constructed or installed so as to have a maximum height of two and one-half feet above curb grade, except as provided for in Section 24.12.120, subsection (3)(d);
 - c. Unenclosed porches, cornices, canopies, eaves, and similar architectural features and signs when constructed so that the clearance from curb grade to the lowest portion thereof, except supporting members, is at least eight feet; and further provided that no supporting member shall have a cross-section of greater than eight inches, nor be located closer than six feet to another supporting member within the setback area;
 - d. Any structure necessary to provide access to the first floor for the physically challenged.
 - 4. Projections into Easements. No structure or projection thereof may extend into a public utility easement.

Section 40. Section 24.12.125 – Landscaping Requirement of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.125 LANDSCAPING REQUIREMENT.

In all districts where yards are required, all portions of each front and exterior side yard, except where improved for pedestrian or vehicular access, or a porch or a patio, shall be landscaped and

permanently maintained. Additional landscaping requirements are contained in Section 24.12.185 Objective Design Standards for Multifamily Housing.

Section 41. Section 24.12.127 – Bird Safe Building Design Requirement of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

24.12.127 BIRD SAFE BUILDING DESIGN REQUIREMENT.

In all districts where new construction or exterior changes to the façade of buildings or structures requiring a Planning Permit are located within 300 feet of any of the following: parcels with a General Plan Land Use Designation of CR, PR, NA, or AG; an open waterway mapped in the City-wide Creeks and Wetlands Management Plan; or any area within 300 feet of undeveloped property likely to provide significant bird habitat, as determined by the Zoning Administrator, proposed buildings or structures shall be designed in a manner consistent with the published Bird Safe Building Design Standards as maintained by the City Planning and Community Development Department and as updated from time to time.

Section 42. Section 24.12.140 – Accessory Buildings of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.140 ACCESSORY BUILDINGS AND STRUCTURES.

In addition to primary structures, it is often useful and convenient to have accessory buildings and structures to provide storage, allow additional usable indoor or sheltered space, or to perform some other function beyond what is included in the primary structure. These spaces can be provided in a building, defined for the purposes of this section as having a roof and walls, or by another accessory structure such as a pergola or a gazebo. Some spaces, such as children’s play equipment, can be classified as either a building (i.e. enclosed playhouse) or a structure (i.e. swing set). The defining characteristic of these buildings and structures is that they are accessory and subordinate to the primary structure and do not detract from the form and function of the primary structure and are complimentary to its use.

1. Accessory Buildings. Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they are located. Accessory buildings are separate and distinct from accessory dwelling units, which are subject to the regulations in Part 2 of Chapter 24.16.

1a. No setback shall be required for an accessory building except as otherwise provided.

2b. No accessory building shall be located in a front or exterior side yard with the exception of buildings used as children’s play equipment that do not create traffic safety hazards, that are less than fifty square feet in plan area at grade, less than fourteen feet in height, and with minimum setbacks of three feet. Such buildings are exempt from the restrictions in Section 24.12.140. Children’s play structures are defined as structures that are designed, made for, and used by children. The vehicle entry side of a garage or other covered parking may not be located closer than twenty feet from front or exterior side yard lot lines;

except that the vehicle entry side of a garage or other covered parking may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation.

3c. Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter 24.10; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.

4d. Accessory buildings that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.

5e. Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building; and shall conform to principal building rear and side yard requirements of the district in which they are located. No habitable accessory building shall be used as a separate dwelling unit except accessory dwelling units as described in Part 2 of Chapter 24.16. Guesthouses for nonpaying guests are allowed only if permitted in the zoning district in which they are located.

6f. Accessory buildings may not cover an area in excess of thirty percent of any required yard setback area for the primary structure. In the coastal zone, standards applicable to accessory dwelling units can be found in Section 24.12.140(10). The footprint of accessory dwelling units shall count toward the maximum allowable lot coverage by other accessory structures in yard setback areas; however, the maximum allowable lot coverage does not apply to the accessory dwelling unit itself.

7g. An accessory building attached to a main building by a breezeway is not part of the main building.

8h. An accessory building may have one sink installed in it if a building permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building without approval of an administrative use permit. Any additional plumbing fixtures would require an administrative use permit subject to following findings listed in subsection (9i) and a building permit for the approved improvements.

9i. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit is approved in accordance with district regulations and all of the following findings are made:

- ai.** The structure and use are subordinate to the principal use; and
- bi.** The purpose of the use is incidental to the principal use; and
- ciii.** The use is customarily or reasonably appurtenant to the permitted use; and
- dii.** The structure will not be used as a dwelling unit ~~except as set forth in Chapter 24.16, Part 2, Accessory Dwelling Units;~~ and
- ev.** A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.

j10. In the coastal zone, and in addition to meeting all other applicable requirements (e.g., standards specified in Section 24.16.100 et seq.), ADUs shall meet the following additional standards:

ia. ADUs are allowed in any zone that allows residential uses on lots of any size, in conjunction with a proposed or existing residential use, provided they are sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable LCP policies and standards, including those that govern wetlands, streams, environmentally sensitive habitat areas, public views, and coastal bluffs.

ib. Off-street parking shall be required in compliance with Section 24.12.240(1).

2. Accessory Structures. Accessory structures are subject to the regulations and permit requirements of the zoning district in which they are located.

- a. Accessory structures above eight feet in height shall not be located in a front or exterior side yard with the exception of entry features as described in Section 24.12.150(a)(3). No accessory structure in the front or exterior side yard may be located within the clear corner triangle as defined in section 24.22.202. Any accessory structures located in the front or exterior side yard must be open in nature and must provide and maintain a minimum of ninety percent visual permeability above the first foot in height.
- b. Accessory structures located in the rear or interior sideyard that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code. This includes fences within the West Cliff Drive Overlay District that conform to Section 24.12.160.
- c. Children's play structures that do not create traffic safety hazards, that are less than fifty square feet in plan area, less than fourteen feet in height, and with minimum front setbacks of three feet are exempt from the restrictions in Section 24.12.140. Children's play structures are defined as structures that are designed for, made for, and used by children.

Section 43. Section 24.12.150 – Height Limits Modifications of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.150 HEIGHT LIMITS MODIFICATIONS.

1. The height limitations specified in this title shall not apply to the following uses:
 - a. Church spires, minarets, belfries, domes;
 - b. Water, fire observation, and lifeguard towers, chimneys, aids to navigation;
 - c. Buildings and structures intended for agricultural purposes;
 - d. Fire walls, not extending more than four feet above the height of the building;
 - e. Cupolas, scenery lofts, or other unoccupied roof structures for the housing of elevators, stairways, or tanks, tanks no more than twenty feet in height. Such structures must be set

back from the edge of the building at a ratio of 1.2 feet horizontal for every 1 foot in height.

f. ~~V~~entilating fans, air conditioning, or similar equipment used solely to operate and maintain a building, which are screened from the view of a building of equivalent height by a parapet or other architectural screen.

g. Railings, up to forty-eight (48) inches in height, or the height required by building code, whichever is greater, consistent with the requirements in Section 24.12.185 relating to rooftop decks as applicable.

2. The height limitations specified in this title may be exceeded for the following uses, subject to a special use permit:

- a. Smokestacks, monuments, flagpoles;
- b. Mechanical contrivances for amusement purposes, such as Ferris wheels, and roller coasters;
- c. Antennas for radio broadcast and receiving, electric power transmission and distribution lines, poles and towers;
- d. Wireless telecommunications facilities;
- e. Places of public assembly such as ~~places of worship~~ churches, schools, and other permitted public and semipublic buildings, the principal activities of which are conducted on the ground floor of such buildings; provided, that for each foot by which the height of such buildings exceed the maximum height permitted, the depth or width of the required side and rear yards shall be increased by one foot.

Section 44. Section 24.12.160 – Fencing and Screening of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.160 FENCING AND SCREENING.

1. Fencing. Regulations governing the installation, construction and placement of fences and structures in the nature of fences, including hedges, which exceed height limitations contained herein are set forth in Chapter 24.08, Part 7, Conditional Fence Permit.

a. Height Limitations. No person shall erect upon any private property in the city any fence, or structure in the nature of a fence, exceeding the following height limitations:

(1) Within the required front and exterior side yard setback areas established by this title, Chapter 18.04, or other ordinances of the city, fences shall not exceed a height of three feet, six inches from finished grade, except as provided in Chapter 24.08, Part 7;

(2) Within the exterior side yard setback established by this title, Chapter 18.04, or other ordinances of the city, fences outside of the front yard setback or in line with the main building frontage, whichever distance is greater, that are set back a minimum of three feet from the exterior side property line shall not exceed a height of six feet from finished grade, except as provided in Chapter 24.08, Part 7. Fences within the exterior side yard setback that are less than three feet from the side property line or within the front setback area shall not exceed a height of three feet, six inches from finished grade. Any yard area between a fence and the sidewalk or property line shall be

landscaped and permanently maintained. This landscaping shall not include hedges that are higher than three-and-one-half feet.

(32) On any portion of the property outside of the required front and exterior side yard setbacks, fences shall not exceed a height of ~~six~~ eight feet from finished grade except as provided in Chapter 24.08, Part 7, with any portion of the fence above six feet having an open architectural, decorative, or ornamental feature such as lattice or other similar design or material. "Open" means that no more than 50% of the design shall be opaque. This maximum fence height does not apply to fences along an alley or the rail trail associated with an Accessory Dwelling Unit, where fences are limited to three feet, six inches along the alley or rail trail unless a conditional fence permit is approved for greater height.

(43) Any fence along a property line adjacent to a street, or in the adjacent required setback, except in the clear corner triangle, may include a gate, trellis or other entry feature exceeding the height limit stated in subsections (1)(a)(1) and (2). Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such gate, trellis or entry feature shall be permitted per street frontage except as provided in Chapter 24.08, Part 7.

b. Fire Hazard. The erection of any fence which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, or which will interfere with access in case of fire, by the fire department to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians shall not be permitted.

c. Temporary Fences – Exceptions. Nothing contained in this title shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to Chapter 18.04 and other ordinances of the city.

d. Barbed-Wire Fencing. No barbed-wire fences may be constructed, electrified or otherwise, without a conditional fence permit.

e. Hedges. Hedges or dense planting in the nature of a hedge in excess of three feet, six inches in height shall not be grown or maintained within the required front or exterior side yard setbacks of the zoning district in which the property is located.

f. Clear Corner Triangles and Clear Vision Areas. Fences or hedges shall not be greater than, nor allowed to exceed, three feet, six inches in height in the clear corner triangle and the clear vision area as defined in Section 24.22.202.

g. Fences within Watercourse Setback Areas. Fencing within a designated riparian corridor or development setback area of a watercourse shall be consistent with requirements of the watercourse development permit, Section 24.08.2150.

2. Screening.

a. In any nonresidential district adjacent to any R- District, screening between districts shall be provided.

b. All areas of outdoor storage in any commercial or industrial district shall be permanently screened from view from any adjacent street, public way or adjacent private property.

Section 45. Section 24.12.180 – Community Housing Project Requirements of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.180 COMMUNITY HOUSING PROJECT REQUIREMENTS.

1. Separate Utilities. A community housing project shall provide for independent services of water, sewer, gas and electricity to each dwelling unit. Separate meters are not required.
2. Off-Street Parking. A community housing project shall provide off-street parking as required by Part 3 of this chapter.
~~In addition, a community housing project shall provide one additional parking space for each four dwelling units within the project.~~
3. Private Useable Open Space. A community housing project shall provide ~~a minimum of one hundred square feet of private open space for each dwelling unit located in such a manner as to be immediately accessible to each dwelling unit~~ usable open space in compliance with the requirements of Section 24.12.185 and the underlying zoning district.
4. Storage Area. A community housing project shall provide a minimum of two hundred cubic feet of enclosed storage space within the project capable of being secured by lock or other means for each unit, in addition to kitchen cupboards, clothes and linen closets.

Section 46. Section 24.12.185 – Objective Design Standards for Multifamily Development of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

24.12.185 OBJECTIVE DESIGN STANDARDS FOR MULTIFAMILY DEVELOPMENT.

1. General
 - a. The purpose of this section is to provide a set of clear, objective, and measurable standards for multi-family and mixed-use residential development that is consistent with the character of Santa Cruz while also ensuring that new housing development is economically feasible.
 - b. The objective standards in this section relate to building design and site design for new development and redevelopment projects (including all multi-family proposals that meet the definition of demolition in the municipal code).
 - c. The regulations in this section shall apply to new development or redevelopment of residential and mixed-use buildings containing two or more dwellings (excluding any ADUs or Jr. ADUs), proposed in the city of Santa Cruz in any zone district other than the Central Business District (CBD) or Central Business District, Subdistrict –E (CBD-E). In some cases, standards apply to some zoning districts and not others; where no specific district is indicated, standards apply to all zoning districts other than the CBD and CBD-E.

2. Definitions

For the purposes of interpreting Municipal Code Section 24.12.185 the following definitions shall apply:

Active Uses. Uses that qualify as Uses for Active Frontage are defined in each zone district where standards for site design requires active frontage.

Buffer Landscaping. Landscaping that can be expected to be at least 50 percent opaque from ground level up to a given height within three years of planting. Such planting includes vines, bushes, shrubs, green walls, or evergreen trees with a first branch height of 2 feet or less.

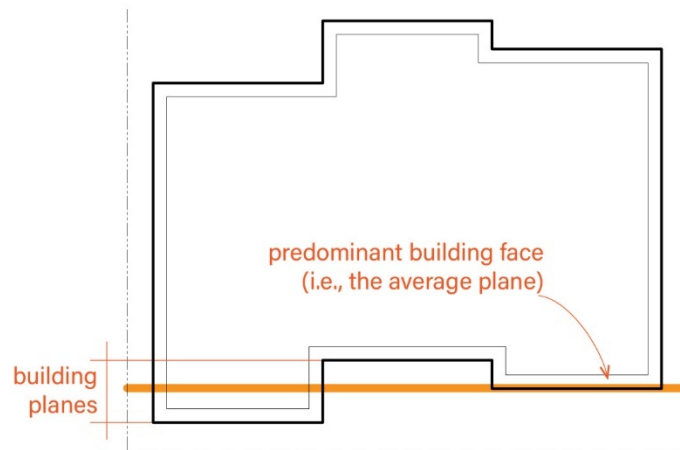
Corridors. Roadways that support a high level of connectivity and intra-city mobility. For the purposes of this document, these roadways are limited to Ocean Street, Mission Street, Water Street, and Soquel Avenue.

Live-Work. Live-work is a type of Residential use that also incorporates commercial uses. The commercial uses allowed in a Live-Work unit are dictated by the uses allowed in the underlying zoning district.

Living Wall. A Living Wall is 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.

Predominant Building Face. Measured in plan view, the predominant building face is the average plane of the face of the building at any given level. This average includes any legal, enclosed building projections (such as bay windows or dormers), and unenclosed insets (such as inset doorways, balconies, or building notches). See Figure 1.

Figure 1: Predominant Building Face

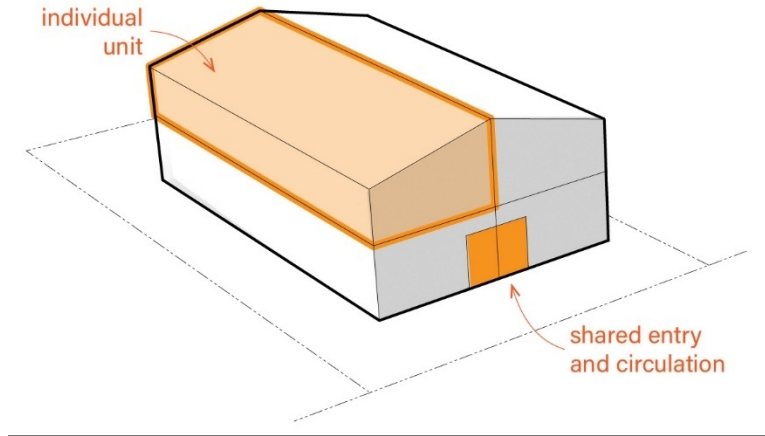


Public Frontage. A frontage that faces a street, public right of way, publicly accessible pedestrian path, or public open space, such as a river levee.

Shielded Luminaire. A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

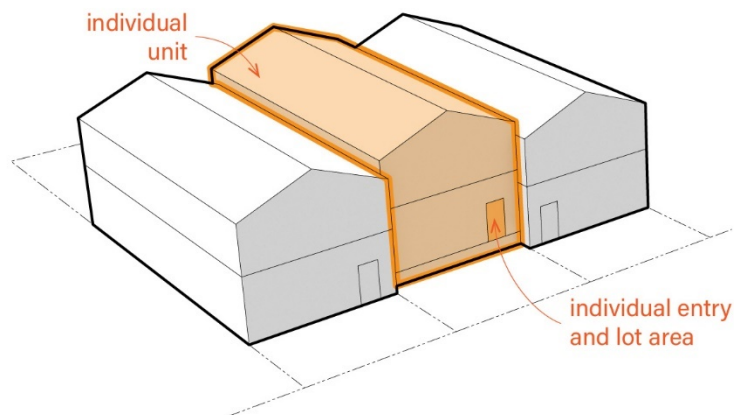
Stacked Flats. A multi-family building type that consists of units stacked vertically with shared circulation and no parking within the building envelope. See Figure 2.

Figure 2: Stacked Flats



Townhomes. A townhome is a multi-family building type that consists of side-by-side units, each standing on a discrete area of land, which may or may not be a separate legal lot, with parking on the ground floor within the building envelope. See Figure 3. This definition shall not apply beyond this section of the Municipal Code, and does not supersede the Definition of Dwelling, Townhouse in Section 24.22.318.

Figure 3: Townhomes



3. Maximum Building Length

Goals: To incentivize multi-family buildings that are more affordable by design, and more 'house-sized' in residential zone districts.

- a. In all R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts: The maximum building length shall be as dictated by required setbacks and parcel dimensions. Where the building façade along the public frontage is no greater than 75 feet in length and

where the proposal meets the definition of a stacked flat building type (as opposed to a townhome building type), the parking requirement shall be reduced by half.

- i. On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest sidewalk. Where required sidewalks are of equal width, this requirement shall apply to all frontages. Required sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.
- b. In C-C, R-T(C), C-T, C-N, C-B, PA and all MU districts: The maximum building length shall be as dictated by required setbacks and parcel dimensions.

4. Walkability

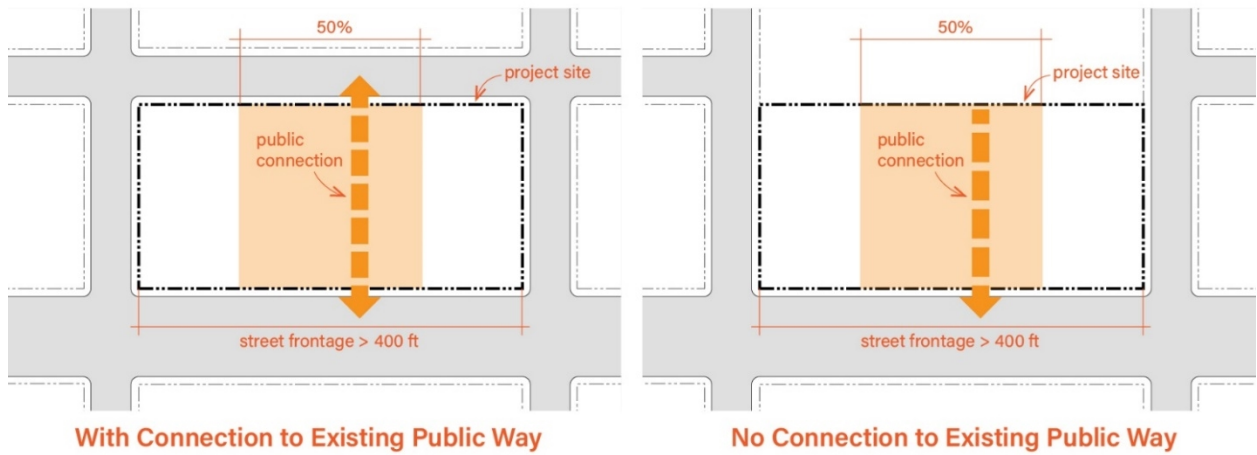
Goal: To promote pedestrian permeability and walkability through districts as redevelopment occurs over time, particularly for larger sites.

- a. Existing public connections:
 - i. In all areas of the city, where a project site includes an existing public street, alley, path, paseo, trail, or other public pedestrian connection, this public connection will be maintained or relocated within the project site.
 - ii. Existing frontage improvements including any bike lanes or sidewalks will be maintained, repaired, or upgraded as dictated by any applicable Area Plan, or, in the case where no Area Plan applies, the requirements of Section II.E Ground Floor Design, or the requirements for sidewalk widths as defined in Chapter 15.20 of the Municipal Code. Where any inconsistency between regulatory documents is present, the widest applicable sidewalk requirement shall apply.
 1. Decorative sidewalks may be required based on Area Plan standards. Installation of all sidewalks will be based on the standard details provided by the Department of Public Works.
 - iii. The total number of connections through the site for cyclists and pedestrians shall not be reduced.

5. New public connections:

- a. Where a new public street, alley, path, paseo, trail, or other public pedestrian connection is required by an Area Plan, this connection shall be incorporated into any development or redevelopment proposal for the sites identified by the Area Plan.
- b. Where the street frontage length of a site exceeds 400 feet along a single roadway, and there is not already a public connection required by an Area Plan, the project proposal shall include a minimum of one publicly accessible street, alley, path, paseo, trail, or other public pedestrian connection within the middle 50 percent of the site. See Figure 4.
 - i. Where the new street, alley, path, paseo, or trail cannot connect to an existing public way, the owner of the property may reserve the right to restrict access to the public way until such time as further development allows such a connection to be made. When a connection to another public way is made, clear public access shall be provided, signage indicating that it is a public passage shall be posted, any gates or physical access restrictions shall be removed, and access shall be guaranteed through the granting of a public easement.

Figure 4: New Public Connections



- c. Regardless of the street frontage length of a project, properties abutting a public street, alley, path, paseo, trail, or other public connection on a side or rear property line shall incorporate a connection between the parcel street frontage and that existing public connection with any new development or redevelopment proposal. These connections shall allow clear passage during daylight or business hours as applicable, whichever is longer. This standard shall not apply to corner lots.
- d. All new pedestrian or bicycle connections not including required street-side improvements such as sidewalks and on-street bike lanes shall be at least 10 feet wide and a minimum of 80 percent open to the sky. Standards for public or private streets shall be met as required by Department of Public Works design guidelines.
- e. Development or redevelopment proposals on properties with street frontage shall be required to install new or improve existing sidewalks in accordance with the requirements of any Area Plan, the requirements of Section II.E Ground Floor Design, and the requirements for sidewalk widths as defined in chapter 15.20, as applicable. Where any inconsistency between standards exists, the wider sidewalk standard shall apply.

6. Public Frontages

Goal: To ensure that new development is pedestrian-oriented and provides ground floor uses that activate the public realm.

- a. Where a common Residential lobby is provided, the lobby shall be accessed from a public frontage.
- b. In all MU zones, the ground floor along any public frontage shall consist of 100 percent Uses for Active Frontage as allowed in the underlying zone district, with the exception of lobby space subject to the limitations of 24.12.185.6.e.
- c. In the C-C, R-T(C), C-T, C-N, C-B, PA zones, the ground floor along the public frontage shall consist of no less than 50 percent Uses for Active Frontage as allowed in the underlying zone district.
 - i. On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest sidewalk. Where required sidewalks are of equal width, this requirement shall apply to all frontages. Required sidewalk widths are determined by considering any relevant Area

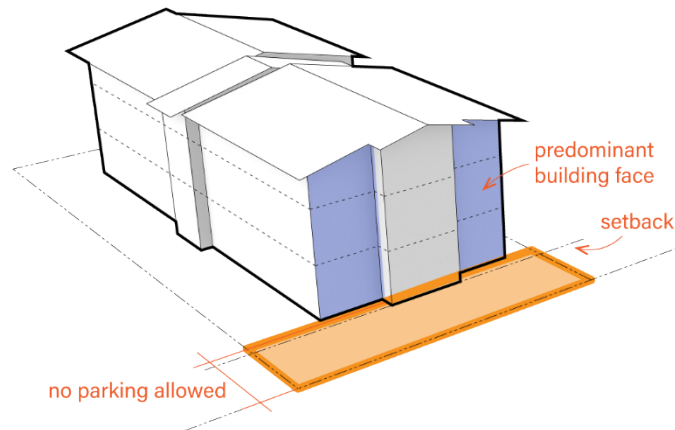
- Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.
- d. Uses for Active Frontage shall be subject to the following standards:
 - i. Uses for Active Frontage shall be built to a minimum depth of at least 25 feet as measured perpendicular to the predominant building face, with the exception of areas for building ingress/egress and access to parking or loading areas. If more than one ground floor Active Frontage space is provided, the 25-foot minimum depth shall be applied as an average depth of the total depth of all the Active Frontage spaces along the predominant building face.
 - ii. Mechanical rooms shall not be placed along the public frontage. Mechanical rooms shall be located adjacent to a driveway or parking area.
 - iii. On lots with multiple public frontages, such as corner lots or double-frontage lots, mechanical rooms may be located on a public frontage. For these lots, mechanical rooms are prohibited along the public frontage requiring the widest sidewalk of all frontages on the property. Where required sidewalks are of equal width, mechanical rooms are prohibited along all frontages. Sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.
 - iv. Amenities provided to building residents do not qualify as Uses for Active Frontage unless they are also open and available to the general public.
 - e. In the C-C, R-T(C), C-T, C-N, C-B, PA, and all MU zones, the ground floor facing a public frontage shall be subject to the following standards:
 - i. On corner lots, the ground floor shall have 100 percent commercial uses at the corner, extending for at least 30 feet on either side of the corner, or the distance of the frontage of the corner parcel, whichever is less.
 - ii. Entries to ground floor uses shall be placed at an average of every 50 linear feet or less of building frontage. The following uses are exempt from this requirement:
 - 1. Food and Beverage Stores, Medical/Health Offices
 - 2. Lodging in areas designated MXVC in the 2030 General Plan
 - iii. Residential or Commercial lobbies are limited to a maximum of 30 feet of frontage, unless they are combined with an Active Use, in which case they are limited to 50 feet of frontage.
 - f. In all R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts, with the exception of flag-lots, a parcel's public frontage shall be comprised of ground-floor residential uses that are oriented toward the public frontage.
 - g. Ground floor residential units that face a public frontage shall provide an entry facing toward the public frontage that provides access into an entry area, living area, kitchen, or hallway (not a bathroom or bedroom, with the exception of studios).
 - h. Entries facing a public frontage shall include a minimum of 48 square feet of flat, unenclosed, covered area, which may be a projection, or inset, or a combination of the two. (See Planning Code Section 24.12.120 for allowed projections into setback areas.)

7. Parking Location and Screening

Goal: To minimize the visual impact of parked cars from sidewalks and streets.

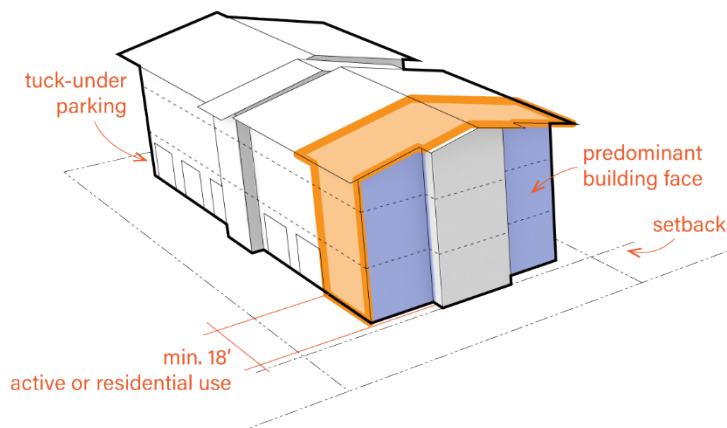
- a. Off street parking and loading facilities, including bike parking requirements, shall be provided as required in Section 24.12.200 et seq.
- b. For projects including five or more dwelling units, parking shall not be located in the area between the front lot line and a line extended horizontally from the plane of the predominant building face to the edges of the lot. See Figure 5.

Figure 5: Parking Location



- c. Residential parking for projects including five or more dwelling units shall be screened from view in the following ways:
 - i. Podium parking facing a public frontage shall be wrapped with Uses for Active Frontage as allowed in the applicable zone district or residential uses on all levels facing a public frontage to a depth of at least 18 feet average, measured on each level perpendicular from the predominant building face. (Also see Sections 24.12.185.13 Corridor Frontage and .14 Ground Floor Design.)
 - ii. Tuck-under parking shall be entirely contained within the building and screened by garage doors. Where it faces a public frontage and is setback less than 15 feet from the public right of way, tuck-under parking shall be wrapped with active or residential uses to a depth of at least 18 feet average, measured perpendicular from the predominant building face. See Figure 6. (Also see Sections 24.12.185.13 Corridor Frontage and .14 Ground Floor Design.)

Figure 6: Tuck-Under Parking Screening



- d. The entire perimeter of a surface parking area that fronts onto a side or rear yard, except the width of the access, shall be screened by buildings, evergreen buffer landscaping to a minimum depth of 3 feet, or fences that are at least 75 percent opaque. Fences or hedges shall not be greater than, nor allowed to exceed 8 feet in height on an interior side yard or rear yard, or 3.5 feet in height in a front or exterior side yard. (Also see Section 24.12.280.)
- e. In any multi-level parking structure, the exterior shall be fully screened, and automobile headlamps shall be shielded so as to not be visible from adjacent parcels, streets, public parks, publicly accessible outdoor space, or designated open space area.
- f. Driveways and approaches shall comply with the standards set forth in Municipal Code Sections 15.20 and 24.12.280 and the driveway approach standard detail included with the public works standards in effect at the time of design review and shall be designed in accordance with AASHTO Green Book sight distance standards. Ingress/egress to driveway approaches may be limited based on the results of a Transportation Study.

8. Landscape and Buffering

Goals: To enhance the urban forest, provide shade for buildings and sidewalks, incorporate landscape, and provide visual buffering into new development in a way that is visually appealing and consistent with the character of Santa Cruz.

In R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts, the goal of landscape is also to soften the massing of buildings as they front the street. In commercial and mixed-use districts, the goal is also to create a landscaped edge to sidewalks and encourage the incorporation of terraces and balconies for usable outdoor space (livability), architectural interest (modulation), and access to outdoor space for public health and passive cooling (resilience).

- a. In all R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts:
 - i. All open spaces in the front setback (excluding areas for driveways and sidewalks), shall be at least 75 percent landscape (planted materials) that are selected to comply with WELO standards as found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review. The selected planted materials shall be WELO compliant even when the formal requirements of the WELO do not apply to the project.
 - ii. Selected plant species for the site shall incorporate a mix of trees, shrubs, and ground cover.
 - iii. Turf areas shall include no more than 25 percent of the total irrigated area on the site.
- b. In the C-C, R-T(C), C-T, C-N, C-B, PA and all MU zones :
 - i. All public frontages shall incorporate 12 square feet of planted area for each 30 linear feet of building frontage counted by rounding up to the next increment of planted area. For example, a building with a 31-foot building frontage would incorporate a minimum of 24 square feet of landscaped area (two increments of 12 square feet).
 - ii. This may be provided in small, individual pockets of planting, or in larger planted areas, and must occur within the property line. This standard applies regardless of ground floor use.
 - iii. A landscaped buffer of at least 5 feet in depth and the length of the property line shall be provided at the rear property line on sites that are 100 feet or greater in depth and abut a residentially zoned parcel at the rear property line .

- iv. Plants shall be selected to comply with WELO standards found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review.
- v. Street Trees shall be planted in the public right of way, or within 5 feet of the public right of way, at a rate of 1 tree per each 30 feet of site frontage. Spacing of trees shall be sufficient to accommodate the mature canopy of each specimen, and installation shall be in compliance with the planting requirements of the Parks and Recreation and Public Works Departments, including the Street Tree Master Plan, and the requirements of Municipal Code Sections 13.30,15.20, and 24.12.186 as applicable at the time of design review.
- vi. Any plantings or landscaping materials within surface parking areas are required to comply with the City's Low-Impact Development (LID) standards, Storm Water Best Management Practices, and Storm Water Management Program.
- c. Refuse/Recycling Storage Facility: Enclosures for refuse bins or dumpsters are required of all new multi-family and mixed-use residential projects with three 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 Standard Design Policy.

9. Usable Open Space

Goal: To enhance the livability of new residential buildings with well-designed, functional open spaces with landscaping and amenities for residents to enjoy.

- a. In the C-C, R-T(C), C-T, C-N, C-B, PA and all MU districts:
 - i. At least 40 square feet of private open space and at least 20 square feet of common open space shall be provided per dwelling unit.
 - ii. Common open space may be substituted for private open space at a ratio of 2:1 (i.e., 80 square feet of common open space may be substituted for 40 square feet of private open space).
- b. In all R-districts and in the R-T (A), R-T(B), R-T(D) and R-T(E) districts: the amount of required open space shall be determined by the underlying zone district standard.
- c. In all districts where residential uses are an allowed use:
 - i. Private usable open space must be at least 4 feet in any horizontal dimension and common usable open space must be at least 15 feet in any horizontal dimension.
 - ii. There shall be no limit to the percent of the required open space that may be assigned to private balcony or patio areas.
 - iii. No less than 25 percent of the total common open space area shall be permanently landscaped with live plant material incorporating trees, shrubs, and groundcover.
 - iv. A minimum of three of the following features shall be incorporated into common open spaces and maintained on the site:
 - 1. Fixed or movable seating
 - 2. Picnic-style tables
 - 3. Shade trees (see allowances under 24.22.586, Open Space, Useable) or shaded canopy
 - 4. Community garden
 - 5. Flowering plants
 - 6. Native habitat
 - 7. Play area for pets

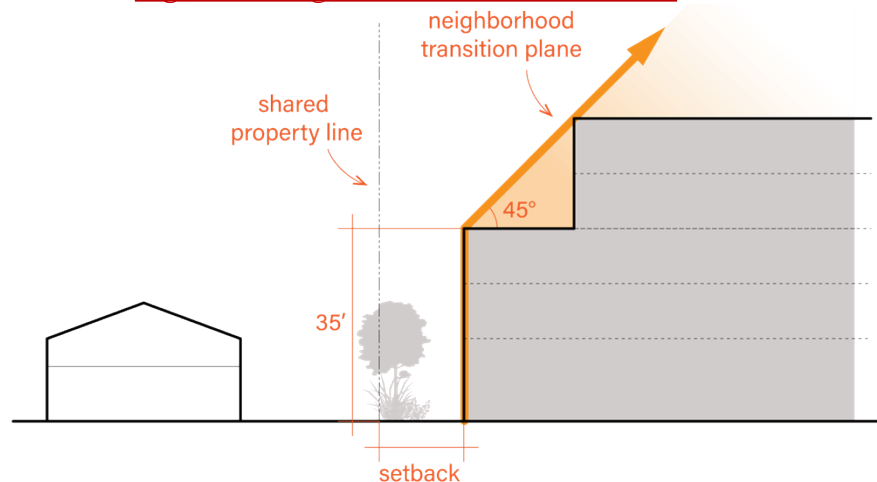
8. Educational or interpretive information about geographic, historic, or ecological features, such as plaques about relevant tribal history or indigenous plant information
9. Outdoor kitchen equipment or fire pit
10. Children's play equipment
11. Sports courts
12. Public art or interactive art, such as a life-size chess game, sculpture, or murals
13. Spa, pool, or hot tub
- d. Common open space may be provided on building rooftops as roof decks. Such usable open space is not counted as an additional story if rooftop structures comply with Municipal Code Section 24.12.150 Height Limits Modifications.
- e. Up to 30 percent of required common open space may be provided as publicly accessible open space that supports a retail or restaurant use, such as a courtyard, outdoor dining area, or other active use (i.e. not auto or bike parking), which is open to the sky, and is not less than 15 feet in any horizontal dimension, so long as the space is freely accessible to building residents without requirements to patronize the business use. Areas that are reserved exclusively for customers will not count toward required open space.

10. Neighborhood Transition

Goal: To create a transition between new development and existing neighborhoods, provide privacy for current and future residents, and minimize potential shading on neighboring residents.

- a. In the C-C, R-T(C), C-T, C-N, C-B, PA, and all MU districts: along property lines that abut an R-district:
 - i. Buildings shall not intercept a 45-degree neighborhood transition plane inclined inward from the underlying setback, starting at a height of 35 feet above grade. See Figure 7.

Figure 7: Neighborhood Transition Plane



- ii. Private or shared balconies and decks shall not extend into an underlying setback.

- iii. The occupiable area of roof decks, including any deck on roof area falling under the neighborhood transition plane, shall be set back at least 3 feet from the building edge and any railings, shade structures, or accessory structures shall not intersect the required neighborhood transition plane. Rooftop lighting shall also comply with Lighting requirements of Section 24.12.185.17.

11. Roof Form

Goal: To ensure that the tops of buildings are designed with architectural interest, and to reduce the bulk of buildings as they meet the sky.

- a. Buildings shall be designed with variation in roof form. The number of required roof forms shall be calculated at a ratio of at least one roof form for every 30 feet of frontage and shall be located within 15 feet of the predominant building face on all building frontages. On Corner lots or double-frontage lots, standards for variation in roof form will apply to all frontages. See Figure 8.
 - i. Roof form is defined as a geometric plane or set of planes which form the top enclosure of a volumetric area below it/them. Common types of roof forms are gabled, hipped, sloped, flat, and flat with a decorative parapet. Examples of roof forms are illustrated in Figure 9.
 - ii. A change in roof form must be combined with a change in height of at least 3 feet, a horizontal change in plane of at least 4 feet, or a change in roof pitch. See Figure 7 for examples. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.
 - iii. Smaller roof forms that cover enclosed space (such as dormers and bay windows) count as individual roof forms if they are at least 36 square feet in horizontal surface area. Bay windows located on a wall below another roof form will not count as individual roof forms regardless of size.
 - iv. Unenclosed space (such balconies, terraces, porticos, and belfries) count as individual roof forms if they are at least 48 square feet in horizontal area. Balconies should also conform to the standards for Useable Open Space in Section 24.12.185.8.
 - v. For the purposes of calculating the number of required roof forms on a building, each increment of 30 feet of building frontage requires an additional roof form, counted by rounding up to the next whole number. For example, a frontage of 31 feet would be required to provide two roof forms. However, there is no maximum dimension for any one roof form, nor are roofs required to be designed in 30-foot increments.

Figure 8: Applying Roofline Standards

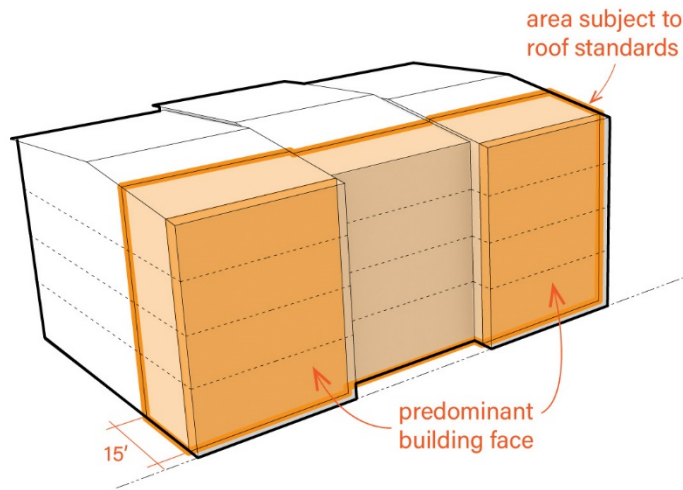
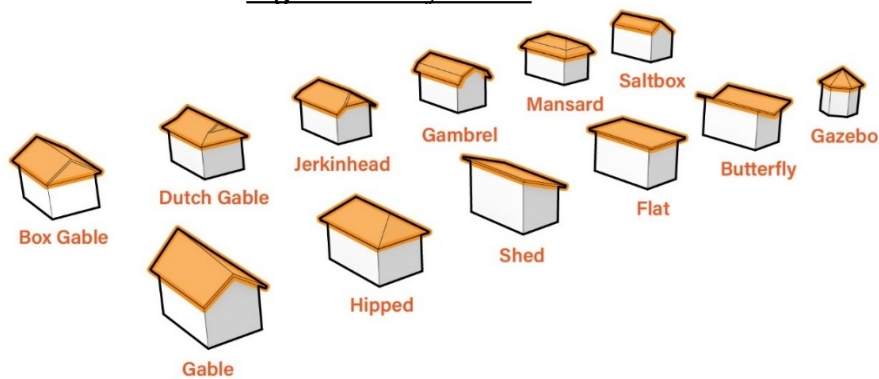


Figure 9: Roof Forms

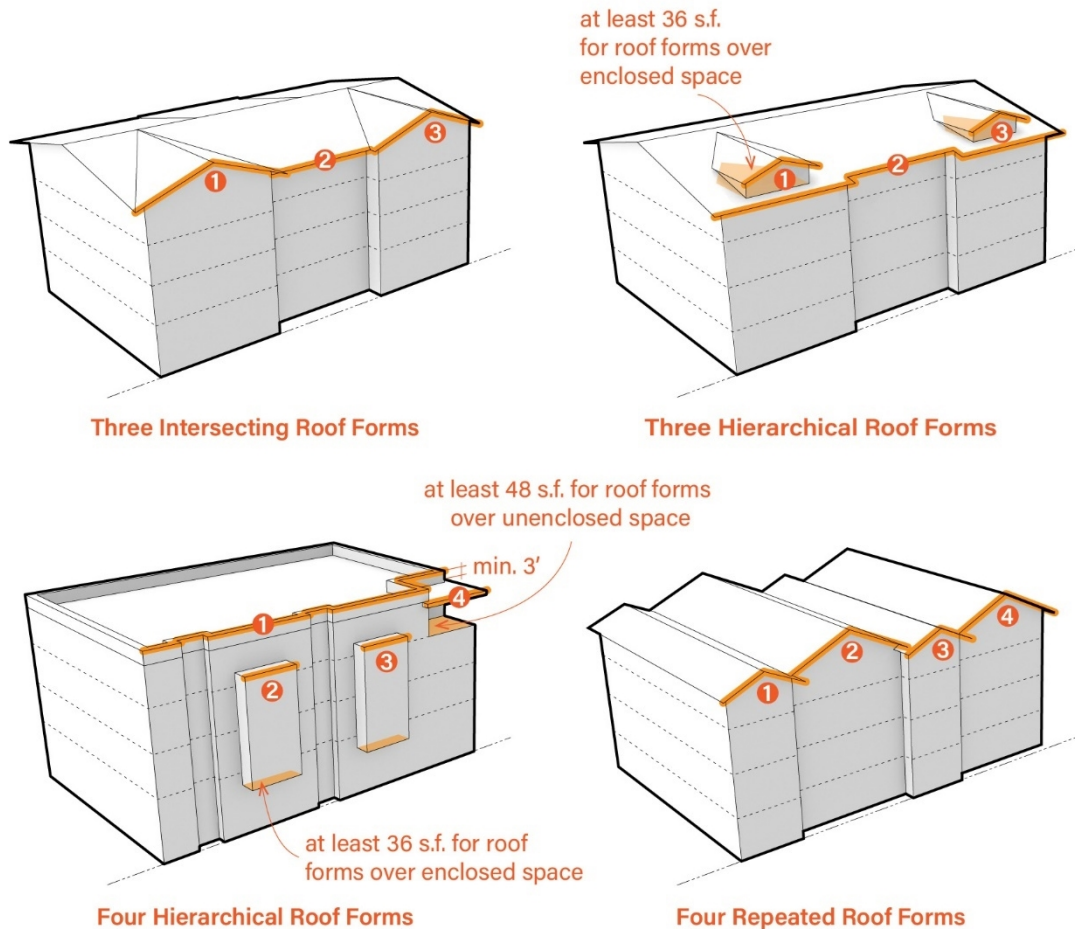


b. Combining Roof Forms

- i. The required number of roof forms may intersect to create more complex roof forms or may be organized in a hierarchy. Examples of combined roof forms are illustrated in Figure 10.
- ii. Roof forms may be repeated, as with a flat roof that steps up or down, or a sawtooth.
- iii. Where two or more forms intersect or combine to create more complex forms, each is counted as an individual roof form. For example, two hipped forms may intersect to create a hip and valley form, which would count as two roof forms.
- iv. Where two or more roof forms are organized in a hierarchy, each is counted as an individual roof form. For example, the dominant roof form may be a hipped roof, which has two dormers with open gable roofs, which would count as three roof forms. Another example is a flat roof on a building that has two bay windows with flat roofs, each at least 36 square feet in area. See Figure 6 for examples.
- v. For flat roofs and flat roofs with decorative parapets, changes in roofline must be accompanied by a minimum 2-foot change in height relative to the adjacent roof form. For buildings that are three stories or taller, the minimum change in height shall be 3 feet. This change in height shall be measured to the top of the parapet, where

present. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.

Figure 10: Combining and Counting Roof Forms

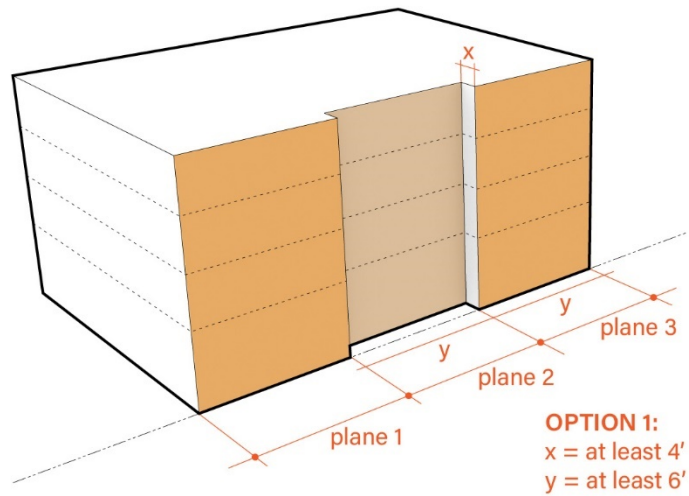


12. Building Modulation

Goal: To break up large building faces and create visual interest for pedestrians, neighbors, and visitors.

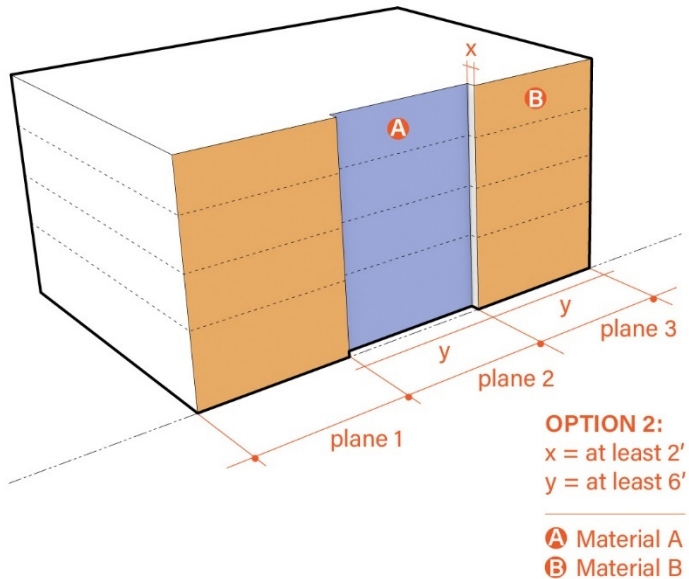
- a. **Where no other modulation controls apply (e.g. an Area Plan), building faces that are longer than 30 feet wide shall be articulated in one of the following three ways.**
 - i. **Provide a horizontal change in plane for every 30 feet building face, rounded up to the next whole number (e.g., a frontage of 31 feet would be required to provide two changes in plane). As shown in Figure 11, the change in plane must be at least 4 feet deep and 6 feet wide, and must be open to the sky; or**

Figure 11: Building Modulation – Option One



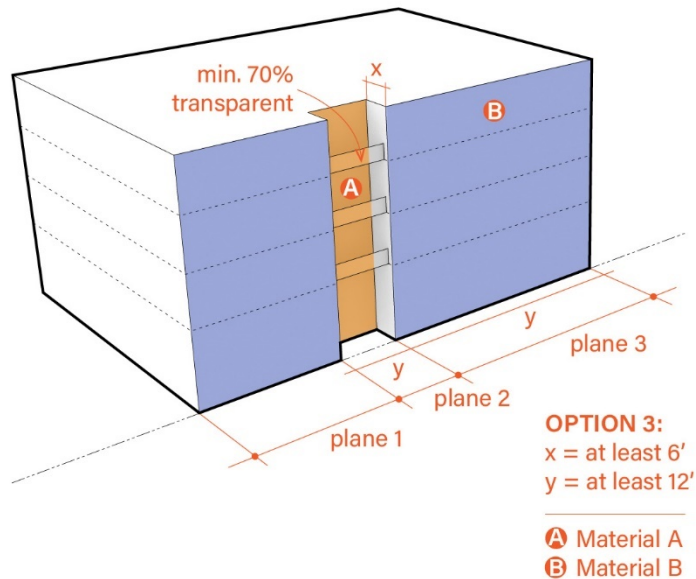
- ii. Provide a horizontal change in plane for every 30 feet of building face, rounded up to the nearest whole number (e.g., a building face of 31 feet would be required to provide two changes in plane). As shown in Figure 12, the change in plane must be at least 2 feet deep and 6 feet wide, and be combined with a change in material; or

Figure 12: Building Modulation – Option Two



- iii. Provide a horizontal change in plane at an interval of 50 feet or less. As shown in Figure 13, the change in plane must be at least 6 feet deep and 12 feet wide, and be combined with a change in material. When implemented as building notches, such notches may contain balconies, as long as the railing is at least 70 percent see-through or transparent.

Figure 13: Building Modulation – Option Three



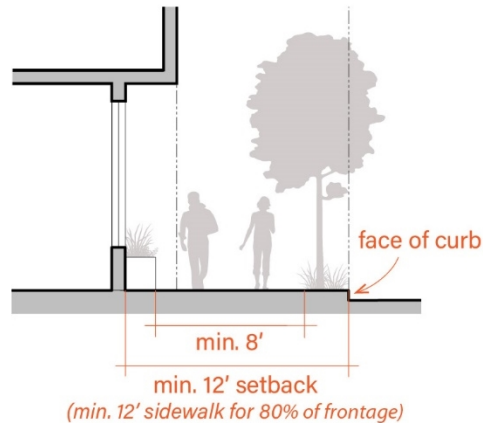
- b. Building faces that are less than 30 feet wide are not required to have a change in plane incorporated into their design.
- c. Projections from the building face including balconies, awnings, signs, and decorative elements are not considered to be changes in plane.

13. Corridor Frontage

Goal: To ensure that buildings in denser, mixed-use districts are designed with functional, human-scaled ground floors that promote walkability and provide space for local businesses.

- a. Unless otherwise dictated by an Area Plan, the ground floor frontage facing a Corridor shall be set back at least 12 feet from the face of the curb. See Figure 14.
 - i. This may be achieved by setting back only the ground floor, but in no case shall any portion of the proposed building extend into or over the public right-of-way, except that awnings and balconies at the second story or above may extend into the right of way no more than 3 feet. No projection shall be closer than 8 feet to the centerline of an alley, driveway, or path of automobile circulation except with the approval of the City Engineer based on considerations of public safety and welfare (e.g., utility considerations, emergency access, etc.).
 - 1. This setback area shall not be counted toward the requirement to incorporate Uses for Active Frontage, and the area shall be used as a 12-foot-wide sidewalk over at least 80 percent of the frontage.
 - 2. In no case shall the passable sidewalk width be less than 8 feet without approval of an Administrative Use Permit and revocable license as allowed under Municipal Code Section 24.12.192 for Outdoor Extension Areas, in which case the passable sidewalk width shall not be less than 6 feet.

Figure 14: Corridor Frontage



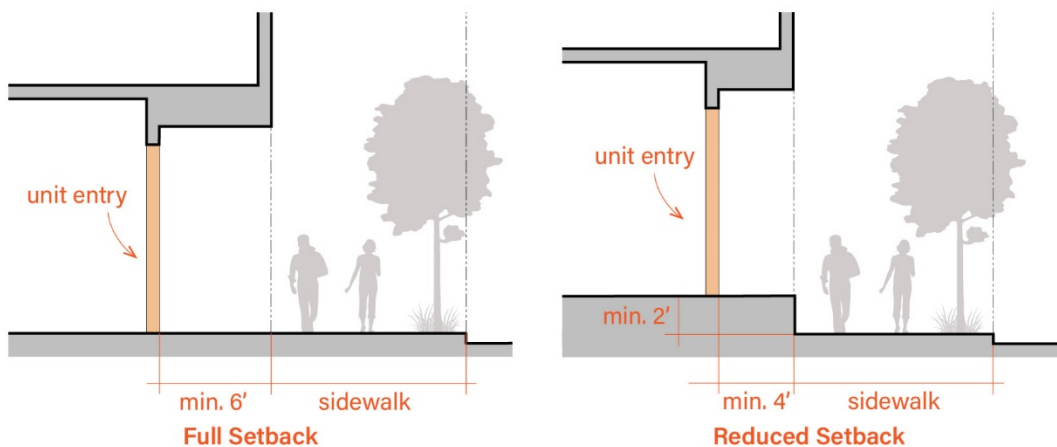
14. Ground Floor Design

Goal: To ensure that buildings in commercial districts are designed with ground floors that support walkability with functional commercial or live-work frontages. Also, where residential units are allowed, to ensure well-designed frontages that strike a balance between privacy for the resident and activation of the sidewalk.

- a. In the C-C, R-T(C), C-T, C-N, C-B, PA and all MU districts, commercial ground-floors shall be designed as follows:
 - i. Minimum ground floor frontage transparency of 70 percent between a height of 2 feet and 12 feet measured parallel above sidewalk grade.
 - ii. Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 3. In a commercial space, any mezzanine shall be set back at least 30 feet from the building frontage and shall occupy no more than one-third of the area of the ground floor.
 - iii. Entries shall be inset from the building face at least 2 feet.
- b. In the C-C, R-T(C), C-T, C-N, C-B, PA, and C-B zones where residential development is allowed, ground floor residential units shall not occupy more than 50 percent of a public frontage. Residential units on the ground floor may be designed as Live-Work units or may be exclusively residential units.
- c. Any Live-Work units shall be designed as follows:
 - i. Live-Work units are only permitted on the ground floor.
 - ii. Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 4. In a Live-Work unit any mezzanine shall be set back at least 18 feet from the building frontage and shall occupy no more than one-half of the area of the ground floor.
 - iii. Minimum ground floor depth of 18 feet.
 - iv. Minimum unit/storefront width of 12 feet.
 - v. Minimum ground floor frontage transparency of 50 percent between a height of 2 feet and 12 feet measured parallel above sidewalk grade.
 - vi. Entries shall be inset from the building face at least 2 feet.
- d. In the C-C, R-T(C), C-T, C-N, C-B and PA zones where residential units other than Live-Work units are located at the ground floor, the following standards shall apply:

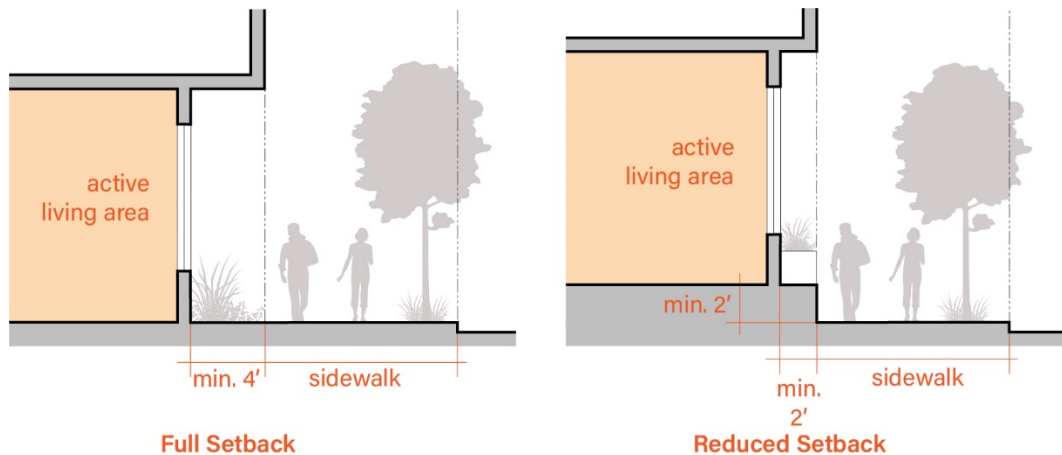
- i. Where units are individually accessed, the entry must be set back at least 6 feet from the property line; this setback may be reduced to 4 feet if the unit is elevated at least 2 feet from the sidewalk (as with a stoop). See Figure 15.
 1. This may be a setback of the ground floor only, or a setback of the entire building face.
 2. This setback area may include an architectural feature indicating private space including but not limited to a railing, gate, entry landing, or doorstep.
 3. This area may include landscaping or private open space for an individual unit. In order to qualify as private open space, the area must be separated from the sidewalk by one of the following mechanisms intended to indicate the privacy of the space:
 - An increase in elevation of at least 2 feet;
 - A railing or gate;
 - Clustered landscaping, as in a hedge or other dense planting, not exceeding 42 inches in height.

Figure 15: Ground Floor Residential Entry Setback



- e. Where a unit does not have individual access to the sidewalk, active living areas (including living rooms, dining rooms and kitchens, but excluding bedrooms, bathrooms, and hallways) are required at the building frontage, and must be set back at least 4 feet from the sidewalk; this setback may be reduced to 2 feet if the unit is elevated at least 2 feet above the sidewalk. See Figure 16.
 - i. This may be a setback of the ground floor only, or of the entire building face.
 - ii. This setback area shall incorporate landscaping or planters.

Figure 16: Ground Floor Residential – Without Individual Access

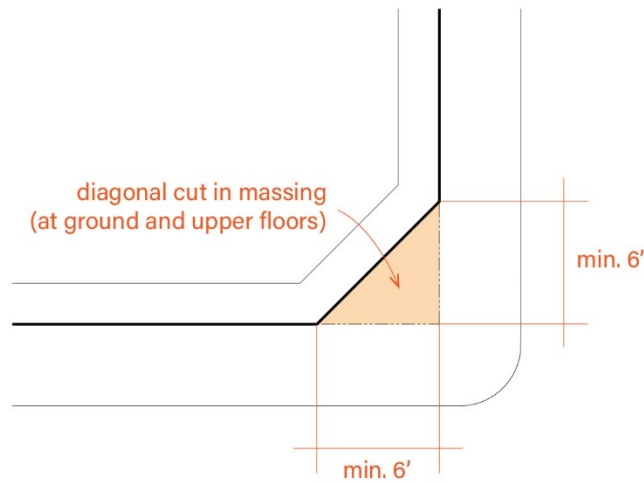


15. Architectural Detail

Goal: To highlight the prominence of corner buildings along Corridors, ensure that buildings have an appropriate level of detailing, and ensure that building facades convey the qualities of substantiality and depth.

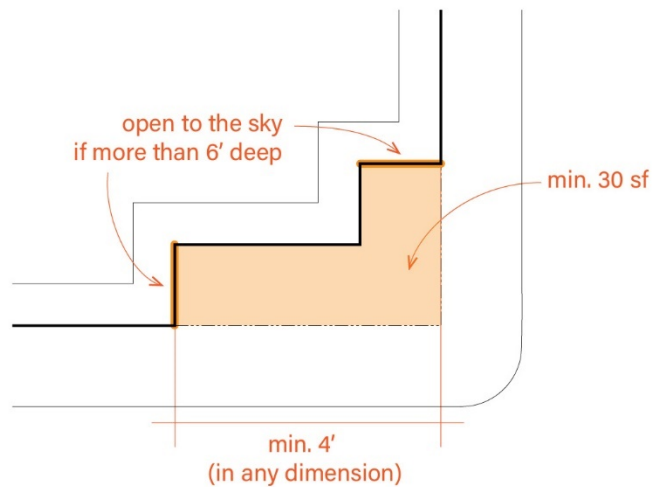
- a. Buildings that are mixed-use and/or three stories in height or greater shall visually differentiate the ground floor from the floors above by one or more of the following:
 - i. a change in material; and/or
 - ii. a change in plane; and/or
 - iii. a cornice line, belly band, or similar horizontal element.
- b. Buildings at the intersection of a Corridor and another street (including another Corridor) shall implement at least one of the following corner features:
 - i. Increased height of the corner roofline of at least 3 feet above the adjacent roofline; and/or
 - ii. A chamfered corner with a diagonal cut at least 6 feet on either side of the corner. See Figure 17. This may be at the ground floor only, or for the entire height of the building; and/or

Figure 17: Chamfered Corner



- c. A public open space of at least 30 square feet in area, and not less than 4 feet in any dimension, which may be designed to look like an extension of the sidewalk. Where the depth of this space is less than 6 feet, it may be open only at the ground floor. Where the depth of this space is greater than 6 feet it must be open to the sky. See Figure 18.

Figure 18: Public Open Space at Corner



- d. Buildings in the C-C, R-T(C), C-T, C-N, C-B, PA and MU zones shall apply at least two categories of the following architectural features to each building face and to each level above ground floor. Buildings may incorporate different features on each face and level or may use the same two features on each face and level, so long as each face and level includes features from at least two categories.
- i. Category 1 - Terrace, balcony, or Juliette balcony with a minimum projection of 10 inches and a minimum width of 3 feet (at least one per level; see also Section 24.12.185.10 Neighborhood Transition).

- ii. Category 2 - Windows detailed with a lintel, sill, or arch
- iii. Category 3 - Awnings, louvers, or shutters
- iv. Category 4 - Decorative cornice or decorative lighting sconces (see also Section 24.12.185.17 Lighting)
- e. Windows shall be inset such that there is at least 2 inches between the plane of the glass and the plane of the building face for all windows above the ground floor; this depth shall be increased to 3 inches for buildings that include 4 or more stories, for all windows above the ground floor.
- f. Walls or portions of walls that are unfenestrated (without windows, balconies, or glass doors) that extend from grade up to the roofline are limited to a maximum horizontal width of 15 feet.

16. Building Materials

Goal: To ensure that building materials are high-quality, durable, convey a sense of permanence, and reflect the existing character of buildings in the urban environment.

- a. Building materials shall be selected according to the following criteria:
 - i. The following materials are acceptable for use on building faces: tile, brick, glass, metal (except as prohibited below) painted or sealed wood, concrete, stucco, plaster, adobe, and stone (engineered or natural), and living walls (as defined).
 - ii. Unarticulated or flat panelized materials (such as metal, cement board, or GFRC panels) are prohibited on public frontages but may be incorporated on other building faces. Panels for modular and pre-fabricated construction are allowed (including sandwich panels).
 - iii. Any materials that are not explicitly listed here require an administrative design review permit to ensure that approved materials conform to the goal of this section.
- b. Buildings shall incorporate two or more of the accepted materials listed above or as approved in the design of each building face. No single material may make up more than 85 percent of any building face. This can include materials for building decoration (e.g., awnings, louvers, balconies, cornice lines, or windowsills), but does not include fenestration (glass, frames, or other elements of windows and doors).
- c. Vinyl windows are prohibited in the following circumstances:
 - i. Any mixed-use or residential buildings more than three stories in height.
 - ii. On a building face oriented toward a public street other than an alley of a mixed use or residential building three stories in height or less.
- d. At building corners, except for living walls, all materials shall wrap around the corner to a depth of at least 4 inches. This includes corners of insets, reveals, or changes in plane that are 4 inches or greater in depth, as with a balcony, ground floor entry, or change in plane. See examples shown in Figure 19.
- e. Living walls shall meet the following standards:
 - i. The living wall shall be permanently integrated into the exterior design of the building face upon which they are planted.
 - ii. The living wall shall not be located on a north, or north-east-facing building face.
 - iii. The living wall shall include an integrated irrigation system.
 - iv. The living wall shall be created using materials specifically designed for the purpose of installing and maintaining plants within the intended context (considering sun,

- shade, fog, rain exposure, and any other relevant environmental factors) on an exterior building face.
- v. Components of a living wall shall be considered with other landscape elements, and are subject to the requirements of the City's WELO.
 - vi. Nothing in this section shall regulate or require the installation of living walls on the interior of any building.

Figure 19: Material Application



17. Lighting

Goal: To ensure that public areas of buildings are lit for wayfinding and safety, while minimizing impacts of glare, light trespass, and light pollution in order to help make new development Dark Sky friendly.

- a. Individual exterior luminaires shall be shielded to direct light downward and shall not exceed 1,260 lumens. Exterior light fixtures shall utilize light sources with a color temperature that does not exceed 3000 Kelvin.
 - i. A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
- b. Outdoor lights shall not blink, flash, flicker, or change intensity (excluding motion-detecting lights).
- c. Lighting shall be provided at parking lots, pedestrian paths, outdoor gathering spaces, building entries, and any other pedestrian-accessible areas.

- d. Lighting of outdoor service, loading, and storage areas shall not be visible from the street or adjacent properties.
- e. Rooftop lighting shall be set back at least 12 feet from the edge of any building face that is oriented towards any R-district.
- f. The height of luminaires shall not exceed 15 feet above grade for all luminaires other than those in parking areas or decorative sconces as allowed under F. 3. Architectural Detail.
- g. Building faces shall be illuminated such that surfaces located at least 10 horizontal feet away from building entries shall have at least 66 percent less luminance than surfaces within 10 horizontal feet of building entries. Compliance shall be demonstrated with a lighting plan.

Section 47. Section 24.12.186 – Requirements for Street Trees of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby added as follows:

24.12.186 REQUIREMENTS FOR STREET TREES.

- 1. When new development or redevelopment is proposed that triggers the requirement for a sidewalk greater than or equal to seven feet in width based on requirements of Section 24.12.185.12, Section 15.20.060, or any applicable Area Plan, street trees shall be provided by the owner or developer either within the public right-of-way along any site frontage or within five feet any site frontage immediately adjacent to the required public sidewalk. The street trees shall be permanently maintained in the approved location by the owner or successor in interest of the property whose project triggered the tree planting requirement.
 - a. The street trees shall conform to the Public Works Department Tree Planting Details and Tree Sidewalk Program Policy. Except when otherwise provided in those guidelines, the street trees provided shall be a minimum of one tree for each 30 feet of frontage of the property along each street frontage, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. For example, a lot that is no more than 30 feet in width is required to provide a minimum of one street tree, and a lot of 50 feet in width is required to provide a minimum of two street trees.
 - i. If closer spacing is recommended by an applicable area plan the spacing in the area plan shall govern.
 - ii. The rates above govern the number of trees to be provided but do not establish a minimum spacing. Trees may be grouped at the recommendation of the Landscape Architect or Project Certified Arborist.
 - b. 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, and all the standards of Chapter 13.30.
 - i. Planting wells may incorporate alternative technologies to enhance root development and promote tree growth. Where existing soils beyond the tree well are not conducive to tree growth, as determined by the City of Santa Cruz Urban Forester, techniques including but not limited to structural soils and suspended pavement may be conditioned.

- c. Street trees newly planted in the public right-of-way or within five feet of the public right-of-way shall not be planted:
 - i. Within a Clear Vision Area required by the city
 - ii. Within 3 feet of a parking sign unless the Department of Public Works agrees to relocate the sign at the expense of the project.
 - iii. Within 5 feet of a gas or water meter, or underground electrical conduit.
 - iv. Within 5 feet of a fire hydrant.
 - v. Within 10 feet of a sewer lateral.
 - vi. Within 10 feet of an electrical utility pole.
 - vii. Within 10 feet of a driveway.
 - viii. Within 15 feet of a crosswalk.
 - ix. Within 20 feet of a traffic signal.
 - x. Within 15 feet of existing trees unless the location is recommended by a landscape architect or Project Certified Arborist, as approved by the City of Santa Cruz Urban Forester, who will base their determination on site and tree species, to prevent mature tree canopies from conflicting.
- d. Utility infrastructure shall be consolidated if necessary in order to accommodate the siting of street trees.
- e. Where location criteria eliminate all options for locating the required number of street trees within the public right-of-way or within five feet of the public right-of-way, and utilities cannot be further consolidated to allow for installation of street trees as demonstrated in a landscaping plan, the requirement to provide street trees shall be met in the following alternative method:
 - i. Incorporation of trees on the development site at a rate of 1.5 trees per 1 street tree that is not provided, with fractional requirements rounded up to the next whole number.
 - 1. These trees may be located anywhere on the site, including but not limited to; a buffer at the rear of the property, in a permanent rooftop garden (not in a stand-alone planter), or as a shade tree within a parking area.
 - 2. Trees placed within 5 feet of any paved area shall be installed consistent with the Public Works Department Tree Planting Details.

Section 48. Section 24.12.192 – Outdoor Extension Areas of Part 2: General Site Design Standards of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.192 OUTDOOR EXTENSION AREAS.

The purpose of outdoor extension areas is to enhance streetscape on the city's corridors by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public street. These uses include outdoor eating areas, retail areas and landscaping. In this section the term "adjacent business" shall apply to the business using the extension area. If the sidewalk width allows it, the adjacent business may be separated from the extension area by the public walkway. This section is applicable citywide, except for areas within the Downtown Recovery Plan which are subject to Section 24.10.2340.

Section 49. Section 24.12.240 – Number of Parking Spaces Required of Part 3: Off-Street Parking and Loading Facilities of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.240 NUMBER OF PARKING SPACES REQUIRED.

1. Where the computation of required parking spaces produces a fractional result, fractions of one-half or greater shall require one full parking space.

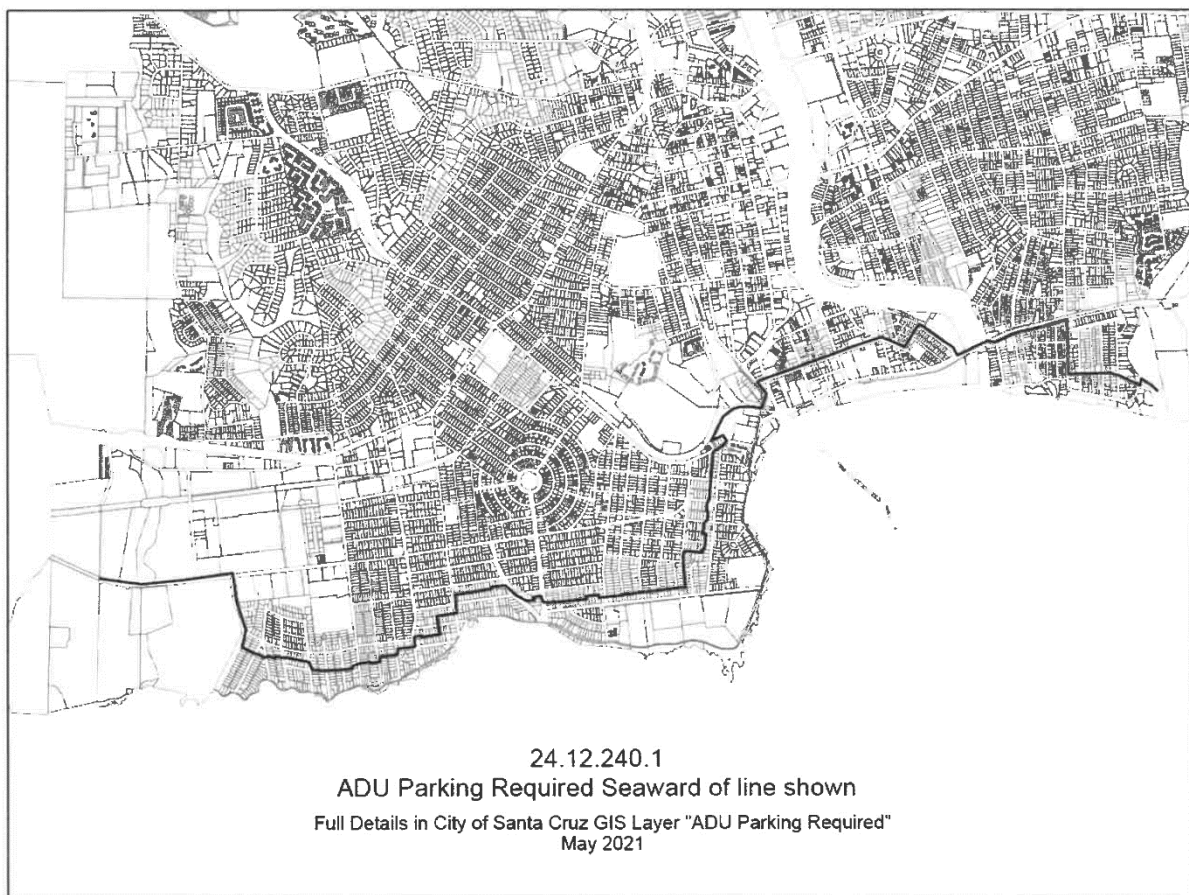
	Use	Spaces Required
a.	Automobile or machinery sales and service garages	1 for each 400 square feet of floor area
b.	Banks without automatic teller machines	1 for each 400 square feet of floor area
c.	Banks with automatic teller machines	1 for each 400 square feet of floor area; plus 1.5 for each machine
d.	Business and professional offices, excluding medical and dental offices	1 for each 300 square feet of floor area
e.	Billiard parlors	1.5 for each table
f.	Community care residential facilities, including, but not limited to: assisted living facilities, children's homes, congregate care homes, nursing homes, residential treatment facilities	1 for every 5 guests, plus 1 for each employee on the shift with the maximum number of personnel
g.	Houses of worship	1 for each 3.5 seats in the sanctuary
h.	Dancehalls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditoriums	1 for each 3 persons of design occupancy load
i.	Family daycare and foster family homes	1 for every 5 guests, plus 1 for the resident owner or manager
j.	Funeral homes, mortuaries	1 for each 5 seats of the aggregate number of seats provided in all assembly rooms
k.	Furniture and appliance stores, household equipment	1 for each 800 square feet of sales floor area
l.	Hospitals	1 for each bed, plus 1 for each employee on the shift with the maximum number of personnel
m.	Hotels, motels	1 for each unit intended for

	Use	Spaces Required		
		separate occupancy, plus 1 for the resident owner or manager		
n.	Manufacturing plants, bottling plants, processing plants, packaging plants, furniture repair	1 for each 500 square feet of floor area		
o.	Medical and dental clinics and offices	1 for each 200 square feet of floor area		
p.	Medical (or convalescent) hospitals	1 for each 5 beds, plus 1 for each employee on the shift with the maximum number of personnel		
q.	Physical fitness facilities Physical fitness facilities with more than 15,000 square feet of floor area shall provide an additional 10 percent of the total number of required parking spaces.	1 space for each 250 square feet of floor area		
r.	Physical therapy	1 space per 200 square feet of floor area. In addition, 1 space per 50 square feet of pool (water) area		
s.	Residential Uses			
		Number of Bedrooms		
	Type	Efficiency	1	2+
	Single-family (including townhouses), houseboat, duplex, triplex, multiple mobilehomes, community housing projects, other multifamily dwelling units	1.0	1.0	2.0
	Community housing projects, townhouses, and multifamily projects of 5 units or more		In addition to meeting above residential parking requirements, guest parking spaces shall be provided at a rate 10% of the above standards. Fractional spaces will be rounded up to the next whole number.	
	Lodging, rooming houses and bed-and-breakfast inns		2 spaces, plus 1 for each bedroom that is rented	
	Residence halls, dormitories		0.75 space for each guest or occupant	
	Senior housing development		1 for each 3 dwelling units or rooms intended for separate occupancy, plus an area of land equal to the required off-street parking for multifamily units, not	

		including required open space, which could be converted to parking should the retirement center change to a multifamily residential use
	Small ownership unit (SOU)	1 space for each dwelling unit
	Single-room occupancy dwelling unit, less than 300 square feet	0.75 for each dwelling unit
	Single-room occupancy dwelling unit, 300 square feet or more	1 for each dwelling unit
	Accessory dwelling unit	<p>The parking standards for accessory dwelling units are as follows (these standards do not affect the amount of required parking for the primary residence):</p> <p>Outside the coastal zone, no off-street parking shall be required for an ADU and spaces removed to accommodate an ADU will not require replacement.</p> <p>On parcels located inside the coastal zone and within the designated areas shown in the LCP Figure “ADU Parking Required” (which follows this table), at least one off-street parking space shall be required for each ADU, and all off-street parking requirements associated with all other residential uses at the site shall be met on site, including replacement parking spaces if any are removed to accommodate an ADU.</p> <p>On parcels located inside the coastal zone but not within the designated areas shown in LCP Figure “ADU Parking Required” (which follows this table), zero parking spaces shall be required for each ADU. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. If other parking areas on a site (e.g., a driveway or other nonstructural parking area) are removed to provide for an ADU, off-street</p>

			replacement parking spaces shall be required for the primary (non-ADU) residential use.
	Use	Spaces Required	
t.	Restaurants and other establishments selling food and beverages on the premises (including bars and nightclubs without live entertainment)	1 for each 120 square feet of floor area	
u.	Restaurants with counter and/or take-out service or drive-in facilities	1 for each 120 square feet of floor area, plus 1 for each 50 square feet of floor area devoted to counter/take-out service	
v.	Research and development facilities	1 for each 325 square feet of floor area, or 1 for every 2 employees (maximum shift), whichever is greater	
w.	Retail stores, shops, service establishments, including shopping centers other than furniture and appliance stores	1 for each 250 square feet of floor area	
x.	Schools: • Elementary and junior high • High schools	1 for each employee 1 for each employee, plus 1 for each 10 students	
y.	Colleges (business, beauty, etc.) and universities	1 for each employee, plus 1 for each 3 students	
z.	Self-service laundry and dry cleaning establishments	1 for each 200 square feet of floor area	
aa.	Service stations	3 for each lubrication or service bay, plus 1 for each employee on the day shift	
ab.	Sports arenas, auditoriums, assembly halls, and meeting rooms	1 for each 3.5 seats of maximum seating capacity	
ac.	Theaters	1 for each 3.5 seats for the first 350 seats; plus 1 for each 5 additional seats	
ad.	Tutoring facilities	1 for each 250 square feet of floor area	
ae.	Wholesale establishments, warehouses, service and maintenance center, communications equipment buildings	1 for each 1,000 square feet of floor area	
af.	Recycling collection facilities		

	Use	Spaces Required
	<ul style="list-style-type: none"> • Independent • In conjunction with other uses that provide required parking 	<p>2 spaces</p> <p>0 spaces</p>
ag.	Unspecified uses of buildings, structures, or premises	Where the parking requirement for a particular use is not specifically established in this section, the parking requirements for each use shall be determined by the zoning administrator, and such determination shall be based upon the requirements for similar uses. Public uses not specifically established in this section shall meet the parking requirement as established by the planning commission. The planning commission shall take into account the proposed use and parking availability in the vicinity of the use.
ah.	Uses in Parking District No. 1 (Downtown)	Parking shall be provided in conformance with the resolution of the city council for this district in effect at the time of submittal of a complete application.



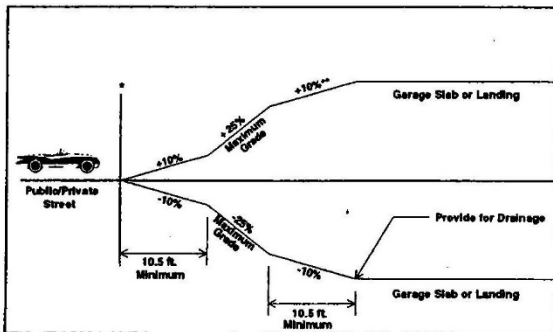
2. Covered Parking. All residential development has the option of including covered or enclosed parking, consistent with other zoning standards. No covered or enclosed parking is required for any residential or mixed use housing unit.
3. Unbundled Parking. All residential development of has the option to rent or sell off-street parking spaces separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s). Unbundled parking will qualify for a reduced parking requirement when executed in conformance with the requirements of Section 24.12.290.3(e).
4. 3. The following exceptions may be granted for specific types of residential projects:
 - a. Exceptions to parking requirements may be granted to publicly subsidized housing units, affordable housing projects, and projects for special needs or senior tenants where such requirements are in conflict with state or federal regulations or funding policies.
 - b. SRO parking requirements may be reduced by one-quarter space for each dwelling unit if the project is either located:
 - (1) Within one-quarter mile or one thousand three hundred twenty feet of an alternative parking facility and spaces are available and can be committed to residents; or
 - (2) Within one-quarter mile or one thousand three hundred twenty feet of access to public transportation such as a bus stop.
 - c. Parking requirements for mixed use developments in the I-G District, as permitted under Section 24.10.1510(2)(k)(3), may be reduced by a maximum of four-tenths space for each dwelling unit as a part of an on-site shared parking plan.
 - d. In addition to the allowances afforded through accessory dwelling unit regulations in Part 2 of Chapter 24.16, existing covered parking may be converted into additional units if all the requirements for the underlying zoning district can be met and replacement parking can be provided that meets the other parking requirements herein.
5. 4. No more than forty percent of the front setback of a residential property developed with up to four dwelling units (excluding any ADUs or Jr. ADUs) shall be utilized or developed for parking. No portion of the front setback of a residential property developed with more than four dwelling units (excluding any ADUS or Jr. ADUs) shall be utilized or developed for parking (See also Section 24.12.185.7). No more than fifty percent of the front setback of a residential property may be paved or covered with any impervious surface.

Section 50. Section 24.12.280 – Design Requirements of Part 3: Off-Street Parking and Loading Facilities of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.280 DESIGN REQUIREMENTS.

1. Driveway Design Standards.
 - a. Parking facilities hereafter established and which are located adjacent to a required front yard in an adjoining A-District or R-District shall be provided with a clear vision area and parking facilities which are located adjacent to two intersecting streets shall include a clear corner triangle as defined in this title. These areas shall be maintained in conformance with Section 13.30.110.

- b. The total clear space to accommodate a vehicle in driveways and private parking areas used as private parking facilities for single-family residential uses shall not be smaller than the dimensions of required on-site parking spaces.
- c. Driveways shall be designed to conform with existing contours to the maximum extent feasible.
- d. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight in clear vision areas and clear corner triangles based on AASHTO Green Book sight distances.
- e. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:



* Back edge of standard city driveway.

** All percentages are measured from the edge of standard city driveway.

- f. Driveways and approaches shall comply with the applicable standards set forth in Chapter 15.20.
2. Parking Facility Layout. The diagrams entitled "Sample Parking Designs and Standards," included at the end of this chapter, shall be used for dimensions in the development and arrangement of parking spaces and parking areas. Layout and traffic flow is illustrative only and these standards may be varied with supportive documentation of acceptable circulation by a California-licensed civil engineer.
 - a. Each standard-size parking space shall be not less than nineteen feet in length by eight and one-half feet in width. Each compact parking space shall be not less than sixteen feet in length by seven and one-half feet in width.
3. Access to Spaces or Facilities.
 - a. Access to parking facilities shall not be less than twenty feet in width; except as follows:
 - (1) Access to parking facilities containing five or fewer parking spaces shall be not less than ten feet in width, except as provided in subsection (1), Driveway Design Standards, for private facilities for single-family homes.
 - (2) Access to parking facilities containing between six and twenty parking spaces shall be not less than twelve feet in width.
 - (3) Where separate one-way drive aisles are proposed, each shall be not less than ten feet in width.
 - (4) The zoning administrator shall determine the width of driveways serving parking facilities in the GB-O District based on the following findings:
 - i. That the width is necessary to preserve the open-space character of the area;
 - ii. That the width contributes to the compatible use of open-space lands.

- (5) The public works department, planning and community development department, and/or the fire department may approve designs that vary from the above standards based on the individual circumstances of a parcel or use.
- b. Backing Out.
 - (1) General. Driveways and aisles in a parking facility shall be designed so that vehicles do not back out into a street other than a residential alley.
 - (2) Exceptions. Parking facilities for single-family dwellings and duplexes not located on a highway or major or minor arterial, as shown on the General Plan Land Use Map, may provide for backing into the street. Parking facilities for three-family dwelling or triplex or four-family dwelling or fourplex may be designed to back out onto a street only if the street is not an arterial or collector street.
 - (3) Dimensions. Public and private parking facilities shall provide at least twenty-four feet of clear area behind parking spaces for backing-out and turning movements when ninety-degree parking spaces are used, at least fifteen feet when forty-five-degree parking is used, and at least eighteen feet when sixty degree parking is used. In unique situations, a California-licensed civil engineer may demonstrate with a turning diagram that this dimension can be reduced and still provide adequate on-site circulation for standard sized vehicles. Reductions in back-out area are subject to review and approval by the planning director or designee in consultation with the director of public works or designee.
4. Tandem Spaces.
 - a. Required parking spaces for residential uses may be provided in a tandem arrangement no more than three parking spaces deep. No parking space may be in tandem with a parking space for a separate dwelling unit except as allowed for accessory dwelling units.
5. Border Barricades. Every parking facility containing angled or ninety-degree parking spaces adjacent to a street right-of-way shall, except at entrance and exit drives, be developed with a solid curb or barrier along such street right-of-way line; or shall be provided with a suitable concrete barrier at least six inches in height and located not less than two feet from such street right-of-way line. Such wall, fence, curb, or barrier shall be securely installed and maintained.
6. Surfacing. All off-street parking facilities shall be surfaced with a minimum of five inches of concrete, or one and one-half inches of asphalt overlying four inches of base rock; except:
 - a. Temporary off-street parking facilities, which may be surfaced by placement of a single bituminous surface treatment upon an aggregate base, which bituminous treatment and base shall be subject to the approval of the director of public works;
 - b. Driveways and parking pads for single-family residences may be surfaced with four inches of concrete or other approved material;
 - c. Parking facilities approved by the zoning administrator or planning commission for a different parking surface;
 - d. All off-street parking facilities shall be so graded and drained as to dispose of all surface water from within the area; in no case shall such drainage be allowed to cross sidewalks.
7. Marking. Parking spaces within a facility shall be clearly marked and delineated. For nonresidential uses, wheel stops or curbing may be required.
8. Lighting. Lighting shall be directed onto the subject property only and shielded so that the light source is not visible from adjacent properties or streets. The requirements of Section 24.12.185.17 shall also apply to development proposals including any multi-family housing.

9. Landscaping and Screening.

a. General Requirements. Landscaping shall be provided in conjunction with the development or modification of any parking space or facility. Landscaping is employed to diminish the visibility and impact of parked cars by screening and visually separating them from surrounding uses and the street; to provide shade and relief from paved areas; to channel the flow of traffic and generally contribute to good site design.

(1) Every commercial parking facility abutting property either located in R-Districts or in residential uses shall be separated from such property or use by a permanently maintained evergreen hedge, view-obscuring wall or fence, raised planter, planted berm or the like. Such screening devices shall be of sufficient height to diminish the visibility and impact of parked cars and visually separate them from the adjacent residential zone or use. Screening devices may not exceed the standards set forth in Section 13.30.110.

(2) Except for parking facilities for single-family lot development, landscaped areas shall be separated from paved parking areas by a six-inch continuous concrete curbing, or other permanent landscape feature including fencing, gravel, or rigid landscape edging. Parking facilities that incorporate landscaped storm water treatment or retention areas in conformance with adopted city best management practices for low impact development shall be exempt from this requirement adjacent to those areas used for treatment or retention.

b. Standards for Multifamily, Over Five Units, Commercial and Industrial Developments. Every parking facility shall include a minimum of ten percent of area devoted to parking in permanent landscaping. Landscaping shall be installed in areas used to channel the flow of traffic within parking rows, at the entry to aisles, and at other locations specified by the approving body. Required landscaping shall include appropriate vegetation including trees which shall be provided in sufficient size and quality to adequately screen and soften the effect of the parking area, within the first year. Additional standards for screening found in Section 24.12.185 shall also apply where required.

Section 51. Section 24.12.295 – Off-Street Loading Facilities of Part 3: Off-Street Parking and Loading Facilities of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.295 OFF-STREET LOADING FACILITIES.

1. Purpose. To reduce street congestion and traffic hazards and to add to the safety and convenience of the community, adequate, attractively designed, and functional facilities for off-street loading shall be incorporated as necessary in conjunction with new uses of land.

2. General Provisions. For every building hereafter erected, which is to be occupied by manufacturing, storage, warehouse, commercial, residential, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, exercise facility or other similar uses or mixed-use combinations requiring the receipt or distribution by vehicles of material and merchandise, off-street loading areas shall be provided in accordance with the requirements herein.

In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street

loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

3. Requirements.

a. Required Off-Street Loading Spaces

<u>Gross Floor Area</u>	<u>Required Loading Spaces</u>
10,000 to 24,999 square feet	<u>1</u>
25,000 to 49,000 square feet	<u>2</u>
For each additional 50,000 square feet or fraction thereof	<u>1</u>

<u>Use</u>	<u>Size of Use</u>	<u>Required Off-Street Loading Spaces</u>
<u>Manufacturing, storage, warehouse, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, exercise facility, or other similar uses</u>	<u>10,000 to 24,999 square feet of gross floor area</u>	<u>1 Type B</u>
	<u>25,000 to 49,000 square feet of gross floor area</u>	<u>2 Type B</u>
	<u>For each additional 50,000 square feet of gross floor area or fraction thereof</u>	<u>1 Type B</u>
<u>Office</u>	<u>0-24,999 square feet of gross floor area</u>	<u>0</u>
	<u>25,000-99,999 square feet of gross floor area</u>	<u>1 Type A</u>
	<u>over 100,000 square feet of gross floor area</u>	<u>2 Type A</u>
<u>Residential</u>	<u>0-50 Units</u>	<u>0</u>
	<u>51-200 Units</u>	<u>1 Type A</u>
	<u>over 200 Units</u>	<u>2 Type A</u>

b. Minimum Dimensions for Loading Spaces

<u>MINIMUM DIMENSIONS FOR LOADING SPACES</u>			
<u>Type of Loading Space Required (See Table 22.112.130-A)</u>	<u>Minimum Length (feet)</u>	<u>Minimum Width (feet)</u>	<u>Required Vertical Clearance (feet)</u>
<u>Type A</u>	<u>24</u>	<u>8</u>	<u>None</u>
<u>Type B</u>	<u>30</u>	<u>10</u>	<u>14</u>

b. ~~Each loading space shall be not less than ten feet in width, thirty feet in length, and with an overhead clearance of fourteen feet.~~

c. Such space shall not occupy all or any part of any required front or exterior yard area or court space, and shall not be located closer than twenty ~~thirty~~ feet to any lot in an R-District, unless inside a structure or separated from such district by a wall not less than eight feet in height, ~~provided a conditional fence permit is approved.~~

- d. Sufficient room for maneuvering vehicles shall be provided on site.
- e. Each loading berth shall be accessible from a street or alley.
- f. ~~Entrances and exits shall be provided at locations approved by the public works director.~~ The location of entrances and exits will be determined based on the results of a transportation study (if required based on Section 15.15.010) and approved by the City's public works director. Alternatively, the applicant may allow the public works director to specify entrance and exit locations.
- g. The loading area, aisles and access drives shall be paved with a durable, dustless surface, and shall be so graded and drained so as to disperse surface water.
- h. Wheel stops and bumper rails shall be provided ~~where needed~~ for safety and ~~or~~ to protect property.
- i. If the loading area is illuminated, lighting shall be directed away from any abutting residential sites and adjacent streets to reduce light and glare impacts, and shall conform to the standards of Sections 24.12.185.17 and 24.12.280.8 as applicable.
- j. No repair work or servicing of vehicles shall be conducted in a loading area.
- k. Trucks with trailers or detached trailers shall not be stored on-site.
- l. Loading areas shall be maintained in good condition and kept free of trash, debris, and display or advertising uses. No changes shall be made in the number of loading spaces designated on the parking plan without approval of ~~review by the~~ zoning administrator.
- m. Required off-street loading facilities shall be located on the same site as the use for which the off-street loading spaces ~~berths~~ are required.

Section 52. Section 24.12.430 – Protection of Archaeological Resources of Part 5: Historic Preservation of Chapter 24.12 – Community Design of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES.

1. Policy and Purpose. Existing in Santa Cruz are certain deposits and sites of cultural significance believed to have been left by Native Americans and other early inhabitants. These deposits and sites are unique and irreplaceable phenomena of significance in the history of the city and the understanding of the cultural heritage of our land and of all humankind. Such sites have a deep, spiritual significance to Native Americans, especially the native peoples of the state of California, and constitute a precious archaeological and historical heritage which is fast disappearing as a result of public and private land development. Uncontrolled excavation or modification of these resources would destroy their cultural integrity. This loss would affect future generations and must be prevented in the public interest. Such cultural resources should be preserved in an undisturbed state wherever possible for future generations who should be more skilled and have access to better methods of study. In order to promote the public welfare, it is necessary to provide regulations for the protection, enhancement, and perpetuation of such sites. This section, therefore, is intended to provide a procedure for preserving the valuable cultural resources in the city of Santa Cruz. It should be noted that California Public Resources Code Section 5097.9 and Health and Safety Code Section 7050.5 protect archaeological and paleontological resources and supersede any local regulations.
2. Archaeological reconnaissance is required on sites proposed for development within areas identified as “highly sensitive” or “sensitive” on the general plan maps labeled “areas of

archaeological sensitivity” and “historical archaeology sensitivity” prior to the issue of building or development permits. ~~For development on sites that have “known resources” see subsection (12).~~

3. An archaeological reconnaissance shall include archival research, site surveys and necessary supplemental testing as may be required and shall be conducted by a qualified archaeologist. The significance of identified resources shall be ascertained in accordance with CEQA definitions. If significant impacts are identified, impacts and mitigation measures outlined could include but are not limited to avoidance, project redesign, deposit capping, resource recovery options and/or on-site monitoring by an archaeologist during excavation activities. A written report describing the archaeological findings of the research or survey shall be provided to the city and development applications shall demonstrate compliance with any recommended mitigations identified in the required report.

4. Exemptions for minor development are allowed within “sensitive” areas only. “Minor development” is defined for this purpose as development that involves spot excavation to a depth of twelve inches or less below existing grade or uses that have virtually no potential of resulting in significant impacts to archaeological deposits. Exempt projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

5. Developer’s Action on Discovery of Artifacts or Remains During Excavation or Development. Any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource, shall:

- a. Immediately cease all further excavation, disturbance, and work on the project site;
- b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;
- c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner shall notify only the planning director;
- d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.

6. Coroner’s Action on Discovery of Remains. If human remains are discovered, the sheriff-coroner or his/her representative shall promptly inspect the remains to determine the age and ethnic character of the remains and shall promptly, after making such determinations, notify the planning director. If the remains are found to be Native American in origin, the sheriff-coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission will identify the Native American most likely descendant who will provide recommendations for the proper treatment of the remains and associated artifacts per California State Resources Code Section 5079.9.

7. Planning Director’s Action on Discovery of Artifacts. If any artifacts are discovered, the planning director shall cause an on-site inspection of the property to be made. The purpose of the inspection shall be to determine whether the discovery is of an archaeological resource or cultural resource. In making a determination, the planning director may also consult with Native American groups, qualified archaeologists, or others with the necessary expertise.

8. Discovery Not an Archaeological/Cultural Resource. Upon determining that the discovery is not of an archaeological/cultural resource, the planning director shall notify the property owner of such determination and shall authorize the resumption of work.
9. Discovery an Archaeological/Cultural Resource. Upon determining that the discovery is of an archaeological/cultural resource, the planning director shall notify the property owner that no further excavation or development may take place until a mitigation plan or other measures have been approved by the director for the protection of the site.
10. Mitigation Plan. The property owner or his/her agent shall prepare any required mitigation plan. The mitigation plan shall include conditions necessary or appropriate for the protection of the resource including, but not limited to, conditions on the resumption of work, redesign of the project, or other conditions deemed appropriate by the planning director. The director shall review the mitigation plan and may consult with Native Americans, archaeologists, or other interested persons to ensure proper protection of the resource. When the director is satisfied that the mitigation plan is adequate and that the development plan has been altered sufficiently to the demonstrate compliance with all recommended mitigations of the mitigation plan, the director shall authorize the resumption of work in conformance with the mitigation plan.
11. Referral to Historic Preservation Commission. The planning director may refer to the historic preservation commission the decision whether the discovery is of an archaeological/cultural resource and the decision whether the mitigation plan is adequate to protect the resource. If the director refers the matter to the historic preservation commission, a public hearing shall be held in conformity with the requirements of this title relating to public hearings.
- ~~12. Development on Known Archaeological Sites. No building permit for any earth-disturbing activity shall be issued on parcels identified by resolution of the city council as containing known cultural or archaeological resources without the owner first obtaining an administrative use permit. The administrative use permit shall be conditioned with appropriate archaeological survey and mitigation procedures such as those prescribed in the Historic Preservation Element and the Local Coastal Land Use Plan.~~

Section 53. This ordinance shall take effect and be in full force thirty (30) days after final adoption for areas of the City outside the Coastal Zone and shall take effect and be in full force upon certification by the California Coastal Commission for areas of the City located within the Coastal Zone.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING
CHAPTER 24.20 – ZONING MAP OF THE SANTA CRUZ MUNICIPAL CODE

WHEREAS the City of Santa Cruz adopted the 2030 General Plan in June 2012 in order to ensure that the City could achieve its vision of becoming a compact and vibrant city that preserves the diversity and quality of its natural and built environments, creates a satisfying quality of life for its diverse population and workers, and attracts visitors from around the world; and

WHEREAS the 2030 General Plan calls for the creation of new Mixed Use areas to support Santa Cruz residents to live and work within close proximity, and to support transportation options; and

WHEREAS the existing zoning map does not include appropriate zone districts to achieve the vision of the 2030 General Plan; and

WHEREAS the parcels proposed for rezoning are those same parcels that have been identified and available for mixed-use development since the adoption of the General Plan in June 2012; and

WHEREAS the City Planning Commission held a duly-noticed public hearing on June 30th, 2022 and continued final action to their regular meeting on July 21, 2022, and recommended that the City Council approve the proposed amendment to the Zoning Map as proposed; and

WHEREAS at the public hearing on July 21, 2022, the Planning Commission found that the proposed amendments to the zoning map serve and further the public necessity, the general community welfare, and good zoning practice; and that the proposed amendment is in general conformance with the principles, policies, and land use designations set forth in the General Plan, Local Coastal Plan, and any adopted area or specific plan.

NOW THEREFORE BE IT ORDAINED THAT the proposed zoning map amendments, as shown in Exhibit A – Rezoning Parcel List and Exhibit B – Amended Zoning Map, are approved.

PASSED FOR PUBLICATION this 23rd day of August, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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-XX
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk Administrator

APN	Existing Zoning	Proposed Zoning	Site Address
002-235-20	CC	MU-M	1604 MISSION ST
002-223-35	CC	MU-M	2120 MISSION ST
002-223-36	CC	MU-M	2114 MISSION ST
002-223-34	CC	MU-M	2006 MISSION ST
002-223-31	CC	MU-M	2012 MISSION ST
002-223-33	CC	MU-M	2002 MISSION ST
002-622-20	CC	MU-M	115 OLIVE ST
002-235-22	CC	MU-M	1640 MISSION ST
002-235-18	CC	MU-M	1618 MISSION ST
002-235-10	CC	MU-M	1616 MISSION ST
002-235-09	CC	MU-M	1612 MISSION ST
002-235-21	CC	MU-M	1610 MISSION ST
003-051-35	IGP2/CC	MU-M	841 ALMAR AVE
006-203-25	CC	MU-M	1130 MISSION ST
004-432-01	CC	MU-M	350 YOUNGLOVE AVE
004-431-02	CC	MU-M	343 YOUNGLOVE AVE
004-432-28	CC	MU-M	2015 MISSION ST
004-432-03	CC	MU-M	2003 MISSION ST
004-441-25	CC	MU-M	1725 MISSION ST
004-441-22	CC	MU-M	1709 MISSION ST
004-441-23	CC	MU-M	1701 MISSION ST
004-043-26	CC	MU-M	1244 BAY ST
004-043-28	CC	MU-M	1521 MISSION ST
004-043-29	CC	MU-M	1515 MISSION ST
004-043-23	CC	MU-M	1509 MISSION ST A
004-043-24	CC	MU-M	1507 MISSION ST B
004-043-25	CC	MU-M	1501 MISSION ST
004-012-45	CC	MU-M	1301 MISSION ST
004-011-36	CC/R-1-5	MU-M	1221 MISSION ST
004-011-39	CC	MU-M	1215 MISSION ST 1
004-011-37	CC	MU-M	1211 MISSION ST
006-193-56	CC	MU-M	1306 MISSION ST
006-181-75	CC	MU-M	1508 MISSION ST
006-181-89	CC	MU-M	1500 MISSION ST
006-181-33	CC	MU-M	309 TRESCONY ST
006-193-20	CC	MU-M	1310 MISSION ST
006-192-25	CC	MU-M	1230 MISSION ST
006-192-12	CC	MU-M	1228 MISSION ST
006-192-24	CC	MU-M	1220 MISSION ST
006-192-14	CC	MU-M	1232 MISSION ST A
006-192-26	CC	MU-M	1212 MISSION ST
006-192-27	CC	MU-M	1204 MISSION ST
006-203-24	CC	MU-M	1132 MISSION ST
006-493-27	CC	MU-M	1129 MISSION ST
002-223-37	CC	MU-M	2106 MISSION ST
002-223-32	CC	MU-M	2018 MISSION ST

APN	Existing Zoning	Proposed Zoning	Site Address
002-622-19	CC	MU-M	1700 MISSION ST
003-052-09	RL	MU-M	
003-052-10	RL	MU-M	840 ALMAR AVE METER
003-052-08	RL	MU-M	850 ALMAR AVE
003-051-33	IGP2/CC	MU-M	2111 MISSION ST
003-051-34	CC	MU-M	2113 MISSION ST
004-431-01	CC	MU-M	930 ALMAR AVE
006-181-90	CC	MU-M	1520 MISSION ST
004-011-38	CC	MU-M	1203 MISSION ST
004-043-30	R15	MU-M	1242 BAY ST
011-261-13	CC	MU-H	1261 SOQUEL AVE
011-012-25	CC	MU-H	1250 SOQUEL AVE
011-025-09	CC	MU-H	728 DARWIN ST
011-025-01	CC	MU-H	147 S MORRISSEY AVE
009-234-61	CC	MU-H	908 N BRANCIFORTE AVE
009-234-26	CC	MU-H	911 WATER ST
009-234-27	CC	MU-H	905 WATER ST
009-253-10	CC	MU-H	1305 WATER ST
009-253-09	CC	MU-H	1315 WATER ST
010-062-16	CC	MU-H	730 SOQUEL AVE
010-022-25	CC	MU-H	715 SOQUEL AVE
010-022-37	CC	MU-H	728 N BRANCIFORTE AVE A
010-022-23	CC	MU-H	725 SOQUEL AVE
010-561-30	CC	MU-H	550 OCEAN VIEW AVE
010-561-04	CC	MU-H	
010-561-01	CC	MU-H	566 OCEAN VIEW AVE
010-561-02	CC	MU-H	610 SOQUEL AVE
010-561-03	CC	MU-H	622 SOQUEL AVE
010-062-18	CC	MU-H	614 S BRANCIFORTE AVE
010-062-17	CC	MU-H	710 SOQUEL AVE
010-062-10	CC	MU-H	712 SOQUEL AVE
010-062-15	CC	MU-H	519 CALEDONIA ST
010-062-11	CC	MU-H	716 SOQUEL AVE
010-062-12	CC	MU-H	718 SOQUEL AVE
010-012-06	CC	MU-H	707 N BRANCIFORTE AVE
010-072-01	CC	MU-H	1002 SOQUEL AVE
010-072-75	CC	MU-H	1006 SOQUEL AVE
010-072-03	CC	MU-H	1016 SOQUEL AVE
010-022-15	CC	MU-H	927 SOQUEL AVE
010-022-14	CC	MU-H	1007 SOQUEL AVE
010-022-13	CC	MU-H	1001 SOQUEL AVE
010-081-10	CC	MU-H	1609 SEABRIGHT AVE
010-081-01	CC	MU-H	1100 SOQUEL AVE
010-022-12	CC	MU-H	117 DOYLE ST
010-081-02	CC	MU-H	1114 1/2 SOQUEL AVE
010-022-11	CC	MU-H	119 DOYLE ST

APN	Existing Zoning	Proposed Zoning	Site Address
010-081-03	CC	MU-H	1116 SOQUEL AVE
010-081-04	CC	MU-H	1120 SOQUEL AVE
010-081-30	CC	MU-H	1126 SOQUEL AVE
010-041-08	CC	MU-H	101 BENITO AVE
010-081-31	CC	MU-H	1130 SOQUEL AVE
010-081-07	CC	MU-H	1134 SOQUEL AVE
010-041-09	CC	MU-H	100 DOYLE ST
010-081-08	CC	MU-H	1142 SOQUEL AVE
010-041-10	CC	MU-H	118 DOYLE ST
010-042-18	CC	MU-H	1115 SOQUEL AVE
010-081-09	CC	MU-H	1148 SOQUEL AVE
010-042-19	CC	MU-H	1111 SOQUEL AVE
010-042-35	CC	MU-H	1127 1/2 A SOQUEL AVE
010-042-21	CC	MU-H	122 BENITO AVE
010-042-34	CC	MU-H	
010-042-38	CC	MU-H	196 1/2 BENITO AVE
010-042-37	CC	MU-H	1119 SOQUEL AVE
010-042-36	CC	MU-H	1123 SOQUEL AVE
010-042-15	CC	MU-H	1129 SOQUEL AVE
010-042-14	CC	MU-H	1141 SOQUEL AVE
010-042-13	CC	MU-H	1709 SEABRIGHT AVE
010-042-12	CC	MU-H	1713 SEABRIGHT AVE A
010-042-11	CC	MU-H	1717 SEABRIGHT AVE 1
011-291-11	CC	MU-H	1226 SOQUEL AVE A
011-012-30	CC	MU-H	1236 SOQUEL AVE
011-261-15	CC	MU-H	1219 SOQUEL AVE
011-261-11	CC	MU-H	1126 WATER ST
011-261-08	CC	MU-H	1207 SOQUEL AVE
011-261-07	CC	MU-H	1716 SEABRIGHT AVE
011-261-12	CC	MU-H	1237 SOQUEL AVE
011-025-14	CC	MU-H	1302 SOQUEL AVE
009-212-31	CC	MU-H	825 WATER ST
009-234-60	CC	MU-H	919 WATER ST
009-212-30	CC	MU-H	833 WATER ST
009-234-62	CC	MU-H	914 N BRANCIFORTE AVE
009-253-25	CC	MU-H	117 MORRISSEY BLVD
010-561-06	RL	MU-H	603 S BRANCIFORTE AVE
010-561-05	RL	MU-H	607 S BRANCIFORTE AVE
010-062-05	RL	MU-H	604 S BRANCIFORTE AVE
010-062-06	RL	MU-H	608 S BRANCIFORTE AVE
010-012-20	CC	MU-H	607 SOQUEL AVE
010-072-76	CC	MU-H	1041 CAYUGA ST
010-072-77	CC	MU-H	1039 CAYUGA ST
011-012-36	CC	MU-H	1240 SOQUEL AVE
011-012-38	RM/CC	MU-H	1266 SOQUEL AVE
011-024-30	CC	MU-H	1404 SOQUEL AVE

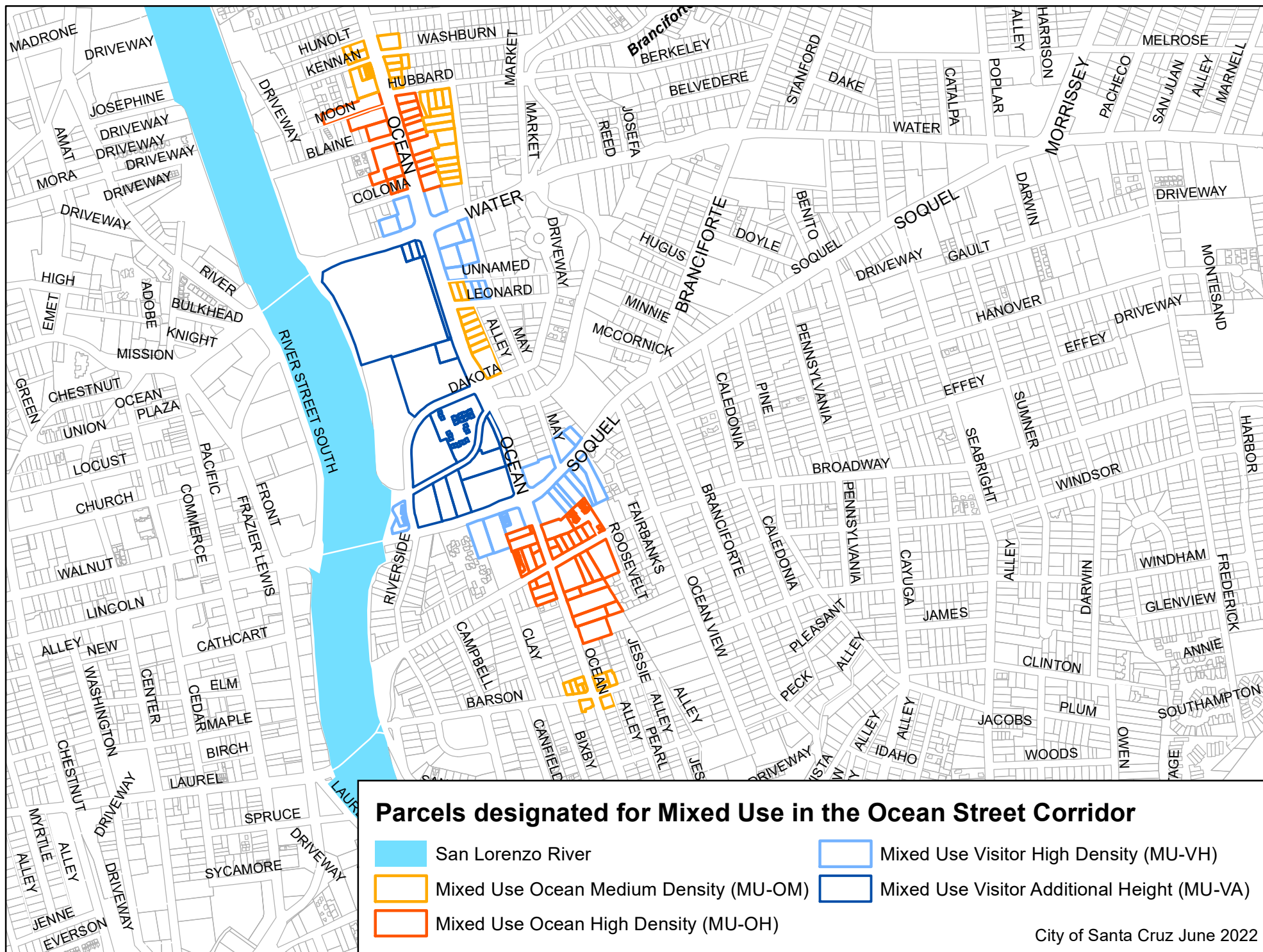
APN	Existing Zoning	Proposed Zoning	Site Address
009-234-59	CC	MU-H	109 STANFORD AVE
009-234-25	CC	MU-H	915 WATER ST
010-062-07	CC	MU-H	612 S BRANCIFORTE AVE
010-012-09	CC	MU-H	603 SOQUEL AVE
010-012-07	CC	MU-H	613 SOQUEL AVE
010-031-70	CC	MU-H	841 N BRANCIFORTE AVE
010-072-78	CC	MU-H	1024 SOQUEL AVE
009-212-38	CC	MU-H	823 WATER ST
011-012-15	CC	MU-H	1616 SEABRIGHT AVE
005-251-09	CC	MU-OM	107 LEONARD ST
010-165-18	CN	MU-OM	236 OCEAN ST
010-551-24	CN	MU-OM	304 OCEAN ST
010-551-25	CN	MU-OM	308 OCEAN ST
010-551-23	RL	MU-OM	509 BARSON ST
007-431-01	CN	MU-OM	434 BARSON ST
007-403-21	CN	MU-OM	307 OCEAN ST
007-403-23	CN	MU-OM	427 BARSON ST
007-403-22	CN	MU-OM	425 BARSON ST
007-403-19	CN	MU-OM	311 OCEAN ST 10
005-251-10	CC	MU-OM	712 OCEAN ST
005-271-16	CC	MU-OM	630 OCEAN ST
005-271-17	CC	MU-OM	636 OCEAN ST
005-271-18	CC	MU-OM	640 OCEAN ST
005-271-19	CC	MU-OM	644 OCEAN ST
008-331-15	CC	MU-OM	419 MAY AVE
008-331-14	CC	MU-OM	421 MAY AVE
008-331-13	CC	MU-OM	423 MAY AVE
008-331-12	CC	MU-OM	429 MAY AVE
008-331-35	CC	MU-OM	431 MAY AVE
008-331-08	CC	MU-OM	433 1/2 MAY AVE
008-331-07	CC	MU-OM	449 MAY AVE
008-331-06	CC	MU-OM	451 MAY AVE A
008-331-05	CC	MU-OM	457 MAY AVE
008-331-37	CC	MU-OM	116 HUBBARD ST CMN-36
008-331-02	CC	MU-OM	122 HUBBARD ST
008-331-03	CC	MU-OM	126 HUBBARD ST
008-331-04	CC	MU-OM	130 HUBBARD ST
008-253-18	CC	MU-OM	1104 OCEAN ST A
008-253-17	CC	MU-OM	1108 OCEAN ST
008-253-19	CC	MU-OM	1112 OCEAN ST
008-253-20	CC	MU-OM	1118 OCEAN ST
008-253-01	CC	MU-OM	114 WASHBURN AVE
008-541-04	CC	MU-OM	112 KENNAN ST
008-541-02	CC	MU-OM	1203 OCEAN ST
008-541-01	CC	MU-OM	1213 OCEAN ST 1
008-251-21	CC	MU-OM	1210 OCEAN ST

APN	Existing Zoning	Proposed Zoning	Site Address
008-541-03	CC	MU-OM	115 HUNOLT ST
005-271-22	CC	MU-OM	612 OCEAN ST
005-271-21	CC	MU-OM	624 OCEAN ST
005-271-15	CC	MU-OM	628 OCEAN ST
008-691-02	CC	MU-OM	1111 OCEAN ST 101
008-302-19	CC	MU-OM	1107 OCEAN ST
007-403-20	CN	MU-OM	305 OCEAN ST
008-691-01	CC	MU-OM	1111 OCEAN ST PKLOT
008-701-01	CC	MU-OM	1111 OCEAN ST 201
008-701-03	CC	MU-OM	1111 OCEAN ST 203
008-701-04	CC	MU-OM	1111 OCEAN ST 204
008-701-05	CC	MU-OM	1111 OCEAN ST 205
008-711-01	CC	MU-OM	1111 OCEAN ST 301
008-711-02	CC	MU-OM	1111 OCEAN ST 302
008-711-03	CC	MU-OM	1111 OCEAN ST 303
008-711-04	CC	MU-OM	1111 OCEAN ST 304
008-701-02	CC	MU-OM	1111 OCEAN ST 202
010-051-49	RL/CC	MU-OH	414 OCEAN ST
007-403-05	CC	MU-OH	367 OCEAN ST
007-403-07	RM	MU-OH	359 OCEAN ST
007-403-06	RM	MU-OH	363 OCEAN ST A
007-403-04	CC	MU-OH	418 BROADWAY
005-941-07	CC	MU-OH	405 OCEAN ST
005-941-01	CC	MU-OH	411 BROADWAY COMMON
005-941-06	CC	MU-OH	417 BROADWAY
005-941-08	CC	MU-OH	409 OCEAN ST
005-941-09	CC	MU-OH	415 OCEAN ST
005-941-10	CC	MU-OH	421 OCEAN ST
005-941-11	CC	MU-OH	
008-322-17	CC	MU-OH	100 COLOMA ST
008-322-39	CC	MU-OH	909 OCEAN ST
008-331-45	CC	MU-OH	902 OCEAN ST
008-322-40	CC	MU-OH	
008-331-25	CC	MU-OH	908 OCEAN ST
008-331-26	CC	MU-OH	908 OCEAN ST FRNT
008-331-27	CC	MU-OH	916 OCEAN ST
008-331-28	CC	MU-OH	920 OCEAN ST
008-331-29	CC	MU-OH	928 OCEAN ST
008-331-30	CC	MU-OH	1004 OCEAN ST
008-331-31	CC	MU-OH	1008 1/2 OCEAN ST
008-331-32	CC	MU-OH	1010 OCEAN ST
008-331-41	CC	MU-OH	1014 OCEAN ST
008-331-40	CC	MU-OH	110 HUBBARD ST
010-051-53	RL	MU-OH	523 BROADWAY A
010-051-54	RL	MU-OH	527 BROADWAY
010-391-10	RL	MU-OH	533 BROADWAY CMN

APN	Existing Zoning	Proposed Zoning	Site Address
010-551-10	RM/RL	MU-OH	330 OCEAN ST
010-551-08	RM	MU-OH	344 OCEAN ST
010-551-07	RM	MU-OH	342 OCEAN ST
010-551-05	RM	MU-OH	356 OCEAN ST A
010-551-06	RM	MU-OH	350 OCEAN ST
010-551-04	RM	MU-OH	358 OCEAN ST
010-551-01	CC	MU-OH	370 OCEAN ST
010-551-02	RL	MU-OH	514 BROADWAY
010-551-03	RL	MU-OH	518 BROADWAY Cmn
010-051-31	CC	MU-OH	404 OCEAN ST A
010-102-01	RL	MU-OH	526 BROADWAY
010-051-32	CC	MU-OH	410 OCEAN ST
010-051-37	CC	MU-OH	509 BROADWAY
010-051-38	CC	MU-OH	515 BROADWAY
010-051-43	RL	MU-OH	519 1/2 BROADWAY
008-303-16	CC	MU-OH	1001 OCEAN ST
008-303-01	RM/CC	MU-OH	1015 OCEAN ST
008-322-43	CC	MU-OH	919 OCEAN ST
008-302-20	RM	MU-OH	1101 OCEAN ST
010-391-09	RL	MU-OH	533 BROADWAY 9
010-391-08	RL	MU-OH	533 BROADWAY 8
010-391-07	RL	MU-OH	533 BROADWAY 7
010-391-06	RL	MU-OH	533 BROADWAY 6
010-391-05	RL	MU-OH	533 BROADWAY 5
010-391-04	RL	MU-OH	533 BROADWAY 4
010-391-03	RL	MU-OH	533 BROADWAY 3
010-391-02	RL	MU-OH	533 BROADWAY 2
010-391-01	RL	MU-OH	533 BROADWAY 1
005-941-04	CC	MU-OH	411 BROADWAY C
005-941-05	CC	MU-OH	411 BROADWAY D
005-941-03	CC	MU-OH	411 BROADWAY B
005-941-02	CC	MU-OH	411 BROADWAY A
005-251-08	RL	MU-VH	111 LEONARD ST
005-251-07	RL	MU-VH	113 LEONARD ST
005-251-06	RL	MU-VH	119 LEONARD ST
005-251-11	CC	MU-VH	716 OCEAN ST
005-251-18	CC	MU-VH	
005-251-04	CC	MU-VH	323 MAY AVE
005-251-16	CC	MU-VH	420 WATER ST
005-302-27	CC	MU-VH	330 SOQUEL AVE
005-302-28	CC	MU-VH	340 SOQUEL AVE
005-941-16	CC	MU-VH	354 SOQUEL AVE CMN
008-323-12	CC	MU-VH	303 WATER ST
010-051-46	CC	MU-VH	434 OCEAN ST
010-051-02	CC	MU-VH	414 1/2 SOQUEL AVE
010-051-03	CC	MU-VH	416 SOQUEL AVE CMN-02

APN	Existing Zoning	Proposed Zoning	Site Address
010-051-04	CC	MU-VH	422 SOQUEL AVE A
010-051-05	RL/CC	MU-VH	500 SOQUEL AVE
010-051-06	RL/CC	MU-VH	506 SOQUEL AVE
010-051-07	RL/CC	MU-VH	510 SOQUEL AVE
010-012-13	CC	MU-VH	501 SOQUEL AVE
010-012-29	CC	MU-VH	513 SOQUEL AVE
005-251-19	CC	MU-VH	730 OCEAN ST
005-283-10	CC	MU-VH	107 DAKOTA AVE 2
005-941-12	CC	MU-VH	433 OCEAN ST
010-011-33	CC	MU-VH	500 OCEAN ST
005-541-05	CC	MU-VH	111 DAKOTA AVE CMN
008-323-27	CC	MU-VH	815 OCEAN ST
008-331-48	CC	MU-VH	806 OCEAN ST
005-541-04	CC	MU-VH	111 DAKOTA AVE 4
005-541-03	CC	MU-VH	111 DAKOTA AVE 3
005-541-02	CC	MU-VH	111 DAKOTA AVE 2
005-541-01	CC	MU-VH	111 DAKOTA AVE 1
005-941-13	CC	MU-VH	348 SOQUEL AVE
005-941-14	CC	MU-VH	350 SOQUEL AVE
005-941-15	CC	MU-VH	352 SOQUEL AVE
005-891-03	CC	MU-VA	615 OCEAN ST
005-261-34	CC	MU-VA	
005-261-32	CC	MU-VA	745 OCEAN ST
005-281-32	RM	MU-VA	134 DAKOTA AVE
005-891-02	CC	MU-VA	611 OCEAN ST
005-261-33	CC	MU-VA	318 WATER ST
005-781-66	RM	MU-VA	
005-781-23	RM	MU-VA	180 DAKOTA AVE 18
005-781-22	RM	MU-VA	180 DAKOTA AVE 17
005-781-21	RM	MU-VA	180 DAKOTA AVE 16
005-781-20	RM	MU-VA	180 DAKOTA AVE 15
005-781-19	RM	MU-VA	180 DAKOTA AVE 14
005-781-18	RM	MU-VA	180 DAKOTA AVE 13
005-781-17	RM	MU-VA	180 DAKOTA AVE 12
005-781-16	RM	MU-VA	180 DAKOTA AVE 11
005-781-01	RM	MU-VA	180 DAKOTA AVE A
005-781-02	RM	MU-VA	180 DAKOTA AVE B
005-781-03	RM	MU-VA	180 DAKOTA AVE C
005-781-04	RM	MU-VA	180 DAKOTA AVE D
005-781-05	RM	MU-VA	180 DAKOTA AVE E
005-781-06	RM	MU-VA	180 DAKOTA AVE F
005-781-07	RM	MU-VA	180 DAKOTA AVE G
005-781-08	RM	MU-VA	180 DAKOTA AVE H
005-781-09	RM	MU-VA	180 DAKOTA AVE J
005-781-10	RM	MU-VA	180 DAKOTA AVE K
005-781-11	RM	MU-VA	180 DAKOTA AVE L

APN	Existing Zoning	Proposed Zoning	Site Address
005-781-12	RM	MU-VA	180 DAKOTA AVE M
005-781-13	RM	MU-VA	180 DAKOTA AVE P
005-781-14	RM	MU-VA	180 DAKOTA AVE R
005-781-15	RM	MU-VA	180 DAKOTA AVE
005-791-05	RM	MU-VA	180 DAKOTA AVE 28
005-791-04	RM	MU-VA	180 DAKOTA AVE 27
005-791-06	RM	MU-VA	180 DAKOTA AVE 26
005-791-03	RM	MU-VA	180 DAKOTA AVE 25
005-791-07	RM	MU-VA	180 DAKOTA AVE 24
005-791-02	RM	MU-VA	180 DAKOTA AVE 23
005-791-08	RM	MU-VA	180 DAKOTA AVE 22
005-791-01	RM	MU-VA	180 DAKOTA AVE 21
005-801-05	RM	MU-VA	180 DAKOTA AVE 38
005-801-04	RM	MU-VA	180 DAKOTA AVE 37
005-801-06	RM	MU-VA	180 DAKOTA AVE 36
005-801-03	RM	MU-VA	180 DAKOTA AVE 35
005-801-07	RM	MU-VA	180 DAKOTA AVE 34
005-801-02	RM	MU-VA	180 DAKOTA AVE 33
005-801-08	RM	MU-VA	180 DAKOTA AVE 32
005-801-01	RM	MU-VA	180 DAKOTA AVE 31
005-811-04	RM	MU-VA	180 DAKOTA AVE 47
005-811-02	RM	MU-VA	180 DAKOTA AVE 43
005-811-05	RM	MU-VA	180 DAKOTA AVE 48
005-811-06	RM	MU-VA	180 DAKOTA AVE 46
005-811-07	RM	MU-VA	180 DAKOTA AVE 44
005-811-08	RM	MU-VA	180 DAKOTA AVE 42
005-811-01	RM	MU-VA	180 DAKOTA AVE 41
005-811-03	RM	MU-VA	180 DAKOTA AVE 45
005-821-02	RM	MU-VA	180 DAKOTA AVE 53
005-821-03	RM	MU-VA	180 DAKOTA AVE 55
005-821-04	RM	MU-VA	180 DAKOTA AVE 57
005-821-05	RM	MU-VA	180 DAKOTA AVE 58
005-821-06	RM	MU-VA	180 DAKOTA AVE 56
005-821-07	RM	MU-VA	180 DAKOTA AVE 54
005-821-08	RM	MU-VA	180 DAKOTA AVE 52
005-821-01	RM	MU-VA	180 DAKOTA AVE 51
005-831-02	RM	MU-VA	180 DAKOTA AVE 63
005-831-03	RM	MU-VA	180 DAKOTA AVE 65
005-831-04	RM	MU-VA	180 DAKOTA AVE 67
005-831-05	RM	MU-VA	180 DAKOTA AVE 68
005-831-06	RM	MU-VA	180 DAKOTA AVE 66
005-831-07	RM	MU-VA	180 DAKOTA AVE 64
005-831-08	RM	MU-VA	180 DAKOTA AVE 62
005-831-01	RM	MU-VA	180 DAKOTA AVE 61



RESOLUTION NO. NS-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ADOPTING A FEE SCHEDULE FOR THE STREET TREE REPLACEMENT IN-LIEU FEE PURSUANT TO CHAPTER 13.30.100 OF THE MUNICIPAL CODE

WHEREAS, pursuant to Section 13.30.100 of the Santa Cruz Municipal Code, a tree permit shall be obtained from the Director of Parks and Recreation by any person proposing to root prune, transplant, or remove any tree within the public right-of-way (hereinafter referred to as a “street tree”); and

WHEREAS, the Director of Parks and Recreation may condition any permit for removal of a street tree, granted pursuant to Section 13.30.100 of the Santa Cruz Municipal Code, so as to require the permittee to replace the street tree; and

WHEREAS, establishment of an in-lieu fee provides an additional mitigation alternative for circumstances where replacement of a removed street tree pursuant to Section 13.30.100 of the Santa Cruz Municipal Code is not feasible; and

WHEREAS, in the adoption of certain amendments to Chapter 13.30 of the Santa Cruz Municipal Code, the City Council plans to add an in-lieu fee for replacement of a removed street tree pursuant to Section 13.30.100 of the Santa Cruz Municipal Code; and

WHEREAS, the proposed Fee Schedule, attached as Exhibit A hereto, has been prepared by City staff after approximating the objectively reasonable costs associated with the replacement of a removed street tree, including the purchasing, installing, watering for two years, and initial structural pruning of a replacement tree; and

WHEREAS, the creation of a funding mechanism is not a project as defined by the California Environmental Quality Act; and

WHEREAS, as required by California Government Code Section 66018, notice of the public hearing on the proposed fee was published in the manner set forth in California Government Code Section 6062a; and

WHEREAS, a public hearing was held by the City Council of the City of Santa Cruz on _____, 2022 at a regularly scheduled meeting, providing an opportunity for interested members of the public to make oral and/ or written presentations to the City Council regarding the proposed Fee Schedule; and

NOW THEREFORE, BE IT RESOLVED, that the foregoing recitations are true and correct, and are included herein by reference as findings.

BE IT FURTHER RESOLVED that the City Council hereby finds and declares that:

- (1) The proposed street tree replacement in-lieu fees in the Fee Schedule, attached hereto as Exhibit A, are designed to fund mitigation of impacts from the removal of any street trees in order to preserve the City's existing tree canopy.
- (2) The street tree replacement in-lieu fees are intended to cover the full costs for the City to replace a removed street tree, which shall include the purchase, installation, watering for two years and initial structural pruning of a replacement tree.
- (3) The street tree replacement in-lieu fees are structured such that larger trees that are removed, as measured by diameter inches at standard height, incur a larger in-lieu fee. The City Council finds that larger trees provide a greater benefit to the City compared to smaller trees.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the in-lieu fees for replacement of removed street trees as provided in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED, these fees may be incorporated and added to the City's Master Fee Schedule.

BE IT FURTHER RESOLVED, that the Director of Parks and Recreation is hereby authorized to administer and take all action relating to the collection and processing of the fees on behalf of the City regarding this Resolution.

BE IT FURTHER RESOLVED, the adoption of this Resolution is not a project under the California Environmental Quality Act because it is the creation of a government funding mechanism that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (CEQA Guidelines Section 15378(b)(4).)

PASSED AND ADOPTED this 23rd day of August, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Sonja Brunner, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-30,
EXHIBIT A

FEE SCHEDULE

PARKS AND RECREATION STREET TREE REPLACEMENT IN-LIEU FEES PURSUANT
TO SECTION 13.30.100 OF THE SANTA CRUZ MUNICIPAL CODE

- a. In-lieu fee for replacement of a street tree less than or equal to 7 inches in diameter: \$1,510 per tree
- b. In-lieu fee for replacement of a street tree greater than 7 inches in diameter: \$1,705 per tree
- c. Annual Increases. The in-lieu fee may be upwardly increased to the next whole dollar on January 1 of each year in accordance with the San Francisco/Oakland Bay Area (All Items) Consumer Price Index for all urban consumers provided by the U.S. Bureau of Labor Statistics.

Memorandum

DATE	November 23, 2020		
TO	Sarah Neuse 831-420-5092 sneuse@cityofsantacruz.com	FROM	Meredith Rupp, Project Manager Lynette Dias, Principal Lisa Abboud, InterEthnica

RE: City of Santa Cruz Objective Development Standards – Community Outreach Strategy

This memorandum presents a community engagement strategy for the Objective Development Standards for Multi-Family and Mixed-Use Housing (Objective Standards). The engagement strategy was collaboratively prepared by Urban Planning Partners and InterEthnica and both firms will implement the strategy in partnership with the City of Santa Cruz.

This memorandum starts with a discussion of our community engagement approach and goals, followed by a discussion on how the project team will track community participation across key demographics in line with our equity goals. The memorandum includes a matrix of outreach activities and ends with a recommended schedule.

ENGAGEMENT APPROACH

In its Request for Proposals, the City stated that the engagement process for this project should prioritize equity. We share this value and have designed an engagement strategy that seeks to hear from voices who do not traditionally engage in planning projects and builds relationships with underrepresented populations. Through discussions with City staff and an examination of demographic data (see Attachment A for Santa Cruz demographics), we have identified the following groups for tailored engagement efforts during this project:

- **Latinos who live and/or work in Santa Cruz**
- **Low- and moderate-income households**
- **University students**

Consistent with the City's desire to prioritize equity and inclusion, we propose activities that will meet people where they are (e.g., gathering places, food banks, their own homes). We will partner with community organizations to build trust and relationships with Santa Cruz's Latinx community and lower-income households who face greater barriers to entry. We will use stipends to show

participants that we value their time and respect their input. Finally, we will not just translate or interpret events that are designed for English speakers; we will design and conduct culturally appropriate events specifically in Spanish. Our proposed activities are discussed further at the end of this memo and found in Attachment B.

We are not planning large community meetings as this meeting format is typically not appealing to much of a community's population. It can be challenging to engage in a productive and safe dialogue with a representative cross section of the community and difficult to hear from those with divergent viewpoints. Large community meetings also are intimidating to some and often only provide a platform for those with the loudest voices that tend to overpower a meeting. Similarly, we have not enlisted an advisory committee that inherently amplifies a few key voices (and those who serve on the committees are often people who have the time and resources for such a task). An advisory committee does not reach a lot of voices and official meetings under the Brown Act can make things feel formal and not organic. We have had more success with tailored efforts.

ENGAGEMENT OUTCOMES

Research on housing inequities, as well as the events of 2020, have reemphasized the urgent need to center racial and economic justice in our work as urban planners. In addition, past planning processes relative to housing in Santa Cruz, including the Corridors Plan, indicate how necessary it is to (1) engage with members of the community who have not typically been involved in planning processes in the past and (2) ensure the community feels ownership over the Objective Standards.

If the engagement process is successful, we will achieve the following outcomes:

1. The discussion on housing in Santa Cruz is reframed to connect State housing legislation and the project to the racial justice movement and to non-aesthetic elements of what makes Santa Cruz Santa Cruz.

How to measure success: participants who attend the housing and Diversity, Equity, and Inclusion event participate in other project outreach events and bring systemic racism; Diversity, Equity, and Inclusion; and non-aesthetic elements of housing into the discussion.

2. Community engagement activities reached and included the voices of underrepresented populations, including:
 - People who have not previously participated in planning processes
 - People who are likely to occupy multi-family residential housing
 - The Latinx community
 - College/university students
 - Low- and moderate-income households

How to measure success: demographic tracking to see who is participating compared to the population as a whole and who has participated in past efforts.

3. The community understands what an objective standard is and why they are important
How to measure success: creating a quiz or asking participants to complete a sentence (e.g., objective development standards are important for Santa Cruz to adopt because _____) in conjunction with one of our outreach activities. This would be most compatible with the survey in Phase II.
4. The community sees their input in the final Objective Standards
How to measure success: a proxy for this will be seeing community support for the objective standards, not just at the adoption hearing but at other outreach events.

ENGAGEMENT PHASES

As outlined in our scope of work, we envision community engagement occurring in three phases.

PHASE I - INFORM, LISTEN, AND UNDERSTAND

Messaging for the educational component will focus on what objective standards are, including what they can and cannot include and examples of objective standards from other communities; why objective standards are needed; what density looks like; the project goals; the intent and implications of State law; and what to anticipate throughout the planning process. The education component will build off the Santa Cruz Voices on Housing and HBS outreach.

PHASE II- DEFINE AND MEASURE COMMUNITY CHARACTER

Input from the community will be used to identify key elements that contribute to Santa Cruz's neighborhood character, removing the subjective meaning of the phrase and building community ownership over the objective standards. The community will also gain the vocabulary they need to provide impactful feedback in the next phase of the project.

PHASE III - SHAPE AND REFINE OBJECTIVE DEVELOPMENT STANDARDS

We will solicit input on design preferences and implementation questions through interactive tools and facilitated discussions. The community will be able to see how their feedback has been incorporated in the product(s).

ONGOING

In addition to the three phases, a dedicated project website hosted by the City will be used throughout the project's entirety. The website will be updated with summaries of outreach activity results on a rolling basis, as well as the demographic trackers showing the makeup of Santa Cruz and the makeup of our outreach participants in terms of age, race, ethnicity, household size, and household income. The website will also include information on the project schedule and upcoming outreach opportunities.

EQUITY AND PARTICIPATION TRACKING

When planning an engagement process, it is crucial to understand the target audience and identify any potential barriers and motivators to ensure wide participation from diverse stakeholders. It is important to ask challenging questions including:

- Why will this target audience want to engage with us?
- What are their interests, motivations, and needs?
- How can we create interactive, engaging ways to work with this target audience?
- What are the barriers to participation?

Taking into consideration these factors, we tailor each engagement activity to have maximum reach and impact on the identified target audience. The most effective outreach and engagement is implemented by people and organizations that are trusted by a target community. InterEthnica leverages our deep relationships with community-based organizations (CBOs) and their communities to identify opportunities for partnerships and recruit a diverse range of participants.

For each engagement activity, we specifically target and meticulously track engagement. When developing and leveraging our partnerships with CBOs, faith-based organizations (FBOs), schools, and community leaders, we map out the communities they serve to identify our projected reach and determine any potential gaps. At each opportunity for input, we provide a variety of methods for collecting key demographic data, including pre- or post-engagement surveys/comment cards and registration forms, particularly for virtual public information sessions. Demographic questions for this project will include race/ethnicity, household income and household size, and age range.

For more targeted engagement activities such as stakeholder meetings and small group discussions with a specified target audience, we engage in a thorough recruitment process that includes an online questionnaire and/or phone or in-person interviews of potential participants. We build time into our timeline to discuss in detail participant choices based on the what we learn during our recruitment and placement interviews to create a group of people who meet the predetermined requisites of the target audience, are good communicators, have good synergy with one another, and we feel will provide us with honest feedback.

We utilize all data collected to track engagement and determine if participation goals have been met.

ENGAGEMENT ACTIVITIES MATRIX

The matrix in Attachment A outlines our recommended engagement options for each phase of the project. Items shaded in grey are activities that the consultant team recommends and that fall within our budget, but we have presented additional options for consideration. Should City staff

and/or the Planning Commission prefer activities be traded out, so rescoping may be necessary to remain within the budget.

The total consultant labor budget for this task is \$40,130.

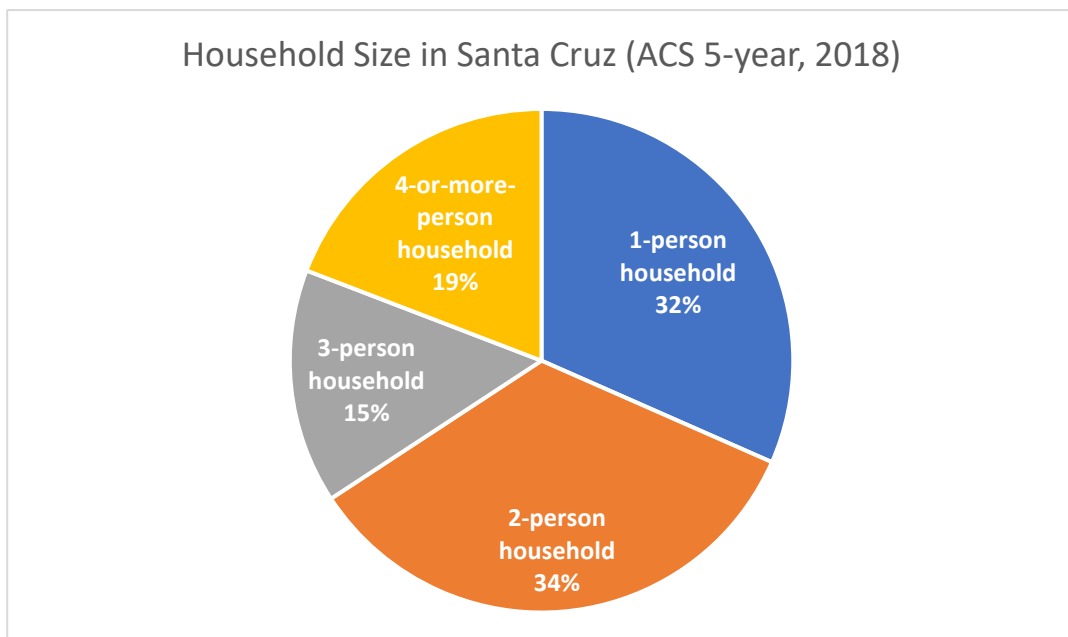
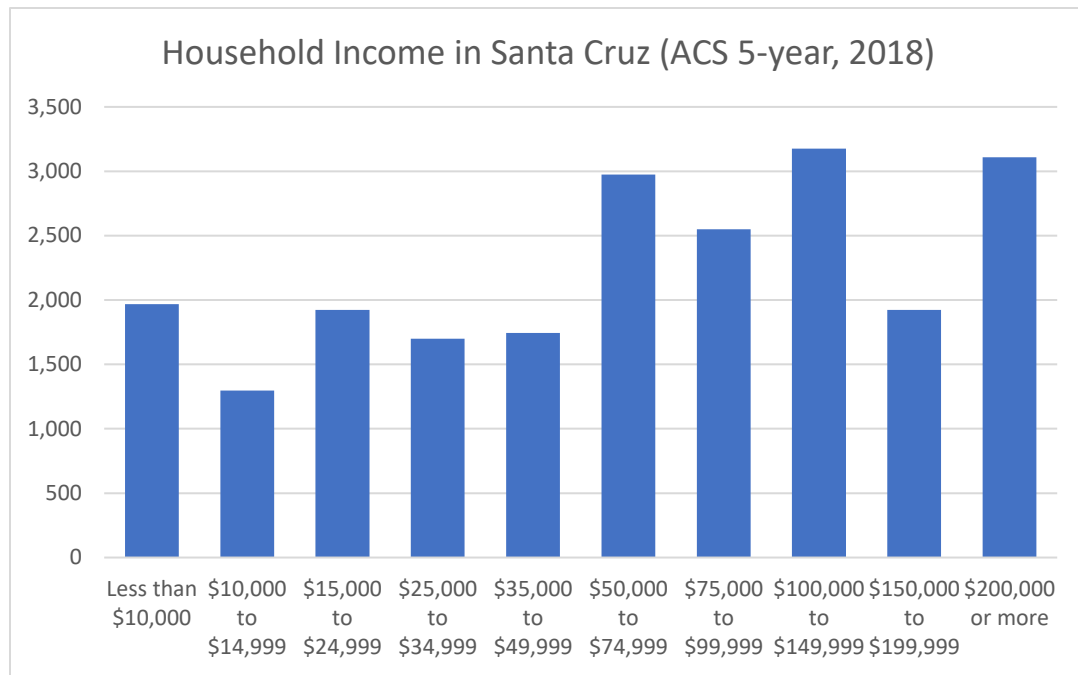
RECOMMENDED SCHEDULE

Engagement activities would occur throughout the project at to inform and shape project milestones. Assuming we take on the recommended activities in Attachment B, the bullets below highlight our anticipated schedule.

- **December 2020.** Planning Commission session to receive feedback on this outreach strategy.
- **January 2021.** Website is up with English and Spanish versions of the Housing 101 Guide. Completed matrix of community partners we will engage with throughout the project and how their members prefer to be engaged.
- **February/March 2021.** Housing information sessions for general public and target groups take place. Events could be promoted as part of Black History Month.
- **April 2021.** Facilitated discussions on community character and exploring community preferences.
- **Spring 2021.** Community input and technical analyses are evaluated. Objective standards begin to be drafted.
- **Summer 2021.** Feedback on draft visualizations is collected from the public, target groups, and development professionals.
- **August 2021.** Draft visualizations are presented to Planning Commission for feedback.
- **Fall 2021.** Objective development standards are finalized and codified. Standards are considered for adoption at Planning Commission and City Council hearings.

Attachments

- Attachment A: Santa Cruz Demographics
- Attachment B: Outreach Activities Matrix



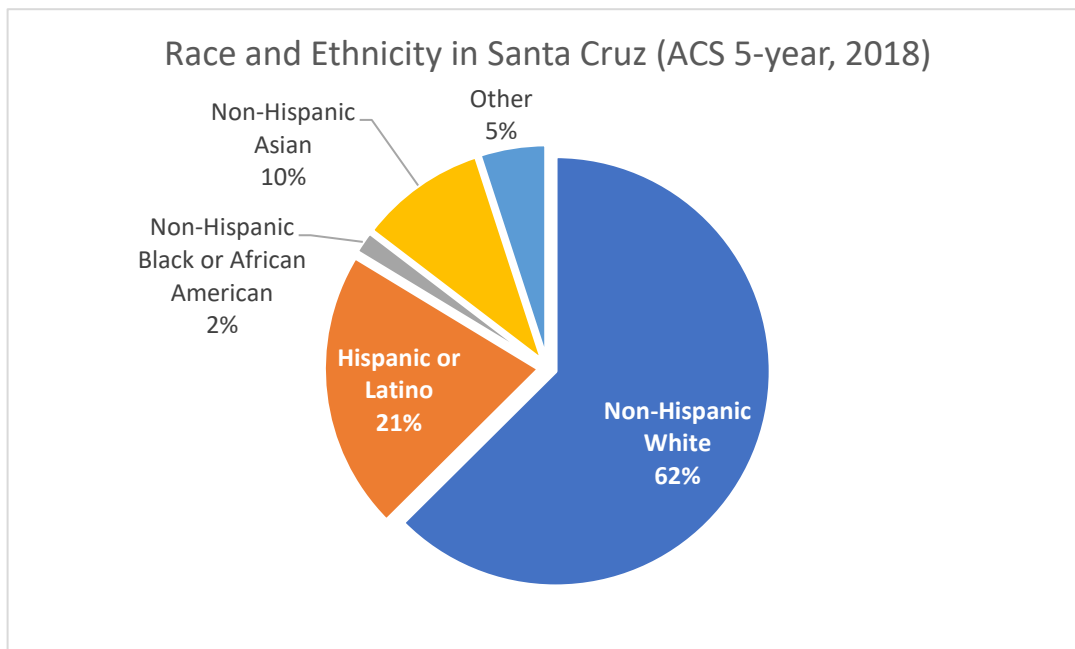
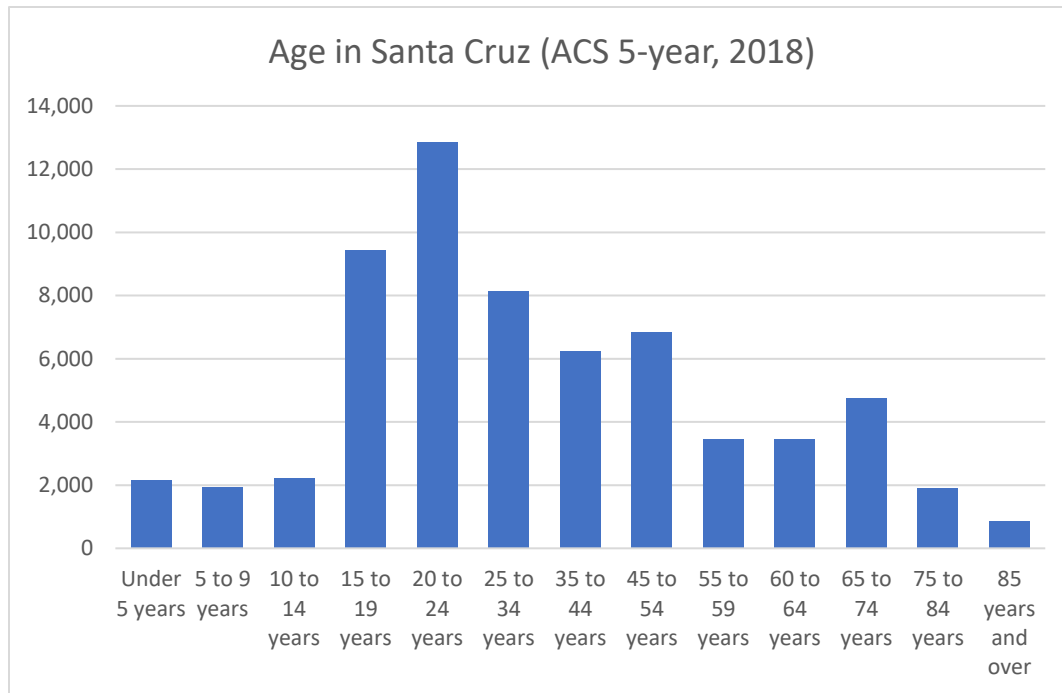


TABLE 1 ENGAGEMENT ACTIVITIES

Phase		Activity	Description	Audience	Objective(s)	Category ^a	Notes	Est. Consultant Budget
Ongoing	1	Project website and data analysis	Webpage hosted on City’s website with project updates, schedule, and outreach materials, including meeting summaries and data analysis.	General public	<ul style="list-style-type: none">• Inform community on project status• Provide repository for documents and data• Fulfill obligations relative to City’s Outreach Policy	Asynchronous/Digital	Ongoing throughout project. Translation would not be provided except for the Housing 101 Guide due to budget constraints.	\$3,540 ^b
	1	Housing 101 guide	Handout defining key terms and acronyms (e.g. STR, affordable housing). Can be used throughout process but should be completed during first phase.	General public	<ul style="list-style-type: none">• Supply community with the knowledge and vocabulary needed to provide meaningful input• Reduce barriers to participation	Asynchronous/Digital	Will be translated into Spanish.	\$2,275 (+ Direct costs for translated materials) ^c
	2	Support services and community group interviews	Interview service providers and community organizations (e.g., Community Bridges, Salvation Army Santa Cruz, Santa Cruz Catholic Charities) to inform outreach efforts.	Latinx community, low-income households	<ul style="list-style-type: none">• Understand gathering places (digital/ physical) and best practices for engaging local Latinx community and low-income residents• Build relationship with key gatekeepers and community leaders• Lay foundation to achieve equity goals	Live/ Digital	Ongoing throughout this phase. Information will be used to inform future activities.	\$500 (assume 3 interviews)
Inform, Listen and Understand	3	Housing and Diversity, Equity and Inclusion general information session	Facilitated and interactive seminar utilizing Mural, Zoom, or Remo. The session will provide an overview of the history of housing discrimination and current legislation and will utilize breakout groups to discuss how the project relates to the past and the present.	General public, esp. people who don’t typically engage with planning processes, people who work in Santa Cruz but don’t live there, and/or those who oppose multi-family housing	<ul style="list-style-type: none">• Inform community on why the project is needed relative to State legislation (e.g., RHNA, SB330)• Link the project goals to history of housing discrimination and to the larger national narrative of how to dismantle systemic racism• Reframe the discussion on housing and activate and challenge members of the community in new ways	Live/ Digital (with recording)	Will partner with Santa Cruz NAACP, UC Santa Cruz Sociology Department, Santa Cruz Latino Affairs Commission, Senderos, Star of the Sea Church, and/or other organizations to plan and deliver the social justice content.	\$7,940
	4	Focused information session – Latinx community	Facilitated and interactive seminar utilizing Mural, Zoom, or Remo. The session will provide an overview of the history of housing discrimination and current legislation and will utilize breakout groups to discuss how the project relates to the past and the present.	Latinx community	<ul style="list-style-type: none">• Attract new voices in the discussion on housing by created a safe space for Latinx community• Build relationships with Latinx community• Inform community on why the project is needed relative to State legislation (e.g., RHNA, SB330)• Ensure Latinx community knows why their input is important for this project so that they continue to participate in the project and other housing projects• Reframe the discussion on housing Achieve equity goals	Live/Digital (with recording)	Attendees would receive a \$75 stipend. Event would be back-interpreted into English for the client.	\$8,860 (+ Direct costs for translated materials) ^c
	5	PC hearing	Planning Commission study session on deliverables to date (2 test fits, economic feasibility analysis, community outreach strategy)	Planning Commission and general public	<ul style="list-style-type: none">• Present test fit findings• Inform approach to zoning/GP inconsistency• Gather feedback on development feasibility findings and outreach strategy	Live/Digital	Scheduled for Dec. 3	Covered in Task 1 budget

TABLE 1 ENGAGEMENT ACTIVITIES

Phase	Activity	Description	Audience	Objective(s)	Category ^a	Notes	Est. Consultant Budget
Define Community Character	1 Online survey with learning components embedded	Online survey with basic questions asking about tradeoffs (e.g., convenient parking everywhere versus greater affordability of housing, private open space to serve future residents or retail to serve the community). Questions will be high level and include visuals wherever possible. Visuals throughout the survey and prompts before questions will be used to give the participant information on terminology and tradeoffs for them to make more information decisions. At the end of the survey, there will be optional questions for those interested in a deeper dive into more detailed design preferences.	General public, community organizations, target demographic groups including Latinx community	<ul style="list-style-type: none">• Gather high-level feedback on which development standards or tradeoffs are deal breakers versus which have greater community support• Gather detailed feedback on what specific characteristics of buildings people are interested in• Reframe the housing discussion to include non-aesthetic aspects to consider, including building cost (and therefore rents) and the project’s social and political context	Asynchronous/ Digital with paper copies also available if requested	Survey length will target 8 minutes or less. Will be translated into Spanish and distributed with list of Latinx contacts formed through previous outreach. Participants will be entered into a raffle to win a \$100 gift card to a local business of their choice.	\$7,770 (+Direct costs for translation) ^c
	2 Interviews and/or facilitated meetings	Assessment of demographic tracker will be used to see what voices are missing and will recruit participants for interviews and/or small groups discussions accordingly. Participants will be shown visualizations of different standards to react to.	Target groups: low- and moderate-income households, university students	<ul style="list-style-type: none">• Engage in deep conversations with harder to reach groups• Gather feedback on what specific characteristics of buildings people are interested in• Gather feedback on how the standards should be implemented (e.g., dependent upon different corridor types or neighborhoods)• Achieve equity goals	Live/Digital	Will utilize a forum as identified by interviews in first phase to target key groups who do not typically engage in the planning process. Recruitment would leverage help from community organizations. With permission, video testimonials or quotes could be presented on the website and in future deliverables.	\$1,380 (assumes three group meetings or interviews, English-only due to budget constraints)

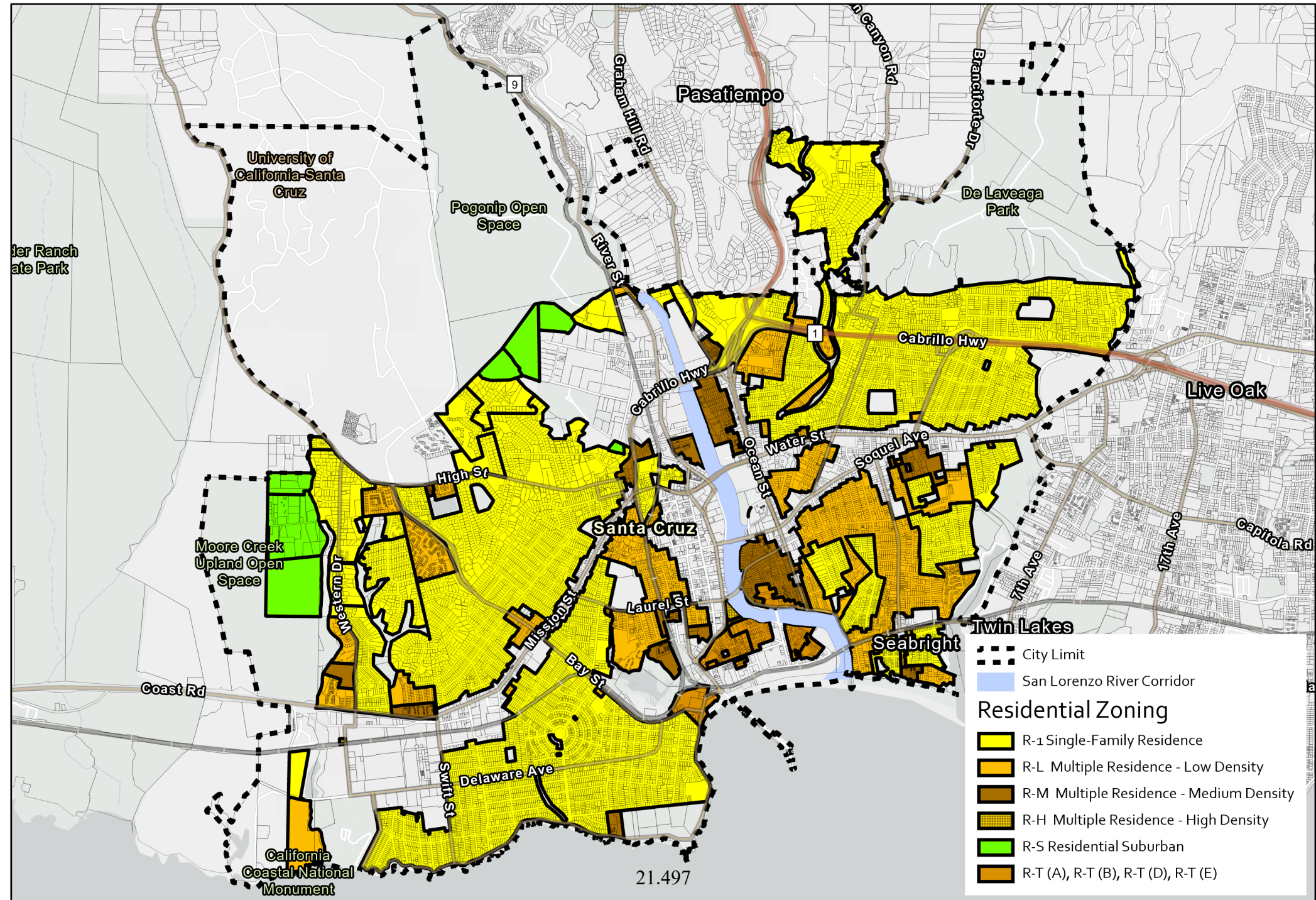
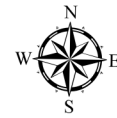
TABLE 1 ENGAGEMENT ACTIVITIES

Phase	Activity	Description	Audience	Objective(s)	Category ^a	Notes	Est. Consultant Budget
Shape and Refine Objective Standards	1	Interactive website voting with launch event	General public and target groups	<ul style="list-style-type: none">Gain feedback to refine development standardsGenerate excitement around the draft visualizations and objective standardsEnsure community feels ownership over final product	Live/ Digital (with recording) for launch event Asynchronous/Digital for website	Would call upon community organizations to help us spread the word and we will perform focused marketing (e.g., phone calls, attendance at group events) to publicize the website to target groups.	\$6,345
		Live, remote event would be held to walk the community through the draft visualizations and answer the community’s questions.				Website would be very visual and would translated into Spanish.	(+Direct costs for translation) ^c
	2	Development professionals focus group	MF and MU building architects and developers who are active in Santa Cruz	<ul style="list-style-type: none">Get input on potential implementation challenges or where clarification is needed	Live/Digital		\$1,030
	3	PC meeting	Planning Commission	<ul style="list-style-type: none">Present draft visualizations of objective standards and receive feedback from commissioners	Live/Digital		\$1,690 ^d
Community Engagement Budget							\$48,100
Recommended Activities Total							\$41,330 ^e

^aCategory is used to identify whether activities are remote or in-person, digital or not, and ongoing (i.e., asynchronous) or one-time events.
^b Consultant website budget assumes City staff will set up and update website. The consultant team will analyze data/prepare meeting summaries and project schedule updates for the City to post.
^c Translated materials are charged per word instead of per labor hours and will be accommodated in the direct costs budget instead of the labor budget.
^dAssumes a digital hearing (i.e., no travel time required).
^eRemaining \$6,770 for this task is for the outreach strategy.

Residential Zoning City of Santa Cruz

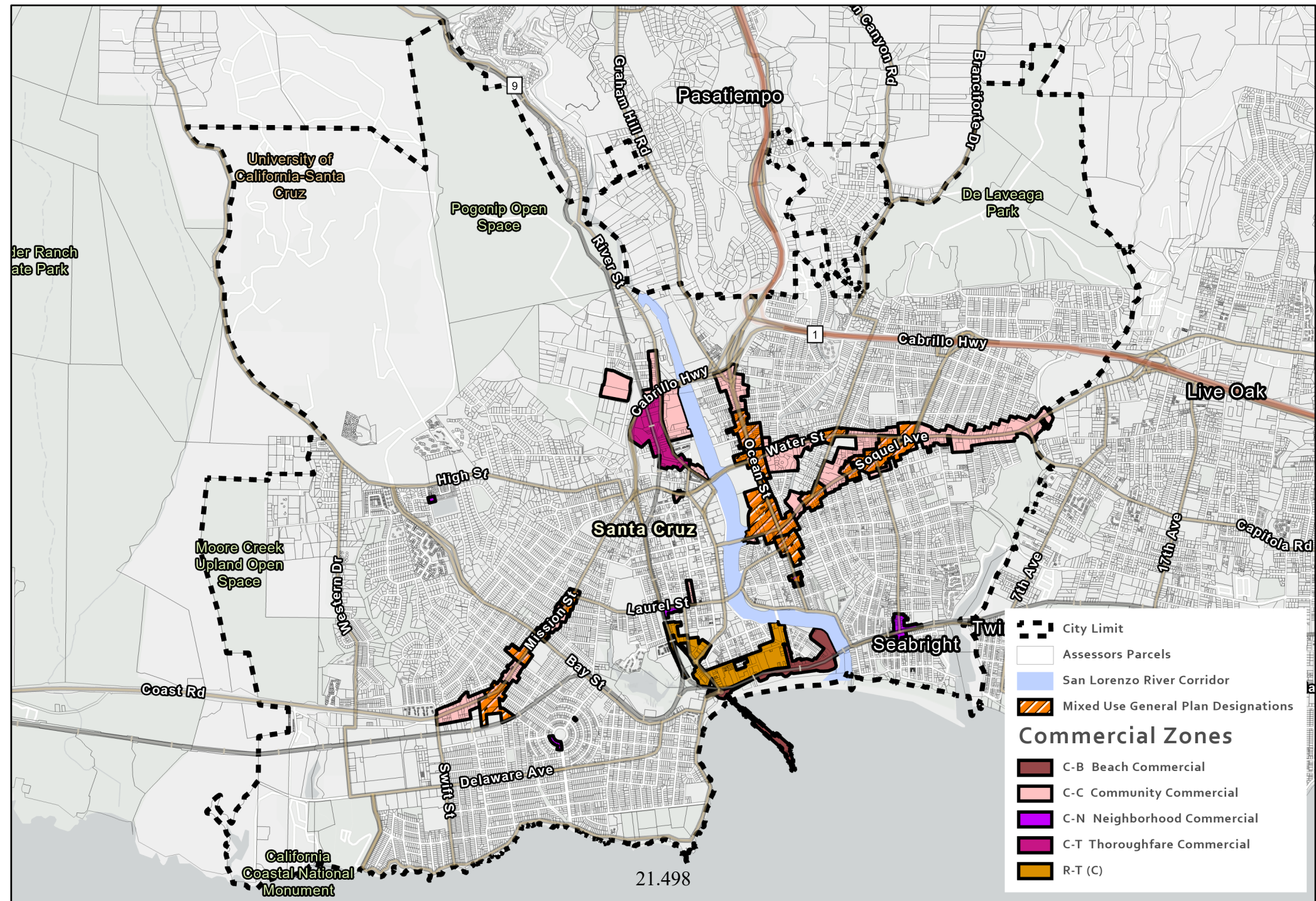
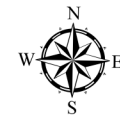
0 1,250 2,500 5,000 Feet



Commercial Zoning City of Santa Cruz

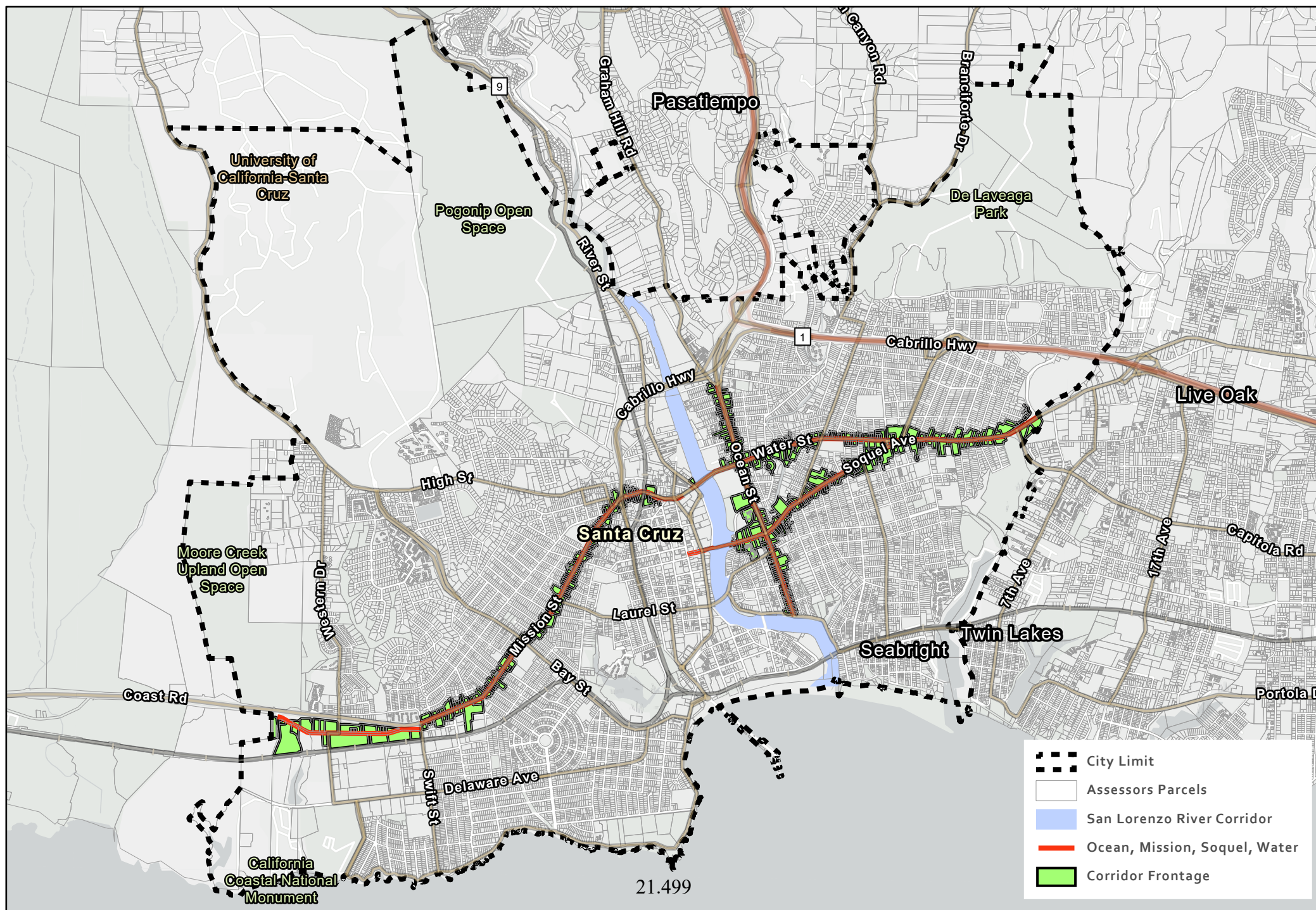
Includes Mixed Use General Plan Designations

0 1,250 2,500 5,000 Feet



Parcels on Corridors: Mission, Ocean, Soquel, and Water

0 1,250 2,500 5,000 Feet





PLANNING COMMISSION AGENDA REPORT

DATE: 11/24/20

AGENDA OF: December 3, 2020

DEPARTMENT: Advance Planning Division, Planning and Community Development Department

SUBJECT: Objective Development Standards Test Fits and General Plan/Zoning Reconciliation

RECOMMENDATION: That the Planning Commission recommend to the City Council that no General Plan Amendment be initiated at this time, and that the work on the objective zoning standards be completed before revisiting the possibility of a General Plan Amendment to reallocate development capacity for housing within the City.

BACKGROUND: City Planning Staff has been working on an effort to bring the City's Zoning Ordinance and General Plan into alignment with one another in various ways since the current 2030 General Plan was adopted by the City Council in 2012. The initial effort to correct the mismatch between the General Plan and Zoning was known as the Corridors Plan and was focused on developing a plan and implementing zoning for the four major transportation corridors through the City: Mission St, Ocean St, Water St, and Soquel Ave. This work was paused in 2017 following community concern over the potential for change included in the General Plan and officially halted by the City Council in August of 2019. Under California law, when the General Plan and Zoning are out of alignment, the development standards included in the General Plan govern development on a property.

Council Direction

When work on the Corridors Plan was officially halted by the City Council, the Council directed staff to begin a new project focused on reconciling the differences between the adopted 2030 General Plan and the current zoning code, by amending either one to coordinate with the other, or possibly by amending both documents. The Council direction included express instruction to *"preserve and protect residential neighborhood areas and existing City businesses, as the City's highest-level policy priority; and [e]ncourage appropriate new residential and mixed-use development, specifically including enhanced affordable housing opportunities, at appropriate locations along the City's main transportation corridors."*

The first steps in this process involved conversations with community groups and individuals who had been involved in the prior work on the Corridors Plan. These discussions included identifying common understandings of the terminology used in the Council direction, especially as it related to neighborhood protection. The results of these focus group discussions

were quite diverse. There did not seem to be a consistent definition of the boundaries of a neighborhood, the features in need of protection and preservation, which businesses qualified as City businesses, which locations were appropriate for new development, or what it meant to enhance affordable housing. After two focus group discussions, participants had put forth a wide variety of priorities for the effort initiated by the City Council and City staff noted that additional outreach would be necessary before points of agreement could be adequately identified. Summaries of these two discussions can be found in the attached October 2019 and November 2019 agenda reports (Attachments 1 and 2).

Council direction to pursue SB 2 Grant

Following review of this initial public outreach, the City Council directed Planning staff to pursue a formal outreach effort on this topic and take advantage of State of California SB 2 grant funding to develop new zoning standards for multi-family and mixed-use housing. Drafting zoning standards that match the development pattern established by the 2030 General Plan is one way of addressing the differences between the General Plan and the Zoning Code and also addresses a recently added condition of California State Law. Drafting residential zoning standards that are objective (rather than subjective) was one of the categories of projects that was automatically approved by the State Department of Housing and Community Development (HCD). The State has prompted cities to adopt objective standards through recent legislation (SB 330, explained in more detail in the following paragraph). The City's grant was approved in February of 2020, and the proposal from Urban Planning Partners (UPP) was selected as the consultant during a procurement process that took place over the spring and summer of the same year. The proposed community engagement approach for drafting these new zoning standards is the topic of another item on the Commission's December 3, 2020 agenda

Housing Crisis Act of 2019: Why objective standards are required

The California Housing Crisis Act of 2019 (SB 330) was established on January 1, 2020, and is focused on ensuring that the existing planned number of housing units is maximized. Cities and counties are not permitted to reduce the total number of currently planned housing units within their boundaries. The Housing Crisis Act also requires that all land zoned or designated for housing development be permitted to develop to the full extent established by either the zoning code or general plan and that jurisdictions regulate new housing construction using development standards that are measurable and objective. This means that subjective standards, such as "minimizing shading," or "maintaining privacy," may not be applied to housing applications in any manner that reduces the number of dwelling units that can be developed on a parcel or that unduly increases development costs.

Through the Housing Crisis Act, the state legislature is taking steps to ensure that the housing that is currently planned for in every jurisdiction in the state can actually be built. If the 2030 General Plan has designated a parcel with a Floor Area Ratio (FAR) that cannot be accommodated by the height standard or setbacks of the zoning district on the parcel, the City is not permitted to enforce those zoning standards and must accommodate the maximum planned development capacity by waiving the height or setback standards.

What are objective standards?

Objective development standards are clearly defined and measurable requirements, such as this example from the Pacific Avenue Retail District Development Standards in the Downtown Plan:

Floor-to-Floor Height. The first floor uses must have a minimum floor-to-floor height of 18 feet for properties north of Cathcart Street and 15 feet minimum south of Cathcart Street. Any mezzanine shall be set back at least 30 feet from the building line on the street and shall occupy no more than one-third of the area of the first floor.

When development standards are precisely articulated, as in the above example, all parties understand what is expected of new development proposals. The review process for residential development applications is more transparent and can better proceed in straightforward and predictable fashion.

Existing development standards

The Municipal Code and the 2030 General Plan were both written assuming that most major development applications would undergo a Design Permit process and that administrative and discretionary review processes (those involving either staff review or review by a public hearing body) to determine the final building design and total number of approved dwelling units on a housing site. The City currently has only a few development standards that meet the definition of an objective standard. For example, a property with a General Plan Land Use Designation of Mixed-Use High Density (MXHD) with a Community Commercial (CC) zoning is currently subject only to the following standards:

1. Floor Area Ratio: 2.75
2. Dwelling Units/Acre: 55¹
3. Maximum Stories: 3
4. Maximum Height: 40 feet²
5. Required Setbacks: 0 feet³
6. Distance between Buildings on same lot: 10 feet
7. Required open space/rental housing unit: 150 square feet
8. Required Parking: Varies based on permitted uses

There are no standards for building articulation, shading, step-backs, building materials, fenestration, massing, access to the site, or other features of the development that have previously been determined via the Design Permit process. The change in state law has reduced the relevance of that review process, and the City is in need of standards that can facilitate both high-quality building design and a streamlined and effective entitlement process for new housing. There are a few City neighborhoods such as Downtown, Ocean St, and Mission St that have some additional objective standards due to area plans or existing overlay zoning that will be applied under Housing Crisis Act.

Project scope and expected outcomes

The development of Objective Standards for Multi-Family and Mixed-Use Housing (“project”) will involve the project team working with the community to develop and refine objective zoning ordinance standards. The new objective standards would eventually be adopted by City Council into the City’s municipal code to both supplement and quantify existing standards for multi-

¹ Note that small units do not count toward this density cap, per General Plan Policy LU 3.8, also the zoning code applies no density limit to mixed-use development in the CC zone.

² Height can be increased by a Development Agreement showing public benefit up to an additional 20% or 48’

³Setbacks adjacent to residential uses must mirror residential setbacks.

family zone districts and create new zone districts or standards that can be applied to sites identified for mixed-use in the adopted 2030 General Plan. The final product will be a complete set of zoning standards that allow development proposals to achieve the development capacities identified in the General Plan, as is required by the Housing Crisis Act of 2019. The approved development standards must accommodate the full range of development capacities allowed by the existing regulations, or by virtue of the Housing Crisis Act, they will not be applicable to new development. It is important for the City to have established objective standards in order to maintain some level of control over development outcomes. This requirement to accommodate the full range of development densities is also a key difference between this project and prior planning efforts that only needed to address development that landed anywhere within the range of established density standards for a property.

The process of developing the right standards for multi-family and mixed-use housing for Santa Cruz will happen through a community planning process that includes technical analyses of existing standards, constraints, and economic factors, as well as community sentiment and preferences for aesthetics and interaction between new development and existing streets and neighborhoods. Based on the findings of the initial focus groups reflecting on the Corridors Plan work, staff and consultants are prepared to engage with a wide variety of community voices to ensure that all relevant perspectives are included early in the process and reflected in the final recommended standards.

Due to the deadline associated with the grant funding source, the consultant team and City staff will be working diligently to ensure that the project is completed in an efficient and effective manner, reaching public hearings to consider formal adoption of new zoning ordinance language no later than December 2021. Another item on the Commission's agenda discusses the community engagement and feedback process in detail, including the anticipated schedule of each phase of the project.

Test Fits

The current item under consideration by the Planning Commission is the first round of "test fits" of the existing development standards for the MXHD Land Use Designation, which was applied to sites located along Water Street, Soquel Avenue, and Branciforte Drive with the 2030 General Plan. The test fit process helps determine how the City's existing standards would regulate development of a given site based on hypothetical development proposal, and then considers how the proposal could change with different standards in place. Currently, all sites with this General Plan Land Use Designation are zoned in the CC district. The MXHD Land Use Designation has been identified as the primary cause of community concern surrounding the Corridors Plan, and the decision about whether or not to amend the land use designations described in the 2030 General Plan at this point in time will be informed by the results of this test fit. The Planning Commission will use the information in this report and meeting presentation to make a recommendation to the City Council about the best next steps for reconciling the differences between the existing zoning code and the adopted General Plan.

DISCUSSION: In order to fully understand the limits of the current development controls, the consultant team has selected two sample sites and test out various development scenarios on each site. Testing the existing development standards hypothetical development can illustrate where standards are effective and where they breakdown. A test fit is an estimate of a development proposal where an urban designer lays out the building envelope on a real site to see how the various existing standards relate to one another. The test fits here also include an economic

analysis of expected development costs vs. potential revenues from a building. A building envelope is a three-dimensional outline of where a building might sit on a site, and it is not an architectural rendering or a representation of what a real building might look like. Performing a test fit analysis is an opportunity to consider the effect of City development requirements on housing outside of considering a specific development application. The tests are an unbiased look at the way the existing regulations work to shape the built environment and evaluate how the regulations work on different types of sites.

Test Fit Components

Both the physical and economic components of the test fit are equally important for evaluating the impact of various zoning standards. The physical land development component evaluates how the standards for parking, FAR, height, setbacks, etc. relate to one another and identifies the standards that might be more restrictive relative to the others. The financial component considers the total square footage of a building that could be developed and determines the cost of developing such a project under current and foreseeable economic conditions. Both components are necessary in order to understand the factors influencing housing production and evaluating the most influential site standards that, when adjusted, can support new housing development. Together, the components provide insight into the likelihood that development will occur under the tested conditions.

As mentioned in the previous section, significant community concern has centered on the MXHD designation in the 2030 General Plan. This land use designation is intended to accommodate up to fifty-five dwelling units per acre and a FAR of 2.75 and is intended to require a mix of commercial and residential uses on the parcel. City staff worked with the consultant team to perform two test fits in this land use designation first, before evaluating other multi-family designations and zone districts, so that the Planning Commission and the City Council can consider the potential costs and benefits of initiating a General Plan Amendment process to make changes to the current adopted land use pattern.

Test Fit Sites and Assumptions

Two sites were tested with the full set of MXHD General Plan Designation and CC zoning district development standards outlined in the Background section of this report, and also with meeting only some of the standards and allowing others to be waived. For example, on the large site, meeting the full height of 45' for the whole building envelope leads to a total FAR of 3.48 (current limit is 2.75). Attachment 3 shows the various development scenarios that were tested and the physical and financial outcomes of each.

The team selected one large site and one more typical smaller-sized site to evaluate the different effect the existing standards might have on sites with different conditions. The large site that was selected for this analysis is 1261 Soquel Ave (currently occupied by 24 Hour Fitness), and the smaller site is 716 Soquel Ave (currently occupied by Sports Design, two doors east of the Buttery Bakery). The team wanted to select a site that was likely to be very easy to redevelop (large site, single tenant, single-story structure), and one that was more representative of a typical site with the MXHD designation (around 50' wide, less than 150' deep, adjacent to a residential use).

The development standards that were used in this analysis are those that would apply to any new rental housing proposal, and take advantage of the recently approved changes in required residential parking, including the allowable 35% reduction based on implementing transportation

demand management strategies. The consultant team also used assumptions about construction types to inform the maximum building size and construction costs. The test fits consider a variety of scenarios and begin to show how the City might move forward in drafting new zoning standards to accommodate the allowable number of dwelling units on these sites by making changes to the existing standards. The tests consider both mixed-use development and residential-only development on the two sites.

The tests evaluate only non-density bonus development, due to the range of variables involved with the state density bonus law. State density bonus law entitles eligible projects to waive a certain number of local development standards, and the levels of increased affordability and total number of market rate units also vary. The State Density Bonus law applies to all jurisdictions in California and, like the Housing Crisis Act of 2019, limits the authority of the City to condition or deny applications for housing projects that comply with the law. As the community engages with this project moving forward, the project team will educate and remind them that density bonus projects may vary from local standards in exchange for more units or deeper levels of affordability.

Test Fit Results

The sites tested showed that the existing standards fit somewhat onto the site. The 2.75 FAR can be accommodated within 48' of height and four stories (allowable under current regulations with a Planned Development Permit) on the larger site. A 4-story residential-only project can reach 2.5 FAR on the smaller site. The large site is impacted by the parking requirements for the commercial component of the mixed-use development, and the number of dwelling units on the property is limited by a combination of the parking standards and the FAR (allows only a partial 4th floor within the 48' of height). The small site is more challenged and cannot reach the maximum FAR or allowed dwelling units per acre in a mixed-use scenario. Limiting either site to 35' and 3 stories in height would prevent them from accommodating the allowed number of dwelling units, and, therefore, the City would not be able to apply those limits under the Housing Crisis Act of 2019.

The smaller site, which is more representative of most of the properties with the MXHD designation, is more constrained, and the three scenarios tested on the smaller site resulted in more challenges than on the larger site. The tests illustrate the challenges and costs associated with mixed-use development: the residential-only projects were more cost-effective on both the large and smaller site. The only exception to this is when development was maxed out on the small site with a height increase to 55', allowing a total of 19 apartments to be included with the project). The tests show the typical 5,000 square foot sites that make up the majority of the 91 sites in the MXHD designation will be unlikely to redevelop under the current regulatory framework, and that the City will need to consider some changes to the existing standards in order to be able to meet its obligation under state law.

The financial analysis indicates potential challenges with the smaller sites with mixed-use requirements for commercial space as well as parking for commercial uses in any mixed-use development. Under current economic conditions the residential units tend to subsidize the commercial uses such as with mixed-use on the small site mixed-use at 35' height showing negative value. With the current FAR and height standards, both sites are close to the limit of what might be feasible to redevelop. As several of the scenarios show, exceeding the 2.75 FAR or the current residential density limit is necessary in order to bring the development cost per unit

to a level that would allow a development project to proceed under current market conditions (See Scenarios 4, 5, 7, and 8).

General Plan Amendment

Based on these findings, a General Plan Amendment to reduce the development capacity of these MXHD properties is likely to result in even lower levels of housing production than the existing condition. It also appears possible to create zoning standards that will accommodate the planned development capacity, especially if some adjustments to the existing standards are made.

Planning staff recommends that the City continue to work on developing appropriate objective zoning standards that address the priorities of the community while still meeting the requirements of state law for housing production. At this time, evidence suggests that lowering the FAR could make development even more challenging and drive the cost per unit even higher, and any reduced residential capacity would need to be simultaneously accommodated elsewhere in the City.

This project to create objective zoning standards will substantially inform consideration of a future General Plan Amendment or the future General Plan update. The degree of changes that will be necessary either to accommodate, or perhaps even to encourage, new development will be at the heart of creating zoning standards that meet state law requirements. The type of changes the community is interested in seeing will also be very useful in determining future planning actions to refine or change the development pattern envisioned in the City's planning documents. The community feedback that will be used to develop objective zoning standards will be important background information for the next anticipated General Plan Update process, currently anticipated to begin around 2025. Understanding the types of changes needed and preferred is critical to the City choosing the most effective manner to select targeted receiving sites for increased development capacity, as increased residential capacity will eventually be needed to meet future Regional Housing Needs Allocations.

COMMUNITY OUTREACH: The consultant team met with a group of experienced multi-family and mixed-use residential developers to check their assumptions, collect insight into local development costs and trends, and to hear their perspectives about the challenges of housing production locally. The results of that focus group have been incorporated into the economic analysis of the test scenarios and will continue to inform the process as it moves forward into the next stage. This analysis was technical in nature so it did not involve community outreach beyond developers and architects. However, these scenarios will be part of the education component of the community engagement for this project.

NEXT STEPS: After reviewing the attached test fit materials and receiving the presentation from the consultant team during the public meeting, the Planning Commission will make a recommendation to the City Council as to whether a General Plan Amendment process should be initiated at this time. Staff recommends that the work on the objective zoning standards continue, and be completed, prior to considering any amendments to the land use designations included in the adopted 2030 General Plan.

Another item on the Planning Commission's agenda addresses the community engagement strategy for this project and the commissioners are invited and encouraged to participate in the activities that will be part of this process.

The next formal check-in with the Planning Commission will take place next summer, at the stage of visualizing the new draft zoning standards. At that point the Planning Commission will provide input and feedback about further refinements and adjustments that might be appropriate before finalizing the standards and implementing ordinances.

FISCAL IMPACT: This report is part of the grant-funded project to develop Objective Standards for Multi-Family and Mixed-Use Development², and all staff time and consultant services will be billed to the grant funds.

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Submitted by:

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Approved by:

Martin Bernal
City Manager

ATTACHMENTS:

1. SB 330 Summary from BBK
2. PC Agenda Report of 12/3/2020
3. PC Minutes of 1/7/2021



CITY COUNCIL AGENDA REPORT

DATE: October 11, 2019

AGENDA OF: October 22, 2019

DEPARTMENT: Planning & Community Development

SUBJECT: Monthly Report on General Plan and Zoning Ordinance Reconciliation Effort (PL)

RECOMMENDATION: Accept the monthly report on the General Plan and Zoning Ordinance Reconciliation Effort and consider options for bringing the two documents into alignment.

BACKGROUND: At the August 27, 2019 City Council meeting, during the discussion of the Planning Department's 6-month workplan, the a motion carried to:

1. Direct staff to terminate the "Corridors Plan" and to do no further work on this project.
2. Direct Planning staff to initiate a project to resolve the existing inconsistencies between the corridor-related General Plan policies and the Zoning Ordinance by making General Plan and Zoning Ordinance changes as necessary to meet the following objectives: a) preserve and protect residential neighborhood areas and existing City businesses, as the City's highest-level policy priority; and b) Encourage appropriate new residential and mixed-use development, specifically including enhanced affordable housing opportunities, at appropriate locations along the City's main transportation corridors.
3. Direct the Planning Director, as a first step in carrying out the Council's direction on this matter, to meet promptly with representatives of Save Santa Cruz and other community groups that have previously commented on the now-terminated Corridors Plan to seek agreement on possible changes to the General Plan and Zoning Ordinance that can achieve broad community support and that will allow the Council to achieve its objectives.
4. Direct the City Manager and Planning Director to report at the Council's October 22, 2019 meeting with the results of the community meetings, proposed policy changes consistent with the Council's objectives, and a schedule for accomplishing the planning project specified in these directions.
5. Direct the City Manager to provide the Council with a monthly progress report on this matter, placed on the Council's regular meeting agenda. Each Council report shall request any further action or direction by the Council that the City Manager deems necessary to allow the Council to achieve the objective of adopting zoning code and General Plan changes, as outlined in this set of recommended actions, no later than November of 2020.

The Corridors Plan was the City's previous effort to implement the General Plan (GP) by adding Mixed-Use zoning designations to the City's zoning code. The effort was known as the "Corridors Plan" due to the fact that the primary areas of mis-match between the GP and zoning code are concentrated along the City's four largest roadways, known collectively as "the

Corridors:” Mission Street, Ocean Street, Water Street, and Soquel Avenue. The 2030 GP includes a vision for focusing residential and economic growth along these primary roadways. (Definitions of the Mixed-Use land use designations, as well as the Land Use Map, are included as Attachments 1 and 2.) Staff has begun working with community groups and representatives to define the terms used in the Council’s direction and identify options for moving forward in an effective manner.

DISCUSSION:

Focus Group

As direction in the August 27th motion, on October 2, 2019, staff convened a focus group to discuss the previous effort to reconcile the zoning code and GP and to gather points of view on the direction provided by City Council. Attendees of this meeting are identified in Attachment 3; the agenda of the meeting is provided as Attachment 4.

Part 1: Listening

Staff started the meeting by asking the group the following questions:

1. *What should current staff know about previous process?*
2. *What are the elements of the previous effort that worked? What are non-starters?*

In response, participants mentioned that in many ways the previous effort felt predetermined, as if the staff and consultants had made many decisions in advance of discussing the topic with the public. The group discussed the roles of the GP as a visioning document, and the Zoning Ordinance as the implementing tool, and ways in which these documents might be amended to facilitate a wider variety of housing options, including low-rise multifamily development such as duplexes, tri- and fourplexes. Some members of the focus group felt these densities would be appropriate for existing residential areas that are currently zoned only for single-family homes; others felt these densities should be focused on collector roads already served or traversed by a bus route, including Bay Ave, Delaware Ave, Swift St, High St and Seabright Ave.

Part 2: Discussion

The balance of the meeting focused on a discussion with the group on how best to resolve inconsistencies between the GP and the Zoning Ordinance. Discussion questions and feedback is outlined below:

1. *What does it mean to various attendees to “preserve and protect residential neighborhood areas and existing City businesses?”*

The group had a variety of interpretations of “*preserve and protect residential neighborhoods.*” For some members, this meant that the existing features of residential neighborhoods, including light, shade, parking and noise, would not change in a significant way. For others, it meant keeping the socioeconomic diversity of the area over time, allowing for change to accommodate a range of incomes and family structures. One participant pointed out that there are very few children playing in their neighborhood, and that new families with young kids are not moving in. Another participant pointed out that the history of neighborhood preservation was segregation, and in Santa Cruz it has typically meant a desire to exclude student rentals, vacation rentals, and second-home ownership. There were those who seemed to define a neighborhood’s character based on the current configuration of streets and homes, and those that identified the character more based on the current and historic residents of that area.

2. *How do attendees define “appropriate new residential and mixed-use development”?*

As for describing what might be “*appropriate mixed-use development*,” some participants were adamant that limiting height to three stories was the most important issue to address to ensure that development adjacent to a single family neighborhood is compatible. Others cited building design, elevations and relationship to the public realm as a key component. Participants also brought up issues about traffic and the preservation of neighborhood access for existing residents while limiting options for the traffic associated with new development and ensuring that lighting and other design features are reviewed so as to ensure that new development will be a good neighbor to existing residents.

3. *What does the group consider to be “enhanced affordable housing opportunities”? What are the options? Is there more than one way that affordable housing is “enhanced”?*

Addressing the commute pressures on local workers was a primary concern. Providing a mix of housing types for a range of workers and families was a point of view shared by many. Several members indicated that the City should focus on increasing the number of affordable units built in the City, units that can be occupied by local service workers, and take measures to limit the number of units that are occupied by workers who commute daily to Silicon Valley or the Bay Area. Developers and builders addressed the challenges that affect their ability to complete housing projects and the feasibility of increasing the required number of inclusionary affordable units constructed with market rate housing. Affordable housing developers pointed out that their projects are more likely to house families, and that size limitations apply that encourage building multi-bedroom units rather than single-room occupancy (SRO) or studio units with affordable housing funding sources.

Representatives of the Save Santa Cruz (SSC) group declined to attend the October 2nd meeting, preferring to meet with staff after the outcome of the Housing Crisis Act of 2019 (SB 330) was determined. Staff will be meeting with SSC as part of a second focus group scheduled for October 28 and will report back on that meeting as a part of the next monthly report to Council.

The Housing Accountability Act and SB 330

The Housing Accountability Act (HAA)

The HAA expressly prohibits jurisdictions from requiring a rezoning when there is an inconsistency between the *objective* density standards allowed on the site under the GP land use designation and those allowed under the Zoning Ordinance. In short, for sites which permit housing development, if a proposed project is consistent with the *objective* density standards in the GP, but the zoning has not yet been updated to match, the jurisdiction must allow the applicant to utilize the GP’s objective density standards. Once the GP density standards are permitted, the jurisdiction can then require the applicant to meet the remaining *objective* standards found in the Zoning Ordinance. The HAA requires that, if a housing development conforms to specific objective general plan and zoning standards and a city seeks to deny the project or condition it in a manner that reduces the number of proposed dwelling units, that a decision making body must make specific findings, supported by a preponderance of evidence in the record, that the project would have a specific, adverse effect on public health or safety.

As an example, a subjective design standard provides general, qualitative guidance such as this:

“Provide articulation to reduce the apparent mass and scale of the building and to be sensitive to the neighborhood.”

An objective design standard provides clearer, quantitative guidance, such as this:

“For every 100 feet of building length, there shall be a plane-break along the façade comprised of an offset of at least five feet in depth by 25 feet in length. The offset shall extend from grade to the highest story.”

Our current Zoning Ordinance has objective standards for basic site elements such as setbacks, height, and parking. Some area plans and Zoning Ordinance overlay districts also have additional objective building design standards. However, many of the City’s districts do not contain any objective design standards related to architecture, materials, massing, bulk, or other aesthetic features of a proposed project. This includes areas zoned *R-M Multiple Residence District--Medium Density* and *R-L Multiple Residence District—Low Density* (much of Midtown and Seabright south of Soquel Avenue) and areas zoned *C-C Community Commercial District* (Ocean Street, Water Street, and Soquel Avenue). The exception is Mission Street, which is zoned *C-C Community Commercial District* but has a zoning overlay which includes some objective design standards.

SB330

SB 330 amends the HAA, limiting the options available to the City for changing the City’s land use policy documents, as follows:

1. No Net Loss or Reduction in Land Use Intensity: The legislation requires local governments to ensure that there is no net loss of residential capacity within a jurisdiction, relative to the residential capacity that was allowed under the GP and Zoning Ordinance as of January 1, 2018. Under this new legislation, the City cannot lower the overall residential capacity accommodated by the 2030 GP, and cannot reduce the residential density of a specific site unless another site is simultaneously redesignated to increase residential density by an equal amount. The bill broadly defines what is considered a reduction in residential intensity, noting that it “includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing.”
2. Objective Standards: While the current HAA text limits use of *subjective* standards to deny or reduce the number of dwelling units in a project, SB 330 goes farther. The legislation precludes local governments, on properties where housing is an allowable use, from imposing or enforcing *subjective* design standards on or after January 1, 2020.

SB 330 was signed by Governor Newsom on October 9th, 2019, and it remains in effect for five years, from January 1, 2020 through January 1, 2025.

Options for Reconciliation Effort

Based on the limitations placed on the City by the HAA and SB 330, staff have developed the following two options for Council consideration:

Option 1: Establishment of Mixed-Use Districts with Objective Standards

The “No Net Loss” provision of SB 330 precludes jurisdictions from deintensifying residential capacity that was allowed under the GP and Zoning Ordinance as of January 1, 2018, unless that capacity can be satisfied concurrently elsewhere in the jurisdiction. Given the Council’s

aggressive reconciliation timeline of November 2020 (13 months), staff does not recommend the the City undertake a density transfer exercise at this time. Details regarding that potnetial option and related drawbacks are outlined in greater detail in Option 2.

Staff recommends that the Council direct staff to move forward with the establishment of mixed use zoning districts concurrent with the development of objective design standards for housing projects. This approach would provide the multiple benefits of 1) achieving Council’s objective of reconciling the General Plan and Zoning OrdinanceZoning Ordinance, 2) ensuring adherence to State Law, and 3) providing certainty to the community on the the aesthetics and built form in their neighborhoods.

Staff advises Council that it is unrealistic to expect such changes by November 2020 with current staffing resources. If Council is committed to moving forward with such a project, it will be imperative that the City secure supplemental resources, likely funded in part by a State-level SB 2 grant, which is separately under consideration by the Council on this same agenda.

Significant policy issues, such as the creation of new zone districts, require a high level of community engagement and outreach. The Council’s public outreach policy requires that this project include meaningful input from the community early and consistently through the planning process.

Option 2: Major General Plan Amendment to Enable Density Transfer

Based on the feedback gathered at the initial focus group, one fundamental challenge to this process is a lack of consensus about *where* new housing should be added to the City and at what density this housing should be accommodated. While SB330 removes the ability for a jurisdiction to wholesale remove or reduce residential capacity from their GP and Zoning Ordinance, it does allow the *transfer* of density from one area of the jurisdiction to another.

To undertake such an effort effectively amounts to a comprehensive GP update project. GP and related Zoning Ordinance updates are intensive efforts which occur on 10-15 year cycles (or longer) and involve substantial community conversation. As an example, development of GP 2030 took approximately seven years and included over 100 public meetings. The related and subsequent Zoning Ordinance update (referred to as the “Corridors Plan”) took over two years of dedicated work and has not been completed, resulting in the current inconsistency between the two documents.

This option is not recommended by staff. The process would require extensive community input; technical analysis and studies; policy development, including new policies and significant revisions to many existing GP policies; and then a major update to the General Plan EIR. Based on similar efforts and past experience, staff estimates a process of this type would require a minimum of two to three years to complete and could easily take longer depending on the depth and breadth of the project. For this reason, as well as the significantly higher costs associated with such an approach, staff does not recommend this option.

CEQA ANALYSIS: This report is not a “project” as defined by the California Environmental Quality Act (CEQA) and, therefore, is exempt from CEQA review.

FISCAL IMPACT: The preparation of this report does not have a fiscal impact on the City.

Based on staff’s experience with projects similar in scale and scope, preliminary estimated costs related to each option are as follows:

Option 1 (Establishment of Mixed-Use Districts with Objective Standards) : \$300,000-\$450,000
Option 2 (Major General Plan Amendment to Enable Density Transfer): \$750,000-\$1,200,000

Both estimates assume outsourcing work to a qualified consultant, with contract management and oversight undertaken by the City's Advance Planning Division staff. Final costs will be dependent on the depth and breadth of the selected effort, including CEQA analysis.

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Approved by:

Martín Bernal
City Manager

ATTACHMENTS:

General Plan Excerpt: Mixed-Use Land Use Designations
General Plan Land Use Map
List of Focus Group Invitees
Focus Group Meeting Agenda



CITY COUNCIL AGENDA REPORT

DATE: November 14, 2019

AGENDA OF: November 26, 2019

DEPARTMENT: Planning & Community Development

SUBJECT: Monthly Report on General Plan and Zoning Ordinance Reconciliation Effort (PL)

RECOMMENDATION: Accept the monthly report on the General Plan and Zoning Ordinance Reconciliation Effort.

BACKGROUND: At the October 22, 2019 meeting of the City Council, a motion carried to:

...accept the monthly report on the General Plan and Zoning Ordinance Reconciliation Effort, and direct staff to move forward with establishing mixed-use zoning districts concurrently with the development of objective design standards for housing projects and fully engage with the focus groups currently established and embark on a very broad public outreach process.

Additionally, on a related item, a motion carried to:

...direct staff to submit an application to HCD (Department of Housing and Community Development) for an SB 2 planning grant in support of the development of objective standards for multi-family residential projects, and to adopt Resolution No. NS-29,586 directing staff to submit an application to the State of California SB2 Planning Grant Program.

This report will summarize the work conducted by staff toward this direction over the past few weeks.

DISCUSSION:

Focus Group

As discussed in the prior update on October 22, a second group of representatives of community groups involved in the prior project to implement the 2030 General Plan met to discuss the Council's August 27 direction and consider policy options for moving forward toward reconciling the differences between the General Plan and the City's zoning code. The meeting was held on Monday, October 28, and included representatives of the group Save Santa Cruz, the former Corridor Advisory Committee, affordable housing developers and others. A list of the attendees and their associations is included as Attachment 1 to this item, and the Agenda for that meeting is included as Attachment 2. Save Santa Cruz also provided written correspondence that is included as Attachment 3.

Part 1: Listening

Staff started the meeting by asking the group the following questions:

1. *What should current staff know about previous process?*
2. *What are the elements of the previous effort that worked? What are non-starters?*

In response, participants described community reactions to the proposed land use patterns contained in the General Plan in dramatic terms: “tissue rejection,” “demolition of Soquel” and other more graphic terms were used. It became clear that the prior process’ level of education and study sessions that were provided to the Planning Commission and Corridor Advisory Committee were not as large a part of the public outreach as some community members in attendance would have liked. Comments also addressed issues with several of the products that were produced, or not produced, as part of the project. Community members criticized the proposed street cross sections that were part of the previous process and the lack of compelling examples of how the corridor areas would look if the rezoning project were successful. In general, it was clear that historic feelings of disparity between neighborhoods (i.e., treatment of Westside vs. Eastside areas) were heightened through this process and not adequately addressed.

Additionally, architects and builders questioned the feasibility of the specific floor area ratio (FAR) and height standards proposed in the General Plan and the previous zoning proposals, given the prices of construction compared with local rents.

Part 2: Discussion

The balance of the meeting focused on a discussion with the group on how best to resolve inconsistencies between the General Plan and the Zoning Ordinance. Discussion questions and feedback are outlined below:

1. *What does it mean to various attendees to “preserve and protect residential neighborhood areas and existing City businesses?”*

The group had a variety of interpretations of “*preserve and protect residential neighborhoods.*” One specific comment was that the previous proposal included too many “nodes” where development was anticipated to be more intense. While not all in the group agreed, the general consensus within this group of individuals was that increased intensity and height up to five stories at some nodes would be appropriate, but those nodes should be more limited number and developed with an awareness for managing neighborhood impacts such as existing and future transportation needs and effects. The discussion also addressed the type of housing units that are allowed under the zoning code, and some members had questions as to the intention of the limits currently placed on the smallest units permitted in the code, including single-room occupancy and small ownership units, stating that they may only be developed as part of an exclusively small-unit project and cannot be integrated with larger dwelling units. Members doubted the value of creating “monocultures” of these smaller units. Participants expressed a desire for policies that would allow new development projects to be part of the broader neighborhood, rather than stand-alone, isolated communities.

Relative to preserving existing City businesses, participants identified that some areas were definitely ripe to be redeveloped and that sensitive projects in certain locations could be a welcome addition to a neighborhood. Staff noted that concerns over wholesale redevelopment of existing historic buildings was a primary concern, along with the understanding that as new commercial space is developed, the rents in those locations also come up to the current market level, rather than the less expensive commercial rents enjoyed by businesses in older buildings.

2. *How do attendees define “appropriate new residential and mixed-use development”?*

The primary concern for the focus group was around the traffic generated by new development of any type. In defining the features of “appropriate” development, participants discussed the existing levels of service at major intersections, and the neighborhood effects of cut-through traffic. A participant mentioned that recent ballot initiatives in other California cities moved municipal investments toward pedestrian and bike transportation and away from auto-centric policies.

3. *What does the group consider to be “enhanced affordable housing opportunities”? What are the options? Is there more than one way that affordable housing is “enhanced”?*

More so than with the first focus group, this group was most interested in the total number of units that could be created for income-qualified low- and very-low income renters and homebuyers. Increasing the local inclusionary requirement was one option raised by the group, as was the concept of a local density bonus that would increase density for more or deeper affordability. Participants stated they would be willing to accept some amount of greater intensity in exchange for more deed-restricted housing units.

4. *SB 330 Summary*

Because this second focus group took place following the passage of SB 330, The Housing Crisis Act of 2019, this group was able to have a more concrete discussion regarding the limitations placed on jurisdictions when changing residential densities and when reviewing applications for new housing projects. (To recap: SB 330 prohibits cities and counties from reducing the development capacity of a parcel through changes in zoning or general plan allowances or through imposition of limiting development standards such as height, setbacks, parking, etc. below the number that was permitted to be built on the parcel as of January 1, 2018, unless the reduction in residential development capacity is simultaneously approved with an equivalent increase in residential capacity on other properties. The law expands the Housing Accountability Act by adding various timing and fee specifications to a Government Code section that had already been updated effective January 1, 2019 to place additional limitations on jurisdictions’ ability to deny residential projects or reduce residential project densities below what is allowed by the General Plan. Further, beginning January 1, 2020, the legislation requires that no new subjective design criteria be added to the standards of review for housing project application.) The focus group discussed the repercussions this legislation has for the effort at reconciliation and options for both the long-range planning process potentially involving amendments to the 2030 General Plan and the project review process for applications that are made over the next year to two years. Participants supported the effort to begin creating legally enforceable objective design standards, so long as this process did not preclude moving into a process to amend the General Plan and potentially reallocate some development intensity to other areas of the City should it become clear that no objective standards will adequately address community concerns about new development. Staff assured participants that one project would not preclude the other, and that a determination to begin a second project focused on amending the General Plan maps could begin at any time. That said, it was noted that reallocation of development capacity to other areas of the City would trigger additional environmental review. The extent and locations of any proposed changes would dictate the necessary type of environmental review, and the environmental review procedures, coupled with what would undoubtedly be extensive community outreach, would dictate an expanded timeline versus just providing objective design standards for the existing General Plan densities.

Finally, some participants asked if it would be possible to put interim standards in place that could be passed quickly and apply to project applications submitted during the year to two years it could take to fully develop objective development standards under the project for the SB 2 grant. This approach would essentially require a second (or third), short term project. While that is a possibility, that approach could worsen the existing community sentiment among some regarding a perceived lack of neighborhood representation in decision making and lack of trust between the City and community around this topic. Further, the only basis for creating such interim standards would lie in the work conducted on the terminated Corridor Plan effort, which City Council has clearly halted. Staff is not recommending this approach for these reasons. As discussed below, the City will begin work on developing objective design standards as soon as possible, and a broad and inclusive outreach program will be a primary focus of that effort.

SB 2 Grant Submittal

As directed by motion on October 22, City staff has prepared and submitted an application to the state for funding to support an effort to develop objective development standards for multi-family and mixed-use development proposals. The state offices have received our proposal, have been in contact with staff regarding questions, and are reviewing it for approval as we draft this report. As explained in October, the proposal for objective development standards is a project type that is guaranteed approval under the guidelines for the SB 2 funds. Staff will provide an update on the status of the grant during the presentation to the City Council on 11/26.

Staff has already begun drafting the Request For Proposals (RFP) that will be used to select a consulting firm that will facilitate the public process for these development standards. City Council has directed and staff intends to provide a broad and inclusive community outreach effort around the creation of these standards, one that reaches historically underrepresented communities and groups. Staff will release the RFP as soon as possible after the grant funding has been approved/received.

CEQA ANALYSIS: This report is not a “project” as defined by the California Environmental Quality Act (CEQA) and, therefore, is exempt from CEQA review.

FISCAL IMPACT: The preparation of this report does not have a fiscal impact on the City.

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Approved by:

Martín Bernal
City Manager

ATTACHMENTS:

1. List of Focus Group Attendees
2. October 28, 2019 Focus Group Agenda
3. Correspondence from Save Santa Cruz

Development Test Fits

CITY OF SANTA CRUZ Planning Commission

Dec 3, 2020



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Overview

- Context
- Methodology and Assumptions
- Site #1 – test fit and economic feasibility
- Site #2 – test fit and economic feasibility
- Insights

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Tonight's Outcomes

- Planning Commission understands factors impeding development under the current development standards
- Consultant and City staff have a framework on how to move forward relative to Objective Standards work
- Planning Commission makes recommendation to City Council regarding next steps for General Plan-Zoning inconsistency

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Housing Accountability Act and SB 330

- Cannot limit the density allowed by zoning or General Plan without simultaneously replacing that residential capacity elsewhere
- Cannot deny residential projects or reduce total allowable number of units if project meets objective standards

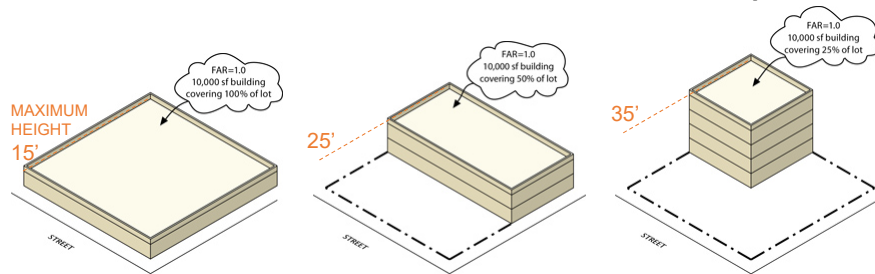
The City needs objective standards that accommodate 2.75 FAR (max intensity allowed under General Plan) to be compliant with State law.

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Purpose of Test Fits

- Each site is subject to development standards
 - Maximum Height
 - Maximum FAR
 - Maximum DU/acre
 - Minimum Parking
- Sometimes these standards don't match up



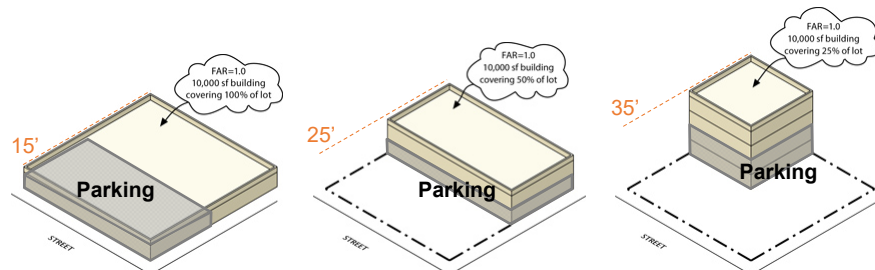
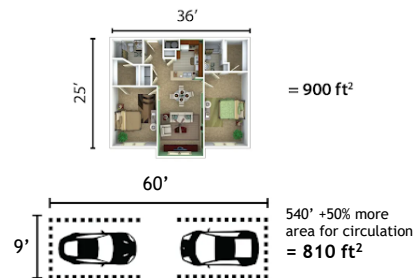
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Parking as a Land Use

2 parking spaces = 1 Two-Bedroom Unit

- Parking standards require a minimum number of parking spaces be built



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Dwelling Units/Acre: Looks can be deceiving



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What are we Testing?

- Rental housing in the MXHD (Mixed-Use High Density) General Plan designation (C-C Zone)
- Do the different standards line up?
 - Does density (FAR and du/acre) match Height and Parking requirements?
- Do the standards enable developments that are financially feasible?
- If the tests don't work, what are the levers that the City can adjust?

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Development Assumptions

- Type V construction:
 - Concrete podium for ground floor (15')
 - Each level of residential above is 10'
 - Building code allows up to 4 levels of 'stick frame' housing above (55')
 - Zoning code allows 4 levels of housing (45')
- For podium parking, assume:
 - 400 sqft per parking space for one level of parking
 - 450 sqft per parking space for 2 levels (ramps make parking less efficient)

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Residential Assumptions

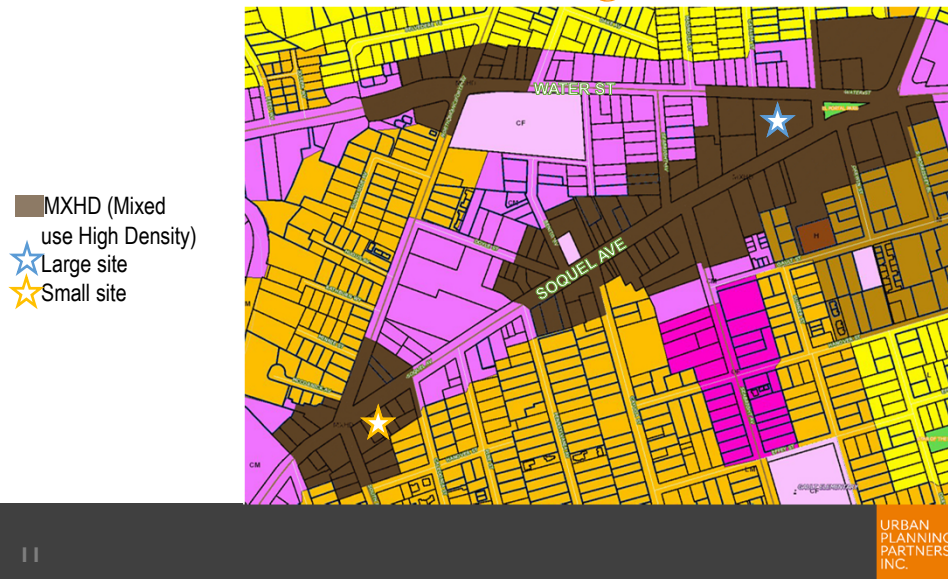
- 860sf/unit Gross*
 - Weighted unit size
 - Assume 75% efficiency
- Unit Mix (Rental)*
 - Studios - 33%
 - 1-Bed - 49%
 - 2-Bed - 16%
 - 3-Bed - 2%

*Based on Strategic Economics' study of recently built projects in Santa Cruz

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MXDH General Plan Designation



Test Fits Methodology

- Test “typical” building sites – quite small in SC
- Also test the most “buildable” building sites
 - Large site (1 acre or larger)
 - Single tenant
 - No adjacent low-scale residential
- Comparing a mixed-use project with a residential-only project
- Assume maximum allowable height*

*Requires provision of community benefits

Development Standards

- **Maximum height = 48' (40' + 20% with PD)**
 - 3 stories base, 4 stories with PD
 - 15' ground floor, 10' each floor above
- **Floor Area Ratio (FAR) = 2.75 (per GP)**
 - Covered, above-grade parking is included in FAR
- **Dwelling units per acre (du/ac) = 40 for residential-only developments (per zoning)**
 - Note: studios and 1-bedroom units are not counted for density (per GP policy LU 3.8)
 - Mixed use in C-C has no residential density standard (per 24.10.730)
- **Open space (sf/du) = 100 sf private, 150 sf common (per zoning)**

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Parking Requirements

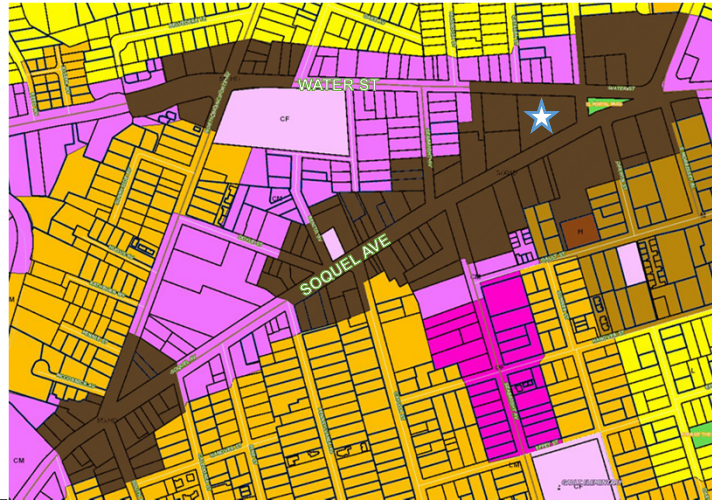
- **Using the City's recently adopted parking minimums:**
 - 1 space per unit for Studios and 1-bedroom units
 - 2 spaces per unit for 2-bedroom units or larger
 - +10% for visitor parking
 - 1 space per 250 square feet of retail/fitness use
 - 1 space per 120 square feet of restaurant use
- **Up to 35% reduction if a project meets certain criteria**

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Large Site

- MXHD (Mixed use High Density)
- ★ Large site



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Large Site

- 1.3 acres
- Single tenant
- No adjacent low-scale residential



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Something to Consider: Ground Floor Retail

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	N/A	0	86
Test Fit	1.0	15'	0	0	86



- Parking exactly meet current requirement for retail

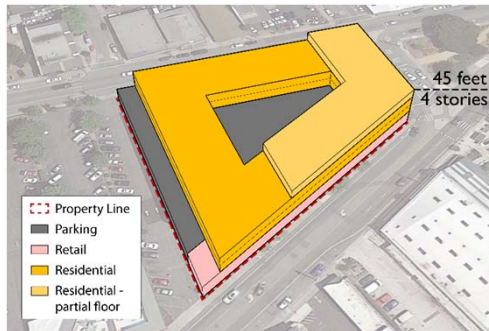
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Prototype 1 (Max FAR)

Mixed-Use Large Site

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	N/A	80	Assume 0
Test Fit	2.75	45' (not fully)	114 (89)	86	0



- Assume no retail parking required, and all parking goes to residential units
- Retail parking as a potential lever to adjust
- **FAR limits building to partial fourth floor**

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Prototype 2 (Max Height & Required Parking)

Mixed-Use Large Site

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	N/A	99	56
Test Fit	3.48	45'	119 (93)	101	56



- Two full levels of parking
- Meeting height and parking requirements, but the building falls above current FAR standard

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Prototype 3 (Max Building Type)

Mixed-Use Large Site

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	N/A	139	56
Test Fit	3.83	55'	167 (130)	139	18



- One additional floor (10' of height) yields 48 more units of housing
- All residential parking requirements are met
- Meets 1/3rd of retail parking requirements

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Something to Consider: Ground Floor Residential

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	51 (40)	114	0
Test Fit	2.75	45' (not fully)	137 (106)	90	0



- One level of parking does not meet current standard
- Could be accommodated with stackers
- FAR limits building to a partial fourth floor**

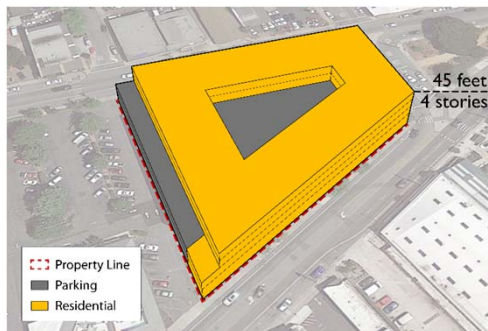
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Prototype 4 (Max Height & Required Parking)

Residential-Only Large Site

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	51 (40)	117	0
Test Fit	3.45	45'	141 (110)	161	0



- Two full levels of parking
- Meets max height, **exceeds parking requirements, and exceeds FAR**

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Prototype 5 (Max Building Type)

Residential-Only Large Site

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	51 (40)	157	0
Test Fit	4.19	55'	188 (147)	161	0

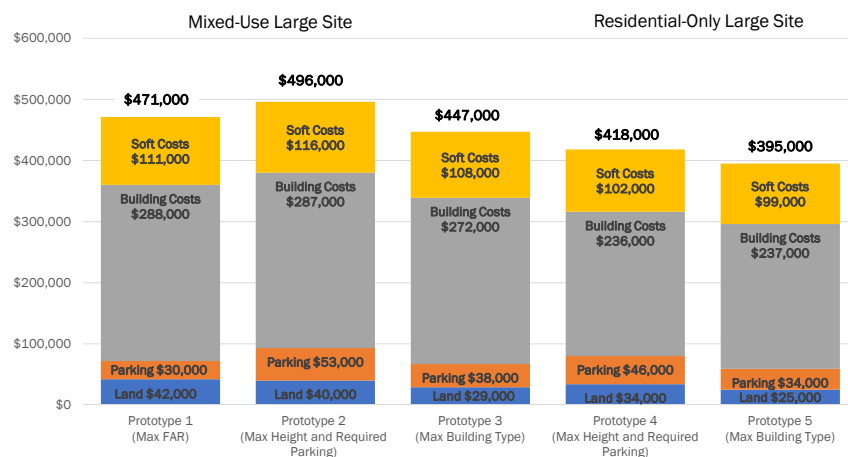


- One additional floor (10' of height) yields 48 more units of housing
- Parking requirements are met
- Exceeds FAR, height, and density**

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Development Cost per Unit



24 Source: Strategic Economics, 2020.

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Financial Feasibility

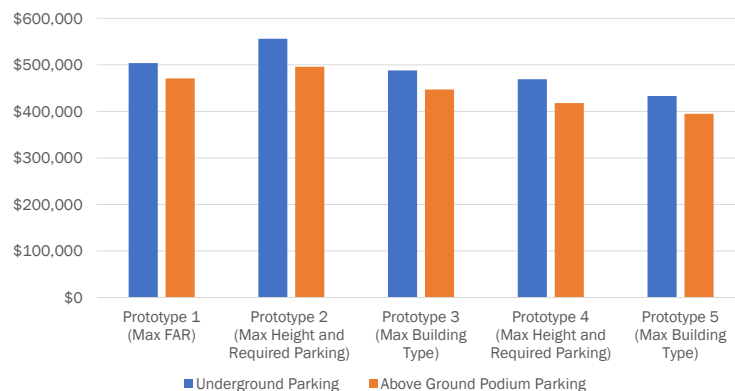
- **Prototypes 4 and 5 are the most financially feasible** and likely to be built because they:
 - Maximize the number of units
 - Minimize the number of parking spaces
- Mixed-use is more challenging than residential-only
 - Cost of building the retail space and associated parking
 - Difficulties leasing ground-floor retail spaces
 - Most lenders assume that the retail space will not generate revenues

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Development Cost/Unit – Underground Parking

- Underground parking **increases total development cost per unit by 7 to 12 percent** depending on the amount of parking provided

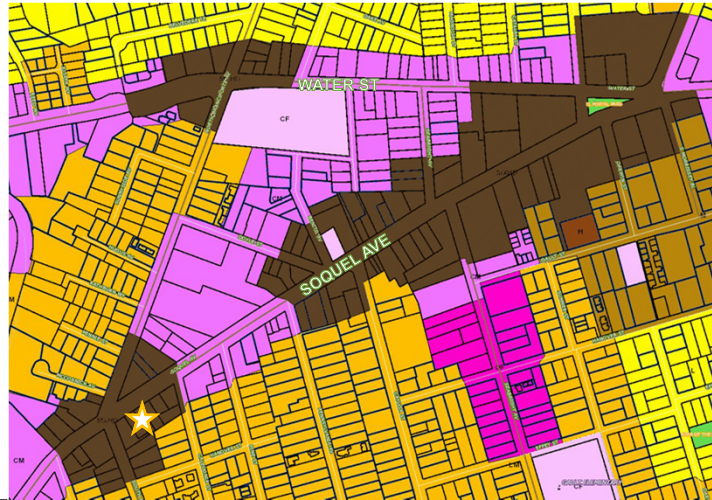


26 Source: Strategic Economics, 2020.

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Small Site

- MXHD (Mixed use High Density)
- ★ Small site



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Small Site

- 0.16 acres
- Common size and shape



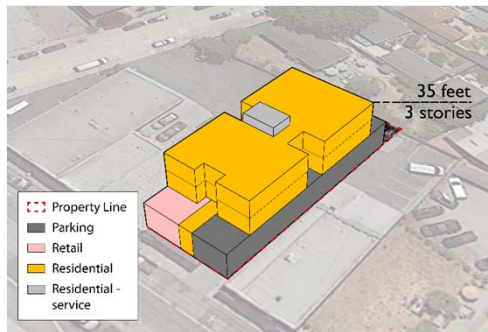
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Prototype 6 (Height 35 Feet)

Mixed-Use Small Site

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	N/A	9	2
Test Fit	1.99	35'	9 (58)	9	1



- Falls below current **parking requirement** – though parking could be achieved with stackers
- Well below allowed FAR and height

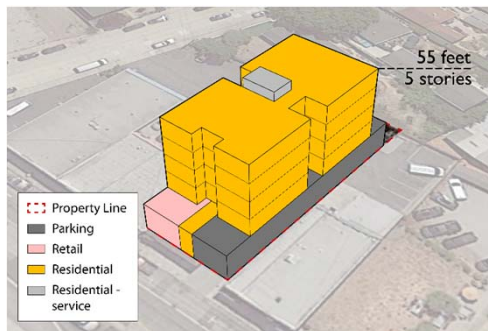
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Prototype 7 (Height 55 Feet)

Mixed-Use Small Site

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	N/A	14	2
Test Fit	3.14	55'	19 (116)	10	0



- Most efficient building design
- **Does not meet current parking standards** – though parking could be achieved with stackers

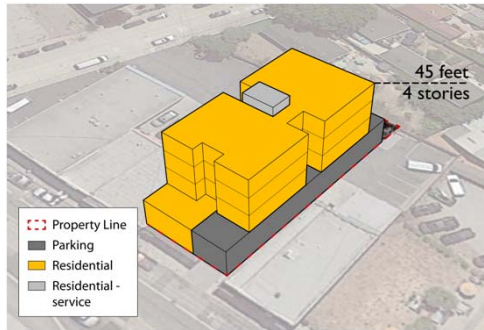
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Prototype 8 (Height 45 Feet)

Residential-Only Small Site

	Max FAR	Max Height	No. Units (du/acre)	Min Parking Residential	Min Parking Retail
Standards	2.75	48'	9 (40)	13	0
Test Fit	2.56	45'	15 (93)	10	0

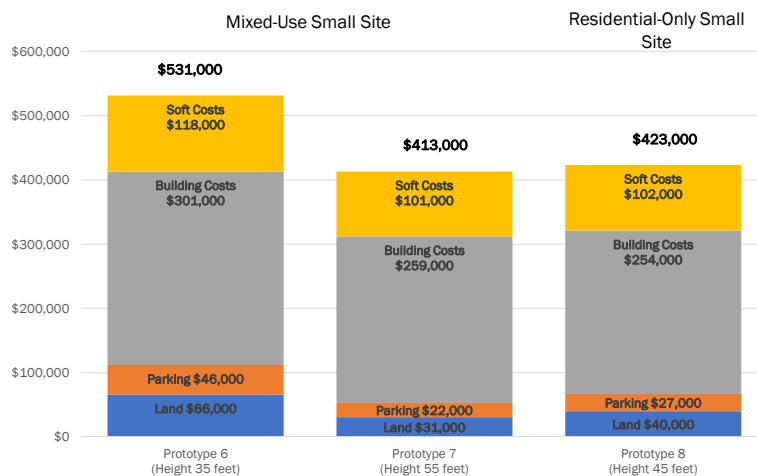


- Maximum FAR matches height
- Exceeds du/acre
- Below current parking standards by 3 spaces

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Development Cost per Unit



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32 Source: Strategic Economics, 2020.

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Financial Feasibility

- The small site test fits are challenging because of the relative **challenges of smaller projects**.
 - Prototype 6 (35-foot height limit) has a negative project value (development costs exceed revenues).
 - Prototype 7 and Prototype 8 have a higher likelihood of development because they provide a greater number of residential units and have the same fixed costs (parking and land acquisition).

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Development Standards Summary

- Can 2.75 FAR be reached? Yes, but the project may not meet other standards, with residential only, and not economically feasible.
 - Du/acre is much more restrictive than FAR
 - For small, residential-only projects: parking, height, and FAR align (but not du/acre)
 - For all other projects: FAR and parking maximums prevent development from reaching 48' in height

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Parking Standards Summary

- Parking requirements for retail are very high
 - Mixed-use developments need an extra level of parking;
 - But parking pushes the development over the FAR limits
 - Retail parking is difficult on small sites
- If mixed-use continues to be a priority, could:
 1. Reduce parking requirements for retail
 2. Exclude parking from FAR calculation
 3. Eliminate a parking requirement for small retail

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Developer Focus Group

- Spoke with six local developers/architects on barriers and existing conditions for mixed-use and multifamily projects in Santa Cruz
- Insights:
 - Height limits
 - Ground-floor retail and parking requirements
 - Bicycle parking requirements
 - High water tables and stormwater drainage

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Any Questions or Comments?

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Additional Information

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Form-based Code

- Removes density limits in favor of bulk controls
 - For example: height limits and upper-level setback requirements
- Allows developments to provide as much parking as necessary, tucked inside the building (invisible from the street)
- Would allow for more flexibility for retail or restaurant uses on commercial corridors

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Inconsistent Density Maximums

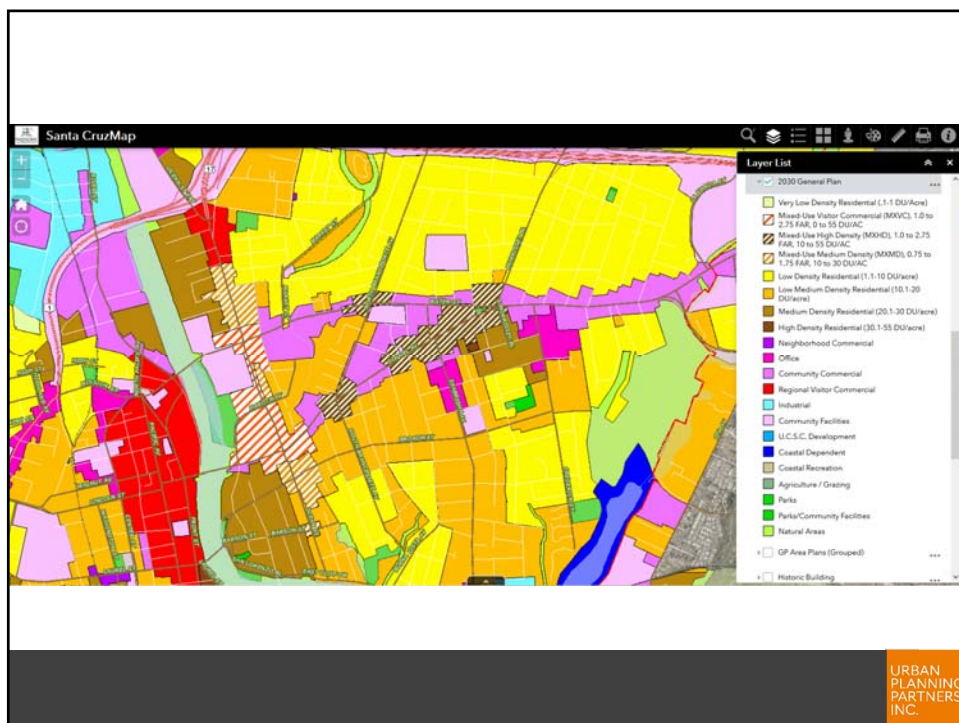
- MXHD Designation General Plan Standards
 - FAR = 2.75
 - Du/acre = up to 55
- C-C Zoning Standards
 - For mixed-use projects, use 2.75 FAR
 - For residential-only projects, use 40 du/acre

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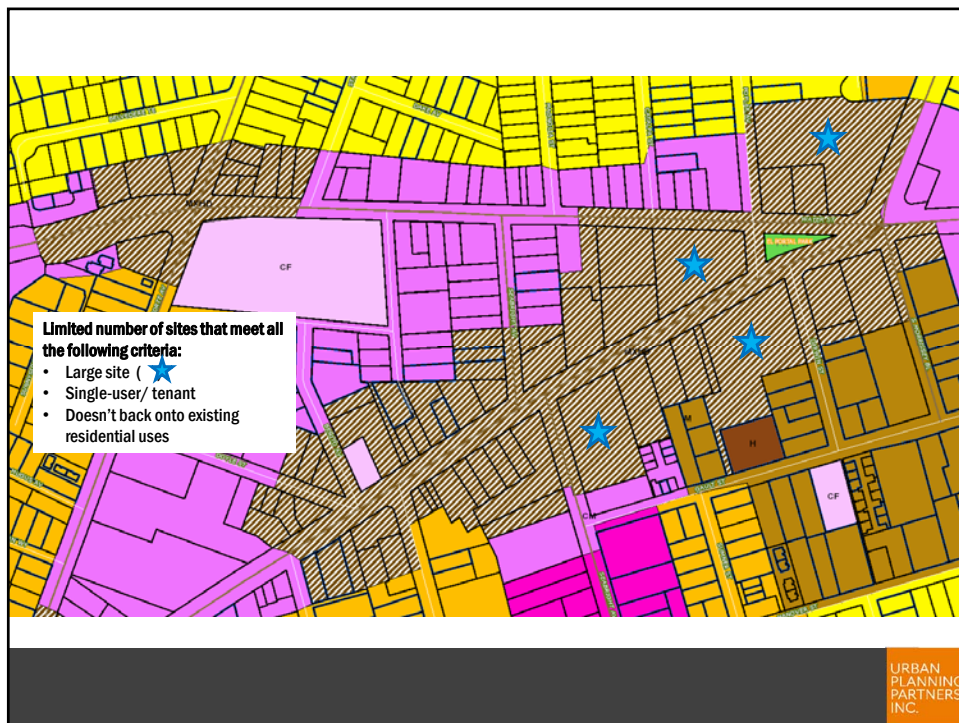
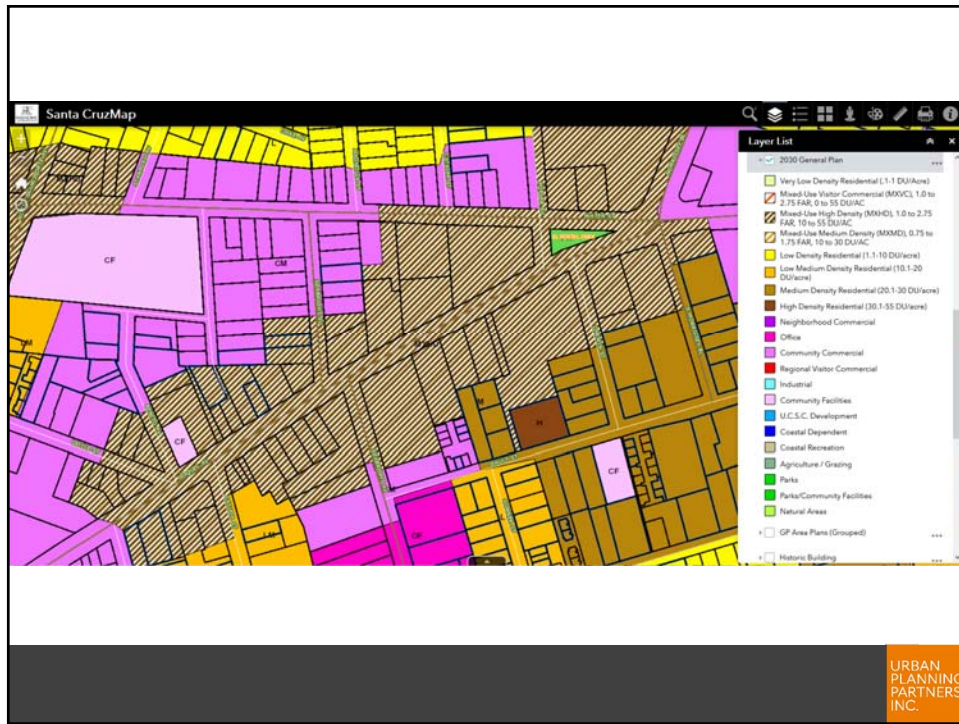
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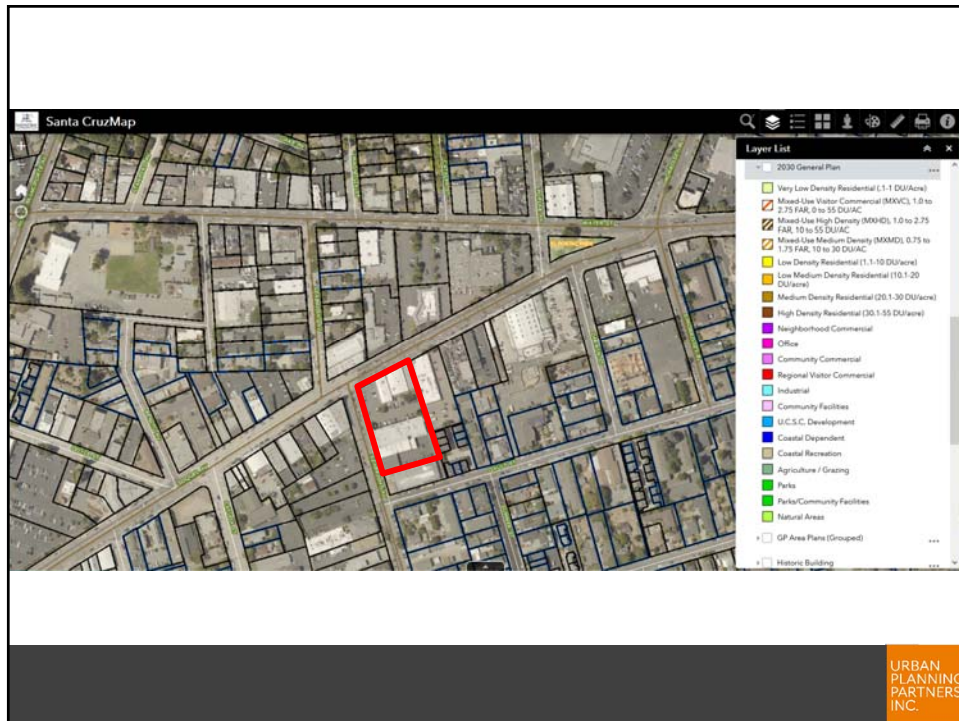
Appendix: Test Fits Check In Presentation, October 7

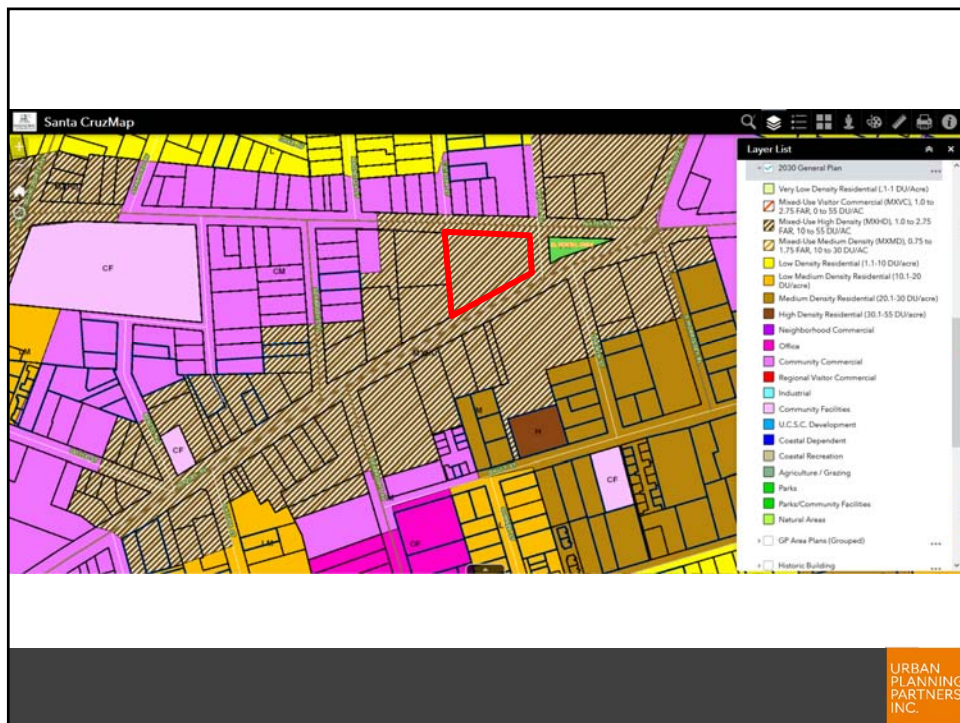
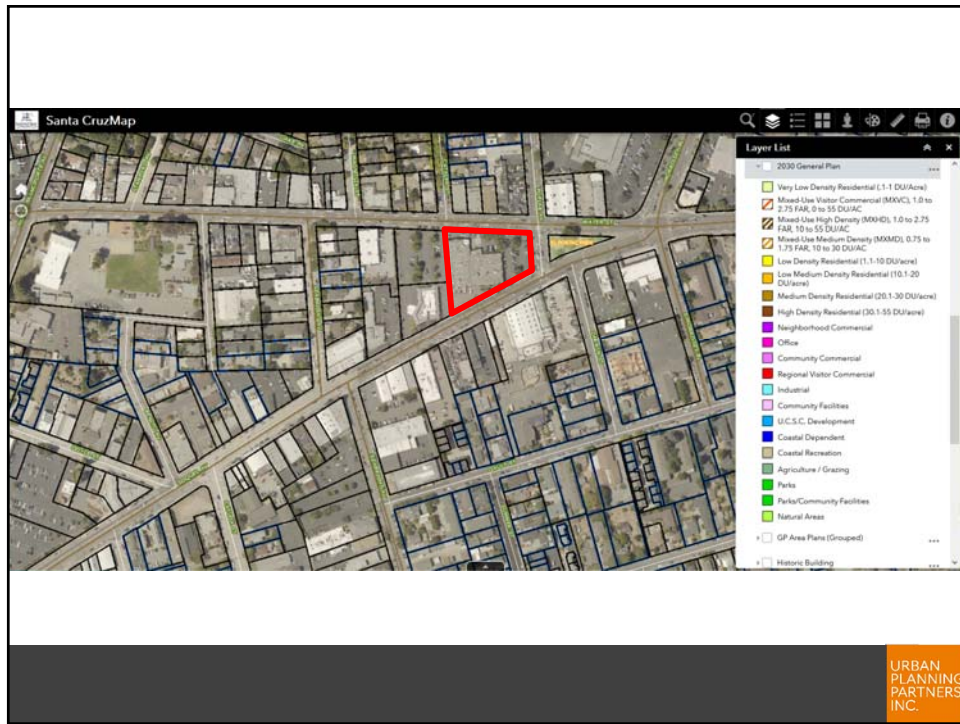
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PLANNING COMMISSION
AGENDA REPORT

DATE: May 27, 2022

AGENDA OF: June 2, 2022

DEPARTMENT: Planning and Community Development Department

SUBJECT: Objective Development Standards for Multi-Family and Mixed-Use
Housing Ordinance Amendments (PL)

RECOMMENDATION: Motion to recommend that the City Council approve the proposed amendments to the Santa Cruz Municipal Code as presented.

BACKGROUND: Staff has been working on an effort to bring the City’s Zoning Ordinance and General Plan into alignment with one another in various ways since the current 2030 General Plan was adopted by the City Council in 2012. The initial alignment effort was known as the Corridors Plan and was focused on developing a plan and implementing zoning for the four major transportation corridors through the City: Mission St., Ocean St., Water St., and Soquel Ave. This work was officially halted by the City Council in August of 2019.

Under California law, when the General Plan and Zoning are out of alignment, the development standards included in the General Plan govern development on a property. Under the Housing Accountability Act, this also means that any development capacity allowed based on the land use designation in the General Plan must be allowed on a property regardless of any limitations based on zoning. Further, any action to reduce the amount of housing that can be built on a parcel of land be accompanied by a simultaneous action to increase the amount of housing that may be built elsewhere within the jurisdiction’s boundaries.

The Housing Crisis Act further limits the discretion of local agencies by prohibiting the denial or conditioning of a development proposal in a manner that reduces the amount of housing on the site based on any subjective design or development standards. Subjective standards may only be applied to development proposals in a manner that *“facilitate[s] and accommodate[s] development at the density permitted on the site and proposed by the development”* (CA Gov Code 65589.5(f)(1)).

The City has many existing objective standards in the Zoning Ordinance. For instance, standards regulating height, setbacks, parking requirements, dwelling unit density, open space, lot coverage and others have been in use for many decades. These objective standards currently exist alongside subjective standards that staff uses in a discretionary manner to review development proposals. State legislation has narrowed this discretion and placed more emphasis on objective

development standards, creating a need for standards that can regulate the site design and building design in a more objective manner.

The development of Objective Standards for Multi-Family and Mixed-Use Housing (“project”) involved a team of City staff and planning, urban design, and economic consultants working with the community to develop and refine new objective design standards that will function to quantify and standardize the requirements to approve a design permit for projects that include two or more housing units. The content of this report focuses on the design standards that have been drafted by the project team as well as amendments to some existing standards to make them objective rather than subjective. A future agenda item targeted for the June 16, 2022 Planning Commission agenda will include proposed new zone districts to align with the 2030 General Plan and amendments to the City’s development review process that are warranted given the focus on objective development review.

As stipulated by the Housing Crisis Act, development standards must accommodate the full range of development capacities allowed by the existing regulations or they will not be applicable to new development. For this reason, the process to develop both the objective design standards and the forthcoming site standards for the new mixed-use zone districts utilized a process of testing the existing zoning and General Plan standards and capacities for both physical and financial feasibility. This “test fit” process identified a few existing development challenges including areas where height limits and required parking ratios in the Zoning Ordinance were significant constraints to achieving development capacity allowed in the General Plan.

The test fits helped inform some of the content relating to building massing and parking standards that was part of the community survey to define community character of Santa Cruz that will be codified by these proposed amendments. Over 700 people participated in the community survey via online and in-person responses. Following this input, staff sought additional community feedback through six different focus groups: university students, young adults, renters, low-income households, Eastside residents, and the Latinx/Chicanx community. These groups reflected similar themes as noted in the survey in that Santa Cruz residents generally prefer: a mix of architectural features and styles; space for trees and landscaping; more variety of housing and value affordable housing; additional height in new buildings on major corridors; walkable, active neighborhoods with neighborhood-serving uses and local businesses; and more historically referential architecture with more articulation. These preferences are reflected in the proposed objective design standards.

Following the release of the Public Review Draft of the objective design standards in November 2021, the Santa Cruz community was able to provide both structured and unstructured feedback on the proposed Mixed Use zone districts and development standards through the City’s website. The project team designed a visual survey that addressed most of the standards and asked participants to: evaluate how successfully the various standards achieved the stated goals, to rank priorities for different uses, and to respond to the standards as a whole. City staff and consultants held an event on November 10, 2021 to present the package of standards to the community and walk through the process for voting on the website. Further, two additional times for “office hours” were identified where project team members were available for questions and clarification. Comments were accepted through the visual survey tool for four weeks, and the public submitted written comments as well. In addition to the website, the public was able to review the entire package of standards and provide written comments to City staff any time in the past five months.

The intention with this engagement was to provide ample opportunities for members of the community to ask questions and seek a deeper understanding of how the proposed standards were drafted and how they will work together to regulate new development. Overall, approximately 90 community members participated in the live events, website voting, submitted written comments, or suggested standards.

DISCUSSION:

Objective Design Standards for Multi-family and Mixed-Use Housing

Based on the feedback provided by the community combined with the required development intensities in the 2030 General Plan, the project team drafted a set of development standards for both site design and building design of new multi-family and mixed-use housing development. The standards are attached in two different formats containing identical requirements: A standalone guidance document for project applicants and a set of ordinance amendments integrating the proposed standards as a new section within Chapter 24.12 of the Santa Cruz Municipal Code relating to Community Design. Both attachments contain the same language, with some minor changes to the way cross-references are made in each document.

The standards address all areas of the City except for the Downtown Plan area, which has its own objective design standards. The standards will apply to all new housing that is built except for new single-family homes and new accessory dwelling units. All other housing from a duplex to a multi-story, mixed-use housing development incorporating ground floor commercial uses will be required to meet these standards to qualify for a streamlined project review process. Since the public review draft was released last November, several refinements have been made to reflect community input, further staff work, and comments from local designers and developers. The attached strikeout version of the standalone document shows the changes that were made since November of last year. Most of the changes shown are additions to add clarity and specificity to the standards as drafted, and some address specific situations that were not called out explicitly in the Public Review draft, such as how standards for public frontage apply on lots with multiple frontages, as with corner lots. A few of the standards did change significantly: the draft standard for Upper-level Taper was replaced with a standard for a Neighborhood Transition plane, and the draft standard requiring Live-Work units on the ground floor of residential buildings in commercial zones was re-worked to create an allowance for these units rather than a requirement, coupled with additional standards for commercial uses in those buildings.

The objective design standards reflect Santa Cruz community values: creating more opportunities for mid-density housing (or missing middle housing); more walkable neighborhoods; ensuring public frontages incorporate commercial activity in commercial and mixed-use zones; requiring modulation of building faces and roof forms to minimize large, unarticulated building faces; requiring the use of high-quality building materials for street frontages, while allowing more cost-effective materials on side and rear building faces; ensuring that building residents have access to high-quality open space amenities on site; and address many other features of site and building design. When reviewing the proposed standards, please note that each subsection includes a title and a goal indicating intent of the standard, and note that some standards will apply to all development proposals while others apply only to certain zone districts or only along major transportation corridors. The maps included with the attachments show the parcels where the various standards will apply based on zoning and location.

Public Review Comments

The Public Review Draft of the Objective Standards for Multi-Family Housing generated comments and feedback from the public on many topics. The structured feedback collected through the online engagement platform led to a change in the proposed standards for tapering at roof tops of building over three stories in height, and that standard has been replaced by a standard requiring a transition to neighboring residential areas by incorporating stepbacks and landscaped buffer strips. (See standards I. D(3), I. E(2) for buffering, and II. A. for neighborhood transitions.)

Several community members submitted suggestions for additional standards. Examples of standards that were added to the proposed draft objective design standards include requirements for dark sky best practices for lighting, landscape buffers in most areas with neighborhood transitions, full shielding of headlights from parking structures, options for open space amenities for project residents, and setting standards to buffer rooftop activity and lighting from adjacent residential uses. A full list of the community comments staff received is included as the Community Suggested Standards attachment and is organized by comment author's name. The document also includes a staff response to each suggestion indicating whether a community comment is incorporated or addressed in the proposed standards, is already sufficiently addressed through other existing state or local regulations, is prohibited by existing regulations, or is not recommended due to staff concerns regarding policy choices or implementation.

Application of Standards to Density Bonus Projects

The project team heard concerns from many residents relating to State Density Bonus Law overriding any local development standards. These objective design standards were still drafted to apply to those projects to the greatest extent possible. Projects with a Density Bonus can request waivers for any site standard if they can demonstrate a standard physically precludes the development of the total number of dwelling units they are entitled to under the state law. Most commonly, the standards that are waived include those that limit the size of the building: height, required parking, floor area ratio, and required open space. Requirements for building articulation, roof forms, parking screening, and sidewalks, as are required by the objective design standards, are less likely to physically preclude a development and are therefore likely to continue to apply. Under the State Density Bonus projects can also apply for a limited number of concessions based on financial feasibility of the development project, so some of the design standards could be removed by the decision making body at a public hearing. However, no project is entitled to more than four concessions, so the vast majority of the proposed design standards will continue to apply to Density Bonus projects.

Additional Ordinance Amendments

The process of drafting the proposed objective design standards led to discussions with decision-makers and the community about other areas of the municipal code that could be addressed as part of this work. During this work, Santa Cruz processed its first development application under SB 35, legislation that requires the use of objective standards exclusively, and that also led to several other policy-level discussions. Combined, several areas of the code are being addressed as part of this objective design standards package:

- The addition of Bird-Safe Design standards for new construction;

- An amendment requiring that project applications incorporate the recommended mitigations identified by any archaeological reconnaissance conducted for the development proposal;
- Amendments to requirements for driveway sight distances, vehicle loading spaces, and requirements for information technology infrastructure (fiber optic cable);
- Requirements about the placement of street trees with development proposals on transit corridors and other significant arterial roadways;
- A change to the trigger for requiring a conditional fence permit;
- Appropriate cross references to the proposed objective design standards; and
- Additions to the Height Modifications section to create appropriate allowances for roof top open space.

A few of these additional changes are discussed in more detail below.

Bird-Safe Design

Building strikes, when birds fly into glass or other reflective building materials, are the second largest human cause of bird deaths in the United States, following predation by house cats, with an estimated 365 to 988 million fatalities annually. Santa Cruz is home to many native and exotic bird species and lies within a major migratory flyway, so building strikes affect both local and migratory bird populations.

In 2017, the Ventana chapter of the Sierra Club approached Planning staff about this issue and expressed a desire to create development standards that could reduce the number of bird strikes happening within the City. Planning staff collaborated with Sierra Club representatives as well as bird-safe design experts and other stakeholder groups to develop the Planning Department's *Bird Safe Building Design Standards*. In 2021, the standards were reviewed by a consulting biologist and updated to incorporate minor changes to more precisely define when the standards would apply, as well as to delineate a process for allowing exceptions to the standards in limited circumstances. Further minor updates were made in early 2022, and a reference to the document is proposed to be added to Chapter 24.12. The standards themselves are published in a separate, administratively managed document available on the Planning and Community Development Department's website. See reference added in Municipal Code Section 24.12.127.

Archaeological Review Requirement

In reviewing the development application for the City's first SB 35 project, staff noticed that the existing requirement for preparation of an archaeological report on sites identified as potentially having archaeological resources did not include any requirement for compliance with the findings or recommendations of the required report. Language requiring that development proposals demonstrate compliance with a required report is proposed to be added to Municipal Code Section 24.12.430.

Loading and Utility Standards

The Public Works Department thoroughly reviewed the standards in Chapter 15.20 and proposed changes to create greater objectivity in their project review processes. Public Works submitted these proposed amendments to the Transportation and Public Works Commission (TPWC) in May for a formal recommendation to the City Council. The proposed amendments, which relate primarily to improvements required for the public realm when new development projects take

place, are included as an informational attachment for context but are outside the purview of the Planning Commission. These amendments, based upon the recommendation of the TPWC, will be integrated with the ordinance amendments included with this report and with the forthcoming zone district amendments when the objective design standards project proceeds to the City Council for final review.

In addition to right of way and frontage improvements, Public Works is also responsible for reviewing utility infrastructure and automobile circulation for new development proposals and is recommending amendments to sections of Chapter 24.12 relating to off-street loading facilities and underground utilities. See the attachment with the amendments to the Municipal Code Sections 24.12.280, 24.12.295 and 24.12.700 et seq. The proposed amendments:

- Add an objective reference for determining sight distances when designing driveway approaches,
- Create thresholds for determining the required number and type of off-street loading facilities, and
- Set objective standards for installing cable or conduit for information technology (typically fiber optic cable or dark conduit where connection to fiber optic is not yet available). Certain exceptions to these requirements are also added.

Street Trees

The proposed objective design standards contain a new standard for sites located on the designated Corridors (Mission, Ocean, Water, Soquel) that requires street trees to be installed for every 30 feet of site frontage. Currently, street tree installation is governed by area plans to varying degrees or by property owner choice. Given the level of interest and the number of comments from the public relating to street trees, Planning staff worked with Parks and Recreation staff, including the City's Urban Forester, to draft standards for street trees that ensure that placement is safe and more likely to be successful.

In working with Public Works on establishing requirements for sidewalk widths that would apply for development proposals of three or more units, staff determined that the requirements for incorporating street trees could be extended to other areas of the City where sidewalk widths would accommodate them. Based on the minimum street tree planting well requiring a width of three feet and the minimum ADA sidewalk width of four feet, a standard was drafted to require installation of street trees for any development proposal that triggers the requirement for a sidewalk width of seven feet or more.

Additional standards governing the method of planting and permits required for maintenance are contained in Municipal Code Section 13.30. The Parks and Recreation Department is working on amendments to that code section adding further objectivity to the existing standards and clarifying existing procedures. The proposed amendments to this section are included as an informational item for the Planning Commission. The City's Parks and Recreation Commission will formally review the proposed draft at their June meeting and their recommendation will be transmitted to the City Council along with the rest of the objective design standards package.

Local Coastal Program

The City's Local Coastal Program (LCP) is the tool used by the City and the Coastal Commission to effectively regulate development activities within the Coastal Zone.

Because the objective design standards will apply to all new multi-family and mixed-use housing developed in the City, the standards constitute amendments to the Local Coastal Program Implementation Plan. City staff consulted with Coastal Commission Staff this past winter to review the draft standards for potential concerns.

The Coastal Commission identified the previously proposed reduction to required open space in residential zone districts as a potential concern for coastal resources, and as a result, staff has removed this reduction and is proposing to maintain existing requirements for total square footage of open space per dwelling unit for residential zone districts. As the proposed standards are facilitating allowed existing development capacities rather than increasing those capacities, which are already permitted by the LCP, staff concludes that the remainder of the proposed ordinance will have no physical effect on the size or type of development permitted within the Coastal Zone.

HEALTH IN ALL POLICIES

In 2019, the City adopted a Health in All Policies strategy in order to eliminate inequities in health and well-being and attain equity for all residents. The proposed amendment package furthers the City's Health in All Policies strategy, as the intent of the proposal is to support creation of a wider variety of housing options, promoting more equitable access to housing. The proposal would serve to support development of dense housing in areas of the City with a mix of employment, housing, retail, and entertainment uses, promoting a sustainable development pattern and making efficient use of urbanized land. This land use pattern also encourages active transportation, which promotes personal health. By incentivizing a variety of new housing opportunities that meet residents' needs, this proposal supports the social, economic, and environmental health of the community.

ENVIRONMENTAL REVIEW

The proposed amendments fall within the analyzed development potential in the City's existing 2030 General Plan EIR, as they are intended to fully implement the adopted General Plan Land Use maps and policies. The proposed amendment would not result in increased densities or intensification of uses, rather these proposed amendments will regulate the design and development character of projects achieving those planned densities.

NEXT STEPS: As mentioned in the Background section, this item constitutes the first half of the full objective design standards item. The second half of the item includes: proposed new zone districts for mixed-use development, rezonings for the parcels where those zones will apply, amendments to the development review process, and a few other municipal code amendments. Following the Planning Commission's action on both parts of the objective design standards package, Planning staff will coordinate with Public Works, Parks and Recreation, and Water staff to incorporate the proposed objective design standards amendments to all the various sections of the Municipal Code into a single ordinance amendment for City Council review. The City Council is likely to hear the item at a regularly scheduled meeting in August 2022. Following action by the City Council, portions of the amendment package, including the amendments to Chapter 24.12, will be submitted to the California Coastal Commission for review prior to taking effect within the coastal zone. In all areas outside the Coastal Zone, the amendments to the Municipal Code will take effect 30 days following final action by the City Council.

Prepared by:
Sarah Neuse
Senior Planner

Approved by:
Matt VanHua
Principal Planner

Approved by:
Lee Butler
Director of Planning and
Community Development

ATTACHMENTS:

1. Objective Standards for Multifamily and Mixed Use Housing – Standalone document clean
2. Objective Standards for Multifamily and Mixed Use Housing – Standalone document ~~strikeout~~/underline
3. Proposed amendments to Municipal Code Chapter 24.12, ~~strikeout~~/underline
4. Maps: parcels where objective design standards will apply
5. Informational Item: Proposed amendments to Municipal Code Chapters 12.60 and 15.20
6. Informational Item: Proposed amendments to Municipal Code Chapter 13.30
7. Community Suggested Standards and Staff Responses

CITY OF SANTA CRUZ

Objective Development Standards

[Public Review Draft – 10/19/2021]

DRAFT FOR ADOPTION, 5/10/2022

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Document Guide

Purpose of the Document

The purpose of this document is to provide a set of clear, objective, and measurable standards for multi-family and mixed-use residential development that is consistent with the character of Santa Cruz while also ensuring that new housing development is economically feasible.

To address the housing shortage, recent State legislation, including Senate Bill (SB) 35,[SB 330](#), and SB ~~3309~~, requires multi-family projects to be reviewed only against objective design and development standards. According to the Government Code (Sections 65913.4 and 66300[a][7]), objective development standards “*involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable*” by development applicants and public officials before submittal of a project application. In other words, objective standards allow applicants to know the requirements that will apply to a proposed project so that they can design a project that meets those standards. These objective development standards can therefore make development more predictable and easier to interpret for all stakeholders, including decision makers, City staff, applicants, and members of the public.

The standards in this document will dictate the form and style of new development on some prominent parcels throughout the city at key intersections and in many residential neighborhoods. Creating standards that are easy to understand and effective at creating high-quality buildings will make creating new affordable and market rate housing easier and more transparent for existing and future residents of Santa Cruz.

Relationship to Other Planning Documents

While the City has many design guidelines that promote best practices, many are subjective or optional, and therefore cannot currently be enforced under State law. The objective development standards in this document work as a baseline, creating citywide standards that apply to all new multi-family and mixed-use residential projects. The standards in this document work in tandem with other City standards already in place.

- **General Plan.** The General Plan contains objective standards related to floor-area-ratio (FAR) and/or development density for all land uses in the City. The objective development standards in this document are consistent with the General Plan and dictate the bulk, mass, and design of buildings in a more fine-grained way than the General Plan.
- **Area Plans.** The Area Plans will continue to set a vision and best practices for specific geographic areas/neighborhoods in Santa Cruz. Where applicable, the objective development standards have drawn on standards and guidelines that exist in the Area Plans. Objective standards that exist in Area Plans will continue to apply. Objective standards can be identified in Area Plans by reviewing guidelines and standards for words like “must,” “shall,” “will” or “will not.”
- **Zoning.** The Zoning District Standards contain objective standards that define the building envelope such as setbacks, heights, parking, and open space requirements. These district-by-district standards will continue to dictate basic development standards, and the objective development standards will apply in addition to these requirements, providing refinement in terms of site and building design. Note that in order to maximize opportunities for housing, zoning standards relating to required open space are proposed to be amended with the objective standards.
- **Other Municipal Code Sections.** The City also maintains and enforces standards related to stormwater drainage, roadway and traffic requirements, and standards for working within the public right of way to install sidewalks, street trees, and lighting. These standards will continue to apply, and City departments are evaluating the need to make some of the existing standards more objective in order to ensure they continue to apply in the necessary manner.
- **Building Standards Codes.** All construction in the State of California is subject to the California Building Standards Codes which dictate health, safety, and energy and water efficiency standards for new and remodeled structures. In Santa Cruz, the City’s Green Building Program also requires additional green building features of every new housing unit and requiring responsible disposal of construction waste products.

Implementation

The objective standards in this document relate to building design and site design for new development and redevelopment projects- ~~(including all multi-family proposals that meet the~~

definition of demolition in the municipal code). The standards here will ~~carry~~be incorporated into the same weight as zoning standards~~code as part of chapter 24.12~~, meaning they will be required of all new development and could be waived through a State Density Bonus application for projects providing income-restricted affordable housing units or, like any zoning standard, could be subject to an application for a variance in situations where exceptional circumstances prevent a particular site from being able to meet one or more of the standards-or varied through an application for a Planned Development where public benefit is proposed. Like other zoning standards review for compliance will happen during the development review process, and ongoing maintenance of required conditions will be a matter of code enforcement.

Community Input

In the preparation of this document, the City performed significant outreach to understand the desires of the Santa Cruz community. These standards were shaped in response to the preferences gathered through this outreach process. Excerpts from the outreach efforts are included as call-out boxes throughout the document – these are not intended to be regulatory and are simply provided to give background and context.

Word on the Street

Look for this box for snippets of what we've heard from our community engagement exercises, including public meetings, focus groups, interviews, and online surveys.

Assumptions

The regulations in this document shall apply to ~~new~~newly constructed residential and mixed-use buildings proposed in the city of Santa Cruz in any district other than the Central Business District (CBD). In some cases, standards apply to some zoning districts and not others; where no specific district is indicated, standards apply to all zoning districts other than the CBD and CBD-E, which are governed by the Downtown Plan. Due to potential changes in allowable development densities as a result of State-level legislation, these standards are written to apply to multi-family development – from duplexes to mid-rise buildings, and everything in between – in any zoning district including the R-1 zone, even though the R-1 zone is currently limited to development of single-family homes and duplexes. These standards are intended to ensure high-quality design of any new or redeveloped multi-family housing, regardless of zoning district, General Plan designation, or property ownership.

Throughout the document there are some standards which may apply specific considerations to different zoning districts because of their specific types of uses or densities. Generally, differences are split between those districts that are primarily commercial, mixed-use, or residential in nature. Where standards differentiate between districts, the specific districts they apply to are listed. If no specific district is listed, then the standard applies to all districts.

All ~~building controls~~standards in this document are written to be objective and quantifiable. Where a measurement in feet is given, it is assumed to be a linear dimension in the horizontal or vertical direction, unless otherwise stated. Where a measurement in square feet is given, it is

assumed to be gross square feet, unless otherwise stated. Where a specific term is not defined, the definitions contained in Chapter 24.22 of the Santa Cruz Municipal Code shall apply.

Differentiation by District

Surveys and focus group discussions with the Santa Cruz community revealed that, while neighborhoods do have unique characteristics in terms of street width, building spacing, streetscape improvements, and existing uses, there is no single architectural or building style that best represents any given district or neighborhood. In fact, there was a strong feeling that an eclectic mix of architectural styles is what best represents the city's architectural identity. Similarly, survey respondents preferred giving architects creative freedom over certain design features instead of dictating strict standards.

However, the results also indicated that community members desire a difference between how buildings are designed in residential neighborhoods versus along the city's major corridors (like Soquel Avenue, Ocean Street, Mission Street, and Water Street). The findings are summarized below:

- It was commonly expressed that buildings along major corridors can be taller and larger and should be designed to contribute to the walkability and livability of the community, with active ground floor uses and more space for pedestrians.
- By contrast, the lower-intensity, more residential neighborhoods were described as having a diversity of single-family homes alongside smaller apartment buildings, with abundant opportunities for landscaping.
- For all areas, the community expressed a desire for high-quality building materials, architectural features, and/or detailing, and for sustainability measures that reflect the environmental values of Santa Cruz.
- In addition to environmental sustainability, the community voiced a strong desire to prioritize housing affordability and creation of a more livable, newer housing stock.
- As noted above, elements that contribute to the unique feeling of each neighborhood include the width of the streets, the sizes of the lots, the heights of the buildings, the distance that buildings are set back from the street and one another, and the mix of

Word on the Street

Survey Results

- On commercial corridors, **67 percent of respondents preferred an eclectic building look** over a uniform one.
- In both commercial and residential areas, respondents generally preferred giving architects freedom or a menu of options.

Focus Group Feedback

- **"Santa Cruz is about uniqueness and being different**, like there's nothing that's exactly the same in Santa Cruz and that comes from the culture of not only the buildings but mostly the community and the people and the types of people that live in Santa Cruz. It's about being different and embracing your own uniqueness and everyone is ok with that. Everyone is ok with being different, which I think is really magical and something that's really important to the culture of Santa Cruz."
- "[An eclectic mix] is the only [option] I

residential densities and non-residential uses. These are patterns that have been set -- and continue to be governed -- by requirements of the different zoning districts and street plan lines.

In response to these findings, the Objective Standards do not require any specific architectural style for specific neighborhoods and enable a wide variety of building styles throughout the City. Instead, these new standards require specific design approaches related to the scale and type of development in each zoning district. In a few cases, they create flexibility for building forms to achieve specific, performance-based outcomes. For all residential development, the Objective Standards emphasize human scale design; depth and articulation of building faces; high quality building materials; and sustainable design.

I. Site Design

Consistent with the City of Santa Cruz General Plan Goals and Policies and feedback from community members, the following site design requirements ~~maintain~~ guide a development pattern that promotes walkability, minimizes the visual and physical impact of vehicles, and supports opportunities for greenery and landscape.

A. Maximum Building Length

Goals: To ~~ensure that~~ incentivize multi-family buildings ~~that are incentivized to reduce bulk~~ more affordable by design, and more 'house-sized' in residential zone districts.

1. In ~~primarily residential districts: Where buildings are designed at a 75-foot~~ all R-districts: The maximum building length ~~(shall be as dictated by required setbacks and parcel dimensions. Where the building façade along the public frontage is no greater than 75 feet in length and where the proposal meets the definition of a stacked flat building type, (as opposed to a townhome building type), the parking requirement shall be reduced by half. Otherwise, the maximum building length shall be as dictated by setbacks and parcel dimensions.~~
1. ~~In commercial and mixed-use districts: No maximum building length.~~
 - i. ~~On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest sidewalk. Required sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.~~
2. In C-C, R-T, C-T, C-N, C-B, and all MU districts with mixed use development: The maximum building length shall be as dictated by required setbacks and parcel dimensions.

B. Walkability

Goal: To promote pedestrian permeability and walkability through districts as redevelopment occurs over time, particularly for larger sites.

1. Existing public connections:

- i. In all areas of the city, where a project site includes an existing public street, alley, path, staircase, paseo, trail, or other public pedestrian way, this public

connection will be maintained or relocated in-kind within the project site.

- ii. Existing frontage improvements including any bike lanes or sidewalks will be maintained, repaired, or upgraded as dictated by any applicable Area Plan, or, in the case where no Area Plan applies, the requirements of Section II.E Ground Floor Design, or the requirements for sidewalk widths as defined in Chapter 15.20 of the Municipal Code. Where any inconsistency between regulatory documents is present, the widest applicable sidewalk requirement shall apply.

- a. Decorative sidewalks may be required based on Area Plan standards. Installation of all sidewalks will be based on the standard details provided by the Department of Public Works.

- iii. The total number of connections through the site for cyclists and pedestrians shall not be reduced.

2. New public connections:

1. Any new connections shall be at least 10 feet wide and a minimum of 80 percent open to the sky.

- i. Where block length exceeds 500 feet (measured from curb to curb along the length of any a new public right of way) and new street, alley, path, paseo, trail, or other public pedestrian connection is required by an Area Plan, this connection shall be incorporated into any development or redevelopment is proposed within proposal for the middle 50 percent sites identified by the Area Plan.

- ii. Where the street frontage length of the block a site exceeds 400 feet along a single roadway, and there is not already a public connection required by an Area Plan, the project proposal shall include a minimum of one publicly accessible street, alley, path, staircase, paseo, trail, or other public pedestrian way that is at least 10 feet wide and a minimum of 80 connection within the middle 50 percent open to of the sky. See Figure 1.

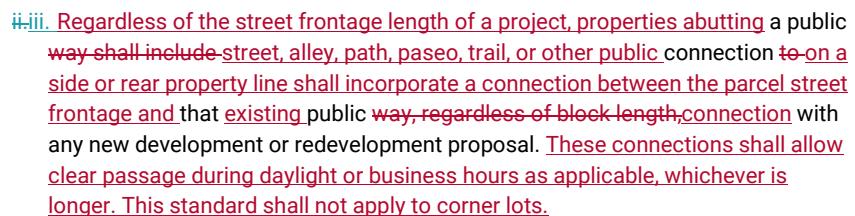
- i. Where the project parcel touches more than one existing public way, the newly created public way shall connect to the existing public ways, and clear passage shall be permitted during daylight hours.

Word on the Street

Interview Excerpt

"People will say to me, 'You don't have a car? How do you get around?' Um, I walk! I prefer to walk. I always wanted to retire where I could walk to things, [it] was never [the plan] that I would have a car. **I want to be able to walk to shopping or take transit. It's very important for my living space.**"

- Figure** ~~Properties adjacent to parcels developed with~~ **1: New Public Connections**



- Page 7

C. Public Frontages

Goal: To ensure that new development is pedestrian-oriented and provides ground floor uses that activate the public realm.

1. Where a common Residential lobby is provided, the lobby shall be accessed from a public frontage.

2. ~~In the Mixed Use, all MU zones, the ground floor along any public frontage shall consist of 100 percent Uses for Active Frontage as allowed in the underlying zone district.~~

3. ~~In the C-C, R-T, C-T, C-N, and R-TC-B zones, the ground floor facing along the public frontage shall consist of no less than 50 percent Uses for Active Frontage as allowed in the underlying zone district.~~

- i. ~~On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest sidewalk. Required sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.~~

2.4. ~~Uses for Active Frontage shall be subject to the following standards:~~

- iii.i. ~~The frontage shall consist of 100 percent Active Uses. Uses for Active Frontage shall be built to a minimum depth of at least 25 feet as measured perpendicular to the predominant building face, with the exception of areas for building ingress/egress, and access to parking or loading access, and mechanical rooms. If more than one ground floor Active Frontage space is provided, the 25-foot minimum depth shall be applied as an average applies to depth of the total depth of all the Active Use Active Frontage spaces facing along the predominant building face.~~

- ii. ~~In all Commercial and Mixed Use zones, the ground floor facing the public frontage. Mechanical rooms shall not be placed along the public frontage. Mechanical rooms shall be located adjacent to a driveway or parking area.~~

- a. ~~On lots with multiple public frontages, such as corner lots or double-frontage lots, mechanical rooms may be located on a public frontage. For these lots, mechanical rooms are prohibited along the public frontage requiring the widest sidewalk of all frontages on the property. Sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.~~

- iii. ~~Amenities provided to building residents do not qualify as Uses for Active Frontage unless they are also open and available to the general public.~~

3-5. ~~In the C-C, R-T, C-T, C-N, C-B, and all MU zones, the ground floor facing a public frontage shall be subject to the following standards:~~

- i. ~~On corner lots, the ground floor shall have 100 percent non-residential commercial uses at the corner, extending for at least 30 feet on either~~

Field Code Changed

side of the corner, or the distance of the frontage of the corner parcel, whichever is less.

- ii. Entries to ground floor uses shall be placed at an average of every 50 linear feet or less of building frontage. The following uses are exempt from this requirement:

- Food and Beverage Stores, ~~Medical~~Medical/Health Offices
- Lodging in areas designated MXVC in the 2030 General Plan

- iii. Residential or Commercial lobbies are limited to a maximum of 30 feet of frontage, unless they are combined with an Active Use, in which case they are limited to 80Active Use, in which case they are limited to 50 feet of frontage.

6. In primarily residential districts, all R-districts, with the exception of flag-lots, a parcel's public frontage shall be comprised of ground-floor residential uses that are oriented toward the public frontage.

- i. Ground floor residential units that face a ~~public frontage~~public frontage shall provide an entry facing toward the ~~public frontage~~public frontage that provides access into an entry area, living area, kitchen, or hallway (not a ~~bedroom or bathroom~~)- or bedroom, with the exception of studios).
- ii. Entries facing a ~~public frontage~~public frontage shall include a minimum of 48 square feet of flat, unenclosed, covered area, which may be a projection, or inset, or a combination of the two. (See Planning Code Section 24.12.120 for allowed projections into setback areas.)

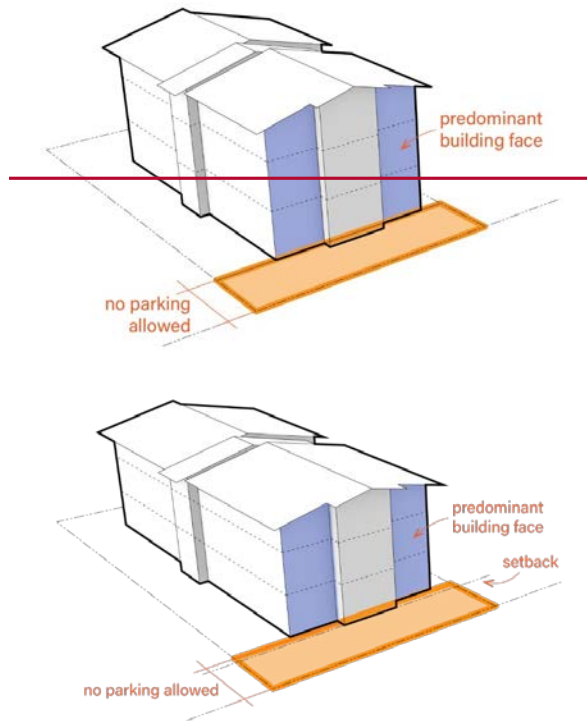
D. Parking Location and Screening

Goal: *To minimize the visual impact of parked cars from sidewalks and ~~open spaces~~streets.*

1. ~~Parking~~Off street parking and loading facilities, including bike parking requirements, shall be provided as required in Section 24.12 Part 3.

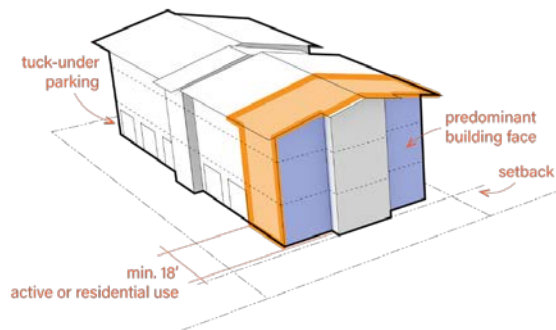
1-2. For projects including five or more dwelling units, parking shall not be located in the area between the front lot line and a line extended horizontally from the plane of the ~~predominant building face~~predominant building face to the edges of the lot. See **Figure 12.**

Figure 12: Parking Location



- 2.3. Residential parking for projects including five or more dwelling units shall be screened from view in the following ways:
- i. Podium parking facing a public frontage shall be wrapped with ~~active~~Uses for Active Frontage as allowed in the applicable zone district or residential uses on all levels facing a public frontage to a depth of at least 18 feet average, measured on each level perpendicular from the predominant building face. (Also see Active Building Frontage requirements which may apply at the ground floor.)
 - ii. Tuck-under parking shall be entirely contained within the building and screened by garage doors. ~~Where it faces a public frontage, tuck~~Tuck-under parking may not face on a public frontage; instead it shall be wrapped with ~~active or residential~~Uses for Active Frontage to a depth of at least 18 feet average, measured perpendicular from the predominant building face. See Figure 3. (Also see ~~Active Building Frontage~~Public Frontage requirements which may apply at the ground floor.)

Figure 3: Tuck-Under Parking Screening



- iii. The entire perimeter of a surface parking area that fronts onto a side or rear yard, except ~~where driveway the width of the access is provided~~, shall be screened by buildings, evergreen ~~buffer landscaping~~ to a minimum depth of 3 feet, or fences that are at least 75 percent opaque. Fences or hedges shall not be greater than, nor allowed to exceed ~~6~~8 feet in height ~~on an interior side yard or rear yard~~, or 3.5 feet in height in ~~an~~ front or exterior side yard. (Also see Section 24.12.280.)

Field Code Changed

4. ~~In any multi-level parking structure, the exterior shall be fully screened, and automobile headlamps shall be shielded so as to not be visible from adjacent parcels, streets, public parks, publicly accessible outdoor space, or designated open space area.~~
5. ~~Driveways and approaches shall comply with the standards set forth in Municipal Code Sections 15.20 and 24.12.280 and the driveway approach standard detail included with the public works standards in effect at the time of design review and shall be designed in accordance with AASHTO Green Book sight distance standards. Ingress/egress to driveway approaches may be limited based on the results of a Transportation Study.~~

E. Landscape and Buffering

Goal: To enhance the urban forest, provide shade for buildings and sidewalks, ~~and~~ incorporate landscape, and provide visual buffering into new development in a way that is visually appealing and consistent with the character of Santa Cruz.

In ~~primarily residential R~~-districts, the goal of landscape is also to soften the massing of buildings as they front the street. In commercial and mixed-use districts, the goal is also to create a landscaped edge to sidewalks and encourage the incorporation of terraces and balconies for ~~private~~usable outdoor space (livability), architectural interest (modulation), and access to outdoor space for public health and passive cooling (resilience).

1. In the ~~primarily residential districts~~:

1. In all R-districts:

- i. All open spaces in the front setback (excluding areas for driveways and sidewalks), shall be at least 75 percent ~~softscape~~landscape (planted materials) that are selected to comply with WELO standards as found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review. The selected planted materials shall be WELO compliant even when the formal requirements of the WELO do not apply to the project.
- ii. Selected plant species for the site shall incorporate a mix of trees, shrubs, and ground cover.
- iii. Turf areas shall include no more than 25 percent of the total irrigated area on the site.

2. In ~~commercial~~ the C-C, R-T, C-T, C-N, C-B, and ~~mixed-use districts~~ all MU zones:

- i. Public frontages~~All public frontages~~ shall ~~provide ground-level landscaping at a ratio of 8~~incorporate 12 square feet of planted area ~~to for each~~ 30 linear feet of building frontage. counted by rounding up to the next increment of planted area. For example, a building with a 31-foot building frontage would incorporate a minimum of 24 square feet of landscaped area (two increments of 12 square feet).
- ii. This may be provided in small, individual pockets of planting, or in larger, planted areas, and must occur within the property line. This standard applies regardless of ground floor use.

Word on the Street

Survey Results

- When asked what features residents would like to allow in a larger front setback, 23 percent of respondents voted for landscaping.

Focus Group Feedback

- “[The] trees are memorable and special, [and] they create peace. There’s a lot of access to nature...biodiversity.”
- “[Referring to sidewalk amenities:] more emphasis on greenscaping, [being] environmentally conscious. **More native trees and plants**, and more trees in general.”

iii. A landscaped buffer of at least 5 feet in depth and the length of the property line shall be provided at the rear property line on sites that are 100 feet or greater in depth and abut a residentially zoned parcel at the rear property line.

~~iii-iv.~~ Plants shall be selected to comply with WELO standards found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review.

~~iv-v.~~ Street Trees shall be planted in the public right of way, or within 5 feet of the public right of way, at a rate of 1 tree per each 30 feet of site frontage. Spacing of trees shall be sufficient to accommodate the mature canopy of each specimen, and installation shall be in compliance with the planting requirements of the Parks and Recreation and Public Works Departments, including the Street Tree Master Plan, and the requirements of Municipal Code Section 13.30 and 15.20 as applicable at the time of design review.

~~v-vi.~~ Any plantings or landscaping materials within surface parking areas are required to comply with the City's Low-Impact Development (LID) standards, Storm Water Best Management Practices, and Storm Water Management Program.

3. Refuse/Recycling Storage Facility: Enclosures for refuse bins or dumpsters are required of all new multi-family and mixed-use residential projects with three 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 Standard Design Policy.

F. Usable Open Space

Goal: *To ~~provide~~enhance the livability of new residential buildings with well-designed, functional open spaces with landscaping and amenities for residents to enjoy.*

1. In the C-C, R-T, C-T, C-N, C-B and all MU districts:

~~vi-i.~~ At least 40 square feet of private open space and at least 20 square feet of common open space shall be provided per dwelling unit.

~~viii-ii.~~ Common open space may be substituted for private open space at a ratio of 2:1 (i.e., 80 square feet of common open space may be substituted for 40 square feet of private open space).

2. In all R-districts: the amount of required open space shall be determined by the underlying zone district standard.

3. In all districts where residential uses are an allowed use:

- i. Private usable open space must be at least 4 feet in any horizontal dimension and common usable open space must be at least 15 feet in any horizontal dimension.

- ii. There shall be no limit to the percent of the required open space that may be assigned to private balcony or patio areas.
 - iii. No less than 25 percent of the total common open space area shall be permanently landscaped with live plant material incorporating trees, shrubs, and groundcover.
 - iv. A minimum of three of the following features shall be incorporated into **common** open spaces and maintained on the site:
 - Fixed or movable seating
 - Picnic-style tables
 - Shade trees (see allowances under 24.22.586, Open Space, Useable) or shaded canopy
 - Community garden
 - Flowering plants
 - Native habitat
 - Play area for pets
 - Educational or interpretive information about geographic, historic, or ecological features, such as plaques about relevant tribal history or indigenous plant information
 - Outdoor kitchen equipment or fire pit
 - Children's play equipment
 - Sports courts
 - Public art or interactive art, such as a life-size chess game, sculpture, or murals
1. In commercial and mixed-use districts:
- Spa, pool, or hot tub

Word on the Street

Focus Group Feedback

"[In a previous living situation with communal courtyards] having those communal spaces, they were not used as much as you would think. They were often empty...Having the **individual spaces will probably be used more often.** Having communal space is important, but people will find communal space elsewhere."

"People would use [communal space] sometimes for soccer games and sometimes for a birthday party, but it wasn't used on a day-to-day basis the way a private space is. You can't go to the park and, you know, have your coffee, and you can't let your dog poop wherever you want, and you can't grow your basil and know that no one else's dog is pooping on it."

Word on the Street

A wide variety of menu options are provided so that developers and architects can decide what may work best in a certain location. This is based on community feedback that amenity needs vary by location. One participant wrote:

"Generic public spaces are often "sterile" and underused, it's essential to **determine what makes some spaces work as opposed to others.**"

- i. ~~At least 40 square feet of private open space and at least 20 square feet of common open space shall be provided per dwelling unit.~~

~~vi-ii.~~ Common open space may be provided on building rooftops as roof decks. Such usable open space is not counted as an additional story if rooftop structures comply with Municipal Code Section 24.12.150 Height Limits Modifications.

~~vi-iii.~~ Up to 30 percent of required common open space may be provided as publicly accessible open space that supports a retail ~~or restaurant~~ use, such as a courtyard, outdoor dining area, or other ~~humanactive~~ use (i.e. not auto or bike parking), which is open to the sky, and is not less than 15 feet in any horizontal dimension, so long as the space is freely accessible to building residents without requirements to patronize the business use. Areas that are reserved exclusively for customers will not count toward required open space.

~~2. In primarily residential districts, the amount of required open space shall be determined by the underlying zone district standard.~~

Word on the Street

Community Feedback

Community members who attended public hearings and participated in our online web activity frequently mentioned the idea of a **daylight plane**. Development professionals also responded well to this idea, citing its clarity compared to the previously proposed standard to reduce the floorplate of only the uppermost story of taller buildings.

II. Building Design

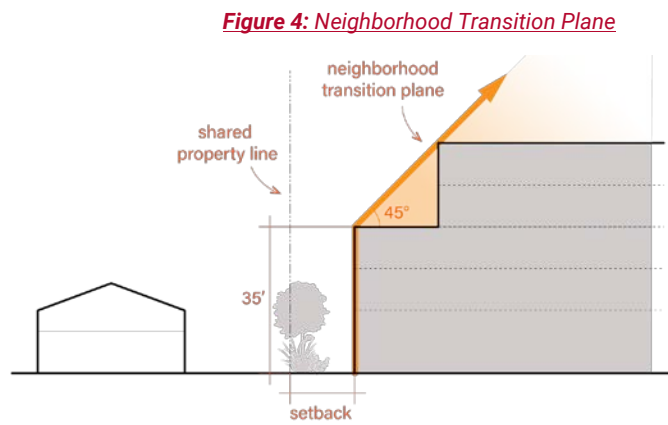
A. Upper-Level Taper

A. Neighborhood Transition

Goal: ~~To create a flexible way transition between new development and existing neighborhoods, provide privacy for larger buildings to taper toward their tops, thereby reducing visual bulk of additional floors, current and future residents, and minimize potential shading on neighboring residents.~~

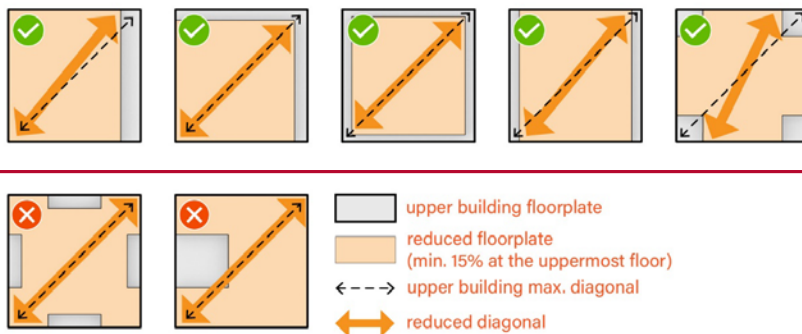
1. ~~In the C-C, R-T, C-T, C-N, C-B, and all MU districts: along property lines that abut an R-district:~~
 1. ~~Where no other upper-level setback or stepback controls apply (e.g. a Specific Plan), for projects that exceed 90 percent of the allowable FAR or exceed 4 stories or 45 feet in height, the area of the uppermost floor of the building shall be reduced by at least 15 percent of the occupiable area of the floor below it. This reduction shall be combined with a 15 percent reduction in the maximum diagonal dimension. See Figure 2 for examples of floorplate reduction. As with other buildings, roofline standards, described in Section II.B below, do not apply to the roofline that is more than 15 feet behind the predominant building face.~~
 - i. ~~Buildings shall not intercept a 45-degree neighborhood transition plane inclined inward from the underlying setback, starting at a height of 35 feet above grade. See Figure 4.~~

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2. Private or shared balconies and decks shall not extend into an underlying setback.
3. The occupiable area of roof decks, including any deck on roof area falling under the neighborhood transition plane, shall be set back at least 3 feet from the building edge and any railings, shade structures, or accessory structures shall not intersect the required neighborhood transition plane. Rooftop lighting shall also comply with Lighting requirements.

Figure 2: Upper Level Taper



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B. ~~B.~~ Roof Form

Goal: To ensure that the tops of buildings are designed with architectural interest, and to reduce the bulk of buildings as they meet the sky.

1. Buildings shall be designed ~~to have~~ with variation in roof form. The number of required roof forms shall be calculated at a ratio of at least one roof form for every 30 feet of frontage that occurs and shall be located within 15 feet of the predominant building face on all building frontages. On Corner lots or double-frontage lots, standards for variation in roof form will apply to all frontages. See **Figure 35**.
 - i. Roof form is defined as a geometric plane or set of planes which form the top enclosure of a volumetric area below it/them. Common types of roof forms are gabled, hipped, sloped, flat, and flat with a decorative parapet. Examples of roof forms are illustrated in **Figure 46**.
 - ii. A change in roof form must be combined with a change in height of at least 3 feet, a horizontal change in plane of at least 4 feet, or a change in roof pitch. See **Figure 57** for examples. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.
 - iii. Smaller roof forms that cover enclosed space (such as dormers and bay windows) count as individual roof forms if they are at least 36 square feet in

~~area~~horizontal surface area. Bay windows located on a wall below another roof form will not count as individual roof forms regardless of size.

- iv. Unenclosed space (such as balconies, terraces, porticos, and belfries) count as individual roof forms if they are at least 48 square feet in ~~area~~horizontal area. Balconies should also conform to the standards for Useable Open Space in Section I.F.
- v. ~~Each~~For the purposes of calculating the number of required roof forms on a building, ~~each~~ increment of 30 feet of building frontage requires an additional roof form, counted by rounding up to the ~~nearest~~next whole number. For example, a frontage of 31 feet would be required to provide two roof forms. However, there is no maximum dimension for any one roof form, nor are roofs required to be designed in 30-foot increments.

Figure 35: Applying Roofline Standards

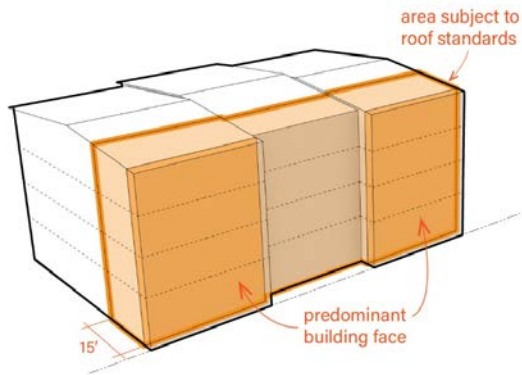
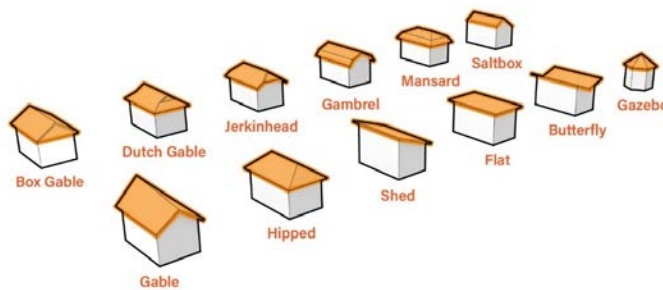


Figure 6: Roof Forms



2. Combining Roof Forms

- i. The required number of roof forms may intersect to create more complex roof forms or may be organized in a hierarchy. Examples of combined roof forms are illustrated in **Figure 57**.
- ii. Roof forms may be repeated, as with a flat roof that steps up or down, or a sawtooth.
- iii. Where two or more forms intersect or combine to create more complex forms, each is counted as an individual roof form. For example, two hipped forms may intersect to create a hip and valley form, which would count as two roof forms.
- iv. Where two or more roof forms are organized in a hierarchy, each is counted as an individual roof form. For example, the dominant roof form may be a hipped roof, which has two dormers with open gable roofs, which would count as three roof forms. Another example is a flat roof on a building that has two bay windows with flat roofs, each at least 36 square feet in area. See **Figure 56** for examples.

iv.v. For flat roofs and flat roofs with decorative parapets, changes in roofline must be accompanied by a minimum 2-foot change in height relative to the adjacent roof form. For buildings that are three stories or taller, the minimum change in height shall be 3 feet. This change in height shall be measured to the top of the parapet, where present. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.

Figure 4: Roof Forms

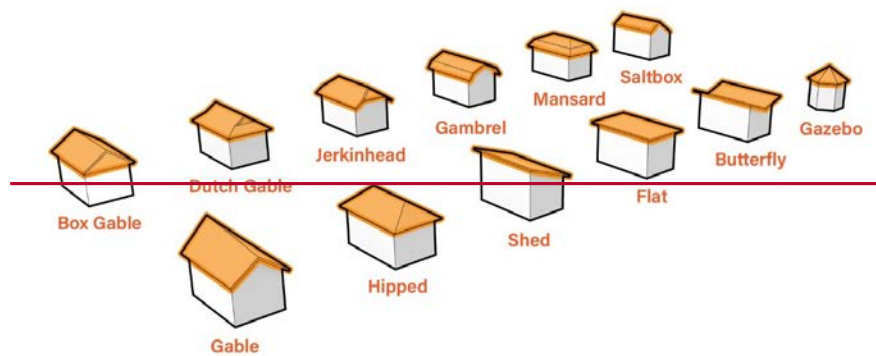
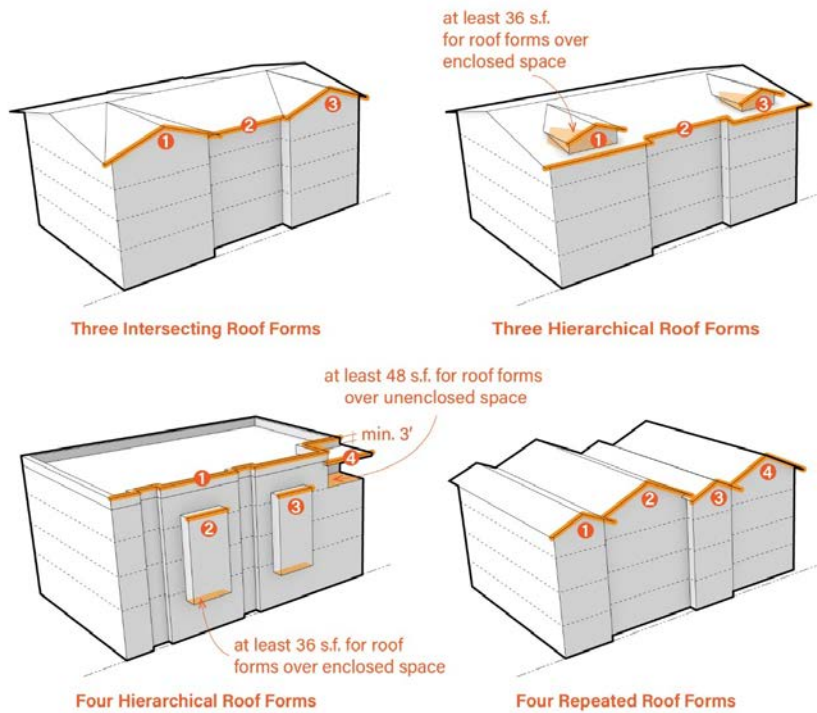


Figure 57: Combining and Counting Roof Forms

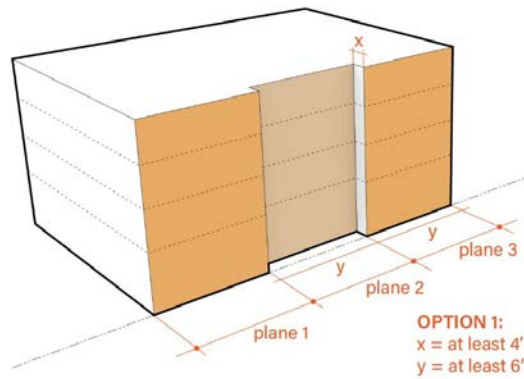


C. Building Modulation

Goal: To break up large building faces and create visual interest for pedestrians, neighbors, and visitors.

1. Where no other upper-level setback modulation controls apply (e.g. a Specific Area Plan), building frontages/faces that are longer than 30 feet wide and face onto a public frontage, or rear or side yard setback, shall be articulated in one of the following three ways. (Note that articulation is not required for the sides or rears of buildings that are built to zero lot line).
 - i. Provide a horizontal change in plane for every 30 feet of frontage/building face, rounded up to the nearest next whole number (e.g., a frontage of 31 feet would be required to provide two changes in plane). The As shown in Figure 8, the change in plane must be at least 4 feet deep and 6 feet wide, and must be open to the sky; or

Figure 68: Building Modulation – Option One



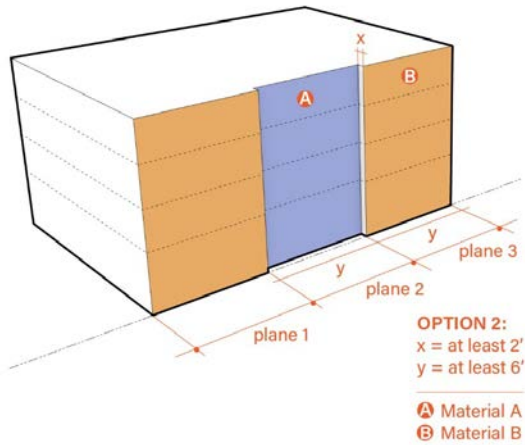
- ii. Provide a horizontal change in plane for every 30 feet of ~~frontage~~building face, rounded up to the nearest whole number (e.g., a ~~frontage~~building face of 31 feet would be required to provide two changes in plane). ~~The~~As shown in Figure 9, the change in plane must be at least 2 feet deep and 6 feet wide, and be combined with a change in material; or

Word on the Street

Focus Group Feedback

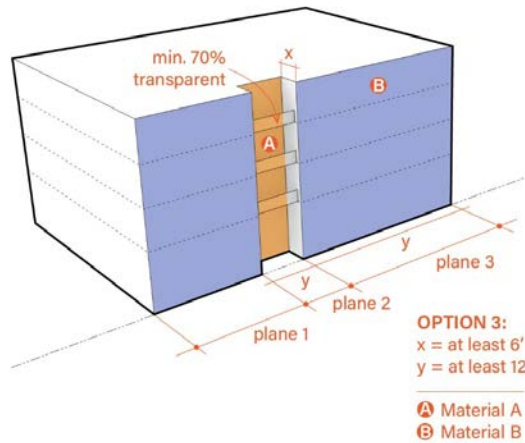
(Responding to images of different buildings) "[The image on the left] is very monolithic. It's like a big slab presented at you. Even though it has only one more floor than the one on the right, **it looks visually so much more obtrusive because it doesn't have any architectural features to break it up.**"

Figure 79: Building Modulation – Option Two



- iii. Provide a horizontal change in plane at an interval of 50 feet or less. ~~The As shown in Figure 10, the~~ change in plane must be at least 6 feet deep and 12 feet wide, and be combined with a change in material. When implemented as building notches, such notches may contain balconies, as long as the railing is at least 70 percent see-through or transparent.

Figure 810: Building Modulation – Option Three



2. ~~Frontages~~ Building faces that are less than 30 feet wide are not required to have a change in plane incorporated into their ~~frontages design~~.

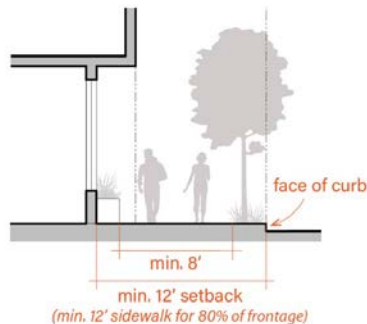
3. Projections from the building face including balconies, awnings, signs, and decorative elements are not considered to be changes in plane.

D. Corridor Frontage

Goal: To ensure that buildings in denser, mixed-use districts are designed with functional, human-scaled ground floors that promote walkability and provide space for local businesses.

1. Unless otherwise dictated by an Area Plan, the ground floor frontage facing a [Corridor](#) shall be set back at least 12 feet from the face of the curb. [See Figure 11.](#)
 - i. This may be achieved ~~with an inset of~~ [by setting back](#) only the ground floor, but in no case shall any portion of the proposed building extend into or over the public right-of-way, [except that awnings and balconies at the second story or above may extend into the right of way no more than 3 feet. No projection shall be closer than 8 feet to the centerline of an alley, driveway, or path of automobile circulation except with the approval of the City Engineer based on considerations of public safety and welfare \(e.g., utility considerations, emergency access, etc.\).](#)
 - ii. This setback area shall not be counted toward the ~~Active Use~~ requirement [to incorporate Uses for Active Frontage](#), and the area shall be used as a 12-foot-wide sidewalk over at least 80 percent of the frontage.
 - iii. In no case ~~should~~ [shall](#) the passable sidewalk width be less than 8 feet ~~without approval of an Administrative Use Permit and revocable license as allowed under Municipal Code Section 24.12.192 for Outdoor Extension Areas, in which case the passable sidewalk width shall not be less than 6 feet.~~

Figure 11: Corridor Frontage



E. Ground Floor Design

Goal: To ensure that buildings in commercial districts are designed with ground floors that support walkability ~~and provide space for commercial uses and allow for some exclusively residential development~~ [with functional commercial or live-work frontages. Also, where residential](#)

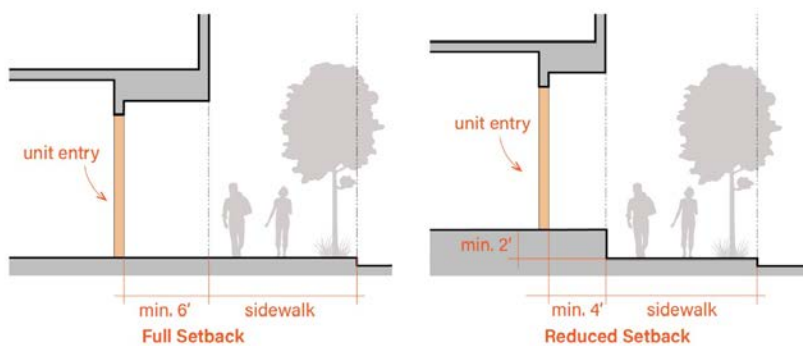
units are allowed, to ensure well-designed frontages that strike a balance between privacy for the resident and activation of the sidewalk.

1. In ~~Commercial~~ the C-C, R-T, C-T, C-N, C-B, and ~~Mixed Use Zones, non-residential~~ all MU districts, commercial ground-floors shall be designed as follows:
 - i. Minimum ground floor frontage transparency of 70 percent between a height of 2 feet and 12 feet measured parallel above sidewalk grade, ~~and~~.
 - ii. Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 - a. In a commercial space, any mezzanine shall be set back at least 30 feet from the building frontage and shall occupy no more than one-third of the area of the ground floor.
 - iii. Entries shall be inset from the building face at least ~~32~~ feet.
2. ~~In Commercial~~ In the C-C, R-T, C-T, C-N, and C-B zones where ~~exclusively~~ residential development is allowed, ground floor residential units shall not occupy more than 50 percent of a public frontage shall. Residential units on the ground floor may be designed as Live-Work units. Live-Work units or may be exclusively residential units.
- 2.3. Any Live-Work units shall be designed as follows:
 - i. Live-Work units are only permitted on the ground floor.
 - ~~iv-ii.~~ Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 - a. In a Live-Work unit any mezzanine shall be set back at least 18 feet from the building frontage and shall occupy no more than one-half of the area of the ground floor.
 - ~~v-iii.~~ Minimum ground floor depth of ~~25~~18 feet.
 - ~~vi-iv.~~ Minimum unit/storefront width of ~~15~~12 feet.
 - ~~vii-v.~~ Minimum ground floor frontage transparency of 50 percent: between a height of 2 feet and 12 feet measured parallel above sidewalk grade.
 - ~~viii-vi.~~ Entries shall be inset from the building face at least ~~32~~ feet.
4. In ~~commercial~~ in the C-C, R-T, C-T, C-N, and ~~mixed-use districts~~, C-B zones where residential units ~~including live-work~~ other than Live-Work units are located at the ground floor, the following standards shall apply:
 - i. Where units are individually accessed, the ~~door~~entry must be set back at least 6 feet from the property line; this setback may be reduced to 4 feet if the unit is elevated at least 2 feet from the sidewalk (as with a stoop). See Figure 12.
 - a. This may be a setback of the ground floor only, or a setback of the entire building face.
 - b. This setback area may include an architectural feature indicating private space including but not limited to a railing, gate, entry landing, or doorstep.
 - c. This area may include landscaping or private open space for an individual unit. In order to qualify as private open space, the area must be separated

from the sidewalk by one of the following mechanisms intended to indicate the privacy of the space:

- An increase in elevation of at least 2 feet;
- A railing or gate;
- Clustered landscaping, as in a hedge or other dense planting, not exceeding 42 inches in height.

Figure 912: Ground Floor Residential ~~With Individual Access~~ Entry Setback



- ii. Where a unit does not have individual ~~external access, shared to the sidewalk,~~ active living areas (including living rooms, dining rooms and kitchens, but excluding bedrooms, bathrooms, and hallways) are required at the building frontage, and must be set back at least 4 feet from the sidewalk; this setback may be reduced to 2 feet if the unit is elevated at least 2 feet above the sidewalk. See Figure 13.

- a. This may be a setback of the ground floor only, or of the entire building face.
- b. This setback area should incorporate landscaping or planters.

Figure 1013: Ground Floor Residential – Without Individual Access



F. Architectural Detail

Goal: To highlight the prominence of corner buildings along Corridors, ensure that buildings have an appropriate level of detailing, and ensure that building façes convey the qualities of substantiality and depth.

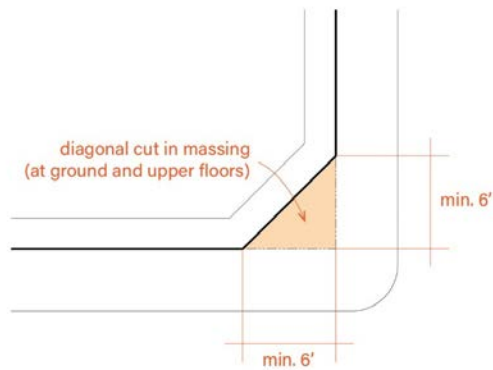
1. Buildings that are mixed-use and/or four stories in height or greater shall visually differentiate the ground floor from the floors above by one or more of the following:
 - i. a change in material; and/or
 - ii. a change in plane; and/or
 - iii. a cornice line, belly band, or similar horizontal element.
2. Buildings at the intersection of a Corridor and another street (including another Corridor) shall implement at least one of the following corner features:
 - i. Increased height of the corner roofline of at least 3 feet above the adjacent roofline; and/or
 - ii. A chamfered corner with a diagonal cut at least 6 feet on either side of the corner. See Figure 14. This may be at the ground floor only, or for the entire height of the building; and/or

Word on the Street

Survey Results

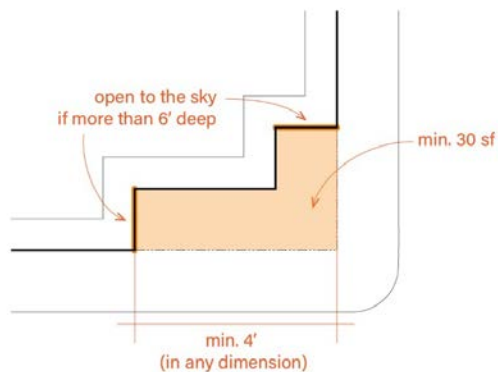
When asked “what is most important for a new building on a commercial corridor to include, even if it increases housing costs” **the most common response was architectural detail.**

Figure 11.14: Chamfered Corner



- iii. A public open space of at least 30 square feet in area, and not less than 4 feet in any dimension, which may be designed to look like an extension of the sidewalk. Where the depth of this space is less than 6 feet, it may be open only at the ground floor. Where the depth of this space is greater than 6 feet it must be open to the sky. See Figure 15.

Figure 12.15: Public Open Space at Corner



- 3. Buildings in ~~commercial~~ the C-C, R-T, C-T, C-N, C-B, and mixed-use districts MU zones shall apply at least two categories of the following architectural ~~devices~~ features to each building face on every and to each level above ground floor ~~(excluding side and rear faces that are built to zero lot line)~~. Buildings may incorporate different features on each

face and level or may use the same two features on each face and level, so long as each face and level includes features from at least two categories.:

- i. Category 1 - Terrace, balcony, or Juliette balcony ~~(at least one per level)~~with a minimum projection of 10 inches and a minimum width of 3 feet ~~(at least one per level; see also Neighborhood Transition).~~
 - ii. Category 2 - Windows detailed with a lintel, sill, or arch
 - iii. Category 3 - Awnings, louvers, or shutters
 - iv. Category 4 - Decorative cornice or decorative lighting ~~seeneesconces~~ (see also Standard II.GH Lighting, below)
4. Windows shall be inset such that there is at least 2 inches between the plane of the glass and the plane of the building face for all windows above the ground floor; this depth shall be increased to 3 inches for buildings that ~~are include~~ 4 or more stories ~~or taller, for all windows above the ground floor.~~
5. Walls or portions of walls that are unfenestrated (without windows, balconies, or glass doors) that extend from grade up to the roofline are limited to a maximum horizontal width of 15 feet.

G. Building Materials

Goal: To ensure that building materials are high-quality, durable, ~~and~~ convey a sense of permanence, and reflect the existing character of buildings in the urban environment.

1. Building materials shall be selected according to the following criteria:
 - i. The following materials are acceptable for use on building faces: tile, brick, glass, metal, painted or sealed wood, concrete, stucco, plaster, adobe, and stone (engineered or natural), and greenliving walls- (as defined).
 - ii. ~~PanelizedUnarticulated or flat~~ panelized materials (such as cement board panels, metal ~~panels~~, or GFR panels) are prohibited on public frontages- but may be incorporated on other building faces. Panels for modular and pre-fabricated construction are allowed (including sandwich panels).
 - iii. Any materials that are not explicitly listed here ~~are required to be approved through a discretionary require an administrative design review application permit to ensure that approved materials conform to the goal of this section.~~
2. Buildings shall incorporate two or more of the accepted materials listed above or as approved in the design of each ~~elevation~~ building face. No single material may make up ~~overmore than~~ 85 percent of ~~each elevationany building face~~. This can include materials

Word on the Street

Survey Results

High-quality materials and material application were among the most frequently mentioned ideas in survey-takers' free responses.

Focus Group Feedback

(Responding to images of different buildings) "[I] especially [liked] the building material. I like the brick and whatever it is above it, wood or metal. I like that change [in materials]."

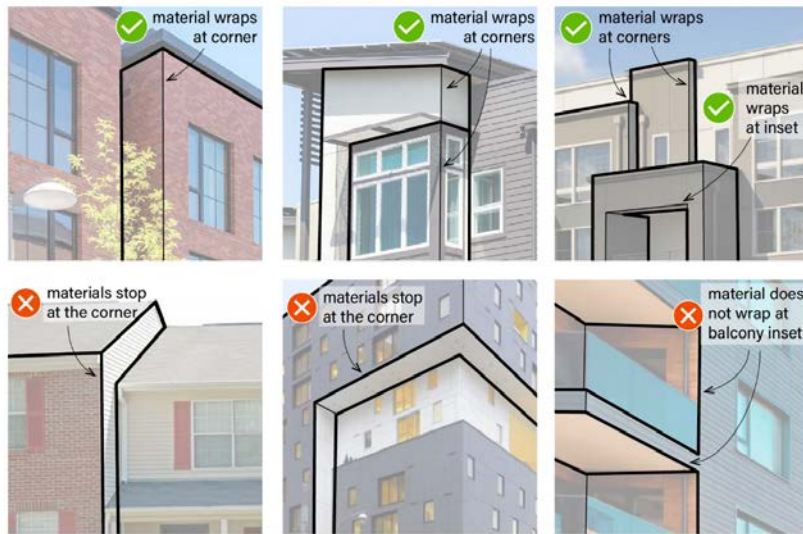
for building decoration (e.g., awnings, louvers, balconies, cornice lines, or ~~window sills~~~~windowsills~~), but does not include fenestration (glass, frames, or other elements of windows and doors).

3. At building corners, ~~material~~~~except for living walls, all materials~~ shall wrap around the corner to a depth of at least 4 inches. This includes ~~at~~ corners of insets, reveals, or changes in plane that are 4 inches or greater in depth, as with a balcony, ground floor entry, or change in plane. See examples shown in **Figure 1316**.

4. Living walls shall meet the following standards:

- i. The living wall shall be permanently integrated into the exterior design of the building face upon which they are planted.
- ii. The living wall shall not be located on a north, or north-east-facing building face.
- iii. The living wall shall include an integrated irrigation system.
- iv. The living wall shall be created using materials specifically designed for the purpose of installing and maintaining plants within the intended context (considering sun, shade, fog, rain exposure, and any other relevant environmental factors) on an exterior building face.
- v. Components of a living wall shall be considered with other landscape elements, and are subject to the requirements of the City's WELO.
- vi. Nothing in this section shall regulate or require the installation of living walls on the interior of any building.

Figure 1316: Material Application



H. Lighting

Goal: To ensure that public areas of buildings are ~~well~~-lit for wayfinding and safety, while minimizing ~~the amount~~impacts of glare, light trespass, and light pollution ~~and helping in order to help~~ make new development Dark Sky friendly.

1. Individual exterior luminaires shall ~~be shielded to direct light downward and shall not exceed 1,260 lumens if fully shielded, or 315 lumens if unshielded (excluding lighting at the main entry).~~ Exterior light fixtures shall utilize light sources with a color temperature that does not exceed 3000 Kelvin ~~value~~.
 - i. ~~A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of no more than 3000.~~ the luminaire, is

Word on the Street

Several community members provided suggestions to clarify and refine the lighting standards. One resident's email:

"Good civic design should require that the building entrance(s) should be the main visual event, helping people orient and pay most attention to safety at important transitional zones. Everywhere else should be visually secondary. Humans perceive brightness (luminance) on a log scale, so 3:1 ratio means other surfaces will appear about half as bright."

~~projected below the horizontal plane through the luminaire's lowest light-emitting part.~~

~~2. Outdoor lights shall not blink, flash, flicker, or change intensity (excluding motion-detecting lights).~~

~~4-3. Lighting shall be provided at parking lots, pedestrian paths, outdoor gathering spaces, building entries, and any other pedestrian-accessible areas.~~

~~2-4. Lighting of outdoor service, loading, and storage areas shall not be visible from the street or adjacent properties.~~

~~5. Rooftop lighting shall be set back at least 12 feet from the edge of any building face that is oriented towards any R-district.~~

~~3- The height of luminaires shall not exceed 1815 feet above grade.~~

~~4-6. Outdoor lights shall not blink, flash, for all luminaires other than those in parking areas or change intensity decorative sconces as allowed under F. 3. Architectural Detail.~~

~~7. Building faces shall be illuminated such that surfaces located at least 10 horizontal feet away from building entries shall have at least 66 percent less luminance than surfaces within 10 horizontal feet of building entries. Compliance shall be demonstrated with a lighting plan.~~

III. Definitions

Active Uses

~~Uses that qualify as Uses for Active Uses Frontage are defined in each zone district where site design requires active frontage as follows:~~

- ~~● Uses listed in the C-C district that are principally permitted or allowed with a use permit or special use permit.~~
- ~~● Ground floor live-work units (See Section II.D.3 for requirements);~~
- ~~● Spaces accessory to residential uses, such as lobbies, fitness, or community rooms, are considered uses only if they meet the requirement for transparency in Section II.D.2 and have access directly to the public sidewalk or street.~~

~~The following uses are excluded from the Active Use designation: Auto Supply Stores; Repairs, Alterations and Maintenance Services for Household Items; Off-Site Public/Private Parking Facilities; Ambulance Services, Auto Services and Repair; Boat Repair; all uses involving manufacturing; Residential Units (unless they are live-work units); Mortuaries; and Smoking Lounges.~~

Buffer Landscaping

Landscaping that can be expected to be at least 50 percent opaque from ground level up to a given height within three years of planting. Such planting includes vines, bushes, shrubs, green walls, or evergreen trees with a first branch height of 2 feet or less.

Commercial and Mixed-Use Districts

Parcels that are zoned to allow a range of non-residential uses, either exclusively or in conjunction with residential uses at a range of densities that are typically more intense than those found in the Primarily Residential Districts. For the purposes of this section, this term refers to the following zone districts: C-C, C-T, C-N, C-B, P-A, SC-H, I-G, P-F, All R-T zones, and the R-H zone when two or more residential units are included in a development proposal.

Corridors

Roadways that support a high level of connectivity and intra-city mobility. For the purposes of this document, these ~~road ways~~roadways are limited to Ocean Street, Mission Street, Water Street, and Soquel Avenue.

Live-Work

Live-work is a type of Residential use that also incorporates commercial uses. ~~A live-work unit is defined as a unit that meets the prescribed design standards in Section II.D.3. Due to the commercial uses which accompany this Residential use, it is the only type of residential unit that may be considered an Active Use when located at the ground floor. The commercial uses allowed in a live-work~~The commercial uses allowed in a Live-Work unit are dictated by the uses allowed in the underlying zoning district.

Primarily Residential Districts

~~Parcels that are zoned for residential development at a range of densities. For the purposes of this document, these are limited to the following zone districts, or other districts with the same use allowances: R-S, R-1, R-L, R-M.~~

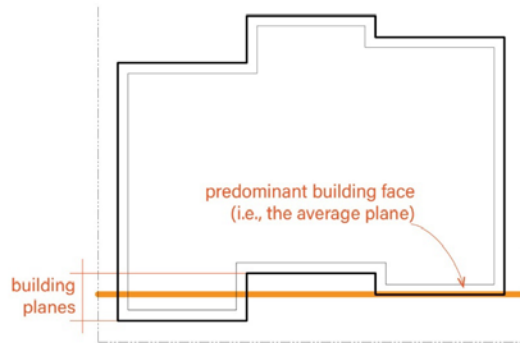
Living Wall

A Living Wall is 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.

Predominant Building Face

Measured in plan view, the predominant building face is the average plane of the face of the building at any given level. This average includes any legal, enclosed building projections (such as bay windows or dormers), and unenclosed insets (such as inset doorways, balconies, or building notches). See Figure 17.

Figure 1417: Predominant Building Face



Public Frontage

A frontage that faces a street, public right of way, publicly accessible pedestrian path, or public open space, such as a river levee.

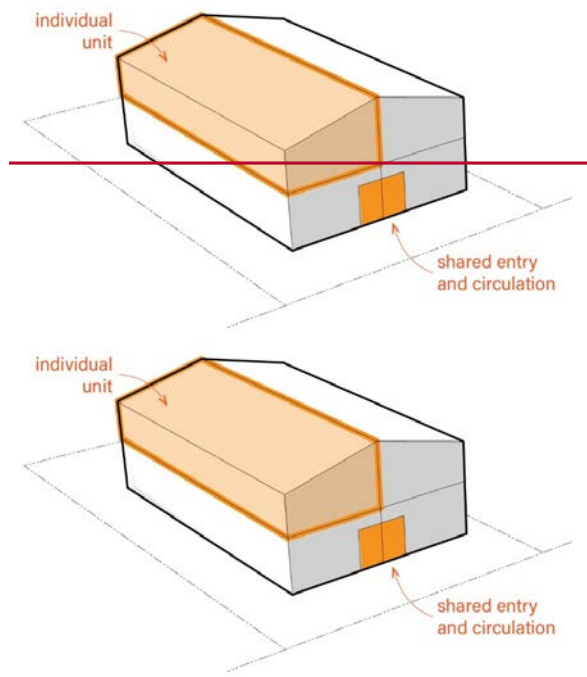
Shielded Luminaire

A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part. (Credit: "Model Lighting Ordinance," Illuminating Engineering Society and International Dark Sky Association, June 2011.)

Stacked Flats

A multi-family building type that consists of units stacked vertically with shared circulation and no parking within the building envelope. [See Figure 18.](#)

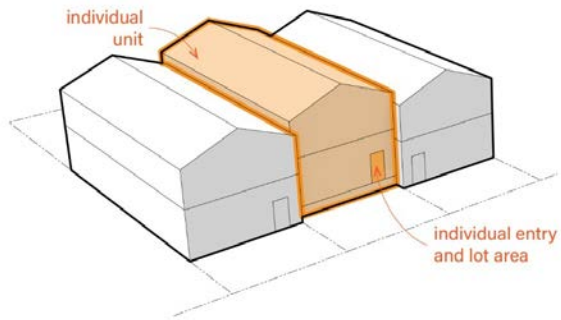
Figure 1518: Stacked Flats



Townhomes

For the purposes of interpreting this section only, a townhome is a multi-family building type that consists of side-by-side units, each standing on a discreet area of land, often with parking on the ground floor which may or may not be a separate legal lot, with parking on the ground floor within the building envelope. This definition shall not apply beyond this section of the Municipal Code, and does not supersede the Definition of Dwelling, Townhouse in Section 24.22.318 See Figure 19.

Figure 1619: Townhomes



24.12.110 SETBACK REQUIREMENTS MODIFICATIONS.

1. Front Yards.

- a. Where twenty-five percent or more of the lots fronting on any block in the same zone (exclusive of the frontage along the side of a corner lot) have been improved with buildings permitted in said zone and the depth of the front yards on such lots varies not more than ten feet, then the front yard depth required on any lot in said block shall be not less than the median depth of the front yards on the lots on which are located such existing buildings; or
- b. In any district where the two adjacent lots on either side of a parcel, neither of which is a corner lot and each of which is in the same zone as the center lot, are already improved with uses permitted in the zone, and the average of the front yards of such adjoining lots is less than that required for the zone, then the required front yard depth for the center lot shall not be less than half the sum of the front yard setbacks of the two adjoining lots; or
- c. Where Section 24.12.185.13 applies, required front yard depth shall not be less than twelve feet measured from back of curb.

2. Corner Lot Yards.

- a. Where, on a corner lot, an exterior side yard abuts a front yard of an adjoining lot in an R-District, the corner lot exterior side yard shall have a width of not less than one-half of the required depth of such adjacent front yard.
- b. Each corner lot should have one front yard, two side yards, and one rear yard of the depth required by this title. Normally the front yard shall be across the narrow dimension of the lot and the rear yard opposite this; in unusual cases, however, the location and the relationship of such yards to abutting streets and to each other may be determined by the zoning administrator.
- c. In any zoning district in which a minimum front yard is established, no obstruction to view between three and one-half feet, and eight feet above grade shall be placed within the clear corner triangle as defined in this title.

3. Double-Frontage Yards. The width of required interior side yard or required rear yard may be reduced or waived when such interior side yard or rear yard abuts an alley or a street (e.g., double-frontage lot), freeway, stream, public utility right-of-way, coastline or other similar feature which precludes or inhibits construction on or development of the property.

4. Lots of Record – Required Yards. In any district for which a minimum lot area is established, a lot of record, as defined in this title, having less than the required area and/or width and/or depth may be used for a use permitted in the district, except as provided in Section 24.10.351.

- a. In any district or for any use where side yards are required, the minimum side yard width shall be four feet or ten percent of the lot width, whichever is greater, for the first story only. Beyond the first story, the standard side yard setback established in the specific district regulations shall apply.

b. In any district or for any use where a rear yard is required, the depth of the rear yard of any such lot shall be ten feet or twenty percent of the depth of the lot, whichever is greater.

c. A single-family dwelling may be constructed on any lot of record, subject to Section 24.10.351. For residential districts other than single-family, the district requirements for minimum lot and land area per dwelling unit shall apply, except as modified by the density bonus provisions of this title.

24.12.120 PROJECTIONS INTO REQUIRED YARD AREAS, SETBACKS AND EASEMENTS.

1. Projections Into Required Yard Areas. The following are permitted projections into required yard areas. Projections shall not be permitted in yards that are less than the minimum established by district regulations except as provided for in subsection (2), or as allowed in certain areas under Section 24.12.185.13.

a. Architectural features such as cornices, canopies, eaves and sills shall be permitted to project into front, rear and side yards two and one-half feet;

b. Steps serving the first floor, and bay windows, chimneys, decks, and porches serving the first floor and above may extend into front, rear and exterior side yards one-half of the required yard or six feet, whichever results in a greater setback. For interior side yards, maximum projection is one foot, eight inches unless the projection meets the requirements of subsection (1)(c). Bay window, deck, porch and step projections are permissible in interior side yards on the first floor only. In all cases, no projection or aggregate of projections listed in this subsection shall be more than one-third of the building wall along which it is located;

c. Unroofed decks, porches, patios and steps of pervious materials twenty inches or less above finished grade may extend into conforming interior side yards without restriction;

d. Guardrails on decks and porches and handrails on stairs projecting into required yards on the first floor shall be considered fences and shall be governed by Section 24.12.160, with the exception of guardrails and/or handrails required for access to the first floor for the physically challenged;

e. Rain retention systems attached to the main residence may extend into side and rear yards one-half the required yard or six feet, whichever results in the greater setback. For interior side yards, the minimum setback shall be three feet. Such encroachment shall be no higher than six feet from finished grade.

2. Any structure necessary to provide access to the first floor for the physically challenged.

3. Projections into Special Street Setbacks. The following uses are permitted within the special street setbacks established in Section 24.12.115 herein.

a. Streetlights, traffic signs and signals and appurtenances necessary to the conduct or operation of a public utility, facility, or purpose;

b. Fences, walks, hedges, landscaping, outdoor merchandise display, platforms, landings, steps and signs, when constructed or installed so as to have a maximum height of two and one-half feet above curb grade, except as provided for in Section 24.12.120, subsection (3)(d);

c. Unenclosed porches, cornices, canopies, eaves, and similar architectural features and signs when constructed so that the clearance from curb grade to the lowest portion thereof, except supporting members, is at least eight feet; and further provided that no supporting member shall have a cross-section of greater than eight inches, nor be located closer than six feet to another supporting member within the setback area;

d. Any structure necessary to provide access to the first floor for the physically challenged.

4. Projections into Easements. No structure or projection thereof may extend into a public utility easement.

24.12.125 LANDSCAPING REQUIREMENT.

In all districts where yards are required, all portions of each front and exterior side yard, except where improved for pedestrian or vehicular access, or a porch or a patio, shall be landscaped and permanently maintained. Additional landscaping requirements are contained in Section 24.12.185 Objective Design Standards for Multifamily Housing

24.12.127 BIRD SAFE BUILDING DESIGN REQUIREMENT.

In all districts where new construction or exterior changes to the façade of buildings or structures requiring a Planning Permit are located within 300 feet of any of the following: parcels with a General Plan Land Use Designation of CR, PR, NA, or AG; an open waterway mapped in the City-wide Creeks and Wetlands Management Plan; or any area within 300 feet of undeveloped property likely to provide significant bird habitat, as determined by the Zoning Administrator, proposed buildings or structures shall be designed in a manner consistent with the published Bird Safe Building Design Standards as maintained by the City Planning and Community Development Department and as updated from time to time.

24.12.150 HEIGHT LIMITS MODIFICATIONS.

1. The height limitations specified in this title shall not apply to the following uses:

- a. Church spires, minarets, belfries, domes;
- b. Water, fire observation, and lifeguard towers, chimneys, aids to navigation;
- c. Buildings and structures intended for agricultural purposes;
- d. Fire walls, not extending more than four feet above the height of the building;
- e. Cupolas, scenery lofts, or other unoccupied roof structures for the housing of elevators, stairways, or tanks, tanks no more than twenty feet in height. Such structures must be set back from the edge of the building at a ratio of 1.2 feet horizontal for every 1 foot in height.

f. ~~✗~~ Ventilating fans, air conditioning, or similar equipment used solely to operate and maintain a building, which are screened from the view of a building of equivalent height by a parapet or other architectural screen.

g. Railings, up to forty-eight (48) inches in height, or the height required by building code, whichever is greater, consistent with the requirements in Section 24.12.185 relating to rooftop decks as applicable.

2. The height limitations specified in this title may be exceeded for the following uses, subject to a special use permit:

- a. Smokestacks, monuments, flagpoles;
- b. Mechanical contrivances for amusement purposes, such as Ferris wheels, and roller coasters;
- c. Antennas for radio broadcast and receiving, electric power transmission and distribution lines, poles and towers;
- d. Wireless telecommunications facilities;
- e. Places of public assembly such as ~~places of worship~~ churches, schools, and other permitted public and semipublic buildings, the principal activities of which are conducted on the ground floor of such buildings; provided, that for each foot by which the height of such buildings exceed the maximum height permitted, the depth or width of the required side and rear yards shall be increased by one foot.

24.12.160 FENCING AND SCREENING.

1. Fencing. Regulations governing the installation, construction and placement of fences and structures in the nature of fences which exceed height limitations contained herein are set forth in Chapter 24.08, Part 7, Conditional Fence Permit.

a. Height Limitations. No person shall erect upon any private property in the city any fence, or structure in the nature of a fence, exceeding the following height limitations:

(1) Within the required front and exterior side yard setback areas established by this title, Chapter 18.04 or other ordinances of the city, fences shall not exceed a height of three feet, six inches from finished grade, except as provided in Chapter 24.08, Part 7;

(2) On any portion of the property outside of the required front and exterior side yard setbacks, fences shall not exceed a height of ~~six~~ eight feet from finished grade, with any portion of the fence above six feet consisting of lattice or other similar material that is at least 50% open except as provided in Chapter 24.08, Part 7;

(3) Any fence along a property line adjacent to a street, or in the adjacent required setback, except in the clear corner triangle, may include a gate, trellis or other entry feature exceeding the height limit stated in subsections (1)(a)(1) and (2). Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such

gate, trellis or entry feature shall be permitted per street frontage except as provided in Chapter 24.08, Part 7.

b. Fire Hazard. The erection of any fence which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, or which will interfere with access in case of fire, by the fire department to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians shall not be permitted.

c. Temporary Fences – Exceptions. Nothing contained in this title shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to Chapter 18.04 and other ordinances of the city.

d. Barbed-Wire Fencing. No barbed-wire fences may be constructed, electrified or otherwise, without a conditional fence permit.

e. Hedges. Hedges or dense planting in the nature of a hedge in excess of three feet, six inches in height shall not be grown or maintained within the required front or exterior side yard setbacks of the zoning district in which the property is located.

f. Clear Corner Triangles and Clear Vision Areas. Fences or hedges shall not be greater than, nor allowed to exceed, three feet, six inches in height in the clear corner triangle and the clear vision area as defined in Section 24.22.202.

g. Fences within Watercourse Setback Areas. Fencing within a designated riparian corridor or development setback area of a watercourse shall be consistent with requirements of the watercourse development permit, Section 24.08.2150.

2. Screening.

a. In any nonresidential district adjacent to any R- District, screening between districts shall be provided.

b. All areas of outdoor storage in any commercial or industrial district shall be permanently screened from view from any adjacent street, public way or adjacent private property.

24.12.180 COMMUNITY HOUSING PROJECT REQUIREMENTS.

1. Separate Utilities. A community housing project shall provide for independent services of water, sewer, gas and electricity to each dwelling unit. Separate meters are not required.

2. Off-Street Parking. A community housing project shall provide off-street parking as required by Part 3 of this chapter.

~~In addition, a community housing project shall provide one additional parking space for each four dwelling units within the project.~~

3. Private Useable Open Space. A community housing project shall provide a minimum of one hundred square feet of private open space for each dwelling unit located in such a manner as to be

immediately accessible to each dwelling unit usable open space in compliance with the requirements of Section 24.12.185 and the underlying zoning district.

4. **Storage Area.** A community housing project shall provide a minimum of two hundred cubic feet of enclosed storage space within the project capable of being secured by lock or other means for each unit, in addition to kitchen cupboards, clothes and linen closets.

24.12.185 OBJECTIVE DESIGN STANDARDS FOR MULTIFAMILY DEVELOPMENT.

1. General

- a. The purpose of this section is to provide a set of clear, objective, and measurable standards for multi-family and mixed-use residential development that is consistent with the character of Santa Cruz while also ensuring that new housing development is economically feasible.
- b. The objective standards in this section relate to building design and site design for new development and redevelopment projects (including all multi-family proposals that meet the definition of demolition in the municipal code).
- c. The regulations in this section shall apply to new development or redevelopment of residential and mixed-use buildings containing two or more dwellings (excluding any ADUs or Jr. ADUs), proposed in the city of Santa Cruz in any zone district other than the Central Business District (CBD) or Central Business District, Subdistrict –E (CBD-E). In some cases, standards apply to some zoning districts and not others; where no specific district is indicated, standards apply to all zoning districts other than the CBD and CBD-E.

2. Definitions

For the purposes of interpreting Municipal Code Section 24.12.185 the following definitions shall apply:

Active Uses. Uses that qualify as Uses for Active Frontage are defined in each zone district where standards for site design requires active frontage.

Buffer Landscaping. Landscaping that can be expected to be at least 50 percent opaque from ground level up to a given height within three years of planting. Such planting includes vines, bushes, shrubs, green walls, or evergreen trees with a first branch height of 2 feet or less.

Corridors. Roadways that support a high level of connectivity and intra-city mobility. For the purposes of this document, these roadways are limited to Ocean Street, Mission Street, Water Street, and Soquel Avenue.

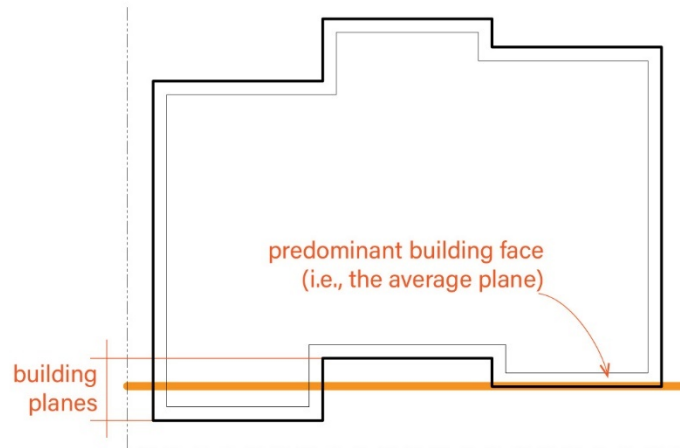
Live-Work. Live-work is a type of Residential use that also incorporates commercial uses. The commercial uses allowed in a Live-Work unit are dictated by the uses allowed in the underlying zoning district.

Living Wall. A Living Wall is 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.

Predominant Building Face. Measured in plan view, the predominant building face is the average plane of the face of the building at any given level. This average includes any legal, enclosed building projections (such as bay windows or dormers), and unenclosed insets (such as inset doorways, balconies, or building notches). See Figure 1.

Figure 1: Predominant Building Face

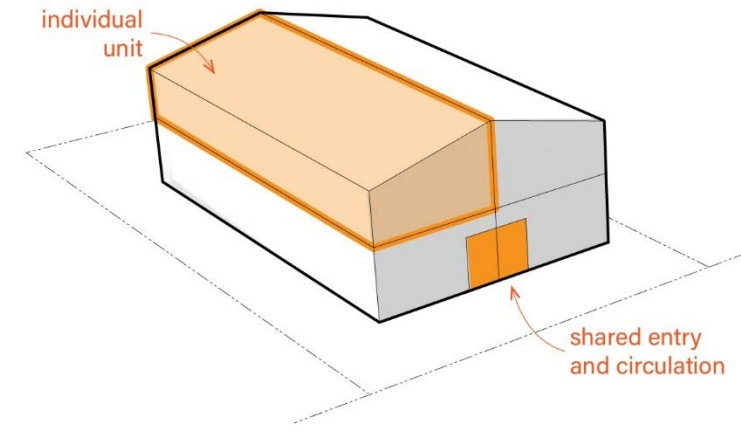


Public Frontage. A frontage that faces a street, public right of way, publicly accessible pedestrian path, or public open space, such as a river levee.

Shielded Luminaire. A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

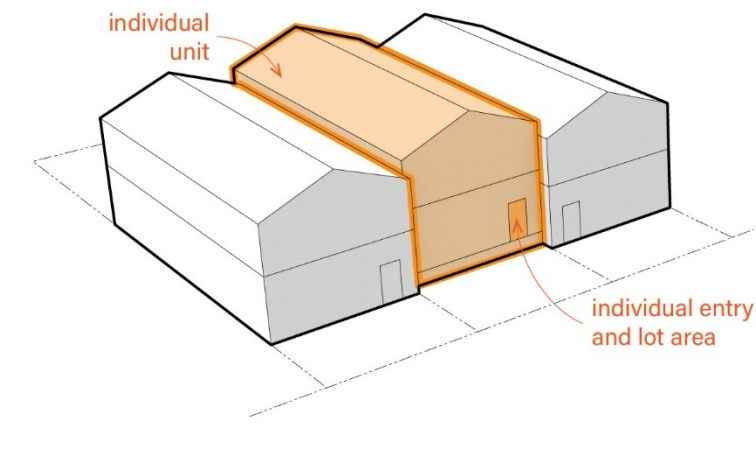
Stacked Flats. A multi-family building type that consists of units stacked vertically with shared circulation and no parking within the building envelope. See Figure 2.

Figure 2: Stacked Flats



Townhomes. A townhome is a multi-family building type that consists of side-by-side units, each standing on a discrete area of land, which may or may not be a separate legal lot, with parking on the ground floor within the building envelope. See Figure 3. This definition shall not apply beyond this section of the Municipal Code, and does not supersede the Definition of Dwelling, Townhouse in Section 24.22.318.

Figure 3: Townhomes



I. Site Design

3. Maximum Building Length

Goals: To incentivize multi-family buildings that are more affordable by design, and more 'house-sized' in residential zone districts.

- a. In all R-districts: The maximum building length shall be as dictated by required setbacks and parcel dimensions. Where the building façade along the public frontage is no greater than 75 feet in length and where the proposal meets the definition of a stacked flat building type (as opposed to a townhome building type), the parking requirement shall be reduced by half.

- i. On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest sidewalk. Where required sidewalks are of equal width, this requirement shall apply to all frontages. Required sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.
- b. In C-C, R-T, C-T, C-N, C-B, and all MU districts: The maximum building length shall be as dictated by required setbacks and parcel dimensions.

4. Walkability

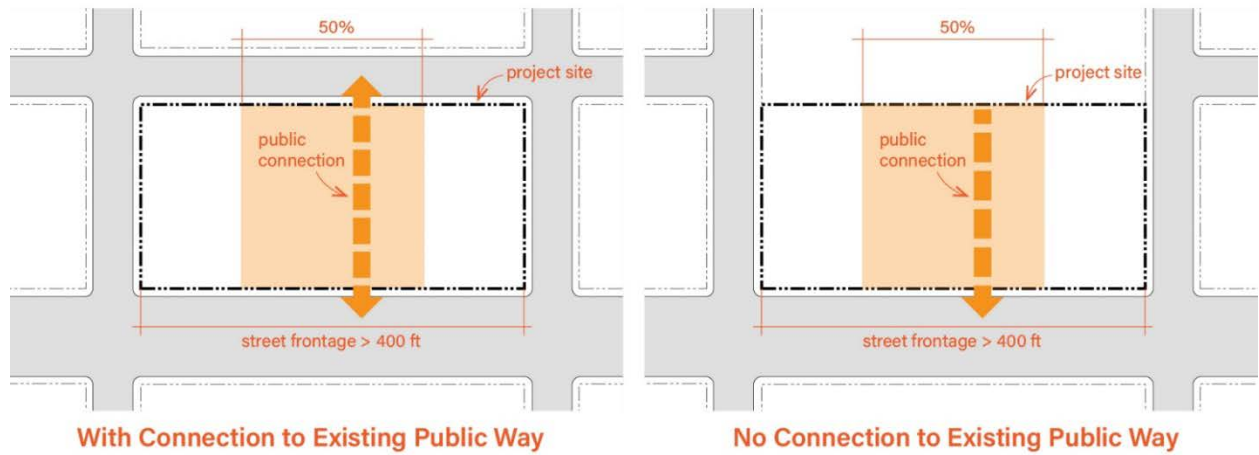
Goal: To promote pedestrian permeability and walkability through districts as redevelopment occurs over time, particularly for larger sites.

- a. Existing public connections:
 - i. In all areas of the city, where a project site includes an existing public street, alley, path, paseo, trail, or other public pedestrian connection, this public connection will be maintained or relocated within the project site.
 - ii. Existing frontage improvements including any bike lanes or sidewalks will be maintained, repaired, or upgraded as dictated by any applicable Area Plan, or, in the case where no Area Plan applies, the requirements of Section II.E Ground Floor Design, or the requirements for sidewalk widths as defined in Chapter 15.20 of the Municipal Code. Where any inconsistency between regulatory documents is present, the widest applicable sidewalk requirement shall apply.
 - 1. Decorative sidewalks may be required based on Area Plan standards. Installation of all sidewalks will be based on the standard details provided by the Department of Public Works.
 - iii. The total number of connections through the site for cyclists and pedestrians shall not be reduced.

5. New public connections:

- a. Where a new public street, alley, path, paseo, trail, or other public pedestrian connection is required by an Area Plan, this connection shall be incorporated into any development or redevelopment proposal for the sites identified by the Area Plan.
- b. Where the street frontage length of a site exceeds 400 feet along a single roadway, and there is not already a public connection required by an Area Plan, the project proposal shall include a minimum of one publicly accessible street, alley, path, paseo, trail, or other public pedestrian connection within the middle 50 percent of the site. See Figure 4.
 - i. Where the new street, alley, path, paseo, or trail cannot connect to an existing public way, the owner of the property may reserve the right to restrict access to the public way until such time as further development allows such a connection to be made. When a connection to another public way is made, clear public access shall be provided, signage indicating that it is a public passage shall be posted, any gates or physical access restrictions shall be removed, and access shall be guaranteed through the granting of a public easement.

Figure 4: New Public Connections



- c. Regardless of the street frontage length of a project, properties abutting a public street, alley, path, paseo, trail, or other public connection on a side or rear property line shall incorporate a connection between the parcel street frontage and that existing public connection with any new development or redevelopment proposal. These connections shall allow clear passage during daylight or business hours as applicable, whichever is longer. This standard shall not apply to corner lots.
- d. All new pedestrian or bicycle connections not including required street-side improvements such as sidewalks and on-street bike lanes shall be at least 10 feet wide and a minimum of 80 percent open to the sky. Standards for public or private streets shall be met as required by Department of Public Works design guidelines.
- e. Development or redevelopment proposals on properties with street frontage shall be required to install new or improve existing sidewalks in accordance with the requirements of any Area Plan, the requirements of Section II.E Ground Floor Design, and the requirements for sidewalk widths as defined in chapter 15.20, as applicable. Where any inconsistency between standards exists, the wider sidewalk standard shall apply.

6. Public Frontages

Goal: To ensure that new development is pedestrian-oriented and provides ground floor uses that activate the public realm.

- a. Where a common Residential lobby is provided, the lobby shall be accessed from a public frontage.
- b. In all MU zones, the ground floor along any public frontage shall consist of 100 percent Uses for Active Frontage as allowed in the underlying zone district.
- c. In the C-C, R-T, C-T, C-N, and C-B zones, the ground floor along the public frontage shall consist of no less than 50 percent Uses for Active Frontage as allowed in the underlying zone district.

- i. On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest sidewalk. Where required sidewalks are of equal width, this requirement shall apply to all frontages. Required sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.
- d. Uses for Active Frontage shall be subject to the following standards:
 - i. Uses for Active Frontage shall be built to a minimum depth of at least 25 feet as measured perpendicular to the predominant building face, with the exception of areas for building ingress/egress and access to parking or loading areas. If more than one ground floor Active Frontage space is provided, the 25-foot minimum depth shall be applied as an average depth of the total depth of all the Active Frontage spaces along the predominant building face.
 - ii. Mechanical rooms shall not be placed along the public frontage. Mechanical rooms shall be located adjacent to a driveway or parking area.
 - iii. On lots with multiple public frontages, such as corner lots or double-frontage lots, mechanical rooms may be located on a public frontage. For these lots, mechanical rooms are prohibited along the public frontage requiring the widest sidewalk of all frontages on the property. Where required sidewalks are of equal width, mechanical rooms are prohibited along all frontages. Sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.
 - iv. Amenities provided to building residents do not qualify as Uses for Active Frontage unless they are also open and available to the general public.
- e. In the C-C, R-T, C-T, C-N, C-B, and all MU zones, the ground floor facing a public frontage shall be subject to the following standards:
 - i. On corner lots, the ground floor shall have 100 percent commercial uses at the corner, extending for at least 30 feet on either side of the corner, or the distance of the frontage of the corner parcel, whichever is less.
 - ii. Entries to ground floor uses shall be placed at an average of every 50 linear feet or less of building frontage. The following uses are exempt from this requirement:
 - 1. Food and Beverage Stores, Medical/Health Offices
 - 2. Lodging in areas designated MXVC in the 2030 General Plan
 - iii. Residential or Commercial lobbies are limited to a maximum of 30 feet of frontage, unless they are combined with an Active Use, in which case they are limited to 50 feet of frontage.
- f. In all R-districts, with the exception of flag-lots, a parcel's public frontage shall be comprised of ground-floor residential uses that are oriented toward the public frontage.
- g. Ground floor residential units that face a public frontage shall provide an entry facing toward the public frontage that provides access into an entry area, living area, kitchen, or hallway (not a bathroom or bedroom, with the exception of studios).

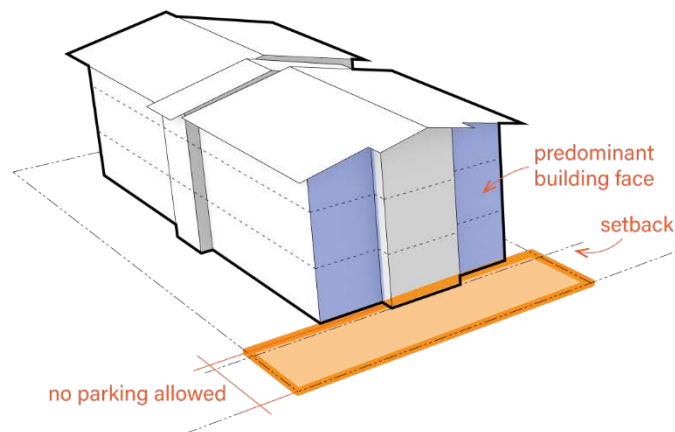
- h. Entries facing a public frontage shall include a minimum of 48 square feet of flat, unenclosed, covered area, which may be a projection, or inset, or a combination of the two. (See Planning Code Section 24.12.120 for allowed projections into setback areas.)

7. Parking Location and Screening

Goal: To minimize the visual impact of parked cars from sidewalks and streets.

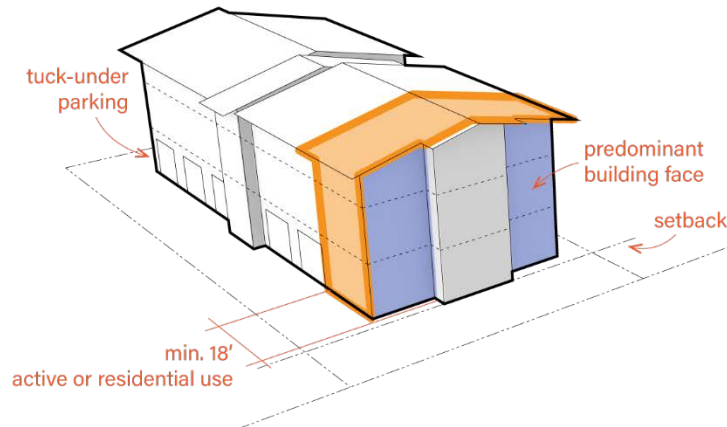
- a. Off street parking and loading facilities, including bike parking requirements, shall be provided as required in Section 24.12.200 et seq.
- b. For projects including five or more dwelling units, parking shall not be located in the area between the front lot line and a line extended horizontally from the plane of the predominant building face to the edges of the lot. See Figure 5.

Figure 5: Parking Location



- c. Residential parking for projects including five or more dwelling units shall be screened from view in the following ways:
 - i. Podium parking facing a public frontage shall be wrapped with Uses for Active Frontage as allowed in the applicable zone district or residential uses on all levels facing a public frontage to a depth of at least 18 feet average, measured on each level perpendicular from the predominant building face. (Also see Sections 24.12.185.13 Corridor Frontage and .14 Ground Floor Design.)
 - ii. Tuck-under parking shall be entirely contained within the building and screened by garage doors. Where it faces a public frontage and is setback less than 15 feet from the public right of way, tuck-under parking shall be wrapped with active or residential uses to a depth of at least 18 feet average, measured perpendicular from the predominant building face. See Figure 6. (Also see Sections 24.12.185.13 Corridor Frontage and .14 Ground Floor Design.)

Figure 6: Tuck-Under Parking Screening



- d. The entire perimeter of a surface parking area that fronts onto a side or rear yard, except the width of the access, shall be screened by buildings, evergreen buffer landscaping to a minimum depth of 3 feet, or fences that are at least 75 percent opaque. Fences or hedges shall not be greater than, nor allowed to exceed 8 feet in height on an interior side yard or rear yard, or 3.5 feet in height in a front or exterior side yard. (Also see Section 24.12.280.)
- e. In any multi-level parking structure, the exterior shall be fully screened, and automobile headlamps shall be shielded so as to not be visible from adjacent parcels, streets, public parks, publicly accessible outdoor space, or designated open space area.
- f. Driveways and approaches shall comply with the standards set forth in Municipal Code Sections 15.20 and 24.12.280 and the driveway approach standard detail included with the public works standards in effect at the time of design review and shall be designed in accordance with AASHTO Green Book sight distance standards. Ingress/egress to driveway approaches may be limited based on the results of a Transportation Study.

8. Landscape and Buffering

Goals: To enhance the urban forest, provide shade for buildings and sidewalks, incorporate landscape, and provide visual buffering into new development in a way that is visually appealing and consistent with the character of Santa Cruz.

In R-districts, the goal of landscape is also to soften the massing of buildings as they front the street. In commercial and mixed-use districts, the goal is also to create a landscaped edge to sidewalks and encourage the incorporation of terraces and balconies for usable outdoor space (livability), architectural interest (modulation), and access to outdoor space for public health and passive cooling (resilience).

- a. In all R-districts:
 - i. All open spaces in the front setback (excluding areas for driveways and sidewalks), shall be at least 75 percent landscape (planted materials) that are selected to comply with WELO standards as found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review. The selected planted materials shall be WELO compliant even when the formal requirements of the WELO do not apply to the project.

- ii. Selected plant species for the site shall incorporate a mix of trees, shrubs, and ground cover.
- iii. Turf areas shall include no more than 25 percent of the total irrigated area on the site.
- b. In the C-C, R-T, C-T, C-N, C-B, and all MU zones :
 - i. All public frontages shall incorporate 12 square feet of planted area for each 30 linear feet of building frontage counted by rounding up to the next increment of planted area. For example, a building with a 31-foot building frontage would incorporate a minimum of 24 square feet of landscaped area (two increments of 12 square feet).
 - ii. This may be provided in small, individual pockets of planting, or in larger planted areas, and must occur within the property line. This standard applies regardless of ground floor use.
 - iii. A landscaped buffer of at least 5 feet in depth and the length of the property line shall be provided at the rear property line on sites that are 100 feet or greater in depth and abut a residentially zoned parcel at the rear property line .
 - iv. Plants shall be selected to comply with WELO standards found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review.
 - v. Street Trees shall be planted in the public right of way, or within 5 feet of the public right of way, at a rate of 1 tree per each 30 feet of site frontage. Spacing of trees shall be sufficient to accommodate the mature canopy of each specimen, and installation shall be in compliance with the planting requirements of the Parks and Recreation and Public Works Departments, including the Street Tree Master Plan, and the requirements of Municipal Code Sections 13.30,15.20, and 24.12.186 as applicable at the time of design review.
 - vi. Any plantings or landscaping materials within surface parking areas are required to comply with the City's Low-Impact Development (LID) standards, Storm Water Best Management Practices, and Storm Water Management Program.
- c. Refuse/Recycling Storage Facility: Enclosures for refuse bins or dumpsters are required of all new multi-family and mixed-use residential projects with three 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 Standard Design Policy.

9. Usable Open Space

Goal: To enhance the livability of new residential buildings with well-designed, functional open spaces with landscaping and amenities for residents to enjoy.

- a. In the C-C, R-T, C-T, C-N, C-B and all MU districts:
 - i. At least 40 square feet of private open space and at least 20 square feet of common open space shall be provided per dwelling unit.
 - ii. Common open space may be substituted for private open space at a ratio of 2:1 (i.e., 80 square feet of common open space may be substituted for 40 square feet of private open space).
- b. In all R-districts: the amount of required open space shall be determined by the underlying zone district standard.
- c. In all districts where residential uses are an allowed use:

- i. Private usable open space must be at least 4 feet in any horizontal dimension and common usable open space must be at least 15 feet in any horizontal dimension.
- ii. There shall be no limit to the percent of the required open space that may be assigned to private balcony or patio areas.
- iii. No less than 25 percent of the total common open space area shall be permanently landscaped with live plant material incorporating trees, shrubs, and groundcover.
- iv. A minimum of three of the following features shall be incorporated into common open spaces and maintained on the site:
 - 1. Fixed or movable seating
 - 2. Picnic-style tables
 - 3. Shade trees (see allowances under 24.22.586, Open Space, Useable) or shaded canopy
 - 4. Community garden
 - 5. Flowering plants
 - 6. Native habitat
 - 7. Play area for pets
 - 8. Educational or interpretive information about geographic, historic, or ecological features, such as plaques about relevant tribal history or indigenous plant information
 - 9. Outdoor kitchen equipment or fire pit
 - 10. Children's play equipment
 - 11. Sports courts
 - 12. Public art or interactive art, such as a life-size chess game, sculpture, or murals
 - 13. Spa, pool, or hot tub
- d. Common open space may be provided on building rooftops as roof decks. Such usable open space is not counted as an additional story if rooftop structures comply with Municipal Code Section 24.12.150 Height Limits Modifications.
- e. Up to 30 percent of required common open space may be provided as publicly accessible open space that supports a retail or restaurant use, such as a courtyard, outdoor dining area, or other active use (i.e. not auto or bike parking), which is open to the sky, and is not less than 15 feet in any horizontal dimension, so long as the space is freely accessible to building residents without requirements to patronize the business use. Areas that are reserved exclusively for customers will not count toward required open space.

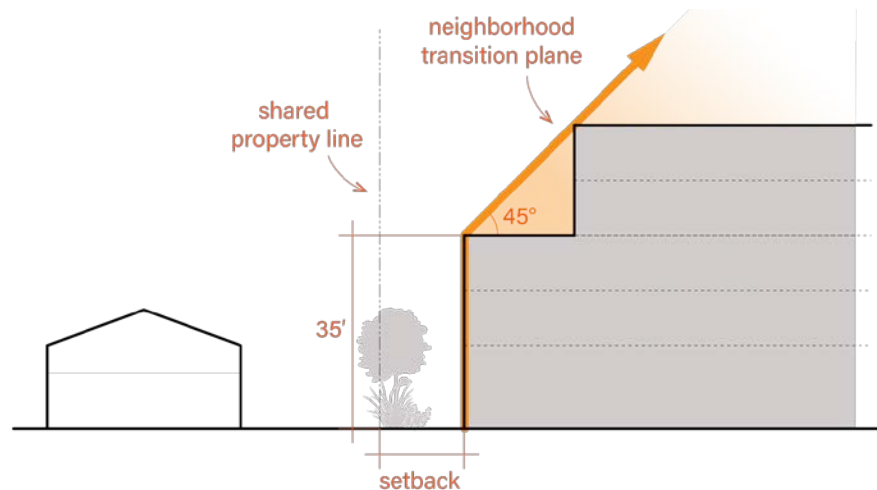
II. Building Design

10. Neighborhood Transition

Goal: To create a transition between new development and existing neighborhoods, provide privacy for current and future residents, and minimize potential shading on neighboring residents.

- a. In the C-C, R-T, C-T, C-N, C-B, and all MU districts: along property lines that abut an R-district:
 - i. Buildings shall not intercept a 45-degree neighborhood transition plane inclined inward from the underlying setback, starting at a height of 35 feet above grade. See Figure 7.

Figure 7: Neighborhood Transition Plane



- ii. Private or shared balconies and decks shall not extend into an underlying setback.
- iii. The occupiable area of roof decks, including any deck on roof area falling under the neighborhood transition plane, shall be set back at least 3 feet from the building edge and any railings, shade structures, or accessory structures shall not intersect the required neighborhood transition plane. Rooftop lighting shall also comply with Lighting requirements of Section 24.12.185.17.

11. Roof Form

Goal: To ensure that the tops of buildings are designed with architectural interest, and to reduce the bulk of buildings as they meet the sky.

- a. Buildings shall be designed with variation in roof form. The number of required roof forms shall be calculated at a ratio of at least one roof form for every 30 feet of frontage and shall be located within 15 feet of the predominant building face on all building frontages. On Corner lots or double-frontage lots, standards for variation in roof form will apply to all frontages. See Figure 8.
 - i. Roof form is defined as a geometric plane or set of planes which form the top enclosure of a volumetric area below it/them. Common types of roof forms are gabled, hipped, sloped, flat, and flat with a decorative parapet. Examples of roof forms are illustrated in Figure 9.
 - ii. A change in roof form must be combined with a change in height of at least 3 feet, a horizontal change in plane of at least 4 feet, or a change in roof pitch. See Figure 7 for examples. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.
 - iii. Smaller roof forms that cover enclosed space (such as dormers and bay windows) count as individual roof forms if they are at least 36 square feet in horizontal surface area. Bay windows located on a wall below another roof form will not count as individual roof forms regardless of size.
 - iv. Unenclosed space (such balconies, terraces, porticos, and belfries) count as individual roof forms if they are at least 48 square feet in horizontal area. Balconies should also conform to the standards for Useable Open Space in Section 24.12.185.8.

- v. For the purposes of calculating the number of required roof forms on a building, each increment of 30 feet of building frontage requires an additional roof form, counted by rounding up to the next whole number. For example, a frontage of 31 feet would be required to provide two roof forms. However, there is no maximum dimension for any one roof form, nor are roofs required to be designed in 30-foot increments.

Figure 8: Applying Roofline Standards

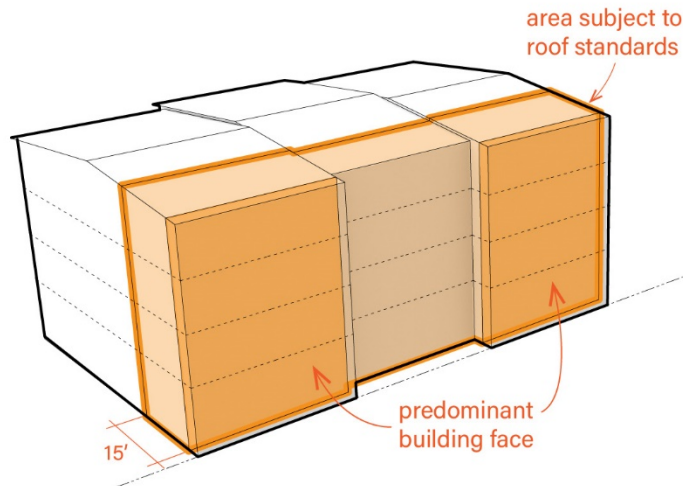
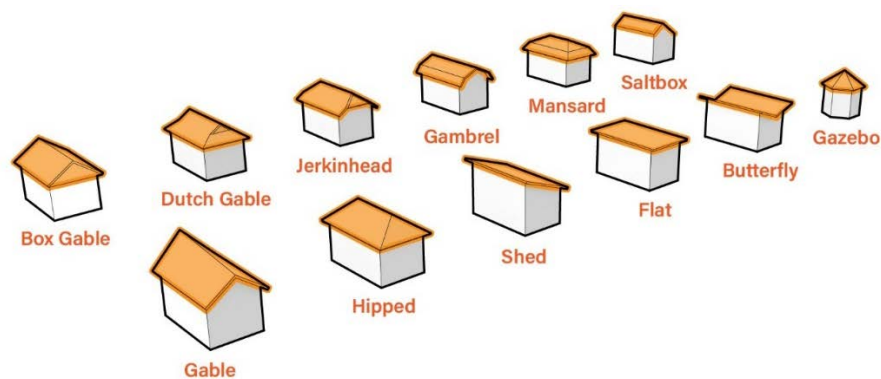


Figure 9: Roof Forms

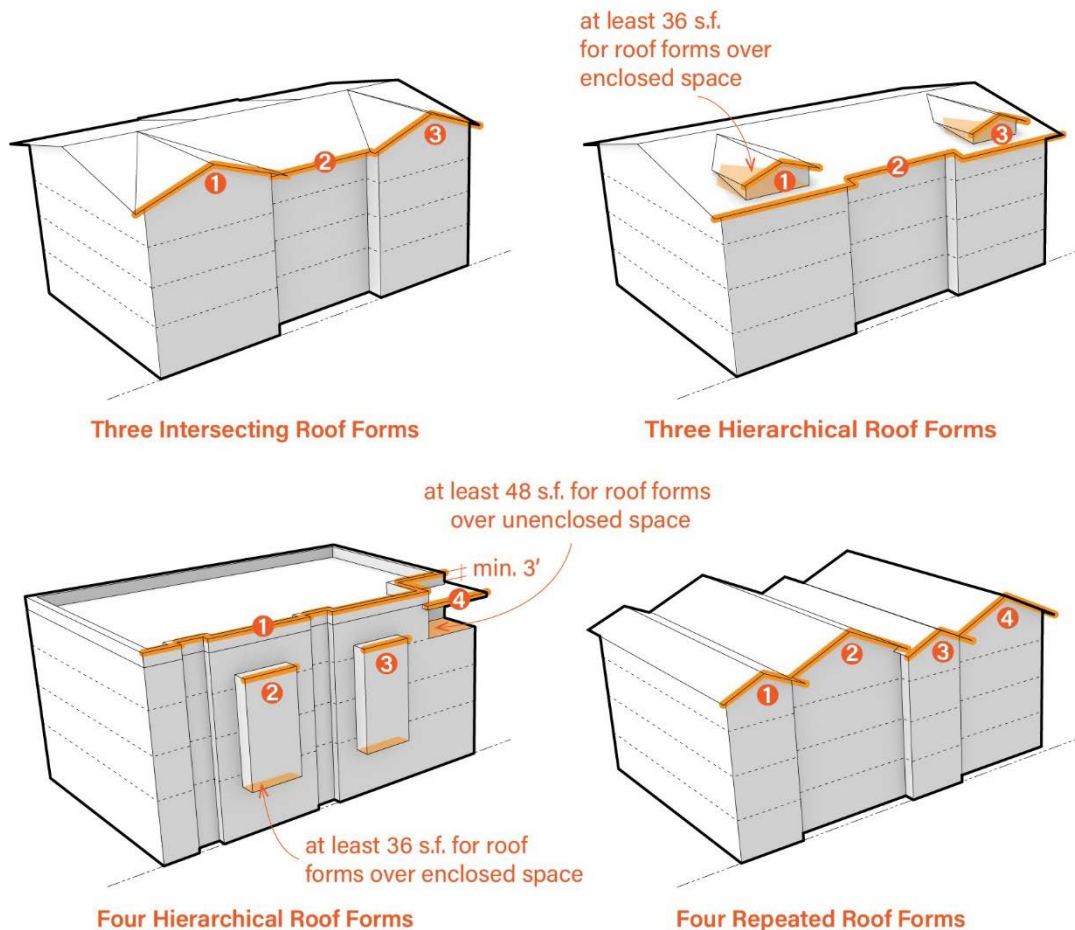


b. Combining Roof Forms

- i. The required number of roof forms may intersect to create more complex roof forms or may be organized in a hierarchy. Examples of combined roof forms are illustrated in Figure 10.
- ii. Roof forms may be repeated, as with a flat roof that steps up or down, or a sawtooth.

- iii. Where two or more forms intersect or combine to create more complex forms, each is counted as an individual roof form. For example, two hipped forms may intersect to create a hip and valley form, which would count as two roof forms.
- iv. Where two or more roof forms are organized in a hierarchy, each is counted as an individual roof form. For example, the dominant roof form may be a hipped roof, which has two dormers with open gable roofs, which would count as three roof forms. Another example is a flat roof on a building that has two bay windows with flat roofs, each at least 36 square feet in area. See Figure 6 for examples.
- v. For flat roofs and flat roofs with decorative parapets, changes in roofline must be accompanied by a minimum 2-foot change in height relative to the adjacent roof form. For buildings that are three stories or taller, the minimum change in height shall be 3 feet. This change in height shall be measured to the top of the parapet, where present. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.

Figure 10: Combining and Counting Roof Forms

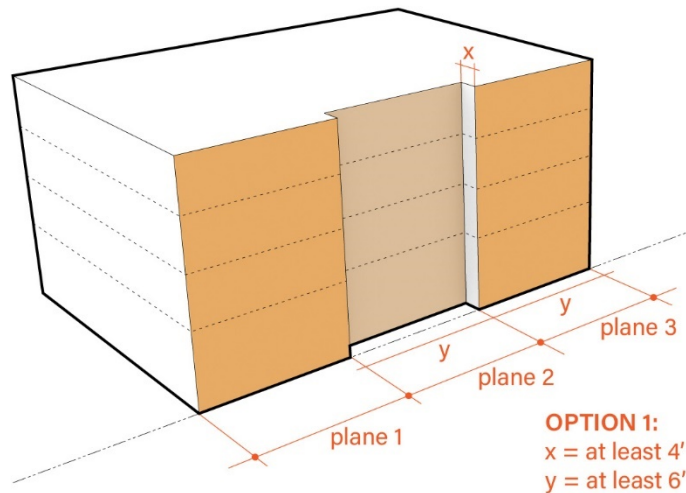


12. Building Modulation

Goal: To break up large building faces and create visual interest for pedestrians, neighbors, and visitors.

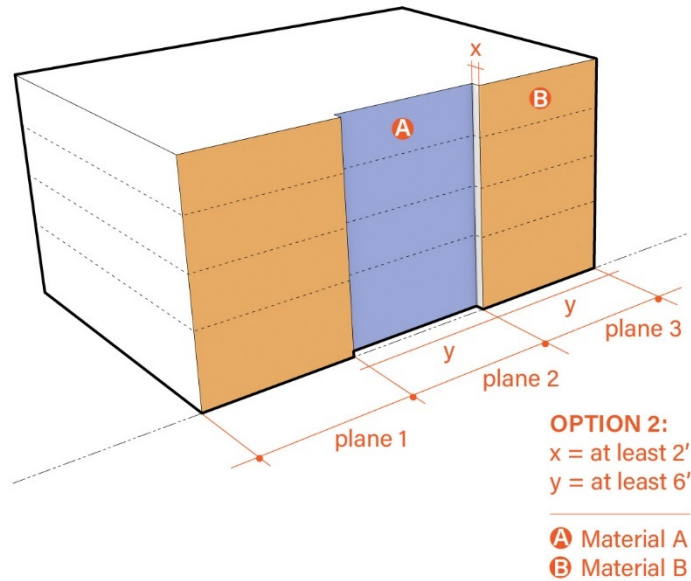
- a. Where no other modulation controls apply (e.g. an Area Plan), building faces that are longer than 30 feet wide shall be articulated in one of the following three ways.
- i. Provide a horizontal change in plane for every 30 feet building face, rounded up to the next whole number (e.g., a frontage of 31 feet would be required to provide two changes in plane). As shown in Figure 11, the change in plane must be at least 4 feet deep and 6 feet wide, and must be open to the sky; or

Figure 11: Building Modulation – Option One



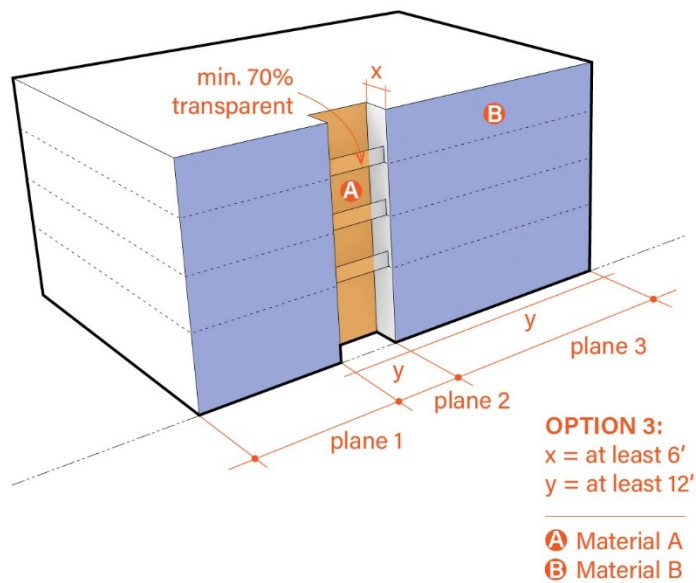
- ii. Provide a horizontal change in plane for every 30 feet of building face, rounded up to the nearest whole number (e.g., a building face of 31 feet would be required to provide two changes in plane). As shown in Figure 12, the change in plane must be at least 2 feet deep and 6 feet wide, and be combined with a change in material; or

Figure 12: Building Modulation – Option Two



- iii. Provide a horizontal change in plane at an interval of 50 feet or less. As shown in Figure 13, the change in plane must be at least 6 feet deep and 12 feet wide, and be combined with a change in material. When implemented as building notches, such notches may contain balconies, as long as the railing is at least 70 percent see-through or transparent.

Figure 13: Building Modulation – Option Three



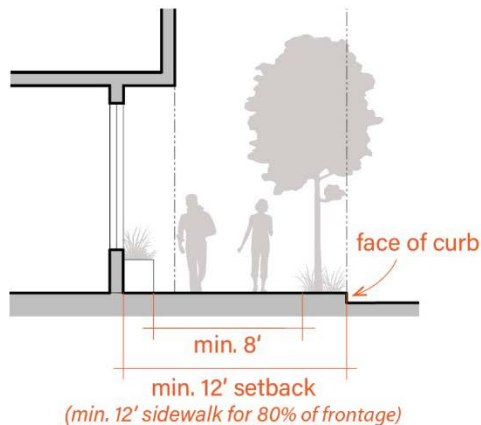
- b. Building faces that are less than 30 feet wide are not required to have a change in plane incorporated into their design.
- c. Projections from the building face including balconies, awnings, signs, and decorative elements are not considered to be changes in plane.

13. Corridor Frontage

Goal: To ensure that buildings in denser, mixed-use districts are designed with functional, human-scaled ground floors that promote walkability and provide space for local businesses.

- a. Unless otherwise dictated by an Area Plan, the ground floor frontage facing a Corridor shall be set back at least 12 feet from the face of the curb. See Figure 14.
 - i. This may be achieved by setting back only the ground floor, but in no case shall any portion of the proposed building extend into or over the public right-of-way, except that awnings and balconies at the second story or above may extend into the right of way no more than 3 feet. No projection shall be closer than 8 feet to the centerline of an alley, driveway, or path of automobile circulation except with the approval of the City Engineer based on considerations of public safety and welfare (e.g., utility considerations, emergency access, etc.).
 - 1. This setback area shall not be counted toward the requirement to incorporate Uses for Active Frontage, and the area shall be used as a 12-foot-wide sidewalk over at least 80 percent of the frontage.
 - 2. In no case shall the passable sidewalk width be less than 8 feet without approval of an Administrative Use Permit and revocable license as allowed under Municipal Code Section 24.12.192 for Outdoor Extension Areas, in which case the passable sidewalk width shall not be less than 6 feet.

Figure 14: Corridor Frontage



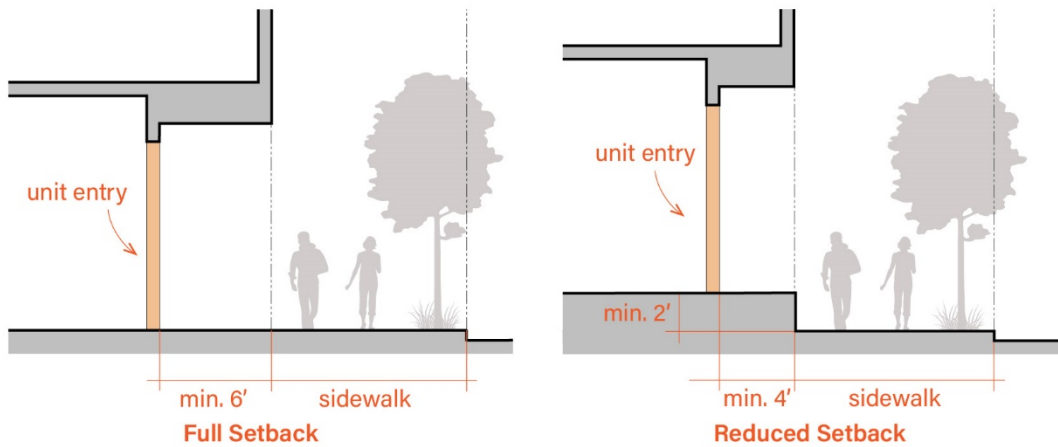
14. Ground Floor Design

Goal: To ensure that buildings in commercial districts are designed with ground floors that support walkability with functional commercial or live-work frontages. Also, where residential units are

allowed, to ensure well-designed frontages that strike a balance between privacy for the resident and activation of the sidewalk.

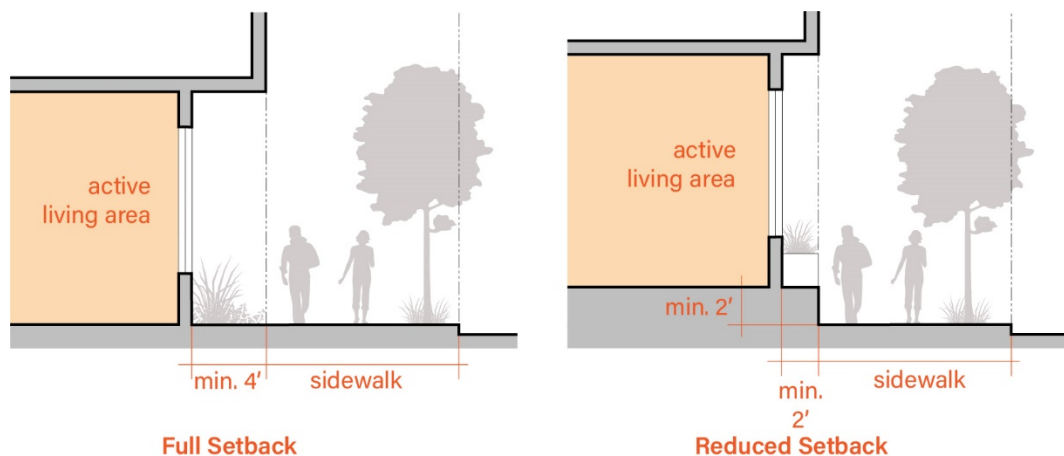
- a. In the C-C, R-T, C-T, C-N, C-B, and all MU districts, commercial ground-floors shall be designed as follows:
 - i. Minimum ground floor frontage transparency of 70 percent between a height of 2 feet and 12 feet measured parallel above sidewalk grade.
 - ii. Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 3. In a commercial space, any mezzanine shall be set back at least 30 feet from the building frontage and shall occupy no more than one-third of the area of the ground floor.
 - iii. Entries shall be inset from the building face at least 2 feet.
- b. In the C-C, R-T, C-T, C-N, and C-B zones where residential development is allowed, ground floor residential units shall not occupy more than 50 percent of a public frontage. Residential units on the ground floor may be designed as Live-Work units or may be exclusively residential units.
- c. Any Live-Work units shall be designed as follows:
 - i. Live-Work units are only permitted on the ground floor.
 - ii. Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 4. In a Live-Work unit any mezzanine shall be set back at least 18 feet from the building frontage and shall occupy no more than one-half of the area of the ground floor.
 - iii. Minimum ground floor depth of 18 feet.
 - iv. Minimum unit/storefront width of 12 feet.
 - v. Minimum ground floor frontage transparency of 50 percent between a height of 2 feet and 12 feet measured parallel above sidewalk grade.
 - vi. Entries shall be inset from the building face at least 2 feet.
- d. In in the C-C, R-T, C-T, C-N, and C-B zones where residential units other than Live-Work units are located at the ground floor, the following standards shall apply:
 - i. Where units are individually accessed, the entry must be set back at least 6 feet from the property line; this setback may be reduced to 4 feet if the unit is elevated at least 2 feet from the sidewalk (as with a stoop). See Figure 15.
 1. This may be a setback of the ground floor only, or a setback of the entire building face.
 2. This setback area may include an architectural feature indicating private space including but not limited to a railing, gate, entry landing, or doorstep.
 3. This area may include landscaping or private open space for an individual unit. In order to qualify as private open space, the area must be separated from the sidewalk by one of the following mechanisms intended to indicate the privacy of the space:
 - An increase in elevation of at least 2 feet;
 - A railing or gate;
 - Clustered landscaping, as in a hedge or other dense planting, not exceeding 42 inches in height.

Figure 15: Ground Floor Residential Entry Setback



- e. Where a unit does not have individual access to the sidewalk, active living areas (including living rooms, dining rooms and kitchens, but excluding bedrooms, bathrooms, and hallways) are required at the building frontage, and must be set back at least 4 feet from the sidewalk; this setback may be reduced to 2 feet if the unit is elevated at least 2 feet above the sidewalk. See Figure 16.
- This may be a setback of the ground floor only, or of the entire building face.
 - This setback area shall incorporate landscaping or planters.

Figure 16: Ground Floor Residential – Without Individual Access

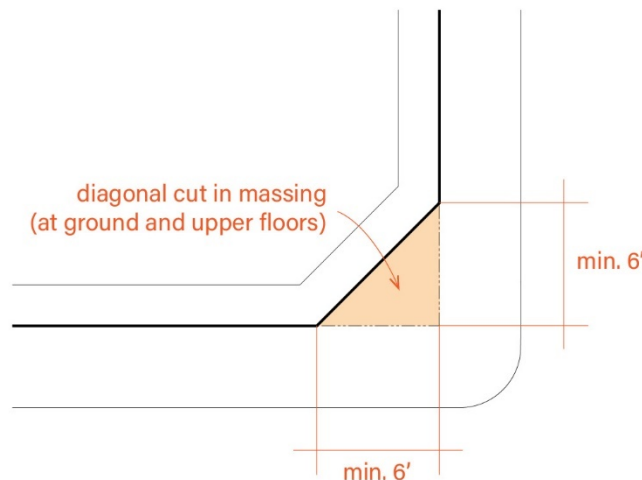


15. Architectural Detail

Goal: To highlight the prominence of corner buildings along Corridors, ensure that buildings have an appropriate level of detailing, and ensure that building facades convey the qualities of substantiality and depth.

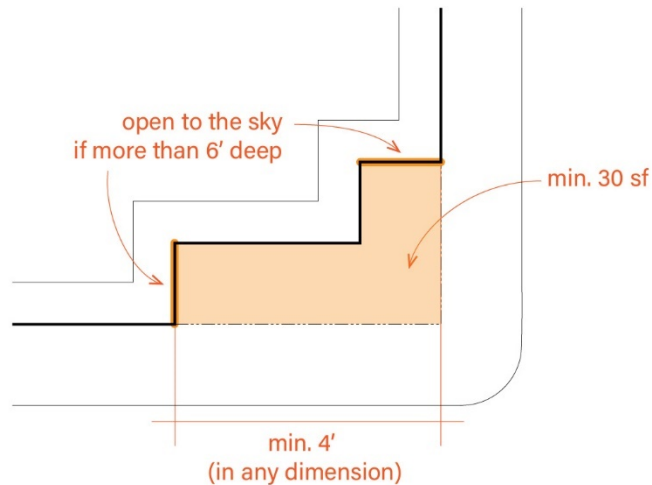
- a. Buildings that are mixed-use and/or three stories in height or greater shall visually differentiate the ground floor from the floors above by one or more of the following:
 - i. a change in material; and/or
 - ii. a change in plane; and/or
 - iii. a cornice line, belly band, or similar horizontal element.
- b. Buildings at the intersection of a Corridor and another street (including another Corridor) shall implement at least one of the following corner features:
 - i. Increased height of the corner roofline of at least 3 feet above the adjacent roofline; and/or
 - ii. A chamfered corner with a diagonal cut at least 6 feet on either side of the corner. See Figure 17. This may be at the ground floor only, or for the entire height of the building; and/or

Figure 17: Chamfered Corner



- c. A public open space of at least 30 square feet in area, and not less than 4 feet in any dimension, which may be designed to look like an extension of the sidewalk. Where the depth of this space is less than 6 feet, it may be open only at the ground floor. Where the depth of this space is greater than 6 feet it must be open to the sky. See Figure 18.

Figure 18: Public Open Space at Corner



- d. Buildings in the C-C, R-T, C-T, C-N, C-B, and MU zones shall apply at least two categories of the following architectural features to each building face and to each level above ground floor. Buildings may incorporate different features on each face and level or may use the same two features on each face and level, so long as each face and level includes features from at least two categories.
 - i. Category 1 - Terrace, balcony, or Juliette balcony with a minimum projection of 10 inches and a minimum width of 3 feet (at least one per level; see also Section 24.12.185.10 Neighborhood Transition).
 - ii. Category 2 - Windows detailed with a lintel, sill, or arch
 - iii. Category 3 - Awnings, louvers, or shutters
 - iv. Category 4 - Decorative cornice or decorative lighting sconces (see also Section 24.12.185.17 Lighting)
- e. Windows shall be inset such that there is at least 2 inches between the plane of the glass and the plane of the building face for all windows above the ground floor; this depth shall be increased to 3 inches for buildings that include 4 or more stories, for all windows above the ground floor.
- f. Walls or portions of walls that are unfenestrated (without windows, balconies, or glass doors) that extend from grade up to the roofline are limited to a maximum horizontal width of 15 feet.

16. Building Materials

Goal: To ensure that building materials are high-quality, durable, convey a sense of permanence, and reflect the existing character of buildings in the urban environment.

- a. Building materials shall be selected according to the following criteria:
 - i. The following materials are acceptable for use on building faces: tile, brick, glass, metal (except as prohibited below) painted or sealed wood, concrete, stucco, plaster, adobe, and stone (engineered or natural), and living walls (as defined).

- ii. Unarticulated or flat panelized materials (such as metal, cement board, or GFRC panels) are prohibited on public frontages but may be incorporated on other building faces. Panels for modular and pre-fabricated construction are allowed (including sandwich panels).
- iii. Any materials that are not explicitly listed here require an administrative design review permit to ensure that approved materials conform to the goal of this section.
- b. Buildings shall incorporate two or more of the accepted materials listed above or as approved in the design of each building face. No single material may make up more than 85 percent of any building face. This can include materials for building decoration (e.g., awnings, louvers, balconies, cornice lines, or windowsills), but does not include fenestration (glass, frames, or other elements of windows and doors).
- c. At building corners, except for living walls, all materials shall wrap around the corner to a depth of at least 4 inches. This includes corners of insets, reveals, or changes in plane that are 4 inches or greater in depth, as with a balcony, ground floor entry, or change in plane. See examples shown in Figure 19.
- d. Living walls shall meet the following standards:
 - i. The living wall shall be permanently integrated into the exterior design of the building face upon which they are planted.
 - ii. The living wall shall not be located on a north, or north-east-facing building face.
 - iii. The living wall shall include an integrated irrigation system.
 - iv. The living wall shall be created using materials specifically designed for the purpose of installing and maintaining plants within the intended context (considering sun, shade, fog, rain exposure, and any other relevant environmental factors) on an exterior building face.
 - v. Components of a living wall shall be considered with other landscape elements, and are subject to the requirements of the City's WELO.
 - vi. Nothing in this section shall regulate or require the installation of living walls on the interior of any building.

Figure 19: Material Application



17. Lighting

Goal: To ensure that public areas of buildings are lit for wayfinding and safety, while minimizing impacts of glare, light trespass, and light pollution in order to help make new development Dark Sky friendly.

- a. Individual exterior luminaires shall be shielded to direct light downward and shall not exceed 1,260 lumens. Exterior light fixtures shall utilize light sources with a color temperature that does not exceed 3000 Kelvin.
 - i. A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
- b. Outdoor lights shall not blink, flash, flicker, or change intensity (excluding motion-detecting lights).
- c. Lighting shall be provided at parking lots, pedestrian paths, outdoor gathering spaces, building entries, and any other pedestrian-accessible areas.
- d. Lighting of outdoor service, loading, and storage areas shall not be visible from the street or adjacent properties.
- e. Rooftop lighting shall be set back at least 12 feet from the edge of any building face that is oriented towards any R-district.

- f. The height of luminaires shall not exceed 15 feet above grade for all luminaires other than those in parking areas or decorative sconces as allowed under F. 3. Architectural Detail.
- g. Building faces shall be illuminated such that surfaces located at least 10 horizontal feet away from building entries shall have at least 66 percent less luminance than surfaces within 10 horizontal feet of building entries. Compliance shall be demonstrated with a lighting plan.

24.12.186 REQUIREMENTS FOR STREET TREES.

1. When new development or redevelopment is proposed that triggers the requirement for a sidewalk greater than or equal to seven feet in width based on requirements of Section 24.12.185.12, Section 15.20.060, or any applicable Area Plan, street trees shall be provided by the owner or developer either within the public right-of-way along any site frontage or within five feet any site frontage immediately adjacent to the required public sidewalk. The street trees shall be permanently maintained in the approved location by the owner or successor in interest of the property whose project triggered the tree planting requirement.
 - a. The street trees shall conform to the Public Works Department Tree Planting Details and Tree Sidewalk Program Policy. Except when otherwise provided in those guidelines, the street trees provided shall be a minimum of one tree for each 30 feet of frontage of the property along each street frontage, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. For example, a lot that is no more than 30 feet in width is required to provide a minimum of one street tree, and a lot of 50 feet in width is required to provide a minimum of two street trees.
 - i. If closer spacing is recommended by an applicable area plan the spacing in the area plan shall govern.
 - ii. The rates above govern the number of trees to be provided but do not establish a minimum spacing. Trees may be grouped at the recommendation of the Landscape Architect or Project Certified Arborist.
 - b. 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, and all the standards of Chapter 13.30.
 - i. Planting wells may incorporate alternative technologies to enhance root development and promote tree growth. Where existing soils beyond the tree well are not conducive to tree growth, as determined by the City of Santa Cruz Urban Forester, techniques including but not limited to structural soils and suspended pavement may be conditioned.
 - c. Street trees newly planted in the public right-of-way or within five feet of the public right-of-way shall not be planted:
 - i. Within a Clear Vision Area required by the city
 - ii. Within 3 feet of a parking sign unless the Department of Public Works agrees to relocate the sign at the expense of the project.
 - iii. Within 5 feet of a gas or water meter, or underground electrical conduit.
 - iv. Within 5 feet of a fire hydrant.
 - v. Within 10 feet of a sewer lateral.

- vi. Within 10 feet of an electrical utility pole.
 - vii. Within 10 feet of a driveway.
 - viii. Within 15 feet of a crosswalk.
 - ix. Within 20 feet of a traffic signal.
 - x. Within 15 feet of existing trees unless the location is recommended by a landscape architect or Project Certified Arborist, as approved by the City of Santa Cruz Urban Forester, who will base their determination on site and tree species, to prevent mature tree canopies from conflicting.
- d. Utility infrastructure shall be consolidated if necessary in order to accommodate the siting of street trees.
- e. Where location criteria eliminate all options for locating the required number of street trees within the public right-of-way or within five feet of the public right-of-way, and utilities cannot be further consolidated to allow for installation of street trees as demonstrated in a landscaping plan, the requirement to provide street trees shall be met in the following alternative method:
- i. Incorporation of trees on the development site at a rate of 1.5 trees per 1 street tree that is not provided, with fractional requirements rounded up to the next whole number.
 - 1. These trees may be located anywhere on the site, including but not limited to; a buffer at the rear of the property, in a permanent rooftop garden (not in a stand-alone planter), or as a shade tree within a parking area.
 - 2. Trees placed within 5 feet of any paved area shall be installed consistent with the Public Works Department Tree Planting Details.

24.12.240 NUMBER OF PARKING SPACES REQUIRED.

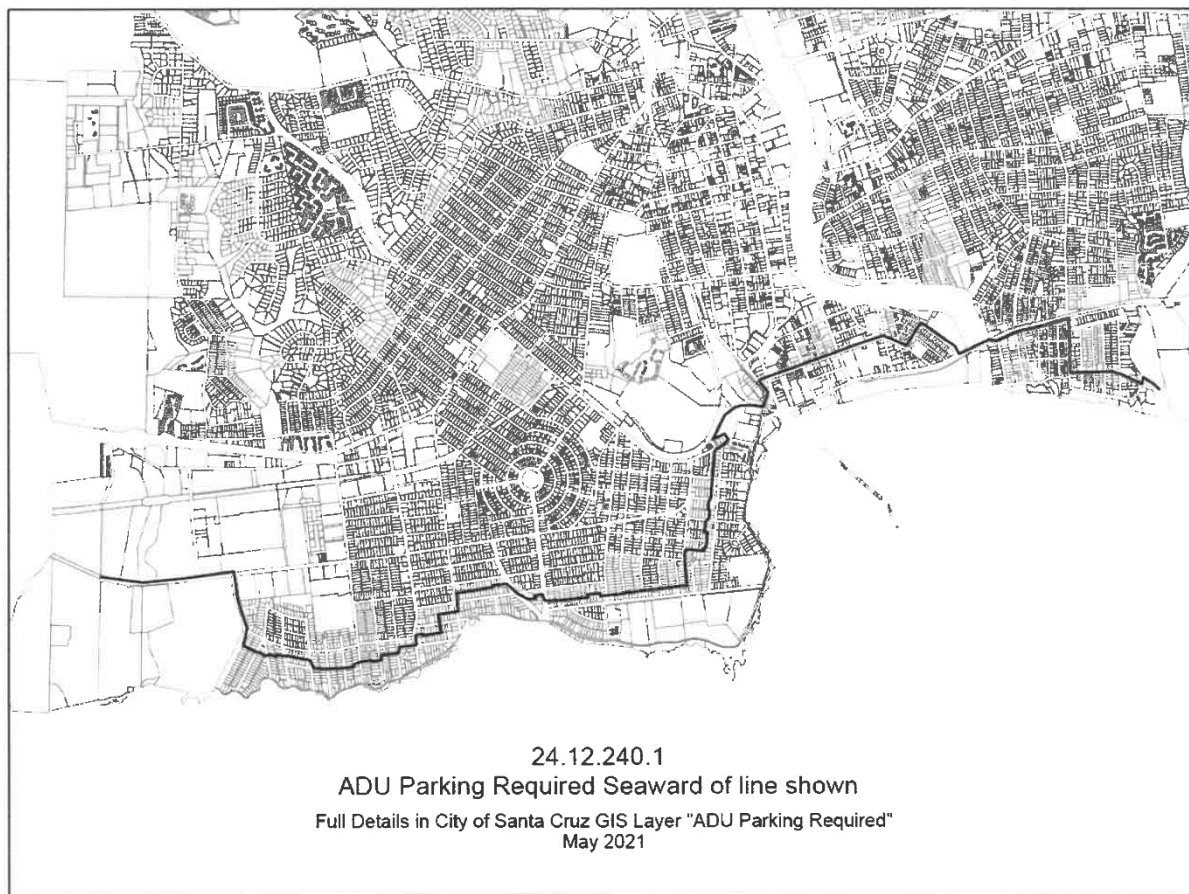
1. Where the computation of required parking spaces produces a fractional result, fractions of one-half or greater shall require one full parking space.

	Use	Spaces Required
a.	Automobile or machinery sales and service garages	1 for each 400 square feet of floor area
b.	Banks without automatic teller machines	1 for each 400 square feet of floor area
c.	Banks with automatic teller machines	1 for each 400 square feet of floor area; plus 1.5 for each machine
d.	Business and professional offices, excluding medical and dental offices	1 for each 300 square feet of floor area
e.	Billiard parlors	1.5 for each table
f.	Community care residential facilities, including, but not limited to: assisted living facilities, children's homes, congregate care homes, nursing homes, residential treatment facilities	1 for every 5 guests, plus 1 for each employee on the shift with the maximum number of personnel
g.	Houses of worship	1 for each 3.5 seats in the sanctuary
h.	Dancehalls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditoriums	1 for each 3 persons of design occupancy load

Use		Spaces Required				
i.	Family daycare and foster family homes	1 for every 5 guests, plus 1 for the resident owner or manager				
j.	Funeral homes, mortuaries	1 for each 5 seats of the aggregate number of seats provided in all assembly rooms				
k.	Furniture and appliance stores, household equipment	1 for each 800 square feet of sales floor area				
l.	Hospitals	1 for each bed, plus 1 for each employee on the shift with the maximum number of personnel				
m.	Hotels, motels	1 for each unit intended for separate occupancy, plus 1 for the resident owner or manager				
n.	Manufacturing plants, bottling plants, processing plants, packaging plants, furniture repair	1 for each 500 square feet of floor area				
o.	Medical and dental clinics and offices	1 for each 200 square feet of floor area				
p.	Medical (or convalescent) hospitals	1 for each 5 beds, plus 1 for each employee on the shift with the maximum number of personnel				
q.	Physical fitness facilities Physical fitness facilities with more than 15,000 square feet of floor area shall provide an additional 10 percent of the total number of required parking spaces.	1 space for each 250 square feet of floor area				
r.	Physical therapy	1 space per 200 square feet of floor area. In addition, 1 space per 50 square feet of pool (water) area				
s.	Residential Uses					
		Number of Bedrooms				
	Type	Efficiency	1	2+		
	Single-family (including townhouses), houseboat, duplex, triplex, multiple mobilehomes, community housing projects, other multifamily dwelling units	1.0	1.0	2.0		
	Community housing projects, townhouses, and multifamily projects of 5 units or more		In addition to meeting above residential parking requirements, guest parking spaces shall be provided at a rate 10% of the above standards. Fractional spaces will be rounded up to the next whole number.			
	Lodging, rooming houses and bed-and-breakfast inns		2 spaces, plus 1 for each bedroom that is rented			
	Residence halls, dormitories		0.75 space for each guest or occupant			
	Senior housing development		1 for each 3 dwelling units or rooms intended for separate occupancy, plus an area of land equal to the required off-street parking for multifamily units, not including required			

		open space, which could be converted to parking should the retirement center change to a multifamily residential use
	Small ownership unit (SOU)	1 space for each dwelling unit
	Single-room occupancy dwelling unit, less than 300 square feet	0.75 for each dwelling unit
	Single-room occupancy dwelling unit, 300 square feet or more	1 for each dwelling unit
	Accessory dwelling unit	<p>The parking standards for accessory dwelling units are as follows (these standards do not affect the amount of required parking for the primary residence):</p> <p>Outside the coastal zone, no off-street parking shall be required for an ADU and spaces removed to accommodate an ADU will not require replacement.</p> <p>On parcels located inside the coastal zone and within the designated areas shown in the LCP Figure "ADU Parking Required" (which follows this table), at least one off-street parking space shall be required for each ADU, and all off-street parking requirements associated with all other residential uses at the site shall be met on site, including replacement parking spaces if any are removed to accommodate an ADU.</p> <p>On parcels located inside the coastal zone but not within the designated areas shown in LCP Figure "ADU Parking Required" (which follows this table), zero parking spaces shall be required for each ADU. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. If other parking areas on a site (e.g., a driveway or other nonstructural parking area) are removed to provide for an ADU, off-street replacement parking spaces shall be required for the primary (non-ADU) residential use.</p>
	Use	Spaces Required
t.	Restaurants and other establishments selling food and beverages on the premises (including bars and nightclubs without live entertainment)	1 for each 120 square feet of floor area
u.	Restaurants with counter and/or take-out service or drive-in facilities	1 for each 120 square feet of floor area, plus 1 for each 50 square feet of floor area devoted to counter/take-out service
v.	Research and development facilities	1 for each 325 square feet of floor area, or 1 for every 2 employees (maximum shift), whichever is greater
w.	Retail stores, shops, service establishments, including shopping centers other than furniture and appliance stores	1 for each 250 square feet of floor area
x.	Schools: <ul style="list-style-type: none"> • Elementary and junior high 	1 for each employee

	Use	Spaces Required
	• High schools	1 for each employee, plus 1 for each 10 students
y.	Colleges (business, beauty, etc.) and universities	1 for each employee, plus 1 for each 3 students
z.	Self-service laundry and dry cleaning establishments	1 for each 200 square feet of floor area
aa.	Service stations	3 for each lubrication or service bay, plus 1 for each employee on the day shift
ab.	Sports arenas, auditoriums, assembly halls, and meeting rooms	1 for each 3.5 seats of maximum seating capacity
ac.	Theaters	1 for each 3.5 seats for the first 350 seats; plus 1 for each 5 additional seats
ad.	Tutoring facilities	1 for each 250 square feet of floor area
ae.	Wholesale establishments, warehouses, service and maintenance center, communications equipment buildings	1 for each 1,000 square feet of floor area
af.	Recycling collection facilities	
	• Independent	2 spaces
	• In conjunction with other uses that provide required parking	0 spaces
ag.	Unspecified uses of buildings, structures, or premises	Where the parking requirement for a particular use is not specifically established in this section, the parking requirements for each use shall be determined by the zoning administrator, and such determination shall be based upon the requirements for similar uses. Public uses not specifically established in this section shall meet the parking requirement as established by the planning commission. The planning commission shall take into account the proposed use and parking availability in the vicinity of the use.
ah.	Uses in Parking District No. 1 (Downtown)	Parking shall be provided in conformance with the resolution of the city council for this district in effect at the time of submittal of a complete application.



2. Covered Parking. All residential development has the option of including covered or enclosed parking, consistent with other zoning standards. No covered or enclosed parking is required for any residential or mixed use housing unit.

3. Unbundled Parking. All residential development of has the option to rent or sell off-street parking spaces separately from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s). Unbundled parking will qualify for a reduced parking requirement when executed in conformance with the requirements of Section 24.12.290.3(e).

4. ~~3.~~ The following exceptions may be granted for specific types of residential projects:

- a. Exceptions to parking requirements may be granted to publicly subsidized housing units, affordable housing projects, and projects for special needs or senior tenants where such requirements are in conflict with state or federal regulations or funding policies.
- b. SRO parking requirements may be reduced by one-quarter space for each dwelling unit if the project is either located:

- (1) Within one-quarter mile or one thousand three hundred twenty feet of an alternative parking facility and spaces are available and can be committed to residents; or

(2) Within one-quarter mile or one thousand three hundred twenty feet of access to public transportation such as a bus stop.

c. Parking requirements for mixed use developments in the I-G District, as permitted under Section 24.10.1510(2)(k)(3), may be reduced by a maximum of four-tenths space for each dwelling unit as a part of an on-site shared parking plan.

d. In addition to the allowances afforded through accessory dwelling unit regulations in Part 2 of Chapter 24.16, existing covered parking may be converted into additional units if all the requirements for the underlying zoning district can be met and replacement parking can be provided that meets the other parking requirements herein.

5. 4. No more than forty percent of the front setback of a residential property developed with up to four dwelling units (excluding any ADUs or Jr. ADUs) shall be utilized or developed for parking. No portion of the front setback of a residential property developed with more than four dwelling units (excluding any ADUS or Jr. ADUs) shall be utilized or developed for parking (See also Section 24.12.185.7). No more than fifty percent of the front setback of a residential property may be paved or covered with any impervious surface.

24.12.280 DESIGN REQUIREMENTS.

1. Driveway Design Standards.

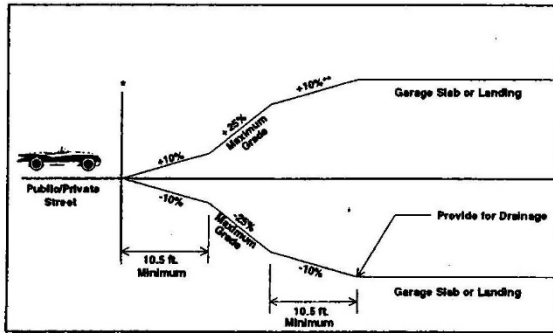
a. Parking facilities hereafter established and which are located adjacent to a required front yard in an adjoining A-District or R-District shall be provided with a clear vision area and parking facilities which are located adjacent to two intersecting streets shall include a clear corner triangle as defined in this title. These areas shall be maintained in conformance with Section 13.30.110.

b. The total clear space to accommodate a vehicle in driveways and private parking areas used as private parking facilities for single-family residential uses shall not be smaller than the dimensions of required on-site parking spaces.

c. Driveways shall be designed to conform with existing contours to the maximum extent feasible.

d. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight in clear vision areas and clear corner triangles based on AASHTO Green Book sight distances.

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



* Back edge of standard city driveway.

** All percentages are measured from the edge of standard city driveway.

f. Driveways and approaches shall comply with the applicable standards set forth in Chapter 15.20.

2. Parking Facility Layout. The diagrams entitled "Sample Parking Designs and Standards," included at the end of this chapter, shall be used for dimensions in the development and arrangement of parking spaces and parking areas. Layout and traffic flow is illustrative only and these standards may be varied with supportive documentation of acceptable circulation by a California-licensed civil engineer.

a. Each standard-size parking space shall be not less than nineteen feet in length by eight and one-half feet in width. Each compact parking space shall be not less than sixteen feet in length by seven and one-half feet in width.

3. Access to Spaces or Facilities.

a. Access to parking facilities shall not be less than twenty feet in width; except as follows:

(1) Access to parking facilities containing five or fewer parking spaces shall be not less than ten feet in width, except as provided in subsection (1), Driveway Design Standards, for private facilities for single-family homes.

(2) Access to parking facilities containing between six and twenty parking spaces shall be not less than twelve feet in width.

(3) Where separate one-way drive aisles are proposed, each shall be not less than ten feet in width.

(4) The zoning administrator shall determine the width of driveways serving parking facilities in the GB-O District based on the following findings:

i. That the width is necessary to preserve the open-space character of the area;

ii. That the width contributes to the compatible use of open-space lands.

(5) The public works department, planning and community development department, and/or the fire department may approve designs that vary from the above standards based on the individual circumstances of a parcel or use.

b. Backing Out.

(1) General. Driveways and aisles in a parking facility shall be designed so that vehicles do not back out into a street other than a residential alley.

(2) Exceptions. Parking facilities for single-family dwellings and duplexes not located on a highway or major or minor arterial, as shown on the General Plan Land Use Map, may provide for backing into the street. Parking facilities for three-family dwelling or triplex or four-family dwelling or fourplex may be designed to back out onto a street only if the street is not an arterial or collector street.

(3) Dimensions. Public and private parking facilities shall provide at least twenty-four feet of clear area behind parking spaces for backing-out and turning movements when ninety-degree parking spaces are used, at least fifteen feet when forty-five-degree parking is used, and at least eighteen feet when sixty degree parking is used. In unique situations, a California-licensed civil engineer may demonstrate with a turning diagram that this dimension can be reduced and still provide adequate on-site circulation for standard sized vehicles. Reductions in back-out area are subject to review and approval by the planning director or designee in consultation with the director of public works or designee.

4. Tandem Spaces.

a. Required parking spaces for residential uses may be provided in a tandem arrangement no more than three parking spaces deep. No parking space may be in tandem with a parking space for a separate dwelling unit except as allowed for accessory dwelling units.

5. Border Barricades. Every parking facility containing angled or ninety-degree parking spaces adjacent to a street right-of-way shall, except at entrance and exit drives, be developed with a solid curb or barrier along such street right-of-way line; or shall be provided with a suitable concrete barrier at least six inches in height and located not less than two feet from such street right-of-way line. Such wall, fence, curb, or barrier shall be securely installed and maintained.

6. Surfacing. All off-street parking facilities shall be surfaced with a minimum of five inches of concrete, or one and one-half inches of asphalt overlying four inches of base rock; except:

a. Temporary off-street parking facilities, which may be surfaced by placement of a single bituminous surface treatment upon an aggregate base, which bituminous treatment and base shall be subject to the approval of the director of public works;

b. Driveways and parking pads for single-family residences may be surfaced with four inches of concrete or other approved material;

c. Parking facilities approved by the zoning administrator or planning commission for a different parking surface;

d. All off-street parking facilities shall be so graded and drained as to dispose of all surface water from within the area; in no case shall such drainage be allowed to cross sidewalks.

7. Marking. Parking spaces within a facility shall be clearly marked and delineated. For nonresidential uses, wheel stops or curbing may be required.

8. Lighting. Lighting shall be directed onto the subject property only and shielded so that the light source is not visible from adjacent properties or streets. The requirements of Section 24.12.185.17 shall also apply to development proposals including any multi-family housing.

9. Landscaping and Screening.

a. General Requirements. Landscaping shall be provided in conjunction with the development or modification of any parking space or facility. Landscaping is employed to diminish the visibility and impact of parked cars by screening and visually separating them from surrounding uses and the street; to provide shade and relief from paved areas; to channel the flow of traffic and generally contribute to good site design.

(1) Every commercial parking facility abutting property either located in R-Districts or in residential uses shall be separated from such property or use by a permanently maintained evergreen hedge, view-obscuring wall or fence, raised planter, planted berm or the like. Such screening devices shall be of sufficient height to diminish the visibility and impact of parked cars and visually separate them from the adjacent residential zone or use. Screening devices may not exceed the standards set forth in Section 13.30.110.

(2) Except for parking facilities for single-family lot development, landscaped areas shall be separated from paved parking areas by a six-inch continuous concrete curbing, or other permanent landscape feature including fencing, gravel, or rigid landscape edging. Parking facilities that incorporate landscaped storm water treatment or retention areas in conformance with adopted city best management practices for low impact development shall be exempt from this requirement adjacent to those areas used for treatment or retention.

b. Standards for Multifamily, Over Five Units, Commercial and Industrial Developments. Every parking facility shall include a minimum of ten percent of area devoted to parking in permanent landscaping. Landscaping shall be installed in areas used to channel the flow of traffic within parking rows, at the entry to aisles, and at other locations specified by the approving body. Required landscaping shall include appropriate vegetation including trees which shall be provided in sufficient size and quality to adequately screen and soften the effect of the parking area, within the first year. Additional standards for screening found in Section 24.12.185 shall also apply where required.

24.12.295 OFF-STREET LOADING FACILITIES.

1. Purpose. To reduce street congestion and traffic hazards and to add to the safety and convenience of the community, adequate, attractively designed, and functional facilities for off-street loading shall be incorporated as necessary in conjunction with new uses of land.

2. General Provisions. For every building hereafter erected, which is to be occupied by manufacturing, storage, warehouse, commercial, residential, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, exercise facility or other similar uses or mixed-

use combinations requiring the receipt or distribution by vehicles of material and merchandise, off-street loading areas shall be provided in accordance with the requirements herein.

In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

3. Requirements.

a.

Gross Floor Area	Required Loading Spaces
10,000 to 24,999 square feet	4
25,000 to 49,000 square feet	2
For each additional 50,000 square feet or fraction thereof	4

<u>Use</u>	<u>Size of Use</u>	<u>Required Off-Street Loading Spaces</u>
<u>Manufacturing, storage, warehouse, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, exercise facility, or other similar uses</u>	<u>10,000 to 24,999 square feet of gross floor area</u>	<u>1 Type B</u>
	<u>25,000 to 49,000 square feet of gross floor area</u>	<u>2 Type B</u>
	<u>For each additional 50,000 square feet of gross floor area or fraction thereof</u>	<u>1 Type B</u>
<u>Office</u>	<u>0-24,999 square feet of gross floor area</u>	<u>0</u>
	<u>25,000-99,999 square feet of gross floor area</u>	<u>1 Type A</u>
	<u>over 100,000 square feet of gross floor area</u>	<u>2 Type A</u>
<u>Residential</u>	<u>0-50 Units</u>	<u>0</u>
	<u>51-200 Units</u>	<u>1 Type A</u>
	<u>over 200 Units</u>	<u>2 Type A</u>

b.

<u>MINIMUM DIMENSIONS FOR LOADING SPACES</u>			
<u>Type of Loading Space Required</u> <u>(See Table 22.112.130-A)</u>	<u>Minimum</u> <u>Length</u> <u>(feet)</u>	<u>Minimum</u> <u>Width</u> <u>(feet)</u>	<u>Required</u> <u>Vertical</u> <u>Clearance</u> <u>(feet)</u>
<u>Type A</u>	<u>24</u>	<u>8</u>	<u>None</u>
<u>Type B</u>	<u>30</u>	<u>10</u>	<u>14</u>

~~b. Each loading space shall be not less than ten feet in width, thirty feet in length, and with an overhead clearance of fourteen feet.~~

c. Such space shall not occupy all or any part of any required front or exterior yard area or court space, and shall not be located closer than twenty ~~fifty~~ feet to any lot in an R- District, unless inside a structure or separated from such district by a wall not less than eight feet in height, ~~provided a conditional fence permit is approved.~~

d. Sufficient room for maneuvering vehicles shall be provided on site.

e. Each loading berth shall be accessible from a street or alley.

~~f. Entrances and exits shall be provided at locations approved by the public works director.~~
The location of entrances and exits will be determined based on the results of a transportation study (if required based on Section 15.15.010) and approved by the City's public works director.

Alternatively, the applicant may allow the public works director to specify entrance and exit locations.

g. The loading area, aisles and access drives shall be paved with a durable, dustless surface, and shall be so graded and drained so as to disperse surface water.

h. Wheel stops and bumper rails shall be provided ~~where needed~~ for safety and ~~or~~ to protect property.

i. If the loading area is illuminated, lighting shall be directed away from any abutting residential sites and adjacent streets to reduce light and glare impacts, and shall conform to the standards of Sections 24.12.185.17 and 24.12.280.8 as applicable.

- j. No repair work or servicing of vehicles shall be conducted in a loading area.
- k. Trucks with trailers or detached trailers shall not be stored on-site.
- l. Loading areas shall be maintained in good condition and kept free of trash, debris, and display or advertising uses. No changes shall be made in the number of loading spaces designated on the parking plan without approval of review by the zoning administrator.
- m. Required off-street loading facilities shall be located on the same site as the use for which the off-street loading spaces ~~berths~~ are required.

24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES.

1. Policy and Purpose. Existing in Santa Cruz are certain deposits and sites of cultural significance believed to have been left by Native Americans and other early inhabitants. These deposits and sites are unique and irreplaceable phenomena of significance in the history of the city and the understanding of the cultural heritage of our land and of all humankind. Such sites have a deep, spiritual significance to Native Americans, especially the native peoples of the state of California, and constitute a precious archaeological and historical heritage which is fast disappearing as a result of public and private land development. Uncontrolled excavation or modification of these resources would destroy their cultural integrity. This loss would affect future generations and must be prevented in the public interest. Such cultural resources should be preserved in an undisturbed state wherever possible for future generations who should be more skilled and have access to better methods of study. In order to promote the public welfare, it is necessary to provide regulations for the protection, enhancement, and perpetuation of such sites. This section, therefore, is intended to provide a procedure for preserving the valuable cultural resources in the city of Santa Cruz. It should be noted that California Public Resources Code Section 5097.9 and Health and Safety Code Section 7050.5 protect archaeological and paleontological resources and supersede any local regulations.

2. Archaeological reconnaissance is required on sites proposed for development within areas identified as “highly sensitive” or “sensitive” on the general plan maps labeled “areas of archaeological sensitivity” and “historical archaeology sensitivity” prior to the issue of building or development permits. For development on sites that have “known resources” see subsection (12).

3. An archaeological reconnaissance shall include archival research, site surveys and necessary supplemental testing as may be required and shall be conducted by a qualified archaeologist. The significance of identified resources shall be ascertained in accordance with CEQA definitions. If significant impacts are identified, impacts and mitigation measures outlined could include but are not limited to avoidance, project redesign, deposit capping, resource recovery options and/or on-site monitoring by an archaeologist during excavation activities. A written report describing the archaeological findings of the research or survey shall be provided to the city and development applications shall demonstrate compliance with any recommended mitigations identified in the required report.

4. Exemptions for minor development are allowed within “sensitive” areas only. “Minor development” is defined for this purpose as development that involves spot excavation to a depth of twelve inches or less below existing grade or uses that have virtually no potential of resulting in significant impacts to archaeological deposits. Exempt projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

5. Developer's Action on Discovery of Artifacts or Remains During Excavation or Development. Any person exercising a development permit or building permit who, at any time in the preparation for or process of excavating or otherwise disturbing earth, discovers any human remains of any age or any artifact or any other object which reasonably appears to be evidence of an archaeological/cultural resource, shall:

- a. Immediately cease all further excavation, disturbance, and work on the project site;
- b. Cause staking to be placed completely around the area of discovery by visible stakes not more than ten feet apart forming a circle having a radius of not less than one hundred feet from the point of discovery; provided, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes such staking;
- c. Notify the Santa Cruz County sheriff-coroner and the city of Santa Cruz planning director of the discovery unless no human remains have been discovered, in which case the property owner shall notify only the planning director;
- d. Grant permission to all duly authorized representatives of the sheriff-coroner and the planning director to enter onto the property and to take all actions consistent with this section.

6. Coroner's Action on Discovery of Remains. If human remains are discovered, the sheriff-coroner or his/her representative shall promptly inspect the remains to determine the age and ethnic character of the remains and shall promptly, after making such determinations, notify the planning director. If the remains are found to be Native American in origin, the sheriff-coroner shall notify the Native American Heritage Commission. The Native American Heritage Commission will identify the Native American most likely descendant who will provide recommendations for the proper treatment of the remains and associated artifacts per California State Resources Code Section 5079.9.

7. Planning Director's Action on Discovery of Artifacts. If any artifacts are discovered, the planning director shall cause an on-site inspection of the property to be made. The purpose of the inspection shall be to determine whether the discovery is of an archaeological resource or cultural resource. In making a determination, the planning director may also consult with Native American groups, qualified archaeologists, or others with the necessary expertise.

8. Discovery Not an Archaeological/Cultural Resource. Upon determining that the discovery is not of an archaeological/cultural resource, the planning director shall notify the property owner of such determination and shall authorize the resumption of work.

9. Discovery an Archaeological/Cultural Resource. Upon determining that the discovery is of an archaeological/cultural resource, the planning director shall notify the property owner that no further excavation or development may take place until a mitigation plan or other measures have been approved by the director for the protection of the site.

10. Mitigation Plan. The property owner or his/her agent shall prepare any required mitigation plan. The mitigation plan shall include conditions necessary or appropriate for the protection of the resource including, but not limited to, conditions on the resumption of work, redesign of the project, or other conditions deemed appropriate by the planning director. The director shall review the mitigation plan and may consult with Native Americans, archaeologists, or other interested persons to ensure proper protection of the resource. When the director is satisfied that the mitigation plan is adequate and that the development plan has been altered sufficiently to demonstrate compliance

with all recommended mitigations of the mitigation plan, the director shall authorize the resumption of work in conformance with the mitigation plan.

11. Referral to Historic Preservation Commission. The planning director may refer to the historic preservation commission the decision whether the discovery is of an archaeological/cultural resource and the decision whether the mitigation plan is adequate to protect the resource. If the director refers the matter to the historic preservation commission, a public hearing shall be held in conformity with the requirements of this title relating to public hearings.

12. Development on Known Archaeological Sites. No building permit for any earth-disturbing activity shall be issued on parcels identified by resolution of the city council as containing known cultural or archaeological resources without the owner first obtaining an administrative use permit. The administrative use permit shall be conditioned with appropriate archaeological survey and mitigation procedures such as those prescribed in the Historic Preservation Element and the Local Coastal Land Use Plan.

Part 8: UNDERGROUND UTILITIES

24.12.700 GENERAL.

All facilities and wires for the extension of facilities for the supplying 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. ~~Where this requirement would be impractical or unreasonable, the director of public works, upon application of the property owner, may permit overhead services.~~
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.

CITY OF SANTA CRUZ

Objective Development Standards

DRAFT FOR ADOPTION, 5/20/2022

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Document Guide

Purpose of the Document

The purpose of this document is to provide a set of clear, objective, and measurable standards for multi-family and mixed-use residential development that is consistent with the character of Santa Cruz while also ensuring that new housing development is economically feasible.

To address the housing shortage, recent State legislation, including Senate Bill (SB) 35, SB 330, and SB 9, requires multi-family projects to be reviewed only against objective design and development standards. According to the Government Code (Sections 65913.4 and 66300[a][7]), objective development standards “*involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable*” by development applicants and public officials before submittal of a project application. In other words, objective standards allow applicants to know the requirements that will apply to a proposed project so that they can design a project that meets those standards. These objective development standards can therefore make development more predictable and easier to interpret for all stakeholders, including decision makers, City staff, applicants, and members of the public.

The standards in this document will dictate the form and style of new development on some prominent parcels throughout the city at key intersections and in many residential neighborhoods. Creating standards that are easy to understand and effective at creating high-quality buildings will make creating new affordable and market rate housing easier and more transparent for existing and future residents of Santa Cruz.

Relationship to Other Planning Documents

While the City has many design guidelines that promote best practices, many are subjective or optional, and therefore cannot currently be enforced under State law. The objective development standards in this document work as a baseline, creating citywide standards that apply to all new multi-family and mixed-use residential projects. The standards in this document work in tandem with other City standards already in place.

- **General Plan.** The General Plan contains objective standards related to floor-area-ratio (FAR) and/or development density for all land uses in the City. The objective development standards in this document are consistent with the General Plan and dictate the bulk, mass, and design of buildings in a more fine-grained way than the General Plan.
- **Area Plans.** The Area Plans will continue to set a vision and best practices for specific geographic areas/neighborhoods in Santa Cruz. Where applicable, the objective development standards have drawn on standards and guidelines that exist in the Area Plans. Objective standards that exist in Area Plans will continue to apply. Objective standards can be identified in Area Plans by reviewing guidelines and standards for words like “must,” “shall,” “will” or “will not.”
- **Zoning.** The Zoning District Standards contain objective standards that define the building envelope such as setbacks, heights, parking, and open space requirements. These district-by-district standards will continue to dictate basic development standards, and the objective development standards will apply in addition to these requirements, providing refinement in terms of site and building design. Note that in order to maximize opportunities for housing, zoning standards relating to required open space are proposed to be amended with the objective standards.
- **Other Municipal Code Sections.** The City also maintains and enforces standards related to stormwater drainage, roadway and traffic requirements, and standards for working within the public right of way to install sidewalks, street trees, and lighting. These standards will continue to apply, and City departments are evaluating the need to make some of the existing standards more objective in order to ensure they continue to apply in the necessary manner.
- **Building Standards Codes.** All construction in the State of California is subject to the California Building Standards Codes which dictate health, safety, and energy and water efficiency standards for new and remodeled structures. In Santa Cruz, the City’s Green Building Program also requires additional green building features of every new housing unit and requiring responsible disposal of construction waste products.

Implementation

The objective standards in this document relate to building design and site design for new development and redevelopment projects (including all multi-family proposals that meet the definition of demolition in the municipal code). The standards here will be incorporated into the zoning code as part of chapter 24.12, meaning they will be required of all new development and

could be waived through a State Density Bonus application for projects providing income-restricted affordable housing units or, like any zoning standard, could be subject to an application for a variance in situations where exceptional circumstances prevent a particular site from being able to meet one or more of the standards or varied through an application for a Planned Development where public benefit is proposed. Like other zoning standards review for compliance will happen during the development review process, and ongoing maintenance of required conditions will be a matter of code enforcement.

Community Input

In the preparation of this document, the City performed significant outreach to understand the desires of the Santa Cruz community. These standards were shaped in response to the preferences gathered through this outreach process. Excerpts from the outreach efforts are included as call-out boxes throughout the document – these are not intended to be regulatory and are simply provided to give background and context.

Word on the Street

Look for this box for snippets of what we've heard from our community engagement exercises, including public meetings, focus groups, interviews, and online surveys.

Assumptions

The regulations in this document shall apply to newly constructed residential and mixed-use buildings proposed in the city of Santa Cruz in any district other than the Central Business District (CBD). In some cases, standards apply to some zoning districts and not others; where no specific district is indicated, standards apply to all zoning districts other than the CBD and CBD-E, which are governed by the Downtown Plan. Due to potential changes in allowable development densities as a result of State-level legislation, these standards are written to apply to multi-family development – from duplexes to mid-rise buildings, and everything in between – in any zoning district including the R-1 zone, even though the R-1 zone is currently limited to development of single-family homes and duplexes. These standards are intended to ensure high-quality design of any new or redeveloped multi-family housing, regardless of zoning district, General Plan designation, or property ownership.

Throughout the document there are some standards which may apply specific considerations to different zoning districts because of their specific types of uses or densities. Generally, differences are split between those districts that are primarily commercial, mixed-use, or residential in nature. Where standards differentiate between districts, the specific districts they apply to are listed. If no specific district is listed, then the standard applies to all districts.

All standards in this document are written to be objective and quantifiable. Where a measurement in feet is given, it is assumed to be a linear dimension in the horizontal or vertical direction, unless otherwise stated. Where a measurement in square feet is given, it is assumed

to be gross square feet, unless otherwise stated. Where a specific term is not defined, the definitions contained in Chapter 24.22 of the Santa Cruz Municipal Code shall apply.

Differentiation by District

Surveys and focus group discussions with the Santa Cruz community revealed that, while neighborhoods do have unique characteristics in terms of street width, building spacing, streetscape improvements, and existing uses, there is no single architectural or building style that best represents any given district or neighborhood. In fact, there was a strong feeling that an eclectic mix of architectural styles is what best represents the city's architectural identity. Similarly, survey respondents preferred giving architects creative freedom over certain design features instead of dictating strict standards.

However, the results also indicated that community members desire a difference between how buildings are designed in residential neighborhoods versus along the city's major corridors (like Soquel Avenue, Ocean Street, Mission Street, and Water Street). The findings are summarized below:

- It was commonly expressed that buildings along major corridors can be taller and larger and should be designed to contribute to the walkability and livability of the community, with active ground floor uses and more space for pedestrians.
- By contrast, the lower-intensity, more residential neighborhoods were described as having a diversity of single-family homes alongside smaller apartment buildings, with abundant opportunities for landscaping.
- For all areas, the community expressed a desire for high-quality building materials, architectural features and/or detailing, and for sustainability measures that reflect the environmental values of Santa Cruz.
- In addition to environmental sustainability, the community voiced a strong desire to prioritize housing affordability and creation of a more livable, newer housing stock.

Word on the Street

Survey Results

- On commercial corridors, **67 percent of respondents preferred an eclectic building look** over a uniform one.
- In both commercial and residential areas, respondents generally preferred giving architects freedom or a menu of options.

Focus Group Feedback

- **"Santa Cruz is about uniqueness and being different**, like there's nothing that's exactly the same in Santa Cruz and that comes from the culture of not only the buildings but mostly the community and the people and the types of people that live in Santa Cruz. It's about being different and embracing your own uniqueness and everyone is ok with that. Everyone is ok with being different, which I think is really magical and something that's really important to the culture of Santa Cruz."
- "[An eclectic mix] is the only [option] I wrote yes to...It is the change in heights, it is not a box, it has visual interest, **and a mix of styles.**"

- As noted above, elements that contribute to the unique feeling of each neighborhood include the width of the streets, the sizes of the lots, the heights of the buildings, the distance that buildings are set back from the street and one another, and the mix of residential densities and non-residential uses. These are patterns that have been set – and continue to be governed – by requirements of the different zoning districts and street plan lines.

In response to these findings, the Objective Standards do not require any specific architectural style for specific neighborhoods and enable a wide variety of building styles throughout the City. Instead, these new standards require specific design approaches related to the scale and type of development in each zoning district. In a few cases, they create flexibility for building forms to achieve specific, performance-based outcomes. For all residential development, the Objective Standards emphasize human scale design, depth and articulation of building faces, high quality building materials, and sustainable design.

I. Site Design

Consistent with the City of Santa Cruz General Plan Goals and Policies and feedback from community members, the following site design requirements guide a development pattern that promotes walkability, minimizes the visual and physical impact of vehicles, and supports opportunities for greenery and landscape.

A. Maximum Building Length

Goals: *To incentivize multi-family buildings that are more affordable by design, and more 'house-sized' in residential zone districts.*

1. In all R-districts: The maximum building length shall be as dictated by required setbacks and parcel dimensions. Where the building façade along the [public frontage](#) is no greater than 75 feet in length and where the proposal meets the definition of a [stacked flat](#) building type (as opposed to a [townhome](#) building type), the parking requirement shall be reduced by half.
 - i. On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest sidewalk. Required sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.
2. In C-C, R-T, C-T, C-N, C-B, and all MU districts with mixed use development: The maximum building length shall be as dictated by required setbacks and parcel dimensions.

B. Walkability

Goal: *To promote pedestrian permeability and walkability through districts as redevelopment occurs over time, particularly for larger sites.*

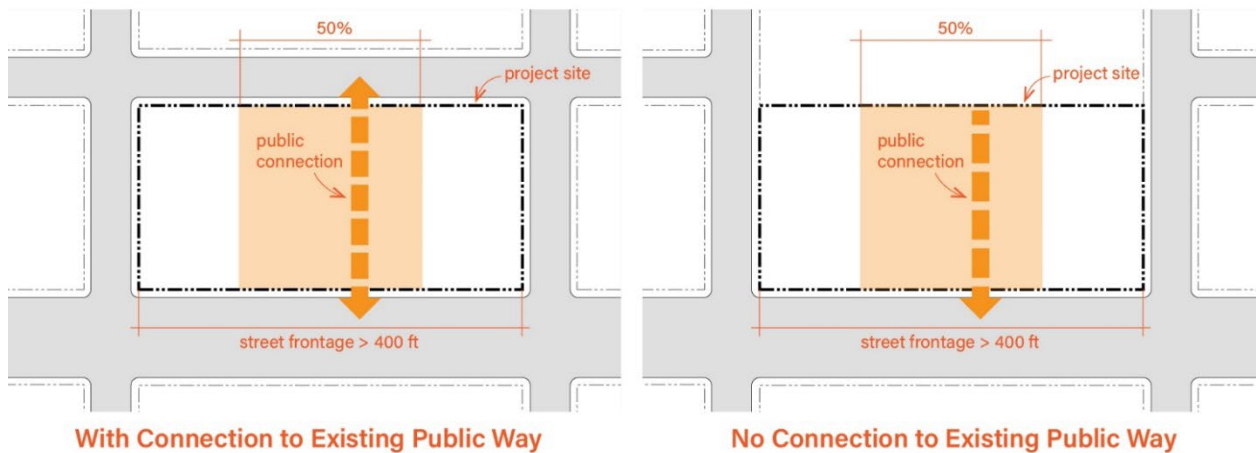
1. Existing public connections:
 - i. In all areas of the city, where a project site includes an existing public street, alley, path, , paseo, trail, or other public pedestrian connection, this public connection will be maintained or relocated within the project site.
 - ii. Existing frontage improvements including any bike lanes or sidewalks will be maintained, repaired, or upgraded as dictated by any applicable Area Plan, or, in the case where no Area Plan applies, the requirements of Section II.E Ground Floor Design, or the requirements for sidewalk widths as defined in Chapter 15.20 of the Municipal Code. Where any inconsistency between regulatory documents is present, the widest applicable sidewalk requirement shall apply.
 - a. Decorative sidewalks may be required based on Area Plan standards. Installation of all sidewalks will be based on the standard details provided by the Department of Public Works.
 - iii. The total number of connections through the site for cyclists and pedestrians shall not be reduced.
2. New public connections:
 - i. Where a new public street, alley, path, paseo, trail, or other public pedestrian connection is required by an Area Plan, this connection shall be incorporated into any development or redevelopment proposal for the sites identified by the Area Plan.
 - ii. Where the street frontage length of a site exceeds 400 feet along a single roadway, and there is not already a public connection required by an Area Plan, the project proposal shall include a minimum of one publicly accessible street, alley, path, paseo, trail, or other public pedestrian connection within the middle 50 percent of the site. See **Figure 1**.
 - a. Where the new street, alley, path, paseo, or trail cannot connect to an existing public way, the owner of the property may reserve the right to restrict access to the public way until such time as further development allows such a connection to be made. When a connection to another public way is made, clear public access shall be provided, signage indicating that it is a public passage shall be posted, any gates or physical access restrictions shall be removed, and access shall be guaranteed through the granting of a public easement.

Word on the Street

Interview Excerpt

"People will say to me, 'You don't have a car? How do you get around?' Um, I walk! I prefer to walk. I always wanted to retire where I could walk to things, [it] was never [the plan] that I would have a car. **I want to be able to walk to shopping or take transit. It's very important for my living space.**"

Figure 1: New Public Connections



- iii. Regardless of the street frontage length of a project, properties abutting a public street, alley, path, paseo, trail, or other public connection on a side or rear property line shall incorporate a connection between the parcel street frontage and that existing public connection with any new development or redevelopment proposal. These connections shall allow clear passage during daylight or business hours as applicable, whichever is longer. This standard shall not apply to corner lots.
- iv. All new pedestrian or bicycle connections not including required street-side improvements such as sidewalks and on-street bike lanes shall be at least 10 feet wide and a minimum of 80 percent open to the sky. Standards for public or private streets shall be met as required by Department of Public Works design guidelines.
3. Development or redevelopment proposals on properties with street frontage shall be required to install new or improve existing sidewalks in accordance with the requirements of any Area Plan, the requirements of Section II.E Ground Floor Design, and the requirements for sidewalk widths as defined in chapter 15.20, as applicable. Where any inconsistency between standards exists, the wider sidewalk standard shall apply.

C. Public Frontages

Goal: *To ensure that new development is pedestrian-oriented and provides ground floor uses that activate the public realm.*

1. Where a common Residential lobby is provided, the lobby shall be accessed from a [public frontage](#).
2. In all MU zones, the ground floor along any [public frontage](#) shall consist of 100 percent Uses for Active Frontage as allowed in the underlying zone district.
3. In the C-C, R-T, C-T, C-N, and C-B zones, the ground floor along the [public frontage](#) shall consist of no less than 50 percent Uses for Active Frontage as allowed in the underlying zone district.
 - i. On lots with multiple public frontages, such as corner lots or double-frontage lots, this requirement applies only to the public frontage requiring the widest

sidewalk. Required sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.

4. Uses for Active Frontage shall be subject to the following standards:
 - i. Uses for Active Frontage shall be built to a minimum depth of at least 25 feet as measured perpendicular to the [predominant building face](#), with the exception of areas for building ingress/egress and access to parking or loading areas. If more than one ground floor Active Frontage space is provided, the 25-foot minimum depth shall be applied as an average depth of the total depth of all the Active Frontage spaces along the predominant building face.
 - ii. Mechanical rooms shall not be placed along the public frontage. Mechanical rooms shall be located adjacent to a driveway or parking area.
 - a. On lots with multiple public frontages, such as corner lots or double-frontage lots, mechanical rooms may be located on a public frontage. For these lots, mechanical rooms are prohibited along the public frontage requiring the widest sidewalk of all frontages on the property. Sidewalk widths are determined by considering any relevant Area Plan requirements and the requirements of Chapters 24.12 and Chapter 15.20. In all cases, where any inconsistency is present, the required sidewalk width shall be the widest standard applicable.
 - iii. Amenities provided to building residents do not qualify as Uses for Active Frontage unless they are also open and available to the general public.
5. In the C-C, R-T, C-T, C-N, C-B, and all MU zones, the ground floor facing a [public frontage](#) shall be subject to the following standards:
 - i. On corner lots, the ground floor shall have 100 percent commercial uses at the corner, extending for at least 30 feet on either side of the corner, or the distance of the frontage of the corner parcel, whichever is less.
 - ii. Entries to ground floor uses shall be placed at an average of every 50 linear feet or less of building frontage. The following uses are exempt from this requirement:
 - Food and Beverage Stores, Medial/Health Offices
 - Lodging in areas designated MXVC in the 2030 General Plan
 - iii. Residential or Commercial lobbies are limited to a maximum of 30 feet of frontage, unless they are combined with an [Active Use](#), in which case they are limited to 50 feet of frontage.
6. In all R-districts, with the exception of flag-lots, a parcel's [public frontage](#) shall be comprised of ground-floor residential uses that are oriented toward the public frontage.
 - i. Ground floor residential units that face a [public frontage](#) shall provide an entry facing toward the public frontage that provides access into an entry area, living area, kitchen, or hallway (not a bathroom or bedroom, with the exception of studios).

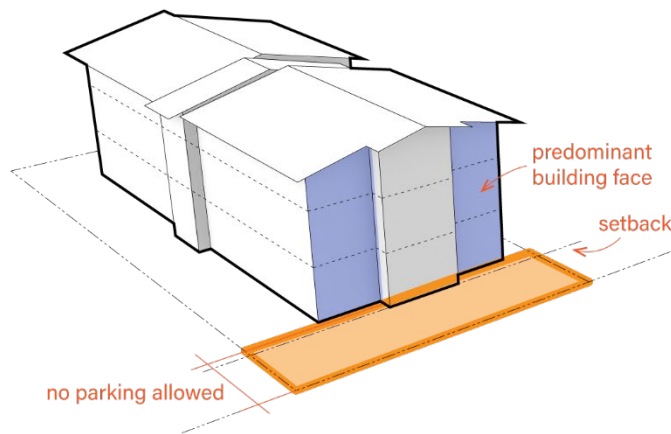
- ii. Entries facing a [public frontage](#) shall include a minimum of 48 square feet of flat, unenclosed, covered area, which may be a projection, or inset, or a combination of the two. (See Planning Code Section 24.12.120 for allowed projections into setback areas.)

D. Parking Location and Screening

Goal: To minimize the visual impact of parked cars from sidewalks and streets.

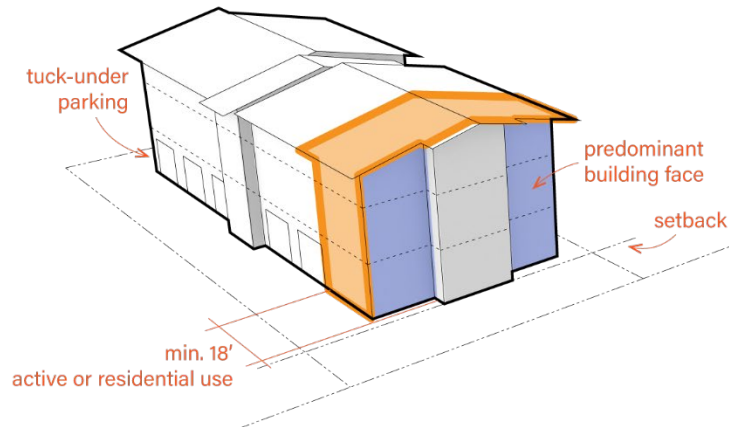
1. Off street parking and loading facilities, including bike parking requirements, shall be provided as required in Section 24.12 Part 3.
2. For projects including five or more dwelling units, parking shall not be located in the area between the front lot line and a line extended horizontally from the plane of the [predominant building face](#) to the edges of the lot. See **Figure 2**.

Figure 2: Parking Location



3. Residential parking for projects including five or more dwelling units shall be screened from view in the following ways:
 - i. Podium parking facing a [public frontage](#) shall be wrapped with Uses for Active Frontage as allowed in the applicable zone district or residential uses on all levels facing a public frontage to a depth of at least 18 feet average, measured on each level perpendicular from the [predominant building face](#). (Also see [Active Building Frontage](#) requirements which may apply at the ground floor.)
 - ii. Tuck-under parking shall be entirely contained within the building and screened by garage doors. Where it faces a [public frontage and the underlying zoning requires a setback of less than 15 feet from the public right of way](#), tuck-under parking shall be wrapped with active or residential uses to a depth of at least 18 feet average, measured perpendicular from the [predominant building face](#). See **Figure 3**. (Also see [Public Frontage](#) requirements which may apply at the ground floor.)

Figure 3: Tuck-Under Parking Screening



- iii. The entire perimeter of a surface parking area that fronts onto a side or rear yard, except the width of the access, shall be screened by buildings, evergreen [buffer landscaping](#) to a minimum depth of 3 feet, or fences that are at least 75 percent opaque. Fences or hedges shall not be greater than, nor allowed to exceed 8 feet in height on an interior side yard or rear yard, or 3.5 feet in height in a front or exterior side yard. (Also see Section 24.12.280.)
4. In any multi-level parking structure, the exterior shall be fully screened, and automobile headlamps shall be shielded so as to not be visible from adjacent parcels, streets, public parks, publicly accessible outdoor space, or designated open space area.
5. Driveways and approaches shall comply with the standards set forth in Municipal Code Sections 15.20 and 24.12.280 and the driveway approach standard detail included with the public works standards in effect at the time of design review and shall be designed in accordance with AASHTO Green Book sight distance standards. Ingress/egress to driveway approaches may be limited based on the results of a Transportation Study.

E. Landscape and Buffering

Goal: *To enhance the urban forest, provide shade for buildings and sidewalks, incorporate landscape, and provide visual buffering into new development in a way that is visually appealing and consistent with the character of Santa Cruz.*

In R-districts, the goal of landscape is also to soften the massing of buildings as they front the street. In commercial and mixed-use districts, the goal is also to create a landscaped edge to sidewalks and encourage the incorporation of terraces and balconies for usable outdoor space (livability), architectural interest (modulation), and access to outdoor space for public health and passive cooling (resilience).

Word on the Street

Survey Results

- When asked what features residents would like to allow in a larger front setback, 23 percent of respondents voted for landscaping.

Focus Group Feedback

- “[The] trees are memorable and special, [and] they create peace. There’s a lot of access to nature...biodiversity.”
- “[Referring to sidewalk amenities:] more emphasis on greenscaping, [being] environmentally conscious. **More native trees and plants**, and more trees in general.”

1. In all R-districts:
 - i. All open spaces in the front setback (excluding areas for driveways and sidewalks), shall be at least 75 percent landscape (planted materials) that are selected to comply with WELO standards as found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review. The selected planted materials shall be WELO compliant even when the formal requirements of the WELO do not apply to the project.
 - ii. Selected plant species for the site shall incorporate a mix of trees, shrubs, and ground cover.
 - iii. Turf areas shall include no more than 25 percent of the total irrigated area on the site.
2. In the C-C, R-T, C-T, C-N, C-B, and all MU zones:
 - i. All [public frontages](#) shall incorporate 12 square feet of planted area for each 30 linear feet of building frontage counted by rounding up to the next increment of planted area. For example, a building with a 31-foot building frontage would incorporate a minimum of 24 square feet of landscaped area (two increments of 12 square feet).
 - ii. This may be provided in small, individual pockets of planting, or in larger planted areas, and must occur within the property line. This standard applies regardless of ground floor use.
 - iii. A [landscaped buffer](#) of at least 5 feet in depth and the length of the property line shall be provided at the rear property line on sites that are 100 feet or greater in depth and abut a residentially zoned parcel at the rear property line.
 - iv. Plants shall be selected to comply with WELO standards found in Chapter 16.16 of the Santa Cruz Municipal Code that are current at the time of design review.

- v. Street Trees shall be planted in the public right of way, or within 5 feet of the public right of way, at a rate of 1 tree per each 30 feet of site frontage. Spacing of trees shall be sufficient to accommodate the mature canopy of each specimen, and installation shall be in compliance with the planting requirements of the Parks and Recreation and Public Works Departments, including the Street Tree Master Plan, and the requirements of Municipal Code Section 13.30 and 15.20 as applicable at the time of design review.
 - vi. Any plantings or landscaping materials within surface parking areas are required to comply with the City's Low-Impact Development (LID) standards, Storm Water Best Management Practices, and Storm Water Management Program.
3. Refuse/Recycling Storage Facility: Enclosures for refuse bins or dumpsters are required of all new multi-family and mixed-use residential projects with three 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 Standard Design Policy.

F. Usable Open Space

Goal: *To enhance the livability of new residential buildings with well-designed, functional open spaces with landscaping and amenities for residents to enjoy.*

- 1. In the C-C, R-T, C-T, C-N, C-B and all MU districts:
 - i. At least 40 square feet of private open space and at least 20 square feet of common open space shall be provided per dwelling unit.
 - ii. Common open space may be substituted for private open space at a ratio of 2:1 (i.e., 80 square feet of common open space may be substituted for 40 square feet of private open space).
- 2. In all R-districts: the amount of required open space shall be determined by the underlying zone district standard.
- 3. In all districts where residential uses are an allowed use:
 - i. Private usable open space must be at least 4 feet in any horizontal dimension and common usable open space must be at least 15 feet in any horizontal dimension.

- ii. There shall be no limit to the percent of the required open space that may be assigned to private balcony or patio areas.
- iii. No less than 25 percent of the total common open space area shall be permanently landscaped with live plant material incorporating trees, shrubs, and groundcover.
- iv. A minimum of three of the following features shall be incorporated into common open spaces and maintained on the site:
 - Fixed or movable seating
 - Picnic-style tables
 - Shade trees (see allowances under 24.22.586, Open Space, Useable) or shaded canopy
 - Community garden
 - Flowering plants
 - Native habitat
 - Play area for pets
 - Educational or interpretive information about geographic, historic, or ecological features, such as plaques about relevant tribal history or indigenous plant information
 - Outdoor kitchen equipment or fire pit
 - Children's play equipment
 - Sports courts
 - Public art or interactive art, such as a life-size chess game, sculpture, or murals
 - Spa, pool, or hot tub

Word on the Street

Focus Group Feedback

"[In a previous living situation with communal courtyards] having those communal spaces, they were not used as much as you would think. They were often empty...Having the **individual spaces will probably be used more often.** Having communal space is important, but people will find communal space elsewhere."

"People would use [communal space] sometimes for soccer games and sometimes for a birthday party, but it wasn't used on a day-to-day basis the way a private space is. You can't go to the park and, you know, have your coffee, and you can't let your dog poop wherever you want, and you can't grow your basil and know that no one else's dog is pooping on it."

Word on the Street

A wide variety of menu options are provided so that developers and architects can decide what may work best in a certain location. This is based on community feedback that amenity needs vary by location. One participant wrote:

"Generic public spaces are often "sterile" and underused, it's essential to **determine what makes some spaces work as opposed to others.**"

- v. Common open space may be provided on building rooftops as roof decks. Such usable open space is not counted as an additional story if rooftop structures comply with Municipal Code Section 24.12.150 Height Limits Modifications.
- vi. Up to 30 percent of required common open space may be provided as publicly accessible open space that supports a retail or restaurant use, such as a courtyard, outdoor dining area, or other active use (i.e. not auto or bike parking), which is open to the sky, and is not less than 15 feet in any horizontal dimension, so long as the space is freely accessible to building residents without requirements to patronize the business use. Areas that are reserved exclusively for customers will not count toward required open space.

II. Building Design

A. Neighborhood Transition

Goal: To create a transition between new development and existing neighborhoods, provide privacy for current and future residents, and minimize potential shading on neighboring residents.

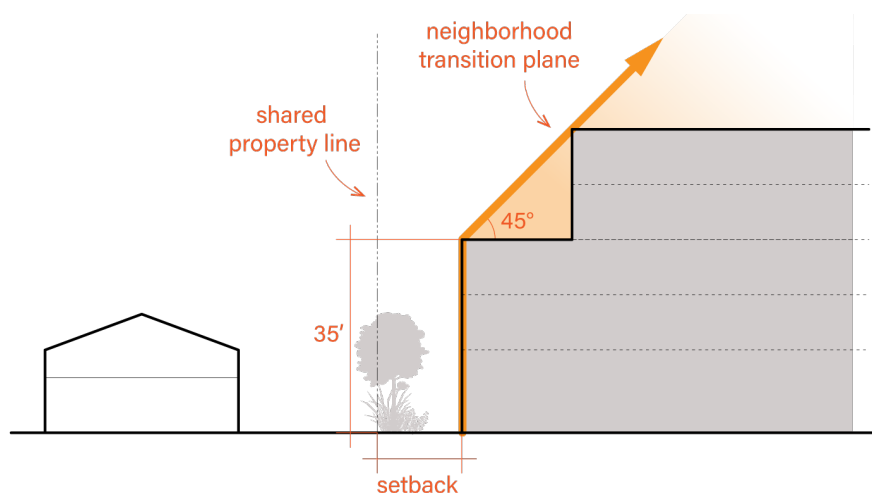
1. In the C-C, R-T, C-T, C-N, C-B, and all MU districts: along property lines that abut an R-district:
 - i. Buildings shall not intercept a 45-degree neighborhood transition plane inclined inward from the underlying setback, starting at a height of 35 feet above grade. See **Figure 4.**

Word on the Street

Community Feedback

Community members who attended public hearings and participated in our online web activity frequently mentioned the idea of a **daylight plane**. Development professionals also responded well to this idea, citing its clarity compared to the previously proposed standard to reduce the floorplate of only the uppermost story of taller buildings.

Figure 4: Neighborhood Transition Plane



2. Private or shared balconies and decks shall not extend into an underlying setback.
3. The occupiable area of roof decks, including any deck on roof area falling under the neighborhood transition plane, shall be set back at least 3 feet from the building edge and any railings, shade structures, or accessory structures shall not intersect the required neighborhood transition plane. Rooftop lighting shall also comply with [Lighting](#) requirements.

B. Roof Form

Goal: *To ensure that the tops of buildings are designed with architectural interest, and to reduce the bulk of buildings as they meet the sky.*

1. Buildings shall be designed with variation in roof form. The number of required roof forms shall be calculated at a ratio of at least one roof form for every 30 feet of frontage and shall be located within 15 feet of the [predominant building face](#) on all building frontages. On Corner lots or double-frontage lots, standards for variation in roof form will apply to all frontages. See **Figure 5**.
 - i. Roof form is defined as a geometric plane or set of planes which form the top enclosure of a volumetric area below it/them. Common types of roof forms are gabled, hipped, sloped, flat, and flat with a decorative parapet. Examples of roof forms are illustrated in **Figure 6**.
 - ii. A change in roof form must be combined with a change in height of at least 3 feet, a horizontal change in plane of at least 4 feet, or a change in roof pitch. See **Figure 7** for examples. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.
 - iii. Smaller roof forms that cover enclosed space (such as dormers and bay windows) count as individual roof forms if they are at least 36 square feet in horizontal surface area. Bay windows located on a wall below another roof form will not count as individual roof forms regardless of size.
 - iv. Unenclosed space (such balconies, terraces, porticos, and belfries) count as individual roof forms if they are at least 48 square feet in horizontal area. Balconies should also conform to the standards for Useable Open Space in Section I.F.
 - v. For the purposes of calculating the number of required roof forms on a building, each increment of 30 feet of building frontage requires an additional roof form, counted by rounding up to the next whole number. For example, a frontage of 31 feet would be required to provide two roof forms. However, there is no maximum dimension for any one roof form, nor are roofs required to be designed in 30-foot increments.

Figure 5: Applying Roofline Standards

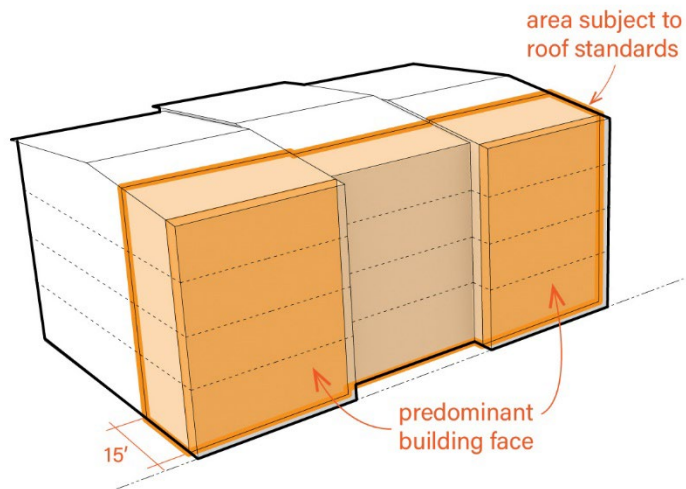
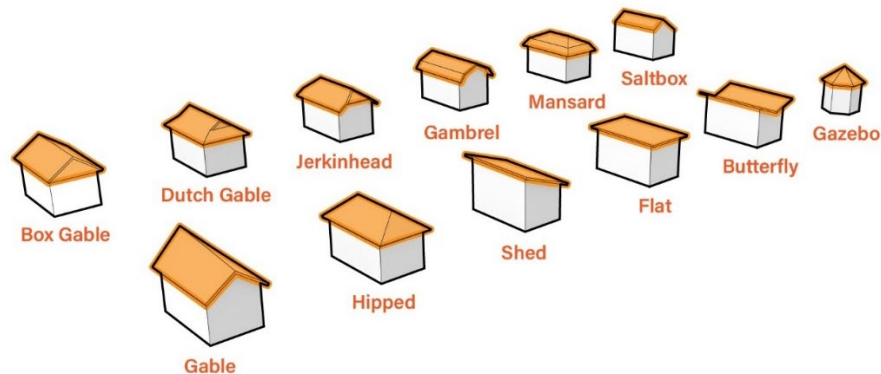


Figure 6: Roof Forms

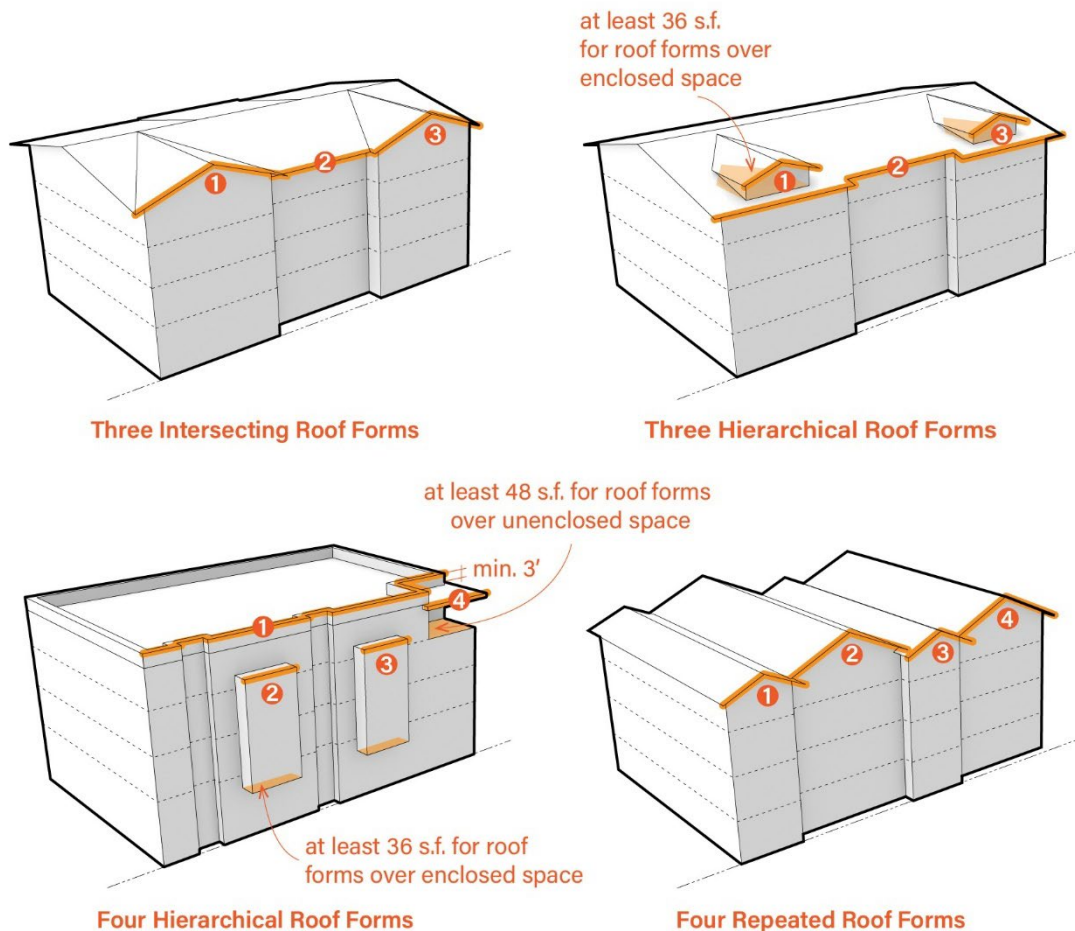


2. Combining Roof Forms

- i. The required number of roof forms may intersect to create more complex roof forms or may be organized in a hierarchy. Examples of combined roof forms are illustrated in **Figure 7**.
- ii. Roof forms may be repeated, as with a flat roof that steps up or down, or a sawtooth.
- iii. Where two or more forms intersect or combine to create more complex forms, each is counted as an individual roof form. For example, two hipped forms may intersect to create a hip and valley form, which would count as two roof forms.
- iv. Where two or more roof forms are organized in a hierarchy, each is counted as an individual roof form. For example, the dominant roof form may be a hipped roof, which has two dormers with open gable roofs, which would count as three roof forms. Another example is a flat roof on a building that has two bay windows with flat roofs, each at least 36 square feet in area. See **Figure 6** for examples.

- v. For flat roofs and flat roofs with decorative parapets, changes in roofline must be accompanied by a minimum 2-foot change in height relative to the adjacent roof form. For buildings that are three stories or taller, the minimum change in height shall be 3 feet. This change in height shall be measured to the top of the parapet, where present. Changes in roof form shall not exceed allowed building heights, as defined by the underlying zone district.

Figure 7: Combining and Counting Roof Forms

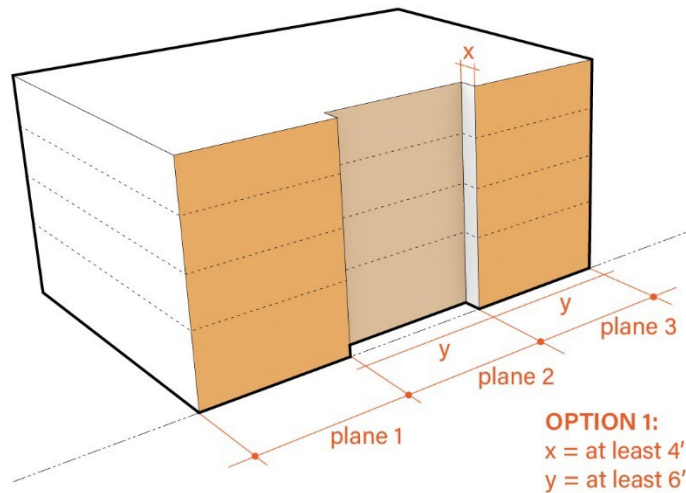


C. Building Modulation

Goal: To break up large building faces and create visual interest for pedestrians, neighbors, and visitors.

1. Where no other modulation controls apply (e.g., an Area Plan), building faces that are longer than 30 feet wide shall be articulated in one of the following three ways.
 - i. Provide a horizontal change in plane for every 30 feet building face, rounded up to the next whole number (e.g., a frontage of 31 feet would be required to provide two changes in plane). As shown in **Figure 8**, the change in plane must be at least 4 feet deep and 6 feet wide, and must be open to the sky; or

Figure 8: Building Modulation – Option One



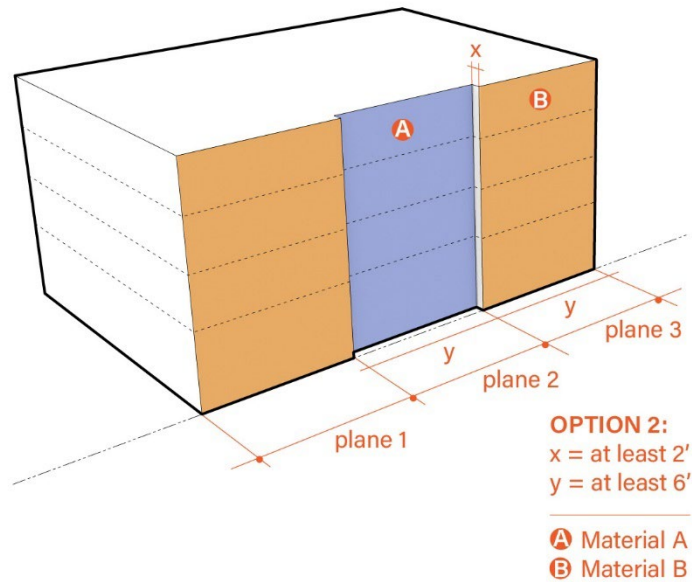
- ii. Provide a horizontal change in plane for every 30 feet of building face, rounded up to the nearest whole number (e.g., a building face of 31 feet would be required to provide two changes in plane). As shown in **Figure 9**, the change in plane must be at least 2 feet deep and 6 feet wide, and be combined with a change in material; or

Word on the Street

Focus Group Feedback

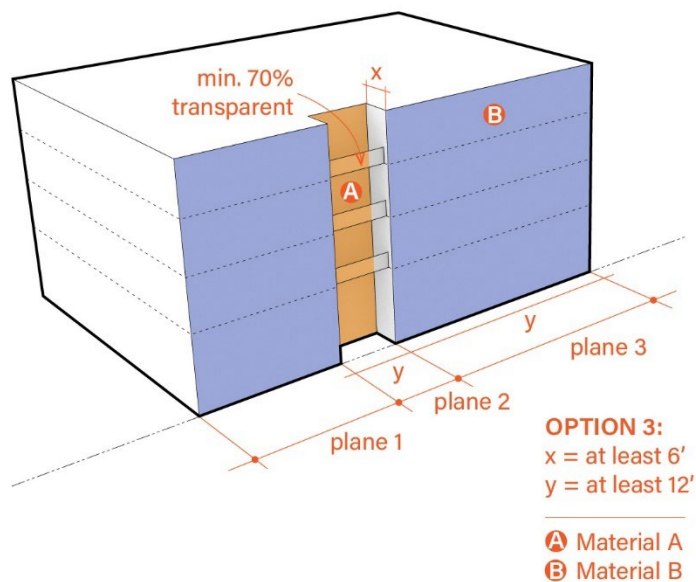
(Responding to images of different buildings) “[The image on the left] is very monolithic. It’s like a big slab presented at you. Even though it has only one more floor than the one on the right, **it looks visually so much more obtrusive because it doesn’t have any architectural features to break it up.**”

Figure 9: Building Modulation – Option Two



- iii. Provide a horizontal change in plane at an interval of 50 feet or less. As shown in **Figure 10**, the change in plane must be at least 6 feet deep and 12 feet wide, and be combined with a change in material. When implemented as building notches, such notches may contain balconies, as long as the railing is at least 70 percent see-through or transparent.

Figure 10: Building Modulation – Option Three



2. Building faces that are less than 30 feet wide are not required to have a change in plane incorporated into their design.

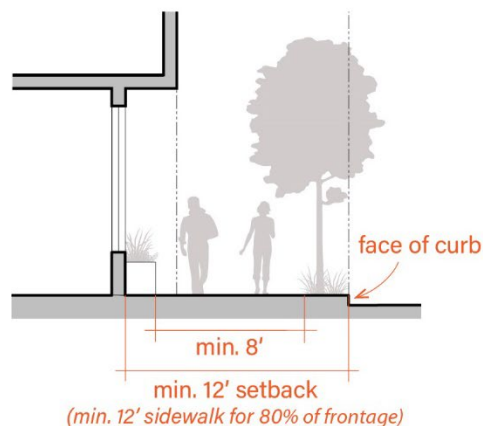
3. Projections from the building face including balconies, awnings, signs, and decorative elements are not considered to be changes in plane.

D. Corridor Frontage

Goal: To ensure that buildings in denser, mixed-use districts are designed with functional, human-scaled ground floors that promote walkability and provide space for local businesses.

1. Unless otherwise dictated by an Area Plan, the ground floor frontage facing a [Corridor](#) shall be set back at least 12 feet from the face of the curb. See **Figure 11**.
 - i. This may be achieved by setting back only the ground floor, but in no case shall any portion of the proposed building extend into or over the public right-of-way, except that awnings and balconies at the second story or above may extend into the right of way no more than 3 feet. No projection shall be closer than 8 feet to the centerline of an alley, driveway, or path of automobile circulation except with the approval of the City Engineer based on considerations of public safety and welfare (e.g., utility considerations, emergency access, etc.).
 - ii. This setback area shall not be counted toward the requirement to incorporate Uses for Active Frontage, and the area shall be used as a 12-foot-wide sidewalk over at least 80 percent of the frontage.
 - iii. In no case shall the passable sidewalk width be less than 8 feet without approval of an Administrative Use Permit and revocable license as allowed under Municipal Code Section 24.12.192 for Outdoor Extension Areas, in which case the passable sidewalk width shall not be less than 6 feet.

Figure 11: Corridor Frontage



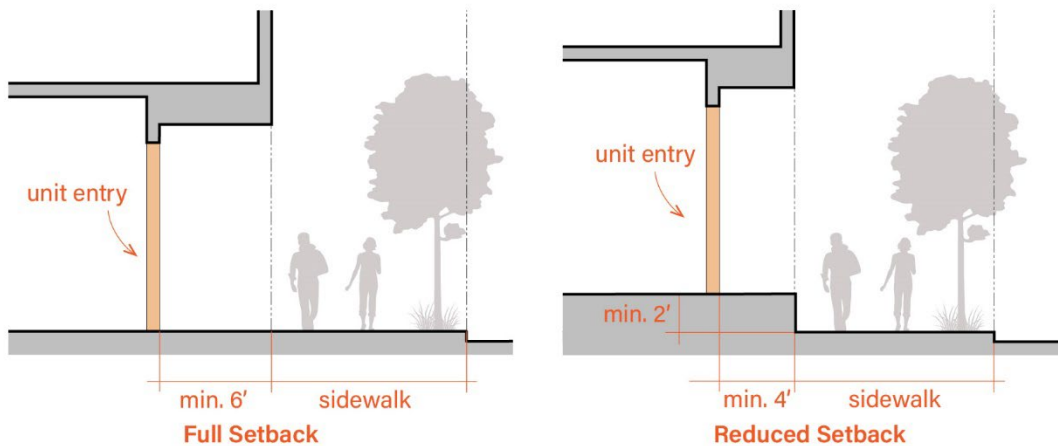
E. Ground Floor Design

Goal: To ensure that buildings in commercial districts are designed with ground floors that support walkability with functional commercial or live-work frontages. Also, where residential units are allowed, to ensure well-designed frontages that strike a balance between privacy for the resident and activation of the sidewalk.

1. In the C-C, R-T, C-T, C-N, C-B, and all MU districts, commercial ground-floors shall be designed as follows:
 - i. Minimum ground floor frontage transparency of 70 percent between a height of 2 feet and 12 feet measured parallel above sidewalk grade.
 - ii. Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 - a. In a commercial space, any mezzanine shall be set back at least 30 feet from the building frontage and shall occupy no more than one-third of the area of the ground floor.
 - iii. Entries shall be inset from the building face at least 2 feet.
2. In the C-C, R-T, C-T, C-N, and C-B zones where residential development is allowed, ground floor residential units shall not occupy more than 50 percent of a public frontage. Residential units on the ground floor may be designed as [Live-Work](#) units or may be exclusively residential units.
3. Any Live-Work units shall be designed as follows:
 - i. Live-Work units are only permitted on the ground floor.
 - ii. Minimum ground floor height of 15 feet, measured from the top of the floor to the top of the floor of the next level, or 10 feet if a mezzanine is included.
 - a. In a Live-Work unit any mezzanine shall be set back at least 18 feet from the building frontage and shall occupy no more than one-half of the area of the ground floor.
 - iii. Minimum ground floor depth of 18 feet.
 - iv. Minimum unit/storefront width of 12 feet.
 - v. Minimum ground floor frontage transparency of 50 percent between a height of 2 feet and 12 feet measured parallel above sidewalk grade.
 - vi. Entries shall be inset from the building face at least 2 feet.
4. In the C-C, R-T, C-T, C-N, and C-B zones where residential units other than Live-Work units are located at the ground floor, the following standards shall apply:
 - i. Where units are individually accessed, the entry must be set back at least 6 feet from the property line; this setback may be reduced to 4 feet if the unit is elevated at least 2 feet from the sidewalk (as with a stoop). See **Figure 12**.
 - a. This may be a setback of the ground floor only, or a setback of the entire building face.
 - b. This setback area may include an architectural feature indicating private space including but not limited to a railing, gate, entry landing, or doorstep.
 - c. This area may include landscaping or private open space for an individual unit. In order to qualify as private open space, the area must be separated from the sidewalk by one of the following mechanisms intended to indicate the privacy of the space:
 - An increase in elevation of at least 2 feet;
 - A railing or gate;

- Clustered landscaping, as in a hedge or other dense planting, not exceeding 42 inches in height.

Figure 12: Ground Floor Residential Entry Setback



- ii. Where a unit does not have individual access to the sidewalk, active living areas (including living rooms, dining rooms and kitchens, but excluding bedrooms, bathrooms, and hallways) are required at the building frontage, and must be set back at least 4 feet from the sidewalk; this setback may be reduced to 2 feet if the unit is elevated at least 2 feet above the sidewalk. See **Figure 13**.
 - a. This may be a setback of the ground floor only, or of the entire building face.
 - b. This setback area should incorporate landscaping or planters.

Figure 13: Ground Floor Residential – Without Individual Access



F. Architectural Detail

Goal: To highlight the prominence of corner buildings along [Corridors](#), ensure that buildings have an appropriate level of detailing, and ensure that building facades convey the qualities of substantiality and depth.

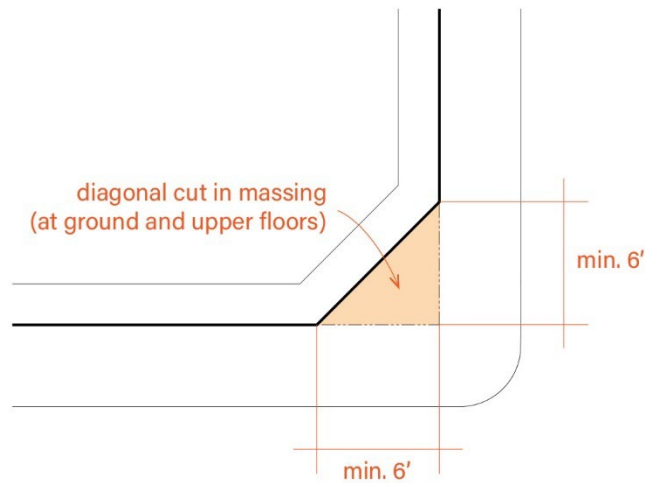
1. Buildings that are mixed-use and/or three stories in height or greater shall visually differentiate the ground floor from the floors above by one or more of the following:
 - i. a change in material; and/or
 - ii. a change in plane; and/or
 - iii. a cornice line, belly band, or similar horizontal element.
2. Buildings at the intersection of a [Corridor](#) and another street (including another Corridor) shall implement at least one of the following corner features:
 - i. Increased height of the corner roofline of at least 3 feet above the adjacent roofline; and/or
 - ii. A chamfered corner with a diagonal cut at least 6 feet on either side of the corner. See **Figure 14**. This may be at the ground floor only, or for the entire height of the building; and/or

Word on the Street

Survey Results

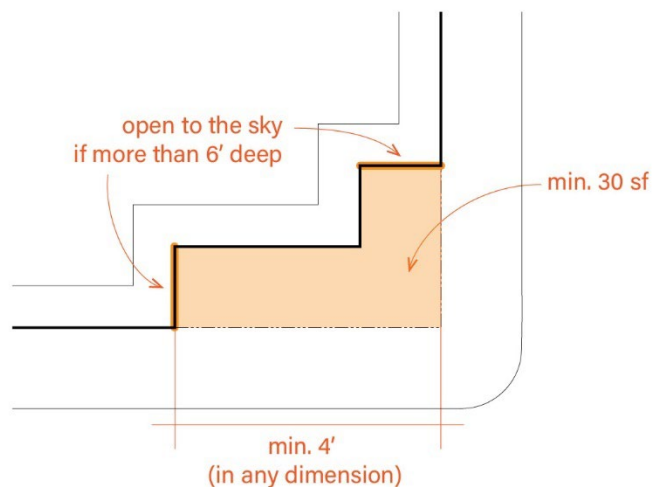
When asked “what is most important for a new building on a commercial corridor to include, even if it increases housing costs” **the most common response was architectural detail.**

Figure 14: Chamfered Corner



- iii. A public open space of at least 30 square feet in area, and not less than 4 feet in any dimension, which may be designed to look like an extension of the sidewalk. Where the depth of this space is less than 6 feet, it may be open only at the ground floor. Where the depth of this space is greater than 6 feet it must be open to the sky. See **Figure 15**.

Figure 15: Public Open Space at Corner



- 3. Buildings in the C-C, R-T, C-T, C-N, C-B, and MU zones shall apply at least two categories of the following architectural features to each building face and to each level above ground floor. Buildings may incorporate different features on each face and level or may use the same two features on each face and level, so long as each face and level includes features from at least two categories.:

- i. Category 1 - Terrace, balcony, or Juliette balcony with a minimum projection of 10 inches and a minimum width of 3 feet (at least one per level; see also [Neighborhood Transition](#)).
 - ii. Category 2 - Windows detailed with a lintel, sill, or arch
 - iii. Category 3 - Awnings, louvers, or shutters
 - iv. Category 4 - Decorative cornice or decorative lighting sconces (see also Standard II.H Lighting, below)
4. Windows shall be inset such that there is at least 2 inches between the plane of the glass and the plane of the building face for all windows above the ground floor; this depth shall be increased to 3 inches for buildings that include 4 or more stories, for all windows above the ground floor.
 5. Walls or portions of walls that are unfenestrated (without windows, balconies, or glass doors) that extend from grade up to the roofline are limited to a maximum horizontal width of 15 feet.

G. Building Materials

Goal: *To ensure that building materials are high-quality, durable, convey a sense of permanence, and reflect the existing character of buildings in the urban environment.*

1. Building materials shall be selected according to the following criteria:
 - i. The following materials are acceptable for use on building faces: tile, brick, glass, metal, painted or sealed wood, concrete, stucco, plaster, adobe, and stone (engineered or natural), and living walls (as defined).
 - ii. Unarticulated or flat panelized materials (such as cement board panels, metal, or GFRC panels) are prohibited on [public frontages](#) but may be incorporated on other building faces. Panels for modular and pre-fabricated construction are allowed (including sandwich panels).
 - iii. Any materials that are not explicitly listed here require an administrative design review permit to ensure that approved materials conform to the goal of this section.
2. Buildings shall incorporate two or more of the accepted materials listed above or as approved in the design of each building face. No single material may make up more than 85 percent of any building face. This can include materials for building decoration (e.g., awnings, louvers, balconies, cornice lines, or windowsills), but does not include fenestration (glass, frames, or other elements of windows and doors).
3. At building corners, except for living walls, all materials shall wrap around the corner to a depth of at least 4 inches. This includes corners of insets, reveals, or changes in plane

Word on the Street

Survey Results

High-quality materials and material application were among the most frequently mentioned ideas in survey-takers' free responses.

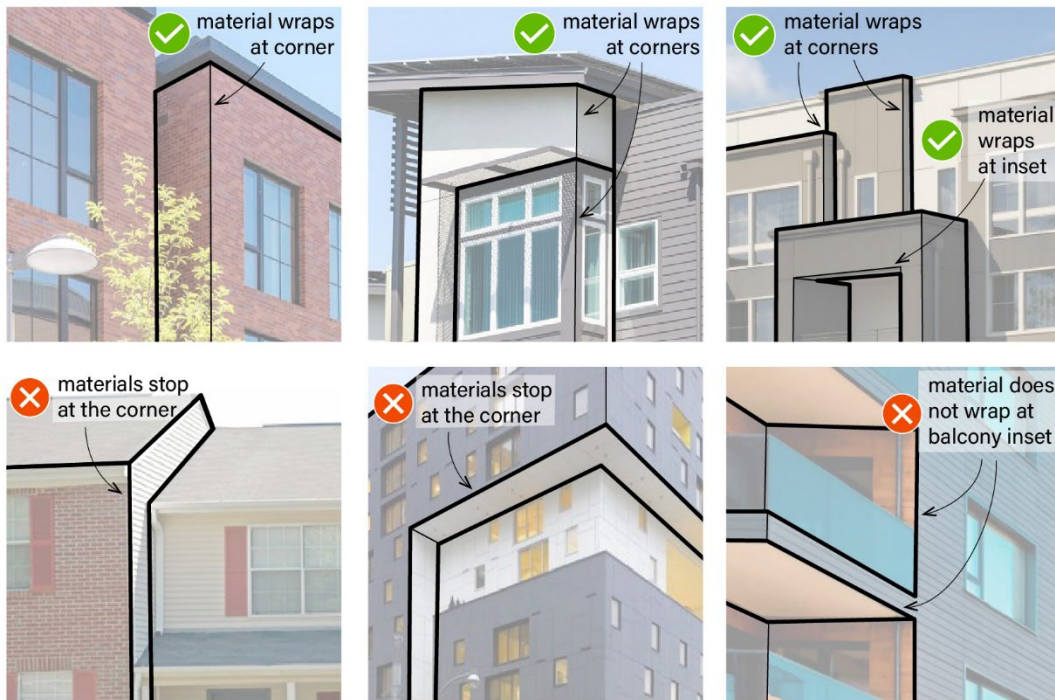
Focus Group Feedback

(Responding to images of different buildings) "[I] especially [liked] the building material. I like the brick and whatever it is above it, wood or metal. I like that change [in materials]."

that are 4 inches or greater in depth, as with a balcony, ground floor entry, or change in plane. See examples shown in **Figure 16**.

4. Living walls shall meet the following standards:
 - i. The living wall shall be permanently integrated into the exterior design of the building face upon which they are planted.
 - ii. The living wall shall not be located on a north, or north-east-facing building face.
 - iii. The living wall shall include an integrated irrigation system.
 - iv. The living wall shall be created using materials specifically designed for the purpose of installing and maintaining plants within the intended context (considering sun, shade, fog, rain exposure, and any other relevant environmental factors) on an exterior building face.
 - v. Components of a living wall shall be considered with other landscape elements, and are subject to the requirements of the City's WELO.
 - vi. Nothing in this section shall regulate or require the installation of living walls on the interior of any building.

Figure 16: Material Application



H. Lighting

Goal: To ensure that public areas of buildings are lit for wayfinding and safety, while minimizing impacts of glare, light trespass, and light pollution in order to help make new development Dark Sky friendly.

1. Individual exterior luminaires shall be [shielded to direct light downward](#) and shall not exceed 1,260 lumens. Exterior light fixtures shall utilize light sources with a color temperature that does not exceed 3000 Kelvin.
 - i. A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

Word on the Street

Several community members provided suggestions to clarify and refine the lighting standards. One resident's email:

"Good civic design should require that the building entrance(s) should be the main visual event, helping people orient and pay most attention to safety at important transitional zones. Everywhere else should be visually secondary. Humans perceive brightness (luminance) on a log scale, so 3:1 ratio means other surfaces will appear about half as bright."

2. Outdoor lights shall not blink, flash, flicker, or change intensity (excluding motion-detecting lights).
3. Lighting shall be provided at parking lots, pedestrian paths, outdoor gathering spaces, building entries, and any other pedestrian-accessible areas.
4. Lighting of outdoor service, loading, and storage areas shall not be visible from the street or adjacent properties.
5. Rooftop lighting shall be set back at least 12 feet from the edge of any building face that is oriented towards any R-district.
6. The height of luminaires shall not exceed 15 feet above grade for all luminaires other than those in parking areas or decorative sconces as allowed under F. 3. Architectural Detail.
7. Building faces shall be illuminated such that surfaces located at least 10 horizontal feet away from building entries shall have at least 66 percent less luminance than surfaces within 10 horizontal feet of building entries. Compliance shall be demonstrated with a lighting plan.

III. Definitions

Active Uses

Uses that qualify as Uses for Active Frontage are defined in each zone district where site design requires active frontage.

Buffer Landscaping

Landscaping that can be expected to be at least 50 percent opaque from ground level up to a given height within three years of planting. Such planting includes vines, bushes, shrubs, green walls, or evergreen trees with a first branch height of 2 feet or less.

Corridors

Roadways that support a high level of connectivity and intra-city mobility. For the purposes of this document, these roadways are limited to Ocean Street, Mission Street, Water Street, and Soquel Avenue.

Live-Work

Live-work is a type of Residential use that also incorporates commercial uses. The commercial uses allowed in a Live-Work unit are dictated by the uses allowed in the underlying zoning district.

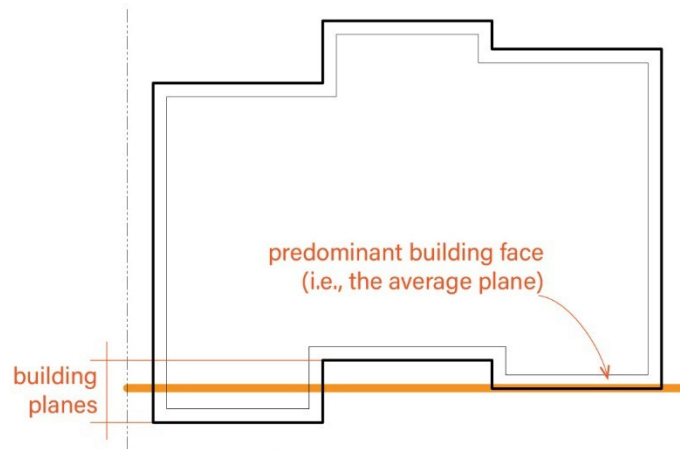
Living Wall

A Living Wall is 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.

Predominant Building Face

Measured in plan view, the predominant building face is the average plane of the face of the building at any given level. This average includes any legal, enclosed building projections (such as bay windows or dormers), and unenclosed insets (such as inset doorways, balconies, or building notches). See **Figure 17**.

Figure 17: Predominant Building Face



Public Frontage

A frontage that faces a street, public right of way, publicly accessible pedestrian path, or public open space, such as a river levee.

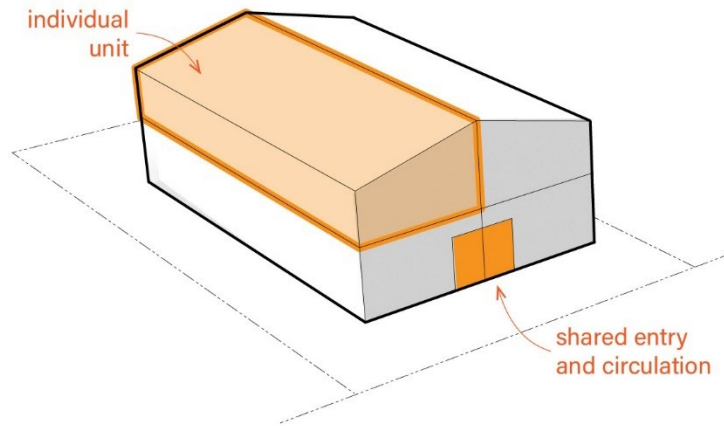
Shielded Luminaire

A luminaire is considered to be fully shielded if it is constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part. (Credit: "Model Lighting Ordinance," Illuminating Engineering Society and International Dark Sky Association, June 2011.)

Stacked Flats

A multi-family building type that consists of units stacked vertically with shared circulation and no parking within the building envelope. See **Figure 18**.

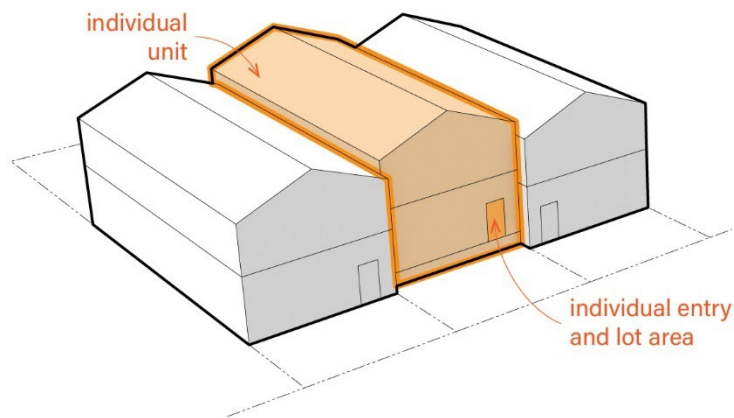
Figure 18: Stacked Flats



Townhomes

For the purposes of interpreting this section only, a townhome is a multi-family building type that consists of side-by-side units, each standing on a discrete area of land, which may or may not be a separate legal lot, with parking on the ground floor within the building envelope. This definition shall not apply beyond this section of the Municipal Code, and does not supersede the Definition of Dwelling, Townhouse in Section 24.22.318 See **Figure 19**.

Figure 19: Townhomes



UNDERGROUND UTILITY DISTRICTS*

* Editor's Note: As originally adopted, this chapter was designated as Chapter 12.44. It was renumbered to be Chapter 12.60 at the direction of the city clerk at the time of the 1995 republication.

Sections:

- 12.60.010 Definitions.
- 12.60.020 Council may designate underground utility districts by resolution.
- 12.60.030 Overhead wires – Unlawful to maintain poles.
- 12.60.040 Overhead wires – Exception by special permission.
- 12.60.050 Exceptions.
- 12.60.060 Overhead wires – Notification of affected property owners and utilities.
- 12.60.070 Overhead wires – Underground construction.
- 12.60.080 Overhead wires – Property owner's responsibility.
- 12.60.090 Service of notice.
- 12.60.100 Contents of notice.
- 12.60.110 Performance of work by city – Assessment.
- 12.60.120 Notice of assessment.
- 12.60.130 Hearing and confirmation of assessment.
- 12.60.140 Assessment as lien.
- 12.60.150 Overhead wires – Obligation of city.
- 12.60.160 Overhead wires – Force majeure.

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.
- (43) "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.

(64) “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](#).

(75) “Person” means and includes individuals, firms, corporations, copartnerships, and their agents and employees.

(86) “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.

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

(Ord. NS 602, 1964: prior code § 7910).

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.

(Ord. NS 602, 1964: prior code § 7912.1).

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.

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 –

- 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.

- i. Decorative sidewalks may be required based on the Area Plans.
- ii. 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.
- iii. The total number of connections through the site shall not be reduced.

- New public connections:

- i. 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.
- ii. Decorative sidewalks may be required based on the Area Plans.
- iii. 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:

- A development of 3 or more housing units on one lot shall require the installation of a City Standard street light(s).
- A development of 3 or more housing units on multiple lots shall require the installation of a City Standard street light(s).
- Any new commercial development shall require the installation of a City Standard street light(s).
- 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.
- 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.

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 curblane.

(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

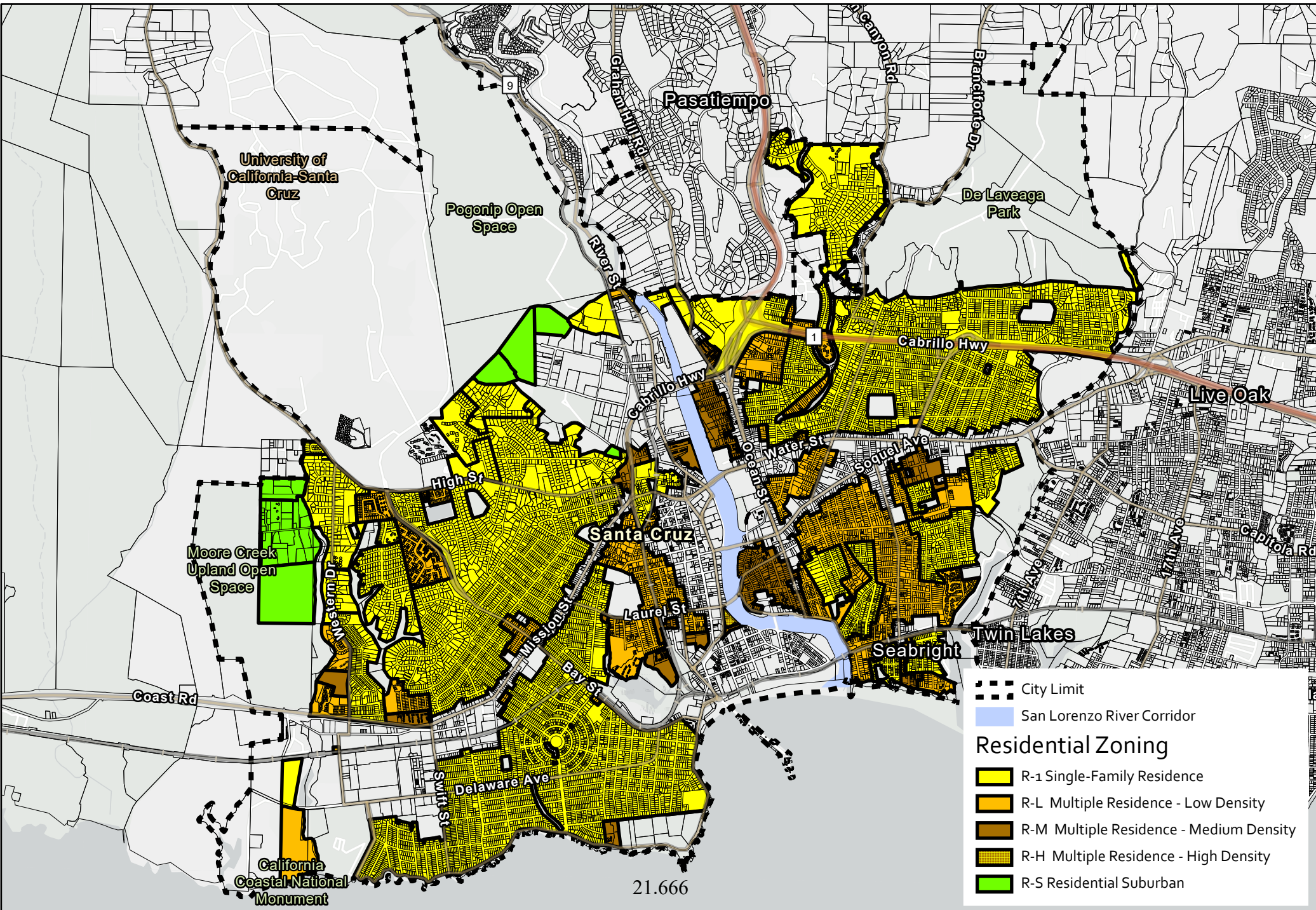
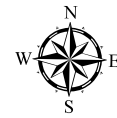
Front St –Laurel St to Water St – 10 feet minimum
Laurel St – River St to Chestnut Ave – 10 feet minimum
Laurel St – Chestnut Ave to Mission St – 8 feet minimum
Cedar St – Laurel St to Center St – 10 feet
Bay St – West Cliff to Mission St – 8 feet minimum
Bay Drive – Mission St to High St – 8 feet minimum
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.

Residential Zoning City of Santa Cruz

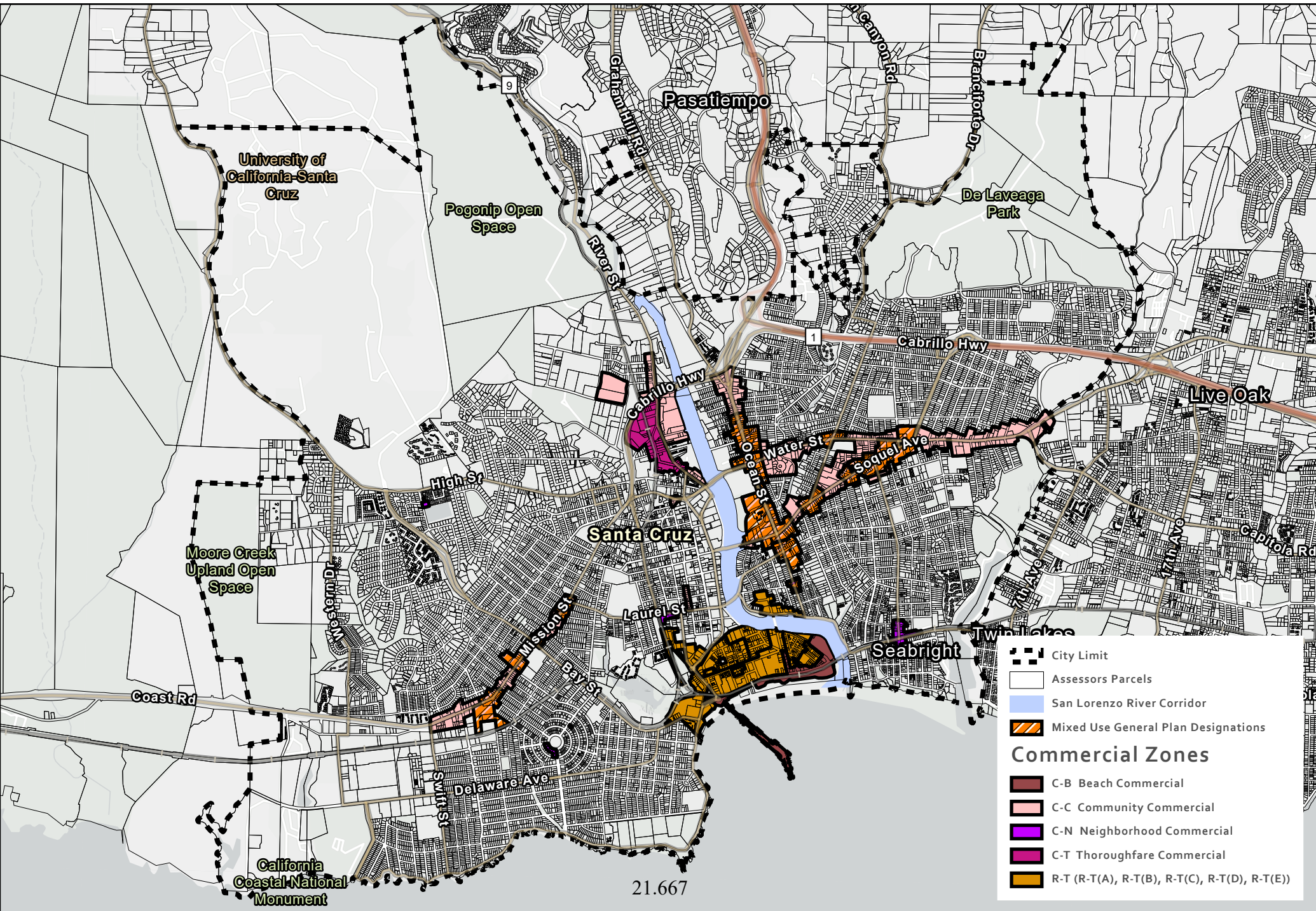
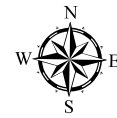
0 1,250 2,500 5,000 Feet



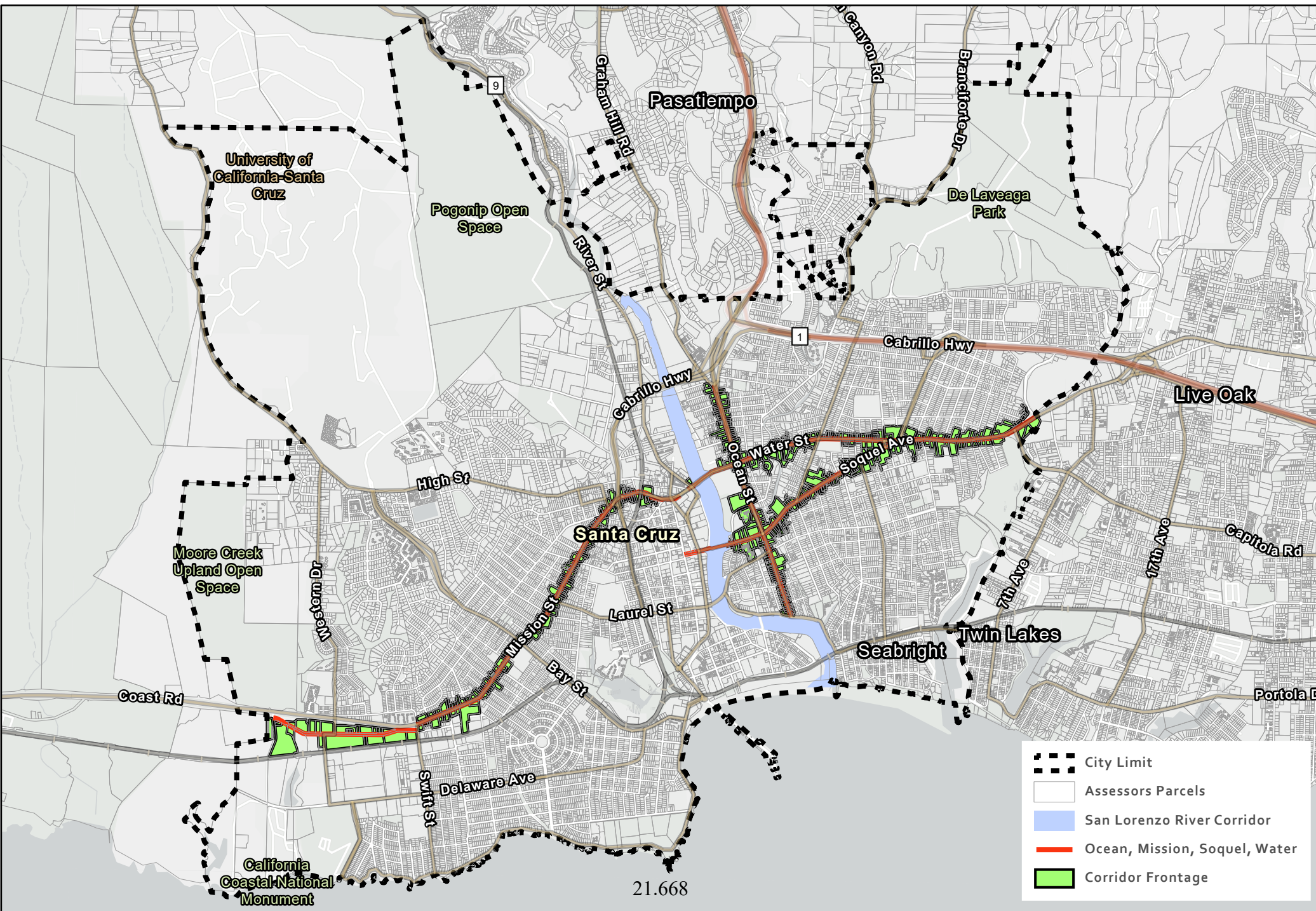
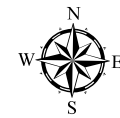
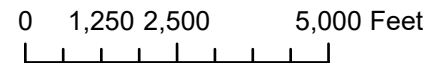
Commercial Zoning City of Santa Cruz

Includes Mixed Use General Plan Designations

0 1,250 2,500 5,000 Feet



Parcels on Corridors: Mission, Ocean, Soquel, and Water



- 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.
- 13.30.065 ~~Harming~~ Damaging street trees forbidden.
- 13.30.067 House moving.
- 13.30.070 Duties of public utilities.
- 13.30.080 ~~Master-Approved~~ street tree list.
- 13.30.090 ~~Master~~ Street tree planting ~~plan~~.
- 13.30.100 Permits required.
- 13.30.110 Prohibited vegetation – Nuisance.
- 13.30.120 Abatement of public nuisances.
- ~~13.30.130 Charges against property owners or other persons pursuant to this chapter.~~
- 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.

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13.30.200 Hearing on appeal.

13.30.210 Liability.

~~13.30.220 House moving.~~

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.”

(Ord. 85-29 § 2 (part), 1985).

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 heritage trees, the provisions of this chapter 13.30 shall be applied in addition to the provisions of chapter 9.56 of the Municipal Code. 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.

(Ord. 85-29 § 2 (part), 1985).

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.

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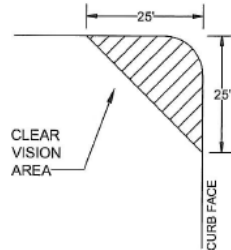
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(c) "Damage" means any action undertaken which may be harmful or detrimental to the health of any tree or other vegetation regulated by this chapter. This shall include, but is not limited to, the cutting, topping, girdling, or poisoning of any street 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.

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(d) "Director" shall mean the director of parks and recreation of the city of Santa Cruz, or his/her designee.

(e) "Median area" means a planting area lying within a traffic median or traffic island in the public right-of-way.

(f) "Owner" or "property owner" means the owner of real property as shown on the most recent county assessor's roll.

(g) "Parkway" means that portion of the public right-of-way between the curb and the sidewalk.

(h) "Planting strip" means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.

(i) "Prune" means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.

(j) "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.

(k) "Roadway" means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.

(l) “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.

(m) “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.

(n) “Street” means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.

(o) “Street tree” means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.

(p) “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.

(q) “Traffic Diverter” means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.

(r) “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.

(s) “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.

(Ord. 85-29 § 2 (part), 1985).

13.30.040 PARKS AND RECREATION DIRECTOR – POWERS AND DUTIES.

 SHARE

(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 ~~a list of street trees approved by the parks and recreation commission~~;

(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 street 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.

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(b) The director shall have the power to perform the following services to aid landowners with compliance of any maintenance obligations in maintaining parkways as required by this ~~code~~ 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 on public property;

(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, trim, prune, pruning, root pruning, spraying, replace or other wise maintain maintenance of any street tree planted on public property pursuant to the requirements of this chapter. within the city of Santa Cruz.

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(6) No maintenance service shall be provided by the city to any tree standing on private property beyond the parkway or ~~street~~ 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, ~~and/or~~ 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, ~~and/or~~ 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.

(Ord. 94-61 § 1, 1995; Ord. 85-29 § 2 (part), 1985).

13.30.050 PARKS AND RECREATION COMMISSION – POWERS AND DUTIES.

 SHARE

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.060 PROPERTY OWNER MAINTENANCE RESPONSIBILITIES – DUTIES AND LIABILITIES.

 SHARE

(a) An adjacent 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 adjacent property owner shall also be responsible for the maintenance of all street trees and other vegetation causing or threatening damage to or obstructing sidewalk areas as specified by Section 15.20.210 and 15.20.220. All duties, obligations and liabilities of property owners specified by Sections 15.20.210 and 15.20.220 of this code apply to maintenance of parkways and street trees. Specifically, a property owner obligated by Section 15.20.210 to maintain a sidewalk area must prune and trim all trees, tree roots, shrubs, hedges and ground cover, and weed, clear and otherwise maintain all included parkways so as to make the area safe and convenient for public use. A property owner who fails to so maintain a street tree or a parkway adjoining his property is liable under Section 15.20.220 of this code for any injury or damage suffered by a member of the public which is caused by said failure.

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Maintenance of parkways, as required by this section, includes maintenance of all trees and other vegetation contained in planters located on parkways and in traffic diverters adjacent to parkways.

(b) Maintenance required under this Section 13.30.060 Section 15.20.210 of this code shall include, but not be limited to the following acts:

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

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

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(4) Maintaining street 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 ~~and trimming~~ street 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;

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(7) Pruning any street trees, street tree roots, 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 ~~trimming~~ street trees, ~~and~~ 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 ~~for their well-being so as to avoid any damage to public health, safety and welfare,~~ to standards set by the city;

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(9) Planting and replacing street trees pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in Section 13.30.090.

(c) Before any street tree is planted, pruned, ~~trimmed~~ root pruned, removed, or replaced 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.

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(d) All maintenance activities on street trees contemplated by this section shall be performed in conformity with ~~guidelines, standards and recommendations of the department~~:

(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, replacement, 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, replacement, or other maintenance.

~~In order to enforce maintenance of street trees and parkways under this chapter, all relevant provisions and procedures delineated in Section 15.20.210 of this code and Chapter 22 of Division 7, Part 3, of the Streets and Highways Code and related provisions will be applied.~~

(Ord. 94-61 § 2, 1995; Ord. 85-29 § 2 (part), 1985).

13.30.065 ~~HARMING-DAMAGING~~ STREET TREES FORBIDDEN.

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

- (a) ~~Cutting Pruning a street tree~~ to expose business signs or buildings or for any other purpose except as ~~provided 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 ~~structure other improvement in a manner which may be detrimental to the health of~~ injurious to 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.

(Ord. 94-61 § 3, 1995).

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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.080 **MASTER APPROVED STREET TREE LIST.**

(a) The director of parks and recreation shall prepare and maintain the Approved Street Tree master street tree List enumerating the species of shade and ornamental trees permitted to be planted on public property in the public right-of-way. The master street tree list shall be submitted to the parks and recreation commission which shall make a final recommendation to the city council. When approved by the city council 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. The Approved Street Tree master street tree List shall be made available to the public through the department of parks and recreation. The master street tree list shall be reviewed annually by the director and the parks and recreation commission.

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(b) Newly planted sStreet trees planted in a public right-of-way must comply with the master-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.

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(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.

(Ord. 85-29 § 2 (part), 1985).

13.30.090 **PLANTING STREET TREES MASTER STREE TREE PLANTING PLAN.**



(a) The director shall prepare a master Street Tree Master planting-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. This plan shall identify tree species and areas within the city appropriate for their use. 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.

(Ord. 85-29 § 2 (part), 1985).

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 on any parkway or right-of-way.

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

(2) The director shall 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 Trimming-Pruning and Removal. A tree permit shall be obtained from the director by any person proposing to ~~No person shall~~ root prune, transplant or remove any tree ~~on public property or~~ within the ~~city-public~~ right-of-way ~~without first filing an application and procuring a permit to do so from the director.~~ A permit shall also be obtained from the director by any person proposing to ~~No person shall~~ 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 ~~on public property or~~ within the ~~city-public~~ right-of-way ~~without first filing an application and procuring a permit to do so from the director.~~

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

(2) The director shall may issue the permit upon finding that the proposed action is necessary to protect the curb, gutter ~~or~~, 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 trimming 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.

i. 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 authorize the payment of an in lieu fee. This fee shall be determined any applicable Council resolution, or, where no such resolution applies, shall be determined by an administrative official based upon the current retail cost of purchasing, installing, and maintaining until establishment a tree of comparable size or a tree appraisal conducted in accordance with current tree appraisal methods as published by the International Society of Arboriculture.

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(c) 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.

(d) 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, which includes a public hearing process, under Title 24 pursuant to applicable state or federal law, - that include a public hearing 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 is not satisfied by approval of other city departments, or under city contracts.

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(e) 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.

(f) 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.

(Ord. 2013-19 § 1, 2013; Ord. 94-61 § 4, 1995; Ord. 85-29 § 2 (part), 1985).

13.30.105 STATE TREE CARE LICENSE REQUIRED. SHARE

(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. SHARE

No person shall allow to exist ~~any of the following~~, 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 condition, including but not limited to the following:

- (a) Any tree, ~~or 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 ~~the a ClearClean 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 ~~plants-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, ~~dead~~ or infected with disease, pests, ~~objectionable insects, scales,~~ 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, ~~or dense thorny trees,~~ shrubs, vegetation, and plants ~~on any street or part thereof 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.

(Ord. 2007-01 § 1, 2007: Ord. 85-29 § 2 (part), 1985).

13.30.120 ABATEMENT OF PUBLIC NUISANCES. SHARE

(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 remove the condition, and the time within which such work must be completed. Such time for compliance shall not exceed ninety days after the date of service of said notice. The

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notice shall also state that the required work will be performed by ~~the~~ city ~~forces~~ or by others under the ~~city's~~ supervision ~~of the director~~ 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. ~~within 60 days. Any failure to pay the city for the cost incurred by the city may also 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 their enforcement in this chapter.~~

(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.

(Ord. 2007-01 § 2, 2007; Ord. 85-29 § 2 (part), 1985).

~~13.30.130 CHARGES AGAINST PROPERTY OWNERS OR OTHER PERSONS PURSUANT TO THIS CHAPTER.~~

~~The cost of the abatement of any public nuisance sought to be charged against the owner of the adjacent private property in accordance with the terms of this chapter may be assessed by the city council against the parcel of private property owned by such person as follows:~~

~~(a) A notice and order of proposed assessment of charges against such person for failure to comply with said order this chapter shall be served personally upon said property owner stating:~~

~~(1) The date of the order affecting such person and requiring compliance with the terms of this chapter;~~

~~(2) Notice of the failure of the owner to complete the work, as specified by the order, within the time therein specified;~~

~~(3) The dates of performance of the work as specified by the order, by the city of Santa Cruz or such persons or contractors as it may retain to undertake the work;~~

~~(4) The charge incurred by the city of Santa Cruz for performance in accordance with said order;~~

~~(5) The date and place of hearing of the report of the director before the city council requesting a resolution of the city council authorizing the city clerk to prepare, execute and file a lien against the real property owned by such person in the office of the recorder of Santa Cruz County.~~

~~(b) On the date and hour specified in said notice, the city council shall review the report of the director and authorize the preparation, execution and filing of a notice of lien, as provided in this chapter, for all or such portion of the charges reported by the director for the compliance with the order.~~

~~(c) The notice of lien shall be filed in the office of the county recorder for Santa Cruz County and shall be in the form of a certificate substantially in the following form:~~

NOTICE OF LIEN

Pursuant to the authority of Chapter 13.30 of the Santa Cruz Municipal Code, and as duly authorized by the City Council of the City of Santa Cruz on the ____ day of _____, 19____, by Resolution No. _____, the City of Santa Cruz does hereby claim a lien upon the property hereinafter described for the charges duly assessed by the Council of the City of Santa Cruz as the cost incurred by the City of Santa Cruz for _____ pursuant to order of the Director of Parks and Recreation for the City of Santa Cruz dated _____, the same has not been paid nor any part thereof, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 10% per annum, from the day of _____, 19____, (insert date of confirmation of assessment by City Council), has been paid in full and discharged of record.

The real property hereinbefore mentioned and upon which a lien is claimed is that certain piece or parcel of land lying and being in the City of Santa Cruz, County of Santa Cruz, State of California, and more particularly described as follows:

~~(Legal description of the property, either by metes and bounds or by subdivision number. Assessor's parcel number cannot be used for this type of lien.)~~

~~(Ord. 85-29 § 2 (part), 1985).~~

13.30.130 RECOVERY OF DAMAGES FOR LOSS OF STREET TREES.

Any person who damages or destroys a street tree ~~on public property~~ is liable to the city for the any costs of the tree's repair or replacement related to the repair or replacement of such street tree. ~~Recovery of monetary damages and/or replacement of trees and shrubs shall be in accordance with the current plant appraisal formula prepared by the International Society of Arboriculture.~~

(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 with a 14" diameter or larger as defined in chapter 9.56, monetary damages may be assessed as specified by the director which may include a tree appraisal in accordance with current tree appraisal methods prepared by the International Society of Arboriculture.

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(a) ~~Replacement value up to eight-inch trunk-caliper size shall be based upon the current retail price of a comparable tree up to eight-inch trunk caliper measured at four and one-half feet from the top of the container soil level or the existing soil grade at the site of a damaged tree. Replacement value shall include the cost of replanting or removing a tree.~~

(b) ~~Replacement trees shall be chosen in accordance with the master street tree planting plan or a species selected by the director.~~

(c) ~~For trees larger than eight inches in trunk caliper, the monetary value shall be determined on the basis of the current value per square inch of the tree trunk cross-section measured at four and one-half feet above grade in accordance with the formula prepared by the International Society of Arboriculture.~~

(d) ~~A twenty percent deduction may be applied to any tree found by the director to be in poor condition prior to its damage or destruction.~~

(e) ~~When injury has occurred during work on any structure, collision with any motor vehicle, an act of vandalism, or house moving, the responsible party shall not be released from liability until the director has determined that the tree(s) has fully recovered.~~

(Ord. 85-29 § 2 (part), 1985).

13.30.140 INFRACTION.

Any person who violates the provisions of Section [13.30.100](#) shall be guilty of an infraction punishable by a fine of not less than ~~one-five~~ hundred dollars for a first offense and in doubling increments for each successive offense, or as otherwise 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. 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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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. ~~through the city clerk~~ All such appeals shall be made pursuant to chapter 1.16 of this code. The city council's decision shall be final.

(Ord. 85-29 § 2 (part), 1985).

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. ~~and The appellant shall state the nature of the application and the basis for the appeal and shall specifically cite the provision of this chapter which is relied upon to appeal the action or decision, upon which the decision of the official or body is considered to be in error.~~

(b) Such appeals, to be effective, must be received by the secretary to the parks and recreation commission ~~or by the city clerk~~ 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.

(Ord. 85-29 § 2 (part), 1985).

13.30.190 STAY, PENDING APPEAL. SHARE

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.200 HEARING ON APPEAL. SHARE

(a) ~~Upon receipt of the appeal, the secretary to the parks and recreation commission shall schedule the 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 by the city clerk at the earliest next regular meeting consistent with city council agenda preparation and meeting schedules.

~~(b) Unless otherwise required in this chapter, neither the parks and recreation commission, nor the city council need hold public hearings in considering matters on appeal.~~

(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.

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(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.

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(Ord. 85-29 § 2 (part), 1985).

13.30.210 LIABILITY. SHARE

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.220 SEVERABILITY.

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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.

DRAFT

Suggested Standard	Author	Staff Response
Projects with a base density of 50 or more units shall have a 25% inclusionary requirement.	Andy Schiffrin	This type of policy requires significant additional study outside of this project.
Projects with a base density of 100 or more units shall have an inclusionary requirement of 30%.	Andy Schiffrin	This type of policy requires significant additional study outside of this project.
Prohibit ADUs and Junior ADUs from meeting a project's inclusionary requirements.	Andy Schiffrin	This standard is proposed to be included. See Municipal Code Section 24.16.020, .025, and 24.08.1360
Prohibit building heights that would deny solar access to adjacent housing units for more than 2 hours a day for 2 months of the year.	Andy Schiffrin	The project team has analyzed various options for shading and has not been able to identify a satisfactory standard that supports shade restrictions while still providing for the development of the full capacity of allowed housing.
Limit building heights to no more than two stories higher than adjacent residential structures.	Andy Schiffrin	Basing development potential on adjacent uses is not a best practice and likely not legally defensible.
Prohibit maximum noise levels from mixed use projects adjacent to residential uses to exceed the General Plan's residential noise standards.	Andy Schiffrin	This standard exists in the General Plan and applies to existing and new development.
Require free parking passes for residents in rental projects with 50 or more total units.	Andy Schiffrin	New development projects are typically excluded from eligibility in permit parking programs in order to preserve existing street parking resources for existing users. Adding street parking passes for new development would increase, rather than mitigate, street parking impacts.
Require double traffic fees for projects of 50 or more total units within ½ mile of an intersection with a Level of Service D or below.	Andy Schiffrin	This type of policy requires significant additional study outside of this project. Further, this standard is not in line with smart growth principles in that would incentivize moving larger projects away from the Downtown and other areas that are well-served by transit or commercial services and move project towards areas of lower congestion further from the City center.
Require the provision of at least 5 usable bicycles per 50 units to be available for the use of project residents.	Andy Schiffrin	This standard would be challenging to enforce and creates an unnecessary maintenance issue for property managers. Bike parking spaces are required for new multi-family development, and the City is currently working with the County to bring a new Bikeshare vendor to the area to meet these community-wide needs.
Require at least two of the following community gathering spaces in projects with over 50 total units: 1) community room with kitchen; 2) workout room; 3) rooftop community garden; 4) Spa – hot tub and sauna; 5) recreational facility like a bocci court.	Andy Schiffrin	See Section 24.12.185.9 for open space. Grdens and spas, pools, and hot tubs are incorporated as outdoor open space options.
Require wider sidewalks of no less than 10 feet for mixed use projects with frontage on a collector or arterial city street.	Andy Schiffrin	Sidewalk widths are based on a variety of criteria and governed by Area Plans, Municipal Code chapter 15.20, and on Corridors, by proposed Section 24.12.185.13
Require documentation that stormwater, drainage and air quality standards will be met prior to non-building permit approval (normally discretionary approval)	Andy Schiffrin	This is not possible at the time of design review. These standards are enforced through conditions of approval due to the level of detail that is required to determine compliance.
Prohibit net increase in greenhouse gas emissions from projects 25 units or greater.	Andy Schiffrin	The standards in CalGreen (CA State Building Code) combined with the City's Green Building Program ensure that most new development is carbon neutral or very close.

Require projects to meet the highest green building standard if over 50 total units.	Andy Schiffrin	The City's Green Building Program does not have a standard for the maximum number of points that can be awarded to an individual project. Many Green Building Standards (LEED, PassivHaus) can be met by certain buildings on certain sites with advantageous solar exposure. Because the City regulates development on all parcels, with all different exposures, this is not an appropriate standard for the City to require as it would not be possible to meet on all parcels due to existing physical conditions.
A grading plan shall be prepared by a qualified professional for projects that propose cut, fill, earthmoving, grading operations, and other such man-made effects on the natural terrain of over 2,000 cubic yards, and any proposed mitigations implemented.	Andy Schiffrin	The City's grading ordinance requires that projects proposing to grade less than 5000 cubic yards of cut or fill conform to the requirements for a Regular Grading Permit, see Muni Code Section 18.45.030. Above that threshold projects must conform to standards for Engineered Grading Permits which are more stringent.
The project shall involve no net water runoff or soil erosion caused by modifications to the natural terrain.	Andy Schiffrin	Storm Water Pollution Prevention Plans are required for certain development proposals and governed by the California Department of Water Quality. Full requirements are described on their website: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html
Minimize fire hazard and risks associated with landslides and unstable slopes by requiring a geologic analysis and adoption of its mitigation measures, if any, in areas of steep canyons and arroyos and known landslide deposits.	Andy Schiffrin	The California Building Code sets standards for individual and public safety for new buildings, ensuring that buildings are engineered to be compatible with the sites on which they are constructed, including any necessary accommodation for soil conditions and known fire hazards.
Preserve riparian areas and other natural habitat by prohibiting development within 50 feet of the edge of ponds, streams, or rivers without the approval of a variance.	Andy Schiffrin	The City's Creeks and Wetlands plan sets standards for development adjacent to bodies of water and sets criteria for Watercourse development permits. The Creeks and Wetlands Plan is a component of the City's General Plan and Local Coastal Program and applies to all existing and proposed development.
Require developments to use existing features of land such as natural vegetation, viewsheds, possible geologic and archaeological features, and other features which preserve a land's identity.	Andy Schiffrin	This is not an objective standard. Most sites for significant development in the City involve redevelopment of land which has been previously graded and developed.
Prohibit a project's runoff from entering local watercourses.	Andy Schiffrin	All rain water eventually drains to a natural water course. The City regulates stormwater quality through Muni Code Section 24.14.050.
Require a 5-year maintenance agreement for street trees provided by a project.	Andy Schiffrin	Street trees require maintenance in perpetuity per existing Muni Code Section 13.30.060.
For projects proposed with 500 feet of the coast or San Lorenzo River, require the analysis of potential sea level rise impacts and impose mitigations to provide 100-year flood protection.	Andy Schiffrin	Floodplain zoning identifies low-lying areas that are at risk for flooding within the 100-year time frame, and development restrictions apply. See Municipal Code Section 24.10.2000.
New developments shall incorporate Title 24 energy code standards, apply latest Calif. building laws such as: "Solar panels are required in all new construction homes and certain remodeled homes beginning January 1, 2020... Minimum number of shade trees needed to provide shade to surface parking areas as well as landscape and hardscape areas."	Marianne Franks	The Building Standards Codes in effect at the time of building permit application apply to all new structures built in the State of California.
-Separate water meter for each unit in a residential development to help our City conserve water.	Marianne Franks	This is generally required by Muni Code Section 16.04.050. In certain cases the Water Department reserves the right to allow collective metering in order to support full buildout of multi-family property.

-Rainwater catch system for any residential development with 10 units or more. Catch system to be used to subsidize landscaping water needs.	Marianne Franks	The City's Water Conservation Program does not support this approach for new multi-family development due to the size of catchment that would be required and the limited utility in our climate. The water department prefers that rainwater be directed toward permeable surfaces to infiltrate.
All residential developments shall include faraday metal shielding between All smart meter arrays and adjacent residential units.	Marianne Franks	The City would need to define limit on exposure to various wavelengths of radiation in order to allow design of an appropriate and successful shield. There is no federal or state guidance about how to select any such limit.
-High filtration air system is required for any residential development with 10 units or more, as well as for any development housing exercise, yoga, or workout rooms.	Marianne Franks	MERV 13 exterior air intake filtration is required on all new residential structures as of 2019 energy code; this level of filtration is highly effective against air-borne pollutants. Protection from communicable disease requires point-of-origin/point-of-use air filtration which is not a built-in part of a building (even a hospital), such as a freestanding HEPA filter.
-Any structure built after 2021 shall not cast a shadow on an existing structure for more than 3 hours of the day, measured using average winter hours/angle.	Marianne Franks	This current project does not have the tools necessary to conduct the analysis that would be required in order to ensure that this policy would not hinder development in any location. The wording may also be excessively broad: this type of policy should not apply to commercial, or non-residential structures, and should apply only outside of the Downtown Area. This type of policy, if it can be supported, should apply equally to all types of existing residential buildings, and this would require extensive modeling and study for all potential orientations and existing structures.
All new development shall incorporate the 2030 General Plan Chapter 9 (Parks, Recreation and Open Spaces) Goals, Policies, and action PR1.1.3-4, PR1.3.1-4 to preserve the City's highly valued identity and its Natural Resources(Chapter 4 Land Use).	Marianne Franks	The General Plan applies to all new development.
To mitigate the harmful effects of the City's current technical deficiency in this policy, the following landscaping standards will work to offset the harmful effects and to achieve the City's stated green space goals.	Marianne Franks	See Section 24.12.125 LANDSCAPING REQUIREMENT. "In all districts where yards are required, all portions of each front and exterior side yard, except where improved for pedestrian or vehicular access, or a porch or a patio, shall be landscaped and permanently maintained."
Landscaping standards shall promote the creation of green space within commercial, industrial and medium- to high-density residential districts in order to maintain quality of life of those districts, buffer off street parking areas, reduce drainage off site, filter noise and light, encourage the planting of trees throughout the community, and support the City's health and climate change policies.	Marianne Franks	The City has existing setback requirements in every zoning district as well as open space and landscaping requirements.
Street Trees: All commercial, industrial, and multi-family residential developments within the City shall provide boulevard trees in addition to and separate from other plant requirements.	Marianne Franks	See requirements for Street Trees in Section 24.12.186

-Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City will be considered as elements of the project in the same manner as parking, building materials and other plan details. The landowner, or successor in interest, or agent, if any, will be jointly responsible for regularly maintaining all landscaping so that it presents a healthy, neat, and orderly appearance, including the removal of weed species as well as the repair or replacement of damaged or destroyed landscaping.	Marianne Franks	Landscape maintenance is required by Section 24.12.125
Heritage Trees: Any heritage tree (s) that is in the footprint of a proposed large development shall be relocated rather than cut down.	Marianne Franks	All Heritage Trees are evaluated for preservation in place, or by relocation, before any application to remove them can be submitted. Outright prohibition on tree removal is not a policy that is supported by most arborists or the City Forester. Each tree needs to be evaluated on an individual basis.
-Depending on size and species, mature heritage trees store on average 1-2 metric tons of carbon. The usual method of removal after cutting is chipping, which means the vast amount of carbon is released to the atmosphere within 5 years. Replacement saplings take many decades of growth to become equivalent carbon sinks. Removal of heritage trees works against the goals of the city's Climate Action Plan. Relocation of heritage trees has a high success rate and is consistent with the CAP goals.	Marianne Franks	Noted.
Vertical Landscaping/Planting: All new housing developments of 3 stories or taller, will include vertical planting that covers no less than 70% of their vertical exterior wall space, excluding doors, windows and balconies. Native plant species and xeriscaping should be prioritized to support pollinators and sustainability throughout drought years. The objective standard of vertical planting will achieve:	Marianne Franks	Living Walls been incorporated into the standards as an option for exterior materials. Vertical Landscaping does not meet all the required Building Code Standards for exterior materials, and therefore requiring it over such a large portion of the structure may not be appropriate.
1. Reduction in air pollution and carbon footprint that is associated with population density increase, thereby mitigating this recorded negative impact proactively	Marianne Franks	Noted
2. Reduction in noise/sound pollution by buffering the hard exterior space and reverberation	Marianne Franks	Noted
3. Reduction in light pollution via texture of plants buffering various and varying reflective building materials and paints	Marianne Franks	Noted
4. Create aesthetic element that is universally pleasing and improve the appearance of less expensive building materials sometimes needed to make an affordable housing development financially feasible.	Marianne Franks	Noted
5. Preservation of Santa Cruz as a destination symbolized by the natural environment, thereby maintaining its draw to both tourists and residents. Planted exterior buildings shows environmental responsibility and adds nature to the skyline instead of concrete, paint, etc... Santa Cruz bumper stickers are traditionally whales, butterflies and trees, not mid-high rise buildings. Living walls will draw butterflies and symbolize that our City values nature and environmental responsibility.	Marianne Franks	Noted

6. Leading other cities by example when challenged with the need to build affordable housing but do so in a way that aims to mitigate its associated impact on global warming.	Marianne Franks	Noted
7. Improvement of both mental health and physical health parameters that are negatively impacted by increased population density - by built-in green space as the surface building exteriors.	Marianne Franks	Noted
All proposed developments shall be reviewed under Model Lighting Ordinance & International Dark Sky Association Design guidelines according to General Plan Goal HZ5-5.1 through HZ5.1.3	Marianne Franks	Standards for Lighting have been incorporated. See Section 24.12.185.17.
-To minimize light trespass and the harmful effects of light pollution, outdoor lighting shall be no more than 3000 Kelvin, no more than 2700 lumens (commercial), no more than 1200 lumens (residential), only be on when necessary for public safety and be fully shielded and pointing downward.	Marianne Franks	Standards for Lighting have been incorporated. See Section 24.12.185.17.
Materials: Affordable units and market-rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable	Marianne Franks	This standard exists in the Municipal Code 24.16.025.
-Affordable units qualifying a housing development for SB 35 streamlining or a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market rate units in terms of appearance, materials, and finished quality. (From Santa Cruz's Density Bonus Law, edited to include SB 35 [Adopted October 24, 2017])	Marianne Franks	This standard exists in the Municipal Code 24.16.025, and is superseded by State Law in cases where the financing of the project relies on clustering the affordable units together to qualify for Low-Income Housing Tax Credits or other Federal or State funding resource.
-There shall be distribution of low-income and very low-income housing built throughout the City for racial equity.	Marianne Franks	This is not a standard that can be applied to an individual development proposal. The City should consider disbursing areas of multi-family zoning throughout existing single-family areas in order to achieve this goal.
-50% of affordable units should be 2 bedroom or larger units.	Marianne Franks	The demographics of the households that need affordable housing would not be supported by this policy. Households that need affordable units are similar to overall Santa Cruz demographics which include under 1/3 families with children.
The City of Santa Cruz enforces the objective standard that any development applying for SB 35 streamlining must include a minimum of 50% of their housing units at the affordable level or income category in which the City is currently deemed deficient (the one which needs fulfillment to satisfy regional requirements). Percentage calculated for the total number of units to be developed, including those awarded for the Density Bonus.		The City will likely cycle through different tiers within the streamlining allowed under SB35, and will comply with the requirements of the state law. The suggested standard is not compliant with current state law.
-Whereas a deficiency in a specific income level in the most recent year's regional housing reporting, is what qualifies a City to be subject to accepting SB 35 ministerial streamlining and the City's goal is to fulfill the requirements and not perpetuate the deficiency.	Marianne Franks	This is not a feature of an SB35 application that the City has the power to regulate.
-Whereas allowing larger percentage of market rate units to be constructed, proportional to the lowest income levels of Affordable Housing, drives up the AMI, thereby increasing what is deemed "affordable" to higher than the lower income brackets can reasonably afford.	Marianne Franks	This is an inaccurate statement. AMI has changed over time locally and statewide due to a variety of macroeconomic factors that are outside the City's ability to influence. Further, the City does not have the discretion to limit density bonus applications or to deny development proposals that conform to all applicable requirements.

-The pitch of roofs to match in design to adjacent structures.	Marianne Franks	The project team considered a similar standard but roof pitch on existing buildings is highly variable within neighborhoods and prohibiting flat roofs in commercial areas seems unnecessary. The City could consider requiring a minimum pitch for structures in certain neighborhoods, and such a standard would be best implemented through an Area Plan.
-Any structures with rooftop activity will require 2" acoustical sound walls	Marianne Franks	These panels add height to the profile of buildings as they meet the sky. Building profiles and roof forms were one of the more sensitive features of buildings, with public comment indicating a preference for variation and tapering. Opaque sound panels are not compatible with these community preferences.
-Any structures with rooftop activity will limit rooftop pedestrian access and activity to hours of City's sound/noise ordinance (i.e. rooftop closed at night). Rooftop safety lighting shall turn off accordingly to limit light pollution and light trespass.	Marianne Franks	Similar requirements have been incorporated. See Sections 24.12.185.9 Usable Open Space, 24.12.185.10 Neighborhood Transition, and 24.12.185.17 Lighting.
-HVAC systems shall not be visible from residential neighborhoods	Marianne Franks	Previously regulated through Design Permit findings, this standard is proposed to be added to Muni Code Section 24.12.150 Height Limits Modifications.
-The height of any building within 100 ft of a single-family home shall be no taller than 4 stories high including Density Bonus. To achieve maximum density, stepbacks may be used so that the =>30% of the building along the single family zoning conforms to this standard.	Marianne Franks	This is not a legal action the City can take. State Density Bonus Law supersedes local regulations.
-Density increase shall be limited to 10% over current zoning (General Plan LU4.1.2), including Density Bonus	Marianne Franks	This is not a legal action the City can take. State Density Bonus Law supersedes local regulations.
-Residential projects located across the street from single-family neighborhoods shall orient the buildings to the street with individual entries, patio areas and landscaping facing the single-family homes. Parking lot areas and carports shall not be located along single-family neighborhood street frontages.	Marianne Franks	All residential units that abut a public frontage should be oriented toward it. See proposed Muni Code Section 24.12.185.6 Public Frontages.
-Duplexes, triplexes, and fourplexes abutting single-family neighborhoods shall include individual front doors and interior stairs (when stairs are needed).	Marianne Franks	The stacked-flat building type is more likely to create lower-cost market-rate housing than the townhouse building type (described by this proposed standard), and Section 24.12.185.3 Maximum Building Length incentivizes stacked flats through a parking reduction.
-The first story shall be distinguished from all other stories by using no less than 2 architectural forms, fenestration, or similar details on the front elevation (e.g., arches, awnings, balconies, columns, cornices, lintels, moldings, trellises) that are not also used in the same manner on the other stories.	Marianne Franks	See proposed Muni Code Sections 24.12.185.12 Building Modulation, .13 Corridor Frontage, .14 Ground Floor Design, .15 Architectural Detail, and .16 Building Materials.
-Blank walls (facades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.	Marianne Franks	See proposed Muni Code Sections 24.12.185.12 Building Modulation, .13 Corridor Frontage, .14 Ground Floor Design, .15 Architectural Detail, and .16 Building Materials.
-Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from wall plane by a minimum of three inches.	Marianne Franks	See requirements for Building Facades Section 24.12.185.15.e

-Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 12 inches deep and four feet wide and extend the full height of the building.	Marianne Franks	See proposed Muni Code Sections 24.12.185.12 Building Modulation.
-Rooflines shall be vertically articulated at least every 50 feet along the street frontage through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height and/or form.	Marianne Franks	See proposed Muni Code Sections 24.12.185.11 Roof Form.
-Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 18 inches deep and four feet wide and extend the full height of the building.	Marianne Franks	See proposed Muni Code Sections 24.12.185.12 Building Modulation.
-Primary building entrances and associated paths of travel shall be visible from the adjacent street.	Marianne Franks	See proposed Muni Code Sections 24.12.185.14 Ground Floor Design.
-Mirrored glass is prohibited on the exterior of building in order to minimize off-site glare and maximize transparency.	Marianne Franks	Mirrored glass may be an appropriate building material in certain circumstances, provided Bird Safe building design standards can be met, so an outright prohibition is not recommended.
-At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20% of the building frontage, excluding windows and railings. A change in material must be offset by a minimum of six inches in depth.	Marianne Franks	See proposed Muni Code Section 24.12.185.16 Building Materials.
-The tallest part of the building shall not take up a full floor.	Marianne Franks	See proposed Muni Code Section 24.12.185.10 Neighborhood Transition.
-Unbundled parking only allowed in Downtown zoning.	Marianne Franks	Unbundling is currently allowed throughout the City and has been documented to be an effective tool for reducing driving and car ownership. Staff is proposing to make this existing allowance more clear through amendments to Muni Code Section 24.12.240.
-Structured parking shall be designed such that interior shall be fully shielded and automobile headlamps shall not be visible from adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.	Marianne Franks	See proposed Muni Code Section 24.12.185.7 Parking Location and Screening
-In addition to the required number of parking spaces shall be made available for use by guests, as follows: · 0.10 spaces per dwelling unit for affordable projects (defined as projects reserving at least 50% or more of the units for income-restricted households, as defined under California Law). · 0.15 spaces per dwelling unit for all other projects These guest parking spaces shall be located outside of any security gates or other access limitation devices unless provisions are made to allow a resident to remotely communicate with and provide access to the visiting guest (such as through an intercom and remote control gate, or other similar devices).	Marianne Franks	The City requires guest parking for all multi-family development at a rate of 10% of the total required number of parking spaces to be added and reserved for guests.

<p>The following standards shall apply to a non-residential or multi-story residential development (hereafter referred to as the “development”) on a parcel or aggregation of parcels that is adjacent to property in a single family or multi-family low rise residential district or with a low or medium density residential use (hereafter referred to as the “neighborhood”): (for Rick’s 13 proposed standards)</p>	Rick Hyman	
<p>1. Buffering – where there is no intervening alleyway Where such development will be on property abutting the neighborhood, the following standards shall apply:</p> <ul style="list-style-type: none"> a. an at least 10 foot wide heavily landscaped buffer strip shall be established and maintained on the subject property. b. existing shrubs and trees that help soften the visual impacts of the development from the neighborhood must be retained, integrated into the landscape plan, and promptly replaced if any die. c. the majority of plants included in the landscaping whose purpose is to soften the visual impacts of new development from the neighborhood shall be of an initial large size (generally minimum of 15 gallon), fast growing, and evergreen. d. a deed restriction, easement or dedication shall be applied to this buffer strip limiting uses to landscape maintenance and emergency access. 	Rick Hyman	<p>See proposed Muni Code Section 24.12.185.8. The City's Water Conservation staff and City Arborist recommend smaller-sized trees for best long term outcomes for healthy vegetation. City Staff recommends a five-foot buffer to ensure these areas do not become attractive habitat for vermin or create maintenance challenges for owners and neighbors.</p>
<p>(CONTINUED) e. a solid 6 foot wall or fence shall be erected and maintained between the buffer strip and the remainder of the subject property where the development is to occur. f. Exceptions: (1) a different fence design, or other barrier or no barrier besides landscaping is permissible if the adjoining neighborhood property owners prefer such an alternative treatment; (2) if a solid building back is constructed at the buffer edge with no openings for the first 6 feet up from ground level, no separate fence or wall is required; (3) if occupied residential space constitutes the entire back of a building constructed at the buffer edge, no solid barrier is necessary; landscaped yards, pathways, stairways, decks and patios covering no more than one-third of the buffer area are permissible; and residents may be allowed within the landscaped buffer area; (4) if another provision in the Code allows for exceptions to this landscaped buffer requirement, then the applicant for any development must install a solid fence or wall at the property line or an alternative fence design requested by the adjoining neighborhood property owners.</p>	Rick Hyman	<p>See proposed Muni Code Section 24.12.185.8.</p>

<p>2. Buffering – where there is an intervening alleyway</p> <p>a. Where a public alleyway at least 10 feet wide separates property on which development will occur from the neighborhood, all of the above standards and exceptions apply [in 1 above] except that minimum width for the heavily landscaped buffer adjacent to the alleyway shall be at least 5 feet.</p> <p>b. Where a public alleyway separates property on which development will occur from the neighborhood, no motor vehicle access shall be provided from the alleyway to a parking garage or lot on the subject property; except that access is permissible to individual residential garages or driveways if occupied residential space constitutes the entire back of a building constructed at the buffer edge.</p>	Rick Hyman	Screening required by proposed Section 24.12.185.8. Limiting alley access to parking areas is not feasible on standard-depth (or shallower) parcels.
<p>3. Outdoor parking and accessways</p> <p>If an open parking lot or paved motor vehicle access is installed between the required physical buffer (pursuant to 1 or 2 above) and the back of a new building, then the following measures must be taken:</p> <p>a. any refuse and related containers must be within an enclosure located at least 50 feet from edge of the adjacent neighborhood (otherwise these must be accessible from inside the building or in front of the building).</p> <p>b. any loading area shall be located at least 50 feet from the edge of the adjacent neighborhood (otherwise loading/unloading must occur inside the building or in front of the building).</p> <p>c. any deliveries by truck shall be prohibited between 10 p.m. and 7 a.m.</p> <p>d. a management program must be established to ensure frequent little pick-up.</p> <p>e. where there is also enclosed parking within in a mixed-use development, then any additional uncovered parking lot spaces behind the building shall be allocated first to building residents or employees. [this is to avoid frequent turnover in the parking lot caused by commercial patrons that has more noise and related impacts on the adjacent neighborhood]</p> <p>f. “Quiet Zone” or similar signs requesting consideration of the adjacent neighborhood, “No Loitering” or similar sign, hours and time limits for parking, and “Tow Away” signs for parked vehicles not in compliance with the rules shall all be posted in outdoor parking lots.</p> <p>g. security measures are permissible and encouraged, provided they do not result in adverse impacts on the adjacent neighborhood (e.g., loud audible alarm voices; bright shining lights).</p>	Rick Hyman	What do our existing conditions of approval say relative to these items?

<p>4. Driveways and garage accessways</p> <p>If a motor vehicle entrance/exit is provided off of a non-arterial or non-collector street that runs from an arterial or collector street into a neighborhood, then:</p> <p>a. the entrance shall be located as close to the corridor street as possible;</p> <p>b. a semi-traffic diverter or similar traffic calming device and a “residential traffic only” or similar sign shall be installed just beyond the entrance on the street to slow and caution traffic entering the residential neighborhood;</p> <p>c. turns from the entrance/exit toward the residential neighborhood shall be prohibited.</p>	Rick Hyman	Traffic circulation adjacent to major roadways relies on the adjacent street network in order to maintain efficient traffic flows on higher-volume roadways. the proposed conditions could be considered on a case-by-case basis for certain projects but are not appropriate as a standard for all new development.
<p>5. Mechanical equipment and venting</p> <p>a. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. that could otherwise be visible from the residential neighborhood shall be permanently screened with material compatible with the materials of the building, except to the extent that such screening would interfere with the operation of solar panels.</p> <p>b. Any necessary mechanical venting of laundry or rest rooms shall be internal to the building if possible; in no case shall vents to the outside face a residential neighborhood.</p>	Rick Hyman	See proposed Muni Code Section 24.12.150 Height Limits Modifications
<p>6. Exterior lights</p> <p>Except on the ground floor where residential uses constitute the entire back of a building facing a neighborhood, no exterior lights shall be allowed which shine beyond the property line.</p>	Rick Hyman	See proposed Muni Code Section 24.12.185.17
<p>7. Heritage trees</p> <p>Existing heritage trees shall be preserved and afforded adequate space to survive. No heritage tree removal shall be allowed solely to allow a proposed building design; rather the building shall be redesigned and resited to allow the heritage tree to remain.</p>	Rick Hyman	All Heritage Trees are evaluated for preservation in place, or by relocation, before any application to remove them can be submitted. Outright prohibition on tree removal is not a policy that is supported by most arborists or the City Forester. Each tree needs to be evaluated on an individual basis.

<p>8. Adjacent uses</p> <p>a. Non-residential uses allowed within 50 feet of a neighborhood shall be limited to those principally permitted uses that generate no more than eight vehicular round trips per day from other than employees and do not use any outdoor space on the neighborhood side.</p> <p>b. No non-residential use shall be allowed within 125 feet of an adjacent neighborhood that is open any time between 9 p.m. and 7 a.m.; includes outdoor uses with amplified music; uses alarms or sirens or similar loud noises that can be heard by the adjacent neighborhood; prepares food in a manner that smoke or odor is allowed to vent from the building or occurs outdoors; includes an outdoor swimming pool; or is a conditional use that the Zoning Administrator determines will have adverse noise, litter, odor, lighting, pollution or traffic impacts on the adjacent neighborhood.</p>	Rick Hyman	The City maintains discretion over commercial uses through the existing Use Permit and Design Permit processes. Hours of operation are typically regulated as conditions of approval for individual properties based upon the proposed activities for the site.
<p>9. Design features</p> <p>a. All façade features designed and required to make the front of the building attractive (such as varying roof lines, other articulations, breaking up massing to appear or to be separate buildings, architect style compatible with the neighbor) must also be incorporated into all sides of the building that face residential neighborhoods, except where they are unnecessary (e.g., because the height of the building facing the residential neighborhood is only one or two stories), would adversely impact the residential neighborhood (such as glass that would cast a glare), or are in conflict with the other provisions of this section.</p>	Rick Hyman	See proposed Muni Code Sections 24.12.185.12 Building Modulation, .13 Corridor Frontage, .14 Ground Floor Design, .15 Architectural Detail, and .16 Building Materials.
<p>b. Windows and glass doors above the first floor that face onto a neighborhood shall not be permitted in non-residentially occupied spaces (e.g., storage rooms, staircases), unless mandated for safety. Any such windows and doors shall have a screen or drape that is closed when any lights are on.</p>	Rick Hyman	Proposed standards for Lighting in Section 24.12.185.17 will limit off-site glare, and commercial uses can be further regulated through the existing Use Permit and Design Permit processes on a case-by-case basis.
<p>c. Windows or glass doors above the first floor that serve residentially or employee occupied spaces and face onto the neighborhood shall be limited to no more than one standard sized (24" x 36") one per room or employee cubicle and shall be located in a manner that minimizes intrusion into the neighborhood residents' privacy.</p>	Rick Hyman	See proposed Muni Code Section 24.12.185.10 Neighborhood Transition.
<p>d. Vines and similar plants that can grow on building sides that face onto a neighborhood shall be incorporated into building design, using, for example: trellises, window boxes or hanging plants from rooftops gardens.</p>	Rick Hyman	See response above under Vertical gardening.
<p>d. Painting and other treatments of and on exteriors that face neighborhoods shall be permanently maintained in good condition.</p>	Rick Hyman	Muni Code Section 24.14.200 requires continued maintenance of land uses in a manner that is free of environmental nuisances. Building maintenance is required of all development seeking a Design Permit or Use Permit as a condition of approval. For residential structures, the State Housing Code and Building Codes require exterior maintenance.

e. Signs for non-residential uses facing the neighborhood shall not be visible to neighborhood residents above the required landscaped buffer; except, if building design (e.g., placement of windows or doors), would thus preclude a sign, one per business shall be allowed that is located no more than one foot above the door, window or other impediment, no more than one foot high, and illuminated only during the time the business is open.	Rick Hyman	Signs are regulated by Muni Code Sections 24.12.300 et seq. See proposed Muni Code Section 24.12.185.17 Lighting for standards limiting glare and off-site light.
e. A deed restriction or other binding legal document shall prohibit building changes in the future that do not comply with the provisions of this section.	Rick Hyman	Future development or redevelopment of parcels will be governed by the regulations in place at the time.
	Rick Hyman	
10. Comprehensive management responsibility a. A comprehensive management plan shall be prepared to ensure compliance with all on-going requirements of these standards or any other Municipal Code requirements that apply anywhere on the property over time. b. One management entity shall assume ultimate responsibility for implementing the comprehensive management plan; except for mixed use developments: two management entities may be established -- one for the residential and one for the non-residential uses, provided they execute a legally binding agreement to ensure that (1) there is joint management of common areas used by both residents and non-residents and (2) that all on-going requirements are the responsibility of either one or the other or both. c. While this entity may designate individual businesses to comply with certain responsibilities pertaining to their businesses, the overall management entity is ultimately responsible for the entire property.	Rick Hyman	These features of development projects are typically regulated through Conditions of Approval placed on a development permit, so that they are site-specific and responsive to a particular development proposal.
(CONTINUED) d. Any subsequent use permits issued to individual businesses shall be conditioned to comply with the comprehensive management plan. e. Any subsequent use permits for individual businesses whose operation could result in adverse neighborhood impacts not previously addressed by the original comprehensive management plan can only be approved if (1) conditioned for a supplemental management plan to address these impacts integrated into to comprehensive plan; (2) the overall management entity assumes responsibility for these supplemental measures if the individual business fails to comply. f. A representative of the neighborhood, if one is delegated, shall be given updated contact information for a responsible designee of the management authority.	Rick Hyman	Planning Entitlements run with the land and apply to all owners in succession and any future uses established on the site. Any change to a condition of approval would require review by the original approving body. These features of development projects are typically regulated through Conditions of Approval placed on a development permit, so that they are site-specific and responsive to a particular development proposal.

<p>11. Construction activity</p> <p>a. Construction activities shall be limited to the hours of 7:30 am to 6:00 pm, Monday through Friday; except limited interior construction activity from 8:00 am to 5:00 pm on Saturdays may occur with the approval of the Chief Building Official.</p> <p>b. A representative of the neighborhood, if one is designated, shall be provided with contact information for individuals responsible for the construction operations.</p> <p>c. As part of a required construction management plan, all construction materials, equipment, and vehicles shall be stored on site or at an approved location at least 100 feet away from any neighborhood. A construction vehicle access plan shall prohibit construction and related vehicles from using any non-arterial and non-collector residential streets beyond the subject site limits, unless no other access route is available. Designated parking for construction workers shall be established off of any non-arterial and non-collector residential streets beyond the subject site limits.</p> <p>d. Enforceable measures shall be incorporated into a required construction management plan to prevent adverse noise, dust, utility disruption, nuisance, odor, lighting, vibration impacts on the neighborhood.</p>	Rick Hyman	<p>These features of development projects are typically regulated through Conditions of Approval placed on a development permit, so that they are site-specific and responsive to a particular development proposal.</p>
<p>12. Construction delays and abandonment</p> <p>a. Security must continue to be provided on a site where construction is delayed or abandoned.</p> <p>b. Once site preparation or construction commences, if it subsequently stops for a period of six continuous months, then a solid fence or wall must then immediately be installed on all sides of the subject property visible from the neighborhood; any equipment or materials stored on site that are visible from the neighborhood above the fence or wall must be removed from the site; and any equipment or materials stored on site that continue to generate noise, odor, light, dust, litter or pollution must be removed from the site.</p> <p>c. If site preparation or construction stops for one year, then the required buffering and landscaping must be immediately installed. [#1 or 2 above]</p> <p>d. Temporary uses that enhance the attractiveness and security of a halted or abandoned construction site may be permitted, provided they comply with all of these provisions.</p>	Rick Hyman	<p>These features of development projects are typically regulated through Conditions of Approval placed on a development permit, so that they are site-specific and responsive to a particular development proposal.</p>

<p>13. Process</p> <p>a. Community outreach meetings shall be held for any such developments, except where there is no change of or expansion of use.</p> <p>b. Where State law allows exceptions to these Objective Standards, no further exceptions may be granted pursuant to a Planned Development permit, height limit modification, or other exception provision of the zoning ordinance.</p> <p>c. A representative of a neighborhood affected by such development may be designated to receive notice of when any follow-up landscape, management, transportation, or other plans required to comply with these Objective Standards to help protect the neighborhood are submitted for approval and shall be allowed to review such plans.</p> <p>d. Public notice and an opportunity to comment shall be provided prior to approval of any changes to approved building design or permit conditions that may affect the neighborhood that otherwise do not require public hearings.</p>	Rick Hyman	The City's Community Outreach policy will continue to apply to development projects throughout the City based on size. Any application for a Planned Development Permit, Density Bonus, or other variance from the requirements of the Municipal Code will trigger the requirement for a public hearing and appropriate public noticing.
Heritage trees in the footprint of a proposed large development shall be counted and the following standard apply: Any heritage tree (s) in the footprint of a proposed large development shall be relocated rather than cut down. The location shall be determined at the time of permit application.	Alexander Gershenson	Relocating existing trees is an option available to property owners as part of the required Heritage Tree permits required by Municipal Code Section 9.56.060, and City staff is not recommending any further changes to this division at this time. City staff consulted with reputable reviewing arborists, and the collective advice was to maintain the existing site- and specimen-specific arborist analysis for relocation of mature trees. As stated recently by a reviewing arborist considering a local development application for retention and relocation of existing trees: "...mature trees proposed for relocation should exhibit high vigor, desirable architecture, strong structure, and be free of significant disease and decay. Under the best of circumstances, transplanting is severely traumatic on tree physiology and weak trees are likely to decline over time. Trees at risk of decline or structural failure are poor candidates for relocation. I also do not recommend relocation where operations would result in either an undersized root ball or damage to adjacent trees."
If a building is built after 2021 high filtration air system is required for exercise, yoga, workout rooms required to filter the air to protect from spreading viruses.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
The pitch of roofs to match in design to adjacent structures.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Any structure built after 2021 shall not cast a shadow on an existing structure no more than 3 hours of the day.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Any structure shall not impede sunlight on to adjacent structures with solar panels more than 3 hours per day.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Any structures with rooftop activity will require 2" acoustical sound walls.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
The height of any building within 100 ft of a single-family home shall be no taller than 4 stories high including density bonus.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.

Residential projects located across the street from single-family neighborhoods shall orient the buildings to the street with individual entries, patio areas and landscaping facing the single-family homes. Parking lot areas and carports shall not be located along single-family neighborhood street frontages.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Duplexes, triplexes, and fourplexes abutting single-family neighborhoods shall include individual front doors and interior stairs (when stairs are needed).	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Affordable units and market-rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Blank walls (facades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from wall plane by a minimum of three inches.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 12 inches deep and four feet wide and extend the full height of the building.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Rooflines shall be vertically articulated at least every 50 feet along the street frontage through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height and/or form.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
No unbundled parking	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Structured parking shall be designed such that interior lighting shall be fully shielded and automobile headlamps shall not be visible from adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
In addition to the required number of parking spaces shall be made available for use by guests, as follows: · 0.10 spaces per dwelling unit for affordable projects (defined as projects reserving at least 50% or more of the units for income-restricted households, as defined under California Law). · 0.15 spaces per dwelling unit for all other projects These guest parking spaces shall be located outside of any security gates or other access limitation devices unless provisions are made to allow a resident to remotely communicate with and provide access to the visiting guest (such as through an intercom and remote control gate, or other similar devices).	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 18 inches deep and four feet wide and extend the full height of the building.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Meter for each units to help our town conserve water	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.

There shall be distribution of low-income and very low-income housing built throughout the town for racial equity	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Affordable units should be in larger units as well as smaller units.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Primary building entrances and associated paths of travel shall be visible from the adjacent street.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Mirrored glass is prohibited on the exterior of building in order to minimize off-site glare and maximize transparency.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20% of the building frontage, excluding windows and railings. A change in material must be offset by a minimum of six inches in depth.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
The tallest part of the building shall not take up a full floor.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Landscaping standards shall promote the creation of green space within commercial, industrial and medium- to high-density residential districts in order to maintain quality of life of those districts, buffer off street parking areas, reduce drainage off site, filter noise and light, encourage the planting of trees throughout the community, and support the City's health and climate change policies.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Street trees: All commercial, industrial, and multi-family residential developments within the City shall provide boulevard trees in addition to and separate from other plant requirements.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
City will be considered as elements of the project in the same manner as parking, building materials and other plan details. The landowner, or successor in interest, or agent, if any, will be jointly responsible for regularly maintaining all landscaping so that it presents a healthy, neat, and orderly appearance, including the removal of weed species as well as the repair or replacement of damaged or destroyed landscaping.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Any heritage tree (s) that is in the footprint of a proposed large development shall be relocated rather than cut down.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
Depending on size and species, mature heritage trees store on average 1-2 metric tons of carbon. The usual method of removal after cutting is chipping, which means the vast amount of carbon is released to the atmosphere within 5 years. Replacement saplings take many decades of growth to become equivalent carbon sinks. Removal of heritage trees works against the goals of the city's Climate Action Plan. Relocation of heritage trees has a high success rate and is consistent with the CAP goals.	Sunny Sanoff	These comments are repeats of those of Marianne Franks, above. See responses in that section.
H. Lighting	Mark Buxbaum	

Goal: To ensure that exterior public areas of buildings are well-lit for safety, while minimizing the negative effects of glare, light trespass, and light pollution, thereby helping to make new development Dark Sky friendly.	Mark Buxbaum	
1. All exterior lighting shall meet the requirements, including being dimmable and controllable, specified in California Title 24 and the Green Building Ordinance currently enforced by the City of Santa Cruz. In addition:	Mark Buxbaum	The California building code will apply to all new development and redevelopment within the City.
2. Individual exterior luminaires shall not exceed 1,260 lumens.	Mark Buxbaum	See proposed Muni Code Section 24.12.185.17 Lighting.
3. All light sources greater than 30 lumens shall be fully shielded, such that the light source cannot be directly seen at eye level by a pedestrian or from an existing residential window or balcony within 200 feet, or from any position above the horizon.	Mark Buxbaum	See proposed Muni Code Section 24.12.185.17 Lighting.
4. The height of luminaires shall not exceed 15 feet above grade.	Mark Buxbaum	Exterior lights for privat balconies will exceed 15' in height, lighting for auto safety is limited in how short these fixtures can be for circulation. See Standards for Lighting Section 24.12.185.17.
5. Exterior light fixtures shall utilize light sources with a color temperature that does not exceed 3000 Kelvin.	Mark Buxbaum	See proposed Muni Code Section 24.12.185.17 Lighting.
6. No lighting visible from the exterior of the building shall blink, flash or flicker.	Mark Buxbaum	See proposed Muni Code Section 24.12.185.17 Lighting.
7. After accounting for illuminance provided by existing street lighting and other public lighting sources, nighttime lighting which is sufficient for wayfinding shall be provided at parking lots, pedestrian pathways, outdoor gathering spaces, and building entries.	Mark Buxbaum	See proposed Muni Code Section 24.12.185.17 Lighting.
8. The main entrance(s) to the building and their immediate surrounds within 10 feet shall have the brightest surfaces visible at night. All other building surface areas visible from adjacent properties, and larger than 6" in any dimension, will maintain luminances less than 33% of the entrance. In other words, a ratio of 3:1 or greater between the brightness of the building's main entrance(s) and all other building surfaces visible from adjacent properties will be maintained, as measured by a luminance meter.	Mark Buxbaum	See proposed Muni Code Section 24.12.185.17 Lighting.
Goal: To ensure that exterior public areas of buildings are well-lit for safety, while minimizing the negative effects of glare, light trespass, and light pollution, thereby helping to make new development Dark Sky friendly.	Jeff Parry	
1. All exterior lighting shall meet the requirements, including being dimmable and controllable, specified in California Title 24 and the Green Building Ordinance currently enforced by the City of Santa Cruz. In addition:	Jeff Parry	The California building code will apply to all new development and redevelopment within the City.
2. Individual exterior luminaires shall not exceed 1,260 lumens.	Jeff Parry	See proposed Muni Code Section 24.12.185.17 Lighting.
3. All light sources greater than 30 lumens shall be fully shielded, such that the light source cannot be directly seen at eye level by a pedestrian or from an existing residential window or balcony within 200 feet, or from any position above the horizon.	Jeff Parry	See proposed Muni Code Section 24.12.185.17 Lighting.
4. The height of luminaires shall not exceed 15 feet above grade.	Jeff Parry	See proposed Muni Code Section 24.12.185.17 Lighting.
5. Exterior light fixtures shall utilize light sources with a color temperature that does not exceed 2200 Kelvin.	Jeff Parry	See proposed Muni Code Section 24.12.185.17 Lighting. Staff recommends 3000 Kelvin after consulting with Public Works.
6. No lighting visible from the exterior of the building shall blink, flash or flicker.	Jeff Parry	See proposed Muni Code Section 24.12.185.17 Lighting.

7. After accounting for illuminance provided by existing street lighting and other public lighting sources, nighttime lighting which is sufficient for wayfinding shall be provided at parking lots, pedestrian pathways, outdoor gathering spaces, and building entries.	Jeff Parry	See proposed Muni Code Section 24.12.185.17 Lighting.
8. The main entrance(s) to the building and their immediate surrounds within 10 feet, shall have the brightest surfaces visible at night. All other building surface areas visible from adjacent properties, and larger than 6" in any dimension, will maintain luminances less than 33% of the entrance. In other words, a ratio of 3:1 or greater between the brightness of the building's main entrance(s) and all other building surfaces visible from adjacent properties will be maintained, as measured by a luminance meter.	Jeff Parry	See proposed Muni Code Section 24.12.185.17 Lighting.
H. Lighting [re-write section per below. COMMENTARY below in brackets provides justification]	Lisa Heschong	
Goal: To ensure that exterior public areas of buildings are well-lit for safety, while minimizing the negative effects of glare, light trespass, and light pollution, thereby helping to make new development Dark Sky friendly.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
1. All exterior lighting shall meet the requirements, including being dimmable and controllable, specified in California Title 24 and the Green Building Ordinance currently enforced by the City of Santa Cruz. In addition:	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
2. Individual exterior luminaires shall not exceed 1,260 lumens.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
3. All light sources greater than 30 lumens shall be fully shielded, such that the light source cannot be directly seen at eye level by a pedestrian or from an existing residential window or balcony within 200 feet, or from any position above the horizon.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
4. The height of luminaires shall not exceed 15 feet above grade.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
5. Exterior light fixtures shall utilize light sources with a color temperature that does not exceed 3000 Kelvin.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
6. No lighting visible from the exterior of the building shall blink, flash or flicker.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
7. After accounting for illuminance provided by existing street lighting and other public lighting sources, nighttime lighting which is sufficient for wayfinding shall be provided at parking lots, pedestrian pathways, outdoor gathering spaces, and building entries.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
8. The main entrance(s) to the building and their immediate surrounds within 10 feet, shall have the brightest surfaces visible at night. All other building surface areas visible from adjacent properties, and larger than 6" in any dimension, will maintain luminances less than 33% of the entrance. In other words, a ratio of 3:1 or greater between the brightness of the building's main entrance(s) and all other building surfaces visible from adjacent properties will be maintained, as measured by a luminance meter.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.

[COMMENTARY:	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
#1 Along with the current state building codes, the Green Building Ordinance as adopted and updated by the city of Santa Cruz should be the primary mechanism for enforcing good outdoor lighting. I believe it currently applies to all ‘highrise’ (4 story plus) multifamily dwellings. It should be extended to apply to all Multiuse development, including 2+ stories. Dimming and curfew controls are currently required, along with limits on energy use and BUG ratings..	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
#2. Since all luminaires should be shielded, I thought this upper lumen limit should stand alone.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
#3. I picked 30 lumens or less as an exception for shielding, since it is similar to a personal flashlight or bike light. I’d be happy to go lower, like 20 lumens. We know that even one of those shining directly in your face can be very glary. (See ‘How many lumens do I need?’ at www.BestFlashlightReport.com . Try it yourself!) While an old style 20-watt incandescent light bulb might have been acceptable to look at, LEDs are considerably more intense because they are more focused. I picked 200 feet away because it the width of one standard Santa Cruz block.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
#4. I picked 15 feet as a maximum mounting height because it the height of pedestrian level lighting throughout Santa Cruz, whereas 18 feet is like a powerful street light. 15 feet will stay within tree canopies, whereas 18 feet will shine down on small trees.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
#5. 3000 K is a reasonable upper limit on color temperature. Lower would, of course, be nicer.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
#6. I moved this blink/flicker criteria further up the list, since it also defines light sources. Flicker, which can cause migraines and epilepsy, is becoming a well-defined technical term which would be good to get into the standard. It also clarifies that we don’t mean dimming, which is required by code.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
#7. The goal for exterior building lighting should primarily be ‘wayfinding’—so you can easily determine where you want to go, including escape paths—not ‘safety and security’ which is poorly defined, and becomes a ‘can of loop-hole worms’ which can never be proven or satisfied. Very low-level light sources in paving or handrails is now considered state-of-the-art and can provide excellent ‘way-finding’. (see entrance to boat yard at Santa Cruz Yacht club and recent Class A highrises in Manhattan...) Also, any requirement for additional lighting must account for what light sources are already existing, so we don’t unnecessarily add more light pollution.	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.

#8. Proposed language ('Lighting of outdoor service, loading, and storage areas shall not be visible from the street or adjacent properties') is vague. It would seem the intent is to avoid glare and highlighting unsightly areas, but the language is unenforceable. Instead, good civic design should require that the building entrance(s) should be the main visual event, helping people orient and pay most attention to safety at important transitional zones. Everywhere else should be visually secondary. Humans perceive brightness (luminance) on a log scale, so 3:1 ratio means other surfaces will appear about ½ as bright. This brightness ratio requirement also helps solves the intent of the previous #3 (service areas)]	Lisa Heschong	These comments are repeats of those of Jeff Parry, above. See responses in that section.
Regarding OS and privacy. Objective standards around privacy from new developments are standard in Australia. I offer them to be seriously considered since existing single family homes have the most to lose.	Gillian Greensite	Proposed Muni Code Section 24.12.185.10 Neighborhood Transitions was added to address concerns about privacy, shade and context. Privacy for one residential use will not be prioritized over privacy of another residential use.
The OS for Privacy are: No balconies facing existing single family homes (SFH); windows facing SFH openable only in the upper third; no clear glass on windows facing SFH.	Gillian Greensite	Buildings incorporating private balconies will be required to increase setbacks to accommodate privacy for both existing and new residents.
I recommend specific lighting restrictions that, while providing adequate lighting for safety and security, eliminate all off property light trespass, restrict lighting temperature to a max of 2700K and require shielding to eliminate glare.	Mark	See proposed Muni Code Section 24.12.185.17 Lighting. Staff recommends 3000 Kelvin after consulting with Public Works.
1. Projects with 50 or more units shall allocate a minimum of 5% of the 25% inclusionary requirement to very low income units.	Jane Mio	A standard adjusting the inclusionary requirements will need additional study and analysis to ensure it will not have the effect of chilling overall housing production. The current standard is a minimum of 20% of the units provided available at the Low-Income level.
2. Provide options that eliminate a Project's light and noise pollution according to Title 24 Standards and General Plan.	Jane Mio	All development is required to meet the standards in the General Plan for noise. See standards for Lighting in proposed Muni Code Section 24.12.185.17
3. Require projects incorporate renewable energy resources, rain harvesting and environmental friendly building materials.	Jane Mio	The City's Green Building Program requires all new residential building to exceed the requirements of the building code in terms of renewable resources, water efficiency, waste diversion and choosing greener building materials.
4. Require professional documentation that the project will not adversely impact the terrain by grading, soil removed and drilling.	Jane Mio	The California Building Standards codes ensure that all new buildings are constructed in a manner that is safe for both the occupants and surrounding community. Additionally, projects that involve grading in excess of 5,000 cubic yards of soil require an Engineered Grading Permit, involving analysis and recommendations of a licensed Geotechnical Engineer.
5. Require 100 feet set-backs from Watershed bodies.	Jane Mio	The City's Creeks and Wetlands plan includes required setbacks for buildings, activity, and other structures adjacent to the City's many waterbodies. See more information on the City's website: https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/area-plans-planning-documents-projects/city-wide-creeks-and-wetlands-management-plan
6. Require project landscapes that sustain the local biodiversity with native vegetation.	Jane Mio	See Standards for Landscaping in Muni Code Section 24.12.125 and proposed Section 24.12.185.8 Landscape and Buffering.

<ul style="list-style-type: none"> • As we heard from Council, the disparity in density between the “Eastside triangle”, Ocean St, and Mission St is both glaring and a lightning rod for opposition to the Objective Standards. Despite many arguments put forth to justify this (shallower lots, State right of way, need for a 5-year public process, etc.), the proposed pattern will locate dense housing about as far away from jobs and the University as can be accomplished within our city limits. This will inevitably lead to congestion and degraded air quality. Conversely, encouraging taller, more dense development on Ocean St and Mission St will reduce those issues. In addition, the enhanced density changes on Mission St should extend all the way to Swift St, rather than ending at / near Miramar. There are plenty of larger C-C parcels along that additional stretch of Mission St that can be developed to site housing where it’s needed. 	Doug Engfer	The project to develop objective zoning standards does not include any work to change the existing planned Land Use Pattern. The suggestions made here are considerations that will be undertaken with the next General Plan update.
<ul style="list-style-type: none"> • We need to look deeper into ways to create objective standards that protect public health and privacy – specifically by reducing shading effects and views into existing residential homes and yards. I simply do not accept that it’s “impossible” to capture such guidelines objectively. Privacy can be assured by eliminating balconies, openable windows, and clear glass that overlooks existing private residential properties (as was suggested by a member of the public on 30 November). Shading can be restricted based on (1) time of year and (2) daily duration of shading – I believe that the chair of the Planning Commission has made quite specific suggestions here. 	Doug Engfer	<p>Shading: Staff and consultants evaluated various options for reducing shading from new structures including: increasing setbacks, allowing increased height, shifting building footprints on sites, and reducing required parking. None of the options was able to produce a net zero change in the shading of adjacent sites when the new development is located south of affected properties. Further, staff as searched for evidence of shade as a public health impact and found no research to support such a claim.</p> <p>Privacy: Standards that prohibit balconies, opening windows, or transparent glass oriented toward existing Single Family Homes or within a stated distance of existing homes could be established in an objective manner. Staff is not recommending such standards due to the community’s expressed desire to create new housing that is of a high quality and promotes equity between new and existing residents. Such restrictions would prevent some dwelling units from having access private open space and place those residents at a reduced amenity level relative to their neighbors both within the new development and the surrounding neighborhood, reinforcing patterns of inequity.</p>
<ul style="list-style-type: none"> • Since we are amending the General Plan language, I would suggest that the definition of Dwelling Unit (DU) be adjusted. Specifically, SOUs, SROs, and 1-bedroom units should not be ignored in evaluating project DU densities, especially for higher unit-count projects. I would suggest that they be counted fractionally (1/2 unit each?), mindful that these DUs do, indeed, contribute to the impacts of increased development and density. This approach would also help to moderate the impacts of absurd projects like 831 Water, where 140 units are being placed on a 0.9-acre lot just over 100’ deep, within feet of existing residential homes. 	Doug Engfer	An objective standard could be written to incorporate this idea. It would require an amendment to the text of the General Plan and the drafting of some new requirements in the Municipal Code. Under the governing state laws, the City would need to show conclusively that the creation of any new limit on dwelling unit density does not effectively change the existing allowable development intensity.

<ul style="list-style-type: none"> • Mindful of the work that Staff has done on the Objective Standards over the past year, including test fits, etc., and the preceding topic on the Council agenda (6th round RHNA targets), I had expected to hear some discussion of the potential impact of these standards on our ability to develop a viable Housing Element. I was disappointed that neither Staff nor the Council raised that question, especially after Staff had indicated concerns about the ability to develop a viable Housing Element under 6th round RHNA and our General Plan. 	Doug Engfer	Meeting the requirements of the 6th cycle RHNA will require zoning additional land to accommodate multi-family housing. The analysis to determine the precise extent of the rezonings will occur during the initial phase of the Housing Element likely completed in early 2023.
o So: assuming build-out of the designated parcels to target densities (assuming no density bonuses), what would be the net gain in housing units under the proposed Objective Standards?	Doug Engfer	In January of 2020, staff estimated the total build-out capacity of the 91 MXHD parcels identified in the 2030 General Plan (absent any Density Bonus) at between 2600 and 2700 dwelling units. This is likely an over-estimate based on the methodology used. No development estimate has been calculated for other land use designations in the City, and this will be one of the initial tasks for the preparation of the next Housing Element and will therefore likely be completed in early 2023.
In closing, I believe that Staff needs to take a more comprehensive view when pursuing this work. To the goal of “doing it right” without “doing it twice”, Staff should take the initiative to move some density around in order to encourage the development of more dense housing where it can be accommodated throughout town, cognizant of where there is truly high-quality transit (15-minute headways), where the jobs are, and where the students are. Staff should also take advantage of the increased densities attendant on the expanded Downtown Area Plan as a target for some density transfers. Choosing not to do this now only opens the process up to continuing deep opposition and delays, thus leaving the city still subject to effective State control of our local zoning and planning.	Doug Engfer	Staff discussed this option with the City Council previously and received direction to complete the zoning standards before contemplating any adjustment to the approved land use pattern in the adopted 2030 General Plan.
II. F. Architectural Detail	Len Beyea	
6. For buildings located at the intersection of two or more thoroughfares with at least 30' of frontage on both thoroughfares, a principal entrance shall be located at the corner of the building, facing the center of the intersection +/- 10°	Len Beyea	See proposed Muni Code Section 24.12.185.15 for an accommodation of this site configuration. The project team feels requiring this precise location of the entrance may be too restrictive to apply to all potential building sites.
II. G. 1. Why are panelized materials prohibited on public frontages? It is appropriate to restrict these materials where the building is constructed to the property line, but if the building is set back (e.g. a minimum of 2'), or on stories above the ground floor, such materials are commonly used, and can in many cases reduce construction costs. This is especially true behind “green walls”.	Len Beyea	See proposed Muni Code Section 24.12.185.16 Building Materials. These materials do not age as well as higher quality materials and are therefore prohibited on a public frontage. Because they can be highly cost-effective, these materials are permitted on other building faces.

II. H. 5. States that “Outdoor lights shall not blink, flash, or change intensity.” Blinking and flashing would obviously create a nuisance. However, outdoor area lighting currently available (and existing in such places as the Cruzio/Ecology Action parking lot) change intensity based on the detection of motion, going from a dim setting when no motion is detected to a brighter setting when motion is detected. This is not only a common technology, but also an essential element for energy efficiency. It is recommended that this provision be amended to read “... or change intensity, except for parking or area lighting fixtures with cutoff optics that change automatically between low and high settings in response to motion.”	Len Beyea	See proposed Muni Code section 24.12.185.17 Lighting. This standard has been clarified to allow motion-sensitive lighting.
Building shading	Len Beyea	
I. Shading Envelope	Len Beyea	
Goal: To establish a minimum standard of access to natural daylight and solar energy for adjacent properties, and to reduce visual bulk of building.	Len Beyea	
For properties bordered on the north by residential districts, the façade(s) of the building facing within 60° of true north and adjoining walls and roof lines shall fit below an imaginary plane extending from a height of 35’ at the setback line applicable to the respective façade at an angle of 33° above horizontal.	Len Beyea	See proposed Muni Code Section 24.12.185.10 Neighborhood Transition. A 45-degree plane is recommended to maintain buildability.
For properties bordered on the north by commercial or mixed-use districts, or by a public street or open space, the façade(s) of the building facing within 60° of true north and adjoining walls and roof lines shall fit below an imaginary plane extending from a height of 48’ at the setback line applicable to the respective façade at an angle of 33° above horizontal.	Len Beyea	See proposed Muni Code Section 24.12.185.10 Neighborhood Transition. A 45-degree plane is recommended to maintain buildability.

From: [Candace Brown](#)
To: [City Plan](#)
Cc: [Candace Brown](#)
Subject: Candace Brown - SCPC Meeting Item #4: Objective Design Standards, 2 June 2022
Date: Wednesday, June 01, 2022 12:00:56 PM

June 1 2022

To: Planning Commission – June 2, 2022

From: Candace Brown

RE: Objective Standards Agenda Item

Thank you for all the effort so far and note that these standards are really only a first draft. Please ensure that the standards allow for further changes as was clearly needed during the TPWC discussion and seen as a first draft. Any changes that effect density must be deferred until the final draft is determined including by the TPWC. As a member, we were not afforded information at the State Mandate impacts on the draft review and also Planning Staff were not present.

The Objective Standards are presented to address recent State Law Mandates.

FAMILIES AND CHILDREN AMENITIES:

I would hope that families would be considered in the Objective Standards and was surprised to see that was not the case.

ACTION: If a third of the town are families, then why is there no accommodation for 2-bedroom and above facilities with language to accommodate children such as below from Santa Rosa Objective Standards:

Multifamily developments (except Senior restricted multifamily developments) outside the

Downtown Station Area Specific Plan boundary exceeding 22-bedroom units shall have two outdoor areas, one for adults and one for a child play area. For the purpose of this standard, adult open space does not include play equipment, but does include tables with seating.

Multifamily developments (except Senior restricted multifamily developments) outside the

Downtown Station Area Specific Plan boundary exceeding 100 units shall have three open space areas, one for adults, one for teenagers, and one for younger children. For the purpose of

this standard, adult open space does not include play equipment, but does include tables with seating, and teenage outdoor areas include sports fields, age-appropriate park equipment, or other recreational equipment.

Play equipment for children under the age of five shall be included in child play areas. The play area must be visible to as many units as possible to provide casual surveillance and be separated from traffic. Benches or picnic tables for adults that are accompanying younger children shall be provided.

SHADING / SUNLIGHT ACCESS – EQUITY ISSUE

They also must address the controversial conflicts that arise between mid-rise (up to 8 stories with EXISTING ZONING) and FURTHER HIGH-RISE buildings if there are ANY height changes allowed) next to single family homes WITHOUT ANY transition of arterial streets, neighborhood streets, service alleys, paseos, courtyards, or missing middle housing.

To ignore shading of adjoining properties for miles primarily on the Eastside of Santa Cruz is to ignore just ONE of the elephants in the room when it comes to the Corridor Plan controversy.

While the 45-degree angle above 35 feet has some effect, it is not played out at the maximum height shadow impact even with a basic square building under the existing zoning with inclusionary housing or with the State Density bonus. It is noted that “test fits” to find whether the mass of the building and parking can exist and so modelling in the case of sunlight impacts is also possible.

ACTION: There should be NO HEIGHT INCREASES until these studies are done. With existing Zoning and High-Density Bonus at 831 Water, Novin Development said they could build an 8-story building.

Further to say that the Staff could not finding any lighting or shading impact studies was also surprising. I was able to pull up studies within half an hour such as:

National Geographic – July 29, 2020 – How “nature deprived” neighborhoods impact the health of people of color

It is noteworthy that much of the Corridors is along City designated “Opportunity Zones” which are areas of Seniors and Latinx and lower income in general. How is this equitable?

Psychological-Impact of Light and Color by TCPI.com 2017

ACTION: It is a discussion of Seasonal Affective Disorder (SAD) and Circadian Rhythm impacts. Surely Health-in-All policies should be considered in any change of City policy that impact a majority of Santa Cruz residents.

On Shade and Shadow – A Case Study on the Impacts of Overshading by Tall Buildings on Toronto’s greenspaces.

There are a number of reference citations in this article alone.

ROOF FORM – ROOF HEIGHT and ROOF ACTIVITY NOISE MITIGATION?

ACTION: There is no clear objective standard that allows one to determine the maximum height at the top of the roof line. There should be a stated maximum height rather than an average of the mid-point based on the number of roof peaks including dormers. This has been an issue at previously Planning Commissions for many years.

ACTION: Roof top activities – There is a need to flesh out the impacts of noise as was the case at 831 Water and therefore the plans were changed.

UNBUNDED PARKING:

ACTION: Change language to not allow off-street parking spaces to be sold off for purchased dwelling units. What would stop someone from buying blocks of units and selling the parking lot? Allowing it would restrict use later if it was transformed to Commercial space.

PARKING SPACE:

24.12.240 Number of parking spaces required – SRO PARKING – Do not reduce it by one-quarter space.

These developments on the “Corridors” do not already have established Parking Districts as seen in the Downtown District. To rob someone of a parking space is an equity issue. At 708 Water, there are 41 very low-income affordable housing units (and 20% are for developmentally disabled). I and others did evening studies of the available parking and found the area was completely parked out at night. We convinced the developer, Jim Rendler of Future Housing Now, with the clear data to stay with 1 parking space per unit. The Property Manager notes that there is less than a handful of parking spaces available in the lot. If they had followed the allowing parking of half space per unit and one-third space for the 20%, they could not have safely served their tenants.

To assume that having a nearby bus stop is adequate transit replacement for someone to get to their destination is simply ignoring the facts. That is not ‘TRANSIT-ORIENTED DEVELOPMENT’. The only Corridor that is a “Transit-Rich” Arterial Street is Bay Street. The analysis was done here for Santa Cruz if you wish to review.
<https://transitrichhousing.org/>

As you may know, I have always found that the Corridor Plan was very problematic because it was founded on unequitable decision-making by those that wished to ensure that high-density development is away from the University and the Westside primarily. It is also not a “Transit-Rich” Corridor as is the case Downtown and along Bay Street up to the University. And

finally, the Corridor Plan proposes to use primarily existing Neighborhood Commercial areas servicing primarily the Eastside – 91 parcels and at the maximum projection creates development space for 2,600-2,700 units (per the Staff own assessment). It means that those businesses no longer service the surrounding Community and that will increase the need for families to go out of the town or across town for their basic needs.

The least that can be done is to ensure that any mitigation is afforded those that are being so heavily impacted.

From: [Doug Engfer](#)
To: [City Plan](#)
Cc: [Doug Engfer](#)
Subject: SCPC Meeting Item #4: Objective Design Standards, 2 June 2022
Date: Wednesday, June 01, 2022 10:50:01 AM
Attachments: [TPWC Agenda Item 5 \(May 16 2022\) Objective Development Standards.eml.msg](#)
[TPWC 5-16-22 Packet Public Works Proposed Objective Standards.pdf](#)

I would like to thank staff for their ongoing and diligent efforts to craft a body of enforceable objective design and development standards for our town. As we've seen in the recent past, the lack of such standards has left open the door for insensitive, out-of-scale developments to be proposed and, under State law, subject to ministerial review. I hope that the current process can result in enforceable (and enforced!) standards that allow us to accommodate reasonable growth in a manner that is respectful of the interests and rights of all of our citizens.

To that end, given the public process under which these standards are being developed, it's up to the City's advisory bodies and, ultimately, the City Council, to ensure that the standards are well-crafted and represent our community well. I appreciate the work that Staff has done to attend to the many and varied comments made by members of the public; I will admit that I wish that Staff had been more responsive to some of them, however. I appreciate the improved language around archaeological survey results enforcement, for example. On the other hand, I think that Staff needs to look deeper into ways to ameliorate the shading impacts of tall developments placed immediately adjacent to existing residences. Specifically, common-sense evaluation of the unavoidable health and personal impacts of living shaded for months out of the year can and should be characterized. Further, given the State's mandate for rooftop solar on new residential development, ensuring that new developments do NOT impact existing or potential rooftop solar installation should be addressed. The proposed standards fall short on these concerns. I ask the Commission to either remedy these issues, or direct Staff to do so.

As regards the draft Transportation and Public Works (TPW) standards, I submitted a body of comments and markup to the TPW Commission (TPWC) prior to their meeting on the subject. I was unable to attend that meeting due to a scheduling conflict, but learned that TPW staff largely deferred to Planning regarding draft standards language. Now I see Planning staff deferring to TPW staff on these standards. My comments and questions largely went to issues of drafting - many of the proposed draft standards were clearly not objective in nature, or relied solely on TPW staff judgement. Unenforceable standards invite challenges and litigation. Without re-hashing these comments (they are in the TPWC public record and are attached), I would expect that someone would take responsibility for fixing this language before the draft standards are finalized. I would ask that the Planning Commission ensure that there is clear responsibility for getting this language right the first time.

Members of the Commission know that I have supported densification along our transit corridors, and improved public transit service and access, as the smart way to accommodate growth in our community (as opposed to creeping densification of much of the entire city). Enforceable (and enforced!) standards are the only way to ensure that that densification happens in a way that respects the rights and interests of our current citizens, while creating opportunity for new folks to join our community. It's critical that development standards reflect our evolving vision of our city, not just the self-interests of ambitious developers. In the main, these design standards work in the right direction, and I again commend Staff for their diligent work and their efforts to engage with the community. It's up to the Commission now to ensure that these standards are the best that they can be, and that they do not leave us

unreasonably subject to the whims of Sacramento and litigious activists.

Regrettably, I am unable to participate in this week's Commission meeting, due to a previously-planned family obligation. Thank you in advance for your efforts here.

I stand with Ukraine.

Doug Engfer
Santa Cruz

From: [Doug Engfer](#)
To: [TPWC](#)
Bcc: [Candace Brown](#)
Subject: TPWC Agenda Item 5 (May 16, 2022): Objective Development Standards

I write today with respect to Item 5 on the Commission's agenda for May 16, 2022: Objective Development Standards.

Upon reviewing this item's materials from the meeting packet, I'm struck by a few things:

- I appreciate the thoroughness of the work that Staff has done; they are looking deeply and broadly at the issue, and trying to “firm up” our standards in an objective and defensible way. This is important and timely work that deserves and demands both broad perspective and diligent attention. Thank you!
- That said, I note that there is a lot of “non-objective” language still in the document, along with vague references to judgement calls by developers or staff: “adequate, attractively designed, and functional”, “durable”, “where needed”, and “The City Engineer may...grant exceptions...”, for example. In the SB35 discussions relating to 831 Water (the City's first and still only SB35 application), it was clear that such vague language, or items open to staff discretion, were deemed, *a priori*, not objective, and therefore non-operative in assessing the compliance of that proposed development with our community's standards and expectations. Those standards were simply waived in any such discussions. It would be a shame for Staff's good work here to be mooted should a developer or litigant challenge the standards language on these grounds.
 - I have marked up the attached document, identifying language that caught my eye as troubling in this respect. I may not have caught all of it, though. I think that a thorough review of the language, perhaps informed by an opinion from the City Attorney and/or the Planning Department, is warranted.
 - The solution would seem to be to either (1) eliminate the non-objective language altogether, or (2) clearly define the objective standards that apply to something like “attractively designed” or “durable” or “where needed”. I would prefer (2) wherever feasible, since this non-objective language does still point toward agreed-upon community standards or expectations. The City Attorney's perspective would seem helpful here.
- As regards some more-specific considerations:
 - [Page 5.4]
 - Why change the 50-foot setback from R- District parcels to 20 feet?
 - Similarly, why relax the fence requirement from 8 feet to 6 feet?
 - There should be a provision that service vehicles must be able to enter and exit a property while driving forward, rather than either backing into or out of the property, for public safety and noise-abatement ("beep beep beep") reasons. This would help refine the currently-vague “sufficient room for maneuvering” clause (though that clause would seem to need more work than that).

I will not be able to attend Monday's meeting, even electronically. I hope that the Commission and Staff will give these suggestions due consideration.

Once again, I thank the Commission and Staff for their service to our community.

Doug Engfer
Santa Cruz CA

[The attachment TPWC 5-16-22 Packet Public Works Proposed Objective Standards.pdf has been manually removed]



Transportation and Public Works Commission AGENDA REPORT

DATE: 05/05/2022

AGENDA OF: 05/16/2022

DEPARTMENT: Public Works

SUBJECT: Public Works Objective Development Standards - Santa Cruz Municipal Code Revisions (PW)

RECOMMENDATION: Motion that the Transportation and Public Works Commission recommend that the City Council approve revisions to the Santa Cruz Municipal Code that regulate Public Works. (ATTACHMENT A)

BACKGROUND: To address the housing shortage, recent State legislation, including Senate Bill (SB) 35 and SB 330, requires multi-family projects to be reviewed only against objective design and development standards. Objective standards allow applicants to know the requirements that will apply to a proposed project so that they can design a project that meets those standards. According to the Government Code (Sections 65913.4 and 66300[a][7]), objective development standards “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable” by development applicants and public officials before submittal of a project application.

DISCUSSION: The City’s Planning Department has initiated revisions to the Municipal Code to incorporate objective standards into Title 24 and has been working with the Public Works Department and Parks & Recreation to revise additional sections of the Municipal Code to incorporate objective standards for review of multi-family and mixed-use residential development projects. Revisions to the Santa Cruz Municipal Code that regulate Public Works requirements are proposed in ATTACHMENT A. The purpose of these revisions is to provide a set of clear, objective, and measurable public works standards for multi-family and mixed-use residential development in accordance with the Santa Cruz General Plan.

While the City has many design guidelines and policies that promote best practices, many are subjective or optional, and therefore cannot currently be enforced under State law. The proposed Public Works Municipal Code revisions in ATTACHMENT A create objective standards for public work elements that apply to all new multi-family and mixed-use residential projects. These proposed revisions work in tandem with other Municipal Code revisions proposed by the Parks and Recreation and Planning and Community Development Departments. All proposed revisions work together to create objective standards consistent with the City’s General Plan, Area Plans, and Zoning Codes.

FISCAL IMPACT: There is no fiscal impact.

Prepared By:
Nathan Nguyen
City Engineer/Assistant
Director

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:

ATTACHMENTS:

1. ATTACHMENT A- PROPOSED REVISIONS TO MUNICIPAL CODE (TITLES 6, 15, 24) - REDLINE.DOCX

ATTACHMENT A

Proposed Revisions to Santa Cruz Municipal Code

24.12.295 OFF-STREET LOADING FACILITIES

1. Purpose. To reduce street congestion and traffic hazards and to add to the safety and convenience of the community, adequate, attractively designed, and functional facilities for off-street loading shall be incorporated as necessary in conjunction with new uses of land.

2. General Provisions. For every building hereafter erected, which is to be occupied by manufacturing, storage, warehouse, commercial, residential, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, exercise facility or other similar uses or mixed use combinations requiring the receipt or distribution by vehicles of material and merchandise, off-street loading areas shall be provided in accordance with the requirements herein.

In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

3. Requirements.

a.

Gross Floor Area	Required Loading Spaces
10,000 to 24,999 square feet	1
25,000 to 49,000 square feet	2
For each additional 50,000 square feet or fraction thereof	1

Use	Size of Use	Required Off-Street Loading Spaces
Manufacturing, storage, warehouse, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, <u>exercise facility</u> , or other similar uses	10,000 to 24,999 square feet of gross floor area	1 Type B
	25,000 to 49,000 square feet of gross floor area	2 Type B

	For each additional 50,000 square feet of gross floor area or fraction thereof	1 Type B
<u>Office</u>	<u>0-24,999 square feet of gross floor area</u>	<u>0</u>
	<u>25,000-99,999 square feet of gross floor area</u>	<u>1 Type A</u>
	<u>over 100,000 square feet of gross floor area</u>	<u>2 Type A</u>
<u>Residential</u>	<u>0-50 Units</u>	<u>0</u>
	<u>51-200 Units</u>	<u>1 Type A</u>
	<u>over 200 Units</u>	<u>2 Type A</u>

b.

MINIMUM DIMENSIONS FOR LOADING SPACES			
Type of Loading Space Required (See Table 22.112.130-A)	Minimum Length (feet)	Minimum Width (feet)	Required Vertical Clearance (feet)
<u>Type A</u>	<u>24</u>	<u>8</u>	<u>None</u>
Type B	30	10	14

c. Such space shall not occupy all or any part of any required front or exterior yard area or court space, and shall not be located closer than ~~twenty~~ twenty five feet to any lot in an R- District, unless inside a structure or separated from such district by a wall not less than ~~six~~ six feet in height, ~~provided a conditional fence permit is approved.~~

d. Sufficient room for maneuvering vehicles shall be provided on site.

e. Each loading berth shall be accessible from a street or alley.

f. Entrances and exits shall be provided at locations approved by the public works director.

Provisions to ensure that vehicles exit the property forward (not in reverse)

- g. The loading area, aisles and access drives shall be paved with a durable, dustless surface, and shall be so graded and drained so as to disperse surface water.
- h. Wheel stops and bumper rails shall be provided where needed for safety or to protect property.
- i. If the loading area is illuminated, lighting shall be directed away from any abutting residential sites and adjacent streets.
- j. No repair work or servicing of vehicles shall be conducted in a loading area.
- k. Trucks with trailers or detached trailers shall not be stored on-site.
- l. Loading areas shall be maintained in good condition and kept free of trash, debris, and display or advertising uses. No changes shall be made in the number of loading spaces designated on the parking plan without review by the zoning administrator.
- m. Required off-street loading facilities shall be located on the same site as the use for which the berths are required

Part 8: UNDERGROUND UTILITIES

24.12.700 GENERAL.

All facilities and wires for the extension of facilities for the supplying 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.

(Ord. 85-05 § 1 (part), 1985).

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. Where this requirement would be impractical or unreasonable, the director of public works, upon application of the property owner, may permit overhead services.

5. Any new building or structure where an expansion of any electric or planned communication service on or adjacent to the property is feasible within 5 years of construction completion, 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 Public Works dark conduit installation specifications that are current at the time of design review and available from the Public Works Department. Any lots or structures with more than one unit shall provide such connection to each individual unit, and are encouraged to install communications conduit or lines within the units to ensure connectivity throughout.

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 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.

(Ord. 85-05 § 1 (part), 1985).

24.12.720 EXCEPTIONS.

The provisions of Section 24.12.710 shall not apply to:

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 City Engineer may, by finding of exceptional hardship, grant exceptions or modifications to the requirements, of this Section on a case by case basis, or may require in-lieu payments consistent with any Council adopted resolution implementing Section 24.12.730.
7. The City Engineer may exempt city led projects from requirement to install dark conduit connections.

(Ord. 85-05 § 1 (part), 1985).

UNDERGROUND UTILITY DISTRICTS*

* Editor's Note: As originally adopted, this chapter was designated as Chapter 12.44. It was renumbered to be Chapter 12.60 at the direction of the city clerk at the time of the 1995 republication.

Sections:

12.60.010 Definitions.

12.60.020 Council may designate underground utility districts by resolution.

12.60.030 Overhead wires – Unlawful to maintain poles.

- 12.60.040 Overhead wires – Exception by special permission.
- 12.60.050 Exceptions.
- 12.60.060 Overhead wires – Notification of affected property owners and utilities.
- 12.60.070 Overhead wires – Underground construction.
- 12.60.080 Overhead wires – Property owner’s responsibility.
- 12.60.090 Service of notice.
- 12.60.100 Contents of notice.
- 12.60.110 Performance of work by city – Assessment.
- 12.60.120 Notice of assessment.
- 12.60.130 Hearing and confirmation of assessment.
- 12.60.140 Assessment as lien.
- 12.60.150 Overhead wires – Obligation of city.
- 12.60.160 Overhead wires – Force majeure.

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.
- (43) “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.
- (64) “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.
- (75) “Person” means and includes individuals, firms, corporations, copartnerships, and their agents and employees.

(86) “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.

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

(Ord. NS 602, 1964: prior code § 7910).

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.

(Ord. NS 602, 1964: prior code § 7912.1).

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.

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 –

- 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.

- i. Decorative sidewalks may be required based on the Area Plans.
- ii. 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.
- iii. The total number of connections through the site shall not be reduced.

- New public connections:

- i. 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.
- ii. Decorative sidewalks may be required based on the Area Plans.
- iii. 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:

- A development of 3 or more housing units on one lot shall require the installation of a City Standard street light(s).
- A development of 3 or more housing units on multiple lots shall require the installation of a City Standard street light(s).
- Any new commercial development shall require the installation of a City Standard street light(s).
- 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.
- 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.

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 curblin.

(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 curblin 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 These refer to B-40 Avenue, not Drive.

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

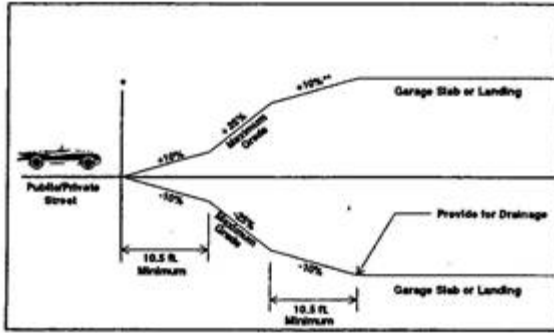
All Other Roadways

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.

24.12.280 DESIGN REQUIREMENTS.

1. Driveway Design Standards.

- a. Parking facilities hereafter established and which are located adjacent to a required front yard in an adjoining A-District or R-District shall be provided with a clear vision area and parking facilities which are located adjacent to two intersecting streets shall include a clear corner triangle as defined in this title. These areas shall be maintained in conformance with Section 13.30.110.
- b. The total clear space to accommodate a vehicle in driveways and private parking areas used as private parking facilities for single-family residential uses shall not be smaller than the dimensions of required on-site parking spaces.
- c. Driveways shall be designed to conform with existing contours to the maximum extent feasible.
- d. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight in clear vision areas and clear corner triangles based on AASHTO Green Book sight distances.
- e. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:



* Back edge of standard city driveway.

** All percentages are measured from the edge of standard city driveway.

f. Driveways and approaches shall comply with the applicable standards set forth in Chapter 15.20

CITY OF SANTA CRUZ
City Hall
809 Center Street
Santa Cruz, California 95060



PLANNING COMMISSION

ACTION SUMMARY Regular Meeting June 2, 2022

7:00 P.M. GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, ZOOM WEBINAR

Call to Order-The meeting was called to order at 7:01 p.m.

Roll Call-Commissioners Conway, Greenberg, Kennedy, Maxwell, Mesiti-Miller, Schiffrin, and Dawson were present.

Statements of Disqualification-None.

Oral Communications-None.

Approval of Minutes

1. Approval of the Minutes of May 19, 2022.

MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Kennedy, to approve the minutes of May 19, 2022.

ACTION: The motion passed by the following vote:

AYES: Conway, Greenberg, Kennedy, Mesiti-Miller, Schiffrin

ABSTAIN: Dawson, Maxwell

Consent Public Hearings

2. 555 Pacific Avenue Project Number: CP22-0065 Ordinance for second Amendment of the Development Agreement (DA) to convert 94 Small Ownership Units (SOU) to a 100% rental project subject to the City's current inclusionary requirement of 20% in perpetuity at 555 Pacific Avenue.

MOTION: Motion made by Commissioner Conway, seconded by Commissioner Kennedy, to recommend that the City Council approve the attached Ordinance for the second Amendment of the Development Agreement and related documents in a form to be approved by the City Attorney.

ACTION: The motion passed by the following vote:

AYES: Conway, Greenberg, Kennedy, Maxwell, Mesiti-Miller, Schiffrin, Dawson.

NOES: None

3. 109 South Rapetta Rd. Project Number: CP21-0060 Final Map Amendment and Major Modification to Planned Development Permit #97-279 to amend the El Rancho Carbonera subdivision map and modify Lot B to allow for residential development on a parcel located in the R-1-7 zone district.

Item pulled from the consent public hearing by the Chairperson.

MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Maxwell, to continue this item to the July 16, 2022 regular meeting of the Planning Commission.

ACTION: The motion passed by the following vote:

AYES: Conway, Greenberg, Kennedy, Maxwell, Mesiti-Miller, Schiffrin, Dawson

NOES: None

MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Greenberg to reconsider the 109 S. Rapetta item.

ACTION: The motion passed by the following vote:

AYES: Conway, Greenberg, Kennedy, Maxwell, Mesiti-Miller, Schiffrin, Dawson

NOES: None

MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Maxwell, to continue this item to a special meeting of the Planning Commission on June 30, 2022 at 7:00 p.m.

ACTION: The motion passed by the following vote:

AYES: Conway, Greenberg, Kennedy, Maxwell, Mesiti-Miller, Schiffrin, Dawson

NOES: None

Public Hearings

4. Objective Development Standards for Multi-Family and Mixed-Use Housing Ordinance Amendments

MAIN MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Kennedy, to approve the staff recommendations with a series of amendments that will be voted upon separately as listed below:

MOTION TO AMEND THE MOTION ON THE FLOOR: Motion made by Commissioner Schiffrin, seconded by Chairperson Dawson, to amend the main motion to include an objective standard to limit building heights within the corridor to no more than two stories higher than the adjacent residential structures.

ACTION ON THE MOTION TO AMEND: Commissioner Schiffrin withdrew the motion to amend the main motion on the floor, with a request that staff cite the language of the law in the Housing Accountability Act prohibiting a height restriction, either in a memo or email.

FRIENDLY AMENDMENT TO MAIN MOTION: Commissioner Kennedy requests that the motion to amend the main motion on the floor to include a friendly amendment that all windows facing the main street shall not be a material made of PVC. Commissioner Schiffrin accepts the friendly amendment to the motion to amend the main motion. After further discussion, Commissioner Schiffrin withdrew his support of this friendly amendment to the motion to amend the main motion.

ACTION: Chairperson Dawson divided the question on vinyl window restriction being included in the main motion.

MOTION TO AMEND THE MAIN MOTION: Motion made by Commissioner Kennedy, seconded by Commissioner Schiffrin, to amend the main motion to include an objective standard that all windows facing the main streets shall be made of a material other than PVC.

ACTION: The motion to amend the main motion passed by the following vote:

AYES: Conway, Kennedy, Maxwell, Schiffrin

NOES: Greenberg, Mesiti-Miller, Dawson

MOTION TO AMEND THE MOTION: Motion to amend the main motion made by Commissioner Schiffrin, seconded by Commissioner Maxwell, to include an objective standard to require free bus passes for residents in rental projects with 50 or more units. Commissioner Maxwell requests a friendly amendment to the motion to amend the motion on the floor that the free bus passes to be provided would be upon the request of the tenants. Commissioner Schiffrin accepted the friendly amendment. The amended motion to amend now reads: Motion to amend the main motion to include an objective standard to require

free bus passes be provided to tenants in rental projects with 50 units or more, upon request of the tenant.

ACTION: The motion to amend the main motion passed upon the following vote:

AYES: Greenberg, Kennedy, Maxwell, Schiffrin, Dawson

NOES: Conway, Mesiti-Miller

MOTION TO AMEND THE MOTION: Motion to amend the main motion made by Commissioner Schiffrin to include an objective standard that would prohibit net increase of greenhouse gas emissions from development projects of 25 units or greater.

ACTION: Commissioner Schiffrin withdrew the motion to amend the motion on the floor.

MOTION TO AMEND THE MOTION: Motion to amend the main motion made by Commissioner Schiffrin, seconded by Commissioner Maxwell, to include an objective standard requiring projects with a base density of 50 or more units shall have a 25 percent inclusionary requirement.

ACTION: The motion to amend the motion on the floor passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Dawson

NOES: Conway, Kennedy, Mesiti-Miller

MOTION TO AMEND THE MOTION ON: Motion made by Commissioner Schiffrin, seconded by Commissioner Maxwell, to amend the main motion to include an objective standard requiring projects with a base density of 100 or more units shall have an inclusionary requirement of 30 percent.

ACTION: The motion to amend the main motion passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Dawson

NOES: Conway, Kennedy, Mesiti-Miller

Chairperson Dawson divides the question into the main motion with the amendments including the vinyl window restriction and bus pass for

MOTION: Motion made by Commissioner Mesiti-Miller, seconded by Commissioner Conway, to divide the motion on the floor into component parts as follows: the main motion is voted on, and then the amendments to the main motion to be voted upon separately.

ACTION: The motion failed by the following vote:

AYES: Conway, Greenberg, Mesiti-Miller

NOES: Kennedy, Maxwell, Schiffrin, Dawson

The Chairperson divides the question to call for two separate votes: a vote on the main motion as amended to include the vinyl window restriction and the

bus pass provision for tenants (upon their request) in rental projects with 50 or more units objective standards; and a second vote on main motion as amended to include objective standards that developments with 50 or more units shall have a 25 percent inclusionary requirement and developments with 100 or more units shall have a 30 percent inclusionary requirement.

MOTION: Motion to approve the staff recommendation with the following amendments: an objective standard will be added that all windows facing the main streets shall be made of a material other than PVC and an objective standard will be added to require free bus passes be provided to tenants in rental projects with 50 units or more, upon request of the tenant.

ACTION ON THE MAIN MOTION AS AMENDED: The motion passed by the following vote:

AYES: Conway, Greenberg, Kennedy, Maxwell, Schiffrin, Dawson

NOES: Mesiti-Miller

MOTION: Motion to approve the staff recommendation with the following amendments: include an objective standard requiring projects with a base density of 50 or more units shall have an inclusionary requirement of 25 percent, and to include an objective standard requiring projects with a base density of 100 or more units shall have an inclusionary requirement of 30 percent.

ACTION ON THE MAIN MOTION AS AMENDED: The main motion as amended passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Dawson

NOES: Conway, Kennedy, Mesiti-Miller

Information Items-Planning and Community Development Director Lee Butler advised the Commission of upcoming items before the Commission and the status of various city projects.

Subcommittee/Advisory Body Oral Reports-None

Items Referred to Future Agendas-None

Adjournment-The meeting was adjourned at 10:19 p.m.



PLANNING COMMISSION
AGENDA REPORT

DATE: June 20, 2022

AGENDA OF: June 30, 2022

DEPARTMENT: Planning and Community Development Department

SUBJECT: Objective Development Standards for Multifamily and Mixed-Use Housing Ordinance Amendments (PL)

RECOMMENDATION: Motion to recommend that the City Council approve the proposed amendments to the City of Santa Cruz Municipal Code as presented, including a proposed amendment to the zoning map to create new mixed-use zone districts, including a finding that the public necessity and the general community welfare, and good zoning practice, are served and furthered, and that the proposed amendment is in general conformance with the principles, policies, and land use designations set forth in the General Plan, Local Coastal Plan, and any adopted area plans as recommended by planning staff and find that the proposed ordinance and zoning map amendments are consistent with the EIR previously adopted for the 2030 General Plan and require no further consideration under the California Environmental Quality Act in accordance with section 15183 of Title 14 of the California Code of Regulations.

BACKGROUND: The Objective Development Standards project was initiated to create new standards relating to building form and design as well as to implement recent state housing laws and to reconcile the existing discrepancy between the City's Zoning Ordinance and the adopted 2030 General. At its June 2, 2022, meeting, Planning Commission passed a motion recommending approval (with some additions) of proposed new objective development standards more specifically relating to building form and design. This report addresses the second part of the project: proposed amendments in various sections of the Santa Cruz Municipal Code (SCMC) to finalize implementation of state housing laws and aligning the Zoning Ordinance with the 2030 General Plan.

Further background on the overall project is provided in the attached June 2, 2022 Planning Commission Staff Report.

DISCUSSION: This report will discuss amendments to the following Municipal Code Sections:

- 24.04 and 24.08: These chapters address the administrative processes and procedures for reviewing development applications. These chapters are proposed to be amended to recognize the addition of objective design standards for multifamily housing development and to reflect state law regarding replacement housing requirements.

- 24.10: This chapter contains the purpose and standards for all of the zone districts in the City. Additional sections are proposed to include new Mixed-Use zone districts, and existing sections are proposed for amendments to conform with the previously-reviewed design standards, the newly-proposed development review process, and other aspects of state law.
- 24.16: This chapter addresses affordable housing regulations, and proposed amendments address how accessory dwelling units (ADUs) interact with inclusionary housing standards.
- 24.22: This chapter contains definitions for the Zoning Ordinance. One definition is proposed to be updated, and a new definition is proposed to be added in order to conform with the goals of the objective design standards.

This report will address each of the proposed amendments to the City's Zoning Ordinance by topic area because certain policy changes are addressed through multiple code sections.

Existing Zone Districts

Several minor yet substantive amendments are proposed for many of the City's existing zone districts. They breakdown in the following manner:

Multifamily residential zones (R-L and R-M)

Proposed amendments in these zones adjust the manner in which rear- and side-yard setbacks are calculated. The current code creates setbacks in these zones based on the height of the building, with a minimum setback that could scale larger based on the height of the structure. In an effort to ensure that these parcels can be developed to the full capacity identified in the zone district and General Plan, the proposed ordinance moves to a standardized setback for the first two stories of a structure and then adds an additional setback for any floor above the second. An illustration is also proposed to be added to each zone district. These amendments are in Municipal Code Sections 24.10.450 and 24.10.550.

Commercial zones (C-C, C-T, C-N, C-B, P-A, and R-T(C))

The objective design standards reviewed by the Planning Commission at a previous hearing include requirements for active commercial uses at the street frontage. Because existing zones each have a unique purpose and mix of allowed uses at different levels of review, the proposed amendments in the commercial zone districts add "Uses for Active Frontage" as a new category of uses within each zone, at each level of review, identifying the commercial uses that can fulfill the requirement of providing ground-floor active uses, with the goal to better activate the street frontage through mixed-use development while retaining space for commercial businesses to operate.. In each of these zones, no commercial uses are proposed to be added or removed, and no commercial uses are proposed to have a different level of review than what is currently required. Uses for Active Frontage may be principally permitted, or may need a use permit or special use permit, as those same uses currently require.

Mixed commercial and residential developments in these zones have been uniformly identified as principally permitted uses, regardless of the number of units proposed. Exclusively residential development in the Commercial zones will be limited to sites in the C-C or R-T(C) zones, and residential units at the site frontage will be required to be constructed as live-work units. Additionally, the existing allowance for single-room occupancy (SRO) units in these zones will

be maintained, with SRO development being excluded from the requirement for either commercial uses or live-work units on the ground floor. This exclusion is necessary in order to comply with the “no net loss” provision in the Housing Crisis Act. In these two zones, SROs are currently allowed to occupy the full amount of Floor Area Ratio (FAR) on a given site, so any requirement to include a commercial use, or a unit larger than an SRO unit (as would be the case with a live-work unit), could be viewed as a reduction to the capacity for housing on these sites. For these reasons the proposed amendments encourage, but do not require, these uses to develop with a commercial frontage. Because all commercial zones are governed by a limitation on FAR in the General Plan, which limits building volume, the required amount of open space is also proposed to be adjusted to be more in line with urban multifamily development and project feasibility.

The referenced changes in this subsection are in SCMC Sections 24.10.700 (C-C), 24.10.900 (C-T) 24.10.1000 (C-N), 24.10.1100 (C-B) and 24.10.1200 (P-A). A map of the City’s existing zone districts can be accessed through the City’s GIS department via the City website.

New Mixed-Use Zone Districts

Six new zone districts are proposed to be added to Chapter 24.10 to implement the vision and land use pattern established in the City’s 2030 General Plan and the Ocean Street Area Plan (OSAP). These zones will implement the three mixed-use General Plan land use designations that have been in place in Santa Cruz since the 2030 General Plan was adopted in 2012, as well as the height ranges adopted in the OSAP in 2014. The six new zones consist of four zones along Ocean Street, one zone along Mission Street, and one zone along Soquel Avenue/Branciforte Avenue/Water Street/Morrissey Boulevard. The locations of these new zones are shown in the attached Mixed-Use Zone District Maps. The zone districts and the purpose of each is listed below. A summary of the site standards for each zone is included as an attachment.

The six new zones are:

24.10.800 Mixed-Use, Medium Density (MU-M): To promote the development of a harmonious mixture of a wide variety of commercial activities including limited industrial uses, if they are compatible and nuisance free, in conjunction with condominiums and apartments; to stabilize and protect the commercial characteristics of the district; and to promote a walkable, dynamic, and efficient environment for residents, businesses, and workers. Also refer to Section 24.12.185 for design standards.

24.10.810 Mixed-Use, High Density (MU-H): 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

24.10.820 Mixed-Use, Ocean Medium Density (MU-OM): To encourage high-quality neighborhood-and visitor-serving commercial development along Ocean Street and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and medium-density mixed-use developments to 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.

24.10.830 Mixed-Use, Ocean High Density (MU-OH): To encourage high-quality neighborhood- and visitor-serving commercial development along Ocean Street and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and medium-density mixed-use developments within larger buildings oriented toward Ocean Street and Broadway, while using building height and massing to create a sense of place, while promoting 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.

24.10.840 Mixed-Use, Visitor-Serving High Density (MU-VH): 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.

24.24.10.850 Mixed-Use, Visitor Additional Height (MU-VA): 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 within larger buildings oriented toward Ocean Street and Soquel Avenue, while 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.

No General Plan amendments are proposed at this time; each new zone district corresponds to a specific General Plan Land Use Designation in place since the adoption of the 2030 General Plan in 2012. The 2030 General Plan uses Floor Area Ratio (FAR: ratio of floor area square footage within a building to the square footage of a parcel) to set the amount of development allowed on a given site. In the Mixed Use High Density (MXHD) and Mixed Use Visitor Commercial (MXVC), the FAR in the General Plan is 2.75, and for the Mixed Use Medium Density (MXMD) designation, the FAR is 1.75. The General Plan development intensity does not align with the current zoning standards, so changes to standards such as height, setbacks, and open space requirements are necessary in order to comply with state law. The MU-H zone district implements the MXHD General Plan designation with an FAR of 1.0 to 2.75, the MU-VH and MU-VA zone districts implement the MXVC General Plan designation with an FAR of 1.0 to 2.75, and the MU-M, MU-OM, and MU-OH zone districts implement the MXMD General Plan designation with an FAR of .75 to 1.75

Planning staff determined the degree of the mismatch between the FAR and the development standards of the current zoning code through “test-fit” analyses, where hypothetical projects were modeled in several locations to determine to what degree they accommodated the development intensity allowed by the General Plan. These test-fits were previously presented to the Planning Commission and the City Council on January 7, 2021 and March 9, 2021,

respectively. In these new zones, additional stories of height are proposed to address the discrepancies identified through that analysis. For example, properties in the proposed MU-H zone will have an allowed height of five stories and 60 feet of height, rather than the three stories and 40 feet of height currently allowed in the Community Commercial zone. Increasing the height in these districts does not change the total amount of development allowed relative to the existing condition because, since the beginning of 2019, state law has required that local municipalities allow full build out of the planned development capacity on any parcel where housing is an allowed use, based either on the General Plan or zoning allowance. The law allows existing zoning to be waived if it cannot accommodate a General Plan development capacity, allowing instead zoning standards that accommodate the full development capacity. To that end, these amendments to the zoning ordinance only seek to create more transparency for all users of the document including the general public, staff, developers, and decision makers.

In reviewing the zone district standards, there are a few things to note: in all cases, the uses allowed are largely based on the existing uses that are allowed in the C-C zone district. In the case of the zone districts on Ocean Street (and vicinity), these intensities are combined with height ranges adopted in the OSAP. Based on the goals of the OSAP and the Mixed-Use Visitor Commercial land use designation that identify a priority for visitor-serving and commercial uses along Ocean Street, the Ocean Street zone districts require a lower level of review for lodging and allow for more height in fewer stories than the other two mixed-use districts (MU-M and MU-H). Commercial buildings typically have a higher floor-to-floor height (12-15') than residential (10'), so this additional building volume is intended to make multi-story commercial development more appealing in those locations, based on the priorities of both the MXVC General Plan designation on Ocean Street, and the goals of the OSAP to promote commercial uses serving local residents and tourists, and providing opportunities for employment.

The zones on Mission and on Soquel/Branciforte/Water/Morrissey are highly focused on allowing for the creation of mixed-use housing development with ground floor commercial spaces. A mix of residential and commercial uses is encouraged in all Mixed-Use Districts, and commercial uses are required, meaning a commercial-only development could still be built in these areas. Residential-only development, however, is not supported. The areas with the mixed-use zones represent the core of the City's commercial areas, and in order to ensure that these areas remain significant commercial centers with employment, goods, services, and entertainment that promote active transportation, healthy lifestyles, and reduced vehicle trip lengths, these standards require that commercial uses be included.

General Plan Implementation

In creating the zone districts described above, the City is moving closer to fully implementing the vision established by the adopted 2030 General Plan. The properties identified for rezonings are those that already carry one of the three mixed use land use designations in the General Plan, and rezoning them into the new zone districts will make the allowances on these properties clear and accessible. They will also make development or redevelopment a more straightforward process for those interested in pursuing it.

The attached Mixed-Use Zone District Maps show the properties where rezonings are proposed to the respective district identified on each map. In most cases, these parcels are currently zoned Community Commercial (C-C). The limited exceptions are some of the parcels around the intersection of Ocean Street and Barson Street, which are currently zoned Neighborhood Commercial (C-N); a few parcels on Leonard Street which are currently zoned Residential

Multifamily, Low Density (R-L); some parcels on Ocean Street south of Broadway that are currently zoned Residential Multifamily, Medium Density (R-M); and two parcels in the Mission Street Corridor at Mission and Almar – one is currently zoned Industrial (I-G) and one is currently zoned Residential Multifamily, Low Density (R-L).

Development Review Process

With the addition of objective design standards and with state law fundamentally altering the amount of discretion available to local jurisdictions, changes to the developmental review process are proposed. Given the requirement to approve housing development proposals that conform to the objective standards in the City's various policy documents and the additional certainty about site and building design that is created through objective design standards like the ones recommended by the Commission on June 2, 2022, the proposed amendments seek to reduce the number of development applications that will require a public hearing before either the Zoning Administrator or the Planning Commission.

The proposed review process would maintain the existing requirement for a Design Permit for all new multifamily or mixed-use development proposals. The proposed process would lower the threshold for triggering that permit from three units or more to two units or more though in order to fully comply with the Housing Accountability Act, which requires the use of objective standards when reviewing any multifamily development project. By requiring a Design Permit, the City ensures that the right to appeal a project approval is maintained and that the California Environmental Quality Act will continue to apply to the extent possible. Further, regardless of the level of review, the City's Community Outreach Policy will remain unchanged for multifamily development proposals, creating an opportunity for nearby residents to be notified of new development proposals and to participate in a discussion with the project developer about the proposal prior to the completion of the review by City staff.

Because the objective design standards for multifamily and mixed-use housing are new, and limited to features of site and building design, staff and the consultant team understand the possibility that development proposals may need or desire to vary from one or more of the standards to some degree. For example, the standards for building articulation require that a building be articulated (in one of three ways) at least once for every 30 feet of frontage. There could be a situation where a site would require four such articulations based on a strict application of the standards, but the developer is proposing a design that includes only three articulations due to construction constraints. Staff is interested in supporting housing development and also faithfully implementing the standards that have been drafted through extensive community participation. To this end the proposed ordinance would allow for alternative designs only when a public hearing is held, and the hearing body can make certain findings.

The proposed review process would establish three tiers of review for projects including multifamily housing units. In the first tier, fully-compliant proposals are eligible for administrative review by planning staff. Staff would need to make a finding of consistency with all the requirements of the City's General Plan, Municipal Code, and other policies governing land development, including all of the applicable standards in the objective design standards Section 24.12.185 (available in the attached June 2, 2022 Planning Commission packet materials)..

In the second tier, projects that seek to vary from no more than five of the proposed objective design standards of Section 24.12.185 will have their project reviewed by the Zoning

Administrator at a noticed public hearing. In the third tier, projects that seek to vary from more than five of the design standards will have their alternative designs reviewed by the Planning Commission at a noticed public hearing. At a public hearing, the hearing body will consider the merits of the proposed alternative design relative to the goal established for each of the standards from which they are proposing to vary. For example, if a project proposed to provide only one finish material on a particular façade, rather than the mix of two or more required by the objective design standards, the Zoning Administrator or Planning Commission would need to find that the alternative met the goal stated in the code section on Building Materials which is: “To ensure that building materials are high-quality, durable, convey a sense of permanence, and reflect the existing character of buildings in the urban environment.”

These proposed new procedures are implemented in code Sections 24.04.090, 24.04.130, and 24.08.400 et seq.

Other processes to vary from design and development standards

Both the City and the State of California provide housing developers with a variety of tools to pursue development applications that do not comply with all provisions of the Municipal Code and other land use regulations. These tools include using a local or state density bonus or applying for a variance, development agreement, or planned development. Each of these tools could allow a project proponent to request relief from any of the development standards already in the Municipal Code, and from any of the new design standards recently proposed. Each of these processes has their own rules and allowances, and all will require review at a public hearing, enabling the hearing body to exercise their discretion and place conditions on a project.

In the case of density bonus applications specifically, site standards can be waived when they limit the ability of a project to physically develop the number of units they are able to request. The most commonly requested waivers are for standards like height, FAR, setbacks and parking requirements. Relief from standards for building design features such as materials, dimensions of required commercial space, and landscaping could be requested as concessions necessary to make a development financially feasible, but the number of concessions a project may include is limited. Fully affordable development may request up to four concessions, and a project meeting the City’s current inclusionary requirement would be limited to two concessions.

Inclusionary ADUs and Replacement Housing

The proposed ordinance amendments will adjust how affordable ADUs can count towards the City’s inclusionary housing requirement.. Currently, the municipal code allows the City Council to designate a proposed ADU as an inclusionary unit as part of a housing development project. Staff has encountered a number of challenges with implementing this allowance on for-sale, single-family lots as properties are sold to new owners. Additionally, with the change in state law allowing ADUs with multifamily structures, property owners now have the option to add potentially dozens of ADUs to existing multifamily properties (up to 25% of the existing units as Conversion ADUs, plus up to two New Construction ADUs). The proposed amendments would make two changes to the inclusionary requirements. First, the ability for the City Council to identify ADUs as inclusionary units would be eliminated, and the proposed code expressly prohibits inclusionary ADUs as part of single-family development. This means that ADUs could not be used to meet the inclusionary requirement of a primary residential use in the project. Second, a separate inclusionary requirement for ADUs in multifamily development will be created for situations where five or more ADUs are proposed or developed over time. The 20%

inclusionary requirement will apply to those units, and inclusionary ADUs would be required. Essentially, this change would create a separate inclusionary requirement for ADUs on a multifamily property that would apply to and be met with the ADUs only. For instance, if a housing development proposed twenty ADUs, four of them would have to meet the City's inclusionary requirements for affordability. These amendments are implemented through amendments to Municipal Code Section 24.16.

Another issue relating to housing and affordable housing in particular is the issue of replacement housing. The Municipal Code has certain triggers for replacement housing that differ in some key ways from current state law. The differences are fairly complex, and there are certain situations where the Municipal Code creates a stricter requirement than state law and other situations where the reverse is true. A full update to these code sections to bring the local ordinance into full compliance with the state law should be pursued by the City at some point, but that work fell outside the scope of the current project. Planning staff has worked with the City attorney to ensure that both the local and the state-level requirements are explained to applicants and met by development projects. At this time, the proposed amendments would simply add language alerting users of the code to the potential applicability of state law for replacement housing, which provides better transparency. Staff anticipates working with the City Attorney on a full update on this topic at a future date.

Definitions

The definition of "Open Space, Useable" is proposed to be amended to incentivize development proposals to retain existing trees on site. The definition would state that the area under the canopy of any existing tree can be counted toward the open space requirement at double the rate of other square footage. We believe this incentive will allow enough flexibility for project proponents to work around existing trees and retain them on site as new development takes place.

A definition for "Housing, Volumetric Modular" is also proposed. This type of construction relies on factory-built blocks that are constructed in state-regulated factories and then assembled on site to quickly create a semi-complete building. These building technologies provide significant efficiency in terms of construction time and skilled labor on site, and could contribute to bringing down the costs of construction. Because of the way they are built, these modules end up being a bit taller than a standard ten-foot residential floor plate – most are around 10'9" due to the replication of floor and ceiling features in each module. Additionally, the first floor that connects to the concrete podium or foundation typically requires an additional 1'2" of height. These height allowances have been added to the chart of "District Regulations" for each of the proposed mixed-use zone districts in order to allow for this building technology.

Rezoning Findings

Section 24.06.040 requires that prior to making a recommendation for approval of a proposed zoning map amendment, the Planning Commission must make the following finding:

"...that the public necessity, and the general community welfare, and good zoning practice shall be served and furthered; and that the proposed amendment is in general conformance with the principles, policies, and land use designations set forth in the General Plan, Local Coastal Plan, and any adopted area or specific plan."

The action to amend the zoning map to include six new mixed-use zone districts and to rezone the parcels as identified on the attached maps will create a zoning map that fully implements the land use pattern and designations established in the 2030 General Plan. The land use pattern creates residential and commercial intensity in areas with access to public transit, bike lanes, and a critical mass of retail and service uses to support households and create employment opportunities. Focusing new development into these areas represents the current best practices for zoning and supports the community by creating new opportunities for both residential and commercial development within the existing infrastructure of the City. The required finding can be made based upon the uses, site standards, and other regulations of the six mixed-use zone districts, and maps showing the parcels to be rezoned fully implement the provisions of their General Plan land use designation.

HEALTH IN ALL POLICIES

In 2019, the City adopted a Health in All Policies strategy in order to eliminate inequities in health and well-being and attain equity for all residents. The proposed amendment package furthers the City's Health in All Policies strategy, as the intent of the proposal is to support creation of a wider variety of housing options, promoting more equitable access to housing. The proposal would serve to support development of dense housing in areas of the City with a mix of employment, housing, retail, and entertainment uses, promoting a sustainable development pattern and making efficient use of urbanized land. This land use pattern also encourages active transportation, which promotes personal health and reduces transportation costs. By incentivizing a variety of new housing opportunities that meet residents' needs, this proposal supports the social, economic, and environmental health of the community.

ENVIRONMENTAL REVIEW

The proposed amendments fall within the analyzed development potential in the City's existing 2030 General Plan EIR, as they are intended to fully implement the adopted General Plan Land Use maps and policies. The proposed amendments would not result in increased densities or intensification of uses, rather the proposed amendments will regulate the design and development character of projects achieving those planned densities.

NEXT STEPS: As mentioned in the Background section, this item constitutes the second half of the objective development standards item. Following the Planning Commission's action on the proposed ordinance amendments, Planning staff will coordinate with Public Works, Parks and Recreation, and Water staff to incorporate the new zone districts and the proposed objective design standards amendments to all the various sections of the Municipal Code into a single ordinance amendment for City Council review. The City Council is likely to hear the item at a regularly scheduled meeting in August 2022. Following action by the City Council, portions of the amendment package, including the amendments to Chapter 24.04, 24.08, 24.10, and 24.22, will be submitted to the California Coastal Commission for review prior to taking effect within the coastal zone. In all areas outside the Coastal Zone, the amendments to the Municipal Code will take effect 30 days following final action by the City Council.

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ATTACHMENTS:

1. Proposed Ordinance Amendments to the Santa Cruz Municipal Code
2. Maps of Mixed-Use Zone Districts
3. Mixed-Use Zone District Summary
4. Planning Commission Staff report of June 2, 2022

24.04.090 PUBLIC HEARING REQUIREMENT.

A public hearing shall be required for the following:

1. Appeals;
2. Coastal permit except for an accessory dwelling unit;
3. Conditional fence permit when required by Section 24.08.620;
4. Design permit:
 - a. When accompanying another permit requiring a public hearing or upon a zoning administrator determination that a public hearing is required;
 - b. For new two-story structures and/or second-story additions associated with a single-family residential use on substandard residential lots, excluding any Accessory Dwelling Unit or Junior Accessory Dwelling Unit as defined in Chapter 24.16 Part 2 in the R-S and any R-1 Districts;
 - c. For large homes in R-1 Districts per Section 24.8.450;
 - d. Wireless telecommunications facilities per Part 15 of Chapter 24.12; or
 - e. New structures or improvements to existing structures in the West Cliff Drive Overlay District that require a coastal permit.
 - f. Mixed-Use or Residential Development that varies from one or more of the objective design standards of Chapter 24.12.185 of the Municipal Code
5. Density Bonus Applications
6. Demolitions: residential, except for a single-family residence, and historical buildings;
7. Historic building survey: building designation, deletion;
8. Historic landmark alteration permit;
9. Historic landmark designation;
10. Mobile home park conversion;
11. ~~10.~~ Slope Development Permit (on or within 20 feet of a 50% or greater slope) outside the Coastal Zone;

Comment [SN1]: These two are listed in 24.08.420 but were omitted here. Adding as a clean-up.

Comment [SN2]: Also a clean up. Public hearing required in 24.16.270.

~~12~~¹⁴. Planned development permit;

~~12. Relocation of structures;~~

~~13~~¹². Revocation of permits;

~~14~~¹³. Use permits:

a. Administrative use permit, except when the proposed use is temporary, as defined in this title; for variations to parking design requirements and number of spaces; and half baths in accessory structures;

b. Special use permit (including historic district/historic landmark use permit);

~~15~~¹⁴. Variance;

~~16~~¹⁵. Watercourse variance;

~~17~~¹⁶. Project modifications, pursuant to Section 24.04.160(4)(c);

~~18~~¹⁷. Zoning Ordinance and General Plan text and map amendments.

Comment [A3]: Clean up item: According to 24.04.130 this doesn't trigger a public hearing.

24.04.130 DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION APPROVAL.

The following table indicates the decision-making body who can approve, deny or conditionally approve an application, whether or not a public hearing is required, and the bodies to which appeals can be made:

1. The planning commission and city council may refer certain aspects of any application to the zoning administrator for final action.
2. The zoning administrator may refer any of the matters on which he/she is authorized to act to the planning commission or historic preservation commission.
3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU*)		ZA*	CPC/CC/CCC*
Administrative Use Permit: Large family	ZA			CPC/CC

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
daycare homes, temporary uses, and half baths in accessory buildings				
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Driveway Permit			ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC
Slope Regulations Modifications (Variance) in the Coastal Zone			CPC	CC
Slope Development Permit (on or within 20 feet of a 50% or greater slope) outside the Coastal Zone			ZA	CPC/CCC
Slope Regulations Modifications (Design Permit) in the Coastal Zone	ZA			CPC/CC
Slope Development Permit (on or within 20 feet of a slope greater than or equal to 30% and less than 50%) outside the Coastal Zone	ZA			CPC/CC
Design Permit	ZA			CPC/CC
<u>1.</u> Substandard lots: New two-story structures and second-story additions <u>with a single-family residential use</u> , excluding ADUs			ZA	CPC/CC
<u>2.</u> Large homes per Section 24.08.450			ZA	CPC/CC
<u>3.</u> Wireless telecommunications facilities	ZA		ZA	CPC/CC
<u>4.</u> New structures or improvements to existing structures in the WCD Overlay which are exempt or excluded from coastal permit requirements	ZA			CPC/CC
<u>5.</u> New structures or improvements to existing structures in the WCD Overlay which require a coastal permit			ZA	CPC/CC
<u>6.</u> <u>Mixed-Use or Residential Development conforming to all standards of Section 24.12.185</u>	<u>ZA</u>			
<u>7.</u> <u>Mixed-Use or Residential Development varying from no more than five standards of Chapter 24.12.185 of the Municipal Code</u>			<u>ZA</u>	
<u>8.</u> <u>Mixed-Use or Residential Development that varies from six or more standards of Chapter 24.12.185 of the Municipal Code</u>			<u>CPC</u>	

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Demolition Permit				
1. Single-family residential	ZA			CPC/CC
2. Multifamily residential			CPC	CC
3. Historic demolition permit			HPC	CC
4. Nonresidential	ZA**		ZA**	CPC/CC
General Plan Text and Map Amendments		C	CC/CCC***	
Historic Alteration Permit			HPC	CC
Administrative Historic Alteration Permit	ZA			HPC/CC
Historic Building Survey:				
Building designation, deletion		HPC	CC	
Historic District Designation		HPC/CPC	CC	
Historic Landmark Designation		HPC	CC	
Mobile Homes (Certificate of Compatibility)	ZA			CPC/CC
Mobile Home Park Conversion			CPC	CC
Outdoor Extension Areas per Section 24.12.192	ZA			CPC/CC
Planned Development Permit		CPC	CC	
Project (Major) Modification	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Project (Minor) Modification	ZA			CPC/CC
Relocation of Structures Permit	ZA			CPC/CC
Revocation Permit	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Sign Permit	ZA			CPC/CC
Special Use Permit			CPC	CC
Variance			ZA	CPC/CC
Watercourse Variance			CPC	CC
Watercourse Development Permit	ZA			CPC/CC
Zoning Ordinance Text and Map Amendments				
Amendments recommended by CPC		CPC	CC/CCC***	
Amendments not recommended by CPC		CPC		CC/CCC***
CCC = California Coastal Commission CC = City Council CPC = City Planning Commission HPC = Historic Preservation Commission ZA = Zoning Administrator				

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			Appeal Bodies (in order)
	No Public Hearing	Public Hearing		
	Action	Recommendation	Action	
<p>* For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application. In the coastal zone, all proposed accessory dwelling units shall require a coastal permit (unless they are exempt or excluded from coastal permit requirements) and shall be processed in the manner described in Chapter 24.04 and Section 24.08.200 et seq. (including in terms of public noticing and process for appeal to the Coastal Commission) except that no public hearing shall be required. In addition to all other applicable LCP requirements, standards for ADUs in the coastal zone are specified in Section 24.12.140(10).</p>				
<p>** Such permits shall be issued administratively, without a public hearing, unless a cultural resources evaluation, prepared by a qualified consultant as determined by the zoning administrator, determines that the building or structure is eligible for listing on the city Historic Building Survey.</p>				
<p>*** California Coastal Commission in case of CLUP policy, CLIP elements.</p>				
<p>**** At a regularly scheduled meeting, a majority of the council may take an action to direct any project or amendment to be called from a lower hearing body prior to a final action or during an appeal period in accordance with Section 24.04.175(2).</p>				

24.04.160 LIFE OF PERMIT.

1. Expiration.

- a. Each approved permit shall expire and become null and void thirty-six months from the date on which it is approved, unless exercised; a lesser time period may be specified. A relocation permit shall be exercised within six months.
- b. An approved permit applies to the subject property and runs with the land. Once exercised, an approved permit remains effective unless terminated or modified and remains effective even if the subject property is rezoned.
- c. An approved permit is transferable to any future owner of the subject property.
- d. Any use permit which has been exercised shall expire and become void where the use has ceased for a period of six consecutive months, whether or not it is the intent to abandon said use.

e. All active permits as of March 10, 2009, and those approved up to and including March 10, 2010, shall have the life of the permit automatically extended an addition one year from the length of time currently allowed under subsection (1)(a). This extension authorization shall expire on March 11, 2011, unless otherwise extended by the city council.

2. Extension of Permits. Any permit issued in conjunction with a project that has had its tentative subdivision map or parcel map extended pursuant to the provisions of the California Subdivision Map Act, Government Code Sections 66410 et seq. or the city's Subdivision Ordinance, S.C.M.C. Title 23, shall have its associated land use permits automatically extended for a period coextensive to any extension of the tentative subdivision map or parcel map attributable to the application of Subdivision Map Act or Subdivision Ordinance provisions.

3. Revocation of Permits. In any case where the conditions to the granting of a permit have not been or are not complied with, the decision-making body with final authority over said permit shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than ten calendar days after the date of such notice. Following such hearing and, if good cause exists therefor, the decision-making body with final authority over said permit may revoke such permit.

4. Modifications.

a. Minor Modifications. The zoning administrator may modify conditions imposed on any permit at the request of the permit holder where evidence has been submitted that the requested modifications:

- (1) Will not significantly alter the approved permits; and
- (2) Are made on the basis of changed circumstances since the original approval; and
- (3) Would not contradict or go against any direction in the record that was instrumental in the approval of the original permit: and

(4) In the case of a housing development application, that the requested modification applies to a variation from a design standard that was previously reviewed at a public hearing as an alternative design, or does not involve a variation from the design standards of Section 24.12.185.

b. Minor Modification Criteria. The zoning administrator may approve any requested minor modifications on any permit which involves minor increases in floor area that do not exceed fifteen percent of the approved project or involve use intensifications permitted by the zone that do not increase parking above fifteen percent of the approved parking for the project, or approve partial variation from one of the standards in Section 24.12.185 without a public hearing as long as the proposed modification is consistent with all sections of the Zoning Ordinance, or the purpose of the standard in Section 24.12.185 as applicable. Only one such modification or project will be allowed within any five-year period without review by the planning commission or at a publicly noticed zoning administrator hearing if the original approval was administrative or was decided at a public hearing before the zoning administrator. Additional modifications not related to such increases in floor area or use intensifications may be approved without a public hearing.

c. Major Modifications. The zoning administrator shall refer to the decision-making body with final authority for review and action any requested modifications which involve significant increases in size or nature of an approved project beyond those limits set in subsection (4)(b). A public hearing will be required unless the permit proposed for modification was approved administratively, in which case the modification may also be decided administratively, or may be elevated at the discretion of the zoning administrator. In the case of a housing development project, any variation from a requirement of Section 24.12.185 that was not previously reviewed at a public hearing, shall trigger the need for a public hearing at the level indicated by 24.08.420.

Part 5: DESIGN PERMIT

24.08.400 PURPOSE.

The purpose of the design permit is to promote the public health, safety and general welfare through the review of architectural and site development proposals and through application of recognized principles of design, planning and aesthetics and qualities typifying the Santa Cruz community. This section of the zoning ordinance is also part of the Local Coastal Implementation Plan.

24.08.410 GENERAL PROVISIONS.

A design permit shall be required for the following types of projects:

1. Multiple dwellings and dwelling groups containing ~~three~~**two** or more dwelling units;
2. New structures intended for commercial use;
3. New structures intended for industrial use;
4. Commercial or industrial uses of land not involving a building;
5. Accessory structures and uses except those accessory uses or structures customarily associated with and accessory to a single-family dwelling unless a design permit is otherwise required in this title;
6. Any structure on, or use of, a substandard residential lot when that structure or use is associated with a single-family residential use, except for structures which provide access to the first floor for the physically challenged and accessory structures that are less than one hundred twenty square feet and less than fifteen feet in building height. Such accessory structures shall be included in the calculation of maximum lot coverage pursuant to Section 24.08.440;
7. Any exterior remodeling and/or site alteration of either fifty thousand dollars or twenty-five percent additional floor area to any existing commercial or industrial building or structure, except within the Central Business District (CBD) zone and for properties within the Mission Street Urban Design Plan area, within which a design permit shall be required for any exterior alteration or remodeling for which the construction costs of such work exceed ten thousand dollars; the design of

Comment [SN4]: This change is based on the requirements of SB330 to apply to all multifamily housing.

such exterior improvements shall be consistent with the applicable design requirements contained in the Downtown Plan or Mission Street Urban Design Plan;

8. Any project where the applicant is a public agency over which the city may exercise land use controls;
9. Public projects in the Coastal Zone, including but not limited to buildings, roads, bridges, wharf structures, shoreline riprap, and port district projects;
10. Any project which requires a design permit as a result of a specific city action or as a result of a condition of a prior project approval;
11. Parking lots with capacity for five or more spaces;
12. Any project which requires a planned development permit;
13. Single-family homes over four thousand square feet in R-1-10, three thousand five hundred square feet in R-1-7, and three thousand square feet in R-1-5 zoning districts;
14. Any structures in the West Cliff Drive Overlay District.

Electric vehicle charging stations are exempt from the requirement for a design permit.

24.08.420 PROCEDURE.

1. Applications for design permits shall be acted upon by the zoning administrator without a public hearing unless the design permit is accompanied by an application which must be heard by a higher body (planning commission or city council) or meets the requirements for review at a public hearing by either the Zoning Administrator of the City Planning Commission as delineated below. When acting on a fully compliant application for a housing development project, the ZA shall make the findings required by 24.08.425.

2. Any applications for design permits of the types listed below ~~above~~ shall be acted upon by the zoning administrator at a public hearing ~~pertains to~~:

- a) New two-story structures and/or second-story additions associated with a single-family residential use on ~~substandard residential lots in R-1 districts;~~
- b) Large homes per Section 24.08.450;
- c) Wireless telecommunications facilities per Part 15 of Chapter 24.12; or
- d) New structures or improvements to existing structures in the West Cliff Drive Overlay District that require a coastal permit.
- e) Mixed-Use or multifamily residential development that varies from no more than five of the objective design standards of Section 24.12.185 of the Municipal Code, pursuant to the findings required by 24.08.426.

Comment [SN5]: Allowing 2-story multi-family development on R-L and R-M sites even if they are substandard. This is necessary to ensure the full allowed density can be reached.

3. Any applications for design permits for mixed use or multifamily residential development that vary from six or more of the objective design standards of Section 24.12.185 of the Municipal Code shall be acted upon by the City Planning Commission at a public hearing, pursuant to the findings required by 24.08.426.

24.08.425 FINDINGS REQUIRED – FULLY-COMPLIANT MIXED USE OR MULTIFAMILY DEVELOPMENT

Applications for design permits for projects including two or more multifamily residential units shall be reviewed at the minimum level of review for which they are qualified based on the criteria for design review. Projects for which the following findings can be made will not be subject to a public hearing except by reason of appeal.

1. The site plan and building design are consistent with design and development policies, limited to those policies that constitute objective standards therein when required by state law, of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.
2. The site plan and building design are in full conformance with the design standards of Section 24.12.185.

24.08.426 FINDINGS REQUIRED – ALTERNATIVE DESIGN MULTI-FAMILY OR MIXED USE DEVELOPMENT

Applications for design permits for projects including two or more multifamily residential units shall be reviewed at the minimum level of review for which they are qualified based on the criteria for design review. Projects which propose to vary from one or more of the design standards of Section 24.12.185 shall be subject to a public hearing in accordance with 24.08.420. The public hearing body shall approve the design permit based upon the following findings. These findings shall apply only to alternative designs for compliance with Section 24.12.185, and are not applicable to applications seeking to vary from any other standard, requirement, or policy of the Municipal Code.

1. With the exception of the standards for which the project is seeking alternative design, the site plan and building design are consistent with design and development policies, limited to those policies that constitute objective standards therein when required by state law, of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.
2. For each standard for which the project proposes an alternative design, the proposed alternative meets the intent of the stated goal identified for the relevant standard in Section 24.12.185.

24.08.430 FINDINGS REQUIRED – GENERAL.

All applications for design permits that cannot be reviewed under Sections 24.08.425 or 24.08.426 shall be reviewed in relation to below established criteria for design review.

Applications for design review other than those processed pursuant to Sections 24.08.425 and 24.08.426 shall be approved if proposed buildings, structures, streets, landscaping, parking, open space, natural areas and other components of the site plan conform with the following criteria, as applicable:

1. The site plan and building design are consistent with design and development policies of the General Plan, any element of the General Plan, and any area plan, specific plan, or other city policy for physical development. If located in the Coastal Zone, the site plan and building design are also consistent with policies of the Local Coastal Program.
2. For nonresidential projects, the project's location, size, height, operations, and other significant features and characteristics are compatible with and do not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, safety, and welfare. For residential projects, the project complies with the objective standards and requirements of the zoning district in which it is located, as well as any objective standards of any area plan or other regulatory document that applies to the area in which the project is located.
3. For nonresidential projects, the project provides for an arrangement of uses, buildings, structures, open spaces, and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.
4. The exterior design and appearance of buildings and structures and the design of the site plan shall be compatible with design and appearance of other existing buildings and structures in neighborhoods which have established architectural character worthy of preservation.
5. Design of the site plan respects design principles in terms of maintaining a balance of scale, form and proportion, using design components which are harmonious, and materials and colors which blend with elements of the site plan and surrounding areas. Location of structures takes into account maintenance of public views; rooftop mechanical equipment is incorporated into roof design or screened from public rights-of-way to the extent possible. Utility installations such as trash enclosures, storage units, traffic-control devices, transformer vaults and electrical meters are accessible and screened.
6. Where a site plan abuts, or is in close proximity to, uses other than that proposed, the plan shall take into account its effect on other land uses. Where a nonresidential use abuts or is in close proximity to a residential use, the effect of the site plan should maintain the residential quality of adjacent or nearby areas.
7. To the extent feasible, the orientation and location of buildings, structures, open spaces and other features of the site plan maintain natural resources including significant trees and shrubs, minimize impacts to solar access of adjacent properties, and minimize alteration of natural land forms; building profiles, location, and orientation must relate to natural land forms.
8. The site plan ensures that the scale, bulk, and setbacks of new development preserves important public views along the ocean and of designated scenic coastal areas. Where appropriate and feasible, the project shall restore and enhance visual quality of visually degraded areas.
9. The site plan shall reasonably protect against external and internal noise, vibration and other factors which may tend to make the environment less desirable. The site plan should respect the need for privacy of adjacent residents.

10. Building and structures shall be designed and oriented to make use of natural elements such as solar radiation, wind, and landscaping for heating, cooling, ventilation, and lighting.

24.08.440 STANDARDS FOR SUBSTANDARD RESIDENTIAL LOT DEVELOPMENT.

Whenever a project associated with a single-family residential use is proposed for a substandard residential lot, as defined in Section 24.22.520, applications for design review shall be approved if the findings set forth in Section 24.08.430 can be made and proposed buildings, structures, landscaping and other components of the site plan conform to the following additional criteria:

1. The maximum allowable lot coverage for structures shall be forty-five percent. Lot coverage shall include the footprints of the first floor, garage and other accessory buildings (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 toward lot coverage.
2. The floor area for second stories shall not exceed fifty percent of the first floor area, except in cases where the first floor constitutes thirty percent or less of the net lot area.
3. New structures shall be consistent with the scale of structures on adjacent lots and generally be compatible with existing surrounding structures.
4. New structures shall be sited in ways which avoid causing substantial change in the pattern of existing building projections along streets. Continuous long, parallel abutting walls on narrow side yards shall be avoided.
5. Spacing of buildings and overall siting of structures shall maximize the potential for solar access to each lot.
6. Landscaping shall be required at least for front yard areas and shall be used to screen parking from street.
7. Structures shall incorporate methods to lessen the impact of garages on a street facade.

24.08.1320 GENERAL PROVISIONS.

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. Housing development projects shall comply with the requirements of Part 14 of Chapter 24.08 of the Santa Cruz Municipal Code as well as those contained in California state law governing

demolition of housing units, including but not limited to Government Code Sections 65589.5 and 66300.

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 may 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.

2. In determining the number of replacement bedrooms required, any studio unit shall be defined as one bedroom, and any decimal fraction greater than 0.50 shall be construed as requiring one bedroom.

3. Type of Unit. Replacement bedrooms may be grouped into unit-size types as desired by the applicant, but in no case shall more than four replacement bedrooms be contained in any one unit constructed to meet replacement housing requirements.

4. Affordability Assurances. The entire unit constructed to meet replacement housing requirements and containing one or more replacement bedrooms shall be deemed a low- or moderate-income unit subject to affordability requirements. Replacement units shall remain affordable to low- or moderate-income households in perpetuity. The procedure for implementing this requirement shall be established by council resolution.

5. Dwelling units, or single-room occupancy units constructed to meet replacement housing requirements shall be provided and available for use no later than three years from the date upon which work commenced on the conversion or demolition of the residential dwelling units or single-room occupancy living units.

Part 5: R-L MULTIPLE RESIDENCE – LOW-DENSITY DISTRICT

24.10.400 PURPOSE.

To promote the development of multifamily townhouses, condominiums and apartments at a low to medium density of 10.1 to twenty-seven units per acre, depending on unit mix; to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for the lives of families and single persons. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.410 PRINCIPAL PERMITTED USES.

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.)

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structure(s). (830, 840)

2. Community care facilities including daycare (except family daycare homes), retirement homes and foster homes (six or fewer).

3. ~~Small family daycare homes.~~ Small and large family daycare homes in residential units.

4. ~~Large family daycare homes in single-family dwellings or duplexes.~~

~~4~~5. Two-family dwellings, subject to the density requirements in the General Plan.

~~5~~6. Community garden.

~~6~~7. Single-family dwellings, subject to the density requirements in the General Plan.

Comment [SN6]: Clean up item. This change in the state law is reflected in all zone districts where residential uses are allowed

~~78~~. 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. Park and recreational facilities.
- 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, and Section 24.10.430.

~~89~~. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

~~940~~. Supportive and transitional housing.

24.10.430 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit:

- a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
- b. Temporary structures and uses.

2. The following uses are subject to approval of a special use permit and a design permit:

- a. Bed-and-breakfast inns, subject to requirements in Chapter 24.12, Part 9.
- b. Community care facilities including daycare (except family daycare homes), retirement home, foster home, and nursing home (seven or more persons).
- c. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except that accessory dwelling units are not subject to approval of a design permit unless located on a substandard lot as defined in Section 24.22.520.
- d. Dormitories, fraternity/sorority residence halls, boardinghouses.
- e. Health facilities for inpatient and outpatient psychiatric care and treatment.
- f. Off-street parking facilities accessory to a contiguous commercial property not to exceed one hundred feet from the boundary of the site it is intended to serve.

- g. Noncommercial recreation areas, buildings, and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs.
- h. Educational, religious, cultural, public utility or public service buildings and uses; but not including corporation yards, storage or repair yards, and warehouses.
- i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

24.10.440 USE DETERMINATION.

Any other use or service establishment determined by the zoning board 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, may be allowed by special use permit.

24.10.450 DISTRICT REGULATIONS.

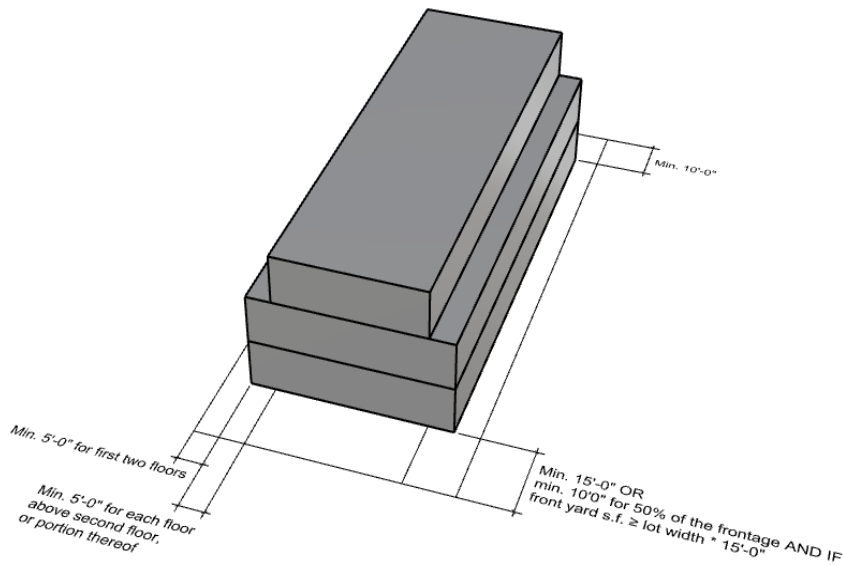
1. General.

Provision		Dwelling Unit Type	
		Single-Family Detached	2 or More Units
a.	Maximum height of buildings		
	• Principal (feet)	30	30
	• Accessory (stories and feet)	1 and 15	1 and 15
b.	Minimum lot area (net) (square feet)	5,000	5,500
c.	Minimum lot area per dwelling unit (net) (square feet)		2,200 (1,600 sq. ft. for 1-bedroom/studios)
d.	Minimum lot width (feet)	50	50

e.	Usable open space per dwelling unit (square feet)	—	400
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2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet except that the front yard may be reduced to not less than ten feet for a portion not to exceed fifty percent of the building frontage, and providing that a total of fifteen square feet of front yard is provided for each lineal foot of total lot frontage.
- b. The minimum rear yard setback shall be ten feet.
- c. The minimum side yard setback shall be five feet, ~~and or one five additional feet~~ feet of setback for each ~~story~~ three feet of height ~~above the second story~~, or portion thereof, of a structure, whichever is greater.



(1) There shall be no side yard required for townhouses on interior lots, except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

(2) The minimum exterior side yard setback shall be eight feet, ~~and five additional feet of setback~~ or one foot of setback for each three feet of height ~~for~~

~~each additional story above the second story, or portion thereof, of structure, whichever is greater.~~

- d. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.
- e. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and accessory buildings, six feet; between accessory buildings, six feet.
- f. An existing accessory building built prior to July 1, 2014, with a valid building permit or which is a legal nonconforming structure, that has less than the required side or rear yard setback(s) may be converted into a dwelling unit to create a second unit or duplex on a property if all the requirements of the California Building Standards Code are met as well as the other development standards of the zoning district. The floor area for said second unit shall not exceed ten percent of the net lot area up to a maximum of eight hundred square feet. If additional units are allowed on the property, all such units shall meet development standards of the zoning district.

3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, and Chapter 24.16, Part 2, Accessory Dwelling Units.

4. 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.

Part 6: R-M MULTIPLE RESIDENCE – MEDIUM-DENSITY DISTRICT

24.10.500 PURPOSE.

To promote the development of multifamily townhouses, condominiums and apartments at a medium residential density of 20.1 to forty units per acre depending on unit mix; to stabilize and protect the residential characteristics of the district; and to promote a suitable environment for the lives of families and single persons. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.510 PRINCIPAL PERMITTED USES.

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.)

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
2. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
3. Community garden.
4. ~~Small family daycare homes.~~ Small and large family daycare homes in residential units.
5. ~~Large family daycare homes in single-family home or duplex.~~
56. 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, and Section 24.10.530.
67. Supportive and transitional housing.

24.10.530 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit:
 - a. Expansion of an existing single-family dwelling if the lot area is six thousand square feet or less.
 - b. Two family dwelling if the lot area exceeds five thousand five hundred square feet.
 - c. Temporary structures and uses.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

e. Single-family dwellings on substandard lots.

2. The following uses are subject to approval of a special use permit and a design permit:

a. Bed-and-breakfast inns, subject to requirements contained in Part 9, Chapter 24.12.

b. Community care facilities (seven or more persons) including daycare, foster home, nursing home, retirement home.

c. Dormitories, fraternity/sorority residence halls, boardinghouses.

d. Health facilities for inpatient and outpatient psychiatric care and treatment.

e. Off-street parking facilities accessory to a contiguous commercial property not to exceed one hundred feet from the boundary of the site they are intended to serve.

f. Noncommercial recreation areas and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs.

g. Educational, religious, cultural, public utility or public service buildings or uses; and not including corporation yards, storage or repair yards, and warehouses.

h. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

24.10.540 USE DETERMINATION.

Any other use or service establishment determined by the zoning board 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 allowed by special use permit.

24.10.550 DISTRICT REGULATIONS.

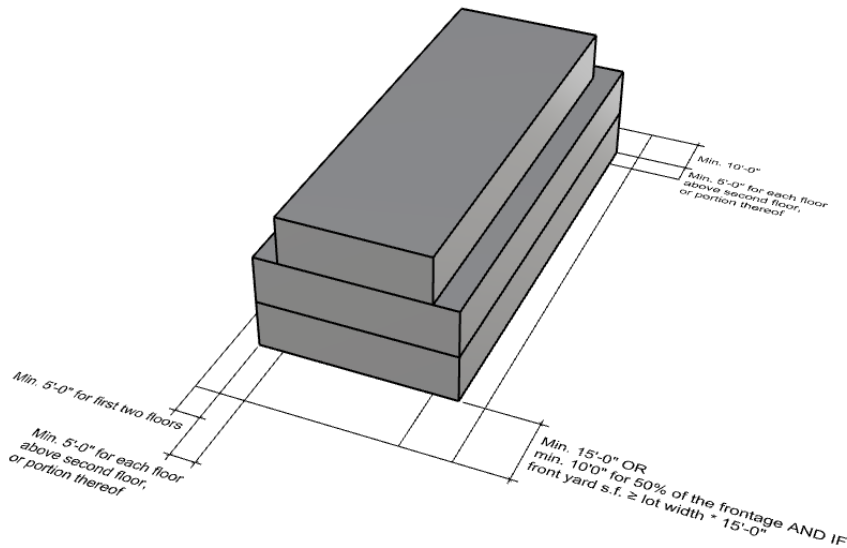
1. General.

Provision	Dwelling Type	
	Duplex	3 or More Units
Maximum Height of Buildings		
Principal (feet)	30	35

Accessory (stories and feet)	1 and 15	1 and 15
Minimum lot area (net) (square feet)	4,400	5,500
Minimum lot area (net) per dwelling unit (square feet)	2,200	1,450 (1,100 sq. ft. for 1-bedroom/studios)
Minimum lot width (feet)	50	65
Usable open space per dwelling unit (square feet)	–	400
		200 (1-bedroom/studios)*
	<p>* Open space shall be attached or aggregated in a manner that provides usable open space for all units exclusive of setbacks and other small landscape areas less than 10 feet in width.</p> <p>** Existing lots of 5,500 square feet or greater with a minimum lot width of 50 feet may have 3 or more units if all other RM development standards can be met.</p>	

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet ~~or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater~~, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.
- b. The minimum rear setback shall be ten feet, ~~and~~ or five additional feet ~~one foot of setback for each story three feet of height above the second story, or portion thereof, of structure, whichever is greater.~~
- c. The minimum side yard setback shall be five feet, ~~and~~ or five additional feet of setback ~~one foot of setback for each story above the second story three feet of height, or portion thereof, of a structure, whichever is greater.~~



- d. There shall be no side yard required for townhouses, or interior lots, except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- e. The minimum exterior side yard setback shall be eight feet, and five additional feet of setback ~~or one foot of setback for each three feet of height~~ for each additional story above the second story, ~~or portion thereof, of structure, whichever is greater.~~
- f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and accessory buildings, six feet; between accessory buildings, six feet.
- g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.
- h. An existing accessory building built prior to July 1, 2014, with a valid building permit or which is a legal nonconforming structure, that has less than the required side or rear yard setback(s) may be converted into a dwelling unit to create a second unit or duplex on a property if all the requirements of the California Building Standards Code are met as well as the other development standards of the zoning district. The floor area for said

second unit shall not exceed ten percent of the net lot area up to a maximum of eight hundred square feet. If additional units are allowed on the property, all such units shall meet development standards of the zoning district.

3. Other Requirements. 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.

4. 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.

Part 6A: R-H MULTIPLE RESIDENCE – HIGH-DENSITY DISTRICT

24.10.560 PURPOSE.

To promote the development of multifamily apartments, townhouses and condominiums at a high residential density of 30.1 to fifty-five units per acre in order to increase the supply of affordable and rental housing, and provide new market rate infill housing opportunities. This district provides a suitable environment for higher density households. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code. (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.) 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. Environmental review must be conducted in accordance with city and state guidelines:

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures; (830, 840)
2. Small community care residential facilities including daycare (except family daycare homes), foster homes, and retirement homes, with six or fewer persons; (800A)
3. ~~Small family daycare homes; (510a)~~ Small and large family daycare homes in residential units.
4. ~~Large family daycare homes in single family dwellings or duplexes; (510a)~~
- ~~4~~5. Supportive and transitional housing.

24.10.570 ACCESSORY USES.

Accessory uses are principally permitted subject to a design permit when they are a subordinate use to the principal use of the lot. 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.

1. Garages and parking areas, private;
2. Home occupations subject to home occupancy regulations as provided in Section 24.10.160;
3. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Sections 24.10.575 and 24.12.140.

24.10.575 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an Administrative Use Permit and a Design Permit in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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):

- a. Expansion of any existing single-family dwelling; (800)
- b. Two-family dwelling if the lot area allows only two. New single-family development is not permitted; (810)
- c. Temporary structures and uses;
- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).

2. The following uses are subject to approval of a Special Use Permit and a Design Permit in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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):

- a. Bed-and-breakfast inns subject to requirements contained in Chapter 24.12, Part 9; (300c)

- b. Community care facilities including daycare (except family daycare homes), foster homes, nursing and retirement homes for seven or more persons; (850e)
- c. Health facilities for in-patient and out-patient psychiatric care and treatment; (410b)
- d. Off-street parking facilities accessory and incidental to a contiguous commercial property with said parking not to exceed one hundred feet from the boundary of the site it is intended to serve; (930)
- e. Public and private noncommercial recreation areas, buildings, and facilities such as parks; (710)
- f. Public and quasi-public buildings and uses including recreational, educational, religious, cultural, public utility or public service uses; but not including corporation yards, storage or repair yards, and warehouses; (500, 510, 530, 540)
- g. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit (570).

24.10.580 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 allowed by special use permit.

24.10.585 DISTRICT REGULATIONS.

1. General.

Provision		Dwelling Unit Type	
		Duplex	3 or More Units
a.	Maximum height of buildings		
	• Principal (feet)	30	48
	• Accessory (stories and feet)	1 and 15	1 and 15
b.	Minimum lot area (net) (sq. ft.)	4,000	5,000

c.	Minimum lot area per dwelling unit (net) (sq. ft.)	2,000	790
d.	Minimum lot width (feet)	50	50
e.	Usable open space per dwelling unit (sq. ft.)	–	250
f.	Lot coverage	45%	70%

2. Setback Requirements.

a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line. Setback requirements may not be reduced for those portions of buildings that are three stories or taller.

b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.

c. The minimum side yard setback shall be five feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.

d. Where a parcel abuts a public right-of-way on opposite sides of the parcel, the front yard setback requirements shall apply to the major street and the rear yard setbacks shall apply to the secondary street; however, in the case of the rear yard setback, the setback shall not be less than the average of the two adjacent lots.

e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

h. To preserve the view to Beach Hill down Front Street, the height of the first twenty-five feet of depth along Front Street shall be limited to twenty-four feet.

3. Design.

a. The site and building design shall conform to the General Site Design Standards, Part 2, Chapter 24.12, ~~and the Beach and South of Laurel Design Guidelines~~ of any applicable area plan, and Section 24.12.185 Objective Design Standards for Multifamily Housing.

~~b. The building facades that abut streets, public rights-of-way, or public open space, such as a river levee, shall have an articulated facade that creates a designed, three-dimensional rhythm to the building face. Architectural elements such as roof overhangs, roof slopes, building step backs and projections, bay windows, covered porches, entryways, decks and balconies, dormers, and single-story elements may be used to create the required three-dimensional architectural interest in the facade. In addition to the above, the front side and rear building facades that are visible from streets, public rights-of-way or public open space shall be composed of at least two separate building planes. A separate building plane is distinguished by an average horizontal difference of four feet measured perpendicular to the plane closest to the street or property line. These building planes shall occupy at least twenty percent of the total building elevation area but not exceed sixty percent of that area.~~

~~c. Maintain views to Beach Hill by creating view corridors through new structures. Portions of the building(s) shall not occupy more than sixty percent of the top ten feet of the height limit, as viewed from the center of the Sequel Bridge. The minimum forty percent open view to Beach Hill shall be reasonably distributed over the length of the building.~~

~~d. All open space, except balconies, shall be fully landscaped. To soften the massing of high density buildings, the building landscape shall include tree massing and/or landscape elements attached to the building such as trellises, arbors, espalier structures, etc.~~

~~e. All parking shall be fully screened from the roadways, pedestrian ways, and open space by building elements, walls, and landscaping.~~

4. 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.

24.10.590 FINDINGS REQUIRED.

In addition to required Use and Design Permit findings, any development permit must also meet all the following findings, to the extent permitted by state law:

1. The amenity level of the development, the quality of the architecture, and the landscaping provided substantially enhance the site;
2. The bulk, massing, height, and rooflines of the proposed development are found to be consistent with the Design Criteria and add to the architectural quality of the neighborhood; and
3. The siting, landscaping, access, and design of the proposed development demonstrate a sensitive relationship to the San Lorenzo River and maximize the natural attributes of this riverside location.

Part 7A: R-T(A) SUBDISTRICT A – MEDIUM-DENSITY RESIDENTIAL

24.10.602 PURPOSE.

The purpose of Subdistrict A is to establish standards for medium-density residential uses which promote and protect the residential characteristics of the subdistrict and provide a suitable environment for its residents. To preserve the architectural and historic character of this subdistrict, all new development will be reviewed to ensure high-quality design compatible with surrounding residential uses, in compliance with the Beach Hill Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

24.10.603 PRINCIPAL PERMITTED USES.

1. The following uses are subject to approval of a design permit and other requirements of the Municipal Code (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):
 - a. Duplexes; (810)
 - b. ~~Small family daycare facility in single-family home or duplex; (510a)~~ Small and large family daycare homes in residential units (no design permit required unless otherwise required under Section 24.08.410).
 - c. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.
 - d. Supportive and transitional housing in single-family home or duplex.
 - e. Multiple dwellings, townhouse dwelling groups, and condominiums (three to nine units); (830)
2. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.604 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code (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):

- a. Single-family dwellings; (810)
- b. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- ~~c. Multiple dwellings, townhouse dwelling groups, and condominiums (three to nine units); (830)~~
- ~~d. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence);~~
- ~~e. Supportive and transitional housing in multifamily dwellings (three to nine units).~~

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code (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):

- a. Bed-and-breakfast inns, subject to the requirements contained in Chapter 24.12, Part 9; (300c)
- b. Large community care facilities; (850e)
- c. Group care homes; (850e)
- ~~d. Multiple dwellings, townhouse dwelling groups, and condominiums, ten units or more; (840)~~
- ~~e. Public and private commercial parking;~~
- ~~f. Public and private noncommercial recreation areas, buildings and facilities such as parks; (710)~~
- ~~g. Public and quasi-public buildings and uses including recreational, educational, religious, cultural or public utility or service nature; but not including corporation yards, storage or repair yards, and warehouses; (500, 510, 530, 540, 570)~~
- ~~h. Retirement homes or centers; (850b)~~
- ~~i. Supportive and transitional housing.~~

24.10.606 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. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title.

24.10.608 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater, except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.
- b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater.
- c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater for the second story and above.
- d. There shall be no side yard required for townhouses or interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest

building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, Chapter 24.16, Part 2, Accessory Dwelling Units, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

4. 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.

Part 7B: R-T(B) SUBDISTRICT B – MOTEL RESIDENTIAL

24.10.610 PURPOSE.

The purpose of Subdistrict B is to establish and control uses to ensure a compatible mixture of uses addressing the needs of residents and tourists. Dominant uses contemplated are motel and medium-density residential uses. To encourage development which is attractive to both permanent residents and tourists, emphasis will be placed on compatibility of design, landscaping, and a comprehensive review of site planning in compliance with the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

24.10.611 PRINCIPAL PERMITTED USES.

1. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
2. ~~Small family daycare homes.~~ Small and large family daycare homes in residential units(no design permit required unless otherwise required under Section 24.08.410).
3. Multiple dwellings, townhouse dwelling groups, and condominiums, nine units or fewer (830).
4. Single-family and duplex dwellings (800, 810).
5. Wireless telecommunication facilities, subject to the regulations in Chapter 24.12, Part 15 requiring no public hearing.

24.10.612 USE PERMIT REQUIREMENTS.

1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code (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):

~~a. Multiple dwellings, townhouse dwelling groups, and condominiums, nine units or fewer (830).~~

~~b. Single family and duplex dwellings (800, 810).~~

c. Storage and equipment structures.

d. Temporary structures and uses.

e. ~~The providing of board and room for not more than two paying guests per dwelling unit, when located within principal building.~~

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

g. Wireless telecommunication facilities, subject to the regulations in Chapter 24.12, Part 15 requiring a public hearing.

~~h. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~

i. Supportive and transitional housing, nine or fewer units.

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code (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):

a. Coffee shops subject to the live entertainment regulations in Chapter 24.12, Part 2 (280g).

b. Large community care facilities (850e).

c. Motel, hotel and bed-and-breakfast inn uses subject to annual business license review (300).

~~d. Multiple dwellings, townhouse dwelling groups, and condominiums, ten units or more (840).~~

e. Public and private commercial parking (940, 950).

f. Public and private noncommercial recreation areas, buildings and facilities such as parks (710).

g. Public and quasi-public buildings and uses of an administrative, recreational, religious, cultural or public utility or service nature; but not including corporation yards, storage or repair yards, and warehouses (500, 510, 530, 540, 570).

h. Retirement homes or centers (850b).

- i. Supportive and transitional housing, ten or more units.

24.10.614 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, may be permitted. A use permit shall be required and processed pursuant to Part I, Chapter 24.08, Use Permits, of this title.

24.10.616 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type Medium Density Residential			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	–
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	–	–	400	–

2. Setback Requirements.

- a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater; except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.
- b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure for the second story and above.
- d. There shall be no side yard required for townhouses on interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.
- e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Chapter 24.12, Part 2, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

4. 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.

Part 7B.1: R-T (B)/PER – MOTEL RESIDENTIAL PERFORMANCE OVERLAY

24.10.617.1 PURPOSE.

The purpose of the Motel Residential Performance Overlay district is to establish and control uses to ensure development which protects neighborhood integrity while supporting appropriate uses. The goal of the RTB/PER District is to limit the future development of hotel or motel rooms in the district, but to allow ancillary hotel support facilities as well as additional residential development.

24.10.617.2 USE PERMIT REQUIREMENT.

The overlay district allows all of the uses identified in the underlying RTB zone with the exception that new motel or hotel rooms will not be allowed.

The following uses are allowed in the overlay district subject to a Special Use Permit and a Design Permit, in compliance with the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

- a. Indoor and outdoor recreation facilities and other facilities related to existing hotel or motel facilities.
- b. Bed-and-Breakfast Inns.

24.10.617.3 DISTRICT REGULATIONS.

- 1. General.

Provision	Dwelling Unit Type			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36

Provision	Dwelling Unit Type			
	1-Family Detached	Duplex	3 or More Units	Other Uses
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	–
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	–	–	400	–

2. Setback Requirements.

a. The minimum front yard setback shall be fifteen feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater; except that the front yard may be reduced to not less than six feet for a portion not to exceed fifty percent of the building frontage, providing that a total of ten square feet of front yard is provided for each lineal foot of total lot frontage. Such reduction of front yard depth shall not be permitted on a corner lot, within twelve feet of any side street lot line.

b. The minimum rear setback shall be ten feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

c. The minimum side yard setback shall be five feet for the first story and one foot of setback for each three feet of height, or portion thereof, of structure, whichever is greater, for the second story and above.

d. There shall be no side yard required for townhouses on interior lots except there shall be a minimum side yard setback at the interior end of a townhouse group of five feet or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

e. The minimum exterior side yard setback shall be eight feet, or one foot of setback for each three feet of height, or portion thereof, of a structure, whichever is greater.

f. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portion thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

g. For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

3. Other Requirements. 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, and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan. In addition, development on sites located within the district which fronts on West Cliff Drive shall conform to design standards governing development on West Cliff.

4. Siting.

- a. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.
- b. Building facades shall be articulated with wall offsets, recesses openings ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.
- c. Any third story element of residential or support development shall be stepped back from the two story element by at least fifteen feet, from the property lines at the streets.
- d. Buildings design shall be encouraged to include significant building modulation and roof form articulation as specified within the Design Guidelines.
- e. All required front setback areas shall be landscaped in accordance with the standards or the Design Guidelines.

5. 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.

Part 7C: R-T(C) SUBDISTRICT C – BEACH COMMERCIAL

24.10.618 PURPOSE.

The purpose of the R-T(C) Subdistrict is to establish standards for development of residential uses mixed with neighborhood commercial, motel, and regional tourist commercial use. These standards are designed both to improve existing uses and encourage new developments in a manner that maintains a harmonious balance between residential and regional commercial uses. New development including residential units or uses within the zone, are encouraged to incorporate Uses for Active Frontage along the site frontage. It is the intent of this zoning that preservation of La Bahia be conducted in accordance with the measures described in the certified final Environmental Impact Report for the Beach and South of Laurel Comprehensive Area Plan.

24.10.619 PRINCIPAL PERMITTED USES.

1. The following uses are allowed, subject to a Design Permit and other requirements of the Municipal Code (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

- a. Food and beverage stores (except liquor stores) (240);
- f. Eating and drinking establishments without alcohol sales and subject to the live entertainment regulations in Chapter 24.12, Part 2 (280);

RESIDENTIAL USES

(k) Flexible density unit (FDU) housing ~~(fifteen units or fewer)~~ as part of a mixed-use project;

(q) Mixed residential and commercial developments when multiple family units are located either in the same lot or above a first floor of commercial uses, subject to the R-T(A) District regulations (830);

(r) Multiple dwellings, townhouse dwelling groups and condominiums ~~(three to nine units)~~ when ground-floor units are designed as Live-Work units consistent with Section 24.12.185.14 and subject to the R-T(A) District regulations (830);

c. One or two multiple-family units when located above the first floor of permitted commercial uses with no additional parking required (820);

e. ~~Small family daycare facility in single family home or duplex;~~ Small and large family daycare homes in residential units (no design permit required unless otherwise required under Section 24.08.410);

(v) Single-room occupancy (SRO) housing, ~~fifteen units or fewer~~ (860);

(p) Single-family residences if lot size does not allow multifamily development, with no live-work or active frontage requirement (800);

g. Supportive and transitional housing in one or two units when located above the first floor of permitted commercial uses with no additional parking required.

COMMERCIAL USES

b. Motel, hotel, and bed-and-breakfast inn uses subject to annual business license review (300);

d. Off-site parking fewer than five spaces (930);

(bb) Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15 requiring no public hearing.

2. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.620.

24.10.620 USE PERMIT REQUIREMENT.

(1) The following uses require an administrative use permit and design permit and are subject to other applicable requirements of the municipal code (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 use 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

(a**b**) Acting/art/music/dance studios/schools (610);

- (~~b~~e) Apparel and accessory stores (250);
- (~~c~~e) Community organizations, associations, clubs and meeting halls (570);
- (~~d~~f) Convenience stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);
- (~~e~~i) Eating and drinking establishments (except bars and fast-food restaurants) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- (~~f~~j) Educational facilities (public/private) (510);
- (~~g~~l) General merchandise stores (drug and department stores) (230);
- (~~h~~m) Government and public agencies (530);
- (~~i~~n) Home furnishings (270);
- (~~j~~p) Liquor stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);
- (~~k~~s) Museum and art galleries (600);
- (~~l~~t) Professional offices associated with a visitor-serving use (400);
- (~~m~~u) Repairs, alterations, maintenance services to household items (except boat repair) (340);
- (~~n~~w) Specialty retail supply stores (290);
- (~~o~~z) Video rental (360B);

RESIDENTIAL USES

- (~~p~~x) Supportive and transitional housing (three to nine units) subject to the R-T(A) District regulations;

COMMERCIAL USES

- (~~q~~a) Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
- (~~r~~l) Churches (500);
- (~~s~~g) Developed parks (710);

- (~~th~~) Undeveloped parks and open space (700);
- ~~(k) Flexible density unit (FDU) housing (fifteen units or fewer) as part of a mixed use project;~~
- ~~(o) Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence);~~
- ~~(q) Mixed residential and commercial developments when multiple family units are located above first floor of commercial uses, subject to the R-T(A) District regulations (830);~~
- ~~(r) Multiple dwellings, townhouse dwelling groups and condominiums (three to nine units) subject to the R-T(A) District regulations (830);~~
- ~~(v) Single room occupancy (SRO) housing, fifteen units or fewer (860);~~
- (~~uy~~) Temporary structures and uses;
- (~~vaa~~) Sports and recreation facilities, without alcohol sales (720);
- (~~wbb~~) Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15 requiring a public hearing.

(2) The following uses require a special use permit and design permit and are subject to other applicable requirements of the municipal code (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 use 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

- (a) Bars/taverns subject to alcohol regulations in Chapter 24.12, Part 12 (280C);
- (~~be~~) Fast-food restaurants subject to alcohol regulations in Chapter 24.12, Part 12 (280H);
- (~~cf~~) Financial, insurance, real estate offices (420);
- (~~diii~~) Fish/seafood wholesale sales (200F);
- (~~ei~~) Medical/health offices (410);
- (~~fi~~) Nightclubs/music halls, subject to live entertainment and alcohol regulations in Chapter 24.12, Part 12 (630);
- (~~ga~~) Personal services (except contractors' yards and mortuaries) (310);
- (~~ht~~) Theaters (620);

RESIDENTIAL USES

~~(c) Duplexes (810);~~

~~(u) Triplexes (820);~~

~~(is) Supportive and transitional housing, ten or more units, subject to the R-T(A) District regulations;~~

COMMERCIAL USES

~~(b)~~ Communication and information (550);

~~(d) Educational facilities (public/private) (510);~~

~~(g) Flexible density unit (FDU) housing (sixteen units or more) as part of a mixed-use project;~~

~~(k)~~ Marine facilities and related uses (560E);

~~(i)~~ Related research facilities (400L);

~~(m)~~ Related storage and warehousing (330);

~~(j) Mixed residential and commercial developments with noncommercial uses on the ground floor, subject to the R-T(A) District regulations (830);~~

~~(k) Multiple dwellings, townhouse dwelling groups and condominiums (ten units or more) subject to the R-T(A) District regulations (840);~~

~~(n)~~ Off-site public/private parking facilities, five or more spaces (930);

(o) Professional offices (400), except as associated with a visitor-serving use;

~~(p) Single family residences if lot size does not allow multifamily development (800);~~

~~(q) Single room occupancy (SRO) housing, sixteen units or more (860);~~

~~(p)~~ Sports and recreation facilities subject to alcohol regulations in Chapter 24.12, Part 12 (720);

~~(q)~~ Utilities and resources (540).

Comment [SN7]: Clean-up item. This use was listed twice, and remains in the section above requiring an Administrative Use Permit rather than here.

24.10.622 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, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title.

24.10.624 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type			
	1-Family Detached	Duplex	3 or More Units	Other Uses
a. Maximum height of buildings				
• Principal buildings (feet)	30	30	36	36
• Accessory buildings (feet)	15	15	15	15
b. Minimum lot area (net) (square feet)	5,000	5,000	8,000	5,000
c. Minimum lot area (net) per dwelling unit (square feet)	5,000	2,500	1,450	—
d. Minimum lot width (feet)	50	50	65	65
e. Usable open space per dwelling unit (square feet)	—	—	400	—

2. Other Requirements.

a. When located across a street from Subdistrict A, parking and loading facilities shall be at least ten feet distant from said property line, and buildings and structures at least fifteen feet from said property line.

b. The minimum distance between buildings shall be six feet or one foot of setback for each two feet of height of, or portions thereof, a structure, whichever is greater.

c. For any attached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line, to the entrance of the garage.

d. 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.

e. Height:

e.1. Maximum Building Height: Uninhabitable mechanical penthouses shall be limited to ten percent of the roof area and will be permitted an additional ten-foot height allowance; provided, that they are set back from the face of the building by a minimum of twenty feet so as not to be visible by pedestrians.

• Architectural elements such as bell towers, spires, turrets, cupolas, chimneys, dormers, flag poles, etc., are limited to fifteen percent of the roof area and may extend ten feet above the height limitation, subject to design permit review.

e.2. Minimum Building Height: Not less than two stories, of which the first floor retail, restaurant and entertainment uses must have a minimum floor-to-floor height of fifteen feet.

f. Design: All development must be in compliance with adopted design guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

f.1. The design of all new structures shall be based upon "Spanish Colonial Revival" architecture as well as Mission Revival and Mediterranean architecture as described in the design guidelines. "Fantasy Victorian" is encouraged for recreational and entertainment development.

f.2. Buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details or other features typical of Spanish Colonial Revival style.

f.3. Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows.

f.4. Building walls shall be stucco and colored white, off-white or very light value, warm-toned hues. Multiple color combinations may be used, provided they are subtle and consist of a limited number of colors. Variations in shade or tone can be used to articulate architectural features.

f.5. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and moldings.

f.6. Flat roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.

g. Siting:

g.1. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.

g.2. All store fronts, theater entries, and hotel lobbies shall be located along streets, plazas, courtyards, or sidewalks in order to create visual interest to the pedestrian.

g.3. Building facades shall be articulated with wall offsets, recesses, openings, ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.

h. Accessibility:

h.1. All retail uses must be directly accessible from a sidewalk, plaza, courtyard or other public open spaces.

h.2. Access must be aesthetically integrated within the development.

i. Setbacks: Development on this site should be designed to encourage and support activities that unify both sides of Beach Street. For that reason, development shall be required to build to the property line adjacent to Beach Street. Significant planter boxes and other narrowscape concepts should be used to soften this edge but provide active pedestrian access.

j. Parking:

j.1. Surface or structured parking may be constructed if the parking is visually screened and/or separated from the street by commercial development of at least fifty feet in depth.

j.2. Parking structure exteriors shall maintain the same high-quality architectural design and construction standards as all other commercial buildings.

- The large scale and mass of parking structures shall be alleviated through wall offsets, pilasters, arched openings and other distinctive design elements.

- Decorative elements such as cornices, balustrades, finish materials, colors and lighting shall be used to add interest and integrate the structures within the design character of the area.

j.3. Parking shall not be the dominant visual element of the site. Existing and/or expanded surface parking which is visible from the street or other areas exposed to public view must be screened and softened by landscaping, low screen wall or a combination of these elements.

j.4. Surface lots must be planted with trees to reduce heat and glare, that include at least fifteen percent of the surface area to provide visual relief from broad expanses of paving. Shade trees shall be planted around the perimeter and within the lot.

j.5. Off-site parking may be permitted within this subdistrict if:

- The city establishes a parking district for the area, the district develops a suitable parking facility, and the development pays an in-lieu parking fee; or

- The development identifies and develops a suitable permanent parking facility; or

- The development secures and provides evidence of a long-term lease from a suitable permanent parking facility.

k. Landscaping:

k.1. Interior courtyards and passages are encouraged and shall be planted with colorful perennial and annual plant species. A combination of trees, shrubs and groundcovers shall be used to frame, soften and embellish the quality of the development, to screen undesirable views and to define development boundaries. Landscaping shall be maintained in an attractive condition.

k.2. Permanent containers for flowering plants, such as window boxes and planters, are encouraged for use in limited space areas, at entries and in courtyards and plazas, and along the frontages of Beach Street and Riverside Avenue.

I. Transit: All development proposals within the RTC shall:

- discourage employee automotive use by instituting one or more of the following: carpooling requirements, transit subsidies, employee shuttle service, and/or
- provide a contribution and/or cost-sharing for shuttle and/or parking such as on the depot site.

3. New development including residential units or uses, with the exception of projects consisting of 100% SRO units, shall incorporate either

a. Uses for Active Frontage along a minimum of 50% of the length of the site frontage; or

b. Live-work units as defined in 24.12.185.14 along 100% of the site frontage.

43. 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.

24.10.624.1 FINDINGS REQUIRED.

In addition to required Use and Design Permit findings, any development permit must also meet the following findings. The proposed project:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to the adjacent RTA and RTB neighborhoods; and
2. Shall provide the amenity level of the development, the quality of architecture, and the landscaping to meet the requirements listed above.
3. Shall be found to contribute to the overall economic health, vitality and general mix of uses in the beach area by providing diverse retail and merchandising for the area.

Part 7D: R-T(D) SUBDISTRICT D – BEACH RESIDENTIAL

24.10.626 PURPOSE.

The purpose of Subdistrict D is to conserve, protect and enhance the beach residential character of the subdistrict and provide a suitable environment for residents. To preserve the small scale and enhance the historic beach cottage character of this subdistrict, and to ensure that new residential land uses are compatible, permanent and of a high quality, all new development will be reviewed in compliance with the Beach Flats Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan and the Conservation Neighborhood Overlay requirements.

24.10.627 PRINCIPAL PERMITTED USES.

1. The following uses are permitted, subject to a design permit, Conservation Overlay District (Section 24.10.4000) and other requirements of the Municipal Code (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):

a. Multiple dwellings, townhouse dwelling groups, and condominiums, three units or more. (830, 840)

ba. Single-family and duplexes (800, 810);

cb. Storage and equipment structures, if ancillary to principal residential use;

de. ~~Small family daycare homes in single-family homes or duplexes (510a);~~ Small and large family daycare homes in residential units (no design permit required unless otherwise required under Section 24.08.410).

ed. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings;

fe. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit;

gf. Supportive and transitional housing in single-family home or duplex.

24.10.628 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit and other requirements of the Municipal Code (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):

a. Small community care residential facilities.

b. Temporary structures and uses.

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

~~d. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~

2. The following uses are subject to approval of a special use permit and a design permit and other requirements of the Municipal Code (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):

a. Bed-and-breakfast inns, subject to the requirements contained in Chapter 24.12, Part 9. (300c)

b. Community care facilities. (850e)

~~c. Multiple dwellings, townhouse dwelling groups, and condominiums, three units or more.
(830, 840)~~

d. Public and private noncommercial recreation areas, buildings and facilities such as parks.
(710)

e. Public and quasi-public buildings and uses including administrative, recreational, educational, religious, cultural, public utility or public service uses; but not including yards, storage or repair yards, and warehouses. (500, 510, 530, 540, 570)

f. Retirement homes or centers. (850b)

g. Supportive and transitional housing, three units or more.

24.10.630 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. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title.

24.10.632 DISTRICT REGULATIONS.

1. General.

Provision	Dwelling Unit Type				
	1-Family Detached	Duplex	Triplex	4 or More Units	Other Uses
a. Height of buildings					
• Principal (feet)	22	22	22	30	30
• Accessory (stories and feet)	1 and 15	1 and 15	1 and 15	1 and 15	1 and 15
b. Minimum lot area (net) (square feet)	3,000	3,600	7,200	8,000	8,000
c. Minimum lot area (net) per dwelling unit (square feet)	—	1,800	1,600	1,600	—
d. Minimum lot width (feet)	40	40	80	80	80
e. Usable open space per dwelling unit (square feet)	—	400	400	400	—
		Dwelling Units			Other Uses
		First Story	Second Story		
f. Front yard (feet)		5*	10*		10*
g. Rear yard (feet)		10	15		15
h. Side yard each side (feet)		4	4		4
or: one side (feet)		0	0		0

	Dwelling Units		
	First Story	Second Story	Other Uses
Total both sides (feet)	10	10	10
i. Exterior side yard (feet)	5*	5*	5*

* For any attached or detached garage or carport fronting on a front or exterior side property line, the setback shall be twenty feet from said property line.

2. Minimum Distance Between Buildings on the Same Lot. Between main buildings, including accessory dwelling units, six feet or one foot of setback for each two feet of height of the tallest building, or portions thereof, whichever is greater; between main buildings and one-story accessory buildings, six feet; between accessory buildings, six feet.

3. Other Requirements/Standards:

a. Design: All development is subject to a design permit and must be in compliance with adopted Design Guidelines. 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 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

a.1. New buildings shall employ California Bungalow or Victorian architectural style as a basis for design.

a.2. Buildings shall be similar in scale and form to existing structures and shall incorporate vernacular characteristics, such as pitched gabled roofs, proportionally large overhangs, exposed roof beams and rafter tails, vertically oriented multi-paned windows and front porches.

a.3. Buildings shall be wood frame construction with horizontal wood siding.

a.4. Roof forms shall be typical of the Beach Flats with appropriate steeper pitches for Victorians and lesser pitches for California Bungalow style.

a.5. Roof materials shall be composition or wood shingle.

b. Parking: All parking shall be located within the rear or at the rear of main structures, if possible. Private multi-residential parking lots shall be screened from the public right-of-way, and meet the requirements of Section 24.12.240, in addition to the following requirements:

b.1. All garages and entrances to parking areas shall be set back at least five feet from the adjacent front building setback.

b.2. On lots of forty feet or less in width of street frontage, parking access is limited to a maximum of twelve feet of width. On lots of forty feet to sixty-five feet in width, parking access is limited to a maximum of sixteen feet of width; and on lots with greater than sixty-five feet in street frontage, parking access is limited to a maximum of twenty feet.

b.3. Driveways shall be minimized in order to maximize land use efficiency and the provision of landscaping and open space.

b.4. City parking standard requirements may be reduced in the following manner: one parking space for a one bedroom unit; for two or more bedrooms, the parking requirement may be reduced fifty percent if the following provisions are met:

- at least fifty percent of new units are two bedrooms or more;
- for units which meet the city's definition of "affordable"; and
- if development is deemed compatible with surrounding neighborhood.

c. Siting: All development shall be sited to create a harmonious streetedge, and to blend into rather than dominate the street.

c.1. Entries to individual units and groupings of units shall be located on the ground floor facing the street. These entries shall incorporate architectural and landscaping elements such as porches and arbors that visually reinforce the presence of entries.

c.2. Architectural elements, such as towers, balconies, stairs, decorative elements, etc., may be allowed to project up to fifty percent of the front yard setback requirement.

d. Height: Multiple story developments shall minimize scale through upper story setbacks, individual building elements, and other similar design techniques.

d.1. The height of buildings shall be minimized at the street, in the following manner:

- One-story elements of buildings (including porches) must be set back five feet,
- Second-story elements of buildings must be set back ten feet.

e. Landscaping, in compliance with the Design Standards, is required. Landscaping shall be maintained in an attractive condition.

e.1. Landscaping shall be designed to enhance the architectural style. All front, rear and side yards shall be fully landscaped except for areas devoted to driveways, patios, walkways or porches.

e.2. Permanent containers for flowering plants are encouraged for use in limited space areas at entries and in courtyards and plazas.

e.3. Vines and climbing plants integrated with building design and used on walls and trellises are encouraged.

e.4. Opaque garden walls are not permitted within the front yard setback to maintain the landscape continuity along the street. Fences limited to three feet in height are permitted as long as the fence is at least sixty percent open.

4. 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.

24.10.633 CERTIFICATE OF OCCUPANCY REQUIRED.

In order to ensure safe and sanitary housing and rehabilitation of structures within the RT(D) District, a valid Certificate of Occupancy shall be required for each transfer of the property within the district. Certificates will not be issued for properties with a recorded Notice of Violation. Certificates will be issued when units comply with applicable codes.

Part 7E: R-T(E) SUBDISTRICT E – BEACH MEDIUM/HIGH DENSITY RESIDENTIAL

24.10.635 PURPOSE.

The purpose of Subdistrict E is to encourage quality medium and/or high density multifamily residential uses in a manner which promotes excellence in building design, provides for family-oriented development, ensures compatibility with the adjacent conservation overlay zone, and limits the need for parking by encouraging use of alternative means of transportation, including the multi-modal center proposed for the depot site. All new development will be reviewed in compliance with the Beach Flats Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

24.10.636 PRINCIPAL PERMITTED USES.

1. The following uses are permitted subject to a design permit and other requirements of the Municipal Code:

a. Duplex dwellings.

~~c. Multiple dwellings, townhouse dwelling groups and condominiums, six units or fewer.~~

b. ~~Small family daycare.~~ Small and large family daycare homes in residential units.

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

24.10.637 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit, a design permit, and other requirements of the Municipal Code:

a. Educational and cultural institutions.

b. Community care facilities.

~~c. Multiple dwellings, townhouse dwelling groups and condominiums, six units or fewer.~~

d. Single-family dwellings on substandard lots.

2. The following uses are subject to approval of a special use permit, a design permit and other requirements of the Municipal Code.

- ~~a. Multiple dwellings, townhouse dwelling groups and condominiums, seven units or more, subject to the approval of the city council upon recommendation of the zoning board.~~
- ~~b. Large family daycare facilities.~~
- c. Recreational buildings and community centers.
- d. Public and private noncommercial recreation areas, buildings and facilities such as parks, playgrounds and basketball courts.
- e. Public and private commercial parking, subject to landscaping and design standards. Non-conforming parking lots must be brought into compliance within five years of adoption of this Part 7E.

24.10.638 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. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title.

24.10.640 DISTRICT REGULATIONS.

These regulations apply to all development within the RTE subdistrict.

1. General.

Provision	Dwelling Unit Type			Other Uses
	Duplex	3+	7+	
a. Height of buildings				
Maximum (feet)	22	22	36	36
b. Minimum lot area (net) (square feet)	3,400	6,800	10,200	10,200
c. Minimum lot area (net) (square feet) per dwelling unit	1,700	1,450	1,200	–
d. Minimum lot width (feet)	40	65	80	80
e. Open space/dwelling unit (square feet)	400	400	400	–
Setbacks	First Story	Second Story	Third Story	
f. Front yard (feet)	5	10	10*	
g. Rear yard (feet)	10	10	10*	
h. Side yard, each side (feet)	3	5	5	
Total both sides (feet)	6	10	10	

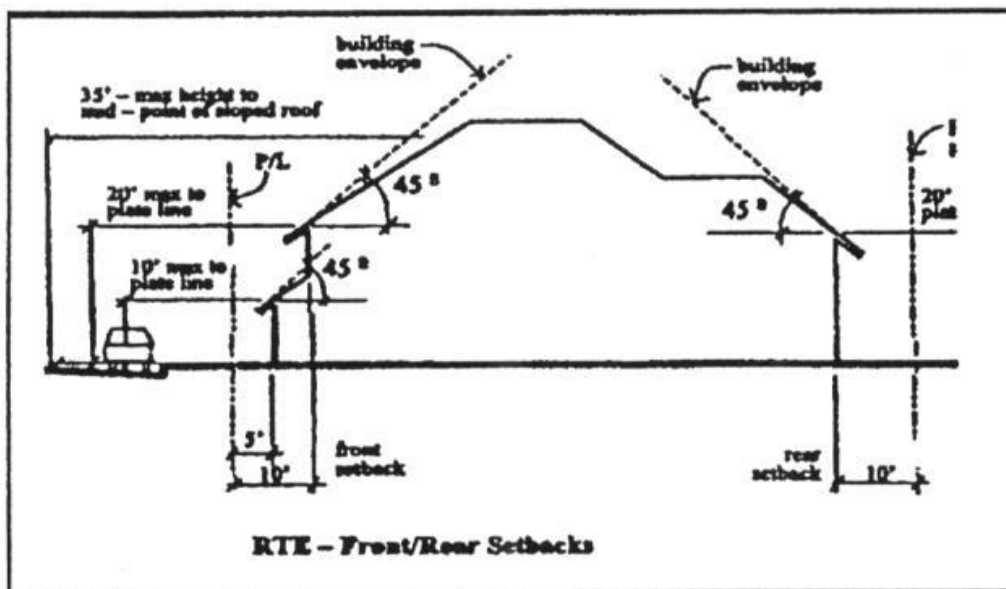
* Front and rear yards are subject to building envelope. See *Setbacks and Height*, subsection (2)(a) of this section.

2. Other Requirements/Standards:

a. Setbacks and Height: Multiple-story developments shall minimize scale through upper story setbacks, articulated building elements, and other similar design techniques.

a.1. The height of buildings shall be minimized at the street, in the following manner:

- One-story elements of buildings (including porches) must be set back five feet from the property line.
- Second-story elements of buildings must be set back ten feet from the property line.
- For three stories, the height of the building must be contained within the building envelope as shown in the following:



a.2. Multi-story buildings or portions of buildings constructed within thirty feet of the Conservation Overlay District shall step-down toward the conservation neighborhood to transition to the adjacent smaller scale conservation area, and shall be no taller than two stories or twenty-three feet at the mid-point of the roof.

b. Design: All development must be in compliance with adopted Design Guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site

Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

b.1. The design of all new structures employ California Bungalow, Craftsman, or Spanish Resort Style as described in the Design Guidelines.

b.2. Spanish Resort Style buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details. Building forms shall suggest thick masonry and incorporate features such as recessed doors and windows. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and molding.

b.3. Flat-roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.

b.4. California Bungalow and Craftsman-styled buildings shall incorporate appropriately sloped roofs, stucco and/or wood walls, overhangs, porches, trellises, and balconies. Doors and windows shall be of wood (or other durable material that emulates the scale, proportion and appearance of wood).

c. Parking: All parking shall be located within the rear or at the rear of main structures. Private residential parking lots shall be screened from the public right-of-way, and shall meet the requirements of Section 24.12.240, in addition to the following requirements.

c.1. All garages and entrances to parking areas shall be set back at least five feet from the adjacent front building setback, and twenty feet from the front property line.

c.2. On lots of forty feet or less in width of street frontage, parking access is limited to a maximum of twelve feet of width. On lots of forty to sixty-five feet in width, parking access is limited to a maximum of sixteen feet of width; and on lots with greater than sixty-five feet in street frontage, parking access is limited to twenty feet.

c.3. Driveways shall be minimized to maximize land use efficiency and the provision of open space and landscaping.

c.4. Off-site parking may be permitted within this subdistrict if:

- the city establishes a parking district for the area; the district develops a suitable parking facility; and the development pays an in-lieu parking fee, or the development identifies and develops a suitable permanent parking facility,
- off-site parking must be within five hundred feet of the development and secured by ownership or a long-term lease, including a deed restriction limiting the property's use for the required parking.

c.5. City parking standard requirements may be reduced in the following manner: one parking space for a one bedroom unit; for two or more bedrooms, the parking requirement may be reduced fifty percent if one of the following provisions is met:

- at least fifty percent of new units are two bedrooms or more, or

- for units which meet the city's definition of "affordable."

c.6. Where there is joint recreational and seasonal commercial parking use of a site, turf may be substituted for paved surfaces.

d. Open Space: Each development shall provide four hundred square feet of usable open space per unit. This requirement may be met through the provision of balconies and/or decks, patios over eight feet in depth, and landscaped front and rear yards over ten feet in depth. The provision of open space may be reduced to two hundred fifty square feet per dwelling unit, if the development meets one of the following criteria:

- projects providing at least fifty percent of the development as two bedroom units;
- projects providing community facilities such as a community center and/or a child-care facility.

e. Siting: All development shall be sited to create a harmonious streetedge, and to blend into rather than dominate the street.

e.1. Entries to individual units and groupings of units shall be located on the ground floor facing the street. These entries shall incorporate architectural and landscaping elements such as porches and arbors that visually reinforce the presence of entries.

e.2. Architectural elements, such as towers, balconies, stairs, decorative elements, etc., may project up to fifty percent of the front yard setback requirement.

e.3. Courtyard-style developments, providing common usable open space, may provide a single, common entryway facing the street.

f. Landscaping: Landscaping shall be in compliance with the Design Standards.

f.1. Landscaping shall be designed to enhance the architectural style. All front, rear and side yards shall be fully landscaped except for areas devoted to driveways, patios, walkways or porches. All landscaping areas shall be provided with automatic irrigation systems to facilitate the maintenance of the landscape. Landscaping shall be maintained in an attractive condition.

f.2. Permanent containers for flowering plants, or similar narrowscape landscaping concepts, are encouraged for use in limited space areas, at entries and in courtyards and plazas at entries and in courtyards and plazas.

f.3. Vines and climbing plants integrated with building design and used on walls and trellises are encouraged.

3. 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.

24.10.641 FINDINGS REQUIRED.

Prior to approval of any design permit for development within this district, the following additional findings must be made. The application:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to an adjacent Neighborhood Conservation Overlay District; and
2. Shall meet the requirements listed above for the high amenity level of the development, the quality of architecture, and the landscaping.

Part 8: C-C COMMUNITY COMMERCIAL DISTRICT

24.10.700 PURPOSE.

To provide locations throughout the community for a variety of commercial and service uses for residents of the city and the region which promote the policies of the General Plan; to encourage a harmonious mixture of a wide variety of commercial and residential activities including limited industrial uses, if they are compatible and nuisance free. New development including residential units or residential uses within the zone are encouraged to incorporate Uses for Active Frontage along the site frontage. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Part 43, Sections 24.10.4300 et seq. for properties within the Mission Street Urban Design Overlay District.

24.10.710 PRINCIPAL PERMITTED USES.

4.—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):

1. USES FOR ACTIVE FRONTAGE

- a. Acting/art/music/dance schools and studios (610);
- b. Apparel and accessory stores (250);
- c. Auto supply stores (260C);
- d. Eating and drinking establishments (except bars, fast-food) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- e. Financial, insurance, real estate offices (420);
- f. Financial services (320);
- g. Food and beverage stores (except liquor and convenience stores) (240);

- h. General retail merchandise (drug and department stores) (230);
- i. Home furnishing stores (270);
- j. Medical/health offices (except veterinarians and ambulance services) (410);
- ~~l~~ k. Museums and art galleries (600);
- ~~e~~ i. Professional/personal service (except contractors' yards and mortuaries) (310);
- ~~p~~ m. Repairs, alterations and maintenance services for household items (except boat repair) (340);
- ~~r~~ n. Small preschool/childcare (twelve or fewer) (510A);
- ~~t~~ o. Specialty retail supply stores (290); except thrift stores (290m);
- ~~u~~ p. Theaters (620);
- ~~v~~ q. Video rental (650).

2. RESIDENTIAL USES

~~l~~ a. Flexible Density Unit (FDU) Housing

~~b. Mixed residential and commercial/office developments involving permitted or administrative uses, allowed commercial uses, on the ground floor and from three to nine multiple dwellings or condominiums either above the first floor or on the same lot;~~

~~b~~ t. Multiple dwellings or condominiums, ~~three to nine units~~ when ground-floor units are designed as Live-Work units consistent with Section 24.12.185. 14 and subject to the minimum (net) land area per dwelling unit of the R-M District (830);

~~k~~ c. One- or two-multiple-family units when located above the first floor with no additional parking required (830);

~~d. Single-room occupancy (SRO) housing, ~~fifteen units or fewer~~ (860);~~

~~e~~ e. Small community care residential facilities;

~~s~~ f. Small family daycare facility in single-family home or duplex; Small and large family daycare homes in residential units;

Comment [SN8]: Mixed Use development is PP, and there is no residential density established for this zone. This reflects the existing condition. This amendment also removes the current distinction in level of review based on the number of units – so all mixed use projects are PP with a design permit regardless of size, subject to any use approval required for the commercial use.

3. COMMERCIAL USES

~~m~~ a. Off-site public/private parking facilities, five or fewer spaces (930);

~~n~~ b. Professional offices (400).

c. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.720 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.730.

24.10.730 USE PERMIT REQUIREMENT.

4. The following uses require an administrative use permit and are subject to other applicable 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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

1. USES FOR ACTIVE FRONTAGE

- ~~da.~~ 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;
- ~~eb.~~ Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- ~~ch.~~ Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- ~~d.~~ Community organizations, associations, clubs and meeting halls (570);
- ~~em.~~ Educational facilities (public/private) (510);
- ~~fp.~~ Government and public agencies (530);
- ~~gx.~~ Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- ~~hz.~~ Thrift stores (290m);
- ~~iee.~~ Veterinarians (410A);
- ~~o.~~ Foster family homes;
- ~~t.~~ Multiple dwellings or condominiums, three to nine units subject to the minimum (not) land area per dwelling unit of the R-M District (830);
- ~~d.~~ Single room occupancy (SRO) housing, fifteen units or fewer (860);

Comment [A9]: This is a clean up item. Foster Family homes do not require a land use permit.

~~a. Flexible Density Unit (FDU) Housing~~

2. COMMERCIAL USES

- a. Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
- b. Ambulance services (410B);
- c. Auto services and repair subject to performance standards in Section 24.12.900 (350);
- ~~d~~f. Boat repairs (340D);
- ~~e~~g. Building materials/garden supplies (220);
- ~~f~~i. Churches (500);
- ~~g~~j. Communication and information services (550);
- ~~h~~l. Developed parks (710);
- ~~i~~n. 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~~q. Lodging (300);
- ~~r. Mixed residential and commercial/office developments involving permitted or administrative uses on the ground floor and from three to nine multiple dwellings or condominiums above the first floor;~~
- ~~k~~s. Motor vehicle dealers and supplies (260);
- ~~l~~u. Off-site public/private parking facilities, five or more spaces (930);
- ~~m~~v. Recycling collection facilities;
- ~~n~~y. Temporary structures and uses;
- ~~o~~aa. Undeveloped parks and open space (700);
- ~~p~~bb. Utilities and resources (540);
- ~~q~~dd. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

The following uses require a special use permit and are subject to other applicable requirements of the municipal code including the approval of a design permit for new structures when required by Section 24.08.410. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

1. USES FOR ACTIVE FRONTAGE

a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);

b.f. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);

c.t. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);

d.ee. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

2. RESIDENTIAL USES

d. ~~Large family daycare;~~

a.e. Community care facilities;

3. COMMERCIAL USES

a.b. Carpenter, electrical, plumbing, heating, and furniture upholstery shops;

b.e. Contractor/building (310E);

c.g. Fabricated metal products (manufacturing) (150);

d.h. Fabricated wire products (manufacturing) (155A);

e.i. Food and beverage preparation (manufacturing) (100);

f.j. Furniture and fixtures (manufacturing) (120);

g.k. Hospitals (520);

- ~~h~~l. Laboratory research experimentation, testing, software development;
- ~~i~~m. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- ~~j~~n. Local/interurban passenger transit (bus, cab) (560B);
- ~~k~~e. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- ~~p~~. ~~Mixed residential and commercial/office developments, with ten or more multiple dwellings or condominiums, either above commercial uses or units on the same lot (840);~~
- ~~q~~. ~~Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);~~
- ~~l~~f. Mortuaries (310I);
- ~~m~~s. Motion picture production (manufacturing) (155E);
- ~~n~~u. Rental services (360);
- ~~v~~. ~~Single room occupancy (SRO) housing sixteen units or more (860);~~
- ~~o~~w. Solar equipment (manufacturing) (155C);
- ~~p~~x. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- ~~q~~y. Stone, clay, glass products (manufacturing) (140);
- ~~r~~z. Storage and warehouse when connected with permitted use (330);
- ~~s~~aa. Wholesale trade (nondurable goods) (200):
 - (a) Bakery,
 - (b) Confectionery,
 - (c) Dairy,
 - (d) Health foods;
- ~~t~~bb. Wholesale trade (durable goods) (210):
 - (a) Paper products and related (210E),
 - (b) Special equipment (machine supply) (210F);

24.10.740 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. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08 of this title.

24.10.750 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Commercial- Only (stories and feet)	3 & 40
• Commercial or mixed use or residential <u>Residential-Only</u> (stories and feet)	<u>3 & 40</u>
• <u>Additional height for Mixed Use with ground floor retail</u> (stories and feet)	<u>0 & 5</u>
• <u>Additional height for volumetric modular, factory-built</u> <u>housing (stories and feet)</u>	<u>0 & 2 + (1 per</u> <u>residential story)</u>
• Accessory	1 & 20
b. Lot Area – Minimum (net) (sq. ft.)	<u>5,000</u>
• Commercial or residential	<u>5,000</u>
• Mixed Use	<u>8,000</u>
c. Setbacks	

• Front-yard	0 ²
• Rear-yard	0 ¹
• Interior	0 ¹
• Exterior	0 ^{1,2}
d. Open space per unit (residential only)	
• Private (sq. ft.)	40 100
• Common (sq. ft.) and easily accessible to residential units	80 150
e. Distance between buildings on same lot	10

1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District, subject also to the requirements of Section 24.12.185.10 as applicable.

2. 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. Additional Setback Requirement. In any C-C District directly across a street or thoroughfare, not including a freeway, from any R-District, parking and loading facilities shall be at least ten feet distant from the property line and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.~~

Comment [SN10]: This is directly in conflict with the new standards in 24.12.185, which prohibit parking and loading between the building face and street frontage

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

3. New development including residential units or uses, with the exception of projects consisting of 100% SRO units, shall incorporate either

a. Uses for Active Frontage as listed in the allowed uses for the zone along a minimum of 50% of the length of the site frontage; or

b. Where exclusively residential development is proposed, all ground floor units at the frontage shall be developed as live-work units as defined in 24.12.185.14.

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~~4. Clothing and apparel shops.
- ~~4~~5. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12.
- ~~5~~8. Hotels, motels and bed-and-breakfast inns.
- ~~6~~9. Medical and dental offices.
- ~~7~~45. Professional, editorial, real estate, insurance and other general business offices.

RESIDENTIAL USES

~~8h. Multiple dwellings and condominiums, when located either in the same lot or above first floor commercial development nine units or fewer, subject to the minimum land area (net) per dwelling unit of the R-M District (830).~~

~~9. 16. Small family daycare facility in a single family home or duplex.~~ Small and large family daycare homes in residential units.

COMMERCIAL USES

~~103.~~ Carpenter shop; electrical, plumbing or heating shops; furniture upholstering shop.

~~116.~~ 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.

~~127.~~ Handicraft shops and workshops.

~~1340.~~ Medical, optical, and dental clinics and laboratories, not including the manufacture of pharmaceuticals or other (similar) products for general sale or distribution.

~~1441.~~ Mobilehome, trailer, boat, motorcycle sales and service.

~~1542.~~ New car sales and service.

~~1443.~~ Parking facilities of five or fewer spaces.

~~1544.~~ Plant nurseries and greenhouses.

~~1647.~~ Theaters.

~~1748.~~ Used car sales and service, auto parts and supply stores.

18. 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 a design permit:

USES FOR ACTIVE FRONTAGE

~~a~~d. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12.

~~b~~e. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12.

~~c~~j. Souvenir and gift shops.

~~d~~m. Stores, shops and general retail, subject to alcohol regulations in Part 12 of Chapter 24.12.

~~e~~n. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12.

~~k~~. ~~Single family dwellings~~

~~q~~. ~~Two family dwellings,~~

COMMERCIAL USES

~~f~~a. Ambulance service.

~~g~~b. Automatic car wash.

~~h~~e. Bakery; soft-drink bottling plant; laundry, cleaning and dyeing establishment.

~~f~~. ~~Large family daycare homes.~~

~~i~~g. 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~~i. Recycling collection facilities.

l. Small community care residential facilities.

~~m~~e. Temporary structures and uses.

~~n~~p. Truck, boat, trailer, farm equipment, and other heavy equipment sales, service and rental.

~~p~~f. Veterinary hospitals and clinics.

~~q~~s. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

~~r~~t. 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. A use permit shall be required and processed pursuant to Part 1 of Chapter 24.08 of this title.

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 ¹
e. Side yard	
• Interior (feet)	0 ¹
• Exterior (feet)	0
f. Distance between buildings on same lot (feet)	10

1. 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.

Part 9: MU-M MIXED-USE MEDIUM DENSITY DISTRICT

24.10.800 PURPOSE.

To promote the development of a harmonious mixture of a wide variety of commercial activities including limited industrial uses, if they are compatible and nuisance free, in conjunction with condominiums and apartments; to stabilize and protect the commercial characteristics of the district; and to promote a walkable, dynamic, and efficient environment for residents, businesses, and workers. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 for design standards.

24.10.801 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. 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. 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.

24.10.802 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. Utilities and resources (540);
- q. 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 a design permit:

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:

- 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):

24.10.803 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.

24.10.804 DISTRICT REGULATIONS.

1. General.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	

<u>• Commercial-only (stories and feet)</u>	<u>3 & 40</u>
<u>• Mixed use (stories and feet)</u>	<u>4 & 45</u>
<u>• Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
<u>• Accessory</u>	<u>1 & 20</u>
<u>b. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>4500</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>0.75 to 1.75</u>
<u>d. Required lot area per dwelling unit</u>	<u>1,452 (no requirement for 1-bedroom/studios/SROs/FDUs)</u>
<u>e. Setbacks</u>	
<u>• Front-yard</u>	<u>0²</u>
<u>• Rear-yard</u>	<u>15¹</u>
<u>• Interior Side</u>	<u>0¹</u>
<u>• Exterior Side</u>	<u>8^{1,2}</u>
<u>f. Open space per unit (residential)</u>	
<u>• Private (sq. ft.)</u>	<u>40</u>
<u>• Common (sq. ft.) and accessible to residential units</u>	<u>80</u>

<u>g. Distance between buildings on same lot</u>	<u>10</u>
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1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.

2. 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.

24.10.805 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 residential units may also be counted toward required commercial parking.

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.

d. Park and recreational facilities.

e. Home occupations subject to home occupation regulations as provided in Section 24.10.160.

f. Room and board for not more than two paying guests per dwelling unit, when located within principal building.

g. 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 a design permit:

RESIDENTIAL USES

- a. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
- b. Dormitories, fraternity/sorority residence halls.
- c. Health facilities for inpatient and outpatient psychiatric care and treatment.
- d. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.
- e. USES FOR ACTIVE FRONTAGE
- f. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- g. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- h. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- i. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- j. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

COMMERCIAL USES

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

- s. Mortuaries (310I);
- t. Motion picture production (manufacturing) (155E);
- u. Rental services (360);
- v. Solar equipment (manufacturing) (155C);
- w. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- x. Stone, clay, glass products (manufacturing) (140);
- y. Storage and warehouse when connected with permitted use (330);
- z. Wholesale trade (nondurable goods) (200);
 - i. Bakery,
 - ii. Confectionery,
 - iii. Dairy,
 - iv. Health foods;
- aa. 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.

<u>Provisions</u>	<u>Requirement</u>

<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>4 & 50</u>
• <u>Mixed use (stories and feet)</u>	<u>5 & 55</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>6000</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>1.0 to 2.75</u>
<u>c. Minimum lot area per dwelling unit (net) (sq. ft.)</u>	<u>792 (no requirement for 1-bedroom/studios/SROs/FDUs)</u>
• <u>Units with two or more bedrooms</u>	<u>792</u>
• <u>Units with less than two bedrooms</u>	<u>No Density Limit</u>
<u>e. Setbacks</u>	
• <u>Front-yard</u>	<u>0³</u>
• <u>Rear-yard</u>	<u>20²</u>
• <u>Interior</u>	<u>0²</u>

• <u>Exterior</u>	<u>10^{2,3}</u>
e. <u>Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and accessible to residential units</u>	<u>80</u>
f. <u>Distance between buildings on same lot</u>	<u>10</u>

1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.

2. 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.

Part 9B: MU-OM MIXED-USE OCEAN STREET MEDIUM DENSITY DISTRICT

24.10.820 PURPOSE.

To encourage high-quality neighborhood-and visitor-serving commercial development along Ocean Street and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and medium-density mixed-use developments to promote a vibrant and pedestrian oriented environment for residents, workers and visitors consistent with the Ocean Street Area Plan. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 and the Ocean Street Area Plan for design standards.

24.10.821 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):

RESIDENTIAL USES:

1. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
2. Flexible Density Units (FDU) Housing
3. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
4. Single-Room Occupancy (SRO) Housing (860)
5. Small and large family daycare homes in residential units.
6. 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.
7. Supportive and transitional housing.

8. 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.

USES FOR ACTIVE FRONTAGE:

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

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.

24.10.822 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:

RESIDENTIAL

- a. Temporary structures and uses.
- b. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

USES FOR ACTIVE FRONTAGE

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

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 a design permit:

RESIDENTIAL:

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

USES FOR ACTIVE FRONTAGE

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

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):

24.10.823 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.

24.10.824 DISTRICT REGULATIONS.

- 1. General.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>3 & 45</u>
• <u>Mixed use (stories and feet)</u>	<u>3 & 40</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Height of buildings – Minimum</u>	
• <u>Commercial or Mixed Use</u>	<u>1 & 16</u>
• <u>Accessory</u>	<u>No Minimum</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>0.75 to 1.75</u>
<u>d. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>4000</u>
<u>e. Required lot area per dwelling unit</u>	<u>1,452 (no requirement for 1-bedroom/studios/SROs/FDUs)</u>
<u>f. Setbacks</u>	
• <u>Front-yard</u>	<u>0²</u>

• <u>Rear-yard</u>	<u>10¹</u>
• <u>Interior</u>	<u>0¹</u>
• <u>Exterior</u>	<u>8^{1, 2}</u>
<u>g. Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and easily accessible to residential units</u>	<u>80</u>
<u>h. Distance between buildings on same lot</u>	<u>10</u>

1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.

2. 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 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 Ocean street frontage. Residential units can occupy up to 50% of the frontage on thoroughfares other than Ocean Street.

(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.

24.10.825 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.

Part 9C: MU-OH MIXED-USE OCEAN STREET HIGH DENSITY DISTRICT

24.10.830 PURPOSE.

To encourage high-quality neighborhood- and visitor-serving commercial development along Ocean Street and adjacent thoroughfares, particularly hotels and motels, while accommodating other multi-story commercial development in both exclusively commercial and medium-density mixed-use developments within larger buildings oriented toward Ocean Street and Broadway, and using building height and massing to create a sense of place, while promoting a vibrant and pedestrian oriented environment for residents, workers and visitors consistent with the Ocean Street Area Plan. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. Also refer to Section 24.12.185 and the Ocean Street Area Plan for design standards.

24.10.831 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):

RESIDENTIAL USES:

1. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
2. Flexible Density Units (FDU) Housing
3. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
4. Single-Room Occupancy (SRO) Housing (860)
5. Small and large family daycare homes in residential units.
6. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.

C. -

- d. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - e. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.
- 7. Supportive and transitional housing.
 - 8. 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.

USES FOR ACTIVE FRONTAGE:

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

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.

24.10.832 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:

RESIDENTIAL

- a. Temporary structures and uses.
- b. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

USES FOR ACTIVE FRONTAGE

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

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 a design permit:

RESIDENTIAL USES

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

USES FOR ACTIVE FRONTAGE

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

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):

24.10.833 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.

24.10.834 DISTRICT REGULATIONS.

1. General.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>4 & 55</u>
• <u>Mixed use (stories and feet)</u>	<u>4 & 50</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Height of buildings – Minimum</u>	
• <u>Commercial or Mixed Use</u>	<u>1 & 16</u>
• <u>Accessory</u>	<u>No Minimum</u>
<u>c. Floor Area Ratio, minimum to maximum</u>	<u>0.75 to 1.75</u>

<u>d. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>4000</u>
<u>e. Required lot area per dwelling unit</u>	<u>1,452 (no requirement for 1-bedroom/studios/SROs/FDUs)</u>
<u>f. Setbacks</u>	
• <u>Front-yard</u>	<u>0²</u>
• <u>Rear-yard</u>	<u>10¹</u>
• <u>Interior</u>	<u>0¹</u>
• <u>Exterior</u>	<u>8^{1, 2}</u>
<u>g. Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and easily accessible to residential units</u>	<u>80</u>
<u>h. Distance between buildings on same lot</u>	<u>10</u>

1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.

2. 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 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.

(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.

24.10.835 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.

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):

RESIDENTIAL USES:

1. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
2. Flexible Density Units (FDU) Housing

3. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
4. Single-Room Occupancy (SRO) Housing (860)
5. Small and large family daycare homes in residential units.
6. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
 - f. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - g. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings.
7. Supportive and transitional housing.
8. 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.

USES FOR ACTIVE FRONTAGE:

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

22. Specialty retail supply stores (290); except thrift stores (290m);

23. Theaters (620);

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:

RESIDENTIAL

a. Temporary structures and uses.

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

USES FOR ACTIVE FRONTAGE

c. 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;

d. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;

e. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;

f. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;

- g. Thrift stores (290m);
- h. Veterinarians (410A);

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 a design permit:

RESIDENTIAL:

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

USES FOR ACTIVE FRONTAGE

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

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.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>4 & 55</u>
• <u>Mixed use (stories and feet)</u>	<u>4 & 50</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Height of buildings – Minimum</u>	
• <u>Commercial or Mixed Use</u>	<u>1 & 16</u>
• <u>Accessory</u>	<u>No Minimum</u>

<u>c. Floor Area Ratio, minimum to maximum</u>	<u>1.0 to 2.75</u>
<u>c. Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>4000</u>
<u>d. Required lot area per dwelling unit</u>	<u>792 (no requirement for 1-bedroom/studios/SROs/FDUs)</u>
<u>e. Setbacks</u>	
• <u>Front-yard</u>	<u>0²</u>
• <u>Rear-yard</u>	<u>15¹</u>
• <u>Interior</u>	<u>0¹</u>
• <u>Exterior</u>	<u>8^{1, 2}</u>
<u>f. Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and easily accessible to residential units</u>	<u>80</u>
<u>e. Distance between buildings on same lot</u>	<u>10</u>

1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.

2. 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.

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):

RESIDENTIAL USES:

1. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
2. Flexible Density Units (FDU) Housing
3. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures. (830, 840)
4. Single-Room Occupancy (SRO) Housing (860)
5. Small and large family daycare homes in residential units.
6. 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.
7. Supportive and transitional housing.
8. 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.

USES FOR ACTIVE FRONTAGE:

9. Acting/art/music/dance schools and studios (610);
10. Apparel and accessory stores (250);
11. Eating and drinking establishments (except bars, fast-food) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
12. Financial, insurance, real estate offices (420);
13. Financial services (320);
14. Food and beverage stores (except liquor and convenience stores) (240);
15. General retail merchandise (drug and department stores) (230);
16. Home furnishing stores (270)

17. Medical/health offices (except veterinarians and ambulance services) (410);
18. Museums and art galleries (600);
19. Professional/personal service (except contractors' yards and mortuaries) (310);
20. Repairs, alterations and maintenance services for household items (except boat repair) (340);
21. Small preschool/childcare (twelve or fewer) (510A);
22. Specialty retail supply stores (290); except thrift stores (290m);
23. Theaters (620);

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 a design permit per Section 24.08.410:

RESIDENTIAL

- a. Temporary structures and uses.
- b. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

USES FOR ACTIVE FRONTAGE

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

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 a design permit:

RESIDENTIAL:

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

USES FOR ACTIVE FRONTAGE

- e. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- f. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);

- g. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12:
- h. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630):
- i. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

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.

<u>Provisions</u>	<u>Requirement</u>
<u>a. Height of buildings – Maximum</u>	
• <u>Commercial-only (stories and feet)</u>	<u>6 & 75</u>
• <u>Mixed use (stories and feet)</u>	<u>6 & 70</u>
• <u>Additional height for volumetric modular, factory-built housing (stories and feet)</u>	<u>0 & 2 + (1 per residential story)</u>
• <u>Accessory</u>	<u>1 & 20</u>
<u>b. Height of buildings – Minimum</u>	

• <u>Commercial or Mixed Use</u>	<u>1 &16</u>
• <u>Accessory</u>	<u>No Minimum</u>
c. <u>Floor Area Ratio, minimum to maximum</u>	<u>1.0 to 2.75</u>
d. <u>Lot Area for creating new parcels – Minimum (net) (sq. ft.)</u>	<u>6000</u>
e. <u>Required lot area per dwelling unit</u>	<u>792 (no requirement for 1-bedroom/studios/SROs/FDUs)</u>
f. <u>Setbacks</u>	
• <u>Front-yard</u>	<u>0²</u>
• <u>Rear-yard</u>	<u>20¹</u>
• <u>Interior</u>	<u>0¹</u>
• <u>Exterior</u>	<u>10^{1, 2}</u>
g. <u>Open space per unit (residential)</u>	
• <u>Private (sq. ft.)</u>	<u>40</u>
• <u>Common (sq. ft.) and easily accessible to residential units</u>	<u>80</u>
h. <u>Distance between buildings on same lot</u>	<u>10</u>

1. Except where yard abuts an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.

2. 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.

Part 11: C-N NEIGHBORHOOD COMMERCIAL DISTRICT

24.10.1000 PURPOSE.

To provide commercial and service uses near residential areas for the convenience of local residents. Uses aimed at nearby customers may not require typical development standards such as vehicular parking. 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.

24.10.1010 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code including the requirement for 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 use 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

- a. Eating and drinking establishments (except bars and fast-food), subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- b. Financial, insurance, real estate offices (420);
- ~~c~~d. Food, beverage stores (except liquor and convenience stores) (240);
- ~~d~~e. Hardware stores (indoor sales only) (220A);
- ~~e~~f. Medical/health offices (except veterinarians and twenty-four-hour clinics) (410);
- ~~f~~j. Professional/personal service (except contractors yards and mortuaries) (310);

RESIDENTIAL USES

- g. One or two multiple-family units when located above the first floor commercial use with no additional parking required (830);

~~h~~k. ~~Small family daycare facility in a single family home or duplex.~~ Small and large family daycare homes in residential units.

~~i~~l. Multiple dwellings and condominiums, ten or more units 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-L District (840);

~~Multiple dwellings and condominiums, three to nine units when located above first floor commercial uses, subject to the minimum land area per dwelling unit of the R-L District (830);~~

COMMERCIAL USES

- ~~k~~e. Financial services (320);
- ~~l~~h. Off-site public/private parking facilities five or fewer spaces (930);
- ~~m~~i. Professional offices (400);
- n. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.1020 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1030.

24.10.1030 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code including the requirement for 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 use 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

- ab. Acting/art/music/dance studios and schools (610);
- be. Apparel and accessory stores (250);
- ci. General retail merchandise (drug and department stores) (230);
- dj. Government and public agencies (530);
- ea. Preschools/childcare (twelve or fewer) (510A);
- fk. Home furnishings (270);
- gp. Repair, alteration, maintenance services for household items (except boat repairs) (340);
- hf. Specialty retail supply stores (290);
- it. Veterinarians (410A);

RESIDENTIAL USES

- iq. Small community care residential facilities;

COMMERCIAL USES

- ka. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- ld. Auto supply stores (260C);
- me. Churches (500);
- nf. Community organizations, associations, clubs and meeting halls (570);
- og. Educational facilities (public/private) (510);
- h. ~~Family daycare homes and foster family homes;~~

- ~~pm.~~ Parks and open spaces (700);
- ~~qe.~~ Recycling collection facilities;
- ~~re.~~ Temporary structures and uses;
- ~~su.~~ Video rental (650);
- ~~tv.~~ Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code including the requirement for a design permit for new structures (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 use 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

- ~~ab.~~ Bars, subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- ~~be.~~ Brewpubs, subject to live entertainment and alcohol regulations of Chapter 24.12;
- ~~cf.~~ Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- ~~di.~~ Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;

RESIDENTIAL USES

- ~~ed.~~ Community care facilities;
- ~~fe.~~ Community care residential facilities;

COMMERCIAL USES

- ~~ga.~~ Auto services and repair, subject to performance standards in Section 24.12.900 (350);
- ~~hg.~~ Fast-food restaurants or drive-in eating facilities, subject to performance standards in Section 24.14.290 and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- ~~h.~~ Large family daycare facilities;
- ~~j.~~ Two or more stand-alone multiple family units subject to the minimum land area (net) per dwelling unit of the R-L District (830);
- ~~k.~~ Multiple dwellings and condominiums, ten or more units 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-L District (840);

- ~~j~~. Off-site public/private parking facilities, five or more spaces (930);
- ~~j~~~~m~~. Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- ~~k~~~~n~~. Storage and warehouses with permitted retail (330).

24.10.1040 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, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08 of this title.

24.10.1050 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of buildings – Maximum	
• Commercial and mixed use (stories and feet)	2 & 30
• Accessory (stories and feet)	1 & 15
b. Minimum Lot Area (net) (sq. ft.)	
• Commercial or residential	5,000
• Mixed use	8,000
c. Setbacks	
• Front (feet)	10 ^{1,2}
• Rear (feet)	0 ¹
• Side	
• Interior	0 ¹
• Exterior	10
d. Open space per unit (Residential only)	
• Private (sq. ft.)	400 40
• Common (sq. ft.) and easily accessible to residential units	450 80
e. Distance between buildings on same lot (feet)	10

1. Except where abutting an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.

2. Except where special street setback requirements for designated streets apply, then the setback shall be added to the minimum setback listed in Section 24.12.115 for affected streets.
2. Additional Setback Requirement. In any C-N District directly across a street or thoroughfare, not including a freeway, from any R- District, parking and loading facilities shall be at least ten feet distant from the property line and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.
3. Other Requirements.
 - a. All uses shall be conducted wholly within a completely enclosed building, except for 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. 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.

Part 12: C-B BEACH COMMERCIAL DISTRICT

24.10.1100 PURPOSE.

To provide for commercial uses which are primarily coastal-dependent in nature and which serve tourists and visitors to the Santa Cruz coastal recreational areas. Also, to provide commodities and services to residents of such areas. The C-B District shall be applied only in areas designated in the General Plan and the Local Coastal Program. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.10.1110 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code (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 use 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

- a. Acting/art/music/dance schools and studios (610);
- b. Apparel and accessory stores (250);
- c. Eating and drinking establishments (except fast-food restaurants), subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- e. Food and beverage stores (except convenience/liquor stores) (240);
- f. General merchandise (drug and department stores) (230);

- g. Handicraft shops and workshops;
- l. Museums and art galleries (600);
- n. Personal/professional services (except contractors' yards and mortuaries) (310);
- q. Specialty retail supply stores (290); except thrift stores (290m);

RESIDENTIAL USES

- k. One or two multiple-family units when located above the first floor with no additional parking required (830);
- p. ~~Small family daycare facilities, in single family home or duplex;~~ Small and large family daycare homes in residential units.
- k. Mixed residential and commercial development involving permitted or administrative uses on the ground floor and from three to nine multiple dwellings or condominiums either on the same lot or above the first floor, subject to the minimum land area (net) per dwelling unit of the R-M District (830);

COMMERCIAL USES

- d. Financial, insurance, real estate offices above first floor (420);
- h. Lodging (300);
- i. Marine facilities (560E);
- j. Mechanical contrivances for amusement purposes, such as Ferris wheels, and roller coasters, south and east of Beach Street only;
- m. Off-site public/private parking facilities, five or fewer spaces (930);
- o. Professional offices above first floor (400);
- r. Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- s. Theaters (620);
- t. Video rental (650).
- u. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.1120 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1130.

24.10.1130 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (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 use 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

- c. Convenience store, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- e. Educational facilities (public/private) (510);
- g. Fish/seafood/wholesale (200F);
- i. Home furnishings (270B);
- p. Thrift stores (290m);
- q. Professional offices associated with a visitor-serving use;

COMMERCIAL USES

- a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- b. Community organizations, associations, clubs and meeting halls (570);
- d. Churches (500);
- f. Financial services (320);
- h. Government and public agencies (530);
- j. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- ~~k. Mixed residential and commercial development involving permitted or administrative uses on the ground floor and from three to nine multiple dwellings or condominiums above the first floor, subject to the minimum land area (not) per dwelling unit of the R-M District (830);~~

~~l. Multiple dwellings and condominiums, three to nine units, subject to the minimum land area (net) per dwelling unit of the R-M District (830);~~

m. Parks and open spaces (700);

n. Repairs, alterations, maintenance services for household items (340);

o. Temporary structures and uses;

r. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code (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 use 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

a. Bars/taverns, subject to live entertainment and alcohol regulations of Chapter 24.12;

c. 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);

g. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);

RESIDENTIAL USES

d. Group quarters (850);

COMMERCIAL USES

~~b. Large family daycare facilities;~~

~~e. Mixed residential and commercial developments with ten or more multiple dwellings or condominiums, either above the first floor or on the same parcel, subject to the minimum land area (net) per dwelling unit of the R-M District (840);~~

~~f. Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);~~

h. Off-site public/private parking facilities, five or more spaces (930);

i. Refreshment stands and vehicles, when located on private property, in locations clearly incidental and adjacent to beach, park, campgrounds, or other major recreational and tourist facilities or activities.

24.10.1140 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 may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08 of this title.

24.10.1150 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
a. Height of Building – Maximum	
• Commercial and Mixed Use (stories and feet)	3 & 40
• Accessory	1 & 20
b. Lot area minimum (net) (square feet)	
• Commercial or residential	5,000
• Mixed Use	8,000
c. Setbacks	
• Front yard	0 ²
• Rear yard	0 ¹
Side yard	
• Interior	0 ¹
• Exterior	0 ^{(1)/(2)}
d. Open (Residential Only) Space Per Unit	
• Private (square feet)	400 40
• Common (square feet) and easily accessible to residential units	450 80
e. Distance between buildings on same lot	10

1. Except where abutting an R-District, then not less than the minimum yard required for the adjacent yard in the said R-District.

2. 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 streets.

~~2. Additional Setback Requirement. In any C-B District directly across a street or thoroughfare, but not including a freeway, from an R-District, parking and loading facilities shall be at least ten feet distant from the property line, and buildings and structures at least twenty feet from the street; said setback space shall be permanently landscaped.~~

~~23~~. Other Requirements.

- a. All uses shall be conducted wholly within a completely enclosed building, except for parking facilities, or other outdoor uses when appropriately screened and as approved by the zoning administrator.

~~34~~. The following regulations are applicable to site design in the CB Zone north of Beach Street as set forth in General Site Design Standards, Part 2, Chapter 24.12, and the following:

a. Height:

- a.1. Maximum Building Height: Maximum building height shall be thirty-six feet. Uninhabitable mechanical penthouses shall be limited to ten percent of the roof area and will be permitted an additional ten-foot height allowance; provided, that they are set back from the face of the building by a minimum of twenty feet so as not to be visible by pedestrians.

- Architectural elements such as bell towers, spires, turrets, cupolas, chimneys, dormers, flag poles, etc., are limited to fifteen percent of the roof area and may extend ten feet above the height limitation, subject to Design Permit review.

- a.2. Minimum Building Height: Not less than two stories, of which the first floor retail, restaurant and entertainment uses must have a minimum floor-to-floor height of fifteen feet.

b. Design: All development must be in compliance with adopted Design Guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12 and the Design Guidelines of the Beach and South of Laurel Comprehensive Area Plan.

- b.1. The design of all new structures be based upon Spanish Colonial Revival architecture as well as Mission Revival and Mediterranean architecture as described in the Design Guidelines. Fantasy Victorian is encouraged for recreational and entertainment development.

- b.2. Buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details or other features typical of Spanish Colonial Revival style.

- b.3. Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows.

- b.4. Building walls shall be stucco and colored white, off-white or very light value, warm-toned hues. Multiple color combinations may be used, provided they are subtle and consist of a limited number of colors. Variations in shade or tone can be used to articulate architectural features.

- b.5. Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and moldings.

b.6. Flat-roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare-box appearance.

c. Siting:

c.1. Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.

c.2. All store fronts, theater entries, and hotel lobbies shall be located along streets, plazas, courtyards, or sidewalks in order to create visual interest to the pedestrian.

c.3. Building facades shall be articulated with wall offsets, recesses, openings, ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.

d. Accessibility:

d.1. All retail uses must be directly accessible from a sidewalk, plaza, courtyard or other public open spaces.

d.2. Access must be aesthetically integrated within the development.

e. Setbacks: Development on this site should be designed to encourage and support activities which unify both sides of Beach Street. For that reason, development shall be required to build to the property line adjacent to Beach Street. Significant planter boxes and other narrowscape concepts should be used to soften this edge but provide active pedestrian access.

f. Parking:

f.1. Surface or structured parking may be constructed if the parking is visually screened and/or separated from the street by commercial development of at least fifty feet in depth.

f.2. Parking structure exteriors shall maintain the same high-quality architectural design and construction standards as all other commercial buildings.

- The large scale and mass of parking structures shall be alleviated through wall offsets, pilasters, arched openings and other distinctive design elements.

- Decorative elements such as cornices, balustrades, finish materials, colors and lighting shall be used to add interest and integrate the structures within the design character of the area.

f.3. Parking shall not be the dominant visual element of the site. Existing and/or expanded surface parking which is visible from the street or other areas exposed to public view must be screened and softened by landscaping, low screen wall or a combination of these elements.

f.4. Surface lots must be planted with trees to reduce heat and glare, that include at least fifteen percent of the surface area to provide visual relief from broad expanses of paving. Shade trees shall be planted around the perimeter and within the lot.

f.5. Off-site parking may be permitted within this subdistrict if:

- the city establishes a parking district for the area, the district develops a suitable parking facility, and the development pays an in-lieu parking fee; or
- the development identifies and develops a suitable permanent parking facility; or
- the development secures and provides evidence of a long-term lease from a suitable permanent parking facility.

g. Landscaping:

g.1. Interior courtyards and passages are encouraged and shall be planted with colorful perennial and annual plant species. A combination of trees, shrubs and groundcovers shall be used to frame, soften and embellish the quality of the development, to screen undesirable views and to define development boundaries. All landscaping shall be maintained in an attractive condition.

g.2. Permanent containers for flowering plants, such as window boxes and planters, are encouraged for use in limited space areas, at entries and in courtyards and plazas, and along the frontages of Beach Street and Riverside Avenue.

h. Transit: All development proposals within the RTC shall:

- discourage employee automotive use by instituting one or more of the following: carpooling requirements, transit subsidies, employee shuttle service, and/or
- provide a contribution and/or cost-sharing for shuttle and/or parking such as on the depot site.

4. New development including residential units or uses within the zone shall incorporate Uses for Active Frontage along the site frontage.

5. 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.

24.10.1160 FINDINGS REQUIRED.

In addition to required use and design permit findings, any development permit must also meet the following findings. The proposed project:

1. Can be coordinated with existing and proposed development of the surrounding areas, and, if appropriate, particularly addressing the issue of transition to the adjacent RTC and RTE neighborhoods; and

2. Shall provide the amenity level of the development, the quality of architecture, and the landscaping to meet the requirements listed above.
3. Shall be found to contribute to the overall economic health, vitality and general mix of uses in the beach area by providing diverse retail and merchandising for the area.

Part 13: P-A PROFESSIONAL AND ADMINISTRATIVE OFFICE DISTRICT*

24.10.1200 PURPOSE.

To provide a district for business and professional offices. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. New development including residential units or uses within the zone shall incorporate Uses for Active Frontage along the site frontage. Also refer to Part 43, Sections 24.10.4300 et seq. for properties within the Mission Street Urban Design Overlay District.

(Ord. 2002-17 § 1 (part), 2002: Ord. 94-33 § 40, 1994: Ord. 93-21 § 9, 1993: Ord. 85-05 § 1 (part), 1985).

24.10.1210 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright if a design permit is obtained for new structures (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

- a. Financial, insurance, real estate offices (420);
- b. Financial services (320);
- ~~c~~d. Professional offices (400);
- ~~d~~e. Professional/personal services (except contractors yards and mortuaries) (310);
- ~~e~~f. Medical/health offices (except veterinarians, medical marijuana provider association dispensaries, as defined in Section 24.22.539, ambulance services and emergency medical clinics open earlier than 7:00 a.m. and later than 9:00 p.m.) (410);
- ~~f~~g. Museums and art galleries (600);

RESIDENTIAL USES

- ~~g~~f. Duplexes together with an allowed commercial use (820);
- ~~h~~. Multiple dwellings and condominiums, together with an allowed commercial use and two to nine units, subject to minimum land area requirements of R-M District (830);

~~ih.~~ One to two units above ground floor office use with no additional parking required (810).

~~ji.~~ ~~Small family daycare facility in a single-family home or duplex.~~ Small and large family daycare homes in residential units.

COMMERCIAL USES

~~ke.~~ Off-site parking fewer than five spaces (930);

~~l.~~ Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring no public hearing.

24.10.1220 ACCESSORY USES.

Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.1230.

24.10.1230 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and a design permit (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

~~ab.~~ Acting/art/music/dance studios and schools (610);

~~be.~~ Churches (500);

~~cd.~~ Communication and information services (550);

~~de.~~ Community organizations, associations, clubs and meeting halls (570);

~~eg.~~ Educational facilities (public/private) (510);

~~fi.~~ Government and public agencies (530);

~~ga.~~ Veterinarians (410A);

RESIDENTIAL USES

~~f.~~ ~~Duplexes (820);~~

j. Mobilehomes if lot area cannot accommodate multifamily (870);

m. Single-family residences if lot area cannot accommodate multifamily (810);

COMMERCIAL USES

- a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- ~~h. Large family daycare homes and foster family homes;~~
- ~~k. Multiple dwellings and condominiums, two to nine units, subject to minimum land area requirements of R-M District (830);~~
- l. Off-site public/private parking facilities, five or more spaces (930);
- o. 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 a design permit (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):

COMMERCIAL USES

- a. Community care facilities;
- b. Community care residential facilities;
- c. Hospitals (520);
- d. Mortuaries (310I);
- ~~e. Multiple dwellings and condominiums, ten or more units, subject to minimum land area requirements of the R-M District (830);~~
- f. Emergency medical clinics open earlier than 7:00 a.m. and later than 9:00 p.m. (410B).

24.10.1240 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. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08 of this title.

24.10.1250 DISTRICT REGULATIONS.

1. General.

Provisions	Requirement
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Provisions	Requirement
a. Height of buildings – Maximum	
• Principal (stories and feet)	2 & 25
• Accessory (stories and feet)	1 & 15
b. Minimum lot area (net) (sq. ft.)	5,000
c. Front yard (feet)	10 ¹
d. Rear yard (feet)	5 ²
e. Side yard	
• Interior (feet)	0 ²
• Exterior (feet)	10 ¹
f. Distance between buildings on same lot (feet)	10

1. Except that the front yard and the exterior side yard may be reduced to not less than six (6) feet, for a portion not to exceed fifty (50%) percent of the building frontage, and providing that a total of ten (10) square feet of front yard is provided for each lineal foot of total lot frontage.
2. Except where abutting an R- District, then not less than the minimum yard required for the adjacent yard in the R-District.
2. Additional Setback Requirement. In any P-A District, directly across a street or thoroughfare, not including a freeway, from any R- District, 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.
3. Other Requirements. 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.

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 SOU 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 ~~unless an alternative is approved under Section 24.16.030.~~

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 an 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.

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.

Chapter 24.22 DEFINITIONS (Selected)

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 more than twenty-five percent of the required open space be assigned to private balcony 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 ~~least~~ 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.

24.22.456.1 HOUSING, VOLUMETRIC MODULAR

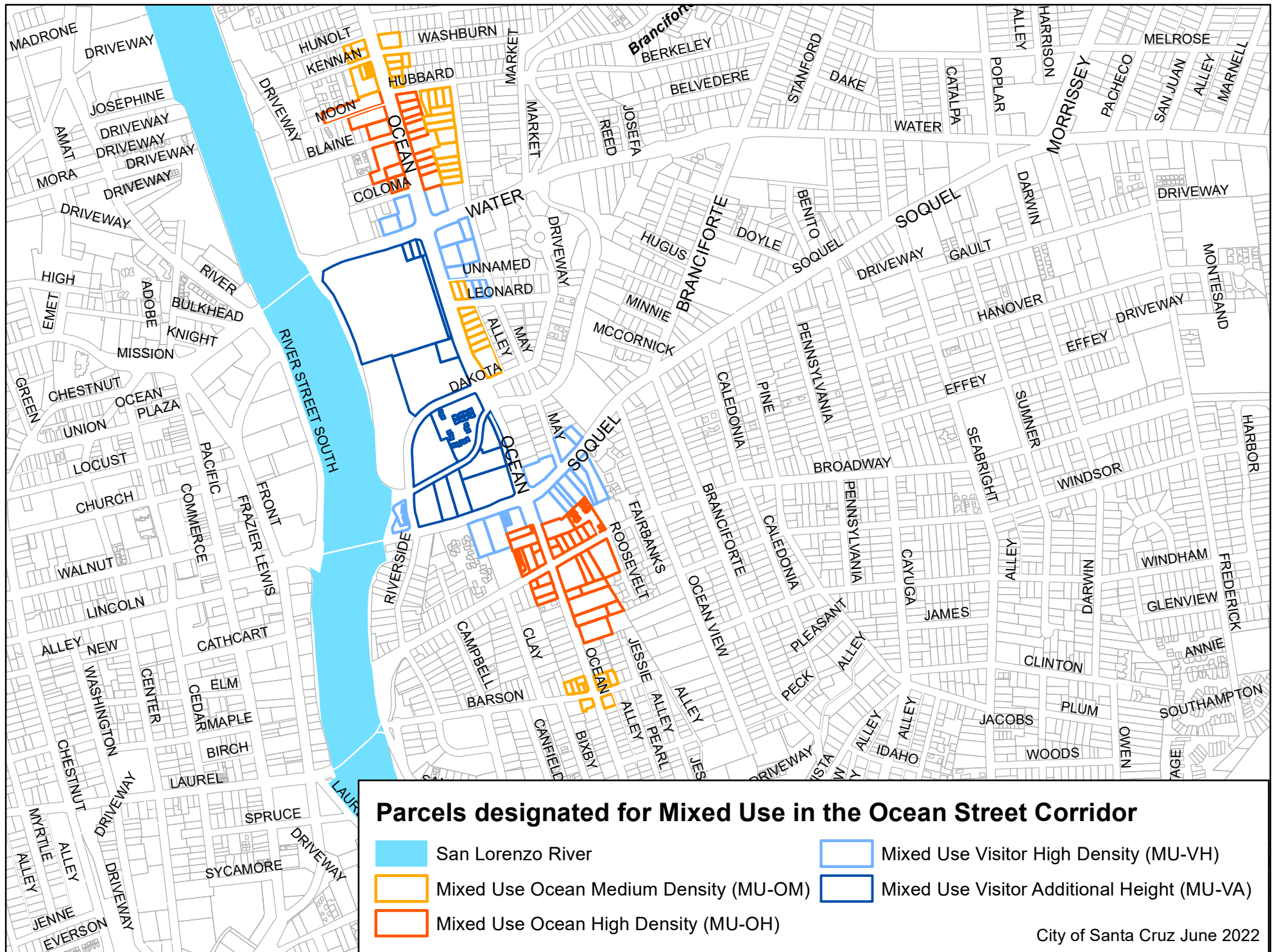
Buildings for residential or mixed commercial and residential buildings composed fully or primarily (over 50%) of modules or building systems that are manufactured off-site in such a manner that all concealed parts or processes of manufacture cannot be inspected on the construction site. These factory-finished 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.



Parcels designated for Mixed Use Medium Density (MU-M)

 MU-M

City of Santa Cruz June 2022



	MU-M	MU-H	MU-OM	MU-OH	MU-VH	MU-VA
Height Max, Commercial -Only	3 & 40	4 & 50	3 & 45	4 & 55	4 & 55	6 & 75
Height Max, Mixed Use	4 & 45	5 & 55	3 & 40	4 & 50	4 & 50	6 & 70
Height Minimum (Stories and Feet)	No Minimum	No Minimum	1 & 16	2 & 24	2 & 24	3 & 40
FAR max. (from GP)	1.75	2.75	1.75	1.75	2.75	2.75
Setbacks*						
Front	0	0	0	0	0	0
Rear	15*	20*	10*	10*	15*	20*
Side	0*	0*	0*	0*	0*	0*
Max. Residential Zoning Density	No density	No density	No density	No density	No density	No density
Max. Residential GP Density	30 du/ac	55 du/ac	30 du/ac	30 du/ac	55 du/ac	55 du/ac
Commercial Uses based on	C-C	C-C	C-C +OSAP	C-C +OSAP	C-C +OSAP	C-C +OSAP

* Where a Mixed-Use District abuts a residential district, the setbacks for the first 3 stories shall be as listed, or as required for the adjacent residential district, whichever is greater. Above 3 stories or 35 feet (whichever is less), a neighborhood transition plane at 45 degrees shall apply per 24.12.185.

CITY OF SANTA CRUZ
City Hall
809 Center Street
Santa Cruz, California 95060



PLANNING COMMISSION

Minutes Special Meeting June 30, 2022

7:00 P.M. SPECIAL MEETING OF THE PLANNING COMMISSION, ZOOM WEBINAR

Call to Order-The meeting was called to order at 7:00 p.m.

Roll Call-Commissioners Conway, Kennedy, Maxwell, Mesiti-Miller, Schiffrin and Chairperson Dawson were present. Commissioner Greenberg was absent with notification.

Statements of Disqualification-None

Public Hearings

1. 109 South Rapetta Road CP21-0060 Final Map Amendment and Major Modification to Planned Development Permit #97-279 to amend the El Rancho Carbonera subdivision map and modify Lot B to allow for residential development on a parcel located in the R-1-7 zone district.

Senior Planner Timothy Maier presented the item to the Commission.

Applicant John Swift addressed the Commission.

The public hearing was opened.

The following members of the public addressed the Commission: none.

The public hearing was closed.

MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Conway, to recommend that the City Council approve the Final Map Amendment and Major Modification, as designed in Alternative 2, based on the environmental determination, and the Findings and Conditions of Approval in the attached Draft Resolution.

ACTION: The motion passed by the following vote:

AYES: Conway, Kennedy, Maxwell, Mesiti-Miller, Schiffrin, Dawson

NOES: None

ABSENT: Greenberg

2. Objective Development Standards for Multifamily and Mixed-Use Housing Ordinance Amendments

Senior Planner Sarah Neuse presented the item to the Commission.

The public hearing was opened.

The following members of the public addressed the Commission: Candace Brown; Unidentified speaker; Jim Burns; Ryan Meckle.

The public hearing was closed.

MOTION: Motion made by Commissioner Mesiti-Miller, seconded by Commissioner Conway to recommend that the City Council approve the proposed amendments to the City of Santa Cruz Municipal Code as presented, including a proposed amendment to the zoning map to create new mixed-use zone districts, including a finding that the public necessity and the general community welfare, and good zoning practice, are served and furthered, and that the proposed amendment is in general conformance with the principles, policies, and land use designations set forth in the General Plan, Local Coastal Plan, and any adopted area plans as recommended by planning staff and find that the proposed ordinance and zoning map amendments are consistent with the EIR previously adopted for the 2030 General Plan and require no further consideration under the California Environmental Quality Act in accordance with section 15183 of Title 14 of the California Code of Regulations.

MOTION TO AMEND MAIN MOTION: Motion to amend the motion on the floor made by Commissioner Schiffrin, seconded by Commissioner Maxwell, that under Section 24 12 185 the language be changed to read: 'There should be no design permit public hearing for projects proposing no variation from the objective standards, only for projects of 25 units or less and a Zoning Administrator hearing for projects from 26-50 units and no more than five variations and a Planning Commission hearing if over 50 units or more than five variations.'

ACTION ON THE MOTION TO AMEND: The motion to amend the main motion failed by the following vote:

AYES: Maxwell, Schiffrin, Dawson

NOES: Conway, Kennedy, Mesiti-Miller

ABSENT: Greenberg

MOTION TO AMEND MAIN MOTION: Motion to amend the main motion on the floor made by Commissioner Schiffrin, seconded by Commissioner Maxwell, that for all districts proposed for amendments where there would be approval by-right for housing and mixed-use projects that right would be allowed for developments with 3-25 units and a special use permit shall be required for all developments over 25 units.

ACTION ON THE MOTION TO AMEND: The motion to amend the main motion failed by the following vote:

AYES: Maxwell, Schiffrin, Dawson

NOES: Conway, Kennedy, Mesiti-Miller

ABSENT: Greenberg

MOTION TO AMEND MAIN MOTION: Motion to amend the motion on the floor made by Commissioner Schiffrin, seconded by Commissioner Maxwell, for Section 24.16.020 the following be added at the end of the paragraph: 'Projects with a 30 percent density bonus shall have a 25 percent inclusionary requirement; projects with a 50 percent density bonus shall have a 30 percent inclusionary requirement.'

ACTION ON THE MOTION TO AMEND: The motion to amend the main motion failed by the following vote:

AYES: Maxwell, Schiffrin, Dawson

NOES: Conway, Kennedy, Mesiti-Miller

ABSENT: Greenberg

ACTION ON THE MAIN MOTION: The matter is continued to the next regular meeting of the Planning Commission, due to the following tie vote (per the Planning Commission Bylaws, Article XI, Section 6):

AYES: Conway, Kennedy, Mesiti-Miller

NOES: Maxwell, Schiffrin, Dawson

ABSENT: Greenberg

MOTION: Motion made by Commissioner Kennedy, seconded by Commissioner Maxwell, to continue this item to the Planning Commission meeting of July 21, 2022.

ACTION: The motion passed by the following vote:

AYES: Kennedy, Maxwell, Mesiti-Miller, Schiffrin, Dawson

NOES: Conway

ABSENT: Greenberg

Adjournment-The meeting adjourned at 9:43 p.m.



PLANNING COMMISSION
AGENDA REPORT

DATE: July 15, 2022

AGENDA OF: July 21, 2022

DEPARTMENT: Planning and Community Development Department

SUBJECT: Objective Development Standards for Multifamily and Mixed-Use Housing Ordinance Amendments (PL)

RECOMMENDATION: Motion to recommend that the City Council approve the proposed amendments to the City of Santa Cruz Municipal Code as presented, including a proposed amendment to the zoning map to create new mixed-use zone districts, including a finding that the public necessity and the general community welfare, and good zoning practice, are served and furthered, and that the proposed amendment is in general conformance with the principles, policies, and land use designations set forth in the General Plan, Local Coastal Plan, and any adopted area plans as recommended by planning staff and find that the proposed ordinance and zoning map amendments are consistent with the EIR previously adopted for the 2030 General Plan and require no further consideration under the California Environmental Quality Act in accordance with section 15183 of Title 14 of the California Code of Regulations.

BACKGROUND: This item was originally agendized and heard at a Special Meeting of the Santa Cruz City Planning Commission on June 30, 2022. Voting on the motion to recommend the staff proposal to the City Council, and proposed amendments to that motion, resulted in tie votes (one Commissioner was absent), triggering the requirement for a continuance per the Commission bylaws. A motion was passed to continue this item to a date certain at the regularly-scheduled meeting of the City Planning Commission on July 21, 2022.

The original report from June 30 and all attachments are included for public and Commission review. This report will respond briefly to the policy issues raised in the motions made at the previous hearing. Staff recommends that Commissioners review the materials and the recording of the hearing from June 30 in preparation for the upcoming hearing; the discussion here assumes that readers are familiar with those materials.

DISCUSSION: During the discussion and motion-making at the previous hearing on this item, Commissioners raised several policy issues and concerns that would benefit from brief responses to ensure context for Commissioners and members of the community following this item. These items are addressed in the following paragraphs in no particular order.

Failed Motions to Amend: The process for Design Permit review should be amended to include the following text *‘There should be no design permit public hearing for projects proposing no*

variation from the objective standards, only for projects of 25 units or less, and a Zoning Administrator hearing for projects from 26-50 units and no more than five variations and a Planning Commission hearing if over 50 units or more than five variations.’ AND ‘For all districts proposed for amendments where there would be approval by-right for housing and mixed-use projects that right would be allowed for developments with 3-25 units and a special use permit [requiring a public hearing before the Planning Commission] shall be required for all developments over 25 units.

The staff proposal for amendments to Municipal Code Sections 24.04 and 24.08 would create a review process for housing developments that recognizes the limitations placed on local decision-makers by the requirements of various state laws that restrict review to compliance with objective design and development standards. The motion to adjust this process to include a public hearing based on the number of units in a development proposal would add friction to conforming projects without increasing the scope or effectiveness of any public input. The process proposed by staff is intended to incentivize fully conforming development proposals, including projects that do not propose a Density Bonus, and staff shares the concern of the commissioner who pointed out that requiring a public hearing for a conforming project eliminates that incentive and is likely to make application variations to our objective design standards more appealing.

The staff proposal would preserve the existing community outreach policy, maintain the right of appeal, and continue the existing standards and requirements for public hearings for Density Bonus, Variance, Planned Development, or Development Agreement applications. The staff proposal removes any distinction for level of review based on the number of dwelling units in order to ensure that larger projects are not discouraged, conforming projects are favored and facilitated, and to provide transparency about when, how, and to what degree public comments can affect the final design of a development proposal.

The proposed amendments to the staff recommendation would create a public process that extends the time and cost involved in permitting, invites the public to comment on features of a project that cannot be conditioned by the decision-making body, and removes any incentive a developer might have to propose a fully conforming project. Because the public hearing requirement based on project size will not alter the degree to which public comment can be incorporated, it could cause the public to feel confusion, mistrust, and further lack of understanding about how the land use entitlement process functions and when and to what extent their comments and concerns can be addressed in the City’s regulations.

Failed motion to amend: *Section 24 16 020 the following be added at the end of the paragraph: ‘Projects with a 30 percent density bonus shall have a 25 percent inclusionary requirement; projects with a 50 percent density bonus shall have a 30 percent inclusionary requirement.’*

Staff has previously addressed the desire by the Commission to raise the inclusionary standard to a higher percentage of dwelling units that must be restricted to the Low-Income level (the Commission has expressed no interest in adjusting the level of affordability). This issue was analyzed in relation to Density Bonus applications in a report from February of this year that is included as an attachment. In prior discussions of this topic, some Commissioners and City Council members have expressed reluctance to perform the recommended nexus study to confirm the appropriateness of an increased inclusionary requirement. Frequently, the change from 15-percent to 20-percent in early 2020 is cited as evidence that a study is not needed; that

development in Santa Cruz can withstand these increased costs without slowing down market-rate housing production.

It may be true that the overall number of housing development applications has not slowed in response to the change in the inclusionary requirement, and of the development applications that have been subject to the 20-percent inclusionary standard all but a handful¹ have utilized the State Density Bonus Law, reducing the overall ratio of affordable units in these projects to less than the prior 15-percent threshold. This outcome was also predicted by the economic analysis of development costs conducted by the Objective Standards project team. The test fit analysis and the development calculator both indicate that the margins on multi-family construction in Santa Cruz are tight. Increased labor and materials costs, combined with rising interest rates could further act to make development even more sensitive to increased development costs. This sensitivity is particularly acute in smaller projects. These tight margins make Density Bonus projects more appealing because applications are entitled to waivers of any development standards that physically preclude development of the number of units to which they are entitled. Such waivers are most commonly requested for height, number of stories, floor area ratio (FAR), parking, open space, and setbacks.

It seems likely this outcome would continue and perhaps escalate (going from a typical 35-percent Density Bonus to 50-percent) should the inclusionary rate be increased for Density Bonus applications. The extra unit production could facilitate the City coming closer to meeting some segments of the Regional Housing Need Allocation (RHNA) for the next Housing Element Cycle, and could also make development of the harder-to-produce Very-Low-Income units less attractive based on the incentives built in to the State Density Bonus Law:

The Density Bonus Law recognizes and incentivizes deeper levels of affordability by providing a larger bonus for Very Low-Income Units than for Low- or Moderate-Income units. An unintended consequence of a change to the inclusionary requirements for proposals that pursue density bonus, could be that by raising the inclusionary requirement for the base units, it could alter the incentives for developers to produce these Very Low-Income units by eliminating the difference in the bonus received for providing Very Low-Income versus Low-Income housing.

For example, if the goal is to yield 20-percent of the total developed units as affordable, for a project pursuing a 50-percent density bonus the inclusionary requirement on the base units would need to be 30-percent. Providing 30-percent affordability, at either the Very Low Income or the Low Income level, yields the same 50-percent density bonus, removing any incentive for the developer to provide the more deeply subsidized units. Conversely, the current inclusionary level of 20-percent includes a distinction between the bonus granted for Very Low-Income units versus Low-Income units, providing an incentive for a developer to pursue the more deeply affordable units if they are interested in developing a larger project, or Low Income Units if they prefer to only pursue the 35-percent bonus. Given current and projected levels of RHNA attainment, staff generally favors policies that support housing production at the deepest levels of affordability, and careful consideration and analysis is necessary when policy choices could affect production of these units.

Public Comments: Rezone Soquel and Water St addresses to Mixed Use Medium Density (MU-M) rather than Mixed Use High Density (MU-H)

¹ Of the 16 large projects (20+ units) subject to the 20% inclusionary standard, either approved or currently under review, only two are conforming proposals. One project included a request for variations as part of a Planned Development Permit. The remaining 13 have used the Density Bonus Law.

This topic was discussed at the prior hearing, and it is worth addressing again in writing for members of the public who may not have been able to be present at the hearing. The City cannot rezone as requested based on the requirements of the California Housing Accountability Act, which does not allow for a reduction in development capacity below what was allowed by the General Plan or any zoning ordinance, as those standards were in effect on January 1, 2018. In the case of Santa Cruz, this indicates that the full capacity of 2.75 FAR must be accommodated on those sites that are identified with a Mixed-Use High Density (MXHD) land use designation in the adopted 2030 General Plan. The proposed MU-H zoning implements the existing housing intensity allowed in the 2030 General Plan and goes no further - A MU-M zoning on those sites would not be consistent with the General Plan, and that would therefore be inconsistent with State law.

NEXT STEPS: As mentioned in the Background section, this item constitutes the second half of the objective development standards item. Following the Planning Commission's action on the proposed ordinance amendments, Planning staff will coordinate with Public Works, Parks and Recreation, and Water Department staff to incorporate the new zone districts and the proposed objective design standards amendments to all the various sections of the Municipal Code into a single ordinance amendment for City Council review. The City Council is likely to hear the item at a regularly scheduled meeting in August 2022. Following action by the City Council, portions of the amendment package, including the amendments to Chapter 24.04, 24.08, 24.10, and 24.22, will be submitted to the California Coastal Commission for review prior to taking effect within the Coastal Zone. In all areas outside the Coastal Zone, the amendments to the Municipal Code will take effect 30 days following final action by the City Council.

Prepared by:
Sarah Neuse
Senior Planner

Approved by:
Matt VanHua
Principal Planner

Approved by:
Eric Marlatt
Assistant Director of
Planning and Community
Development

ATTACHMENTS:

1. Planning Commission Staff report of June 30, 2022
2. Planning Commission Staff report of February 3, 2022



Planning Commission AGENDA REPORT

DATE: 1/27/22

AGENDA OF: 2/3/2022

DEPARTMENT: Planning and Community Development

SUBJECT: Subcommittee Discussion of Small-Unit Inclusionary Requirements

RECOMMENDATION: No Action by Planning Commission on this item.

BACKGROUND:

In October of 2021, staff brought the Planning Commission a proposal to amend the Municipal Code sections relating to Single Room Occupancy (SRO) and Small Ownership Unit (SOU) development in response to direction originating in the City's Housing Blueprint processes. The Commission declined to hear the item as proposed and instead continued the item to a date uncertain in order to create a Subcommittee of Planning Commissioners (Subcommittee) to work with staff to address Commission concerns. The Subcommittee was established at the Planning Commission meeting of November 18, 2021, and Chair Schifffrin appointed Commissioner Dawson, Commissioner Greenberg, and himself to the Subcommittee. The Subcommittee met with staff twice during November and December of 2021 and discussed the recommended ordinance amendments. All parties were hopeful that a revised proposal would be ready for review at the regularly scheduled meeting of the Planning Commission on December 16, and therefore a public notice was published, but the proposal was not complete at that time. The item was continued to a date certain during the December 16, 2021 Planning Commission meeting.

One of the subcommittee recommendations related to increasing the inclusionary requirement and the regulations for that matter are located in a section of the Municipal Code that was not included in the continued notice from the original meeting. This item was separated from the other proposed amendments on the agenda in order to acknowledge the Subcommittee's additional recommendations and allow the Planning Commission to discuss the item that has not been noticed for a public hearing.

This report summarizes the Subcommittee's desire to increase the inclusionary requirement on certain projects pursuing a density bonus.

DISCUSSION:

The Housing Subcommittee of the Planning Commission convened twice in November and December 2021 to discuss the proposed amendments. During these meetings, members expressed concerns with the manner in which the proposed FDU units interact with State Density Bonus Law. The Subcommittee asked staff to draft ordinance language that would result in either

15% or 20% of the total units (base units + bonus units) in a development project to be restricted as affordable housing. A preliminary legal opinion from the City Attorney indicates that such a policy could potentially be executed in a legal manner, and the Subcommittee was interested in including the beginnings of this policy with the proposed FDU ordinance.

City staff has not included this policy in the current proposed ordinance amendments. The Municipal Code chapter that contains the inclusionary regulations, Chapter 24.16, was not publicly noticed as a potential change area, and changes in the inclusionary ordinance require a level of analysis that is not feasible for City staff to conduct without consultant support. During the upcoming Housing Element update, the State Department of Housing and Community Development will require that the City evaluate the inclusionary ordinance as a constraint, and a feasibility analysis would satisfy that requirement. The City needs to be sure that any increase in the inclusionary housing requirement will not have the effect of cooling the creation of housing, especially during this local, regional, and state-wide housing crisis.

Market analysis performed for the Objective Development Standards project showed that the profit margins for multi-family and mixed-use development are tight in the current market, making a density bonus a more appealing option for applicants. Staff is concerned that changes to development standards that further increase costs could potentially harm overall housing production. This was especially true for smaller projects in the R-L and R-M zone districts where some of the “missing middle” housing types could be created. These small projects are extremely sensitive to cost increases, as the profit margins are tighter than in a larger development, and the density bonus provides some opportunity for these sites to realize the potential to actually redevelop for multi-family housing; an increase to the inclusionary requirement might eliminate the possibility of redevelopment entirely. Increasing the inclusionary requirement is complex and raises many issues to consider, and staff believes it should only be done through separate, comprehensive process.

One example of the complications this issue raises is that the depth of affordability that is provided has a significant effect on the size of the bonus that becomes available to a development project. This aspect has not been adequately discussed or analyzed. Current State Density Bonus Law allows for the following bonuses based on depth of affordability:

AFFORDABLE UNIT PERCENTAGE	VERY LOW INCOME Bonus	LOW INCOME Bonus	MODERATE INCOME Bonus
10%	32.50%	20%	5%
15%	50%	27.50%	10%
20%	50%	35%	15%
25%	50%	50%	20%
30%	50%	50%	25%

Source: Meyers Nave “Guide to the California Density Bonus Law” 2021 Update

The table shows that the depth of affordability is tied to the amount of bonus density that is available. So making 20% of the base units affordable at the Moderate Income level yields a 15% bonus of market rate units, and restricting the same 20% to the Very Low Income (VLI) level yields a much higher bonus of an additional 50% of market rate units. This difference in the

bonus amount is based on the level of subsidy the project applicant will need to put into units at differing levels of affordability and has the effect of making VLI housing units feasible for market rate developers to produce. VLI units are the most challenging units to produce, require a substantial subsidy, and are the only category in which the City of Santa Cruz is currently failing to meet its Regional Housing Need Allocation (RHNA).

The City's Density Bonus also recognizes and incentivizes deeper levels of affordability. An unintended consequence of a change to the inclusionary requirements for FDU developments that pursue a density bonus (or any type of developments that pursue density bonus, for that matter) could be that by raising the inclusionary requirement for the base units, it could alter the incentives for developers to produce these VLI units by eliminating the difference in the bonus received for providing VLI versus Low Income housing.

For example, if the goal is to yield 20% of the total developed units as affordable, for a project pursuing a 50% density bonus the inclusionary requirement on the base units would need to be 30%. Providing 30% affordability, at either the VLI or the Low Income level, yields the same 50% density bonus, removing any incentive for the developer to provide the more deeply subsidized VLI units. Conversely, the current inclusionary requirement of 20% provides a distinction between the bonus granted for VLI units versus Low Income units, providing an incentive for a developer to pursue VLI units if they are interested in developing a larger project, or Low Income Units if they prefer to only pursue the 35% bonus. Given current and projected levels of RHNA attainment, staff generally favors policies that support housing production at the deepest levels of affordability, and careful consideration and analysis is necessary when policy choices may remove existing incentives to VLI unit production.

Finally, the Planning Commission discussed an item on their previous agenda that addressed this issue for all types of housing citywide, and staff believes that if Council is interested in redirecting staff work towards studying these potential inclusionary changes, the most logical path forward is to conduct the required analysis holistically, considering all housing types that could be affected, not just FDUs. No Commission action is needed for this, as the prior Commission recommendation spoke to the broader issue of pursuing an alternative inclusionary requirement for density bonus projects. Attachment 1 includes the Commission's report on that item from January 20, 2022. The motion at that meeting was "to recommend that the City Council be requested to amend the inclusionary ordinance to increase the affordable housing requirement for density bonus developments to result in net affordability requirements of either 15 or 20 percent" and that motion passed by a vote of 5-2. However, if the Planning Commission wishes to move this item forward singularly, it can recommend that Council review the Subcommittee recommendation and make a decision on whether to direct staff to include the recommendation in a new ordinance amendment to be brought before Planning Commission and Council for action.

Submitted By:
Sarah Neuse
Senior Planner

Approved By:
Matt VanHua
Principal Planner
Advance Planning

ATTACHMENTS:

- 1) Planning Commission Report of January 20, 2022 regarding proposed changes to the inclusionary requirements for development projects pursuing a State Density Bonus.

CITY OF SANTA CRUZ
City Hall
809 Center Street
Santa Cruz, California 95060



PLANNING COMMISSION

Minutes
July 21, 2022

7:00 P.M. GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, ZOOM WEBINAR

Call to Order-The meeting was called to order at 7:01 p.m.

Roll Call-Commissioners Greenberg, Kennedy, Maxwell, Mesiti-Miller, Schiffrin, and Chairperson Dawson were present. Commissioner Conway was absent with notification.

Statements of Disqualification-None

Oral Communications-The following members of the public addressed the Commission: Tim Favaloro, Rafa Sonnenfeld.

Approval of Minutes

1. Approve the Minutes of June 2, 2022.

ACTION: The minutes of June 2, 2022, continued to the next regular meeting for approval.

2. Approve the minutes of June 30, 2022.

MOTION: Motion made by Commissioner Mesiti-Miller, seconded by Commissioner Kennedy, to approve the minutes of June 30, 2022.

ACTION: The motion passed by the following vote:

AYES: Kennedy, Maxwell, Mesiti-Miller, Schiffrin, and Chairperson Dawson

NOES: None

ABSTAIN: Greenberg

ABSENT: Conway

Information Items

3. Climate Action Plan Update

Sustainability and Climate Action Manager, Dr. Tiffany Wise-West presented the update to the Commission. No action taken.

Public Hearings

4. Objective Development Standards for Multifamily and Mixed-Use Housing Ordinance Amendments

Senior Planner Sarah Neuse presented the item to the Commission. Planning and Community Development Director Lee Butler also present.

The public hearing was opened.

The following members of the public addressed the Commission: Rafa Sonnenfeld, Candace Brown

MOTION: Motion made by Commissioner Kennedy, seconded by Commissioner Mesiti-Miller, to recommend that the City Council approve the proposed amendments to the City of Santa Cruz Municipal Code as presented, including a proposed amendment to the zoning map to create new mixed-use zone districts, including a finding that the public necessity and the general community welfare, and good zoning practice, are served and furthered, and that the proposed amendment is in general conformance with the principles, policies, and land use designations set forth in the General Plan, Local Coastal Plan, and any adopted area plans as recommended by planning staff and find that the proposed ordinance and zoning map amendments are consistent with the EIR previously adopted for the 2030 General Plan and require no further consideration under the California Environmental Quality Act in accordance with section 15183 of Title 14 of the California Code of Regulations.

MOTION TO AMEND THE MAIN MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Maxwell, to add the following to the proposed amendments for recommendation to the City Council: For the hearing body and procedures Section 24 12 185, there should be no design permit public hearing for projects proposing no variation from objective standards, only for projects with 50 units or less. A Zoning Administrator hearing shall be required for projects with 50 to 100 units and a public Planning Commission hearing shall be required for projects over 100 units or more than five variations.

MOTION: Chairperson Dawson introduced a motion to accept a motion to amend the main motion for consideration.

ACTION: The motion passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ABSENT: Conway

ACTION: The motion to amend the main motion failed by the following vote:

AYES: Maxwell, Schiffrin, Chairperson Dawson

NOES: Greenberg, Kennedy, Mesiti-Miller

ABSENT: Conway

MOTION TO AMEND THE MAIN MOTION: Motion made by Commissioner Schiffrin, seconded by Chairperson Dawson, to add the following to the proposed amendments for recommendation to the City Council: in terms of zoning district regulations, for all districts proposed for amendments the approval as a principally permitted use will be allowed for projects from 3 to 100 units. A special use permit shall be required for all developments over 100 units.

MOTION: Chairperson Dawson introduced a motion to accept a motion to amend the main motion for consideration.

ACTION: The motion passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ABSENT: Conway

ACTION ON THE MOTION TO AMEND THE MAIN MOTION: The motion failed by the following vote:

AYES: Maxwell, Schiffrin, Chairperson Dawson

NOES: Greenberg, Kennedy, Mesiti-Miller

ABSENT: Conway

MOTION TO AMEND THE MAIN MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Maxwell, to add the following sentence to the last paragraph of Section 24 16 020: 'Projects with a 30 percent density bonus shall have a 25 percent inclusionary requirement. Projects with a 50 percent density bonus shall have a 30 percent inclusionary requirement.'

MOTION: Chairperson Dawson introduced a motion to accept a motion to amend the main motion for consideration.

ACTION: The motion passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ACTION ON THE MOTION TO AMEND THE MAIN MOTION: The motion to amend the main motion passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ABSENT: Conway

ACTION ON THE MAIN MOTION AS AMENDED: The main motion, as amended, passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ABSENT: Conway

5. Zoning Ordinance Updates A22-0002 and A22-0003

Senior Planner Katherine Donovan presented the item to the Commission. Planning and Community Development Director Lee Butler also present.

The public hearing was opened.

The following members of the public addressed the Commission: Kindred Sparks.

The public hearing was closed.

MOTION: Motion made by Commissioner Schiffrin. Commissioner Mesiti-Miller seconded the motion, providing the maker of the motion is agreeable to a friendly amendment to exempt play structures from this ordinance. Commissioner Schiffrin withdrew his motion.

MOTION: Motion made by Commissioner Mesiti-Miller, seconded by Commissioner Maxwell, to recommend that City Council approve Municipal Code Amendments A22-0002 and A22-0003, revisions to Title 24, Zoning Ordinance of the Santa Cruz Municipal Code, 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. A22-0003 also amends the Local Coastal Program, provided that children's play structures less than 50 square feet in the plan area and do not create a traffic safety hazard be exempt from the ordinance.

FRIENDLY AMENDMENT: Commissioner Schiffrin proposed a friendly amendment to require that children's play structures be less than 14 feet high and set back more than three feet from the front property line be exempt from the ordinance. The maker and second of the motion accepted the friendly amendment, the motion on the floor reads as follows:

Motion made by Commissioner Mesiti-Miller, seconded by Commissioner Maxwell, to recommend that City Council approve Municipal Code Amendments A22-0002 and A22-0003, revisions to Title 24, Zoning Ordinance of the Santa Cruz Municipal Code, 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. A22-0003 also amends the Local Coastal Program, provided that children's play structures less than 50 square feet in the plan area and less than 14 feet high and set back more than three feet from the front property line, and do not create a traffic safety hazard be exempt from the ordinance.

ACTION: The motion passed by the following vote:

AYES: Greenberg, Kennedy, Maxwell, Mesiti-Miller, Schiffrin, Chairperson Dawson

NOES: None

ABSENT: Conway

Subcommittee/Advisory Body Oral Reports-None

Items Referred to Future Agendas-Director Butler advised the Commission the 109 S. Rapetta item will be presented to the City Council on their August 23, 2022 agenda; the Objective Standards and Zoning Amendment packages, as well as the Climate Action Plan will be presented to Council at their August 23, 2022 meeting. Staff does not foresee any items coming to the Planning Commission in August 2022, but anticipates the 126 Eucalyptus memory care residential use item will be presented to Planning Commission on September 1, 2022.

Adjournment-The meeting adjourned at 10:14 p.m.



Planning Commission AGENDA REPORT

DATE: July 15, 2022

AGENDA OF: July 21, 2022

DEPARTMENT: Planning and Community Development

SUBJECT: A22-0002 and A22-0003 Zoning Ordinance Updates (PL)

RECOMMENDATION: That the Planning Commission recommend that City Council approve Municipal Code Amendments A22-0002 and A22-0003, revisions to Title 24, Zoning Ordinance of the Santa Cruz Municipal Code, 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. A22-0003 also amends the Local Coastal Program.

BACKGROUND: The City's Zoning Ordinance is frequently referenced by staff, developers, residents, and business owners to help them determine how they can best utilize their properties. Staff continually looks for ways to streamline processes to minimize unnecessary delays and update standards that have proven to be problematic. The Department also looks to make sure that there is consistency throughout the many sections of the Zoning Ordinance as updates undertaken at different times do not always capture every reference to a particularly topic. In addition, as State law changes, the Zoning Ordinance needs to be updated to reflect those changes. The proposed Zoning Ordinance Amendments include a variety of updates, clarifications, corrections, and changes intended to better serve the City.

DISCUSSION: The proposed Zoning Ordinance amendments are separated into two amendment packages, one that also amends the Local Coastal Program and one that does not. Clean and redline versions of each set of amendments are attached. As there are a number of revisions in these amendments, they are summarized in the Zoning Ordinance Update Summary Table attachment. The following sections include further discussion on the amendments as broken down into five categories: amendments for consistency, streamlining processes, State law conformance, updates to standards, and other minor revisions. The Objective Standards Ordinance is being processed on a similar timeline to these amendments and amends some of the same sections of the Municipal Code. To ensure that the two projects do not overwrite each other in these code sections, they will be combined into a single ordinance to be reviewed by the City Council.

Amendments for Consistency

As changes are made to the Zoning Ordinance, there is a need to update multiple sections to ensure consistency throughout the ordinance. An example of this is an amendment that was made last year to update the Accessory Dwelling Unit (ADU) section of the Zoning Ordinance that included deleting the section of the ordinance related to Conditional Driveway Permits. While that section of the code was intended to be deleted in its entirety, an error in the wording of the deletion left a portion of that section in place. In addition, the reference to the permit was not

deleted from Chapter 24.04 – Administration, which includes lists of permit types, public hearing requirements, and a table showing which hearing bodies make decisions related to which types of projects. This amendment includes removing all references to the Conditional Driveway Permit from the Ordinance. Related changes in the Parking section (Part 3) of Chapter 24.12 – Community Design were also not reflected in Chapter 24.16 – Affordable Housing Provisions, Part 2 – Accessory Dwelling Units and are corrected with these amendments.

Another change related to consistency is to the use determination process. This is a process that allows the Zoning Administrator to review uses that are not listed as principal uses or conditional uses in specific zoning districts and to make the determination that such a use is similar to other permitted uses in that district. As it is infeasible to list every possible use in the district regulations, this process is used to allow less common uses that may not be listed in the allowed uses for the zoning district. Currently, the language for use determinations in the various zoning districts is similar but not identical. This amendment would revise the Use Determination section in each zoning district so that the description is identical in all districts with the exception of the Small Craft Harbor District, which includes a reference to the Harbor Plan. It would also add the Use Determination section to the General Industrial District/Performance District.

Other consistency revisions would update the list of use permits that do not require a public hearing (24.04.090) and the Decision-Making Body table (24.04.130) to reflect that updated list.

Streamlining Processes

One of the goals of staff is to ensure that permit processing is streamlined to the extent possible, with the level of processing commensurate with the potential impacts of a project. This amendment proposes to remove the public hearing requirement for a restaurant that is applying for a use permit to serve alcohol, which is defined as a “Low Risk Alcohol Permit.” These Zoning Administrator hearings are relatively straightforward, often with no one in attendance other than the applicants. Given that alcohol service at restaurants is commonplace and the lack of public interest shown toward such permits, requiring a public hearing is serving no purpose and makes the permit both more costly and more time-consuming. Note that although the public hearing requirement is recommended to be eliminated, the City still retains discretionary authority, and thus the ability to impose conditions of approval, through issuance of an administratively approved use permit.

Another proposed streamlining measure in this amendment package clarifies minor modifications of existing use permits. Code amendments adopted in 2020 imply that proposed modifications that do not increase the intensity of the use, parking demand, or floor area by more than fifteen percent are not limited to one modification within a five-year period as is required for modifications that do increase intensity, parking, or floor area more than fifteen percent. The proposed code amendment clarifies the intent of the 2020 amendment.

State Law Conformance

State law related to large family daycare homes has changed since this area of the Zoning Ordinance was last updated. Such uses are now required to be allowed by right in any residential unit. While this is a relatively small change, it requires a revision to each zoning district in which residential uses are allowed, so it involves many sections of the Zoning Ordinance.

There have also been changes in State law related to relocation assistance and residential replacement of demolished units. This is a complex issue in State law so the updates remove

requirements that are inconsistent with State law, update some of the language related to relocation and replacement requirements, and refer to State law to cover areas beyond the scope of the Zoning Ordinance. It is expected that a full update to these code sections to bring the local ordinance into full compliance with State law will be processed in the future.

A final update related to consistency with State law is to remove a requirement from Section 24.12.430 (Protection of Archaeological Resources) for a list of known archaeological sites to be approved by City Council. State law requires that archaeological sites be kept confidential to discourage the illicit removal of archaeological resources. Requiring that there be a list of known sites approved by City Council is contrary to keeping these sites confidential. As City staff review databases to determine if there are known or likely archaeological resources in the location when applicants submit permits, protective measures are applied as appropriate without the need to make the location of these sites more generally available.

Updates to Standards

In the course of day to day work, staff observes certain processes that do not benefit the applicant, residents, or the City as a whole. One of these processes relates to fence regulations. Currently fences are limited in height to three and a half feet within the front and exterior side yard setback areas of a property and, with amendments included in the Objective Standards Ordinance, eight feet in the rear and interior side yards. Property owners of corner lots in residential districts who want a privacy fence along the exterior side of their property must currently set the fence back eight feet from the property line fronting the street to avoid the need for a Conditional Fence Permit. Often, this setback utilizes a substantial amount of the property that owners are trying to use as private yard area. While requiring this setback for a six-foot fence provides the benefit to the City of a more open and visually pleasing neighborhood, the consensus among staff has been that this could be achieved with a smaller setback. The proposed change would allow a fence of up to six feet along the exterior side yard as long as the fence was set back a minimum of three feet from the exterior side property line, with the six foot fence beginning at either the standard district setback from the front property line (20 feet in an R-1-5 Zone) or in line with the building frontage, whichever distance is greater.

In addition to the updates to the fence regulations, the proposed amendment would make revisions to the Accessory Buildings section (24.12.140). Several years ago, City Council approved changes to this section to remove the term “accessory structures.” At that time, there was confusion as to the regulation of structures as opposed to buildings and this appeared to be the solution. After the change had been made, staff discovered that there was still a need to regulate accessory structures as well as accessory buildings, especially around children’s play equipment, which can be either a building (i.e. enclosed playhouse) or a structure (i.e. swing set). The current ordinance precludes any accessory building from being located in a front or exterior side yard setback. The proposed amendment would add a second subsection related to accessory structures and would allow these structures in the front and exterior side setbacks as long as they are no more than eight feet in height and are not within a clear corner triangle. Certain children’s play equipment that are not buildings (i.e. swing sets) could be allowed under this new provision.

The proposed amendment would also update the accessory building section to allow enclosed children’s play structures that are no taller than five feet and thirty square feet in area within the front setback. Tree houses remain unregulated, assuming they are not freestanding structures, are fully supported by the tree, and are used as children’s play structures. The proposed amendments

are intended to allow play equipment to be located in the front yard in a manner that it is subordinate to the primary structure of the lot and does not dominate the streetscape.

Other Minor Revisions

There are several other minor revisions proposed to be included in this amendment. In section 24.06.030, the Planning Director would be added along with the Planning Commission and City Council as being able to initiate zoning map and Municipal Code text amendments. In Section 24.12.120 – Projections into Required Yard Areas, the term “conforming interior side yards” is revised to “required setbacks” as areas in which uncovered decks, porches, patios, and similar structures under twenty inches in height would be allowed. In several sections, obsolete words and phrases are proposed to be removed, including references to the Redevelopment Agency and revising “Downtown Recovery Plan” to “Downtown Plan” as approved in 2017. A definition of Flexible Density Units is being added to section 24.16.205, as well as other minor revisions to Chapter 24.16 related to Flexible Density Units and ADUs. Finally, the definition of Building Height is revised to clarify how it is determined (24.22.265) and the Family Daycare Homes definition (24.22.355) is updated.

Environmental Review. These amendments are consistent with the City’s 2030 General Plan and the associated Environmental Impact Report (EIR) adopted by City Council on June 26, 2012. No new impacts are expected as a result of these ordinances that were not otherwise studied in the General Plan EIR. Pursuant to Section 15183 of the California Environmental Quality Act Guidelines, the project is exempt from further environmental review.

Findings. Prior to making a recommendation for approval of the attached amendment to the City Council, the Planning Commission shall make the following findings:

1. Public necessity, general community welfare, and good zoning practice are served and furthered by the proposed amendments in that they bring the Zoning Ordinance into conformance with State law, streamline processing of specific permits, more clearly define certain processes and standards, and remove obsolete phrases and sections.
2. The proposed amendments are in general conformance with the principles, policies, and land use designations set forth in the General Plan and Local Coastal Plan as they are consistent with Actions LU3.1, LU3.1.1, LU3.2.3, and LU3.2.5 of the General Plan and Policies and Sub-Policies CD 1.1, L 2.1, L2.4.2, L 5.3.1, ED2.4.6, and CR 1.3 of the Local Coastal Plan.

Submitted by:

Katherine Donovan
Senior Planner

Approved by:

Matt VanHua
Principal Planner

ATTACHMENTS:

1. A22-0002 Ordinance and LCP Amendment, clean copy
2. A22-0003 Ordinance Amendment, clean copy
3. A22-0002 Ordinance and LCP Amendment, redline version
4. A22-0003 Ordinance Amendment, redline version
5. Zoning Ordinance Update Summary Table

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 24.06 – ZONING MAP AND TEXT AMENDMENTS; 24.08 – LAND USE PERMITS AND FINDINGS; 24.10 – LAND USE DISTRICTS; 24.16 – AFFORDABLE HOUSING PROVISIONS; AND 24.22 - DEFINITIONS OF THE SANTA CRUZ MUNICIPAL CODE

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

Section 1. Section 24.06.020 – Initiation of Chapter 24.06 – Zoning Map and Text Amendments 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 2. Part 14: Residential Demolition/Conversion Authorization Permits of Chapter 24.08 – Land Use Permits and Findings is hereby amended as follows:

Sections 24.08.1310 through 24.08.1345 remain unchanged.

24.08.1350 RELOCATION ASSISTANCE.

All low- or moderate-income households displaced by demolition or conversion of use shall receive relocation assistance as described by State law. Developers or property owners with lower income tenants must present a Relocation Plan to the City in the form required by State law and are advised retain a qualified relocation consultant to assist in drafting the Relocation Plan. 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 five years prior to the date of submission of the application for the demolition/conversion permit, or if substantial evidence exists that a low- or moderate-income household had occupied the unit within five 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.

Relocation assistance shall be defined as two months' rent or the difference between the tenants' rent prior to relocation and the rent paid upon relocation as required by State law, whichever is greater. 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.

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 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, whichever requires the higher number of replacement units shall take precedence.

1. Replacement housing must be provided by the applicant when demolition or conversion of use of one or more dwelling units or single-room occupancy living units occurs. Replacement requirements shall be based on the total number of units with at least the same total number of bedrooms contained within all low- or moderate-income units to be demolished or converted.
 - a. The basic requirement is that one hundred percent of all low- or moderate-income units and 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 are allowed to 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.

Subsections 1.c through 1.e are deleted.

Section 24.08.1362 remains unchanged.

Section 24.08.1370 is deleted.

Section 24.08.1380 remains unchanged.

Section 3. Part 23: Conditional Driveway Permit of Chapter 24.08 – Land Use Permits and Findings is hereby deleted.

Section 4. Section 24.10.160 – Home Occupation Regulations of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.160 HOME OCCUPATION REGULATIONS.

Subsections 1 through 3 remain unchanged.

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 5. Section 24.14.030 – Slope Regulations of Chapter 24.14 – Environmental Resource Management is hereby amended as follows:

24.14.030 SLOPE REGULATIONS.

Subsection 1, no change.

Subsections 2(a) through (c), no change.

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

Section 6. Section 24.16.015 – Definitions of Chapter 24.16 – Affordable Housing Provisions is hereby amended as follows:

24.16.015 DEFINITIONS.

Subsections 1 through 18 remain unchanged.

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.

Subsections 10 through 27 remain unchanged.

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.

Subsections 30 through 32 remain unchanged.

Section 7. Section 24.16.020 – Basic On-Site Inclusionary Housing Requirements of Chapter 24.16 – Affordable Housing Provisions 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).

Subsection 1.b through 8 remain unchanged.

Section 8. Part 2: Accessory Dwelling Units of Chapter 24.16 – Affordable Housing Provisions 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.

Section 24.16.1130 remains unchanged.

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).

Subsections 3 through 6 remain unchanged.

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.)

Subsections 7.e through 11 remain unchanged.

Sections 24.16.141 through 24.16.170 remain unchanged.

Section 9. Section 24.16.205 - Definitions of Chapter 24.16 – Affordable Housing Provisions 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.

Subsections 1 through 12 remain unchanged.

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

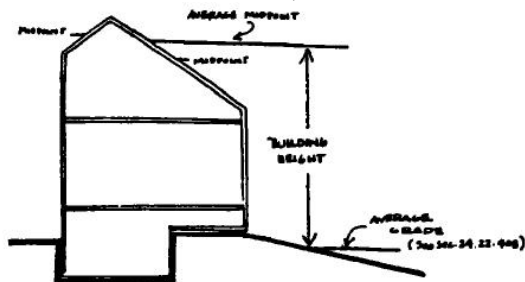
commercial building to residential use, and the substantial rehabilitation of an existing multifamily dwelling, where the rehabilitation or conversion would create a net increase of at least five residential units. In all cases density bonus units are not included for the purpose of determining whether 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.

Subsections 25 and 26 remain unchanged.

Section 10. Section 24.22.160 – Building, Height of in Chapter 24.22 – Definitions 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 11. Section 24.22.355 – Family Daycare Home of Chapter 24.22 – Definitions 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.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING
SECTIONS 24.04 – ADMINISTRATION; 24.08 – LAND USE PERMITS AND FINDINGS;
24.10 – LAND USE DISTRICTS; AND 24.12 – COMMUNITY DESIGN OF THE SANTA
CRUZ MUNICIPAL CODE AND LOCAL COASTAL PROGRAM

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

Section 1. Section 24.04.030 – Types of Permits and Other Actions Authorized by this Title of Chapter 24.04 - Administration is hereby amended as follows:

24.04.030 TYPES OF PERMITS AND OTHER ACTIONS AUTHORIZED BY THIS TITLE.

The following permits and actions are established in order to carry out the purposes and requirements of this title:

1. Appeals;
2. Coastal permit;
3. Conditional fence permit;
4. Conservation regulations modifications (in the Coastal Zone only);
5. Design permit;
6. Demolition/conversion permit:
 - a. Demolition authorization permit for residential structures,
 - b. Historic demolition permit;
7. Extension of permits;
8. Historic building survey: building designation and deletion;
9. Historic alteration permit;
- 9a. Administrative historic alteration permit;
10. Historic landmark designation;
11. Mobile homes: certificate of compatibility;
12. Mobile home park conversion;
13. Planned development permit;
14. Project modifications, pursuant to Section 24.04.160(4)(b).
15. Relocation permit;
16. Revocation of permits;
17. Signs:
 - a. Design permit (for signs),
 - b. Building permit (for signs),
 - c. Sign permit – public art exception;
18. Slope Development Permit (outside the Coastal Zone)
19. Use permit:
 - a. Administrative use permit, for uses requiring an administrative use permit;
 - b. Special use permit, for uses requiring a special use permit;
20. Variance;

21. Watercourse development permit;
22. Watercourse variance;
23. Zoning Ordinance and General Plan text/map amendments.

Section 2. Section 24.04.050 – Permit Application, Submittal and Processing of Chapter 24.04 - Administration is hereby amended as follows:

24.04.050 PERMIT APPLICATION, SUBMITTAL AND PROCESSING.

Application for any permit shall be made by the property owner, or his/her authorized agent, to the zoning administrator on forms prescribed for the purpose. Alternatively, where a property developer has entered into an owner participation agreement or a disposition and development agreement with the city of Santa Cruz for development of property for which the developer has yet to secure site control, the city may make the permit application if the subject agreement provides for the city's acquisition of the property on the developer's behalf. The application shall include information as may be necessary for adequate review of the application. A list of such information is set forth on the application form.

Section 3. Section 24.04.090 – Public Hearing Requirement of Chapter 24.04 – Administration of the Santa Cruz Municipal Code is hereby amended as follows:

24.04.090 PUBLIC HEARING REQUIREMENT.

A public hearing shall be required for the following:

Subsections 1 through 12 remain unchanged.

13. Revocation of permits;
14. Use permits:
 - a. Administrative use permits, except:
 - i. when the proposed use is temporary, as defined in this title;
 - ii. for variations to parking design requirements and number of spaces;
 - iii. for half baths in accessory structures; and
 - iv. for low risk alcohol outlets;
 - b. Special use permits (including historic district/historic landmark use permits);
15. Variance;
16. Watercourse variance;
17. Project modifications, pursuant to Section 24.04.160(4)(c);
18. Zoning Ordinance and General Plan text and map amendments.

Section 4. Section 24.04.130 – Decision-Making Body with Final Approval Authority on Application Approval of Chapter 24.04 - Administration is hereby amended as follows:

Subsections 1 and 2 remain unchanged.

3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU*)		ZA*	CPC/CC/CCC*
Administrative Use Permit: Temporary uses, variations to parking design requirements and number of spaces, low risk alcohol outlets, and half baths in accessory buildings	ZA			CPC/CC
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC

The remainder of this table remains unchanged.

Section 5. Section 24.04.160 – Life of Permit of Chapter 24.04 - Administration is hereby amended as follows:

24.04.160 LIFE OF PERMIT.

Subsections 1 through 3, no change.

4. Modifications.

Subsection a remains unchanged.

b. Minor Modification Criteria. The zoning administrator may approve any requested minor modifications on any permit which involves minor increases in floor area that do not exceed fifteen percent of the approved project or involve use intensifications permitted by the zone that do not increase parking above fifteen percent of the approved parking for the

project without a public hearing as long as the proposed modification is consistent with all sections of the Zoning Ordinance. Only one such modification or project will be allowed within any five-year period without review by the planning commission or at a publicly noticed zoning administrator hearing if the original approval was administrative or was decided at a public hearing before the zoning administrator. Minor modifications not related to such increases in floor area or use intensifications may be approved without a public hearing and are not subject to the five year limitation.

Subsection 4.c remains unchanged.

Section 6. Section 24.08.030 – Procedure – Administrative Use Permit of Chapter 24.08 – Land Use Permits and Findings is hereby amended as follows:

24.08.030 PROCEDURE – ADMINISTRATIVE USE PERMIT.

1. The zoning administrator is hereby authorized to issue use permits for all uses designated in the district regulations of this title as being subject to the issuance of an administrative use permit.
2. A public hearing shall be held, except in the following cases:
 - a. Where the proposed use is temporary, as defined herein;
 - b. Where the proposed use permit is for a variation to design standards for parking or for a reduction to the required number of parking spaces;
 - c. Where the proposed use is for the construction of a half bathroom in an accessory building, subject to the requirements in Section 24.12.140; or
 - d. Where the proposed use is for a low risk alcohol outlet subject to the requirements of Part 12: Alcoholic Beverage Sales of Chapter 24.12.

Section 7. Part 3: R-S Residential Suburban District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.200 remains unchanged.

24.10.210 PRINCIPAL PERMITTED USES.

Subsections 1 through 3 remain unchanged.

4. Small and large family daycare homes in residential units.

Subsections 5 through 8 remain unchanged.

24.10.230 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:
 - a. Family animal farm.

- b. Temporary structures and uses.
- c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

24.10.240 USE DETERMINATIONS.

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.

Section 24.10.250 remains unchanged.

Section 8. Part 4: R-1 Single-Family Residence District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.300 remains unchanged.

24.10.310 PRINCIPAL PERMITTED USES.

Subsections 1 and 2 remain unchanged.

- 3. Small and large family daycare homes in residential units.

Subsections 4 through 7 remain unchanged.

24.10.330 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:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
- 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:

Subsections 2.a through 2.i remain unchanged.

24.10.340 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.

Sections 24.10.350 and 24.10.351 remain unchanged.

Section 9. Part 9: R-L Multiple Residence – Low Density of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.400 remains unchanged.

24.10.410 PRINCIPAL PERMITTED USES.

Subsections 1 and 2 remain unchanged.

- 3. Small and large family daycare homes in residential units.
- 4. Two-family dwellings, subject to the density requirements in the General Plan.
- 5. Community garden.
- 6. Single-family dwellings, subject to the density requirements in the General Plan.
- 7. 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. Park and recreational facilities.
 - 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, and Section 24.10.430.
- 8. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.
- 9. Supportive and transitional housing.

24.10.430 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:
 - a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - b. Temporary structures and uses.
 - c. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
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:
 - a. Bed-and-breakfast inns, subject to requirements in Chapter 24.12, Part 9.
 - b. Community care facilities including daycare (except family daycare homes), retirement home, foster home, and nursing home (seven or more persons).

Subsections 2.c through 2.h remain unchanged.

24.10.440 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.

Section 24.10.450 remains unchanged.

Section 10. Part 6: R-M Multiple Residence – Medium Density of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.500 remains unchanged.

24.10.510 PRINCIPAL PERMITTED USES.

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):

Subsections 1 through 3 remain unchanged.

4. Small and large family daycare homes in residential units.
5. 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, and Section 24.10.530.
6. Supportive and transitional housing.
7. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.530 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:
 - a. Expansion of an existing single-family dwelling if the lot area is six thousand square feet or less.
 - b. Two family dwelling if the lot area exceeds five thousand five hundred square feet.
 - c. Temporary structures and uses.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - e. Single-family dwellings on substandard lots.
 - f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
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:
 - a. Bed-and-breakfast inns, subject to requirements contained in Part 9, Chapter 24.12.
 - b. Community care facilities (seven or more persons) including daycare (other than family daycare homes), foster home, nursing home, retirement home.

Subsections 2.c through 2.h remain unchanged.

24.10.540 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.

Section 24.10.550 remains unchanged.

Section 11. Part 6A: R-H Multiple Residence – High-Density District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.560 remains unchanged.

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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). 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. Environmental review must be conducted in accordance with city and state guidelines:

Subsections 1 and 2 remain unchanged.

3. Small and large family daycare homes in residential units; (510a)
4. Supportive and transitional housing;
5. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

Section 24.10.570 remains unchanged.

24.10.575 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, in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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):

- a. Expansion of any existing single-family dwelling; (800)
- b. Two-family dwelling if the lot area allows only two. New single-family development is not permitted; (810)
- c. Temporary structures and uses;

- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.580 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.

Section 24.10.585 and 24.10.590 remain unchanged.

Section 12. Part 7A: Subdistrict A – Medium-Density Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.602 remains unchanged.

24.10.603 PRINCIPAL PERMITTED USES.

1. The following uses may be subject to approval of a design permit per section 24.08.410 as well as other requirements of the Municipal Code (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):

- a. Duplexes; (810)
- b. Small and large family daycare homes in residential units (510a);

Subsections 1.c, 1.d, and 2 remain unchanged.

24.10.604 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit, may also require a design permit per section 24.10.410, and are subject to other requirements of the Municipal Code (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):

Subsections 1.a through 1.d remain unchanged.

Subsection 1.e is deleted and subsection 1.f becomes subsection 1.e. A new subsection 1.f is added.

- e. Supportive and transitional housing in multifamily dwellings (three to nine units).
- f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.606 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.

Section 24.10.608 remains unchanged.

Section 13. Part 7B: Subdistrict B – Motel Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Subsection 24.10.610 remains unchanged.

24.10.611 PRINCIPAL PERMITTED USES.

- 1. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
- 2. Small and large family daycare homes in residential units.

24.10.612 USE PERMIT REQUIREMENTS.

- 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 as well as other requirements of the Municipal Code (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):

Subsections 1.a through 1.g remain unchanged.

Subsection 1.h is deleted and subsection 1.i becomes subsection 1.h.

- h. Supportive and transitional housing, nine or fewer units.

Subsection 2 remains unchanged.

24.10.614 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.

Section 24.10.616 remains unchanged.

Section 14. Part 7C: R-T (C) Subdistrict C – Beach Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.618 remains unchanged.

24.10.619 PRINCIPAL PERMITTED USES.

1. The following uses are allowed, subject to a Design Permit for new construction per section 24.08.410 and other requirements of the Municipal Code (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):

Subsections 1.a through 1.d remain unchanged.

- e. Small and large family daycare homes in residential units;

Subsections 1.f, 1.g, and 2 remain unchanged.

24.10.620 USE PERMIT REQUIREMENT.

- (1) The following uses require an administrative use permit, may also require a design permit per section 24.08.410, and are subject to other applicable requirements of the Municipal Code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.m remain unchanged.

- (n) Liquor stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);
- (o) Mixed residential, and commercial developments when multiple family units are located above first floor of commercial uses, subject to the R-T(A) District regulations (830);
- (p) Multiple dwellings, townhouse dwelling groups and condominiums (three to nine units) subject to the R-T(A) District regulations (830);
- (q) Museum and art galleries (600);
- (r) Professional offices associated with a visitor-serving use (400);
- (s) Repairs, alterations, maintenance services to household items (except boat repair) (340);
- (t) Single-room occupancy (SRO) housing, fifteen units or fewer (860);
- (u) Specialty retail supply stores (290);
- (v) Supportive and transitional housing (three to nine units) subject to the R-T(A) District regulations;
- (w) Temporary structures and uses;
- (x) Video rental (360B);
- (y) Sports and recreation facilities, without alcohol sales (720);
- (z) Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.622 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.

Section 24.10.624 and 24.10.624.1 remain unchanged.

Section 15. Section 24.10.625.4 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.625.4 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.

Section 16. Part 7D: R-T(D) Subdistrict D – Beach Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.626 remains unchanged.

24.10.627 PRINCIPAL PERMITTED USES.

1. The following uses are permitted, subject to a design permit per section 24.08.410, Conservation Overlay District (Section 24.10.4000), and other requirements of the Municipal Code (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):

Subsections 1.a and 1.b remain unchanged.

c. Small and large family daycare homes in residential units (510a);

Subsections 1.d through 1.f remain unchanged.

24.10.628 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also be subject to a design permit per section 24.08.410, as well as other requirements of the Municipal Code (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):

Subsections 1.a through 1.c remain unchanged.

d. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.630 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.

Sections 24.10.632 and 24.10.633 remain unchanged.

Section 17. Part 7E: R-T(E) Subdistrict E – Beach Medium/High Density Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.635 remains unchanged.

24.10.636 PRINCIPAL PERMITTED USES.

1. The following uses are permitted and may also require a design permit per section 24.08.410 as well as other requirements of the Municipal Code:

Subsection 1.a remains unchanged.

- b. Small and large family daycare homes in residential units.

Subsection 1.c remains unchanged.

24.10.637 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 as well as other requirements of the Municipal Code:

- a. Educational and cultural institutions.
- b. Community care facilities.
- c. Multiple dwellings, townhouse dwelling groups and condominiums, six units or fewer.
- d. Single-family dwellings on substandard lots.
- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a special use permit and may also require a design permit as well as other requirements of the Municipal Code.

- a. Multiple dwellings, townhouse dwelling groups and condominiums, seven units or more, subject to the approval of the city council upon recommendation of the zoning board.
- b. Recreational buildings and community centers.
- c. Public and private noncommercial recreation areas, buildings and facilities such as parks, playgrounds and basketball courts.

- d. Public and private commercial parking, subject to landscaping and design standards. Non-conforming parking lots must be brought into compliance within five years of adoption of this Part 7E.

24.10.638 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.

Sections 24.10.640 and 24.10.641 remain unchanged.

Section 18. Part 8: C-C Community Commercial District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.700 remains unchanged.

24.10.710 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (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):

Subsections 1.a through 1.r remain unchanged.

- s. Small and large family daycare homes in residential units;

Subsections 1.t through 1.v remain unchanged.

Section 24.10.720 remains unchanged.

24.10.730 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource

Management provisions (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.c remain unchanged.

- d. Contractor/building (310E);
- e. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- f. Fabricated metal products (manufacturing) (150);
- g. Fabricated wire products (manufacturing) (155A);
- h. Food and beverage preparation (manufacturing) (100);
- i. Furniture and fixtures (manufacturing) (120);
- j. Hospitals (520);
- k. Laboratory research experimentation, testing, software development;
- l. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- m. Local/interurban passenger transit (bus, cab) (560B);
- n. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- o. Mixed residential and commercial/office developments, with ten or more multiple dwellings or condominiums, either above commercial uses or units on the same lot (840);
- p. Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- q. Mortuaries (310I);
- r. Motion picture production (manufacturing) (155E);
- s. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- t. Rental services (360);
- u. Single-room occupancy (SRO) housing sixteen units or more (860);
- v. Solar equipment (manufacturing) (155C);
- w. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- x. Stone, clay, glass products (manufacturing) (140);
- y. Storage and warehouse when connected with permitted use (330);
- z. Wholesale trade (nondurable goods) (200):
 - (a) Bakery,
 - (b) Confectionery,
 - (c) Dairy,
 - (d) Health foods;
- aa. Wholesale trade (durable goods) (210):
 - (a) Paper products and related (210E),
 - (b) Special equipment (machine supply) (210F);
- bb. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

Sections 24.10.720 and 24.10.730 remain unchanged.

24.10.740 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.

Section 19. Part 10: C-T Thoroughfare Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.900 remains unchanged.

24.10.910 PRINCIPAL PERMITTED USES.

Subsections 1 through 15 remain unchanged.

16. Small and large family daycare homes in residential units.

Subsections 17 and 18 remain unchanged.

Section 24.10.920 remains unchanged.

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:

Subsections 1.a through 1.e remain unchanged.

- f. 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.
- g. Multiple dwellings and condominiums, nine units or fewer, subject to the minimum land area (net) per dwelling unit of the R-M District (830).
- h. Recycling collection facilities.
- i. Souvenir and gift shops.
- j. Single-family dwellings.
- k. Small community care residential facilities.
- l. Stores, shops and general retail, subject to alcohol regulations in Part 12 of Chapter 24.12.
- m. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12.

- n. Temporary structures and uses.
- o. Truck, boat, trailer, farm equipment, and other heavy equipment sales, service and rental.
- p. Two-family dwellings.
- q. Veterinary hospitals and clinics.
- r. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.
- s. 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.

Section 24.10.950 remains unchanged.

Section 20. Part 11: C-N Neighborhood Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1000 remains unchanged.

24.10.1010 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.j remain unchanged.

- k. Small and large family daycare homes in residential units.

Section 24.10.1020 remains unchanged.

24.10.1030 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.g remain unchanged.

h. Foster family homes;

Subsections 1.i through 1.v remain unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.g remain unchanged.

- h. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- i. Two or more stand-alone multiple-family units subject to the minimum land area (net) per dwelling unit of the R-L District (830);
- j. Multiple dwellings and condominiums, ten or more units 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-L District (840);
- k. Off-site public/private parking facilities, five or more spaces (930);
- l. Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- m. Storage and warehouses with permitted retail (330).

24.10.1040 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.

Section 24.10.1050 remains unchanged.

Section 21. Part 12: C-B Beach Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1100 remains unchanged.

24.10.1110 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.o remain unchanged.

p. Small and large family daycare homes in residential units;

Subsections 1.q through 1.t remain unchanged.

Subsection 24.10.1120 remains unchanged.

24.10.1130 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

- a. Bars/taverns, subject to live entertainment and alcohol regulations of Chapter 24.12;
- b. 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);
- c. Group quarters (850);
- d. Mixed residential and commercial developments with ten or more multiple dwellings or condominiums, either above the first floor or on the same parcel, subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- e. Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- f. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- g. Off-site public/private parking facilities, five or more spaces (930);
- h. Refreshment stands and vehicles, when located on private property, in locations clearly incidental and adjacent to beach, park, campgrounds, or other major recreational and tourist facilities or activities.

24.10.1140 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.

Sections 24.10.1150 and 24.10.1160 remain unchanged.

Section 22. Part 13: P-A Professional and Administrative Office District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1200 remains unchanged.

24.10.1210 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright if a design permit is obtained for new structures (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):

Subsection 1.a through 1.h remain unchanged.

i. Small and large family daycare homes in residential units

Section 24.10.1220 remains unchanged.

24.10.1230 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 (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):

Subsections 1.a through 1.g remain unchanged.

h. Foster family homes;

Subsections 1.i through 1.o and 2 remain unchanged.

24.10.1240 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.

Section 24.10.1250 remains unchanged.

Section 23. Section 24.10.1320 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1320 USE DETERMINATION.

Any other uses or service establishments 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 and are consistent with the policies of the Port District Master Plan and the Local Coastal Land Use Plan, 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.

Section 24. Part 16: General Industrial District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1500 remains unchanged.

24.10.1505 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (numerical references at the ends 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):

Subsections 1.a through 1.m remain unchanged.

n. Small and large family daycare homes in residential units;

Subsections 1.o through 1.r remain unchanged.

24.10.1510 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a and 1.b remain unchanged.

- c. Group quarters (850);
- d. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
- e. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- f. Paper and allied products subject to performance standards (125);
- g. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- h. Primary metals and material subject to performance standards (145);
- i. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- j. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below forty-five decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- k. Smoking lounges as defined in Section 24.22.748.2 and subject to the siting criteria and performance standards in Chapter 5.54;
- l. Emergency shelters subject to regulations in Part 17 of Chapter 24.12.

Sections 24.10.1520 and 24.10.1525 remain unchanged.

24.10.1530 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.

Section 24.10.1540 remains unchanged.

Section 25. Part 16B: IG/PER-2: General Industrial District/Performance District of Chapter 24.10 – Land Use Districts is hereby added under Part 16B of Chapter 24.10 as follows:

Section 24.10.1600 remains unchanged.

24.10.1605 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (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):

Subsections 1.a through 1.r remain unchanged.

s. Small and large family daycare homes in residential units;

Subsections 1.t through 1.y remain unchanged.

24.10.1610 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a and 1.b remain unchanged.

- c. Food and beverage stores (except liquor and convenience stores) (240);
- d. Government and public agencies (530);
- e. Group quarters (850);
- f. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
- g. Paper and allied products subject to performance standards (125);
- h. Parks and recreation facilities, subject to alcohol regulations in Chapter 24.12, Part 12 (720);
- i. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below forty-five decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- j. Transportation facilities (560).

Sections 24.10.1615 and 24.10.1620 remain unchanged.

24.10.1630 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.

Section 26. Section 24.10.1780 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1780 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.

Section 27. Part 19: E-A: Exclusive Agriculture of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Sections 24.10.1800 through 24.10.1820 remain unchanged.

24.10.1830 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:
 - a. Daycare (other than family daycare homes) and foster homes for children;
 - b. Eating and drinking establishments;
 - c. Foster family homes;
 - d. Guest ranches;
 - e. Off-street parking facilities accessory and incidental to an adjacent commercial use;
 - f. Temporary structures;
 - g. Veterinary hospitals and clinics;
 - h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - i. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.1840 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.

Section 24.10.1850 remains unchanged.

Section 28. Section 24.10.1920 – Use Permit Requirement of Part 20: OF-R Ocean Front (Recreational) District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1920 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:
 - a. Beach, surfing and fishing equipment;
 - b. Fish market;
 - c. Identification signs, appurtenant to uses permitted on the premises;
 - d. Navigation aids and devices not involving the erection of a structure;
 - e. Walls or fences, not to exceed three and one-half feet in height.
 - f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

Section 29. Section 24.10.1930 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1930 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.

Section 30. Section 24.10.2030 – Use Permit Requirement of Part 21: F-P Floodplain District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2030 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:
 - a. Ranch and farm dwellings incidental to a principal agricultural use.
 - b. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

Section 31. Section 24.10.2040 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2040 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.

Section 32. Section 24.10.2301 – Uses, Development Standards and Design Guidelines of Chapter 24.10 – Land Use Districts 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 33. Section 24.10.2375 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2375 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.

Section 34. Section 24.10.2385 – Lower Pacific Avenue Design Guidelines of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2385 LOWER PACIFIC AVENUE DESIGN GUIDELINES.

1. Store Front Treatment. The ground-level treatment of buildings and parking structures within the Lower Pacific Avenue subarea should generally comply with the guidelines for the Pacific Avenue retail subarea listed on pages 41-45 of the Downtown Plan, in terms of: storefront access, transparency, and variation; and the use of landscaping, awnings, and canopies. However, it is recognized that the Lower Pacific Avenue subarea has a more informal character than Pacific Avenues, and as such, more variation of ground-level treatment is envisioned and encouraged. The use of porches and terraced gardens as an intermediate space between the ground floor use and the sidewalk is permitted, as long as the finished floor elevation of the ground floor use is not more than 4 feet above or below the sidewalk level and accessibility requirements are met.

Section 35. Section 24.12.120 – Projections into Required Yard Areas, Setbacks and Easements of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.120 PROJECTIONS INTO REQUIRED YARD AREAS, SETBACKS AND EASEMENTS.

1. Projections Into Required Yard Areas. The following are permitted projections into required yard areas. Projections shall not be permitted in yards that are less than the minimum established by district regulations except as provided for in subsection (2), or as allowed in certain areas under Section 24.12.185.13.

Subsections 1.a and 1.b remain unchanged.

- c. Unroofed decks, porches, patios and steps of pervious materials twenty inches or less above finished grade may extend into required setbacks without restriction;

Subsections 1.d, 1.e, and 2 through 4 remain unchanged.

Section 36. Section 24.12.140 – Accessory Buildings of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.140 ACCESSORY BUILDINGS AND STRUCTURES.

In addition to primary structures, it is often useful and convenient to have accessory buildings and structures to provide storage, allow additional usable indoor or sheltered space, or to perform some other function beyond what is included in the primary structure. These spaces can be provided in a building, defined for the purposes of this section as having a roof and walls, or by another accessory structure such as a pergola or a gazebo. Some spaces, such as children's play

equipment, can be classified as either a building (i.e. enclosed playhouse) or a structure (i.e. swing set). The defining characteristic of these buildings and structures is that they are accessory and subordinate to the primary structure and do not detract from the form and function of the primary structure and are complimentary to its use.

1. Accessory Buildings. Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they are located. Accessory buildings are separate and distinct from accessory dwelling units, which are subject to the regulations in Part 2 of Chapter 24.16.

- a. No setback shall be required for an accessory building except as otherwise provided.
- b. No accessory building shall be located in a front or exterior side yard with the exception of children's play equipment less than five feet in height and less than thirty square feet in area. The vehicle entry side of a garage or other covered parking may not be located closer than twenty feet from front or exterior side yard lot lines; except that the vehicle entry side of a garage or other covered parking may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation.
- c. Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter 24.10; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.
- d. Accessory buildings that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.
- e. Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building; and shall conform to principal building rear and side yard requirements of the district in which they are located. No habitable accessory building shall be used as a separate dwelling unit except accessory dwelling units as described in Part 2 of Chapter 24.16. Guesthouses for nonpaying guests are allowed only if permitted in the zoning district in which they are located.
- f. Accessory buildings may not cover an area in excess of thirty percent of any required yard setback area for the primary structure. In the coastal zone, standards applicable to accessory dwelling units can be found in Section 24.12.140(10). The footprint of accessory dwelling units shall count toward the maximum allowable lot coverage by other accessory

structures in yard setback areas; however, the maximum allowable lot coverage does not apply to the accessory dwelling unit itself.

g. An accessory building attached to a main building by a breezeway is not part of the main building.

h. An accessory building may have one sink installed in it if a building permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building without approval of an administrative use permit. Any additional plumbing fixtures would require an administrative use permit subject to findings listed in subsection (i) and a building permit for the approved improvements.

i. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit is approved in accordance with district regulations and all of the following findings are made:

- i. The structure and use are subordinate to the principal use; and
- ii. The purpose of the use is incidental to the principal use; and
- iii. The use is customarily or reasonably appurtenant to the permitted use; and
- iv. The structure will not be used as a dwelling unit; and
- v. A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.

j. In the coastal zone, and in addition to meeting all other applicable requirements (e.g., standards specified in Section 24.16.100 et seq.), ADUs shall meet the following additional standards:

- i. ADUs are allowed in any zone that allows residential uses on lots of any size, in conjunction with a proposed or existing residential use, provided they are sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable LCP policies and standards, including those that govern wetlands, streams, environmentally sensitive habitat areas, public views, and coastal bluffs.
- ii. Off-street parking shall be required in compliance with Section 24.12.240(1).

2. Accessory Structures. Accessory structures are subject to the regulations and permit requirements of the zoning district in which they are located.

- a. Accessory structures above eight feet in height shall not be located in a front or exterior side yard with the exception of entry features as described in Section 24.12.150(a)(3). No accessory structure in the front or exterior side yard may be located within the clear corner triangle as defined in section 24.22.202.
- b. Accessory structures located in the rear or interior sideyard that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements

including Title 18 and the California Building Standards Code. This includes fences within the West Cliff Drive Overlay District that conform to Section 24.12.160.

Section 37. Section 24.12.160 – Fencing and Screening of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.160 FENCING AND SCREENING.

1. Fencing. Regulations governing the installation, construction and placement of fences and structures in the nature of fences which exceed height limitations contained herein are set forth in Chapter 24.08, Part 7, Conditional Fence Permit.

a. Height Limitations. No person shall erect upon any private property in the city any fence, or structure in the nature of a fence, exceeding the following height limitations:

- (1) Within the required front yard setback areas established by this title, Chapter 18.04, or other ordinances of the city, fences shall not exceed a height of three feet, six inches from finished grade, except as provided in Chapter 24.08, Part 7.
- (2) Within the exterior side yard setback established by this title, Chapter 18.04, or other ordinances of the city, fences outside of the front yard setback that are set back a minimum of three feet from the exterior side property line shall not exceed a height of six feet from finished grade, except as provided in Chapter 24.08, Part 7. Fences within the exterior side yard setback that are less than three feet from the side property line or within the front setback area shall not exceed a height of three feet, six inches from finished grade. Any yard area between a fence and the sidewalk or property line shall be landscaped and permanently maintained.
- (3) On any portion of the property outside of the required front and exterior side yard setbacks, fences shall not exceed a height of eight feet from finished grade, with any portion of the fence above six feet consisting of lattice or other similar material that is at least 50% open except as provided in Chapter 24.08, Part 7. This maximum fence height does not apply to fences along an alley or the rail trail associated with an Accessory Dwelling Unit, where fences are limited to three feet, six inches along the alley or rail trail unless a conditional fence permit is approved for greater height.
- (4) Any fence along a property line adjacent to a street, or in the adjacent required setback, except in the clear corner triangle, may include a gate, trellis or other entry feature exceeding the height limit stated in subsections (1)(a)(1) and (2). Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such gate, trellis or entry feature shall be permitted per street frontage except as provided in Chapter 24.08, Part 7.

Subsections 1.b through 1.g and section 2 remain unchanged.

Section 38. Section 24.12.192 – Outdoor Extension Areas of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.192 OUTDOOR EXTENSION AREAS.

The purpose of outdoor extension areas is to enhance streetscape on the city’s corridors by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public street. These uses include outdoor eating areas, retail areas and landscaping. In this section the term “adjacent business” shall apply to the business using the extension area. If the sidewalk width allows it, the adjacent business may be separated from the extension area by the public walkway. This section is applicable citywide, except for areas within the Downtown Plan which are subject to Section 24.10.2340.

Section 39. Section 24.12.430 Protection of Archaeological Resources of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES.

Subsection 1 remains unchanged.

2. Archaeological reconnaissance is required on sites proposed for development within areas identified as “highly sensitive” or “sensitive” on the general plan maps labeled “areas of archaeological sensitivity” and “historical archaeology sensitivity” prior to the issue of building or development permits.

Subsections 3 through 11 remain unchanged.

Subsection 12 is deleted.

Section 40. Section 24.12.1108 – Modification of Existing Establishments Selling Alcoholic Beverages of Chapter 24.12 – Community Design 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.

Subsection 2 remains unchanged.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 24.06 – ZONING MAP AND TEXT AMENDMENTS; 24.08 – LAND USE PERMITS AND FINDINGS; 24.10 – LAND USE DISTRICTS; 24.16 – AFFORDABLE HOUSING PROVISIONS; AND 24.22 - DEFINITIONS OF THE SANTA CRUZ MUNICIPAL CODE

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

Section 1. Section 24.06.020 – Initiation of Chapter 24.06 – Zoning Map and Text Amendments is hereby amended as follows:

24.06.020 INITIATION.

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

Section 2. Part 14: Residential Demolition/Conversion Authorization Permits of Chapter 24.08 – Land Use Permits and Findings is hereby amended as follows:

Sections 24.08.1310 through 24.08.1345 remain unchanged.

24.08.1350 RELOCATION ASSISTANCE.

All low- or moderate-income households displaced by demolition or conversion of use shall receive relocation assistance as described by State law. Developers or property owners with lower income tenants must present a Relocation Plan to the City in the form required by State law and are advised retain a qualified relocation consultant to assist in drafting the Relocation Plan. 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~~five years prior to the date of submission of the application for the demolition/conversion permit, or if substantial evidence exists that a low- or moderate-income household had occupied the unit within ~~two~~ five 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.

Relocation assistance shall be defined as two months' rent or the difference between the tenants' rent prior to relocation and the rent paid upon relocation as required by State law, whichever is greater. ~~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 issuance 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.

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 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, whichever requires the higher number of replacement units shall take precedence.

1. Replacement housing must be provided by the applicant when demolition or conversion of use of one ~~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 units with at least the same total number of bedrooms contained within all low- or moderate-income units to be demolished or converted.

a. The basic requirement is that ~~fifty~~ one hundred percent of all low- or moderate-income units and 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~~ are allowed to be counted as replacement units, utilizing the more restrictive income and rent requirements for these units. Off-site rental or ownership inclusionary units ~~may~~ shall not be used to fulfill replacement unit requirements.

~~e. 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.~~

Section 24.08.1362 remains unchanged.

~~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.~~

Section 24.08.1380 remains unchanged.

Section 3. Part 23: Conditional Driveway Permit of Chapter 24.08 – Land Use Permits and Findings is hereby deleted:

~~Part 23: CONDITIONAL DRIVEWAY PERMIT~~

~~24.08.2310 GENERAL PROVISIONS.~~

~~A conditional driveway permit may be granted by the zoning administrator at a public hearing, subject to conditions, including but not limited to the provisions contained in this section. The driveway shall be:~~

~~1.— At least twenty feet in depth, the measurement being made at the back of the sidewalk located behind the driveway approach;~~

2. ~~Sized to provide not more than one parking space for lots less than fifty feet in width or two parking spaces for lots fifty feet or greater;~~
3. ~~At least four feet or the minimum side yard width required for the zoning district, whichever is greater, from any adjacent side or rear property line of an abutting lot and offset from the center of the lot's street frontage along which it is located;~~
4. ~~Designed to blend in with existing landscaping and minimize impervious surfaces when located within the required front or exterior side yard setback; and~~
5. ~~Designed to incorporate landscape screening where feasible and appropriate without creating a safety hazard.~~

~~24.08.2320 FINDINGS REQUIRED.~~

~~A conditional driveway permit shall be granted when the following findings can be made:~~

1. ~~The issuance of such a permit is reasonably necessary for the preservation of valuable property rights or full use and enjoyment of the property;~~
2. ~~The driveway will not create a safety hazard for pedestrians or vehicular traffic;~~
3. ~~The appearance of the driveway is compatible with the design and appearance of the existing residence and site plan, including existing landscaping, trees, natural land forms, and other features of the site;~~
4. ~~The driveway is a planned site feature which avoids dominating the site or overwhelming adjacent properties and structures; and~~
5. ~~The driveway will be constructed using four inches of concrete or other material approved by the zoning administrator or planning commission.~~

Section 4. Section 24.10.160 – Home Occupation Regulations of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.160 HOME OCCUPATION REGULATIONS.

Subsections 1 through 3 remain unchanged.

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

Section 5. Section 24.14.030 – Slope Regulations (outside the Coastal Zone) of Chapter 24.14 – Environmental Resource Management is hereby amended as follows:

24.14.030 SLOPE REGULATIONS (outside the Coastal Zone).

Subsection 1, no change.

Subsections 2(a) through (c), no change.

- d. Driveways within slopes that are thirty percent or greater shall require a slope development permit per Part 9 of Chapter 24.08 ~~an exception listed in Section 24.14.040.~~

Section 6. Section 24.16.015 – Definitions of Chapter 24.16 – Affordable Housing Provisions is hereby amended as follows:

24.16.015 DEFINITIONS.

Subsections 1 through 18 remain unchanged.

19. “Inclusionary unit” is an ownership or rental dwelling unit, including Flexible Density Units (FDU) and single room occupancy ~~or SOU or (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.

Subsections 10 through 27 remain unchanged.

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 ~~SOU~~ 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. ~~“SOU”~~ “FDU” means a ~~small ownership unit~~ Flexible Density Unit as defined at Section 24.12.1510.

Subsections 30 through 32 remain unchanged.

Section 7. Section 24.16.020 – Basic On-Site Inclusionary Housing Requirements of Chapter 24.16 – Affordable Housing Provisions 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 ~~SOU~~ 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).

Subsection 1.b through 8 remain unchanged.

Section 8. Part 2: Accessory Dwelling Units of Chapter 24.16 – Affordable Housing Provisions 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. ~~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 that are compatible with residential development.~~ 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.

Section 24.16.1130 remains unchanged.

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).

Subsections 3 through 6 remain unchanged.

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 ~~six~~ 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 for 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.)

Subsections 7.e through 11 remain unchanged.

Sections 24.16.141 through 24.16.170 remain unchanged.

Section 9. Section 24.16.205 - Definitions of Chapter 24.16 – Affordable Housing Provisions 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.

Subsections 1 through 12 remain unchanged.

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~~13~~. “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~~14~~. “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~~15~~. “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~~16~~. “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~~17~~. “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~~18~~. “Incentives and concessions” are regulatory concessions as listed in Section 24.16.255.

20~~19~~. “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~~20~~. “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~~24. “Market rate unit” is a dwelling unit which is not an affordable unit as defined in this Part 3.

~~23~~22. “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.

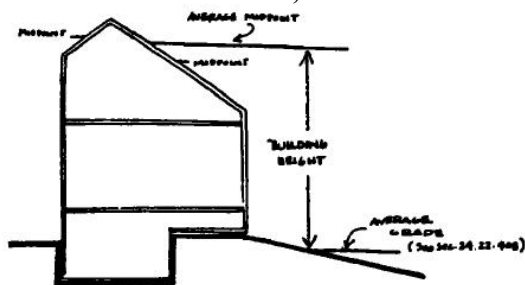
~~24~~23. “Partnered housing agreement” is an agreement approved by the city between a commercial developer and a housing developer identifying how the commercial development will provide housing available at affordable ownership cost or affordable rent. A partnered housing agreement may consist of the 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.

~~24.~~ “Small ownership unit” or “SOU” is a dwelling unit containing no more than one bedroom and floor area ranging from four hundred to six hundred fifty square feet, located on a separate subdivided parcel and included in a housing development where all dwelling units are SOU units and are offered for sale to the general public.

Subsections 25 and 26 remain unchanged.

Section 10. Section 24.22.160 – Building, Height of in Chapter 24.22 – Definitions 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 11. Section 24.22.355 – Family Daycare Home of Chapter 24.22 – Definitions 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.

~~A large family daycare home may provide family daycare to seven to twelve children, inclusive, or up to fourteen children, inclusive, if all of the following conditions are met:~~

- ~~(i) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.~~
- ~~(ii) No more than three infants are cared for during any time when more than twelve children are being cared for.~~
- ~~(iii) The licensee notifies a parent that the facility is caring for two additional school age children and that there may be up to thirteen or fourteen children in the home at one time.~~
- ~~(iv) The licensee obtains the written consent of the property owner when the family daycare home is operated on property that is leased or rented.~~

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.

~~A small family daycare home may provide family daycare to six or fewer children, or eight or fewer children if all of the following conditions are met:~~

- ~~(i) At least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.~~

- ~~(ii) No more than two infants are cared for during any time when more than six children are cared for.~~
- ~~(iii) The licensee notifies each parent that the facility is caring for two additional school age children and that there may be up to seven or eight children in the home at one time.~~
- ~~(iv) The licensee obtains the written consent of the property owner when the family daycare home is operated on property that is leased or rented.~~

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 24.04 – ADMINISTRATION; 24.08 – LAND USE PERMITS AND FINDINGS; 24.10 – LAND USE DISTRICTS; AND 24.12 – COMMUNITY DESIGN OF THE SANTA CRUZ MUNICIPAL CODE AND LOCAL COASTAL PROGRAM

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

Section 1. Section 24.04.030 – Types of Permits and Other Actions Authorized by this Title of Chapter 24.04 - Administration is hereby amended as follows:

24.04.030 TYPES OF PERMITS AND OTHER ACTIONS AUTHORIZED BY THIS TITLE.

The following permits and actions are established in order to carry out the purposes and requirements of this title:

1. Appeals;
2. Coastal permit;
- ~~3. Conditional driveway permit;~~
- ~~34.~~ Conditional fence permit;
- ~~45.~~ Conservation regulations modifications (in the Coastal Zone only);
- ~~56.~~ Design permit;
- ~~67.~~ Demolition/conversion permit:
 - a. Demolition authorization permit for residential structures,
 - b. Historic demolition permit;
- ~~78.~~ Extension of permits;
- ~~89.~~ Historic building survey: building designation and deletion;
- ~~910.~~ Historic alteration permit;
- ~~9a10a.~~ Administrative historic alteration permit;
- ~~1011.~~ Historic landmark designation;
- ~~1112.~~ Mobile homes: certificate of compatibility;
- ~~1213.~~ Mobile home park conversion;
- ~~1314.~~ Planned development permit;
14. Project modifications, pursuant to Section 24.04.160(4)(b);
15. Relocation permit;
16. Revocation of permits;
17. Signs:
 - a. Design permit (for signs),
 - b. Building permit (for signs),
 - c. Sign permit – public art exception;
18. Slope Development Permit (outside the Coastal Zone)
19. Use permit:
 - a. Administrative use permit, for uses requiring an administrative use permit; ~~plus the following:~~

- (1) ~~Any earth-disturbing activity on known archaeological sites;~~
- b. Special use permit, for uses requiring a special use permit;
- 20. Variance;
- 21. Watercourse development permit;
- 22. Watercourse variance;
- 23. Zoning Ordinance and General Plan text/map amendments;
- 24. ~~Project modifications, pursuant to Section 24.04.160(4)(b).~~

Section 2. Section 24.04.050 – Permit Application, Submittal and Processing of Chapter 24.04 - Administration is hereby amended as follows:

24.04.050 PERMIT APPLICATION, SUBMITTAL AND PROCESSING.

Application for any permit shall be made by the property owner, or his/her authorized agent, to the zoning administrator on forms prescribed for the purpose. Alternatively, where a property developer has entered into an owner participation agreement or a disposition and development agreement with ~~the redevelopment agency of the city of Santa Cruz~~ for development of property for which the developer has yet to secure site control, the ~~city redevelopment agency~~ may make the permit application if the subject agreement provides for the ~~city's redevelopment agency's~~ acquisition of the property on the developer's behalf. The application shall include information as may be necessary for adequate review of the application. A list of such information is set forth on the application form.

Section 3. Section 24.04.090 – Public Hearing Requirement of Chapter 24.04 – Administration of the Santa Cruz Municipal Code is hereby amended as follows:

24.04.090 PUBLIC HEARING REQUIREMENT.

A public hearing shall be required for the following:

Subsections 1 through 12 remain unchanged.

~~13. Relocation of structures;~~

~~13~~14. Revocation of permits;

~~14~~15. Use permits:

- a. Administrative use permits, except:
 - ~~i.~~ when the proposed use is temporary, as defined in this title;
 - ~~ii.~~ for variations to parking design requirements and number of spaces; ~~and~~
 - ~~iii.~~ for half baths in accessory structures; and
 - ~~iv.~~ for low risk alcohol outlets;
- b. Special use permits (including historic district/historic landmark use permits);

~~15~~16. Variance;

~~16~~17. Watercourse variance;

~~17~~18. Project modifications, pursuant to Section 24.04.160(4)(c);

~~18~~19. Zoning Ordinance and General Plan text and map amendments.

Section 4. Section 24.04.130 – Decision-Making Body with Final Approval Authority on Application Approval of Chapter 24.04 - Administration is hereby amended as follows:

Subsections 1 and 2 remain unchanged.

3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU*)		ZA*	CPC/CC/CCC*
Administrative Use Permit: Large family day care homes, temporary <u>Temporary</u> uses, <u>variations to parking design requirements and number of spaces,</u> <u>low risk alcohol outlets,</u> and half baths in accessory buildings	ZA			CPC/CC
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Driveway Permit	-	-	ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC

The remainder of this table remains unchanged.

Section 5. Section 24.04.160 – Life of Permit of Chapter 24.04 - Administration is hereby amended as follows:

24.04.160 LIFE OF PERMIT.

Subsections 1 through 3, no change.

4. Modifications.

Subsection a remains unchanged.

b. Minor Modification Criteria. The zoning administrator may approve any requested minor modifications on any permit which involves minor increases in floor area that do not exceed fifteen percent of the approved project or involve use intensifications permitted by the zone that do not increase parking above fifteen percent of the approved parking for the project without a public hearing as long as the proposed modification is consistent with all sections of the Zoning Ordinance. Only one such modification or project will be allowed within any five-year period without review by the planning commission or at a publicly noticed zoning administrator hearing if the original approval was administrative or was decided at a public hearing before the zoning administrator. ~~Additional~~ Minor modifications not related to such increases in floor area or use intensifications may be approved without a public hearing and are not subject to the five year limitation.

Subsection 4.c remains unchanged.

Section 6. Section 24.08.030 – Procedure – Administrative Use Permit of Chapter 24.08 – Land Use Permits and Findings is hereby amended as follows:

24.08.030 PROCEDURE – ADMINISTRATIVE USE PERMIT.

1. The zoning administrator is hereby authorized to issue use permits for all uses designated in the district regulations of this title as being subject to the issuance of an administrative use permit.
2. A public hearing shall be held, except in the following cases:
 - a. Where the proposed use is temporary, as defined herein;
 - ~~b. Where the proposed use pertains to a large family daycare home as defined in Section 24.22.355;~~
 - ~~e~~b. Where the proposed use permit is for a variation to design standards for parking or for a reduction to the required number of parking spaces; ~~or~~
 - ~~d~~c. Where the proposed use is for the construction of a half bathroom in an accessory building, subject to the requirements in Section 24.12.140.; or
 - d. Where the proposed use is for a low risk alcohol outlet subject to the requirements of Part 12: Alcoholic Beverage Sales of Chapter 24.12.

Section 7. Part 3: R-S Residential Suburban District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.200 remains unchanged.

24.10.210 PRINCIPAL PERMITTED USES.

Subsections 1 through 3 remain unchanged.

4. Small and large family daycare homes in residential units ~~single-family dwellings or duplexes.~~

Subsections 5 through 8 remain unchanged.

24.10.230 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:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - ~~e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~
 - e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

24.10.240 USE DETERMINATIONS.

Any other use or service establishment determined by the zoning board 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 board 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.

Section 24.10.250 remains unchanged.

Section 8. Part 4: R-1 Single-Family Residence District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.300 remains unchanged.

24.10.310 PRINCIPAL PERMITTED USES.

Subsections 1 and 2 remain unchanged.

3. Small and large family daycare homes in residential units ~~single-family dwellings or duplexes.~~

Subsections 4 through 7 remain unchanged.

24.10.330 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:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - e. ~~Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~
 - e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses are subject to approval of an administrative a special use permit and may also require a design permit per section 24.08.410:

Subsections 2.a through 2.i remain unchanged.

24.10.340 USE DETERMINATION.

Any other use or service establishment determined by the zoning board 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.

Sections 24.10.350 and 24.10.351 remain unchanged.

Section 9. Part 9: R-L Multiple Residence – Low Density of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.400 remains unchanged.

24.10.410 PRINCIPAL PERMITTED USES.

Subsections 1 and 2 remain unchanged.

3. Small and large family daycare homes in residential units.
- ~~4. Large family daycare homes in single family dwellings or duplexes.~~
- ~~45.~~ Two-family dwellings, subject to the density requirements in the General Plan.
- ~~56.~~ Community garden.
- ~~67.~~ Single-family dwellings, subject to the density requirements in the General Plan.

- 78.** Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
- Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - Park and recreational facilities.
 - Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory buildings, and Section 24.10.430.
- 89.** Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.
- 940.** Supportive and transitional housing.

24.10.430 USE PERMIT REQUIREMENT.

- The following uses are subject to approval of an administrative use permit and may also require a design permit per section 24.08.410:
 - Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - Temporary structures and uses.
 - Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
- The following uses are subject to approval of a special use permit and may also require a design permit per section 24.08.410:
 - Bed-and-breakfast inns, subject to requirements in Chapter 24.12, Part 9.
 - Community care facilities including daycare (except family daycare homes), retirement home, foster home, and nursing home (seven or more persons).

Subsections 2.c through 2.h remain unchanged.

24.10.440 USE DETERMINATION.

Any other use or service establishment determined by the zoning board 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.

Section 24.10.450 remains unchanged.

Section 10. Part 6: R-M Multiple Residence – Medium Density of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.500 remains unchanged.

24.10.510 PRINCIPAL PERMITTED USES.

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):

Subsections 1 through 3 remain unchanged.

4. Small and large family daycare homes in residential units.
- ~~5. Large family daycare homes in single family home or duplex.~~
56. 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, and Section 24.10.530.
- ~~67.~~ Supportive and transitional housing.
78. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.530 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:
 - a. Expansion of an existing single-family dwelling if the lot area is six thousand square feet or less.
 - b. Two family dwelling if the lot area exceeds five thousand five hundred square feet.
 - c. Temporary structures and uses.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - e. Single-family dwellings on substandard lots.
 - f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
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:

- a. Bed-and-breakfast inns, subject to requirements contained in Part 9, Chapter 24.12.
- b. Community care facilities (seven or more persons) including daycare (other than family daycare homes), foster home, nursing home, retirement home.

Subsections 2.c through 2.h remain unchanged.

24.10.540 USE DETERMINATION.

Any other use or service establishment determined by the zoning board ~~board~~ 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.

Section 24.10.550 remains unchanged.

Section 11. Part 6A: R-H Multiple Residence – High-Density District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.560 remains unchanged.

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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). 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. Environmental review must be conducted in accordance with city and state guidelines:

Subsections 1 and 2 remain unchanged.

3. Small and large family daycare homes in residential units; (510a)
- ~~4. Large family daycare homes in single-family dwellings or duplexes; (510a)~~
- ~~4~~5. Supportive and transitional housing;
- ~~5~~6. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

Section 24.10.570 remains unchanged.

24.10.575 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, in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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):

- a. Expansion of any existing single-family dwelling; (800)
- b. Two-family dwelling if the lot area allows only two. New single-family development is not permitted; (810)
- c. Temporary structures and uses;
- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- ~~e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~
- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.580 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.

Section 24.10.585 and 24.10.590 remain unchanged.

Section 12. Part 7A: Subdistrict A – Medium-Density Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.602 remains unchanged.

24.10.603 PRINCIPAL PERMITTED USES.

1. The following uses ~~are~~ may be subject to approval of a design permit per section 24.08.410 as well as ~~and~~ other requirements of the Municipal Code (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):

- a. Duplexes; (810)
- b. Small and large family daycare homes in residential units ~~facility in single-family home or duplex~~ (510a);

Subsections 1.c, 1.d, and 2 remain unchanged.

24.10.604 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit, ~~and a~~ may also require a design permit per section 24.10.410, and are subject to all other requirements of the Municipal Code (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):

Subsections 1.a through 1.d remain unchanged.

- ~~e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence);~~
- ~~ef.~~ Supportive and transitional housing in multifamily dwellings (three to nine units).
- f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.606 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 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.

Section 24.10.608 remains unchanged.

Section 13. Part 7B: Subdistrict B – Motel Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Subsection 24.10.610 remains unchanged.

24.10.611 PRINCIPAL PERMITTED USES.

1. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
2. Small and large family daycare homes in residential units.

24.10.612 USE PERMIT REQUIREMENTS.

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 as well as ~~and~~ other requirements of the Municipal Code (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):

Subsections 1.a through 1.g remain unchanged.

~~h. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~

hi. Supportive and transitional housing, nine or fewer units.

Subsection 2 remains unchanged.

24.10.614 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 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.

Section 24.10.616 remains unchanged.

Section 14. Part 7C: R-T (C) Subdistrict C – Beach Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.618 remains unchanged.

24.10.619 PRINCIPAL PERMITTED USES.

1. The following uses are allowed, subject to a Design Permit for new construction per section 24.08.410 and other requirements of the Municipal Code (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):

Subsections 1.a through 1.d remain unchanged.

e. Small and large family daycare homes in residential units ~~facility in single-family home or duplex;~~

Subsections 1.f, 1.g, and 2 remain unchanged.

24.10.620 USE PERMIT REQUIREMENT.

(1) The following uses require an administrative use permit, ~~and~~ may also require a design permit per section 24.08.410, and are subject to other applicable requirements of the Municipal Code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.m remain unchanged.

~~(n) Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence);~~

~~(ne)~~ Liquor stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);

~~(op)~~ Mixed residential, and commercial developments when multiple family units are located above first floor of commercial uses, subject to the R-T(A) District regulations (830);

~~(pe)~~ Multiple dwellings, townhouse dwelling groups and condominiums (three to nine units) subject to the R-T(A) District regulations (830);

~~(qf)~~ Museum and art galleries (600);

~~(rs)~~ Professional offices associated with a visitor-serving use (400);

~~(st)~~ Repairs, alterations, maintenance services to household items (except boat repair) (340);

~~(tu)~~ Single-room occupancy (SRO) housing, fifteen units or fewer (860);

~~(uv)~~ Specialty retail supply stores (290);

~~(vw)~~ Supportive and transitional housing (three to nine units) subject to the R-T(A) District regulations;

~~(wx)~~ Temporary structures and uses;

~~(xy)~~ Video rental (360B);

~~(yz)~~ Sports and recreation facilities, without alcohol sales (720);

~~(zaa)~~ Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.622 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 aA 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.

Section 24.10.624 and 24.10.624.1 remain unchanged.

Section 15. Section 24.10.625.4 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.625.4 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 aA 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.

Section 16. Part 7D: R-T(D) Subdistrict D – Beach Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.626 remains unchanged.

24.10.627 PRINCIPAL PERMITTED USES.

1. The following uses are permitted, subject to a design permit per section 24.08.410, Conservation Overlay District (Section 24.10.4000), and other requirements of the Municipal Code (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):

Subsections 1.a and 1.b remain unchanged.

c. Small and large family daycare homes in residential units ~~single-family homes or duplexes~~ (510a);

Subsections 1.d through 1.f remain unchanged.

24.10.628 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also be subject to a design permit per section 24.08.410, as well as and other requirements of the Municipal Code (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):

Subsections 1.a through 1.c remain unchanged.

~~d. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~

d. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.630 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 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.

Sections 24.10.632 and 24.10.633 remain unchanged.

Section 17. Part 7E: R-T(E) Subdistrict E – Beach Medium/High Density Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.635 remains unchanged.

24.10.636 PRINCIPAL PERMITTED USES.

1. The following uses are permitted and may also require ~~subject to~~ a design permit per section 24.08.410 as well as and other requirements of the Municipal Code:

Subsection 1.a remains unchanged.

- b. Small and large family daycare homes in residential units.

Subsection 1.c remains unchanged.

24.10.637 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, ~~and~~ as well as other requirements of the Municipal Code:

- a. Educational and cultural institutions.
- b. Community care facilities.
- c. Multiple dwellings, townhouse dwelling groups and condominiums, six units or fewer.
- d. Single-family dwellings on substandard lots.
- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a special use permit; and may also require a design permit as well as ~~and~~ other requirements of the Municipal Code.

- a. Multiple dwellings, townhouse dwelling groups and condominiums, seven units or more, subject to the approval of the city council upon recommendation of the zoning board.
- ~~b. Large family daycare facilities.~~
- be. Recreational buildings and community centers.
- cd. Public and private noncommercial recreation areas, buildings and facilities such as parks, playgrounds and basketball courts.
- de. Public and private commercial parking, subject to landscaping and design standards. Non-conforming parking lots must be brought into compliance within five years of adoption of this Part 7E.

24.10.638 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 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.

Sections 24.10.640 and 24.10.641 remain unchanged.

Section 18. Part 8: C-C Community Commercial District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.700 remains unchanged.

24.10.710 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (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):

Subsections 1.a through 1.r remain unchanged.

s. Small ~~and large~~ family daycare ~~homes in residential units~~ facility in single-family home or duplex;

Subsections 1.t through 1.v remain unchanged.

Section 24.10.720 remains unchanged.

24.10.730 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.c remain unchanged.

~~d. Large family daycare;~~

~~d~~e. Contractor/building (310E);

~~e~~f. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);

~~f~~g. Fabricated metal products (manufacturing) (150);

~~g~~h. Fabricated wire products (manufacturing) (155A);

~~h~~i. Food and beverage preparation (manufacturing) (100);

~~i~~j. Furniture and fixtures (manufacturing) (120);

~~j~~k. Hospitals (520);

~~k~~l. Laboratory research experimentation, testing, software development;

~~l~~m. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;

~~m~~n. Local/interurban passenger transit (bus, cab) (560B);

~~n~~o. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);

~~o~~p. Mixed residential and commercial/office developments, with ten or more multiple dwellings or condominiums, either above commercial uses or units on the same lot (840);

- pq.** Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- qf.** Mortuaries (310I);
- rs.** Motion picture production (manufacturing) (155E);
- st.** Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- tt.** Rental services (360);
- uv.** Single-room occupancy (SRO) housing sixteen units or more (860);
- vw.** Solar equipment (manufacturing) (155C);
- wx.** Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- xy.** Stone, clay, glass products (manufacturing) (140);
- yz.** Storage and warehouse when connected with permitted use (330);
- zaa.** Wholesale trade (nondurable goods) (200):
 - (a) Bakery,
 - (b) Confectionery,
 - (c) Dairy,
 - (d) Health foods;
- aa~~bb~~.** Wholesale trade (durable goods) (210):
 - (a) Paper products and related (210E),
 - (b) Special equipment (machine supply) (210F);
- bb~~ee~~.** Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

Sections 24.10.720 and 24.10.730 remain unchanged.

24.10.740 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 aA 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.

Section 19. Part 10: C-T Thoroughfare Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.900 remains unchanged.

24.10.910 PRINCIPAL PERMITTED USES.

Subsections 1 through 15 remain unchanged.

16. Small and large family daycare homes in residential units ~~facility in a single-family home or duplex.~~

Subsections 17 and 18 remain unchanged.

Section 24.10.920 remains unchanged.

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:

Subsections 1.a through 1.e remain unchanged.

~~f. Large family daycare homes.~~

~~fg.~~ 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.

~~gh.~~ Multiple dwellings and condominiums, nine units or fewer, subject to the minimum land area (net) per dwelling unit of the R-M District (830).

~~hi.~~ Recycling collection facilities.

~~ij.~~ Souvenir and gift shops.

~~jk.~~ Single-family dwellings.

~~kl.~~ Small community care residential facilities.

~~lm.~~ Stores, shops and general retail, subject to alcohol regulations in Part 12 of Chapter 24.12.

~~mn.~~ Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12.

~~no.~~ Temporary structures and uses.

~~op.~~ Truck, boat, trailer, farm equipment, and other heavy equipment sales, service and rental.

~~pq.~~ Two-family dwellings.

~~qr.~~ Veterinary hospitals and clinics.

~~rs.~~ Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

~~st.~~ 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 ~~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.

Section 24.10.950 remains unchanged.

Section 20. Part 11: C-N Neighborhood Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1000 remains unchanged.

24.10.1010 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.j remain unchanged.

k. Small and large family daycare homes in residential units~~facility in a single-family home or duplex.~~

Section 24.10.1020 remains unchanged.

24.10.1030 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.g remain unchanged.

h. ~~Family daycare homes and foster~~Foster family homes;

Subsections 1.i through 1.v remain unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.g remain unchanged.

~~h.~~ Large family daycare facilities;

~~h~~i. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;

~~ij.~~ Two or more stand-alone multiple-family units subject to the minimum land area (net) per dwelling unit of the R-L District (830);

~~jk.~~ Multiple dwellings and condominiums, ten or more units 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-L District (840);

~~kl.~~ Off-site public/private parking facilities, five or more spaces (930);

~~lm.~~ Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);

~~mn.~~ Storage and warehouses with permitted retail (330).

24.10.1040 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 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.

Section 24.10.1050 remains unchanged.

Section 21. Part 12: C-B Beach Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1100 remains unchanged.

24.10.1110 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.o remain unchanged.

p. Small and large family daycare homes in residential units facilities, in single-family home or duplex;

Subsections 1.q through 1.t remain unchanged.

Subsection 24.10.1120 remains unchanged.

24.10.1130 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

- a. Bars/taverns, subject to live entertainment and alcohol regulations of Chapter 24.12;
- ~~b. Large family daycare facilities;~~
- be.** 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);
- ~~cd.~~ Group quarters (850);
- ~~de.~~ Mixed residential and commercial developments with ten or more multiple dwellings or condominiums, either above the first floor or on the same parcel, subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- ~~ef.~~ Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- ~~fg.~~ Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- ~~gh.~~ Off-site public/private parking facilities, five or more spaces (930);
- ~~hi.~~ Refreshment stands and vehicles, when located on private property, in locations clearly incidental and adjacent to beach, park, campgrounds, or other major recreational and tourist facilities or activities.

24.10.1140 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 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.

Sections 24.10.1150 and 24.10.1160 remain unchanged.

Section 22. Part 13: P-A Professional and Administrative Office District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1200 remains unchanged.

24.10.1210 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright if a design permit is obtained for new structures (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):

Subsection 1.a through 1.h remain unchanged.

- i. Small ~~and large~~ family daycare homes in residential units ~~facility in a single family home or duplex.~~

Section 24.10.1220 remains unchanged.

24.10.1230 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 (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):

Subsections 1.a through 1.g remain unchanged.

- h. ~~Large family daycare homes and foster~~ Foster family homes;

Subsections 1.i through 1.o and 2 remain unchanged.

24.10.1240 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 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.

Section 24.10.1250 remains unchanged.

Section 23. Section 24.10.1320 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1320 USE DETERMINATION.

Any other uses or service establishments ~~that are determined by the zoning administrator to be of the same general nature-character as the foregoing uses, and which; those that~~ will not impair the present or potential use of adjacent properties and are consistent with the policies of the Port District Master Plan and the Local Coastal Land Use Plan, may be ~~permitted~~ allowed by special use permit. 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.

Section 24. Part 16: General Industrial District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1500 remains unchanged.

24.10.1505 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (numerical references at the ends 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):

Subsections 1.a through 1.m remain unchanged.

n. Small ~~and large~~ family daycare homes in residential units ~~facility in a single family home or duplex;~~

Subsections 1.o through 1.r remain unchanged.

24.10.1510 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a and 1.b remain unchanged.

- ~~e.~~ Large family daycare;
- ~~c~~d. Group quarters (850);
- ~~d~~e. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
- ~~e~~f. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- ~~f~~g. Paper and allied products subject to performance standards (125);
- ~~g~~h. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- ~~h~~i. Primary metals and material subject to performance standards (145);
- ~~i~~j. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- ~~j~~k. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below forty-five decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- ~~k~~l. Smoking lounges as defined in Section 24.22.748.2 and subject to the siting criteria and performance standards in Chapter 5.54;
- ~~l~~m. Emergency shelters subject to regulations in Part 17 of Chapter 24.12.

Sections 24.10.1520 and 24.10.1525 remain unchanged.

24.10.1530 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~~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.

Section 24.10.1540 remains unchanged.

Section 25, Part 16B: IG/PER-2: General Industrial District/Performance District of Chapter 24.10 – Land Use Districts is hereby added under Part 16B of Chapter 24.10 as follows:

Section 24.10.1600 remains unchanged.

24.10.1605 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (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):

Subsections 1.a through 1.r remain unchanged.

s. Small and large family daycare homes in residential units~~facility in a single family home or duplex;~~

Subsections 1.t through 1.y remain unchanged.

24.10.1610 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a and 1.b remain unchanged.

- ~~e. Large family daycare homes;~~
- ~~c~~d. Food and beverage stores (except liquor and convenience stores) (240);
- ~~d~~e. Government and public agencies (530);
- ~~e~~f. Group quarters (850);
- ~~f~~g. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
- ~~g~~h. Paper and allied products subject to performance standards (125);
- ~~h~~i. Parks and recreation facilities, subject to alcohol regulations in Chapter 24.12, Part 12 (720);
- ~~i~~j. Single-room occupancy (SRO) housing (860) under the following conditions:

- (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
- (2) The lot size is less than six thousand square feet.
- (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
- (4) Ambient interior noise levels can be mitigated below forty-five decibels.
- (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- j. Transportation facilities (560).

Sections 24.10.1615 and 24.10.1620 remain unchanged.

24.10.1630 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.

Section 26. Section 24.10.1780 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1780 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.

Section 27. Part 19: E-A: Exclusive Agriculture of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Sections 24.10.1800 through 24.10.1820 remain unchanged.

24.10.1830 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:
 - a. Daycare (other than family daycare homes) and foster homes for children;
 - b. Eating and drinking establishments;
 - c. Foster family homes;
 - d. Guest ranches;
 - e. Off-street parking facilities accessory and incidental to an adjacent commercial use;
 - f. Temporary structures;
 - g. Veterinary hospitals and clinics;
 - h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - i. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.1840 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 aA 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.

Section 24.10.1850 remains unchanged.

Section 28. Section 24.10.1920 – Use Permit Requirement of Part 20: OF-R Ocean Front (Recreational) District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1920 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:
 - a. Beach, surfing and fishing equipment;
 - b. Fish market;

- c. Identification signs, appurtenant to uses permitted on the premises;
- d. Navigation aids and devices not involving the erection of a structure;
- e. Walls or fences, not to exceed three and one-half feet in height.
- f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

Section 29. Section 24.10.1930 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1930 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.

Section 30. Section 24.10.2030 – Use Permit Requirement of Part 21: F-P Floodplain District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2030 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:
 - a. Ranch and farm dwellings incidental to a principal agricultural use.
 - b. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

Section 31. Section 24.10.2040 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2040 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 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.

Section 32. Section 24.10.2301 – Uses, Development Standards and Design Guidelines of Chapter 24.10 – Land Use Districts 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 ~~Recovery~~ 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 33. Section 24.10.2375 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2375 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the ~~foregoing established uses,~~ and which will not impair the present or potential use of adjacent properties, may be permitted. ~~An administrative use permit will be required.~~ 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.

Section 34. Section 24.10.2385 – Lower Pacific Avenue Design Guidelines of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2385 LOWER PACIFIC AVENUE DESIGN GUIDELINES.

1. Store Front Treatment. The ground-level treatment of buildings and parking structures within the Lower Pacific Avenue subarea should generally comply with the guidelines for the Pacific Avenue retail subarea listed on pages 41-45 of the Downtown ~~Recovery~~ Plan, in terms of: storefront access, transparency, and variation; and the use of landscaping, awnings, and canopies. However, it is recognized that the Lower Pacific Avenue subarea has a more informal character than Pacific Avenues, and as such, more variation of ground-level treatment is envisioned and

encouraged. The use of porches and terraced gardens as an intermediate space between the ground floor use and the sidewalk is permitted, as long as the finished floor elevation of the ground floor use is not more than 4 feet above or below the sidewalk level and accessibility requirements are met.

~~Section 35.~~ Section 24.12.120 – Projections into Required Yard Areas, Setbacks and Easements of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.120 PROJECTIONS INTO REQUIRED YARD AREAS, SETBACKS AND EASEMENTS.

1. Projections Into Required Yard Areas. The following are permitted projections into required yard areas. Projections shall not be permitted in yards that are less than the minimum established by district regulations except as provided for in subsection (2), or as allowed in certain areas under Section 24.12.185.13.

Subsections 1.a and 1.b remain unchanged.

- c. Unroofed decks, porches, patios and steps of pervious materials twenty inches or less above finished grade may extend into ~~conforming interior side yards~~ **required setbacks** without restriction;

Subsections 1.d, 1.e, and 2 through 4 remain unchanged.

~~Section 36.~~ Section 24.12.140 – Accessory Buildings of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.140 ACCESSORY BUILDINGS AND STRUCTURES.

In addition to primary structures, it is often useful and convenient to have accessory buildings and structures to provide storage, allow additional usable indoor or sheltered space, or to perform some other function beyond what is included in the primary structure. These spaces can be provided in a building, defined for the purposes of this section as having a roof and walls, or by another accessory structure such as a pergola or a gazebo. Some spaces, such as children's play equipment, can be classified as either a building (i.e. enclosed playhouse) or a structure (i.e. swing set). The defining characteristic of these buildings and structures is that they are accessory and subordinate to the primary structure and do not detract from the form and function of the primary structure and are complimentary to its use.

1. Accessory Buildings. Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they are located. Accessory buildings are separate and distinct from accessory dwelling units, which are subject to the regulations in Part 2 of Chapter 24.16.

- ~~1~~a. No setback shall be required for an accessory building except as otherwise provided.
- ~~2~~b. No accessory building shall be located in a front or exterior side yard with the exception of children's play equipment less than five feet in height and less than thirty square feet in area. The vehicle entry side of a garage or other covered parking may not be located closer than twenty feet from front or exterior side yard lot lines; except that the vehicle entry side of a garage or other covered parking may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation.
- ~~3~~c. Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter 24.10; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.
- ~~4~~d. Accessory buildings that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.
- ~~5~~e. Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building; and shall conform to principal building rear and side yard requirements of the district in which they are located. No habitable accessory building shall be used as a separate dwelling unit except accessory dwelling units as described in Part 2 of Chapter 24.16. Guesthouses for nonpaying guests are allowed only if permitted in the zoning district in which they are located.
- ~~6~~f. Accessory buildings may not cover an area in excess of thirty percent of any required yard setback area for the primary structure. In the coastal zone, standards applicable to accessory dwelling units can be found in Section 24.12.140(10). The footprint of accessory dwelling units shall count toward the maximum allowable lot coverage by other accessory structures in yard setback areas; however, the maximum allowable lot coverage does not apply to the accessory dwelling unit itself.
- ~~7~~g. An accessory building attached to a main building by a breezeway is not part of the main building.
- ~~8~~h. An accessory building may have one sink installed in it if a building permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building without approval of an administrative use permit. Any additional plumbing fixtures would

require an administrative use permit subject to ~~following~~ findings listed in subsection (9*i*) and a building permit for the approved improvements.

9*i*. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit is approved in accordance with district regulations and all of the following findings are made:

- a*i*. The structure and use are subordinate to the principal use; and
- b*ii*. The purpose of the use is incidental to the principal use; and
- c*iii*. The use is customarily or reasonably appurtenant to the permitted use; and
- d*iv*. The structure will not be used as a dwelling unit ~~except as set forth in Chapter 24.16, Part 2, Accessory Dwelling Units~~; and
- e*v*. A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.

j10. In the coastal zone, and in addition to meeting all other applicable requirements (e.g., standards specified in Section 24.16.100 et seq.), ADUs shall meet the following additional standards:

- i*a*. ADUs are allowed in any zone that allows residential uses on lots of any size, in conjunction with a proposed or existing residential use, provided they are sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable LCP policies and standards, including those that govern wetlands, streams, environmentally sensitive habitat areas, public views, and coastal bluffs.
- ii*b*. Off-street parking shall be required in compliance with Section 24.12.240(1).

2. Accessory Structures. Accessory structures are subject to the regulations and permit requirements of the zoning district in which they are located.

- a. Accessory structures above eight feet in height shall not be located in a front or exterior side yard with the exception of entry features as described in Section 24.12.150(a)(3). No accessory structure in the front or exterior side yard may be located within the clear corner triangle as defined in section 24.22.202.
- b. Accessory structures located in the rear or interior sideyard that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code. This includes fences within the West Cliff Drive Overlay District that conform to Section 24.12.160.

Section 37. Section 24.12.160 – Fencing and Screening of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.160 FENCING AND SCREENING.

1. Fencing. Regulations governing the installation, construction and placement of fences and structures in the nature of fences which exceed height limitations contained herein are set forth in Chapter 24.08, Part 7, Conditional Fence Permit.

a. Height Limitations. No person shall erect upon any private property in the city any fence, or structure in the nature of a fence, exceeding the following height limitations:

(1) Within the required front ~~and exterior side~~ yard setback areas established by this title, Chapter 18.04, or other ordinances of the city, fences shall not exceed a height of three feet, six inches from finished grade, except as provided in Chapter 24.08, Part 7.

(2) Within the exterior side yard setback established by this title, Chapter 18.04, or other ordinances of the city, fences outside of the front yard setback or in line with the main building frontage, whichever distance is greater, that are set back a minimum of three feet from the exterior side property line shall not exceed a height of six feet from finished grade, except as provided in Chapter 24.08, Part 7. Fences within the exterior side yard setback that are less than three feet from the side property line or within the front setback area shall not exceed a height of three feet, six inches from finished grade. Any yard area between a fence and the sidewalk or property line shall be landscaped and permanently maintained.

(3) On any portion of the property outside of the required front and exterior side yard setbacks, fences shall not exceed a height of eight feet from finished grade, with any portion of the fence above six feet consisting of lattice or other similar material that is at least 50% open except as provided in Chapter 24.08, Part 7. This maximum fence height does not apply to fences along an alley or the rail trail associated with an Accessory Dwelling Unit, where fences are limited to three feet, six inches along the alley or rail trail unless a conditional fence permit is approved for greater height.

(4) Any fence along a property line adjacent to a street, or in the adjacent required setback, except in the clear corner triangle, may include a gate, trellis or other entry feature exceeding the height limit stated in subsections (1)(a)(1) and (2). Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such gate, trellis or entry feature shall be permitted per street frontage except as provided in Chapter 24.08, Part 7.

Subsections 1.b through 1.g and section 2 remain unchanged.

Section 38. Section 24.12.192 – Outdoor Extension Areas of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.192 OUTDOOR EXTENSION AREAS.

The purpose of outdoor extension areas is to enhance streetscape on the city's corridors by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public street. These uses include outdoor eating

areas, retail areas and landscaping. In this section the term “adjacent business” shall apply to the business using the extension area. If the sidewalk width allows it, the adjacent business may be separated from the extension area by the public walkway. This section is applicable citywide, except for areas within the Downtown Recovery Plan which are subject to Section 24.10.2340.

Section 39. Section 24.12.430 Protection of Archaeological Resources of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES.

Subsection 1 remains unchanged.

2. Archaeological reconnaissance is required on sites proposed for development within areas identified as “highly sensitive” or “sensitive” on the general plan maps labeled “areas of archaeological sensitivity” and “historical archaeology sensitivity” prior to the issue of building or development permits. ~~For development on sites that have “known resources” see subsection (12).~~

Subsections 3 through 11 remain unchanged.

~~12. Development on Known Archaeological Sites. No building permit for any earth-disturbing activity shall be issued on parcels identified by resolution of the city council as containing known cultural or archaeological resources without the owner first obtaining an administrative use permit. The administrative use permit shall be conditioned with appropriate archaeological survey and mitigation procedures such as those prescribed in the Historic Preservation Element and the Local Coastal Land Use Plan.~~

Section 40. Section 24.12.1108 – Modification of Existing Establishments Selling Alcoholic Beverages of Chapter 24.12 – Community Design 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 ~~or redevelopment agency~~ 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 or redevelopment agency, a period of closure for at least two years or six months after the city's or redevelopment agency'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.

Subsection 2 remains unchanged.

*Project # A22-0002 includes those amendments that are not also implementing regulations to the Local Coastal Program. Project A22-0003 includes amendments that also amend the Local Coastal Program.

2022 Ordinance Update Summary Table

Project No*	Section Numbers	Section Title	Description of Change
A22-0003 LCP	24.04.030	Types of Permits	Update list of permit types to remove conditional driveway permit and grading for known archaeological sites, add project modifications
A22-0003 LCP	24.04.050, 24.12.1108	Permit Application, Submittal and Processing; Modifications of Existing Establishments Selling Alcoholic Beverages	Remove "Redevelopment Agency"
A22-0003 LCP	24.04.090	Public Hearing Requirement	Add "low risk alcohol outlets" to list of items that don't require a public hearing
A22-0003 LCP	24.04.130	Decision-Making Body with Final Authority	Add "variations to parking design requirements and number of spaces" and "low risk alcohol outlets" to AUPs that don't require a public hearing and remove large family daycare homes; remove conditional driveway permit
A22-0003 LCP	24.04.160(4)(b)	Life of Permit	Clarify that minor modifications that don't increase floor area or intensity of use not subject to once-in-5-years restriction
A22-0002	24.06.020	Initiation	Include Planning Director as allowed to initiate zoning map and text amendments
A22-0003 LCP	24.08.030	Procedure-Administrative Use Permits	Remove large family daycare homes from and add low risk alcohol to no public hearing list
A22-0002	Part 14 of 24.08	Residential Demolition/Conversion Authorization Permits	Update Relocation Assistance and Replacement Housing requirements, remove In Lieu Fees section to bring into compliance with State law
A22-0002	Part 23 of 24.08	Conditional Driveway Permit	Delete remainder of section inadvertently retained in prior ordinance deletion
A22-0002	24.10.160	Home Occupation Regulations	Add large family daycare homes as exempt from permits per State law
A22-0003 LCP	24.10.330	Use Permit Requirement	Correction #2 to say "special" rather than "administrative" use permit
A22-0003 LCP	24.10.210, .230; .310, .330; .410, .430; .510, .530; .565, .575; .603, .604; .611, .612; .619, .620; .627, .628; .636, .637; .710, .730; .910, .930; .1010, .1030; .1110, .1130; .1210, .1230; .1505, .1510; .1605, .1610, .1830	Principally permitted uses, Use Permit required (all zoning districts that allow residential uses)	Add large family daycare homes as a principally permitted use, remove large family daycare homes from uses that require a use permit per State law; add "may also require" and "per section 24.08.410" to design permit requirement to clarify when design permit is required

Project No*	Section Numbers	Section Title	Description of Change
A22-0003	24.10.240, .340, .440, .540, .580, .606, .614, .622, .625.4, .630, .638, .740, .940, .1040, .1140, .1240, .1320, .1530, .1630, .1780, .1840, .1930, .2040, .2375	Use Determination (all zoning districts)	Standardize use determination language in all zoning districts, add to IG/PER-2, with zoning administrator determining similar use
A22-0003	24.10.2301, 24.10.2385, 24.12.192	CBD Uses, Lower Pacific Design Guidelines, Outdoor Extension Areas	Remove “Recovery” from Downtown Recovery Plan
A22-0003	24.12.120	Projections into required yard areas	Change “conforming interior side yards” to “required setbacks” to allow uncovered decks, porches, patios etc. under 20” in all yards
A22-0003	24.12.140	Accessory Buildings	Add structures back into ordinance, separate into 2 sections (building, structures), allow children’s play equipment in front yard w/ height limit of 5 feet and 30 sq. ft. area for buildings and 8 feet for structures (all); exempt conforming fences from design permits in West Cliff Dr. overlay district
A22-0003	24.12.160	Fencing and Screening	Allow up to 6’ for exterior side yard fences with a minimum 3’ setback from property line set back from the front property line by the district front setback or the front of the building, whichever is greater; add 3’6” height limit for fences facing alleys or rail trail with ADU adjacent for consistency w/ADU ordinance
A22-0003	24.12.430	Protection of Archeological Resources	Remove “known archeological sites” per state requirement
A22-0002	24.14.030	Slope Regulations	Clean up reference to prior code section, refer to Slope Development Permit section.
A22-0002	24.16.015, 24.16.020, 24.16.205	Definitions, Basic on-site inclusionary housing requirements, Affordable Housing Provisions Definitions	Replace SOU (Small Ownership Units) with FDUs (flexible density units); add definition of FDU
A22-0002	Part 7 of 24.16	Accessory Dwelling Units	Clean up minor errors; clarify that an entitled project is considered “existing” for the purposes of ADU development; update parking requirements, fence height for consistency
A22-0002	24.22.162	Definitions – Building, Height of	Add that midpoint of roof is determined using the intersection of the roof and exterior side wall and doesn’t include eaves.
A22-0002	24.22.355	Family Daycare Homes	Revise definition to remove licensing details, limit to # of children and residence of provider

Viviane Nguyen

From: A Webb <aw.info.sub@gmail.com>
Sent: Tuesday, July 19, 2022 4:54 PM
To: City Plan; Bonnie Bush
Subject: 7/21.22 - Agenda Zoning Ordinance Updates A22-0002 and A22-0003

Dear Planning Commissioners,

The *Zoning Ordinance Update Summary Table* states:

"24.06.020 Initiation: Include Planning Director as allowed to initiate zoning map and text amendments"

I had asked during the public zoom meeting: under what scenarios would the Planning Director initiate such changes, and the answer was: none.

Yet, it is still in this Table. **So, the question remains - can anyone answer this?**

Please **ADD these two topics** into these Zoning and Objective Ordinance Amendments as explained below:

1. Problem: Light Pollution and Glare

There is a **glaring omission in permit standards** with regard to Building and/or Parking Lot lighting CHANGES, whether on private or public property, when near a residential use. Where I live, we are presently struggling with two hotel/motel parking lots that replaced their fully hooded, incandescent type warm yellow lighting that, when originally installed, complied with City standards to contain lighting onto the lot where needed without glare intrusion into neighboring uses.

In this case, no permit was sought, and I assume not required, to subsequently replace lightheads. Unfortunately, the replacement lightheads are extremely bright white blue- spectrum LED lighting (brighter than City street lights), none of the 12 lightheads were shielded. This created an instant huge impact with bright glare trespass and intrusion into many neighboring homes - especially bedroom windows.

The lack of any City approval process on such long-term changes has caused a tremendous burden on neighbors to get the property owner to reduce glare intrusions into homes, causing a bright "spot light" effect into windows and yards. This in turn is causing disruption to lifestyles, sleep and wellbeing, and forcing financial burden onto those impacted to block these new harsh impacts they are suddenly being subjected to. This is hardly equitable, especially for our largely low income community.

Lack of willingness of property owners to understand such impacts, and work cooperatively to reduce them and install proper shielding on ALL offending lightheads, then forces neighbors to seek City assistance via a complaint process. **This could be completely avoided with a proper system in place for COMMUNICATING and requiring compliance with stated City strategies to reduce such major lighting impacts, including when making future lighting changes or upgrades.**

City Code Compliance seems to need clearer guidelines on what Light Pollution, and Light Glare/Trespass is, to make it a simpler process, without the burden of neighbors having to pursue this channel or further legal battles over impacts that could easily be avoided in the first place - **especially when such standards are originally required**. When such long-term changes are made, a permit should be required to insure **all standards continue to be complied with**.

Solution to Light Pollution and Glare:

Please add a section that requires a property owner, when upgrading or improving existing building and/or parking lot lighting, or adding to building and/or parking lot lighting, to obtain a

simple permit **that emphasizes compliance with the City's Green Building standards as follows:**

Green Building standards, **Non-Residential**, including **Improvements:**

<https://www.cityofsantacruz.com/home/showpublisheddocument/35643/635418232770030000>

Light Pollution Reduction

Comply with lighting power requirements in Energy Code and design interior / exterior lighting so that **zero direct-beam illumination** leaves the building site, using the following strategies:

- **Shield all exterior luminaires or use cutoff luminaires.**
- Contain interior lighting within each source.
- Allow no more than .01 horizontal foot candle 15 ft. beyond site.
- Contain all **exterior lighting within property boundaries**

2. Problem: Fencing on shared boundaries to residential uses:

"24.12.160 FENCING AND SCREENING.

(3) On any portion of the property outside of the required front and exterior side yard setbacks, fences shall not exceed a height of **eight feet** from finished grade, with any portion of the fence above six feet consisting of lattice or other similar material that is at least 50% open except as provided in Chapter 24.08, Part 7. This maximum fence height does not apply to fences along an alley or the rail trail associated with an Accessory Dwelling Unit, where fences are limited to three feet, six inches along the alley or rail trail unless a conditional fence permit is approved for greater height."

Where existing fencing is 6-feet as has been City standard, even adding a 2-ft addition (including lattice) can pose an undue or unintended impact to a shared border fence with a residential use whereby solar access becomes blocked. **For example**, my home that I own sits 3-feet from a shared 6-ft fenceline with a business use on the east, and 3-ft from residential neighbors on the south and north. Within this small 3-ft setback, it has taken me nearly 10 years to dial in exactly what food items I can grow where, and at what time of the year based on the arc of the sun, based on **sun exposure needed. My garden reduces my grocery bill** these past 20 years - important for fixed low income, especially this past year of inflation, and I share fresh veggies with my fixed low income neighbors. I also have a butterfly and bird habitat - more important than ever with the chipping away of our natural habitats due to development. Our pollinators are important to growing human food and environmental health.

Also the **solar access into my home** is important to not have to rely on electricity use for that in the daytime or evening, and I can grow indoor plants that improve indoor environment, and also enjoy existing views from windows. As we crowd residences tighter, there has to be a balance of not TAKING away important neighboring uses that contribute to health and wellbeing just for a fence.

My understanding from participating in the zoom meeting when this change was discussed, the City's goal is to reduce public hearings for increasing fence heights.

NOTE: *The Zoning Ordinance Update Summary Table included in this Agenda is not the same as that used in the public zoom meeting discussing these changes - with regard to Fence heights. The Amended/updated ordinance reads 8 feet, the Table reads 6 feet and doesn't mention the new 8 foot height.*

This fence height in Zoning Ordinance is also part of Objective Standards.

Solution: to avoiding unintended impacts by increasing fence heights to 8-ft without a public hearing option:

Increasing this 6-ft standard to an 8-ft height, regardless of the 50% lattice idea which can still block solar access and exposure in a permanent way, **create a form of which neighbors to all borders where a 6-8 foot fence is to be erected, or height added to an existing 6-ft fence with lattice can sign off on**, including a section to where impact concern can be stated if any, with their name and address and contact info. Also that this change does NOT override a property's existing Building Permit Conditions that dictate a 6 ft or less fence height, inclusive of trellis, gates, etc. If there is a concern, such as my example, that there is a process of which this can be reviewed with the goal of avoiding permanent impacts. This would satisfy the City staff's desire to reduce their time involvement by placing that effort on the property owner making the change.

Thank you in advance for incorporating these important additions!

Sincerely,
Anita Webb
Santa Cruz



SUPPLEMENTAL MEMO TO PLANNING COMMISSION

DATE: July 20, 2022

TO: Planning Commission

MEETING DATE: July 21, 2022

SUBJECT: Revisions to A22-0002, Zoning Ordinance Amendments, Related to
Replacement Housing and Relocation Assistance

The proposed amendments to Section 2 of A22-0002, Part 14: Residential Demolition/Conversion Authorization Permits of Chapter 24.08 – Land Use Permits and Findings, were initially intended to reference changes in State law affecting housing demolition and relocation assistance requirements in a manner that made it clear that State law on this subject may take precedence over the Municipal Code, reconcile those changes with local regulations in some instances, and remove language that was inconsistent with State law.

State law on replacement housing and relocation assistance is extremely complex and detailed. After publication of the packet, it was recognized that, in certain instances, the existing local laws could apply where State law currently does not. To avoid making changes that would reduce relocation assistance or replacement housing requirements, staff has revised Section 2 of A22-0002 (see attachments) to retain the majority of the original language while adding a section that references State law and provides context for this part of Chapter 24.08. The intent is to ensure that prospective applicants know that, with respect to relocation assistance and replacement housing, State law may apply or local regulations may apply, and whichever is more stringent will take precedent.

Submitted by:

Katherine Donovan
Senior Planner

Reviewed by:

Lee Butler
Planning & Community Development Director

Attachments:

1. Revised A22-0002, Section 2: Part 14: Residential Demolition/Conversion Authorization Permits of Chapter 24.08 – Land Use Permits and Findings, Clean Copy
2. Revised A22-0002, Section 2: Part 14: Residential Demolition/Conversion Authorization Permits of Chapter 24.08 – Land Use Permits and Findings, Redline Version

A22-0002 REVISIONS, July 20, 2022

Section 2. Part 14: Residential Demolition/Conversion Authorization Permits of Chapter 24.08 – Land Use Permits and Findings is hereby amended as follows:

Sections 24.08.1310 remains unchanged.

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.

Sections 24.08.1325 through 24.08.1345 remain unchanged.

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.

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.

Sections 24.08.1362 through 24.08.1380 remain unchanged.

A22-0002 REVISIONS

Section 2. Part 14: Residential Demolition/Conversion Authorization Permits of Chapter 24.08 – Land Use Permits and Findings is hereby amended as follows:

Sections 24.08.1310 remains unchanged.

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.

Sections 24.08.1325 through 24.08.1345 remain unchanged.

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 ~~one~~two years prior to the date of submission of the application for the demolition/conversion permit, ~~or 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.~~

Relocation assistance shall be defined as two months' rent ~~or 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 ~~issuance~~ 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.

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 ~~may~~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.

Sections 24.08.1362 through 24.08.1380 remain unchanged.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 24.04 – ADMINISTRATION; 24.08 – LAND USE PERMITS AND FINDINGS; 24.10 – LAND USE DISTRICTS; AND 24.12 – COMMUNITY DESIGN OF THE SANTA CRUZ MUNICIPAL CODE AND LOCAL COASTAL PROGRAM

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

Section 1. Section 24.04.030 – Types of Permits and Other Actions Authorized by this Title of Chapter 24.04 - Administration is hereby amended as follows:

24.04.030 TYPES OF PERMITS AND OTHER ACTIONS AUTHORIZED BY THIS TITLE.

The following permits and actions are established in order to carry out the purposes and requirements of this title:

1. Appeals;
2. Coastal permit;
- ~~3. Conditional driveway permit;~~
- ~~34.~~ Conditional fence permit;
- ~~45.~~ Conservation regulations modifications (in the Coastal Zone only);
- ~~56.~~ Design permit;
- ~~67.~~ Demolition/conversion permit:
 - a. Demolition authorization permit for residential structures,
 - b. Historic demolition permit;
- ~~78.~~ Extension of permits;
- ~~89.~~ Historic building survey: building designation and deletion;
- ~~910.~~ Historic alteration permit;
- ~~9a10a.~~ Administrative historic alteration permit;
- ~~1011.~~ Historic landmark designation;
- ~~1112.~~ Mobile homes: certificate of compatibility;
- ~~1213.~~ Mobile home park conversion;
- ~~1314.~~ Planned development permit;
14. Project modifications, pursuant to Section 24.04.160(4)(b);
15. Relocation permit;
16. Revocation of permits;
17. Signs:
 - a. Design permit (for signs),
 - b. Building permit (for signs),
 - c. Sign permit – public art exception;
18. Slope Development Permit (outside the Coastal Zone)
19. Use permit:
 - a. Administrative use permit, for uses requiring an administrative use permit; ~~plus the following:~~

- (1) ~~Any earth-disturbing activity on known archaeological sites;~~
- b. Special use permit, for uses requiring a special use permit;
- 20. Variance;
- 21. Watercourse development permit;
- 22. Watercourse variance;
- 23. Zoning Ordinance and General Plan text/map amendments;
- 24. ~~Project modifications, pursuant to Section 24.04.160(4)(b).~~

Section 2. Section 24.04.050 – Permit Application, Submittal and Processing of Chapter 24.04 - Administration is hereby amended as follows:

24.04.050 PERMIT APPLICATION, SUBMITTAL AND PROCESSING.

Application for any permit shall be made by the property owner, or his/her authorized agent, to the zoning administrator on forms prescribed for the purpose. Alternatively, where a property developer has entered into an owner participation agreement or a disposition and development agreement with ~~the redevelopment agency of the city of Santa Cruz~~ for development of property for which the developer has yet to secure site control, the ~~city redevelopment agency~~ may make the permit application if the subject agreement provides for the ~~city's redevelopment agency's~~ acquisition of the property on the developer's behalf. The application shall include information as may be necessary for adequate review of the application. A list of such information is set forth on the application form.

Section 3. Section 24.04.090 – Public Hearing Requirement of Chapter 24.04 – Administration of the Santa Cruz Municipal Code is hereby amended as follows:

24.04.090 PUBLIC HEARING REQUIREMENT.

A public hearing shall be required for the following:

Subsections 1 through 12 remain unchanged.

~~13. Relocation of structures;~~

~~13~~14. Revocation of permits;

~~14~~15. Use permits:

- a. Administrative use permits, except:
 - ~~i.~~ when the proposed use is temporary, as defined in this title;
 - ~~ii.~~ for variations to parking design requirements and number of spaces; ~~and~~
 - ~~iii.~~ for half baths in accessory structures; and
 - ~~iv.~~ for low risk alcohol outlets;
- b. Special use permits (including historic district/historic landmark use permits);

~~15~~16. Variance;

~~16~~17. Watercourse variance;

~~17~~18. Project modifications, pursuant to Section 24.04.160(4)(c);

~~18~~19. Zoning Ordinance and General Plan text and map amendments.

Section 4. Section 24.04.130 – Decision-Making Body with Final Approval Authority on Application Approval of Chapter 24.04 - Administration is hereby amended as follows:

Subsections 1 and 2 remain unchanged.

3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU*)		ZA*	CPC/CC/CCC*
Administrative Use Permit: Large family day care homes, temporary <u>Temporary</u> uses, <u>variations to parking design requirements and number of spaces,</u> <u>low risk alcohol outlets,</u> and half baths in accessory buildings	ZA			CPC/CC
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Driveway Permit	-	-	ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC

The remainder of this table remains unchanged.

Section 5. Section 24.04.160 – Life of Permit of Chapter 24.04 - Administration is hereby amended as follows:

24.04.160 LIFE OF PERMIT.

Subsections 1 through 3, no change.

4. Modifications.

Subsection a remains unchanged.

b. Minor Modification Criteria. The zoning administrator may approve any requested minor modifications on any permit which involves minor increases in floor area that do not exceed fifteen percent of the approved project or involve use intensifications permitted by the zone that do not increase parking above fifteen percent of the approved parking for the project without a public hearing as long as the proposed modification is consistent with all sections of the Zoning Ordinance. Only one such modification or project will be allowed within any five-year period without review by the planning commission or at a publicly noticed zoning administrator hearing if the original approval was administrative or was decided at a public hearing before the zoning administrator. ~~Additional~~ Minor modifications not related to such increases in floor area or use intensifications may be approved without a public hearing and are not subject to the five year limitation.

Subsection 4.c remains unchanged.

Section 6. Section 24.08.030 – Procedure – Administrative Use Permit of Chapter 24.08 – Land Use Permits and Findings is hereby amended as follows:

24.08.030 PROCEDURE – ADMINISTRATIVE USE PERMIT.

1. The zoning administrator is hereby authorized to issue use permits for all uses designated in the district regulations of this title as being subject to the issuance of an administrative use permit.
2. A public hearing shall be held, except in the following cases:
 - a. Where the proposed use is temporary, as defined herein;
 - ~~b. Where the proposed use pertains to a large family daycare home as defined in Section 24.22.355;~~
 - ~~e~~b. Where the proposed use permit is for a variation to design standards for parking or for a reduction to the required number of parking spaces; ~~or~~
 - ~~d~~c. Where the proposed use is for the construction of a half bathroom in an accessory building, subject to the requirements in Section 24.12.140.; or
 - d. Where the proposed use is for a low risk alcohol outlet subject to the requirements of Part 12: Alcoholic Beverage Sales of Chapter 24.12.

Section 7. Part 3: R-S Residential Suburban District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.200 remains unchanged.

24.10.210 PRINCIPAL PERMITTED USES.

Subsections 1 through 3 remain unchanged.

4. Small and large family daycare homes in residential units ~~single-family dwellings or duplexes.~~

Subsections 5 through 8 remain unchanged.

24.10.230 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:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - ~~e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~
 - e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

24.10.240 USE DETERMINATIONS.

Any other use or service establishment determined by the zoning board 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 board 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.

Section 24.10.250 remains unchanged.

Section 8. Part 4: R-1 Single-Family Residence District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.300 remains unchanged.

24.10.310 PRINCIPAL PERMITTED USES.

Subsections 1 and 2 remain unchanged.

3. Small and large family daycare homes in residential units ~~single-family dwellings or duplexes.~~

Subsections 4 through 7 remain unchanged.

24.10.330 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:
 - a. Family animal farm.
 - b. Temporary structures and uses.
 - c. Young farmer projects on sites of twenty thousand square feet or more on which a child may be permitted to raise one kid, lamb, or calf for a one-year period.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - ~~e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~
 - e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
2. The following uses are subject to approval of an administrative a special use permit and may also require a design permit per section 24.08.410:

Subsections 2.a through 2.i remain unchanged.

24.10.340 USE DETERMINATION.

Any other use or service establishment determined by the zoning board 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.

Sections 24.10.350 and 24.10.351 remain unchanged.

Section 9. Part 9: R-L Multiple Residence – Low Density of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.400 remains unchanged.

24.10.410 PRINCIPAL PERMITTED USES.

Subsections 1 and 2 remain unchanged.

3. Small and large family daycare homes in residential units.
- ~~4. Large family daycare homes in single family dwellings or duplexes.~~
- ~~45.~~ Two-family dwellings, subject to the density requirements in the General Plan.
- ~~56.~~ Community garden.
- ~~67.~~ Single-family dwellings, subject to the density requirements in the General Plan.

- 78.** 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. Park and recreational facilities.
 - 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, and Section 24.10.430.
- 89.** Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.
- 940.** Supportive and transitional housing.

24.10.430 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:
 - a. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - b. Temporary structures and uses.
 - c. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
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:
 - a. Bed-and-breakfast inns, subject to requirements in Chapter 24.12, Part 9.
 - b. Community care facilities including daycare (except family daycare homes), retirement home, foster home, and nursing home (seven or more persons).

Subsections 2.c through 2.h remain unchanged.

24.10.440 USE DETERMINATION.

Any other use or service establishment determined by the zoning board 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.

Section 24.10.450 remains unchanged.

Section 10. Part 6: R-M Multiple Residence – Medium Density of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.500 remains unchanged.

24.10.510 PRINCIPAL PERMITTED USES.

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):

Subsections 1 through 3 remain unchanged.

4. Small and large family daycare homes in residential units.
- ~~5. Large family daycare homes in single family home or duplex.~~
56. 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, and Section 24.10.530.
- ~~67.~~ Supportive and transitional housing.
78. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

24.10.530 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:
 - a. Expansion of an existing single-family dwelling if the lot area is six thousand square feet or less.
 - b. Two family dwelling if the lot area exceeds five thousand five hundred square feet.
 - c. Temporary structures and uses.
 - d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - e. Single-family dwellings on substandard lots.
 - f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
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:

- a. Bed-and-breakfast inns, subject to requirements contained in Part 9, Chapter 24.12.
- b. Community care facilities (seven or more persons) including daycare (other than family daycare homes), foster home, nursing home, retirement home.

Subsections 2.c through 2.h remain unchanged.

24.10.540 USE DETERMINATION.

Any other use or service establishment determined by the zoning board ~~board~~ 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.

Section 24.10.550 remains unchanged.

Section 11. Part 6A: R-H Multiple Residence – High-Density District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.560 remains unchanged.

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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). 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. Environmental review must be conducted in accordance with city and state guidelines:

Subsections 1 and 2 remain unchanged.

3. Small and large family daycare homes in residential units; (510a)
- ~~4. Large family daycare homes in single-family dwellings or duplexes; (510a)~~
- ~~4~~5. Supportive and transitional housing;
- ~~5~~6. Accessory dwelling units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

Section 24.10.570 remains unchanged.

24.10.575 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, in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (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):

- a. Expansion of any existing single-family dwelling; (800)
- b. Two-family dwelling if the lot area allows only two. New single-family development is not permitted; (810)
- c. Temporary structures and uses;
- d. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- ~~e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~
- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.580 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.

Section 24.10.585 and 24.10.590 remain unchanged.

Section 12. Part 7A: Subdistrict A – Medium-Density Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.602 remains unchanged.

24.10.603 PRINCIPAL PERMITTED USES.

1. The following uses ~~are~~ may be subject to approval of a design permit per section 24.08.410 as well as ~~and~~ other requirements of the Municipal Code (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):

- a. Duplexes; (810)
- b. Small and large family daycare homes in residential units ~~facility in single-family home or duplex~~ (510a);

Subsections 1.c, 1.d, and 2 remain unchanged.

24.10.604 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit, ~~and a~~ may also require a design permit per section 24.10.410, and are subject to all other requirements of the Municipal Code (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):

Subsections 1.a through 1.d remain unchanged.

- ~~e. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence);~~
- ~~ef.~~ Supportive and transitional housing in multifamily dwellings (three to nine units).
- f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.606 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 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.

Section 24.10.608 remains unchanged.

Section 13. Part 7B: Subdistrict B – Motel Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Subsection 24.10.610 remains unchanged.

24.10.611 PRINCIPAL PERMITTED USES.

1. Accessory dwelling units subject to the provisions of Chapter 24.16, Part 2.
2. Small and large family daycare homes in residential units.

24.10.612 USE PERMIT REQUIREMENTS.

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 as well as ~~and~~ other requirements of the Municipal Code (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):

Subsections 1.a through 1.g remain unchanged.

~~h. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~

hi. Supportive and transitional housing, nine or fewer units.

Subsection 2 remains unchanged.

24.10.614 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 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.

Section 24.10.616 remains unchanged.

Section 14. Part 7C: R-T (C) Subdistrict C – Beach Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.618 remains unchanged.

24.10.619 PRINCIPAL PERMITTED USES.

1. The following uses are allowed, subject to a Design Permit for new construction per section 24.08.410 and other requirements of the Municipal Code (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):

Subsections 1.a through 1.d remain unchanged.

e. Small and large family daycare homes in residential units~~facility in single-family home or duplex;~~

Subsections 1.f, 1.g, and 2 remain unchanged.

24.10.620 USE PERMIT REQUIREMENT.

(1) The following uses require an administrative use permit, ~~and~~ may also require a design permit per section 24.08.410, and are subject to other applicable requirements of the Municipal Code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.m remain unchanged.

~~(n) Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence);~~

~~(ne)~~ Liquor stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);

~~(op)~~ Mixed residential, and commercial developments when multiple family units are located above first floor of commercial uses, subject to the R-T(A) District regulations (830);

~~(pe)~~ Multiple dwellings, townhouse dwelling groups and condominiums (three to nine units) subject to the R-T(A) District regulations (830);

~~(qf)~~ Museum and art galleries (600);

~~(rs)~~ Professional offices associated with a visitor-serving use (400);

~~(st)~~ Repairs, alterations, maintenance services to household items (except boat repair) (340);

~~(tu)~~ Single-room occupancy (SRO) housing, fifteen units or fewer (860);

~~(uv)~~ Specialty retail supply stores (290);

~~(vw)~~ Supportive and transitional housing (three to nine units) subject to the R-T(A) District regulations;

~~(wx)~~ Temporary structures and uses;

~~(xy)~~ Video rental (360B);

~~(yz)~~ Sports and recreation facilities, without alcohol sales (720);

~~(zaa)~~ Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.622 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 aA 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.

Section 24.10.624 and 24.10.624.1 remain unchanged.

Section 15. Section 24.10.625.4 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.625.4 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 aA 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.

Section 16. Part 7D: R-T(D) Subdistrict D – Beach Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.626 remains unchanged.

24.10.627 PRINCIPAL PERMITTED USES.

1. The following uses are permitted, subject to a design permit per section 24.08.410, Conservation Overlay District (Section 24.10.4000), and other requirements of the Municipal Code (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):

Subsections 1.a and 1.b remain unchanged.

c. Small and large family daycare homes in residential units ~~single-family homes or duplexes~~ (510a);

Subsections 1.d through 1.f remain unchanged.

24.10.628 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also be subject to a design permit per section 24.08.410, as well as and other requirements of the Municipal Code (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):

Subsections 1.a through 1.c remain unchanged.

~~d. Large family daycare homes (no design permit required unless otherwise required as a result of a structural modification to the residence).~~

d. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.630 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 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.

Sections 24.10.632 and 24.10.633 remain unchanged.

Section 17. Part 7E: R-T(E) Subdistrict E – Beach Medium/High Density Residential of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.635 remains unchanged.

24.10.636 PRINCIPAL PERMITTED USES.

1. The following uses are permitted and may also require ~~subject to~~ a design permit per section 24.08.410 as well as and other requirements of the Municipal Code:

Subsection 1.a remains unchanged.

- b. Small and large family daycare homes in residential units.

Subsection 1.c remains unchanged.

24.10.637 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, ~~and~~ as well as other requirements of the Municipal Code:

- a. Educational and cultural institutions.
- b. Community care facilities.
- c. Multiple dwellings, townhouse dwelling groups and condominiums, six units or fewer.
- d. Single-family dwellings on substandard lots.
- e. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

2. The following uses are subject to approval of a special use permit; and may also require a design permit as well as ~~and~~ other requirements of the Municipal Code.

- a. Multiple dwellings, townhouse dwelling groups and condominiums, seven units or more, subject to the approval of the city council upon recommendation of the zoning board.
- ~~b. Large family daycare facilities.~~
- be. Recreational buildings and community centers.
- cd. Public and private noncommercial recreation areas, buildings and facilities such as parks, playgrounds and basketball courts.
- de. Public and private commercial parking, subject to landscaping and design standards. Non-conforming parking lots must be brought into compliance within five years of adoption of this Part 7E.

24.10.638 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 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.

Sections 24.10.640 and 24.10.641 remain unchanged.

Section 18. Part 8: C-C Community Commercial District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.700 remains unchanged.

24.10.710 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (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):

Subsections 1.a through 1.r remain unchanged.

s. Small ~~and large~~ family daycare ~~homes in residential units~~ facility in single-family home or duplex;

Subsections 1.t through 1.v remain unchanged.

Section 24.10.720 remains unchanged.

24.10.730 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.c remain unchanged.

~~d. Large family daycare;~~

~~d~~e. Contractor/building (310E);

~~e~~f. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);

~~f~~g. Fabricated metal products (manufacturing) (150);

~~g~~h. Fabricated wire products (manufacturing) (155A);

~~h~~i. Food and beverage preparation (manufacturing) (100);

~~i~~j. Furniture and fixtures (manufacturing) (120);

~~j~~k. Hospitals (520);

~~k~~l. Laboratory research experimentation, testing, software development;

~~l~~m. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;

~~m~~n. Local/interurban passenger transit (bus, cab) (560B);

~~n~~o. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);

~~o~~p. Mixed residential and commercial/office developments, with ten or more multiple dwellings or condominiums, either above commercial uses or units on the same lot (840);

- pq.** Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- qf.** Mortuaries (310I);
- rs.** Motion picture production (manufacturing) (155E);
- st.** Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- tt.** Rental services (360);
- uv.** Single-room occupancy (SRO) housing sixteen units or more (860);
- vw.** Solar equipment (manufacturing) (155C);
- wx.** Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- xy.** Stone, clay, glass products (manufacturing) (140);
- yz.** Storage and warehouse when connected with permitted use (330);
- zaa.** Wholesale trade (nondurable goods) (200):
 - (a) Bakery,
 - (b) Confectionery,
 - (c) Dairy,
 - (d) Health foods;
- aa~~bb~~.** Wholesale trade (durable goods) (210):
 - (a) Paper products and related (210E),
 - (b) Special equipment (machine supply) (210F);
- bb~~ee~~.** Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

Sections 24.10.720 and 24.10.730 remain unchanged.

24.10.740 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 aA 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.

Section 19. Part 10: C-T Thoroughfare Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.900 remains unchanged.

24.10.910 PRINCIPAL PERMITTED USES.

Subsections 1 through 15 remain unchanged.

16. Small and large family daycare homes in residential units ~~facility in a single-family home or duplex.~~

Subsections 17 and 18 remain unchanged.

Section 24.10.920 remains unchanged.

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:

Subsections 1.a through 1.e remain unchanged.

~~f. Large family daycare homes.~~

~~fg.~~ 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.

~~gh.~~ Multiple dwellings and condominiums, nine units or fewer, subject to the minimum land area (net) per dwelling unit of the R-M District (830).

~~hi.~~ Recycling collection facilities.

~~ij.~~ Souvenir and gift shops.

~~jk.~~ Single-family dwellings.

~~kl.~~ Small community care residential facilities.

~~lm.~~ Stores, shops and general retail, subject to alcohol regulations in Part 12 of Chapter 24.12.

~~mn.~~ Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12.

~~no.~~ Temporary structures and uses.

~~op.~~ Truck, boat, trailer, farm equipment, and other heavy equipment sales, service and rental.

~~pq.~~ Two-family dwellings.

~~qr.~~ Veterinary hospitals and clinics.

~~rs.~~ Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

~~st.~~ 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 ~~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.

Section 24.10.950 remains unchanged.

Section 20. Part 11: C-N Neighborhood Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1000 remains unchanged.

24.10.1010 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.j remain unchanged.

k. Small and large family daycare homes in residential units~~facility in a single-family home or duplex.~~

Section 24.10.1020 remains unchanged.

24.10.1030 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.g remain unchanged.

h. ~~Family daycare homes and foster~~Foster family homes;

Subsections 1.i through 1.v remain unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.g remain unchanged.

~~h.~~ Large family daycare facilities;

~~h.i.~~ Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;

~~h.j.~~ Two or more stand-alone multiple-family units subject to the minimum land area (net) per dwelling unit of the R-L District (830);

~~h.k.~~ Multiple dwellings and condominiums, ten or more units 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-L District (840);

~~h.l.~~ Off-site public/private parking facilities, five or more spaces (930);

~~h.m.~~ Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);

~~h.n.~~ Storage and warehouses with permitted retail (330).

24.10.1040 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 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.

Section 24.10.1050 remains unchanged.

Section 21. Part 12: C-B Beach Commercial of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1100 remains unchanged.

24.10.1110 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a through 1.o remain unchanged.

p. Small and large family daycare homes in residential units facilities, in single-family home or duplex;

Subsections 1.q through 1.t remain unchanged.

Subsection 24.10.1120 remains unchanged.

24.10.1130 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

- a. Bars/taverns, subject to live entertainment and alcohol regulations of Chapter 24.12;
- ~~b. Large family daycare facilities;~~
- b**e. 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);
- ~~c~~d. Group quarters (850);
- ~~d~~e. Mixed residential and commercial developments with ten or more multiple dwellings or condominiums, either above the first floor or on the same parcel, subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- ~~e~~f. Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- ~~f~~g. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- ~~g~~h. Off-site public/private parking facilities, five or more spaces (930);
- ~~h~~i. Refreshment stands and vehicles, when located on private property, in locations clearly incidental and adjacent to beach, park, campgrounds, or other major recreational and tourist facilities or activities.

24.10.1140 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 aA 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.

Sections 24.10.1150 and 24.10.1160 remain unchanged.

Section 22. Part 13: P-A Professional and Administrative Office District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1200 remains unchanged.

24.10.1210 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright if a design permit is obtained for new structures (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):

Subsection 1.a through 1.h remain unchanged.

- i. Small ~~and large~~ family daycare homes in residential units ~~facility in a single family home or duplex.~~

Section 24.10.1220 remains unchanged.

24.10.1230 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 (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):

Subsections 1.a through 1.g remain unchanged.

- h. ~~Large family daycare homes and foster~~ Foster family homes;

Subsections 1.i through 1.o and 2 remain unchanged.

24.10.1240 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 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.

Section 24.10.1250 remains unchanged.

Section 23. Section 24.10.1320 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1320 USE DETERMINATION.

Any other uses or service establishments ~~that are determined by the zoning administrator to be of the same general nature-character as the foregoing uses, and which; those that~~ will not impair the present or potential use of adjacent properties and are consistent with the policies of the Port District Master Plan and the Local Coastal Land Use Plan, may be ~~permitted~~ allowed by special use permit. 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.

Section 24. Part 16: General Industrial District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Section 24.10.1500 remains unchanged.

24.10.1505 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (numerical references at the ends 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):

Subsections 1.a through 1.m remain unchanged.

n. Small ~~and large~~ family daycare homes in residential units ~~facility in a single-family home or duplex;~~

Subsections 1.o through 1.r remain unchanged.

24.10.1510 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a and 1.b remain unchanged.

- ~~e.~~ ~~Large family daycare;~~
- ~~c~~d. Group quarters (850);
- ~~d~~e. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
- ~~e~~f. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- ~~f~~g. Paper and allied products subject to performance standards (125);
- ~~g~~h. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- ~~h~~i. Primary metals and material subject to performance standards (145);
- ~~i~~j. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- ~~j~~k. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below forty-five decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- ~~k~~l. Smoking lounges as defined in Section 24.22.748.2 and subject to the siting criteria and performance standards in Chapter 5.54;
- ~~l~~m. Emergency shelters subject to regulations in Part 17 of Chapter 24.12.

Sections 24.10.1520 and 24.10.1525 remain unchanged.

24.10.1530 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~~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.

Section 24.10.1540 remains unchanged.

Section 25, Part 16B: IG/PER-2: General Industrial District/Performance District of Chapter 24.10 – Land Use Districts is hereby added under Part 16B of Chapter 24.10 as follows:

Section 24.10.1600 remains unchanged.

24.10.1605 PRINCIPAL PERMITTED USES.

1. The following uses are allowed outright, subject to other requirements of the municipal code (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):

Subsections 1.a through 1.r remain unchanged.

s. Small and large family daycare homes in residential units~~facility in a single family home or duplex;~~

Subsections 1.t through 1.y remain unchanged.

24.10.1610 USE PERMIT REQUIREMENT.

Subsection 1 remains unchanged.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (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 use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

Subsections 1.a and 1.b remain unchanged.

- ~~e. Large family daycare homes;~~
- ~~c~~d. Food and beverage stores (except liquor and convenience stores) (240);
- ~~d~~e. Government and public agencies (530);
- ~~e~~f. Group quarters (850);
- ~~f~~g. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
- ~~g~~h. Paper and allied products subject to performance standards (125);
- ~~h~~i. Parks and recreation facilities, subject to alcohol regulations in Chapter 24.12, Part 12 (720);
- ~~i~~j. Single-room occupancy (SRO) housing (860) under the following conditions:

- (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
- (2) The lot size is less than six thousand square feet.
- (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
- (4) Ambient interior noise levels can be mitigated below forty-five decibels.
- (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- j. Transportation facilities (560).

Sections 24.10.1615 and 24.10.1620 remain unchanged.

24.10.1630 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.

Section 26. Section 24.10.1780 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1780 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.

Section 27. Part 19: E-A: Exclusive Agriculture of Chapter 24.10 – Land Use Districts is hereby amended as follows:

Sections 24.10.1800 through 24.10.1820 remain unchanged.

24.10.1830 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:
 - a. Daycare (other than family daycare homes) and foster homes for children;
 - b. Eating and drinking establishments;
 - c. Foster family homes;
 - d. Guest ranches;
 - e. Off-street parking facilities accessory and incidental to an adjacent commercial use;
 - f. Temporary structures;
 - g. Veterinary hospitals and clinics;
 - h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - i. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

24.10.1840 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 aA 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.

Section 24.10.1850 remains unchanged.

Section 28. Section 24.10.1920 – Use Permit Requirement of Part 20: OF-R Ocean Front (Recreational) District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1920 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:
 - a. Beach, surfing and fishing equipment;
 - b. Fish market;

- c. Identification signs, appurtenant to uses permitted on the premises;
- d. Navigation aids and devices not involving the erection of a structure;
- e. Walls or fences, not to exceed three and one-half feet in height.
- f. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

Section 29. Section 24.10.1930 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.1930 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.

Section 30. Section 24.10.2030 – Use Permit Requirement of Part 21: F-P Floodplain District of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2030 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:
 - a. Ranch and farm dwellings incidental to a principal agricultural use.
 - b. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.

Subsection 2 remains unchanged.

Section 31. Section 24.10.2040 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2040 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 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.

Section 32. Section 24.10.2301 – Uses, Development Standards and Design Guidelines of Chapter 24.10 – Land Use Districts 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 ~~Recovery~~ 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 33. Section 24.10.2375 – Use Determination of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2375 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the ~~foregoing~~ established uses, and which will not impair the present or potential use of adjacent properties, may be permitted. ~~An administrative use permit will be required.~~ 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.

Section 34. Section 24.10.2385 – Lower Pacific Avenue Design Guidelines of Chapter 24.10 – Land Use Districts is hereby amended as follows:

24.10.2385 LOWER PACIFIC AVENUE DESIGN GUIDELINES.

1. Store Front Treatment. The ground-level treatment of buildings and parking structures within the Lower Pacific Avenue subarea should generally comply with the guidelines for the Pacific Avenue retail subarea listed on pages 41-45 of the Downtown ~~Recovery~~ Plan, in terms of: storefront access, transparency, and variation; and the use of landscaping, awnings, and canopies. However, it is recognized that the Lower Pacific Avenue subarea has a more informal character than Pacific Avenues, and as such, more variation of ground-level treatment is envisioned and

encouraged. The use of porches and terraced gardens as an intermediate space between the ground floor use and the sidewalk is permitted, as long as the finished floor elevation of the ground floor use is not more than 4 feet above or below the sidewalk level and accessibility requirements are met.

~~Section 35.~~ Section 24.12.120 – Projections into Required Yard Areas, Setbacks and Easements of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.120 PROJECTIONS INTO REQUIRED YARD AREAS, SETBACKS AND EASEMENTS.

1. Projections Into Required Yard Areas. The following are permitted projections into required yard areas. Projections shall not be permitted in yards that are less than the minimum established by district regulations except as provided for in subsection (2), or as allowed in certain areas under Section 24.12.185.13.

Subsections 1.a and 1.b remain unchanged.

- c. Unroofed decks, porches, patios and steps of pervious materials twenty inches or less above finished grade may extend into ~~conforming interior side yards~~ **required setbacks** without restriction;

Subsections 1.d, 1.e, and 2 through 4 remain unchanged.

~~Section 36.~~ Section 24.12.140 – Accessory Buildings of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.140 ACCESSORY BUILDINGS AND STRUCTURES.

In addition to primary structures, it is often useful and convenient to have accessory buildings and structures to provide storage, allow additional usable indoor or sheltered space, or to perform some other function beyond what is included in the primary structure. These spaces can be provided in a building, defined for the purposes of this section as having a roof and walls, or by another accessory structure such as a pergola or a gazebo. Some spaces, such as children's play equipment, can be classified as either a building (i.e. enclosed playhouse) or a structure (i.e. swing set). The defining characteristic of these buildings and structures is that they are accessory and subordinate to the primary structure and do not detract from the form and function of the primary structure and are complimentary to its use.

1. Accessory Buildings. Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they are located. Accessory buildings are separate and distinct from accessory dwelling units, which are subject to the regulations in Part 2 of Chapter 24.16.

- ~~1~~**a.** No setback shall be required for an accessory building except as otherwise provided.
- ~~2~~**b.** No accessory building shall be located in a front or exterior side yard with the exception of children's play equipment less than five feet in height and less than thirty square feet in area. The vehicle entry side of a garage or other covered parking may not be located closer than twenty feet from front or exterior side yard lot lines; except that the vehicle entry side of a garage or other covered parking may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet or more above or below the established street elevation.
- ~~3~~**c.** Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter 24.10; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.
- ~~4~~**d.** Accessory buildings that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code.
- ~~5~~**e.** Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building; and shall conform to principal building rear and side yard requirements of the district in which they are located. No habitable accessory building shall be used as a separate dwelling unit except accessory dwelling units as described in Part 2 of Chapter 24.16. Guesthouses for nonpaying guests are allowed only if permitted in the zoning district in which they are located.
- ~~6~~**f.** Accessory buildings may not cover an area in excess of thirty percent of any required yard setback area for the primary structure. In the coastal zone, standards applicable to accessory dwelling units can be found in Section 24.12.140(10). The footprint of accessory dwelling units shall count toward the maximum allowable lot coverage by other accessory structures in yard setback areas; however, the maximum allowable lot coverage does not apply to the accessory dwelling unit itself.
- ~~7~~**g.** An accessory building attached to a main building by a breezeway is not part of the main building.
- ~~8~~**h.** An accessory building may have one sink installed in it if a building permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building without approval of an administrative use permit. Any additional plumbing fixtures would

require an administrative use permit subject to ~~following~~ findings listed in subsection (9*i*) and a building permit for the approved improvements.

9*i*. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit is approved in accordance with district regulations and all of the following findings are made:

- a*i*. The structure and use are subordinate to the principal use; and
- b*ii*. The purpose of the use is incidental to the principal use; and
- c*iii*. The use is customarily or reasonably appurtenant to the permitted use; and
- d*iv*. The structure will not be used as a dwelling unit ~~except as set forth in Chapter 24.16, Part 2, Accessory Dwelling Units~~; and
- e*v*. A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.

j10. In the coastal zone, and in addition to meeting all other applicable requirements (e.g., standards specified in Section 24.16.100 et seq.), ADUs shall meet the following additional standards:

- i*a*. ADUs are allowed in any zone that allows residential uses on lots of any size, in conjunction with a proposed or existing residential use, provided they are sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable LCP policies and standards, including those that govern wetlands, streams, environmentally sensitive habitat areas, public views, and coastal bluffs.
- ii*b*. Off-street parking shall be required in compliance with Section 24.12.240(1).

2. Accessory Structures. Accessory structures are subject to the regulations and permit requirements of the zoning district in which they are located.

- a. Accessory structures above eight feet in height shall not be located in a front or exterior side yard with the exception of entry features as described in Section 24.12.150(a)(3). No accessory structure in the front or exterior side yard may be located within the clear corner triangle as defined in section 24.22.202. Any accessory structures located in the front or exterior side yard must be open in nature and must provide and maintain a minimum of ninety percent visual permeability above the first foot in height.
- b. Accessory structures located in the rear or interior sideyard that are less than one hundred twenty square feet in floor area and less than fifteen feet in height are not subject to design permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that requires design permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California Building Standards Code. This includes fences within the West Cliff Drive Overlay District that conform to Section 24.12.160.

Section 37. Section 24.12.160 – Fencing and Screening of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.160 FENCING AND SCREENING.

1. Fencing. Regulations governing the installation, construction and placement of fences and structures in the nature of fences which exceed height limitations contained herein are set forth in Chapter 24.08, Part 7, Conditional Fence Permit.

a. Height Limitations. No person shall erect upon any private property in the city any fence, or structure in the nature of a fence, exceeding the following height limitations:

(1) Within the required front ~~and exterior side~~ yard setback areas established by this title, Chapter 18.04, or other ordinances of the city, fences shall not exceed a height of three feet, six inches from finished grade, except as provided in Chapter 24.08, Part 7.;

(2) Within the exterior side yard setback established by this title, Chapter 18.04, or other ordinances of the city, fences outside of the front yard setback or in line with the main building frontage, whichever distance is greater, that are set back a minimum of three feet from the exterior side property line shall not exceed a height of six feet from finished grade, except as provided in Chapter 24.08, Part 7. Fences within the exterior side yard setback that are less than three feet from the side property line or within the front setback area shall not exceed a height of three feet, six inches from finished grade. Any yard area between a fence and the sidewalk or property line shall be landscaped and permanently maintained.

~~(32)~~ On any portion of the property outside of the required front and exterior side yard setbacks, fences shall not exceed a height of eight feet from finished grade, with any portion of the fence above six feet consisting of lattice or other similar material that is at least 50% open except as provided in Chapter 24.08, Part 7. This maximum fence height does not apply to fences along an alley or the rail trail associated with an Accessory Dwelling Unit, where fences are limited to three feet, six inches along the alley or rail trail unless a conditional fence permit is approved for greater height.

~~(43)~~ Any fence along a property line adjacent to a street, or in the adjacent required setback, except in the clear corner triangle, may include a gate, trellis or other entry feature exceeding the height limit stated in subsections (1)(a)(1) and (2). Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such gate, trellis or entry feature shall be permitted per street frontage except as provided in Chapter 24.08, Part 7.

Subsections 1.b through 1.g and section 2 remain unchanged.

Section 38. Section 24.12.192 – Outdoor Extension Areas of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.192 OUTDOOR EXTENSION AREAS.

The purpose of outdoor extension areas is to enhance streetscape on the city's corridors by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public street. These uses include outdoor eating areas, retail areas and landscaping. In this section the term "adjacent business" shall apply to the business using the extension area. If the sidewalk width allows it, the adjacent business may be separated from the extension area by the public walkway. This section is applicable citywide, except for areas within the Downtown Recovery Plan which are subject to Section 24.10.2340.

Section 39. Section 24.12.430 Protection of Archaeological Resources of Chapter 24.12 – Community Design is hereby amended as follows:

24.12.430 PROTECTION OF ARCHAEOLOGICAL RESOURCES.

Subsection 1 remains unchanged.

2. Archaeological reconnaissance is required on sites proposed for development within areas identified as "highly sensitive" or "sensitive" on the general plan maps labeled "areas of archaeological sensitivity" and "historical archaeology sensitivity" prior to the issue of building or development permits. ~~For development on sites that have "known resources" see subsection (12).~~

Subsections 3 through 11 remain unchanged.

~~12. — Development on Known Archaeological Sites. No building permit for any earth-disturbing activity shall be issued on parcels identified by resolution of the city council as containing known cultural or archaeological resources without the owner first obtaining an administrative use permit. The administrative use permit shall be conditioned with appropriate archaeological survey and mitigation procedures such as those prescribed in the Historic Preservation Element and the Local Coastal Land Use Plan.~~

Section 40. Section 24.12.1108 – Modification of Existing Establishments Selling Alcoholic Beverages of Chapter 24.12 – Community Design 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 ~~or redevelopment agency~~ 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 ~~or redevelopment agency~~, a period of closure for at least two years or six months after the city's ~~or redevelopment agency'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.

Subsection 2 remains unchanged.

CITY OF SANTA CRUZ
City Hall
809 Center Street
Santa Cruz, California 95060



PLANNING COMMISSION

Minutes Regular Meeting July 21, 2022

7:00 P.M. GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, ZOOM WEBINAR

Call to Order-The meeting was called to order at 7:01 p.m.

Roll Call-Commissioners Greenberg, Kennedy, Maxwell, Mesiti-Miller, Schiffrin, and Chairperson Dawson were present. Commissioner Conway was absent with notification.

Statements of Disqualification-None

Oral Communications-The following members of the public addressed the Commission: Tim Favaloro, Rafa Sonnenfeld.

Approval of Minutes

1. Approve the Minutes of June 2, 2022.

ACTION: The minutes of June 2, 2022, continued to the next regular meeting for approval.

2. Approve the minutes of June 30, 2022.

MOTION: Motion made by Commissioner Mesiti-Miller, seconded by Commissioner Kennedy, to approve the minutes of June 30, 2022.

ACTION: The motion passed by the following vote:

AYES: Kennedy, Maxwell, Mesiti-Miller, Schiffrin, and Chairperson Dawson

NOES: None

ABSTAIN: Greenberg

ABSENT: Conway

Information Items

3. Climate Action Plan Update

Sustainability and Climate Action Manager, Dr. Tiffany Wise-West presented the update to the Commission. No action taken.

Public Hearings

4. Objective Development Standards for Multifamily and Mixed-Use Housing Ordinance Amendments

Senior Planner Sarah Neuse presented the item to the Commission. Planning and Community Development Director Lee Butler also present.

The public hearing was opened.

The following members of the public addressed the Commission: Rafa Sonnenfeld, Candace Brown

MOTION: Motion made by Commissioner Kennedy, seconded by Commissioner Mesiti-Miller, to recommend that the City Council approve the proposed amendments to the City of Santa Cruz Municipal Code as presented, including a proposed amendment to the zoning map to create new mixed-use zone districts, including a finding that the public necessity and the general community welfare, and good zoning practice, are served and furthered, and that the proposed amendment is in general conformance with the principles, policies, and land use designations set forth in the General Plan, Local Coastal Plan, and any adopted area plans as recommended by planning staff and find that the proposed ordinance and zoning map amendments are consistent with the EIR previously adopted for the 2030 General Plan and require no further consideration under the California Environmental Quality Act in accordance with section 15183 of Title 14 of the California Code of Regulations.

MOTION TO AMEND THE MAIN MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Maxwell, to add the following to the proposed amendments for recommendation to the City Council: For the hearing body and procedures Section 24 12 185, there should be no design permit public hearing for projects proposing no variation from objective standards, only for projects with 50 units or less. A Zoning Administrator hearing shall be required for projects with 50 to 100 units and a public Planning Commission hearing shall be required for projects over 100 units or more than five variations.

MOTION: Chairperson Dawson introduced a motion to accept a motion to amend the main motion for consideration.

ACTION: The motion passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ABSENT: Conway

ACTION: The motion to amend the main motion failed by the following vote:

AYES: Maxwell, Schiffrin, Chairperson Dawson

NOES: Greenberg, Kennedy, Mesiti-Miller

ABSENT: Conway

MOTION TO AMEND THE MAIN MOTION: Motion made by Commissioner Schiffrin, seconded by Chairperson Dawson, to add the following to the proposed amendments for recommendation to the City Council: in terms of zoning district regulations, for all districts proposed for amendments the approval as a principally permitted use will be allowed for projects from 3 to 100 units. A special use permit shall be required for all developments over 100 units.

MOTION: Chairperson Dawson introduced a motion to accept a motion to amend the main motion for consideration.

ACTION: The motion passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ABSENT: Conway

ACTION ON THE MOTION TO AMEND THE MAIN MOTION: The motion failed by the following vote:

AYES: Maxwell, Schiffrin, Chairperson Dawson

NOES: Greenberg, Kennedy, Mesiti-Miller

ABSENT: Conway

MOTION TO AMEND THE MAIN MOTION: Motion made by Commissioner Schiffrin, seconded by Commissioner Maxwell, to add the following sentence to the last paragraph of Section 24 16 020: 'Projects with a 30 percent density bonus shall have a 25 percent inclusionary requirement. Projects with a 50 percent density bonus shall have a 30 percent inclusionary requirement.'

MOTION: Chairperson Dawson introduced a motion to accept a motion to amend the main motion for consideration.

ACTION: The motion passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ACTION ON THE MOTION TO AMEND THE MAIN MOTION: The motion to amend the main motion passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ABSENT: Conway

ACTION ON THE MAIN MOTION AS AMENDED: The main motion, as amended, passed by the following vote:

AYES: Greenberg, Maxwell, Schiffrin, Chairperson Dawson

NOES: Kennedy, Mesiti-Miller

ABSENT: Conway

5. Zoning Ordinance Updates A22-0002 and A22-0003

Senior Planner Katherine Donovan presented the item to the Commission. Planning and Community Development Director Lee Butler also present.

The public hearing was opened.

The following members of the public addressed the Commission: Kindred Sparks.

The public hearing was closed.

MOTION: Motion made by Commissioner Schiffrin. Commissioner Mesiti-Miller seconded the motion, providing the maker of the motion is agreeable to a friendly amendment to exempt play structures from this ordinance. Commissioner Schiffrin withdrew his motion.

MOTION: Motion made by Commissioner Mesiti-Miller, seconded by Commissioner Maxwell, to recommend that City Council approve Municipal Code Amendments A22-0002 and A22-0003, revisions to Title 24, Zoning Ordinance of the Santa Cruz Municipal Code, 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. A22-0003 also amends the Local Coastal Program, provided that children's play structures less than 50 square feet in the plan area and do not create a traffic safety hazard be exempt from the ordinance.

FRIENDLY AMENDMENT: Commissioner Schiffrin proposed a friendly amendment to require that children's play structures be less than 14 feet high and set back more than three feet from the front property line be exempt from the ordinance. The maker and second of the motion accepted the friendly amendment, the motion on the floor reads as follows:

Motion made by Commissioner Mesiti-Miller, seconded by Commissioner Maxwell, to recommend that City Council approve Municipal Code Amendments A22-0002 and A22-0003, revisions to Title 24, Zoning Ordinance of the Santa Cruz Municipal Code, 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. A22-0003 also amends the Local Coastal Program, provided that children's play structures less than 50 square feet in the plan area and less than 14 feet high and set back more than three feet from the front property line, and do not create a traffic safety hazard be exempt from the ordinance.

ACTION: The motion passed by the following vote:

AYES: Greenberg, Kennedy, Maxwell, Mesiti-Miller, Schifffrin, Chairperson Dawson

NOES: None

ABSENT: Conway

Subcommittee/Advisory Body Oral Reports-None

Items Referred to Future Agendas-Director Butler advised the Commission the 109 S. Rapetta item will be presented to the City Council on their August 23, 2022 agenda; the Objective Standards and Zoning Amendment packages, as well as the Climate Action Plan will be presented to Council at their August 23, 2022 meeting. Staff does not foresee any items coming to the Planning Commission in August 2022, but anticipates the 126 Eucalyptus memory care residential use item will be presented to Planning Commission on September 1, 2022.

Adjournment-The meeting adjourned at 10:14 p.m.



Transportation and Public Works Commission AGENDA REPORT

DATE: 05/05/2022

AGENDA OF: 05/16/2022

DEPARTMENT: Public Works

SUBJECT: Public Works Objective Development Standards - Santa Cruz Municipal Code Revisions (PW)

RECOMMENDATION: Motion that the Transportation and Public Works Commission recommend that the City Council approve revisions to the Santa Cruz Municipal Code that regulate Public Works. (ATTACHMENT A)

BACKGROUND: To address the housing shortage, recent State legislation, including Senate Bill (SB) 35 and SB 330, requires multi-family projects to be reviewed only against objective design and development standards. Objective standards allow applicants to know the requirements that will apply to a proposed project so that they can design a project that meets those standards. According to the Government Code (Sections 65913.4 and 66300[a][7]), objective development standards “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable” by development applicants and public officials before submittal of a project application.

DISCUSSION: The City’s Planning Department has initiated revisions to the Municipal Code to incorporate objective standards into Title 24 and has been working with the Public Works Department and Parks & Recreation to revise additional sections of the Municipal Code to incorporate objective standards for review of multi-family and mixed-use residential development projects. Revisions to the Santa Cruz Municipal Code that regulate Public Works requirements are proposed in ATTACHMENT A. The purpose of these revisions is to provide a set of clear, objective, and measurable public works standards for multi-family and mixed-use residential development in accordance with the Santa Cruz General Plan.

While the City has many design guidelines and policies that promote best practices, many are subjective or optional, and therefore cannot currently be enforced under State law. The proposed Public Works Municipal Code revisions in ATTACHMENT A create objective standards for public work elements that apply to all new multi-family and mixed-use residential projects. These proposed revisions work in tandem with other Municipal Code revisions proposed by the Parks and Recreation and Planning and Community Development Departments. All proposed revisions work together to create objective standards consistent with the City’s General Plan, Area Plans, and Zoning Codes.

FISCAL IMPACT: There is no fiscal impact.

Prepared By:
Nathan Nguyen
City Engineer/Assistant
Director

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:

ATTACHMENTS:

1. ATTACHMENT A- PROPOSED REVISIONS TO MUNICIPAL CODE (TITLES 6, 15, 24) - REDLINE.DOCX

ATTACHMENT A

Proposed Revisions to Santa Cruz Municipal Code

24.12.295 OFF-STREET LOADING FACILITIES

1. Purpose. To reduce street congestion and traffic hazards and to add to the safety and convenience of the community, adequate, attractively designed, and functional facilities for off-street loading shall be incorporated as necessary in conjunction with new uses of land.

2. General Provisions. For every building hereafter erected, which is to be occupied by manufacturing, storage, warehouse, commercial, residential, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, exercise facility or other similar uses or mixed use combinations requiring the receipt or distribution by vehicles of material and merchandise, off-street loading areas shall be provided in accordance with the requirements herein.

In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

3. Requirements.

a.

Gross Floor Area	Required Loading Spaces
10,000 to 24,999 square feet	1
25,000 to 49,000 square feet	2
For each additional 50,000 square feet or fraction thereof	1

Use	Size of Use	Required Off-Street Loading Spaces
Manufacturing, storage, warehouse, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, <u>exercise facility</u> , or other similar uses	10,000 to 24,999 square feet of gross floor area	1 Type B
	25,000 to 49,000 square feet of gross floor area	2 Type B

	For each additional 50,000 square feet of gross floor area or fraction thereof	1 Type B
<u>Office</u>	<u>0-24,999 square feet of gross floor area</u>	<u>0</u>
	<u>25,000-99,999 square feet of gross floor area</u>	<u>1 Type A</u>
	<u>over 100,000 square feet of gross floor area</u>	<u>2 Type A</u>
<u>Residential</u>	<u>0-50 Units</u>	<u>0</u>
	<u>51-200 Units</u>	<u>1 Type A</u>
	<u>over 200 Units</u>	<u>2 Type A</u>

b.

MINIMUM DIMENSIONS FOR LOADING SPACES			
Type of Loading Space Required (See Table 22.112.130-A)	Minimum Length (feet)	Minimum Width (feet)	Required Vertical Clearance (feet)
<u>Type A</u>	<u>24</u>	<u>8</u>	<u>None</u>
Type B	30	10	14

c. Such space shall not occupy all or any part of any required front or exterior yard area or court space, and shall not be located closer than ~~twenty~~ twenty five feet to any lot in an R- District, unless inside a structure or separated from such district by a wall not less than ~~six~~ six feet in height. ~~provided a conditional fence permit is approved.~~

d. Sufficient room for maneuvering vehicles shall be provided on site.

e. Each loading berth shall be accessible from a street or alley.

f. Entrances and exits shall be provided at locations approved by the public works director.

- g. The loading area, aisles and access drives shall be paved with a durable, dustless surface, and shall be so graded and drained so as to disperse surface water.
- h. Wheel stops and bumper rails shall be provided where needed for safety or to protect property.
- i. If the loading area is illuminated, lighting shall be directed away from any abutting residential sites and adjacent streets.
- j. No repair work or servicing of vehicles shall be conducted in a loading area.
- k. Trucks with trailers or detached trailers shall not be stored on-site.
- l. Loading areas shall be maintained in good condition and kept free of trash, debris, and display or advertising uses. No changes shall be made in the number of loading spaces designated on the parking plan without review by the zoning administrator.
- m. Required off-street loading facilities shall be located on the same site as the use for which the berths are required

Part 8: UNDERGROUND UTILITIES

24.12.700 GENERAL.

All facilities and wires for the extension of facilities for the supplying 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.

(Ord. 85-05 § 1 (part), 1985).

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. Where this requirement would be impractical or unreasonable, the director of public works, upon application of the property owner, may permit overhead services.

5. Any new building or structure where an expansion of any electric or planned communication service on or adjacent to the property is feasible within 5 years of construction completion, 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 Public Works dark conduit installation specifications that are current at the time of design review and available from the Public Works Department. Any lots or structures with more than one unit shall provide such connection to each individual unit, and are encouraged to install communications conduit or lines within the units to ensure connectivity throughout.

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 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.

(Ord. 85-05 § 1 (part), 1985).

24.12.720 EXCEPTIONS.

The provisions of Section [24.12.710](#) shall not apply to:

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 City Engineer may, by finding of exceptional hardship, grant exceptions or modifications to the requirements, of this Section on a case by case basis, or may require in-lieu payments consistent with any Council adopted resolution implementing Section 24.12.730.
7. The City Engineer may exempt city led projects from requirement to install dark conduit connections.

(Ord. 85-05 § 1 (part), 1985).

UNDERGROUND UTILITY DISTRICTS*

* Editor's Note: As originally adopted, this chapter was designated as Chapter 12.44. It was renumbered to be Chapter 12.60 at the direction of the city clerk at the time of the 1995 republication.

Sections:

[12.60.010 Definitions.](#)

[12.60.020 Council may designate underground utility districts by resolution.](#)

[12.60.030 Overhead wires – Unlawful to maintain poles.](#)

- [12.60.040 Overhead wires – Exception by special permission.](#)
- [12.60.050 Exceptions.](#)
- [12.60.060 Overhead wires – Notification of affected property owners and utilities.](#)
- [12.60.070 Overhead wires – Underground construction.](#)
- [12.60.080 Overhead wires – Property owner’s responsibility.](#)
- [12.60.090 Service of notice.](#)
- [12.60.100 Contents of notice.](#)
- [12.60.110 Performance of work by city – Assessment.](#)
- [12.60.120 Notice of assessment.](#)
- [12.60.130 Hearing and confirmation of assessment.](#)
- [12.60.140 Assessment as lien.](#)
- [12.60.150 Overhead wires – Obligation of city.](#)
- [12.60.160 Overhead wires – Force majeure.](#)

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.](#)
- (43) “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.](#)
- (64) “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](#).
- (75) “Person” means and includes individuals, firms, corporations, copartnerships, and their agents and employees.

(86) “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.

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

(Ord. NS 602, 1964: prior code § 7910).

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.

(Ord. NS 602, 1964: prior code § 7912.1).

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.

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 –

- 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.

- i. Decorative sidewalks may be required based on the Area Plans.
- ii. 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.
- iii. The total number of connections through the site shall not be reduced.

- New public connections:

- i. 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.
- ii. Decorative sidewalks may be required based on the Area Plans.
- iii. 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:

- A development of 3 or more housing units on one lot shall require the installation of a City Standard street light(s).
- A development of 3 or more housing units on multiple lots shall require the installation of a City Standard street light(s).
- Any new commercial development shall require the installation of a City Standard street light(s).
- 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.
- 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.

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 curblin.

(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 curblin 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

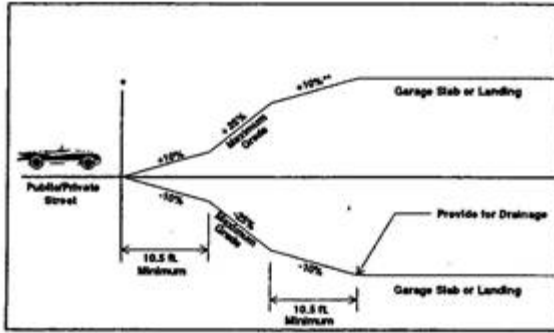
All Other Roadways

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.

24.12.280 DESIGN REQUIREMENTS.

1. Driveway Design Standards.

- a. Parking facilities hereafter established and which are located adjacent to a required front yard in an adjoining A-District or R-District shall be provided with a clear vision area and parking facilities which are located adjacent to two intersecting streets shall include a clear corner triangle as defined in this title. These areas shall be maintained in conformance with Section [13.30.110](#).
- b. The total clear space to accommodate a vehicle in driveways and private parking areas used as private parking facilities for single-family residential uses shall not be smaller than the dimensions of required on-site parking spaces.
- c. Driveways shall be designed to conform with existing contours to the maximum extent feasible.
- d. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight in clear vision areas and clear corner triangles based on AASHTO Green Book sight distances.
- e. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:



* Back edge of standard city driveway.

** All percentages are measured from the edge of standard city driveway.

f. Driveways and approaches shall comply with the applicable standards set forth in Chapter [15.20](#)



Transportation and Public Works Commission

Regular Meeting

Minutes

6:00 p.m., Monday, May 16, 2022
Zoom Webinar

Call to Order 6:01 P.M.

Roll Call: Chair Philip Boutelle, Vice Chair Ron Goodman; Commissioners: Candace Brown, Kyle Kelley, Robert Orrizzi, and Zennon Ulyate-Crow, and Samantha Vroomen

Absent with Notification: None

Absent without Notification: None

Statements of Disqualification: None

Oral Communications: None

Announcements:

Scott Ruble, Principal Management Analyst, introduced and welcomed Zennon Ulyate-Crow as the newly appointed commissioner.

Nathan Nguyen, Assistant Director and City Engineer, announced that it is National Public Works Week and that the Public Works Department will be hosting three construction tours lead by project managers between May 17th and May 19th from 12:30 PM to 1:30 P.M.

He also made an announcement that the Transportation Manager recruitment is still ongoing. The top candidate pulled himself out of the running and Public Works will have to go out for a new recruitment. He also noted that Public Works is interviewing for the Parking Programs Manager.

Mark Dettle, Director of Public Works, let the commission know that Public Works has received a new division called the Homeless Field Service Division. This will consist of a supervisor, a senior and two service worker positions. This position will help support Citywide homelessness response and camp clean ups.

Presentations:

1. Climate Action Plan 2030 Update

Tiffany Wise-West, Sustainability and Climate Action Manager, gave an update on the 2030 Climate Action Plan.

At 6:56 P.M. Chair Boutelle opened Public Comment. There were no speakers and Chair Boutelle closed Public Comment at 6:57 P.M.

Approval of Minutes

2. [April 18, 2022 Transportation and Public Works Commission Draft Minutes](#)

MOTION: Commissioner Orrizzi moved, seconded by Vice Chair Goodman, to approve the minutes of the April 18, 2022 Transportation and Public Works Commission meeting.

ACTION: The motion carried with the following vote:

AYES: Chair Boutelle, Vice Chair Goodman, Commissioners: Kelley, Orrizzi and Vroomen

NOES: None

ABSENT: None

DISQUALIFIED: Commissioners Brown and Ulyate-Crow

Consent: None

General Business: None

3. [Appeal of Parking Changes on La Fonda Avenue adjacent to 410 La Fonda Avenue - Public Hearing](#)

Dan Estranero, Associate Professional Engineer, presented the parking appeal adjacent to 410 La Fonda.

At 7:28 P.M. Chair Boutelle opened public comment and the following people spoke:

Tony Stumbaugh
Ryan Meckel

At 7:32 P.M. Chair Boutelle closed public comment.

MOTION: Commissioner Ulyate-Crow moved, seconded by Commissioner Kelley, to deny the appeal of the parking changes on La Fonda Avenue adjacent to 410 La Fonda Avenue.

ACTION: The motion carried with the following vote:

AYES: Chair Boutelle, Vice Chair Goodman, Commissioners:
Kelley, Vroomen and Ulyate-Crow

NOES: Commissioners; Brown and Orrizzi

ABSENT: None

DISQUALIFIED: None

4. Appeal of 20-Minute Commercial Loading Zone - Pine Street frontage of 902 Soquel Avenue - Public Hearing

Nate Goodman, Engineering Technician, presented the appeal of a 20-minute commercial loading zone at Pine Street frontage of 902 Soquel Avenue.

At 7:54 P.M. Chair Boutelle opened public comment and the following person spoke:

Gavin Comstock

At 7:58 P.M. Chair Boutelle closed public comment.

MOTION: Vice Chair Goodman moved, seconded by Commissioner Brown, to uphold the appeal of the 20-minute commercial loading zone on Pine Street frontage of 902 Soquel Avenue.

ACTION: The motion carried with the following vote:

AYES: Chair Boutelle, Vice Chair Goodman,
Commissioners: Brown, Kelley, Orrizzi, Vroomen and Ulyate-Crow

NOES: None

ABSENT: None

DISQUALIFIED: None

5. Public Works Objective Development Standards - Santa Cruz Municipal Code Revisions

Nathan Nguyen, Assistant Director & City Engineer, gave a presentation on the revisions to the Santa Cruz Municipal Code on the Public Works Objective Development Standards.

At 8:56 P.M. Commissioner Kelley moved, seconded by Commissioner Goodman to extend the meeting to 10:00 P.M.

At 9:09 P.M. Chair Boutelle opened public comment. There were no speakers and Chair Boutelle closed public comment at 9:10 P.M.

MOTION: Commissioner Ulyate-Crow moved, seconded by Commissioner Kelley, that the Transportation and Public Works Commission recommend that the City Council approve revisions to the Santa Cruz Municipal Code that regulate Public Works, with recommendation that staff adjust implementation of site public improvements based upon building square footage in accordance with AB 602. In addition, a formal request that this language be brought back to Transportation and Public Works Commission for revision including curb management, 15.15.020, 15.20.060, and egress.

ACTION: The motion carried with the following vote:

AYES: Chair Boutelle, Vice Chair Goodman, Commissioners: Brown, Kelley, Orrizzi, Vroomen and Ulyate-Crow

NOES: None

ABSENT: None

DISQUALIFIED: None

Informational Items: None

Subcommittee/Advisory Body Oral Reports: None

Items Initiated by Members for Future Agendas: None

Adjournment 10:08 P.M.



PR Commission AGENDA REPORT

DATE: 04/07/2022

AGENDA OF: 04/11/2022

DEPARTMENT: Parks and Recreation

SUBJECT: Tree Ordinance Revision (Chapter 13.30)

RECOMMENDATION: Discuss revisions to the proposed tree ordinance (SCMC 13.30) and recommend approval to the City Council.

BACKGROUND: Chapter 13.30 (“Trees”) of the Santa Cruz Municipal Code regulates the protection, maintenance, and planting of street trees. Chapter 13.30 was passed into law in 1985, was amended in 1995 on the subject of property owners’ responsibility and liability, amended again in 2007 on the subject of nuisance vegetation, and most recently amended in 2013 on the subject of permits for pruning.

The initial driver of the ordinance revisions now proposed is an effort by the City’s planning department to create objective development standards. Objective development standards are clearly defined and measurable requirements such as height limits, setbacks, floor area ratios, and parking standards and more, that can be objectively verified and do not involve any personal discretion by staff or elected officials. The California Housing Crisis Act of 2019 (SB 330) took effect in 2020, and is focused on ensuring that the existing planned number of housing units can be realized in all jurisdictions in the State. Under the statute, cities and counties are no longer permitted to reduce the total number of planned housing units within their boundaries, and all land zoned or designated for housing development must be permitted to develop to the full extent established by the zoning code or general plan. Jurisdictions are permitted to regulate new housing construction using development standards that are measurable, objective, and knowable at the time an application for development is filed. When development standards are precisely articulated the applicant, decision makers, and community, can understand what is expected of new development proposals. The review process for residential or mixed-use development applications is more transparent and can better proceed in a streamlined and predictable fashion.

The planning department is bringing forward proposed revisions to the City’s Zoning Code (Title 24) to create objective development standards, including standards for street trees. The draft standards state, “The street trees shall conform to. . . all the standards of Chapter 13.30.” The revisions proposed to 13.30 include objective standards that add further detail to the objective standards for street trees proposed for Title 24.

The proposed revisions to the Tree Ordinance also follow the recommendations of the Street Tree Master Plan, which was reviewed by the Parks and Recreation Commission in March of

2021 and approved by City Council in April. Among the objectives in the Urban Forest Policy and Regulation focus area of the plan (Goal 11) is to “explore revising and amending municipal code to promote the protection of community trees.” Specifically the plan recommends higher professional standards for contractors who perform work on street trees, that work be done in conformance with current industry standards, and that development standards are revised to incorporate street trees in a manner that will lead to their long-term success.

The proposed revisions also seek to update language and legal standards, provide greater clarity, and improve consistency between different portions of the municipal code.

DISCUSSION: Staff and the City Attorney’s Office are proposing revisions to sections 13.30.020 – 13.30.220 of the Tree Ordinance (see summary of proposed revisions to chapter 13.30 attached).

The proposed revisions will allow the City to implement objective standards review of development projects covered in chapter 24.12 in relation to street trees and ensure that street trees are included in these projects in a thoughtful and sustainable way that is in alignment with City policies. The objective standards will also insure that these best practices are applied to planting street trees citywide. The proposed revisions will also help implement one of the objectives of the Street Tree Master Plan and heighten the level of care required of street trees in Santa Cruz. They will update chapter 13.30 to reflect current language, procedures, and best practices. They will improve the legal protections offered the City and the City’s ability to recover costs. Finally, they will improve the clarity, usefulness, and consistency of the municipal code.

Environmental Review

The proposed Tree Ordinance amendments implement the goals and policies of the City’s 2030 General Plan. The General Plan Environmental Impact Report (EIR) reviewed the proposed tree protection policies and found that the implementation of these policies reduced potential environmental impacts of future development to a less than significant level. CEQA allows the City to take actions that it has previously reviewed and approved unless substantial changes have occurred or new information is available that would require preparation of a new EIR (Public Resources Code section 21166). Specifically, the proposed tree ordinance amendments incorporate street tree best management practices to enhance a sustainable urban forest. The proposed amendments specify objective standards for street tree container size when planting new street trees that is consistent with baseline conditions in the City’s approved 2030 General Plan EIR. The proposed amendments specifically implement 2030 General Plan goals and policies as follows:

Goal NRC5 [develop] An enhanced and sustainable urban forest

- NRC5.1 Protect and manage tree resources in the urban environment...
 - NRC5.1.1 Continue and enhance educational programs and opportunities to promote the Urban Forest.
 - NRC5.1.2 Maintain and add to the city’s urban tree canopy and increase tree diversity within urbanized areas using native and non-invasive tree species.
- NRC5.2 Increase the percent of tree canopy by promoting street tree planting.
 - NRC5.2.1 Provide and maintain a list for the public identifying species appropriate for street trees.

Further, any remaining proposed amendments to the tree ordinance not previously studied and approved under the City's General Plan are categorically exempt from further environmental review under California Code of Regulations, title 14, sections 15307 and 15308, because the ordinance is a regulatory action that protects natural resources and the environment by enhancing the urban forest by supporting and expanding the City's street tree program. Finally, the proposed amendments are also exempt from environmental review under section 15061(b)(3), otherwise known as the "common sense exemption", because it can be seen with certainty that the action will not have a significant effect on the environment.

FISCAL IMPACT: These revisions will lead to no additional City expenditures. They may improve the ability of the City to recover costs for tree damage and code violations.

Prepared By:
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Submitted By:
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Secretary to the Commission

Approved By:
Tony Elliot
Director of Parks &
Recreation

ATTACHMENTS:

1. 13.30 REVISIONS (REDLINE).DOCX
2. 13.30 REVISIONS (CLEAN).DOCX
3. SUMMARY OF PROPOSED REVISIONS TO CHAPTER 13.30.DOCX
4. DRAFT OBJECTIVE STANDARDS RELATING TO STREET TREES (CHAPTER 24.12).DOCX
5. ORDINANCE NO.DOCX

- 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.
- 13.30.065 ~~Harming~~ Damaging street trees forbidden.
- 13.30.067 House moving.
- 13.30.070 Duties of public utilities.
- 13.30.080 ~~Master~~ Approved street tree list.
- 13.30.090 ~~Master~~ Street tree planting plan.
- 13.30.100 Permits required.
- 13.30.110 Prohibited vegetation – Nuisance.
- 13.30.120 Abatement of public nuisances.
- ~~13.30.130 Charges against property owners or other persons pursuant to this chapter.~~
- 13.30.130 Recovery of damages for loss of 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 House moving.~~

13.30.220 Severability.

13.30.010 SHORT TITLE.

This chapter shall be known as the “Tree Ordinance of the City of Santa Cruz.”

(Ord. 85-29 § 2 (part), 1985).

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 Tree Ordinance is to provide a set of standards and regulations for the protection, maintenance, and planting of trees and other vegetation within the city of Santa Cruz. Heritage trees shall be further regulated by chapter 9.56 of the Municipal Code.

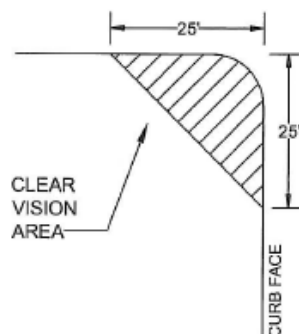
(Ord. 85-29 § 2 (part), 1985).

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 tree or vegetation, any trenching or excavating near any tree or vegetation, or any action which may cause death, destruction or injury to any tree or vegetation, or which places any 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) "Median area" means a planting area lying within a traffic median or traffic island in the public right-of-way.

(f) "Owner" or "property owner" means the owner of real property as shown on the most recent county assessor's roll.

(g) "Parkway" means that portion of the public right-of-way between the curb and the sidewalk.

(h) "Planting strip" means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.

(i) "Prune" means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.

(j) "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.

(k) "Roadway" means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.

(l) "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.

(m) "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.

(n) "Street" means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.

(o) “Street tree” means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.

(p) “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.

(q) “Traffic Diverter” means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.

(r) “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.

(s) “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.

(Ord. 85-29 § 2 (part), 1985).

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 ~~a list of street trees approved by the parks and recreation commission~~;
- (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 ~~in maintaining parkways~~ as required by this code 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 on public property;
- (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, ~~trim, prune, pruning~~, root pruning, spray, ~~replace~~ or otherwise maintain maintenance of any tree planted on public property pursuant to the requirements of this chapter. within the city of Santa Cruz.
- (6) No maintenance service shall be provided by the city to any tree standing on private property beyond the parkway or ~~street~~ 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, and/or 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, and/or 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.

(Ord. 94-61 § 1, 1995; Ord. 85-29 § 2 (part), 1985).

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) ~~An adjacent 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 trees or other vegetation contained in planters located on adjacent parkways and in traffic diverters adjacent to parkways). The adjacent property owner shall also be responsible for the maintenance of all street trees and other vegetation causing or threatening damage to or obstructing sidewalk areas as specified by Section 15.20.210 and 15.20.220. All duties, obligations and liabilities of property owners specified by Sections 15.20.210 and 15.20.220 of this code apply to maintenance of parkways and street trees. Specifically, a property owner obligated by Section 15.20.210 to maintain a sidewalk area must prune and trim all trees, tree roots, shrubs, hedges and ground cover, and weed, clear and otherwise maintain all included parkways so as to make the area safe and convenient for public use. A property owner who fails to so maintain a street tree or a parkway adjoining his property is liable under Section 15.20.220 of this code for any injury or damage suffered by a member of the public which is caused by said failure.~~

~~Maintenance of parkways, as required by this section, includes maintenance of all trees and other vegetation contained in planters located on parkways and in traffic diverters adjacent to parkways.~~

(b) Maintenance required under this Section 13.30.060 ~~Section 15.20.210 of this code~~ shall include, but not be limited to the following acts:

- (1) Watering as necessary;
- (2) Removing any material which would be harmful ~~injurious~~ to street trees, such as wire, rope, and signs;
- (3) Notifying the director of any diseased tree or hazard posed ~~by~~ to street trees or vegetation;
- (4) Maintaining street 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 ~~and trimming~~ 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 street trees, street tree roots, 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 ~~trimming~~ trees, and 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 ~~for their well being so as to avoid any damage to public health, safety and welfare~~, to standards set by the city;

(9) Planting and replacing street trees pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in Section 13.30.090.

(c) Before any tree is planted, pruned, ~~trimmed~~ root pruned, removed, or replaced 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 contemplated by this section shall be performed in conformity with~~guidelines, standards and recommendations of the department:~~

(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, replacement, 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, replacement, or other maintenance.

~~In order to enforce maintenance of street trees and parkways under this chapter, all relevant provisions and procedures delineated in Section 15.20.210 of this code and Chapter 22 of Division 7, Part 3, of the Streets and Highways Code and related provisions will be applied.~~

(Ord. 94-61 § 2, 1995; Ord. 85-29 § 2 (part), 1985).

13.30.065 HARMING-DAMAGING STREET TREES FORBIDDEN.



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

(a) Cutting Pruning a street tree to expose business signs or buildings or for any other purpose except as provided 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 ~~structure other improvement in a manner which may be detrimental to the health of~~ injurious to 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.

(Ord. 94-61 § 3, 1995).

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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.080 MASTER APPROVED STREET TREE LIST.



(a) The director of parks and recreation shall prepare and maintain the Approved Street Tree ~~master-street-tree~~ List enumerating the species of shade and ornamental trees permitted to be planted on public property in the public right-of-way. ~~The master street tree list shall be submitted to the parks and recreation commission which shall make a final recommendation to the city council. When approved by the city council~~ The Approved Street Tree master-street-tree List shall be made available to the public through the department of parks and recreation. ~~The master street tree list shall be reviewed annually by the director and the parks and recreation commission.~~

(b) Trees planted in a public right-of-way must comply with the master-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.

(Ord. 85-29 § 2 (part), 1985).

13.30.090 PLANTING STREET TREES MASTER STREE TREE PLANTING PLAN.



(a) The director shall prepare a master Street Tree Master planting 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. This plan shall identify tree species and areas within the city appropriate for their use. 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.

(Ord. 85-29 § 2 (part), 1985).

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 tree on any parkway or otherwise in the street public right-of-way.

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

(2) The director shall 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 Trimming-Pruning and Removal. A tree permit shall be obtained from the director by any person proposing to ~~No person shall~~ root prune, transplant or remove any tree ~~on public property or~~ within the city-public right-of-way ~~without first filing an application and procuring a permit to do so from the director. A permit shall also be obtained from the director by any person proposing to~~ ~~No person shall~~ 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 ~~on public property or~~ within the city-public right-of-way, ~~without first filing an application and procuring a permit to do so from the director.~~

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

(2) The director shall may issue the permit upon finding that the proposed action is necessary to protect the curb, gutter ~~or~~, 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 trimming 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.

(c) 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.

(d) The permit requirement proposed by this section may not apply to tree planting or tree removal associated with development projects that are reviewed by another City of Santa Cruz advisory body or city department under Title 24 pursuant to applicable state or federal law, 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 is not satisfied by approval of other city departments, or under city contracts.

(e) 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.

(f) 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.

(Ord. 2013-19 § 1, 2013; Ord. 94-61 § 4, 1995; Ord. 85-29 § 2 (part), 1985).

13.30.105 STATE TREE CARE LICENSE REQUIRED.

SHARE

(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.

SHARE

No person shall allow to exist ~~any of the following~~, 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 condition, including but not limited to the following:

(a) Any tree, ~~or 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 ~~the twenty-five foot triangle of property at the intersection of any streets improved for vehicular traffic~~ a Clean 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 ~~plants-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, ~~dead~~ or infected with disease, pests, objectionable insects, scales, 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, ~~or dense thorny trees,~~ shrubs, vegetation, and plants ~~on any street or part thereof 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 or public convenience as determined by the director.

(Ord. 2007-01 § 1, 2007: Ord. 85-29 § 2 (part), 1985).

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 remove the condition, and the time within which such work must be completed. Such time for compliance shall not exceed ninety days after the date of service of said notice. The notice shall also state that the required work will be performed by the city ~~forces~~ or by others under the city's supervision ~~of the director~~ 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. ~~within 60 days. Any failure to pay the city for the cost incurred by the city may also 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 their enforcement in this chapter.~~

(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.

(Ord. 2007-01 § 2, 2007: Ord. 85-29 § 2 (part), 1985).

13.30.130 CHARGES AGAINST PROPERTY OWNERS OR OTHER PERSONS PURSUANT TO THIS CHAPTER.

~~The cost of the abatement of any public nuisance sought to be charged against the owner of the adjacent private property in accordance with the terms of this chapter may~~

~~be assessed by the city council against the parcel of private property owned by such person as follows:~~

~~(a) — A notice and order of proposed assessment of charges against such person for failure to comply with said order this chapter shall be served personally upon said property owner stating:~~

~~(1) — The date of the order affecting such person and requiring compliance with the terms of this chapter;~~

~~(2) — Notice of the failure of the owner to complete the work, as specified by the order, within the time therein specified;~~

~~(3) — The dates of performance of the work as specified by the order, by the city of Santa Cruz or such persons or contractors as it may retain to undertake the work;~~

~~(4) — The charge incurred by the city of Santa Cruz for performance in accordance with said order;~~

~~(5) — The date and place of hearing of the report of the director before the city council requesting a resolution of the city council authorizing the city clerk to prepare, execute and file a lien against the real property owned by such person in the office of the recorder of Santa Cruz County.~~

~~(b) — On the date and hour specified in said notice, the city council shall review the report of the director and authorize the preparation, execution and filing of a notice of lien, as provided in this chapter, for all or such portion of the charges reported by the director for the compliance with the order.~~

~~(c) — The notice of lien shall be filed in the office of the county recorder for Santa Cruz County and shall be in the form of a certificate substantially in the following form:~~

~~NOTICE OF LIEN~~

~~Pursuant to the authority of Chapter 13.30 of the Santa Cruz Municipal Code, and as duly authorized by the City Council of the City of Santa Cruz on the _____ day of _____, 19____, by Resolution No. _____, the City of Santa Cruz does hereby claim a lien upon the property hereinafter described for the charges duly assessed by the Council of the City of Santa Cruz as the cost incurred by the City of Santa Cruz for _____ pursuant to order of the Director of Parks and Recreation for the City of Santa Cruz dated _____, the same has not been paid nor any part thereof, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 10% per annum, from the day of _____, 19____, (insert date of confirmation of assessment by City Council), has been paid in full and discharged of record.~~

~~The real property hereinbefore mentioned and upon which a lien is claimed is that certain piece or parcel of land lying and being in the City of Santa Cruz, County of Santa Cruz, State of California, and more particularly described as follows:~~

~~(Legal description of the property, either by metes and bounds or by subdivision number. Assessor's parcel number cannot be used for this type of lien.)~~

~~(Ord. 85-29 § 2 (part), 1985).~~

13.30.130 RECOVERY OF DAMAGES FOR LOSS OF TREES.

~~Any person who damages or destroys a tree on public property in the public right-of-way is liable to the city for the any costs of the tree's repair or replacement related to the repair or replacement of such tree. Recovery of monetary damages and/or replacement of trees and shrubs shall be in accordance with the current plant appraisal formula prepared by the International Society of Arboriculture.~~

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

~~(b) For heritage trees with a 14" diameter or larger as defined in chapter 9.56, monetary damages may be assessed as specified by the director which may include a tree appraisal in accordance with current tree appraisal methods prepared by the International Society of Arboriculture.~~

~~(a) Replacement value up to eight-inch trunk caliper size shall be based upon the current retail price of a comparable tree up to eight-inch trunk caliper measured at four and one-half feet from the top of the container soil level or the existing soil grade at the site of a damaged tree. Replacement value shall include the cost of replanting or removing a tree.~~

~~(b) Replacement trees shall be chosen in accordance with the master street tree planting plan or a species selected by the director.~~

~~(c) For trees larger than eight inches in trunk caliper, the monetary value shall be determined on the basis of the current value per square inch of the tree trunk cross-section measured at four and one-half feet above grade in accordance with the formula prepared by the International Society of Arboriculture.~~

~~(d) A twenty-percent deduction may be applied to any tree found by the director to be in poor condition prior to its damage or destruction.~~

~~(e) When injury has occurred during work on any structure, collision with any motor vehicle, an act of vandalism, or house moving, the responsible party shall not be released from liability until the director has determined that the tree(s) has fully recovered.~~

~~(Ord. 85-29 § 2 (part), 1985).~~

13.30.140 INFRACTION.

Any person who violates the provisions of Section [13.30.100](#) shall be guilty of an infraction punishable by a fine of not less than ~~one~~five hundred dollars for a first offense and in doubling increments for each successive offense, or as otherwise 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. 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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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. ~~through the city clerk. All such appeals shall be made pursuant to chapter 1.16 of this code. The city council's decision shall be final.~~

(Ord. 85-29 § 2 (part), 1985).

13.30.180 PROCEDURE FOR APPEALS TO PARKS AND RECREATION COMMISSION

 SHARE

(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. and The appellant shall state the nature of the application and the basis for the appeal and shall specifically cite the provision of this chapter which is relied upon to appeal the action or decision. upon which the decision of the official or body is considered to be in error.~~

(b) Such appeals, to be effective, must be received by the secretary to the parks and recreation commission ~~or by the city clerk~~ 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.

(Ord. 85-29 § 2 (part), 1985).

13.30.190 STAY, PENDING APPEAL.

 SHARE

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.200 HEARING ON APPEAL.

 SHARE

(a) ~~Upon receipt of the appeal, the secretary to the parks and recreation commission shall schedule the 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 ~~by the city clerk at the earliest next regular meeting consistent with city council agenda preparation and meeting schedules.~~

~~(b) Unless otherwise required in this chapter, neither the parks and recreation commission, nor the city council need hold public hearings in considering matters on appeal.~~

(b) The 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 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 commission shall be final unless appealed to the city council by the appellant under chapter 1.16.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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.

- 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.
- 13.30.065 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 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. [SHARE](#)

This chapter shall be known as the “Tree Ordinance of the City of Santa Cruz.”

(Ord. 85-29 § 2 (part), 1985).

13.30.020 PURPOSE. [SHARE](#)

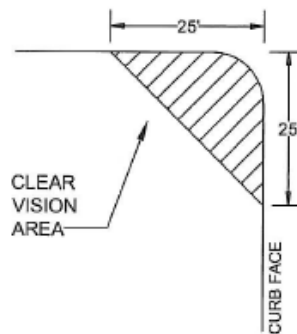
The city council finds that planting and preserving trees enhances the natural beauty of Santa Cruz, promotes the city’s ecological balance, and is in the public interest. The purpose of this Tree Ordinance is to provide a set of standards and regulations for the protection, maintenance, and planting of trees and other vegetation within the city of Santa Cruz. Heritage trees shall be further regulated by chapter 9.56 of the Municipal Code.

(Ord. 85-29 § 2 (part), 1985).

13.30.030 DEFINITIONS. [SHARE](#)

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 tree or vegetation, any trenching or excavating near any tree or vegetation, or any action which may cause death, destruction or injury to any tree or vegetation, or which places any 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) “Median area” means a planting area lying within a traffic median or traffic island in the public right-of-way.
- (f) “Owner” or “property owner” means the owner of real property as shown on the most recent county assessor’s roll.
- (g) “Parkway” means that portion of the public right-of-way between the curb and the sidewalk.
- (h) “Planting strip” means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.
- (i) “Prune” means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.
- (j) “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.
- (k) “Roadway” means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.
- (l) “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.
- (m) “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.
- (n) “Street” means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.
- (o) “Street tree” means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.
- (p) “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.

(q) “Traffic Diverter” means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.

(r) “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.

(s) “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.

(Ord. 85-29 § 2 (part), 1985).

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 maintenance of any 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.

(Ord. 94-61 § 1, 1995; Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.060 PROPERTY OWNER MAINTENANCE RESPONSIBILITIES – DUTIES AND LIABILITIES.



(a) An adjacent 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 trees or other vegetation contained in planters located on adjacent parkways and in traffic diverters adjacent to parkways). The adjacent property owner shall also be responsible for the maintenance of all street trees and other vegetation

causing or threatening damage to or obstructing 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 tree or hazard posed to street trees or vegetation;
- (4) Maintaining street 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 street 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 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;
- (9) Planting and replacing street trees pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in Section 13.30.090.

(c) Before any tree is planted, pruned, root pruned, removed, or replaced 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 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, replacement, 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, replacement, or other maintenance.

(Ord. 94-61 § 2, 1995; Ord. 85-29 § 2 (part), 1985).

13.30.065 DAMAGING STREET TREES FORBIDDEN.

 SHARE

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.

(Ord. 94-61 § 3, 1995).

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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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. The Approved Street Tree List shall be made available to the public through the department of parks and recreation.

(b) Trees planted in a public right-of-way 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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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 tree on any parkway or otherwise in the public right-of-way.

(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 root prune, 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 ~~shall~~ may issue the permit upon finding that the proposed action is necessary to protect the curb, gutter-~~or~~, 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.

(c) 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.

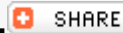
(d) The permit requirement proposed by this section may not apply to tree planting or tree removal associated with development projects that are reviewed by another City of Santa Cruz advisory body or city department under Title 24 pursuant to applicable state or federal law, and to which the relevant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

(e) 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.

(f) 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.

(Ord. 2013-19 § 1, 2013; Ord. 94-61 § 4, 1995; Ord. 85-29 § 2 (part), 1985).

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 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 Clean 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 or public convenience as determined by the director.

(Ord. 2007-01 § 1, 2007: Ord. 85-29 § 2 (part), 1985).

13.30.120 ABATEMENT OF PUBLIC NUISANCES.

 SHARE

(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 ~~forces~~ 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.

(Ord. 2007-01 § 2, 2007: Ord. 85-29 § 2 (part), 1985).

13.30.130 RECOVERY OF DAMAGES FOR LOSS OF TREES.

 SHARE

Any person who damages or destroys a tree in the public right-of-way is liable to the city for any costs related to the repair or replacement of such tree.

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

(b) For heritage trees with a 14" diameter or larger as defined in chapter 9.56, monetary damages may be assessed as specified by the director which may include a tree appraisal in accordance with current tree appraisal methods prepared by the International Society of Arboriculture.

(Ord. 85-29 § 2 (part), 1985).

13.30.140 INFRACTION.



Any person who violates the provisions of Section 13.30.100 shall be guilty of an infraction punishable by a fine of not less than five hundred dollars for a first offense and in doubling increments for each successive offense, or as otherwise 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. 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.

(Ord. 85-29 § 2 (part), 1985).

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.

 SHARE

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.170 WHERE TO FILE APPEAL.

 SHARE

(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.

(Ord. 85-29 § 2 (part), 1985).

13.30.180 PROCEDURE FOR APPEALS TO PARKS AND RECREATION COMMISSION.

 SHARE

(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.

(Ord. 85-29 § 2 (part), 1985).

13.30.190 STAY, PENDING APPEAL.

 SHARE

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.200 HEARING ON APPEAL.

 SHARE

(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 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 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 commission shall be final unless appealed to the city council by the appellant under chapter 1.16.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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.

Summary of Proposed Revisions to Chapter 13.30 – Trees

13.30.020 Purpose

Clarify the scope of the ordinance and refer readers to the Heritage Tree Ordinance (Chapter 9.56).

13.30.030 Definitions

Add additional definitions to improve clarity and be consistent with other sections of the Municipal Code.

13.30.040 Parks and Recreation Director – Powers and duties

Update the name of the Approved Street Tree List. Clarify the scope of the Director’s duties relating to street tree maintenance.

13.30.050 Parks and Recreation Commission – Powers and duties

Clarify that this chapter assigns the Parks and Recreation Commission the power and duty to hear appeals related to the provisions of this chapter, unless street trees are located in the local coastal plan. Clarify that under this chapter the Commission has the power and duty to make recommendations to the City Council regarding street trees. Under Chapter 9.56 (“Preservation of Heritage Trees and Heritage Shrubs”) the Commission also has the power and duty to make recommendations relating to the urban forest more broadly.

13.30.060 Property owner maintenance responsibilities – Duties and liabilities

Clarify the areas within the public right-of-way and types of maintenance for which

property owners have responsibility.

Require that work be done in conformance with industry standards, as recommended in the Street Tree Master Plan, and with City policies.

13.30.065 Damaging street trees forbidden

Replace “harming” with “damaging” as defined in definitions section and further elaborate types of damage forbidden to align with Section 9.56.050 (“Protection of Heritage Trees and Heritage Shrubs”).

13.30.067 House moving

Move Section 220 from existing ordinance to this location to be near previous section on damaging street trees.

13.30.080 Approved Street Tree List

Update the name of the list for consistency and clarity. Remove the requirement for Commission and Council approval of the list and annual Commission review of the list to allow staff technical experts to manage list as needed. Staff are working on an update to the list and will share the updated list with the Commission for feedback. Require street tree plantings to conform to City policies.

13.30.090 Planting street trees

Update the name of the “Master Street Tree Planting Plan” to “Street Tree Master Plan,” the document that was reviewed by Commission and approved by Council in 2021.

Add objective standards for planting street trees that can be used by the City in review of development proposals as outlined in Chapter 24.12 (“Land use permits and findings”) and citywide. These standards require street trees planted to be of a minimum size and quality, to be selected from the Approved Street Tree List, to conform to City policies, and to avoid conflicts with utility infrastructure.

13.30.100 Permits required

Clarify that the name of the permit required is a “tree permit” and update the language of this section. Clarify that tree permits may not be required for projects reviewed by another City advisory body or department under Title 24 as long as the standards of Chapter 13.30 are still applied.

13.30.105 State Tree Care License required

As recommended in the Street Tree Master Plan, require that contractors performing work on street trees hold a valid State Tree Care License as defined in section 13.30.030. The language for this section is adapted from Chapter 9.56.

13.30.110 Prohibited vegetation – Nuisance

Clarify that the prohibitions cover all types of vegetation. Cover a broader range of nuisances. Replace the description in part (b) with the term “Clear Vision Area” as defined in 13.30.030. Expand the language in part (d) to include trees that have a broader range of plant health issues or are already dead.

13.30.120 Abatement of public nuisances

Better connect this section to Title 4 (“General municipal code enforcement”) and cover emergency situations.

13.30.130 (existing)

At the recommendation of the City Attorney’s Office, remove this section in favor of reference to Title 4 in 13.30.120 and 13.30.150.

13.30.130 (new) Recovery of damages for loss of trees

Update procedures outlined to reflect current practice and industry standards.

13.30.140 (new) Infraction

Update fees to current levels and outline various methods by which fees may be changed in the future.

13.30.150 (new) Legal remedies/penalties and fines

New section recommended by the City Attorney’s Office to refer to Title 4 and current best practices.

13.30.170 Where to file appeals

Clarify appeals procedure in reference to other sections of the municipal code.

13.30.180 Procedure for appeals to parks and recreation commission

Clarify appeals procedure.

13.30.200 Hearing on appeal

Clarify appeals procedure.

13.20.220 (new) Severability

Included at the recommendation of the City Attorney’s Office.

DRAFT

Standards to incorporate into Ch. 24.12

1. On Corridors [*Mission St, Ocean St, Water St, Soquel Ave*], when new development or redevelopment is proposed, street trees shall be provided by the owner or developer either within a 5 foot set-back area along any public frontage immediately adjacent to a required public sidewalk or within the public right-of-way along the primary building frontage.

The street trees shall be permanently maintained in the approved location.

- a. Except when otherwise provided in area plans, the street trees provided shall be a minimum of one tree for each 30 feet of street frontage of the property, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. For example, a lot that is no more than 30 feet in width is required to provide a minimum of 1 street tree, and a lot of 50 feet in width is required to provide a minimum of 2 street trees.
 - i. If closer spacing is recommended by an applicable area plan the spacing in the area plan shall govern.
 - ii. The rates above govern the number of trees to be provided but do not establish a minimum spacing. Trees may be grouped at the recommendation of the project's landscape architect or certified arborist.
- b. Existing trees count towards the total number of trees required to be provided.
 - i. Existing trees that are to be retained shall be managed and protected in conformity with 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.
 - ii. Existing trees proposed for removal are subject to the requirements of Chapters 9.56, 13.30, 15.20, applicable council resolutions, and the city's Local Coastal Program.
 1. In addition to on-site replanting requirements for any trees removed, the project applicant may be assessed monetary mitigation as specified by the director of parks and recreation or their designee, which may include a tree appraisal in accordance with current tree appraisal methods prepared by the International Society of Arboriculture.
- c. 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, and all the standards of Chapter 13.30.
 - i. Planting wells may incorporate alternative technologies to enhance root development and promote tree growth. Where existing soils beyond the tree well are not conducive to tree growth, as determined by the City of Santa Cruz Urban Forester, techniques including but not limited to structural soils and suspended pavement may be conditioned.
- d. Street trees newly planted within 5 feet of the public right-of-way shall not be planted:
 - i. Within a Clear Vision Area required by the city.

Objective Standards Relating to Street Trees to Incorporate into Chapter 24.12

- ii. Within 3 feet of a parking sign unless the Department of Public Works agrees to relocate the sign.
 - iii. Within 5 feet of a gas or water meter, or underground electrical conduit.
 - iv. Within 5 feet of a fire hydrant.
 - v. Within 10 feet of a sewer lateral.
 - vi. Within 10 feet of an electrical utility pole.
 - vii. Within 10 feet of a driveway.
 - viii. Within 15 feet of a crosswalk.
 - ix. Within 20 feet of a traffic signal.
 - x. Within 15 feet of existing trees unless the location is recommended by a landscape architect or project arborist, as approved by the City of Santa Cruz Urban Forester, who will base their determination on site and tree species, to prevent mature tree canopies from conflicting.
- e. Utility infrastructure shall be consolidated if necessary in order to accommodate the siting of street trees.
- f. Where location criteria eliminate all options for locating street trees on the public frontage, and utilities cannot be further consolidated to allow for installation of street trees as demonstrated in a landscaping plan, the following alternatives will become available to the property owner or developer at the city's discretion:
 - i. Incorporation of other trees on the development site, at a rate of 1.5 trees per 1 street tree that is not provided, with fractional requirements rounded up to the next whole number.
 - 1. These trees may be located anywhere on the site, including but not limited to, a buffer at the rear of the property, in a permanent rooftop garden (not in a stand-alone planter), or as a shade tree within a parking area.
 - 2. Trees placed within 5 feet of any paved area shall be installed consistent with the Public Works Department Street Tree Planting Details.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 13.30 OF THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO TREES.

WHEREAS, the City Council of the City of Santa Cruz approved the Street Master Plan at its April 27, 2021 meeting; and

WHEREAS, the objective developments standards have been established in concert with the California Housing Crisis Act of 2019 (SB 330), which limits discretion by City staff or elected officials;

WHEREAS, the City's Zoning Administrator shall set objective development standards per Title 24 of the Santa Cruz Municipal Code to be in compliance with SB 330;

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

Chapter 13.30.020 - 13.30.220 of the Santa Cruz Municipal Code is hereby amended to read as follows:

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 Tree Ordinance is to provide a set of standards and regulations for the protection, maintenance, and planting of trees and other vegetation within the city of Santa Cruz. The provisions of this Tree Ordinance shall also apply to other chapters in the Municipal Code related to the regulation of trees. Heritage trees shall be further regulated by chapter 9.56 of the Municipal Code.

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 tree or vegetation, any trenching or excavating near any tree or vegetation, or any action which may cause death, destruction or injury to any tree or vegetation, or which places any 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 their designee.

- (e) "Median area" means a planting area lying within a traffic median or traffic island in the public right-of-way.
- (f) "Owner" or "property owner" means the owner of real property as shown on the most recent county assessor's roll.
- (g) "Parkway" means that portion of the public right-of-way between the curb and the sidewalk.
- (h) "Planting strip" means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.
- (i) "Prune" means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.
- (j) "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.
- (k) "Roadway" means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.
- (l) "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.
- (m) "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.
- (n) "Street" means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.
- (o) "Street tree" means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.
- (p) "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.
- (q) "Traffic Diverter" means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.
- (r) "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.
- (s) "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 or vegetation 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 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, including but not limited to planting, inspecting, pruning, and removal;
- (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 maintenance of any 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) An adjacent 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 trees or other vegetation contained in planters located on adjacent parkways and in traffic diverters adjacent to parkways). The adjacent property owner shall also be responsible for the maintenance of all street trees and other vegetation causing or threatening damage to or obstructing sidewalk areas as specified by Section 15.20.210 and 15.20.220.

(b) Maintenance required under 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 tree or hazard posed to street trees or vegetation;
- (4) Maintaining street 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 and removing any street 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 and removing 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;

(9) Planting and replacing street trees pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in section 13.30.090.

(c) Before any tree is planted, pruned, root pruned, removed, or replaced 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 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.

(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 such planting, maintenance, removal, and replacement described in this section and shall restore the public right-of-way and any improvements therein if either are disturbed in the course of such planting, maintenance, removal, or replacement.

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 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. The Approved Street Tree List shall be made available to the public through the department of parks and recreation.
- (b) Trees planted in a public right-of-way 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 to 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.
 - i. Planting wells may incorporate alternative technologies to enhance root development and promote tree growth. Where existing soils beyond the tree well are not conducive to tree growth, as determined by the City of Santa Cruz Urban Forester, techniques including but not limited to structural soils and suspended pavement may be conditioned.
- (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.
- (5) Utility infrastructure shall be consolidated if necessary in order to accommodate the siting of street trees.
- (6) Street trees planted within 5 feet of the public right-of-way shall not be planted:
 - i. Within a Clear Vision Area required by the city.
 - ii. Within 3 feet of a parking sign unless the Department of Public Works agrees to relocate the sign.
 - iii. Within 5 feet of a gas or water meter, or underground electrical conduit.
 - iv. Within 5 feet of a fire hydrant.
 - v. Within 10 feet of a sewer lateral.
 - vi. Within 10 feet of an electrical utility pole.
 - vii. Within 10 feet of a driveway.
 - viii. Within 10 feet of a crosswalk.
 - ix. Within 15 feet of a traffic signal.
 - x. Within 15 feet of existing trees unless the location is recommended by a landscape architect or project arborist, as approved by the City of Santa Cruz Urban Forester, who will base their determination on site and tree species, to prevent mature tree canopies from conflicting.

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 on any parkway or otherwise in the public right-of-way.

(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 root prune, transplant or remove any tree within the city 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.

(c) 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.

(d) The permit requirement proposed by this section is not satisfied by approval of other city departments, or under city contracts.

(e) 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.

(f) 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 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 Clean 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, electroliner 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 or thorny 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 or public convenience 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 city forces 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 TREES.

Any person who damages or destroys a tree in the public right-of-way is liable to the city for any costs related to the repair or replacement of such tree.

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

(b) For heritage trees with a 14" diameter or larger as defined in chapter 9.56, monetary damages may be assessed as specified by the director which may include a tree appraisal in accordance with current tree appraisal methods prepared by the International Society of Arboriculture.

13.30.140 INFRACTION.

Any person who violates the provisions of Section 13.30.100 shall be guilty of an infraction punishable by a fine of not less than five hundred dollars for a first offense and in doubling increments for each successive offense, or as otherwise 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. 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 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 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 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.

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

PASSED FOR PUBLICATION this ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

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

City Clerk Administrator

CITY OF SANTA CRUZ
Parks & Recreation Department
323 Church Street
Santa Cruz, California 95060



PARKS & RECREATION COMMISSION

Regular Meeting Minutes - DRAFT

April 11, 2022

**4:00 PM GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, COUNCIL
CHAMBERS - ZOOM: [HTTPS://ZOOM.US/J/93143409514](https://zoom.us/j/93143409514)**

Parks & Recreation Commission

Call to Order - 4:01 PM

Roll Call: Commissioners Gillian Greensite, Hollie Locatelli, Jane Mio, Jacob Pollock, and Vice Chair Kristina Glavis.

Absent: Chair JM Brown.

Staff: Tony Elliot, Travis Beck, Lindsay Bass, Tiffany Wise-West, Sarah Neuse, Stephanie Hall, Leslie Keedy and Tremain Hedden-Jones.

Presentations

1 Climate Action Plan 2030 (CM)

Receive an update and presentation on the Climate Action Plan for 2030.

Analyst Wise-West provided an update on future focus/implementation of the climate action plan; community-wide plan that includes the region and encompassing communities.

Commissioners commented on construction and program management.

Statements of Disqualification - No members were disqualified to vote.

Oral Communications

The following members of the public spoke:

None.

Announcements

2 Commission and Department Updates

1. Presiding Officer
Vice Chair K. Glavis commented on former Commissioner Schott-Norris' resignation and thanked her for her years of service.
2. Commissioners
Commissioners commented on Friends of Parks & Recreation (FOPAR) scholarships and program goals for the next year; received correspondence; and outreach to Spanish speaking children within the community.
3. Department Staff
See written submission in agenda packet.
4. Director of Parks & Recreation
Director T. Elliot spoke to the preparation of the fiscal year 2023 budget and need for a special meeting; registration for summer programs on April 9; acknowledged Commissioner J. Mio's award from the California Parks & Recreation Society (CPRS); commented on the updated sidewalk vending ordinance.

Approval of Minutes

3 Approval of Minutes for the February 14, 2022, regular meeting of the Parks & Recreation Commission

4 Approval of Minutes for the February 28, 2022, special meeting of the Parks & Recreation Commission

MOTION: Commissioner H. Locatelli, seconded by Commissioner G. Greensite, moved to approve the meeting minutes from the February 14 and February 28, 2022, as submitted.

ACTION: The motion was carried by the following vote:

AYES:	Greensite, Locatelli, Mio, and Pollock; Vice-Chair Glavis.
NOES:	None.
ABSENT:	Brown.
ABSTAIN:	None.

Consent Agenda - There were no items.

Public Hearings - There were no items.

General Business

5 Tree Ordinance Revision (Chapter 13.30)

Superintendent T. Beck provided the commission with a presentation on the existing tree ordinance; Planner S. Neuse presented on the objective standards recently adopted; change in state law in how cities can regulate housing development, does not affect commercial development.

Commissioners asked questions concerning elements of the proposed revisions.

Attorney S. Hall counseled on legal terms and definitions.

Urban Forester L. Keedy spoke to the public process of reviewing plans.

Planner S. Neuse spoke to the proposed review standards evaluation of comparable cities and agencies.

Vice Chair K. Glavis opened the item for public comment at 5:27 PM.

The following members of the public spoke:

None.

Commissioners commented on the process for reviewing the draft ordinance and made recommendations for future receipt.

MOTION: Commissioner G. Greensite, seconded by Commissioner J. Mio, moved to 1) bring the proposed ordinance (SCMC 13.30) back to the commission with suggested changes and concerns incorporated, and 2) to allow for further discussion and refinement at the next public meeting.

ACTION: The motion was carried by the following vote:

AYES: Greensite, Locatelli, Mio, and Pollock;
Vice-Chair Glavis.
NOES: None.
ABSENT: Brown.
ABSTAIN: None.

Information Items

6 Summer 2022 - Beach Area Plan

Commissioners received a written submission of the department's beach area plan for summer 2022.

Commissioners commented on the prior arrangement with the Seaside Company handling refuse on Main Beach.

Director T. Elliot provided clarity to waste management along Main Beach; evaluating hiring additional staff to assist with waste at the beach;

7 Adopt-a-Park Annual Report (FY 2022)

Commission received a written submission and summary of park adoptions for fiscal year 2022.

Subcommittee Oral Reports - There were no items.

Adjournment - 6:02 PM



PR Commission AGENDA REPORT

DATE: 06/06/2022

AGENDA OF: 06/13/2022

DEPARTMENT: Parks and Recreation

SUBJECT: Tree Ordinance Revisions.

RECOMMENDATION: Discuss and recommend approval to City Council, proposed changes proposed Chapter 13.30 (Trees) of the Santa Cruz Municipal Code.

BACKGROUND: On April 11, 2022 the Parks and Recreation Commission met to consider changes proposed to Chapter 13.30 (“Trees”) of the Santa Cruz Municipal Code. The commission voted that the proposed ordinance be brought back to the commission with suggested changes and concerns incorporated from the commission to allow for further discussion and refinement.

Background and discussion of the proposed revisions is included in the Tree Ordinance Revision Agenda Report from the April 11 meeting.

DISCUSSION: In response to the commission’s suggestions and concerns, staff are proposing changes to the Chapter 13.30 revisions considered at the last meeting. The full text of the amended ordinance can be found in the accompanying clean and redline versions. Proposed changes:

Reference to “Street Trees”

Throughout the ordinance, make clear that the regulations apply only to street trees, except for the sections addressing nuisance vegetation (Section 13.30.110 – Prohibited Vegetation – Nuisance) and trees impinging on the public right-of-way (portions of Section 13.30.060 – Property Owner Maintenance Responsibilities – Duties and Liabilities).

13.30.010 – Short Title

Change the title of the ordinance from “Tree Ordinance” to “Street Tree and Nuisance Vegetation Ordinance.” This change will more accurately reflect that the ordinance regulates street trees (i.e. trees in the public right-of-way) and nuisance vegetation (whether in the public right-of-way or not).

13.30.020 – Purpose

Amend the purpose statement to clarify that this ordinance complements and does not supersede the Heritage Tree Ordinance (Chapter 9.56).

13.30.080 – Approved Street Tree List

Require that changes to the Approved Street Tree List be presented to the Parks and Recreation Commission for discussion and to allow them to make a final recommendation to the Director. This will provide the requested opportunity for commission and public discussion of the list prior to amendment without bringing the matter before Council.

13.30.100 – Permits Required

Add language to section 13.30.100(b)(2) to create the option of requiring payment of an in lieu fee in circumstances in which planting of a replacement for a removed tree is not feasible in the Director's sole discretion. This fee, which would be new for trees that are not heritage trees, would help fund street tree planting efforts throughout the City. It would, however, add to property owners' costs for maintaining trees in the public right-of-way.

Add language to section 13.30.100(d) to clarify that the permit requirements proposed by this section do not apply to tree planting or removal associated with development projects reviewed by another city advisory body or city department that will have a public hearing outside of the process spelled out in this ordinance Chapter 13.30.

13.30.110 – Prohibited Vegetation – Nuisance

Removed the phrase "public convenience." Retained "welfare" as "public health, safety, or welfare" is a common legal phrase. For example, the California Public Resources Code, section 5780.5 states that the chapter on Recreation and Park Districts "is necessary for the public health, safety, and welfare."

ENVIRONMENTAL REVIEW:

As part of the previously proposed revisions, the proposed Tree Ordinance amendments implement the goals and policies of the City's 2030 General Plan. The General Plan Environmental Impact Report (EIR) reviewed the proposed tree protection policies and found that the implementation of these policies reduced potential environmental impacts of future development to a less than significant level. CEQA allows the City to take actions that it has previously reviewed and approved unless substantial changes have occurred or new information is available that would require preparation of a new EIR (Public Resources Code section 21166). Specifically, the proposed tree ordinance amendments incorporate street tree best management practices to enhance a sustainable urban forest. The proposed amendments specify objective standards for street tree container size when planting new street trees that is consistent with baseline conditions in the City's approved 2030 General Plan EIR. The proposed amendments specifically implement 2030 General Plan goals and policies as follows:

Goal NRC5 [develop] An enhanced and sustainable urban forest

- NRC5.1 Protect and manage tree resources in the urban environment...

- o NRC5.1.1 Continue and enhance educational programs and opportunities to promote the Urban Forest.

- o NRC5.1.2 Maintain and add to the city's urban tree canopy and increase tree diversity within urbanized areas using native and non-invasive tree species.

- NRC5.2 Increase the percent of tree canopy by promoting street tree planting.

- o NRC5.2.1 Provide and maintain a list for the public identifying species appropriate for street trees.

Further, any remaining proposed amendments to the tree ordinance not previously studied and approved under the City's General Plan are categorically exempt from further environmental review under California Code of Regulations, title 14, sections 15307 and 15308, because the ordinance is a regulatory action that protects natural resources and the environment by enhancing the urban forest by supporting and expanding the City's street tree program. Finally, the proposed amendments are also exempt from environmental review under section 15061(b)(3), otherwise known as the "common sense exemption", because it can be seen with certainty that the action will not have a significant effect on the environment.

FISCAL IMPACT: These revisions will lead to no additional City expenditures. They may improve the ability of the City to recover costs for tree damage, code violations, and street tree replacement.

Prepared By:
Leslie Keedy
Urban Forester

Submitted By:
Travis Beck
Superintendent of Parks

Approved By:
Tony Elliot
Director of Parks &
Recreation

ATTACHMENTS:

1. STREET TREE STANDARDS SECTION 24.12.186.DOCX

Summary of Proposed Revisions to Chapter 13.30 – Trees

13.30.020 Purpose

Clarify the scope of the ordinance and refer readers to the Heritage Tree Ordinance (Chapter 9.56).

13.30.030 Definitions

Add additional definitions to improve clarity and be consistent with other sections of the Municipal Code.

13.30.040 Parks and Recreation Director – Powers and duties

Update the name of the Approved Street Tree List. Clarify the scope of the Director’s duties relating to street tree maintenance.

13.30.050 Parks and Recreation Commission – Powers and duties

Clarify that this chapter assigns the Parks and Recreation Commission the power and duty to hear appeals related to the provisions of this chapter, unless street trees are located in the local coastal plan. Clarify that under this chapter the Commission has the power and duty to make recommendations to the City Council regarding street trees. Under Chapter 9.56 (“Preservation of Heritage Trees and Heritage Shrubs”) the Commission also has the power and duty to make recommendations relating to the urban forest more broadly.

13.30.060 Property owner maintenance responsibilities – Duties and liabilities

Clarify the areas within the public right-of-way and types of maintenance for which

property owners have responsibility.

Require that work be done in conformance with industry standards, as recommended in the Street Tree Master Plan, and with City policies.

13.30.065 Damaging street trees forbidden

Replace “harming” with “damaging” as defined in definitions section and further elaborate types of damage forbidden to align with Section 9.56.050 (“Protection of Heritage Trees and Heritage Shrubs”).

13.30.067 House moving

Move Section 220 from existing ordinance to this location to be near previous section on damaging street trees.

13.30.080 Approved Street Tree List

Update the name of the list for consistency and clarity. Remove the requirement for Commission and Council approval of the list and annual Commission review of the list to allow staff technical experts to manage list as needed. Staff are working on an update to the list and will share the updated list with the Commission for feedback. Require street tree plantings to conform to City policies.

13.30.090 Planting street trees

Update the name of the “Master Street Tree Planting Plan” to “Street Tree Master Plan,” the document that was reviewed by Commission and approved by Council in 2021.

Add objective standards for planting street trees that can be used by the City in review of development proposals as outlined in Chapter 24.12 (“Land use permits and findings”) and citywide. These standards require street trees planted to be of a minimum size and quality, to be selected from the Approved Street Tree List, to conform to City policies, and to avoid conflicts with utility infrastructure.

13.30.100 Permits required

Clarify that the name of the permit required is a “tree permit” and update the language of this section. Clarify that tree permits may not be required for projects reviewed by another City advisory body or department under Title 24 as long as the standards of Chapter 13.30 are still applied.

13.30.105 State Tree Care License required

As recommended in the Street Tree Master Plan, require that contractors performing work on street trees hold a valid State Tree Care License as defined in section 13.30.030. The language for this section is adapted from Chapter 9.56.

13.30.110 Prohibited vegetation – Nuisance

Clarify that the prohibitions cover all types of vegetation. Cover a broader range of nuisances. Replace the description in part (b) with the term “Clear Vision Area” as defined in 13.30.030. Expand the language in part (d) to include trees that have a broader range of plant health issues or are already dead.

13.30.120 Abatement of public nuisances

Better connect this section to Title 4 (“General municipal code enforcement”) and cover emergency situations.

13.30.130 (existing)

At the recommendation of the City Attorney’s Office, remove this section in favor of reference to Title 4 in 13.30.120 and 13.30.150.

13.30.130 (new) Recovery of damages for loss of trees

Update procedures outlined to reflect current practice and industry standards.

13.30.140 (new) Infraction

Update fees to current levels and outline various methods by which fees may be changed in the future.

13.30.150 (new) Legal remedies/penalties and fines

New section recommended by the City Attorney’s Office to refer to Title 4 and current best practices.

13.30.170 Where to file appeals

Clarify appeals procedure in reference to other sections of the municipal code.

13.30.180 Procedure for appeals to parks and recreation commission

Clarify appeals procedure.

13.30.200 Hearing on appeal

Clarify appeals procedure.

13.20.220 (new) Severability

Included at the recommendation of the City Attorney’s Office.

24.12.186 REQUIREMENTS FOR STREET TREES

1. When new development or redevelopment is proposed that triggers the requirement for a sidewalk greater than or equal to seven feet based on requirements of Section 24.12.185.12, Section 15.20.060, or any applicable Area Plan, street trees shall be provided by the owner or developer either within the public right-of-way along any site frontage or within five feet any site frontage immediately adjacent to the required public sidewalk. The street trees shall be permanently maintained in the approved location by the owner or successor in interest of the property whose project triggered the tree planting requirement.
 - a. The street trees shall conform to the Public Works Department Tree Planting Details and Tree Sidewalk Program Policy. Except when otherwise provided in those guidelines, the street trees provided shall be a minimum of one tree for each 30 feet of frontage of the property along each street frontage, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. For example, a lot that is no more than 30 feet in width is required to provide a minimum of 1 street tree, and a lot of 50 feet in width is required to provide a minimum of 2 street trees.
 - i. If closer spacing is recommended by an applicable area plan the spacing in the area plan shall govern.
 - ii. The rates above govern the number of trees to be provided but do not establish a minimum spacing. Trees may be grouped at the recommendation of the Landscape Architect or Project Certified Arborist.
 - b. 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, and all the standards of Chapter 13.30.
 - i. Planting wells may incorporate alternative technologies to enhance root development and promote tree growth. Where existing soils beyond the tree well are not conducive to tree growth, as determined by the City of Santa Cruz Urban Forester, techniques including but not limited to structural soils and suspended pavement may be conditioned.
 - c. Street trees newly planted in the public right-of-way or within five feet of the public right-of-way shall not be planted:
 - i. Within a Clear Vision Area required by the city
 - ii. Within 3 feet of a parking sign unless the Department of Public Works agrees to relocate the sign at the expense of the project.
 - iii. Within 5 feet of a gas or water meter, or underground electrical conduit.
 - iv. Within 5 feet of a fire hydrant.
 - v. Within 10 feet of a sewer lateral.
 - vi. Within 10 feet of an electrical utility pole.
 - vii. Within 10 feet of a driveway.
 - viii. Within 15 feet of a crosswalk.
 - ix. Within 20 feet of a traffic signal.
 - x. Within 15 feet of existing trees unless the location is recommended by a landscape architect or Project Certified Arborist, as approved by the City

of Santa Cruz Urban Forester, who will base their determination on site and tree species, to prevent mature tree canopies from conflicting.

- d. Utility infrastructure shall be consolidated if necessary in order to accommodate the siting of street trees.
- e. Where location criteria eliminate all options for locating the required number of street trees within the public right-of-way or within five feet of the public right-of-way, and utilities cannot be further consolidated to allow for installation of street trees as demonstrated in a landscaping plan, the requirement to provide street trees shall be met in the following alternative method:
 - i. Incorporation of trees on the development site at a rate of 1.5 trees per 1 street tree that is not provided, with fractional requirements rounded up to the next whole number.
 - 1. These trees may be located anywhere on the site, including but not limited to; a buffer at the rear of the property, in a permanent rooftop garden (not in a stand-alone planter), or as a shade tree within a parking area.
 - 2. Trees placed within 5 feet of any paved area shall be installed consistent with the Public Works Department Tree Planting Details.

- 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.
- 13.30.065 ~~Harming~~ Damaging street trees forbidden.
- 13.30.067 House moving.
- 13.30.070 Duties of public utilities.
- 13.30.080 ~~Master~~ Approved street tree list.
- 13.30.090 ~~Master~~ Street tree planting plan.
- 13.30.100 Permits required.
- 13.30.110 Prohibited vegetation – Nuisance.
- 13.30.120 Abatement of public nuisances.
- ~~13.30.130 Charges against property owners or other persons pursuant to this chapter.~~
- 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 House moving.~~

13.30.220 Severability.

13.30.010 SHORT TITLE. SHARE

This chapter shall be known as the “Street Tree and Nuisance Vegetation Ordinance” of the City of Santa Cruz.”

(Ord. 85-29 § 2 (part), 1985).

13.30.020 PURPOSE. SHARE

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.

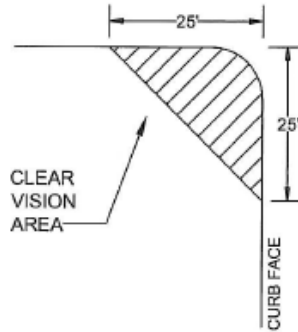
(Ord. 85-29 § 2 (part), 1985).

13.30.030 DEFINITIONS. SHARE

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) “Median area” means a planting area lying within a traffic median or traffic island in the public right-of-way.

(f) “Owner” or “property owner” means the owner of real property as shown on the most recent county assessor’s roll.

(g) “Parkway” means that portion of the public right-of-way between the curb and the sidewalk.

(h) “Planting strip” means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.

(i) “Prune” means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.

(j) “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.

(k) “Roadway” means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.

(l) “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.

(m) “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.

(n) “Street” means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.

(o) “Street tree” means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.

(p) “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.

(q) “Traffic Diverter” means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.

(r) “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.

(s) “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.

(Ord. 85-29 § 2 (part), 1985).

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 ~~a list of street trees approved by the parks and recreation commission~~;

- (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 in maintaining parkways as required by this code 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 on public property;
- (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, ~~trim, prune, pruning~~, root pruning, spraying, ~~replace~~ or otherwise maintain maintenance of any street tree planted on public property pursuant to the requirements of this chapter. within the city of Santa Cruz.
- (6) No maintenance service shall be provided by the city to any tree standing on private property beyond the parkway or street 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, and/or 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, and/or 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.

(Ord. 94-61 § 1, 1995: Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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. All duties, obligations and liabilities of property owners specified by Sections 15.20.210 and 15.20.220 of this code apply to maintenance of parkways and street trees. Specifically, a property owner obligated by Section 15.20.210 to maintain a sidewalk area must prune and trim all trees, tree roots, shrubs, hedges and ground cover, and weed, clear and otherwise maintain all included parkways so as to make the area safe and convenient for public use. A property owner who fails to so maintain a street tree or a parkway adjoining his property is liable under Section 15.20.220 of this code for any injury or damage suffered by a member of the public which is caused by said failure.

Maintenance of parkways, as required by this section, includes maintenance of all trees and other vegetation contained in planters located on parkways and in traffic diverters adjacent to parkways.

(b) Maintenance required under this Section 13.30.060 Section 15.20.210 of this code shall include, but not be limited to the following acts:

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

(3) Notifying the director of any diseased **street** tree or hazard posed ~~by 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 ~~and trimming~~ 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, street tree roots, 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 ~~trimming~~ **street** trees, ~~and 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 ~~for their well-being so as to avoid any damage to public health, safety and welfare~~, to standards set by the city;

(9) Planting and replacing street trees pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in Section 13.30.090.

(c) Before any **street** tree is planted, pruned, ~~trimmed~~ root pruned, removed, or replaced 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 ~~guidelines, standards and recommendations of the department~~:

(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, replacement, 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, replacement, or other maintenance.

~~In order to enforce maintenance of street trees and parkways under this chapter, all relevant provisions and procedures delineated in Section 15.20.210 of this code and Chapter 22 of Division 7, Part 3, of the Streets and Highways Code and related provisions will be applied.~~

(Ord. 94-61 § 2, 1995; Ord. 85-29 § 2 (part), 1985).

13.30.065 HARMING-DAMAGING STREET TREES FORBIDDEN.



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

- (a) ~~Cutting Pruning a street tree~~ to expose business signs or buildings or for any other purpose except as ~~provided 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 ~~structure other improvement in a manner which may be detrimental to the health of~~ injurious to 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.

(Ord. 94-61 § 3, 1995).

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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.080 **MASTER APPROVED STREET TREE LIST.**

 SHARE


(a) The director of parks and recreation shall prepare and maintain the Approved Street Tree master street tree List enumerating the species of shade and ornamental trees permitted to be planted on public property in the public right-of-way. ~~The master street tree list shall be submitted to the parks and recreation commission which shall make a final recommendation to the city council. When approved by the city council~~ 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 master street tree~~ List shall be made available to the public through the department of parks and recreation. ~~The master street tree list shall be reviewed annually by the director and the parks and recreation commission.~~

(b) Newly planted street trees ~~planted in a public right-of-way~~ must comply with the ~~master 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.

(Ord. 85-29 § 2 (part), 1985).

13.30.090 **PLANTING STREET TREES MASTER STREE TREE PLANTING PLAN.**

 SHARE

(a) The director shall prepare a ~~master~~ Street Tree Master planting 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. This plan shall identify tree species and areas within the city appropriate for their use. 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.

(Ord. 85-29 § 2 (part), 1985).

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 on any parkway or right-of-way.

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

(2) The director shall 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 Trimming-Pruning and Removal. A tree permit shall be obtained from the director by any person proposing to ~~No person shall~~ root prune, transplant or remove any tree ~~on public property or~~ within the city-public right-of-way ~~without first filing an application and procuring a permit to do so from the director.~~ A permit shall also be obtained from the director by any person proposing to ~~No person shall~~ 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 ~~on public property or~~ within the city-public right-of-way, ~~without first filing an application and procuring a permit to do so from the director.~~

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

(2) The director shall may issue the permit upon finding that the proposed action is necessary to protect the curb, gutter ~~or~~, 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 trimming 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.

i. 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. This fee shall be determined by any applicable Council resolution, or, where no such resolution applies, shall be determined by an administrative official based upon the current retail cost of purchasing, installing, and maintaining until establishment a tree of comparable size or a tree appraisal conducted in accordance with current tree appraisal methods as published by the International Society of Arboriculture.

(c) 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.

(d) 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 pursuant to applicable state or federal law, that include a public hearing 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 is not satisfied by approval of other city departments, or under city contracts.

(e) 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.

(f) 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.

(Ord. 2013-19 § 1, 2013; Ord. 94-61 § 4, 1995; Ord. 85-29 § 2 (part), 1985).

13.30.105 STATE TREE CARE LICENSE REQUIRED. SHARE

(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 ~~any of the following~~, 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 condition, including but not limited to the following:

(a) Any tree, ~~or 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 ~~the 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 ~~plants-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, ~~dead~~ or infected with disease, pests, objectionable insects, scales, 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, ~~or dense thorny trees~~, shrubs, vegetation, and plants ~~on any street or part thereof 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.

(Ord. 2007-01 § 1, 2007: Ord. 85-29 § 2 (part), 1985).

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~~ remove the condition, and the time within which such work must be completed. ~~Such time for compliance shall not exceed ninety days after the date of service of said notice.~~ The

notice shall also state that the required work will be performed by the city ~~forces~~ or by others under the city's supervision ~~of the director~~ 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. ~~within 60 days. Any failure to pay the city for the cost incurred by the city may also 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 their enforcement in this chapter.~~

(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.

(Ord. 2007-01 § 2, 2007: Ord. 85-29 § 2 (part), 1985).

~~13.30.130 CHARGES AGAINST PROPERTY OWNERS OR OTHER PERSONS PURSUANT TO THIS CHAPTER.~~



~~The cost of the abatement of any public nuisance sought to be charged against the owner of the adjacent private property in accordance with the terms of this chapter may be assessed by the city council against the parcel of private property owned by such person as follows:~~

~~(a) — A notice and order of proposed assessment of charges against such person for failure to comply with said order this chapter shall be served personally upon said property owner stating:~~

~~(1) — The date of the order affecting such person and requiring compliance with the terms of this chapter;~~

~~(2) — Notice of the failure of the owner to complete the work, as specified by the order, within the time therein specified;~~

~~(3) — The dates of performance of the work as specified by the order, by the city of Santa Cruz or such persons or contractors as it may retain to undertake the work;~~

~~(4) — The charge incurred by the city of Santa Cruz for performance in accordance with said order;~~

~~(5) The date and place of hearing of the report of the director before the city council requesting a resolution of the city council authorizing the city clerk to prepare, execute and file a lien against the real property owned by such person in the office of the recorder of Santa Cruz County.~~

~~(b) On the date and hour specified in said notice, the city council shall review the report of the director and authorize the preparation, execution and filing of a notice of lien, as provided in this chapter, for all or such portion of the charges reported by the director for the compliance with the order.~~

~~(c) The notice of lien shall be filed in the office of the county recorder for Santa Cruz County and shall be in the form of a certificate substantially in the following form:~~

NOTICE OF LIEN

~~Pursuant to the authority of Chapter 13.30 of the Santa Cruz Municipal Code, and as duly authorized by the City Council of the City of Santa Cruz on the _____ day of _____, 19____, by Resolution No. _____, the City of Santa Cruz does hereby claim a lien upon the property hereinafter described for the charges duly assessed by the Council of the City of Santa Cruz as the cost incurred by the City of Santa Cruz for _____ pursuant to order of the Director of Parks and Recreation for the City of Santa Cruz dated _____, the same has not been paid nor any part thereof, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 10% per annum, from the day of _____, 19____, (insert date of confirmation of assessment by City Council), has been paid in full and discharged of record.~~

~~The real property hereinbefore mentioned and upon which a lien is claimed is that certain piece or parcel of land lying and being in the City of Santa Cruz, County of Santa Cruz, State of California, and more particularly described as follows:~~

~~(Legal description of the property, either by metes and bounds or by subdivision number. Assessor's parcel number cannot be used for this type of lien.)~~

~~(Ord. 85-29 § 2 (part), 1985).~~

13.30.130 RECOVERY OF DAMAGES FOR LOSS OF STREET TREES. **SHARE**

Any person who damages or destroys a **street** tree ~~on public property~~ is liable to the city for the any costs of the tree's repair or replacement related to the repair or replacement of such **street** tree. Recovery of monetary damages and/or replacement of trees and shrubs shall be in accordance with the current plant appraisal formula prepared by the International Society of Arboriculture.

(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 as defined in chapter 9.56, monetary damages may be assessed as specified by the director which may include a tree appraisal in accordance with current tree appraisal methods prepared by the International Society of Arboriculture.

~~(a) — Replacement value up to eight-inch trunk caliper size shall be based upon the current retail price of a comparable tree up to eight-inch trunk caliper measured at four and one-half feet from the top of the container soil level or the existing soil grade at the site of a damaged tree. Replacement value shall include the cost of replanting or removing a tree.~~

~~(b) — Replacement trees shall be chosen in accordance with the master street tree planting plan or a species selected by the director.~~

~~(c) — For trees larger than eight inches in trunk caliper, the monetary value shall be determined on the basis of the current value per square inch of the tree trunk cross-section measured at four and one-half feet above grade in accordance with the formula prepared by the International Society of Arboriculture.~~

~~(d) — A twenty-percent deduction may be applied to any tree found by the director to be in poor condition prior to its damage or destruction.~~

~~(e) — When injury has occurred during work on any structure, collision with any motor vehicle, an act of vandalism, or house moving, the responsible party shall not be released from liability until the director has determined that the tree(s) has fully recovered.~~

(Ord. 85-29 § 2 (part), 1985).

13.30.140 INFRACTION. SHARE

Any person who violates the provisions of Section [13.30.100](#) shall be guilty of an infraction punishable by a fine of not less than ~~one-five~~ hundred dollars for a first offense and in doubling increments for each successive offense, or as otherwise 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. 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.

(Ord. 85-29 § 2 (part), 1985).

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.

 SHARE

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.170 WHERE TO FILE APPEAL.

 SHARE

(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. ~~through the city clerk~~ All such appeals shall be made pursuant to chapter 1.16 of this code. The city council's decision shall be final.

(Ord. 85-29 § 2 (part), 1985).

13.30.180 PROCEDURE FOR APPEALS TO PARKS AND RECREATION COMMISSION.

 SHARE

(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. ~~and The appellant shall state the nature of the application and the basis for the appeal and shall specifically cite the provision of this chapter which is relied upon to appeal the action or decision. upon which the decision of the official or body is considered to be in error.~~

(b) Such appeals, to be effective, must be received by the secretary to the parks and recreation commission ~~or by the city clerk~~ 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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.200 HEARING ON APPEAL.

(a) ~~Upon receipt of the appeal, the secretary to the parks and recreation commission shall schedule the 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 by the city clerk at the earliest next regular meeting consistent with city council agenda preparation and meeting schedules.

~~(b) Unless otherwise required in this chapter, neither the parks and recreation commission, nor the city council need hold public hearings in considering matters on appeal.~~

(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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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.

- 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.
- 13.30.065 ~~Harming~~ Damaging street trees forbidden.
- 13.30.067 House moving.
- 13.30.070 Duties of public utilities.
- 13.30.080 ~~Master~~ Approved street tree list.
- 13.30.090 ~~Master~~ Street tree planting plan.
- 13.30.100 Permits required.
- 13.30.110 Prohibited vegetation – Nuisance.
- 13.30.120 Abatement of public nuisances.
- ~~13.30.130 Charges against property owners or other persons pursuant to this chapter.~~
- 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 House moving.~~

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.”

(Ord. 85-29 § 2 (part), 1985).

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.

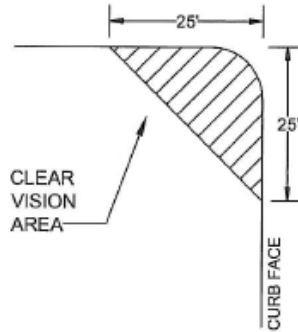
(Ord. 85-29 § 2 (part), 1985).

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) "Median area" means a planting area lying within a traffic median or traffic island in the public right-of-way.

(f) "Owner" or "property owner" means the owner of real property as shown on the most recent county assessor's roll.

(g) "Parkway" means that portion of the public right-of-way between the curb and the sidewalk.

(h) "Planting strip" means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.

(i) "Prune" means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.

(j) "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.

(k) "Roadway" means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.

(l) “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.

(m) “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.

(n) “Street” means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.

(o) “Street tree” means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.

(p) “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.

(q) “Traffic Diverter” means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.

(r) “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.

(s) “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.

(Ord. 85-29 § 2 (part), 1985).

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 ~~a list of street trees approved by the parks and recreation commission~~;

(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 in maintaining parkways as required by this code 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 on public property;

(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, ~~trim, prune, pruning~~, root pruning, spraying, ~~replace~~ or otherwise maintain maintenance of any street tree planted on public property pursuant to the requirements of this chapter. within the city of Santa Cruz.

(6) No maintenance service shall be provided by the city to any tree standing on private property beyond the parkway or street 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, and/or 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, and/or 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.

(Ord. 94-61 § 1, 1995: Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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. All duties, obligations and liabilities of property owners specified by Sections 15.20.210 and 15.20.220 of this code apply to maintenance of parkways and street trees. Specifically, a property owner obligated by Section 15.20.210 to maintain a sidewalk area must prune and trim all trees, tree roots, shrubs, hedges and ground cover, and weed, clear and otherwise maintain all included parkways so as to make the area safe and convenient for public use. A property owner who fails to so maintain a street tree or a parkway adjoining his property is liable under Section 15.20.220 of this code for any injury or damage suffered by a member of the public which is caused by said failure.~~

~~Maintenance of parkways, as required by this section, includes maintenance of all trees and other vegetation contained in planters located on parkways and in traffic diverters adjacent to parkways.~~

~~(b) Maintenance required under this Section 13.30.060 Section 15.20.210 of this code shall include, but not be limited to the following acts:~~

- ~~(1) Watering as necessary;~~
- ~~(2) Removing any material which would be harmful injurious to street trees, such as wire, rope, and signs;~~

(3) Notifying the director of any diseased street tree or hazard posed ~~by 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 ~~and trimming~~ 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, street tree roots, 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 ~~trimming-street~~ trees, ~~and~~ 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 ~~for their well-being so as to avoid any damage to public health, safety and welfare~~, to standards set by the city;

(9) Planting and replacing street trees pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in Section 13.30.090.

(c) Before any street tree is planted, pruned, ~~trimmed~~ root pruned, removed, or replaced 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~~guidelines, standards and recommendations of the department:~~

(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, replacement, 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, replacement, or other maintenance.

~~In order to enforce maintenance of street trees and parkways under this chapter, all relevant provisions and procedures delineated in Section 15.20.210 of this code and Chapter 22 of Division 7, Part 3, of the Streets and Highways Code and related provisions will be applied.~~

(Ord. 94-61 § 2, 1995; Ord. 85-29 § 2 (part), 1985).

13.30.065 HARMING-DAMAGING STREET TREES FORBIDDEN.



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

- (a) ~~Cutting Pruning a street tree~~ to expose business signs or buildings or for any other purpose except as ~~provided 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 ~~structure other improvement in a manner which may be detrimental to the health of~~ injurious to 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.

(Ord. 94-61 § 3, 1995).

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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.080 MASTER APPROVED STREET TREE LIST.

 SHARE


(a) The director of parks and recreation shall prepare and maintain the Approved Street Tree master street tree List enumerating the species of shade and ornamental trees permitted to be planted on public property in the public right-of-way. ~~The master street tree list shall be submitted to the parks and recreation commission which shall make a final recommendation to the city council. When approved by the city council 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 master street tree~~ List shall be made available to the public through the department of parks and recreation. ~~The master street tree list shall be reviewed annually by the director and the parks and recreation commission.~~

(b) Newly planted street trees ~~planted in a public right-of-way~~ must comply with the ~~master 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.

(Ord. 85-29 § 2 (part), 1985).

13.30.090 PLANTING STREET TREES MASTER STREE TREE PLANTING PLAN.

 SHARE

(a) The director shall prepare a ~~master~~ Street Tree Master planting 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. This plan shall identify tree species and areas within the city appropriate for their use. 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.

(Ord. 85-29 § 2 (part), 1985).

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 ~~on any parkway or right-of-way.~~

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

(2) The director ~~shall~~ 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 Trimming-Pruning and Removal. A tree permit shall be obtained from the director by any person proposing to ~~No person shall~~ root prune, transplant or remove any tree ~~on public property or~~ within the city-public right-of-way ~~without first filing an application and procuring a permit to do so from the director. A permit shall also be obtained from the director by any person proposing to~~ ~~No person shall~~ 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 ~~on public property or~~ within the city-public right-of-way, ~~without first filing an application and procuring a permit to do so from the director.~~

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

(2) The director ~~shall~~ may issue the permit upon finding that the proposed action is necessary to protect the curb, gutter ~~or~~, 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 trimming 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.

i. 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. This fee shall be determined by any applicable Council resolution, or, where no such resolution applies, shall be determined by a city administrative official based upon the current retail cost of purchasing, installing, and maintaining until establishment a tree of comparable size or a tree appraisal conducted in accordance with current tree appraisal methods as published by the International Society of Arboriculture.

(c) 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.

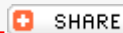
(d) The permit requirement proposed by this section may not apply to street tree planting or removal associated with development projects that are reviewed by another city of Santa Cruz advisory body or city department under Title 24 pursuant to applicable state or federal law, that include a public hearing 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 is not satisfied by approval of other city departments, or under city contracts.

(e) 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.

(f) 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.

(Ord. 2013-19 § 1, 2013; Ord. 94-61 § 4, 1995; Ord. 85-29 § 2 (part), 1985).

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 ~~any of the following~~, 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 condition, including but not limited to the following:

- (a) Any tree, ~~or 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 ~~the 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 ~~plants-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, ~~dead~~ or infected with disease, pests, objectionable insects, scales, 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, ~~or dense thorny trees~~, shrubs, vegetation, and plants ~~on any street or part thereof 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.

(Ord. 2007-01 § 1, 2007: Ord. 85-29 § 2 (part), 1985).

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~~ remove the condition, and the time within which such work must be completed. ~~Such time for compliance shall not exceed ninety days after the date of service of said notice.~~ The

notice shall also state that the required work will be performed by the city ~~forces~~ or by others under the city's supervision ~~of the director~~ 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. ~~within 60 days. Any failure to pay the city for the cost incurred by the city may also 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 their enforcement in this chapter.~~

(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.

(Ord. 2007-01 § 2, 2007: Ord. 85-29 § 2 (part), 1985).

~~13.30.130 CHARGES AGAINST PROPERTY OWNERS OR OTHER PERSONS PURSUANT TO THIS CHAPTER.~~



~~The cost of the abatement of any public nuisance sought to be charged against the owner of the adjacent private property in accordance with the terms of this chapter may be assessed by the city council against the parcel of private property owned by such person as follows:~~

~~(a) — A notice and order of proposed assessment of charges against such person for failure to comply with said order this chapter shall be served personally upon said property owner stating:~~

~~(1) — The date of the order affecting such person and requiring compliance with the terms of this chapter;~~

~~(2) — Notice of the failure of the owner to complete the work, as specified by the order, within the time therein specified;~~

~~(3) — The dates of performance of the work as specified by the order, by the city of Santa Cruz or such persons or contractors as it may retain to undertake the work;~~

~~(4) — The charge incurred by the city of Santa Cruz for performance in accordance with said order;~~

~~(5) —The date and place of hearing of the report of the director before the city council requesting a resolution of the city council authorizing the city clerk to prepare, execute and file a lien against the real property owned by such person in the office of the recorder of Santa Cruz County.~~

~~(b) —On the date and hour specified in said notice, the city council shall review the report of the director and authorize the preparation, execution and filing of a notice of lien, as provided in this chapter, for all or such portion of the charges reported by the director for the compliance with the order.~~

~~(c) —The notice of lien shall be filed in the office of the county recorder for Santa Cruz County and shall be in the form of a certificate substantially in the following form:~~

NOTICE OF LIEN

~~Pursuant to the authority of Chapter 13.30 of the Santa Cruz Municipal Code, and as duly authorized by the City Council of the City of Santa Cruz on the _____ day of _____, 19____, by Resolution No. _____, the City of Santa Cruz does hereby claim a lien upon the property hereinafter described for the charges duly assessed by the Council of the City of Santa Cruz as the cost incurred by the City of Santa Cruz for _____ pursuant to order of the Director of Parks and Recreation for the City of Santa Cruz dated _____, the same has not been paid nor any part thereof, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 10% per annum, from the day of _____, 19____, (insert date of confirmation of assessment by City Council), has been paid in full and discharged of record.~~

~~The real property hereinbefore mentioned and upon which a lien is claimed is that certain piece or parcel of land lying and being in the City of Santa Cruz, County of Santa Cruz, State of California, and more particularly described as follows:~~

~~(Legal description of the property, either by metes and bounds or by subdivision number. Assessor's parcel number cannot be used for this type of lien.)~~

~~(Ord. 85-29 § 2 (part), 1985).~~

13.30.130 RECOVERY OF DAMAGES FOR LOSS OF STREET TREES. SHARE

Any person who damages or destroys a street tree ~~on public property~~ is liable to the city for the any costs of the tree's repair or replacement related to the repair or replacement of such street tree. ~~Recovery of monetary damages and/or replacement of trees and shrubs shall be in accordance with the current plant appraisal formula prepared by the International Society of Arboriculture.~~

(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 as defined in chapter 9.56, monetary damages may be assessed as specified by the director which may include a tree appraisal in accordance with current tree appraisal methods prepared by the International Society of Arboriculture.

~~(a) — Replacement value up to eight-inch trunk caliper size shall be based upon the current retail price of a comparable tree up to eight-inch trunk caliper measured at four and one-half feet from the top of the container soil level or the existing soil grade at the site of a damaged tree. Replacement value shall include the cost of replanting or removing a tree.~~

~~(b) — Replacement trees shall be chosen in accordance with the master street tree planting plan or a species selected by the director.~~

~~(c) — For trees larger than eight inches in trunk caliper, the monetary value shall be determined on the basis of the current value per square inch of the tree trunk cross-section measured at four and one-half feet above grade in accordance with the formula prepared by the International Society of Arboriculture.~~

~~(d) — A twenty-percent deduction may be applied to any tree found by the director to be in poor condition prior to its damage or destruction.~~

~~(e) — When injury has occurred during work on any structure, collision with any motor vehicle, an act of vandalism, or house moving, the responsible party shall not be released from liability until the director has determined that the tree(s) has fully recovered.~~

(Ord. 85-29 § 2 (part), 1985).

13.30.140 INFRACTION. SHARE

Any person who violates the provisions of Section [13.30.100](#) shall be guilty of an infraction punishable by a fine of not less than ~~one-five~~ hundred dollars for a first offense and in doubling increments for each successive offense, or as otherwise 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. 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.

(Ord. 85-29 § 2 (part), 1985).

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.

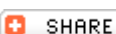
(b) Civil Penalties and Fines. Any violation of this chapter may also be subject to administrative civil penalties and fines in accordance with a fee schedule adopted by the city council, a decision of an enforcement official or administrative hearing officer, or by a state statute.

(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.

(Ord. 85-29 § 2 (part), 1985).

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. ~~through the city clerk~~ All such appeals shall be made pursuant to chapter 1.16 of this code. The city council's decision shall be final.

(Ord. 85-29 § 2 (part), 1985).

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. ~~and The appellant shall state the nature of the application and the basis for the appeal and shall specifically cite the provision of this chapter which is relied upon to appeal the action or decision. upon which the decision of the official or body is considered to be in error.~~

(b) Such appeals, to be effective, must be received by the secretary to the parks and recreation commission ~~or by the city clerk~~ 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.

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

13.30.200 HEARING ON APPEAL.

~~(a) Upon receipt of the appeal, the secretary to the parks and recreation commission shall schedule the 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 by the city clerk at the earliest next regular meeting consistent with city council agenda preparation and meeting schedules.~~

~~(b) Unless otherwise required in this chapter, neither the parks and recreation commission, nor the city council need hold public hearings in considering matters on appeal.~~

~~(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.~~

(Ord. 85-29 § 2 (part), 1985).

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.

(Ord. 85-29 § 2 (part), 1985).

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.

CITY OF SANTA CRUZ
Parks & Recreation Department
323 Church Street
Santa Cruz, California 95060



PARKS & RECREATION COMMISSION

Regular Meeting Minutes - DRAFT

June 13, 2022

**4:00 PM GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, COUNCIL
CHAMBERS - ZOOM: [HTTPS://ZOOM.US/J/93143409514](https://zoom.us/j/93143409514)**

Parks & Recreation Commission

Call to Order - 4:02 PM

Roll Call - Commissioners: Gillian Greensite, Hollie Locatelli, Jane Mio, Jacob Pollock;
Vice Chair Kristina Glavis and Chair JM Brown.

Staff: Tony Elliot, Travis Beck, Lindsay Bass, Iseth Rae, Sarah Neuse, Stephanie Hall,
Leslie Keedy and Tremain Hedden-Jones.

Presentations - There were no presentations.

Statements of Disqualification - *No members were disqualified to vote.*

Oral Communications

Chair JM Brown opened oral communications to public at 4:04 PM.

The following members of the public spoke:

Heather Griffith
Cindy J.
Debbie Bulger
Jeffrey Smith

Announcements

1. Commission and Department Updates.

NOTE: This item was heard after item #4 of the agenda.

Chair JM Browne opened the item at 5:12 PM.

1. Presiding Officer
No announcements.
2. Commissioners
Commented on the water department's tour of the salmonid restoration federation highlighting the San Lorenzo River.
3. Department Staff
See written submission in agenda packet.
4. Director of Parks & Recreation
Director T. Elliot followed up on the sidewalk vending permit program; future budget process in soliciting commission feedback prior to review; plan of action for Arroyo Seco canyon; incident at parks shop involving six (6) park vehicles being set ablaze; and July is Parks & Recreation Month.

Approval of Minutes

2. Approval of Minutes for the April 11, 2022, regular meeting of the Parks & Recreation Commission.

Approval of this item postponed to next available meeting pending corrections to the minutes.

3. Approval of Minutes for the May 9, 2022, special meeting of the Parks & Recreation Commission.

MOTION: Commissioner Pollock, seconded by Commissioner Mio, moved to approve the meeting minutes from May 9, 2022, as submitted.

ACTION: The motion was carried by the following vote:

AYES:	Greensite, Locatelli, Mio, and Pollock; Vice-Chair Glavis and Chair Brown
NOES:	None.

ABSENT: None.
ABSTAIN: None.

Consent Agenda - There were no items.

Public Hearings - There were no items.

General Business

4. Tree Ordinance Revisions.

NOTE: This item preceded agenda item #1.

Chair JM Brown introduced the proposed changes to Chapter 13.30 (Trees) of the Santa Cruz Municipal Code at 4:33 PM.

Superintendent T. Beck provided an oral report of the ordinance revisions.

Chair JM Brown opened the floor for commission questions at 4:41 PM.

Commissioners asked questions concerning the heritage tree ordinance and relation to other sections of the municipal code.

Deputy City Attorney S. Hall commented on the legal parameters of the municipal code related to proposed ordinance changes.

Chair JM Brown opened the item to public comment at 4:46 PM.

The following members of the public spoke:

None.

Commissioners commented on staff's work on the item.

MOTION: Commissioner G. Greensite, seconded by Commissioner J. Mio, moved to approve the proposed changes to Chapter 13.30 (Trees) of the Santa Cruz Municipal Code and recommend final adoption of the ordinance to City Council.

ACTION: The motion was carried by the following vote:

AYES: Greensite, Locatelli, Mio, and Pollock; Vice-Chair Glavis and Chair Brown
NOES: None.
ABSENT: None.
ABSTAIN: None.

Information Items

5. Update on San Lorenzo River Projects.

Director T. Elliot provided a written report the status of projects related to the San Lorenzo River.

Commissioners asked questions related to the report.

Subcommittee Oral Reports - There were no items.

Adjournment - 5:56 PM



PR Commission AGENDA REPORT

DATE: 08/04/2022

AGENDA OF: 08/08/2022

DEPARTMENT: Parks and Recreation

SUBJECT: Tree In-Lieu Fee Update.

RECOMMENDATION: Discuss the changes proposed to tree in-lieu fees and recommend approval of the resolutions governing those fees and the new calculated fees to the City Council.

BACKGROUND: In-lieu fees are charged by governmental agencies when permittees are unable to meet specific requirements that would provide a public benefit. The payment received is used to provide that benefit elsewhere as compensatory mitigation. In the City of Santa Cruz, tree in-lieu fees are currently assessed for permitted removal of a heritage tree when no tree can be replanted on site. Funds received go into the Street Tree Fund (Fund #125) and are used to support the acquisition and planting of trees on public lands throughout the City. Currently no in-lieu fee is assessed for non-heritage-size street trees that are removed and cannot be replaced on site.

On June 12, 2022, the parks and recreation commission (Commission) voted unanimously to recommend approval of changes to Chapter 13.30 ("Trees") of the Santa Cruz Municipal Code. Among those changes was proposed language for section 13.30.100(b)(2)(i) regarding mitigation requirements for permitted street tree removal:

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. This fee shall be determined by any applicable Council resolution, or, where no such resolution applies, shall be determined by an administrative official based upon the current retail cost of purchasing, installing, and maintaining until establishment a tree of comparable size or a tree appraisal conducted in accordance with current tree appraisal methods as published by the International Society of Arboriculture (ISA).

Upon further review by the City attorney's office, it was determined that this language is too vague and provides too much discretion to City staff. We are therefore amending this section in the version of the ordinance being presented to Council to state that the in-lieu fee will be set by Council resolution.

A draft resolution establishing in-lieu fees for street trees is attached.

In order to avoid conflicts in the case of heritage street trees, staff also propose updating the mitigation requirements for heritage trees in the same manner. A draft resolution updating the mitigation requirements for heritage trees is also attached.

DISCUSSION: The *Street Tree Master Plan*, approved by the City Council in 2021, includes under the goal of “Predictable and sustainable funding for the street tree resource” the action “Collaborate with City leadership to evaluate larger in-lieu fees for mitigation.”

Currently no in-lieu fee is assessed for street trees that are permitted for removal and cannot be replaced on site. Heritage trees that are removed and cannot be replaced are assessed fees based on Council Resolution No. NS-21-426 (attached). By using the “current retail value” metric established in that resolution, staff currently assess a mitigation fee of \$150 for each approved heritage tree removed when no tree can be feasibly replanted on site (Parks & Recreation Department Schedule of Fees attached).

A cursory survey of other municipalities in California reveals a range of in-lieu fees charged for tree removal. The City of San Jose mandates replanting and does not appear to assess in-lieu fees. Of cities that charge in lieu fees, the lowest fee found was in Los Angeles, where residential properties with four or fewer dwelling units pay \$267 per tree (though properties with more than four dwelling units pay \$1,945 per tree). In San Mateo the fee for removal of heritage trees greater than 10” in diameter is \$740. San Francisco charges \$2,302 per tree removed. Sacramento charges \$325 per inch diameter for trees other than palms and \$100 per inch diameter for palm trees. Palo Alto sets fees based on tree appraisal.

Staff propose to assess in-lieu fees based on the cost for the City to purchase, install, water for two years, and perform an initial structural pruning on a replacement tree. For trees greater than seven inches in diameter, the fee would be based on the planting of a 24” box tree. For trees less than or equal to 7” in diameter, the fee would be based on the planting of a #15 container size tree. Our current calculations and proposed fees for inclusion in the master fee schedule are \$1,705 for trees greater than seven inches in diameter and \$1,510 for trees less than or equal to seven inches in diameter. These fees are in line with those assessed by other municipalities surveyed.

Establishing an in-lieu fee for street trees and raising the fee for heritage tree removal should support Santa Cruz’s urban forest in two ways. One, substantial fees such as these proposed may incentivize property owners to replant on site, rather than seek a determination that replanting is not possible. Two, these fees should increase funding for City-supported tree planting and maintenance throughout Santa Cruz.

FISCAL IMPACT: These revisions will lead to additional funding for planting and establishment of trees on public lands in the City.

Prepared By:
Travis Beck
Superintendent of Parks

Submitted By:
Travis Beck
Superintendent of Parks

Approved By:
Tony Elliot
Director of Parks &
Recreation

ATTACHMENTS:

1. 2022-08-03 IN-LIEU FEE RESOLUTION.DOCX
2. 2022-08-05 RESOLUTION HERITAGE TREE REMOVAL MITIGATION.DOCX
3. RESOLUTION NO. NS-21-436.PDF
4. 2022-08-08 CH. 13.30 HIGHLIGHTED ADDITION (TRACK CHANGES).DOCX
5. PROPOSED IN-LIEU FEES AND SUPPORTING CALCULATIONS.PDF
6. PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES.PDF

RESOLUTION NO. NS-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ADOPTING A FEE SCHEDULE FOR THE STREET TREE REPLACEMENT IN-LIEU FEE PURSUANT TO CHAPTER 13.30.100 OF THE MUNICIPAL CODE

WHEREAS, pursuant to Section 13.30.100 of the Santa Cruz Municipal Code, a tree permit shall be obtained from the Director of Parks and Recreation by any person proposing to root prune, transplant, or remove any tree within the public right-of-way (hereinafter referred to as a “street tree”); and

WHEREAS, the Director of Parks and Recreation may condition any permit for removal of a street tree, granted pursuant to Section 13.30.100 of the Santa Cruz Municipal Code, so as to require the permittee to replace the street tree; and

WHEREAS, establishment of an in-lieu fee provides an additional mitigation alternative for circumstances where replacement of a removed street tree pursuant to Section 13.30.100 of the Santa Cruz Municipal Code is not feasible; and

WHEREAS, in the adoption of certain amendments to Chapter 13.30 of the Santa Cruz Municipal Code, the City Council plans to add an in-lieu fee for replacement of a removed street tree pursuant to Section 13.30.100 of the Santa Cruz Municipal Code; and

WHEREAS, the proposed Fee Schedule, attached as Exhibit A hereto, has been prepared by City staff after approximating the objectively reasonable costs associated with the replacement of a removed street tree, including the purchasing, installing, watering for two years, and initial structural pruning of a replacement tree; and

WHEREAS, the creation of a funding mechanism is not a project as defined by the California Environmental Quality Act; and

WHEREAS, as required by California Government Code Section 66018, notice of the public hearing on the proposed fee was published in the manner set forth in California Government Code Section 6062a; and

WHEREAS, a public hearing was held by the City Council of the City of Santa Cruz on _____, 2022 at a regularly scheduled meeting, providing an opportunity for interested members of the public to make oral and/ or written presentations to the City Council regarding the proposed Fee Schedule; and

NOW THEREFORE, BE IT RESOLVED, that the foregoing recitations are true and correct, and are included herein by reference as findings.

BE IT FURTHER RESOLVED that the City Council hereby finds and declares that:

- (1) The proposed street tree replacement in-lieu fees in the Fee Schedule, attached hereto as Exhibit A, are designed to fund mitigation of impacts from the removal of any street trees in order to preserve the City's existing tree canopy.
- (2) The street tree replacement in-lieu fees are intended to cover the full costs for the City to replace a removed street tree, which shall include the purchase, installation, watering for two years and initial structural pruning of a replacement tree.
- (3) The street tree replacement in-lieu fees are structured such that larger trees that are removed, as measured by diameter inches at standard height, incur a larger in-lieu fee. The City Council finds that larger trees provide a greater benefit to the City compared to smaller trees.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the in-lieu fees for replacement of removed street trees as provided in Exhibit A, attached hereto.

BE IT FURTHER RESOLVED, these fees may be incorporated and added to the City's Master Fee Schedule.

BE IT FURTHER RESOLVED, that the Director of Parks and Recreation is hereby authorized to administer and take all action relating to the collection and processing of the fees on behalf of the City regarding this Resolution.

BE IT FURTHER RESOLVED, the adoption of this Resolution is not a project under the California Environmental Quality Act because it is the creation of a government funding mechanism that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (CEQA Guidelines Section 15378(b)(4).)

PASSED AND ADOPTED this ____ day of _____ 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
_____, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

EXHIBIT A

FEE SCHEDULE

PARKS AND RECREATION STREET TREE REPLACEMENT IN-LIEU FEES PURSUANT TO SECTION 13.30.100 OF THE SANTA CRUZ MUNICIPAL CODE

- a. In-lieu fee for replacement of a street tree less than or equal to 7 inches in diameter: \$1,510 per tree
- b. In-lieu fee for replacement of a street tree greater than 7 inches in diameter: \$1,705 per tree
- c. Annual Increases. The in-lieu fee may be upwardly increased to the next whole dollar on January 1 of each year in accordance with the San Francisco/Oakland Bay Area (All Items) Consumer Price Index for all urban consumers provided by the U.S. Bureau of Labor Statistics.

RESOLUTION NO. NS-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
ESTABLISHING MITIGATION MEASURE REQUIREMENTS FOR THE REMOVAL OF A
HERITAGE TREE OR HERITAGE SHRUB PURSUANT TO CHAPTER 9.56 OF THE
MUNICIPAL CODE AND RESCINDING RESOLUTION NS 21,436

WHEREAS, Section 9.56.100 of the Santa Cruz Municipal Code requires certain mitigation requirements for approved and unapproved removals of heritage trees or heritage shrubs, pursuant to a mitigation requirement chart to be adopted by City of Santa Cruz City Council resolution; and

WHEREAS, on January 25, 1994, the City Council adopted Resolution NS 21,436, whereby the City Council established certain mitigation measure requirements from any person who removes a heritage tree or heritage shrub; and

WHEREAS, it is the intent of the City Council of the City of Santa Cruz to by this resolution rescind Resolution NS 21,436 and update the mitigation measure requirements, and that this resolution, and the mitigation requirements hereby adopted, shall be used to determine the mitigation measures required from any person who alters or removes a heritage tree or heritage shrub with the conditional approval of the City, or who alters, damages, or removes a heritage tree or heritage shrub without the approval of the City; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby rescinds Resolution NS 21,436 and adopts the mitigation requirements set forth in Exhibit A and Exhibit B attached hereto, respectively and by this reference incorporated herein, for the determination of the mitigation measures required pursuant to Section 9.56.100 of the Santa Cruz Municipal Code.

PASSED AND ADOPTED this ____ day of _____ 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
_____, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

EXHIBIT A
APPROVED HERITAGE TREE(S)/SHRUB(S) REMOVAL MITIGATION
REQUIREMENTS

The Director of Parks and Recreation shall make a determination pursuant to Section 9.56.100 regarding replacement mitigation for any approved removal of heritage trees/shrubs based on the chart below. On-site replanting is the primary intent for mitigation.

CATEGORY I	MITIGATION
A Heritage Tree as defined by criteria in Section 9.56.040 of the City of Santa Cruz Municipal Code.	<p>A) Replanting three (3) #15 container size trees or one (1) twenty-four inch (24”) box size tree.</p> <p>B) In circumstances where replacement of the removed heritage tree is not feasible due to conflicts with existing or planned public or private infrastructure or other trees or shrubs, the Director of Parks and Recreation or his/her designee may in his or her sole discretion, authorize the payment of an in-lieu fee, as set by City Council resolution. The in-lieu fee is intended to cover the full costs for the City to purchase, install, water for two years, and perform initial structural pruning of one (1) twenty-four inch (24”) box size tree.</p>
CATEGORY 2	MITIGATION
A Heritage Shrub as defined by criteria in Section 9.56.040 of the City of Santa Cruz Municipal Code.	<p>(A) Replanting two (2) #15 container size shrubs.</p> <p>(B) In circumstances where replacement of the removed heritage shrub is not feasible due to conflicts with existing or planned public or private infrastructure or other trees or shrubs, the Director of Parks and Recreation or his/her designee may in his or her sole discretion, authorize the payment of an in-lieu fee, as set by City Council resolution. The in-lieu fee is intended to cover the full costs for the City to purchase, install, water for two years, and perform initial structural pruning of two (2) #15 container size shrubs.</p>

EXHIBIT B
UNAPPROVED HERITAGE TREE(S)/SHRUB(S) REMOVAL MITIGATION
REQUIREMENTS

The Director of Parks and Recreation shall make a determination pursuant to Section 9.56.100 regarding replacement mitigation for any unapproved removal of heritage trees/shrubs based on the chart below. On-site replanting is the primary intent for mitigation.

CATEGORY I	MITIGATION
A Heritage Tree as defined by criteria in Section 9.56.040 of the City of Santa Cruz Municipal Code.	<p>(A) Replanting two (2) twenty-four inch (24") box size specimen trees for each heritage tree damaged or destroyed measuring less than fourteen inches (14") in diameter and up to replanting two (2) thirty-six inch (36") box size specimen trees for each heritage tree damaged or destroyed measuring more than fourteen inches (14") in diameter.</p> <p>(B) In circumstances where replacement of the removed heritage tree is not feasible due to conflicts with existing or planned public or private infrastructure or other trees or shrubs, the Director of Parks and Recreation or his/her designee may in his or her sole discretion, authorize the payment of an in-lieu fee, as set by City Council resolution. The in-lieu fee is intended to cover the full costs for the City to purchase, install, water for two years, and perform initial structural pruning of two (2) twenty-four inch (24") box size for replacement of heritage trees measuring less than 14" in diameter, or two (2) thirty-six inch (36") box size for replacement of heritage trees measuring more than 14" in diameter.</p>
CATEGORY 2	MITIGATION
A Heritage Shrub as defined by criteria in Section 9.56.040 of the City of Santa Cruz Municipal Code.	<p>(A) Replanting four (4) #15 container size specimen shrubs.</p> <p>(B) In circumstances where replacement of the removed heritage shrub is not feasible due to conflicts with existing or planned public or private infrastructure or other trees or shrubs, the Director of Parks and Recreation or his/her designee may in his or her sole discretion authorize the</p>

	<p>payment of an in-lieu fee, as set by City Council resolution. The in-lieu fee is intended to cover the full costs for the City to purchase, install, water for two years, and perform initial structural pruning for four (4) #15 container size shrubs.</p>
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RESOLUTION NO. NS-21,436

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SANTA CRUZ ESTABLISHING MITIGATION REQUIREMENTS
FOR THE APPROVED AND UNAPPROVED ALTERATIONS, DAMAGE OR
REMOVALS OF HERITAGE TREES AND SHRUBS

WHEREAS, Chapter 9.56 of the Santa Cruz Municipal Code titled "Preservation of Heritage Trees and Heritage Shrubs" authorizes the alteration or removal of any heritage tree or heritage shrub only under certain circumstances to be set forth by City of Santa Cruz City Council resolution; and

WHEREAS, it is the intention of the City Council of the City of Santa Cruz that this resolution, and the mitigation requirements hereby adopted, shall be used to determine the mitigation measures required from any person who alters or removes a heritage tree or heritage shrub with the conditional approval of the City, or who alters, damages or removes a heritage tree or heritage shrub without the approval of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz that it hereby adopts the mitigation requirements set forth in Exhibit A and Exhibit B attached hereto respectively and by this reference incorporated herein, for the determination of the mitigation measures required from any person who removes a heritage tree or heritage shrub with the conditional approval of the City, or who alters, damages or removes a heritage tree or shrub without the approval of the City.

PASSED AND ADOPTED this 25th day of January, 1994, by the following vote:

AYES: Councilmembers: Beiers, Rotkin, Yokoyama,
Mathews; Mayor Kennedy.

NOES: Councilmembers: Rittenhouse, Coonerty.

ABSENT: Councilmembers: None.

DISQUALIFIED: Councilmembers: None.

APPROVED:


Mayor

ATTEST:


City Clerk

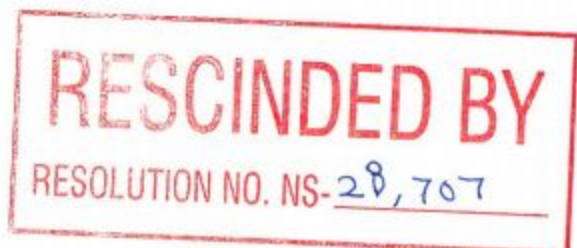


EXHIBIT A

APPROVED TREE(S)/SHRUB(S) REMOVAL MITIGATION REQUIREMENTS

The Director shall make a determination regarding replacement mitigation based on the chart below. **On-site replanting is the primary intent for mitigation.**

CATEGORY I	MITIGATION
A Heritage Tree as defined by criteria in section 9.56.040 of the Ordinance.	A) Replanting three (3) fifteen gallon (15 gallon) or one (1) twenty-four inch (24") size specimen or the current retail value which shall be determined by the Director.
CATEGORY II	MITIGATION
A Heritage Shrub as defined by criteria in section 9.56.040 of the Ordinance.	B) Replanting two (2) fifteen gallon (15 gallon) specimen shrubs or the current retail value which shall be determined by the Director.

EXHIBIT B

UNAPPROVED TREE(S) & SHRUB(S) DAMAGE/ALTERATION/REMOVAL MITIGATION REQUIREMENTS

The Director shall make a determination regarding replacement mitigation based on the chart below, or may determine a value utilizing the formula developed by the International Society of Arboriculture. **On-site replanting is the primary intent for mitigation.**

CATEGORY I	MITIGATION
A Heritage Tree as defined by criteria in section 9.56.040 of the Ordinance.	<p>A) Replanting two (2) twenty-four inch (24") size specimen trees for each heritage tree damaged or destroyed measuring less than 14" in diameter and up to replanting two (2) thirty-six inch (36") size box specimen trees for each heritage tree damaged or destroyed measuring more than 14" in diameter.</p> <p>B) Monetary mitigation as determined by the Director based on the current monetary value of boxed specimen trees or by determining a value utilizing the tree value formula developed by the International Society of Arboriculture. The greater of monetary values derived shall be the basis for final mitigation.</p>
CATEGORY II	MITIGATION
A Heritage Shrub as defined by criteria in section 9.56.040 of the ordinance.	A) Replanting four (4) fifteen gallon (15 gallon) size specimen shrubs, size to be determined by the Director, depending upon the species damaged or destroyed.

- 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.
- 13.30.065 ~~Harming~~ Damaging street trees forbidden.
- 13.30.067 House moving.
- 13.30.070 Duties of public utilities.
- 13.30.080 ~~Master~~ Approved street tree list.
- 13.30.090 ~~Master~~ Street tree planting plan.
- 13.30.100 Permits required.
- 13.30.110 Prohibited vegetation – Nuisance.
- 13.30.120 Abatement of public nuisances.
- ~~13.30.130 Charges against property owners or other persons pursuant to this chapter.~~
- 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 House moving.~~

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.

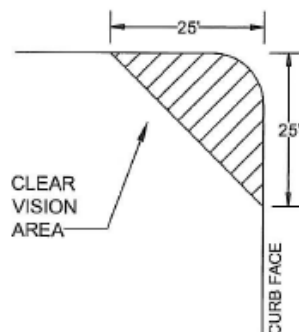
The city council finds that planting and preserving trees enhances the natural beauty of Santa Cruz, promotes the city’s ecological balance, and is in the public interest. The purpose of this Street Tree and Nuisance Vegetation Ordinance is to provide a set of standards and regulations for the protection, 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) "Median area" means a planting area lying within a traffic median or traffic island in the public right-of-way.

(f) "Owner" or "property owner" means the owner of real property as shown on the most recent county assessor's roll.

(g) "Parkway" means that portion of the public right-of-way between the curb and the sidewalk.

(h) "Planting strip" means that portion of the sidewalk area which is not reserved for sidewalks, either existing or proposed.

(i) "Prune" means the cutting, trimming, detaching, separating or removing of any part of a street tree or vegetation.

(j) "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.

(k) "Roadway" means the paved, improved or proper driving portion of the street, designed or ordinarily used for vehicular travel.

(l) "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.

(m) "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.

(n) "Street" means for purposes of this chapter any street, roadway, alley, drive, or lane within the city of Santa Cruz.

(o) “Street tree” means any woody perennial in the public right-of-way capable of reaching ten feet or more in height.

(p) “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.

(q) “Traffic Diverter” means any planter containing vegetation and/or street tree located adjacent to the outside curb of a street.

(r) “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.

(s) “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 ~~a list of street trees approved by the parks and recreation commission~~;
- (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 in maintaining parkways as required by this code 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 on public property;
- (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, trim, prune, pruning, root pruning, spraying, replace or otherwise maintain maintenance of any street tree planted on public property pursuant to the requirements of this chapter. within the city of Santa Cruz.
- (6) No maintenance service shall be provided by the city to any tree standing on private property beyond the parkway or street 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, and/or 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, and/or 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. All duties, obligations and liabilities of property owners specified by Sections 15.20.210 and 15.20.220 of this code apply to maintenance of parkways and street trees. Specifically, a property owner obligated by Section 15.20.210 to maintain a sidewalk area must prune and trim all trees, tree roots, shrubs, hedges and ground cover, and weed, clear and otherwise maintain all included parkways so as to make the area safe and convenient for public use. A property owner who fails to so maintain a street tree or a parkway adjoining his property is liable under Section 15.20.220 of this code for any injury or damage suffered by a member of the public which is caused by said failure.~~

~~Maintenance of parkways, as required by this section, includes maintenance of all trees and other vegetation contained in planters located on parkways and in traffic diverters adjacent to parkways.~~

~~(b) Maintenance required under this Section 13.30.060 Section 15.20.210 of this code shall include, but not be limited to the following acts:~~

- ~~(1) Watering as necessary;~~
- ~~(2) Removing any material which would be harmful ~~injurious~~ to street trees, such as wire, rope, and signs;~~
- ~~(3) Notifying the director of any diseased street tree or hazard posed ~~by~~ 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 and trimming 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, street tree roots, 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 trimming-street trees, ~~and~~ 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 ~~for their well-being so as to avoid any damage to public health, safety and welfare~~, to standards set by the city;

(9) Planting and replacing street trees pursuant to the Street Tree Master Plan and Approved Street Tree List as provided in Section 13.30.090.

(c) Before any street tree is planted, pruned, trimmed root pruned, removed, or replaced 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~~guidelines, standards and recommendations of the department:~~

(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, replacement, 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, replacement, or other maintenance.

~~In order to enforce maintenance of street trees and parkways under this chapter, all relevant provisions and procedures delineated in Section 15.20.210 of this code and Chapter 22 of Division 7, Part 3, of the Streets and Highways Code and related provisions will be applied.~~

13.30.065 HARMING-DAMAGING STREET TREES FORBIDDEN.

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

(a) Cutting Pruning a street tree to expose business signs or buildings or for any other purpose except as provided 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 ~~structure~~ other improvement in a manner which may be detrimental to the health of ~~injurious to~~ 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 MASTER APPROVED STREET TREE LIST.

(a) The director of parks and recreation shall prepare and maintain the Approved Street Tree master street tree List enumerating the species of shade and ornamental trees permitted to be planted on public property in the public right-of-way. ~~The master street tree list shall be submitted to the parks and recreation commission which shall make a final recommendation to the city council. When approved by the city council~~ 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 master street tree List shall be made available to the public through the department of parks and recreation. ~~The master street tree list shall be reviewed annually by the director and the parks and recreation commission.~~

(b) Newly planted street trees ~~planted in a public right-of-way~~ must comply with the master 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 MASTER STREE TREE PLANTING PLAN.

(a) The director shall prepare a ~~master~~ Street Tree Master planting 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. This plan shall identify tree species and areas within the city appropriate for their use. 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 ~~on any parkway or right-of-way.~~

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

(2) The director ~~shall~~ 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 Trimming-Pruning and Removal. A tree permit shall be obtained from the director by any person proposing to ~~No person shall~~ root prune, transplant or remove any tree ~~on public property or~~ within the city public right-of-way ~~without first filing an application and procuring a permit to do so from the director. A permit shall also be obtained from the director by any person proposing to~~ ~~No person shall~~ 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 ~~on public property or within the city public right-of-way, without first filing an application and procuring a permit to do so from the director.~~

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

(2) The director ~~shall~~ may issue the permit upon finding that the proposed action is necessary to protect the curb, gutter ~~or~~, 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 trimming 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.

i. 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. This fee shall be set by City Council resolution.

(c) 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.

(d) 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 pursuant to applicable state or federal law, that include a public hearing 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 is not satisfied by approval of other city departments, or under city contracts.

(e) 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.

(f) 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 ~~any of the following~~, 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 condition, including but not limited to the following:

(a) Any tree, ~~or 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 ~~the 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 ~~plants-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, ~~dead~~ or infected with disease, pests, objectionable insects, scales, 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, ~~or dense thorny trees~~, shrubs, vegetation, and plants ~~on any street or part thereof 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~~ ~~remove~~ the condition, and the time within which such work must be completed. ~~Such time for compliance shall not exceed ninety days after the date of service of said notice.~~ The notice shall also state that the required work will be performed by the city ~~forces~~ or by others under the city's supervision ~~of the director~~ 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. ~~within 60 days. Any failure to pay the city for the cost incurred by the city may also 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 their enforcement in this chapter.~~

~~(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 CHARGES AGAINST PROPERTY OWNERS OR OTHER PERSONS PURSUANT TO THIS CHAPTER.~~

~~The cost of the abatement of any public nuisance sought to be charged against the owner of the adjacent private property in accordance with the terms of this chapter may be assessed by the city council against the parcel of private property owned by such person as follows:~~

~~(a) — A notice and order of proposed assessment of charges against such person for failure to comply with said order this chapter shall be served personally upon said property owner stating:~~

~~(1) — The date of the order affecting such person and requiring compliance with the terms of this chapter;~~

~~(2) — Notice of the failure of the owner to complete the work, as specified by the order, within the time therein specified;~~

~~(3) — The dates of performance of the work as specified by the order, by the city of Santa Cruz or such persons or contractors as it may retain to undertake the work;~~

~~(4) —The charge incurred by the city of Santa Cruz for performance in accordance with said order;~~

~~(5) —The date and place of hearing of the report of the director before the city council requesting a resolution of the city council authorizing the city clerk to prepare, execute and file a lien against the real property owned by such person in the office of the recorder of Santa Cruz County.~~

~~(b) —On the date and hour specified in said notice, the city council shall review the report of the director and authorize the preparation, execution and filing of a notice of lien, as provided in this chapter, for all or such portion of the charges reported by the director for the compliance with the order.~~

~~(c) —The notice of lien shall be filed in the office of the county recorder for Santa Cruz County and shall be in the form of a certificate substantially in the following form:~~

NOTICE OF LIEN

~~Pursuant to the authority of Chapter 13.30 of the Santa Cruz Municipal Code, and as duly authorized by the City Council of the City of Santa Cruz on the _____ day of _____, 19 ____, by Resolution No. _____, the City of Santa Cruz does hereby claim a lien upon the property hereinafter described for the charges duly assessed by the Council of the City of Santa Cruz as the cost incurred by the City of Santa Cruz for _____ pursuant to order of the Director of Parks and Recreation for the City of Santa Cruz dated _____, the same has not been paid nor any part thereof, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 10% per annum, from the day of _____, 19 ____, (insert date of confirmation of assessment by City Council), has been paid in full and discharged of record.~~

~~The real property hereinbefore mentioned and upon which a lien is claimed is that certain piece or parcel of land lying and being in the City of Santa Cruz, County of Santa Cruz, State of California, and more particularly described as follows:~~

~~(Legal description of the property, either by metes and bounds or by subdivision number. Assessor's parcel number cannot be used for this type of lien.)~~

13.30.130 RECOVERY OF DAMAGES FOR LOSS OF STREET TREES.

~~Any person who damages or destroys a street tree on public property is liable to the city for the any costs of the tree's repair or replacement related to the repair or replacement of such street tree. Recovery of monetary damages and/or replacement of trees and shrubs shall be in accordance with the current plant appraisal formula prepared by the International Society of Arboriculture.~~

~~(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 as defined in chapter 9.56, monetary damages may be assessed as specified by the director which may include a tree appraisal in accordance~~

with current tree appraisal methods prepared by the International Society of Arboriculture.

~~(a) — Replacement value up to eight-inch trunk caliper size shall be based upon the current retail price of a comparable tree up to eight-inch trunk caliper measured at four and one-half feet from the top of the container soil level or the existing soil grade at the site of a damaged tree. Replacement value shall include the cost of replanting or removing a tree.~~

~~(b) — Replacement trees shall be chosen in accordance with the master street tree planting plan or a species selected by the director.~~

~~(c) — For trees larger than eight inches in trunk caliper, the monetary value shall be determined on the basis of the current value per square inch of the tree trunk cross-section measured at four and one-half feet above grade in accordance with the formula prepared by the International Society of Arboriculture.~~

~~(d) — A twenty-percent deduction may be applied to any tree found by the director to be in poor condition prior to its damage or destruction.~~

~~(e) — When injury has occurred during work on any structure, collision with any motor vehicle, an act of vandalism, or house moving, the responsible party shall not be released from liability until the director has determined that the tree(s) has fully recovered.~~

13.30.140 INFRACTION.

Any person who violates the provisions of Section [13.30.100](#) shall be guilty of an infraction punishable by a fine of not less than ~~one~~ five hundred dollars for a first offense and in doubling increments for each successive offense, or as otherwise 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. 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. ~~through the city clerk~~ 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. ~~and The appellant shall state the nature of the application and the basis for the appeal and shall specifically cite the provision of this chapter which is relied upon to appeal the action or decision. upon which the decision of the official or body is considered to be in error.~~

(b) Such appeals, to be effective, must be received by the secretary to the parks and recreation commission ~~or by the city clerk~~ 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) ~~Upon receipt of the appeal, the secretary to the parks and recreation commission shall schedule the 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 ~~by the city clerk at the earliest next regular meeting consistent with city council agenda preparation and meeting schedules.~~

~~(b) Unless otherwise required in this chapter, neither the parks and recreation commission, nor the city council need hold public hearings in considering matters on appeal.~~

(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.

	Approved Heritage Trees and Shrubs and Street Trees >7" in diameter			Street trees <= 7" in diameter			Unapproved Heritage Trees measuring less than 14" in diameter and Unapproved Heritage Shrubs			Unapproved Heritage Trees measuring greater than 14" in diameter		
	rate	unit	total	rate	unit	total	rate	unit	total	rate	unit	total
purchase price	\$200	(1) 24" box tree + tree stakes (includes tax and freight)	\$ 200	\$100	(1) #15 tree + tree stakes (includes tax and freight)	\$ 100	\$200	(2) 24" box tree + tree stakes (includes tax and freight)	\$ 400	\$300	(2) 36" box tree + tree stakes (includes tax and freight)	\$ 600
planting labor	\$55/hr.	2 hours Parks Maintenance Worker	\$ 110	\$55/hr.	1 hour Parks Maintenance Worker	\$ 55	\$55/hr.	4 hours Parks Maintenance Worker	\$ 220	\$55/hr.	6 hours Parks Maintenance Worker	\$ 330
planting equipment	\$39.41/hr.	2 hours pickup truck with lift gate (CalTrans rates)	\$ 79	\$39.41/hr.	1 hour pickup truck with lift gate (CalTrans rates)	\$ 39	\$39.41/hr.	4 hours pickup truck with lift gate (CalTrans rates)	\$ 158	\$39.41/hr.	6 hours pickup truck with lift gate (CalTrans rates)	\$ 236
watering labor	\$55/hr.	0.25 hours per visit * 20 visits/yr. * 2 yrs.	\$ 550	\$55/hr.	0.25 hours per visit * 20 visits/yr. * 2 yrs.	\$ 550	\$55/hr.	0.5 hours per visit * 20 visits/yr. * 2 yrs.	\$ 1,100	\$55/hr.	0.5 hours per visit * 20 visits/yr. * 2 yrs.	\$ 1,100
watering equipment	\$39.41/hr. pickup truck \$15.67/hr. water trailer	0.25 hours per visit * 20 visits/yr. * 2 yrs.	\$ 551	\$39.41/hr. pickup truck \$15.67/hr. water trailer	0.25 hours per visit * 20 visits/yr. * 2 yrs.	\$ 551	\$39.41/hr. pickup truck \$15.67/hr. water trailer	0.5 hours per visit * 20 visits/yr. * 2 yrs.	\$ 1,102	\$39.41/hr. pickup truck \$15.67/hr. water trailer	0.5 hours per visit * 20 visits/yr. * 2 yrs.	\$ 1,102
water	\$0.533/gallon	7.5 gallons per visit * 20 visits/yr. * 2 yrs.	\$ 160	\$0.533/gallon	7.5 gallons per visit * 20 visits/yr. * 2 yrs.	\$ 160	\$0.533/gallon	7.5 gallons per visit * 20 visits/yr. * 2 trees * 2 yrs.	\$ 320	\$0.533/gallon	10 gallons per visit * 20 visits/yr. * 2 trees * 2 yrs.	\$ 426
structural pruning	\$55/hr.	1 hr.	\$ 55	\$55/hr.	1 hr.	\$ 55	\$55/hr.	2 hrs.	\$ 110	\$55/hr.	2 hrs.	\$ 110
TOTAL FEE			\$ 1,705			\$ 1,510			\$ 3,410			\$ 3,904



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

HARVEY WEST PARK						
FACILITY	CAPACITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
All Areas 🏠 ⚡ 💰 🍷 🧑	3000	\$2,076 daily	\$2,700 daily	\$1,765 daily	\$3,115 daily	\$1000 facility deposit for all area access.
LOWER PARK						
Evergreen ¹ 🏠 ⚡ 💰 🍷	275 12&	\$312 daily	\$405 daily	\$265 daily	\$468 daily	PICNIC RESERVATIONS 💰 \$150 deposit for alcohol ⚡ \$31 Access to Power 🍷 \$61 Alcohol Permit 🏠 \$42 Bounce House Permit (w/Reservation – limit one in park per day) \$52 Bounce House Permit (w/o Reservation – limit one in park per day) ¹ Includes adjacent concrete pad
Redwood ⚡ 💰 🍷	70 2&	\$156 daily	\$203 daily	\$133 daily	\$265 daily	
Buckeye 🏠 ⚡ 💰 🍷	50	\$146 daily	\$189 daily	\$124 daily	\$218 daily	
Millennium Circle 🏠 ⚡ 💰 🍷	50	\$146 daily	\$189 daily	\$124 daily	\$218 daily	
Wagner Grove Ceremony Site	100	\$125 daily	\$162 daily	\$106 daily	\$187 daily	
Clubhouse & Scouthouse ⚡ 💰 🍷 🧑	152	\$727 daily ^A	\$945 daily ^A	\$618 daily ^A	\$1,091 daily ^A	
Scouthouse Hourly rates M-Th 2 hour minimum ⚡ 💰 🍷	62	\$52 hourly \$364 daily ^B	\$68 hourly \$473 daily ^B	\$45 hourly \$310 daily ^B	\$78 hourly \$545 daily ^B	⚡ \$31 Access to Power (fee for deck area only; interior include in reservation) 🧑 Private Security fee: \$35/hr during public hours ^A \$52 for each add'l hour over day rate (8hrs) ^B \$42 for each add'l hour over day rate (8hrs)
Clubhouse Hourly rates M-Th 2 hour minimum ⚡ 💰 🍷	90	\$63 hourly \$436 daily ^B	\$81 hourly \$567 daily ^B	\$54 hourly \$371 daily ^B	\$95 hourly \$654 daily ^B	

Non-resident fees applicable to those who reside outside City of Santa Cruz limits.



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

HARVEY WEST PARK						
FACILITY	CAPACITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
UPPER PARK						
Friendship 🏠 ⚡ 🍷	66 23&	\$156 daily*	\$203 daily*	\$133 daily*	\$234 daily*	PICNIC RESERVATIONS 🍷 \$150 deposit for alcohol ⚡ \$31 Access to Power 🍷 \$61 Alcohol Permit 🏠 \$42 Bounce House Permit (w/Reservation – limit one in park per day) \$52 Bounce House Permit (w/o Reservation – limit one in park per day)
Upper Glen 🍷	90	\$187 daily	\$243 daily	\$159 daily	\$281 daily	
Herb Garden 🍷	20 4&	\$83 daily	\$108 daily	\$71 daily	\$125 daily	
Bay 🍷	20 6&					
Overlook 🍷	20 6&					
Friendship Garden Lawn Available with picnic reservation	100	\$104 daily	\$135 daily	\$89 daily	\$156 daily	
Pump Track	N/A	\$26 hourly				2 hour min - 4 hour max

SAN LORENZO PARK AND SANTA CRUZ RIVERWALK						
FACILITY	CAPACITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
Duck Island Stage - San Lorenzo Park ⚡ 🍷	500	\$27 hourly \$208 daily	\$35 hourly \$271 daily	\$23 hourly \$176 daily	\$41 hourly \$312 daily	🍷 \$150 deposit ⚡ \$31 Access to Power 2 hour min
Benchlands - San Lorenzo Park ⚡ 🍷 🚰	3000	\$60 hourly \$405 daily	\$78 hourly \$527 daily	\$51 hourly \$345 daily	\$90 hourly \$608 daily	🍷 \$150 deposit ⚡ \$31 Access to Power 🍷 \$61 Alcohol Permit 🚰 Private Security fee
Santa Cruz Riverwalk ⚡ 🚰		\$32 hourly	\$42 hourly	\$28 hourly	\$48 hourly	⚡ \$31 Access to Power 🚰 Private Security fee 2 hour min; 4 hour max

Non-resident fees applicable to those who reside outside City of Santa Cruz limits.



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

DELAVEAGA PARK

DELAVEAGA PARK						
FACILITY	CAPACITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
All Areas 🏠 ⚡ 🍷	1500	\$1,038 daily*	\$1,350 daily*	\$883 daily*	\$1,557 daily*	\$1000 facility deposit for all area access.
UPPER AREA						
Creek Corner 🏠 🍷	25	\$83 daily*	\$108 daily*	\$71 daily*	\$125 daily*	PICNIC RESERVATIONS 🍷 \$150 deposit for alcohol ⚡ \$31 Access to Power 🍷 \$61 Alcohol Permit 🏠 \$42 Bounce House Permit (w/Reservation – limit two in park per day) \$52 Bounce House Permit (w/o Reservation – limit two in park per day)
Lone Tree 🏠 ⚡ 🍷	180	\$208 daily*	\$271 daily*	\$177 daily*	\$312 daily*	
Cathedral Grove ⚡ 🍷	225	\$260 daily	\$338 daily	\$221 daily	\$390 daily	
Twisted Tree ⚡ 🍷	225					
Maple Grove ⚡ 🍷	250					
Forty Thieves ⚡ 🍷	100	\$187 daily	\$243 daily	\$159 daily	\$281 daily	
LOWER AREA						
Half-Meadow (A/B)	100	\$26 hourly \$156 daily	\$34 hourly \$203 daily	\$22 hourly \$133 daily	\$39 hourly \$234 daily	Additional fees may apply depending on event application. No dogs allowed.
Full Meadow (A&B)	200	\$52 hourly \$312 daily	\$68 hourly \$406 daily	\$44 hourly \$265 daily	\$78 hourly \$468 daily	

Non-resident fees applicable to those who reside outside City of Santa Cruz limits.



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

BEACH FACILITIES						
FACILITY	CAPACITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
COWELL BEACH						
Cowell @ Surfline	200	\$358 daily	\$466 daily	\$305 daily	\$537 daily	Additional fees may apply depending on event application
Cowell @ Collin's	200					
Cowell @ Sandy Point	200					
Cowell @ Hotel	500	\$478 daily	\$622 daily	\$407 daily	\$717 daily	
Cowell @ Wharf	500					
MAIN BEACH						
Main @ Wharf	500	\$478 daily	\$622 daily	\$407 daily	\$717 daily	Additional fees may apply depending on event application
Main @ Main St.	500					
Main @ Tower 2	500					
Main @ Aloha Deck	500					
Main @ Cocoanut Grove	1000	\$717 daily	\$932 daily	\$610 daily	\$1,076 daily	
Main @ Bandstand	1250	\$955 daily	\$1,242 daily	\$812 daily	\$1,433 daily	
Main @ Giant Dipper	5000	\$2,388 daily	\$3,105 daily	\$2,030 daily	\$3,582 daily	

Non-resident fees applicable to those who reside outside City of Santa Cruz limits.



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

SPORTS FACILITIES					
FACILITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
	RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
Single Softball Fields Harvey West Park: #1, 2, 3, 4, 5, 6 DeLaveaga: #1, 2	\$32 hourly \$187 daily	\$42 hourly \$243 daily	\$27 hourly \$159 daily	\$48 hourly \$281 daily	Bases not included Lights \$21/hr (2 hour minimum) Fees are per field
Tournament Rentals DeLaveaga Park Ball Fields <i>Must reserve at least 1 month prior</i> ⓘ	N/A		\$159 daily	\$281 daily	ⓘ Deposit required Bases not included Lights \$20/hr (2 hour minimum) 10% of event registrations Insurance required \$50 concession fee daily Fees are per field
Football/Soccer Fields Harvey West Park: #2-3; #5-6	\$63 hourly \$374 daily	\$82 hourly \$487 daily	\$54 hourly \$318 daily	\$95 hourly \$561 daily	Lights \$21/hr (2 hour minimum) Fees are per field
Tennis Courts Neary Lagoon Sgt. Derby Park University Terrace	\$5 hourly		\$4 hourly	N/A	10% of event registrations 2 hour maximum
Beach Volleyball Court <i>Tournaments must be booked sixty (60) days in advance with Sports & Beaches Supervisor</i>	\$10 hourly \$38 half-day* \$72 daily*		\$8 hourly \$32 half-day* \$62 daily*	\$15 hourly \$57 half-day* \$108 daily*	Fees are per court. * Tournament Rate: Day 4+ hrs; ½ day <4 hrs ⓘ Commercial Use Fee: 10% Reg/5% NP Insurance required
Bocce Courts DeLaveaga Park (Lower) Grant Park Harvey West Park ⓘ	\$5 hourly				ⓘ \$61 Alcohol Permit
Disc Golf Tournament Fee	\$78				

Non-resident fees applicable to those who reside outside City of Santa Cruz limits.



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

DEPOT PARK						
FACILITY	CAPACITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
Depot Plaza 📍	2500	\$57 hourly \$416 daily	\$74 hourly \$541 daily	\$49 hourly \$354 daily	\$86 hourly \$624 daily	📍 \$150 deposit Public Events Only (2 hour min; 4 hour max)
Depot Freight Building 📍	100	\$47 hourly \$234 daily	\$61 hourly \$305 daily	\$40 hourly \$199 daily	\$71 hourly \$351 daily	📍 \$150 deposit; teaching (no deposit) 2 hour minimum No Sunday reservations 9:00 am – 9:00 pm

SCOTT KENNEDY FIELDS					
FIELD AREA	STANDARD RATE		NON-PROFIT RATE		DEPOSITS/ MISC FEES
	RESIDENT	NON-RESIDENT	RESIDENT YOUTH	RESIDENT ADULT	
JUNE, JULY, AUGUST, SEPTEMBER, OCTOBER					💰 Field reservations subject to \$100.00 deposit
Full	\$80 hourly	\$97 hourly	\$50 hourly	\$65 hourly	
North or South	\$49 hourly	\$59 hourly	\$30 hourly	\$39 hourly	
MARCH, APRIL, MAY, NOVEMBER					
Full	\$88 hourly	\$107 hourly	\$55 hourly	\$72 hourly	
North or South	\$54 hourly	65 hourly	\$33 hourly	\$43 hourly	
JANUARY, FEBRUARY, DECEMBER					
Full	\$96 hourly	\$117 hourly	\$60 hourly	\$78 hourly	
North or South	\$59 hourly	\$71 hourly	\$36 hourly	\$47 hourly	

Non-resident fees applicable to those who reside outside City of Santa Cruz limits; non-listed commercial rates available upon request.



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

LONDON NELSON COMMUNITY CENTER

FACILITY	CAPACITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
Classrooms 1, 4, 5, 7 ☰ ♿ 🍷	49	\$32 hourly	\$42 hourly	\$27 hourly	Please Inquire.	☰ \$200 deposit for alcohol 🍷 Alcohol Permit ♿ Accessible Space
		Special Off-Peak Rate: \$13 hourly (exclusions apply)				Off-Peak Classroom Availability: Monday – Thursday 1pm-5pm; Fridays after 1pm
Conference Room ☰ ♿ 🍷	15	\$15 hourly	\$20 hourly	\$12 hourly	Please Inquire.	☰ \$200 deposit for alcohol 🍷 Alcohol Permit ♿ Accessible Space
		Special Off-Peak Rate: \$10 hourly (exclusions apply)				Off-Peak Classroom Availability: Monday – Thursday 1pm-5pm; Fridays after 1pm
Kitchen ☰ ♿ 🍷	10	\$13 hourly			Please Inquire.	☰ \$200 deposit for alcohol 🍷 Alcohol Permit ♿ Accessible Space 2 hr min
Multipurpose Room (Room 3) ☰ ♿ 🍷	127 seated	\$63 hourly \$316 daily	\$82 hourly \$411 daily	\$54 hourly \$269 daily	Please Inquire.	☰ \$100 deposit for events; \$200 deposit for alcohol 🍷 Alcohol Permit ♿ Accessible Space 2 hr min
Multipurpose Room AND Kitchen ☰ ♿ 🍷	127 seated	\$80 hourly \$400 daily	\$104 hourly \$520 daily	\$68 hourly \$340 daily	Please Inquire.	☰ \$100 deposit for events; \$200 deposit for alcohol 🍷 Alcohol Permit ♿ Accessible Space 2 hr min

Parking permits are required for activities held at the London Nelson Community Center that are longer than two hours. Look for street parking with signs designated "LNCC Permit Valid" or use the off-street Public Parking Lot #26 (adjacent to SCPD at 155 Center Street) in the free 3-Hour Parking section only. These permits are available at no cost at the front desk for community center patrons.

Alcohol Permits: Alcohol is allowed at the London Nelson Community Center; however all events serving alcohol must first obtain a permit in advance and pay a refundable \$200 deposit. Permits are approved by the Center's supervisor. In cases where alcohol is sold, an additional permit from the Alcohol Beverage Control (ABC) Agency will be required as well notification/approval from the Police Department (SCPD). Alcohol is not allowed in Laurel Park.



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

LONDON NELSON COMMUNITY CENTER						
FACILITY	CAPACITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
Auditorium Class/Rehearsal 🍷🍷🍷	174-325	\$55 hourly \$275 daily	\$72 hourly \$358 daily	\$47 hourly \$234 daily	Please Inquire.	🍷 \$100 deposit for events; \$200 deposit for alcohol 🍷 Alcohol Permit 🍷 Accessible Space 2 hr min
Auditorium Presentation/Performance 🍷🍷🍷		\$100 hourly \$500 daily	\$130 hourly \$650 daily	\$85 hourly \$425 daily	Please Inquire.	
EQUIPMENT		STANDARD RATE		DEPOSITS/ MISC FEES		
Sound System Lecture Full Sound		\$25 daily \$50 daily/\$100 weekly		🍷 \$150 deposit		
Lighting System Lecture Full Sound		\$25 daily \$50 daily/\$100 weekly		🍷 \$50 deposit		
Riser Seating System		\$30 weekly		Mon-Thurs use subject to approval by Auditorium Coordinator; Additional fees may apply.		
Stage Extensions (thrusters)		\$10 each/show				
Monitor/Apple TV		\$10 daily				
Amp/Microphone		\$10 daily				
LCD Projector		\$10 daily				
Marquee: 3 Lines		\$10 weekly				
Hot Water Pot		\$5 weekly				

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PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

CIVIC AUDITORIUM					
FACILITY	CAPACITY	ORGANIZATIONAL RATE			DEPOSITS/ MISC FEES
		CITY NON-PROFIT	OUTSIDE CITY NON-PROFIT	COMMERCIAL	
Main Hall Holding Deposit 🍷🍷🍷	2,105 SEATED	\$300 daily	\$350 daily	\$400 daily	Applied towards rent (Non-Refundable). Additional advance deposits may be required.
Main Hall Usage Fee		\$575 daily (AND 2.5% of gross ticket sales)	\$625 daily (AND 5% of gross ticket sales)	\$675 daily (AND 7.5% of gross ticket sales)	Insurance Certificate is required for all events. May be obtained through the Civic Auditorium, call the Auditorium Manager for price quote.
BOX OFFICE PER TICKET SERVICE CHARGE		STANDARD RATE			ADDITIONAL INFORMATION
Ticket Price: \$0-\$9.99		\$3.50/ticket			The Santa Cruz Civic Auditorium must be responsible for the administration and accounting of all tickets sold for events which take place at the Auditorium. Services include ticketing in advance at the Civic Auditorium Box Office and SantaCruzTickets.com. The Auditorium will staff the Box Office during the event and the Auditorium management will provide a ticket audit upon the conclusion of the event. Santa Cruz Tickets Fees and Services.
Ticket Price: \$10-\$19.99		\$4.50/ticket			
Ticket Price: \$20-\$49.99		\$5.50/ticket			
Ticket Price: \$50-\$99.99		\$6.50/ticket			
Ticket Price: \$100-\$199.99*		\$7.50/ticket			
* Service charge increases by \$2.00/\$100 increment thereafter.					
STANDARD SERVICES		STANDARD RATE			ADDITIONAL INFORMATION
Fire Control		\$50 daily			
Attendants		\$18 hourly			Number determined by the Auditorium Manage
In-House Production Coordinator		\$30 hourly			
Union Stage Hands		\$45 hourly			IATSE stage hands for sound, lighting, rigging will vary dependent on production
Private Security		\$30 hourly			Number determined by the Auditorium Manager
Front-of-House Manager		\$25 hourly			
Maintenance Workers:		\$18 hourly			Set-up, staffing event and clean-up
Event Maintenance Lead		\$25 hourly			
Reserved Parking		\$3/space			Up to 42 spaces available
Audio/Visual Recording		\$500 daily			
Equipment		Package rates vary.			Call 420-5243 or send tech requirements to jbond@cityofsantacruz.com
Merchandise Sales		20% of sales, after taxes			
City Admissions Tax		5% of gross ticket sales			



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

CIVIC AUDITORIUM					
FACILITY	DIMENSIONS	ORGANIZATIONAL RATE			DEPOSITS/ MISC FEES
		CITY NON-PROFIT	OUTSIDE CITY NON-PROFIT	COMMERCIAL	
Dressing Rooms (each)	13'x11'	\$15 hourly	\$20 hourly	\$25 hourly	<p>Rates for side room rentals are flat rate if associated with larger Auditorium event, or hourly if not associated with Auditorium rental.</p> <p>After 4:00 pm and weekends, tenants will be charged an additional \$18.00 per hour.</p>
Employees Lounge	17'x17'	\$30 hourly	\$35 hourly	\$40 hourly	
Timberlake Room	14'x8'	\$30 hourly	\$35 hourly	\$40 hourly	
Room ABC (Tony Hill)	17'x45'	\$45 hourly	\$55 hourly	\$65 hourly	
Room G & H	10'x31'	\$20 hourly	\$25 hourly	\$30 hourly	
Kitchen	19'x17'	\$50 hourly	\$55 hourly	\$60 hourly	



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

OTHER CITY FACILITIES						
FACILITY	CAPACITY	STANDARD RATE		ORGANIZATIONAL RATE		DEPOSITS/ MISC FEES
		RESIDENT	NON-RESIDENT	NON-PROFIT	COMMERCIAL	
City Hall Courtyard ⚡		\$37 hourly \$260 daily	\$48 hourly \$338 daily	\$32 hourly \$221 daily	\$56 hourly \$390 daily	Public Events Only (2hour min; 4 hour max) Facility attendant: \$35 hourly ⚡ \$31 Access to Power
Grant Park Picnic Area	50	\$152 daily	\$198 daily	\$130 daily	\$228 daily	Public Events Only (2 hour min; 4 hour max)
Garfield Park Picnic Area	20	\$87 daily	\$113 daily	\$74 daily	\$131 daily	
Ideal Deck at the Wharf		\$20 daily				9:00 am – 9:00 pm
Lighthouse Point	200	\$312 Slot #1 \$519 Slot #2 \$779 daily	\$406 Slot #1 \$675 Slot #2 \$1,013 daily	\$266 Slot #1 \$442 Slot #2 \$662 daily	\$468 Slot #1 \$779 Slot #2 \$1,169 daily	Slot #1 8:30 am - 12:30 pm Slot #2 1:30 pm - 6:30 pm <i>Limit of 50 chairs</i>
Mission Plaza ⚡	3000	\$375 daily		\$300 daily	\$488 daily	⚡ \$500 deposit for electrical EDCL box \$5/hr use fee per electrical box - min. 4hrs
Trails		\$78 Slot #1 \$78 Slot #2				Public Events Only Slot #1 8:00 am - 1:00 pm Slot #2 1:00 pm - 6:00 pm Price per trail.
West Cliff Drive	N/A	\$66 hourly	\$86 hourly	\$56 hourly	\$99 hourly	Public Events Only (2 hour min; 4 hour max)
Steamers Lane		\$478 daily	\$622 daily	\$407 daily	\$717 daily	
Wharf Commons (Stage) ⚡	50	\$216 daily	\$281 daily	\$184 daily	\$324 daily	⚡ \$150 deposit ⚡ \$31 Access to Power

Non-resident fees applicable to those who reside outside City of Santa Cruz limits.



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

EVENT PERMIT FEES

EVENT PERMIT FEES			
PERMIT TYPE	STANDARD RATE		DEPOSITS/ MISC FEES
	SIMPLE	COMPLEX	
Film, Video & Photography	\$250	\$623	🔑 Deposit may be required for facility access cards or keys 🍷 \$61 Alcohol Permit ⚡ \$31 Access to Power 🏢 Commercial Use Fee (10% Standard, 5% Nonprofits) 🎫 Admissions Tax (5% Standard) Parking Lot fees may be prorated by Permit Officer. Listed fee is a maximum.
Major Public Event		\$500	
Minor Public Event		N/A	
Public Gathering & Expression	No Charge		
Street Performance	No Charge		
Neighborhood Block Party	\$122		
Parks & Recreation Parking Lot Use	\$10/space/day		
Street Closure	\$235/day		

OTHER DEPARTMENT PERMIT FEES

PERMIT TYPE	STANDARD RATE	DEPOSITS/MISC FEES
Encroachment-construction/research	No Charge	
Emergency Tree Removal Request	No Charge	There is no fee for emergency tree removal applications or dead tree verification. If an emergency tree removal is warranted and verified, staff will authorize removal immediately.
Standard Tree Removal Request	\$50	\$20 for each additional tree listed on application.
Tree Mitigation Fees		For Replanting, permittee must contact the City Urban Forester, 831-420-5246 after 3 months of establishment to have the \$250.00 bond returned. In-Lieu fees support City Tree Trust Fund for off-site mitigation.
Tree Bond	\$250	
In-Lieu Fee	\$150	
Tree Appeal	\$100	Filed with City Clerk.
Sidewalk Vending in Parks	\$50/season	Annual season starts in May.
Mobile Vending in Parks	\$20/reservation	Reservations are made in four hour blocks.

Fees above are per approved application and do not include other fees for additional required permits, facility fees, services or staff time.



PARKS & RECREATION DEPARTMENT SCHEDULE OF FEES

Effective Date 07/01/2022

DISPLAY BANNERS

FACILITY	STANDARD RATE		ADDITIONAL WEEKS*	DEPOSITS/ MISC FEES
	NONPROFIT	COMMERCIAL		
Street Banner Poles (Downtown) \$	\$42/banner	\$63/banner	\$10/week/banner	\$ \$50 deposit 4 week minimum; 8 week maximum *Past 5 weeks

CITY OF SANTA CRUZ
PARKS
RECREATION

CITY OF SANTA CRUZ
Parks & Recreation Department
323 Church Street
Santa Cruz, California 95060



PARKS & RECREATION COMMISSION

Regular Meeting Summary

August 8, 2022

4:00 PM **GENERAL BUSINESS AND MATTERS OF PUBLIC INTEREST, COUNCIL CHAMBERS** - ZOOM: [HTTPS://ZOOM.US/J/93143409514](https://zoom.us/j/93143409514)

Parks & Recreation Commission

Call to Order - 4:07 PM

Roll Call - Commissioners: Bradley Angell, Gillian Greensite, Hollie Locatelli, Jane Mio, Jacob Pollock; Vice Chair Kristina Glavis and Chair JM Brown.

Staff: Tony Elliot, Travis Beck, Lindsay Bass, Iseth Rae, Leslie Keedy and Tremain Hedden-Jones.

Presentations

1. [DeLaveaga Disc Golf Club.](#)

DeLaveaga Disc Golf Club **presented** to the commission.

Statements of Disqualification - *None.*

Oral Communications

No member public **spoke**.

Announcements

2. [Commission and Department Updates.](#)

Commissioners and staff made announcements.

Approval of Minutes

3. [Approval of Minutes for the April 11, 2022, regular meeting of the Parks & Recreation Commission.](#)

Motion **carried** to approve minutes as submitted.

4. [Approval of Minutes for the June 13, 2022, regular meeting of the Parks & Recreation Commission.](#)

Approve the meeting minutes from the regular meeting of the Parks & Recreation Commission on April 11, 2022, as submitted.

Motion **carried** to approve minutes as submitted.

Consent Agenda - None.

Public Hearings - None.

General Business

5. [Tree In-Lieu Fee Update.](#)

Motion **carried** to 1) approve the street tree portion of the proposed resolution to establish an in-lieu fee mitigating the removal of street trees; and 2) table for discussion and recommendation, a resolution mitigating the removal of heritage trees or heritage shrubs until the next available meeting.

Friendly amendment **accepted** to 1) include the heritage street tree language in the street tree in-lieu fee resolution; and 2) to bring back for discussion, proposed language for the mitigation of non-street tree (private property) heritage trees and heritage shrubs to a future meeting.

Information Items - None.

Subcommittee Oral Reports - None.

Adjournment - 6:12 PM

	MU-M	MU-H	MU-OM	MU-OH	MU-VH	MU-VA
Height Max, Commercial -Only	3 & 40	4 & 50	3 & 45	4 & 55	4 & 55	6 & 75
Height Max, Mixed Use	4 & 45	5 & 55	3 & 40	4 & 50	4 & 50	6 & 70
Height Minimum (Stories and Feet)	No Minimum	No Minimum	1 & 16	2 & 24	2 & 24	3 & 40
FAR max. (from GP)	1.75	2.75	1.75	1.75	2.75	2.75
Setbacks*						
Front	0	0	0	0	0	0
Rear	15*	20*	10*	10*	15*	20*
Side	0*	0*	0*	0*	0*	0*
Max. Residential Zoning Density	No density	No density	No density	No density	No density	No density
Max. Residential GP Density	30 du/ac	55 du/ac	30 du/ac	30 du/ac	55 du/ac	55 du/ac
Commercial Uses based on	C-C	C-C	C-C +OSAP	C-C +OSAP	C-C +OSAP	C-C +OSAP

* Where a Mixed-Use District abuts a residential district, the setbacks for the first 3 stories shall be as listed, or as required for the adjacent residential district, whichever is greater. Above 3 stories or 35 feet (whichever is less), a neighborhood transition plane at 45 degrees shall apply per 24.12.185.

From: [Brooke Matteson](#)
To: [City Plan](#)
Subject: SCPC Item #2 - Objective Standards
Date: Wednesday, June 29, 2022 12:50:35 PM

Thank you for your on-going efforts.

I support the city's desire to *FINALLY* put comprehensive Objective Standards in place. The continued absence of Objective Standards leaves the door open for all sorts out-of-scale developments to be proposed.

I am in favor (*and fully supportive of*) more affordable housing... but housing that at least attempts to blend gently with existing neighborhoods as far as height, density, traffic, noise, safety and parking.

I strongly believe that Commissioners should direct staff to reduce the impacts of tall developments placed immediately adjacent to existing residences. Specifically, I think it is wildly inappropriate to locate MU-H zoning immediately adjacent to existing R-1 zoning.

The proposed zoning maps, particularly along Water Street and Soquel Avenue, show MU-H zoning concentrated immediately adjacent to existing residential properties, **UNLIKE** the proposed zoning on Mission Street.

I truly hope that the current process can result in standards that allow Santa Cruz to accommodate reasonable growth, which I support.

Why can't development be done in a manner that is respectful of the interests and rights of ALL of our citizens?

I'm asking Commissioners to direct staff to re-zone proposed MU-H parcels to MU-M where these parcels adjoin existing R-1 zoning.

Thank you,

B. Matteson

From: [Candace Brown](#)
To: [City Plan](#)
Cc: [Candace Brown](#)
Subject: Candace Brown - SCPC Meeting Item #4: Objective Design Standards, 2 June 2022
Date: Wednesday, June 01, 2022 12:00:56 PM

June 1 2022

To: Planning Commission – June 2, 2022

From: Candace Brown

RE: Objective Standards Agenda Item

Thank you for all the effort so far and note that these standards are really only a first draft. Please ensure that the standards allow for further changes as was clearly needed during the TPWC discussion and seen as a first draft. Any changes that effect density must be deferred until the final draft is determined including by the TPWC. As a member, we were not afforded information at the State Mandate impacts on the draft review and also Planning Staff were not present.

The Objective Standards are presented to address recent State Law Mandates.

FAMILIES AND CHILDREN AMENITIES:

I would hope that families would be considered in the Objective Standards and was surprised to see that was not the case.

ACTION: If a third of the town are families, then why is there no accommodation for 2-bedroom and above facilities with language to accommodate children such as below from Santa Rosa Objective Standards:

Multifamily developments (except Senior restricted multifamily developments) outside the

Downtown Station Area Specific Plan boundary exceeding 22-bedroom units shall have two outdoor areas, one for adults and one for a child play area. For the purpose of this standard, adult open space does not include play equipment, but does include tables with seating.

Multifamily developments (except Senior restricted multifamily developments) outside the

Downtown Station Area Specific Plan boundary exceeding 100 units shall have three open space areas, one for adults, one for teenagers, and one for younger children. For the purpose of

this standard, adult open space does not include play equipment, but does include tables with seating, and teenage outdoor areas include sports fields, age-appropriate park equipment, or other recreational equipment.

Play equipment for children under the age of five shall be included in child play areas. The play area must be visible to as many units as possible to provide casual surveillance and be separated from traffic. Benches or picnic tables for adults that are accompanying younger children shall be provided.

SHADING / SUNLIGHT ACCESS – EQUITY ISSUE

They also must address the controversial conflicts that arise between mid-rise (up to 8 stories with EXISTING ZONING) and FURTHER HIGH-RISE buildings if there are ANY height changes allowed) next to single family homes WITHOUT ANY transition of arterial streets, neighborhood streets, service alleys, paseos, courtyards, or missing middle housing.

To ignore shading of adjoining properties for miles primarily on the Eastside of Santa Cruz is to ignore just ONE of the elephants in the room when it comes to the Corridor Plan controversy.

While the 45-degree angle above 35 feet has some effect, it is not played out at the maximum height shadow impact even with a basic square building under the existing zoning with inclusionary housing or with the State Density bonus. It is noted that “test fits” to find whether the mass of the building and parking can exist and so modelling in the case of sunlight impacts is also possible.

ACTION: There should be NO HEIGHT INCREASES until these studies are done. With existing Zoning and High-Density Bonus at 831 Water, Novin Development said they could build an 8-story building.

Further to say that the Staff could not finding any lighting or shading impact studies was also surprising. I was able to pull up studies within half an hour such as:

National Geographic – July 29, 2020 – How “nature deprived” neighborhoods impact the health of people of color

It is noteworthy that much of the Corridors is along City designated “Opportunity Zones” which are areas of Seniors and Latinx and lower income in general. How is this equitable?

Psychological-Impact of Light and Color by TCPI.com 2017

ACTION: It is a discussion of Seasonal Affective Disorder (SAD) and Circadian Rhythm impacts. Surely Health-in-All policies should be considered in any change of City policy that impact a majority of Santa Cruz residents.

On Shade and Shadow – A Case Study on the Impacts of Overshading by Tall Buildings on Toronto’s greenspaces.

There are a number of reference citations in this article alone.

ROOF FORM – ROOF HEIGHT and ROOF ACTIVITY NOISE MITIGATION?

ACTION: There is no clear objective standard that allows one to determine the maximum height at the top of the roof line. There should be a stated maximum height rather than an average of the mid-point based on the number of roof peaks including dormers. This has been an issue at previously Planning Commissions for many years.

ACTION: Roof top activities – There is a need to flesh out the impacts of noise as was the case at 831 Water and therefore the plans were changed.

UNBUNDED PARKING:

ACTION: Change language to not allow off-street parking spaces to be sold off for purchased dwelling units. What would stop someone from buying blocks of units and selling the parking lot? Allowing it would restrict use later if it was transformed to Commercial space.

PARKING SPACE:

24.12.240 Number of parking spaces required – SRO PARKING – Do not reduce it by one-quarter space.

These developments on the “Corridors” do not already have established Parking Districts as seen in the Downtown District. To rob someone of a parking space is an equity issue. At 708 Water, there are 41 very low-income affordable housing units (and 20% are for developmentally disabled). I and others did evening studies of the available parking and found the area was completely parked out at night. We convinced the developer, Jim Rendler of Future Housing Now, with the clear data to stay with 1 parking space per unit. The Property Manager notes that there is less than a handful of parking spaces available in the lot. If they had followed the allowing parking of half space per unit and one-third space for the 20%, they could not have safely served their tenants.

To assume that having a nearby bus stop is adequate transit replacement for someone to get to their destination is simply ignoring the facts. That is not ‘TRANSIT-ORIENTED DEVELOPMENT’. The only Corridor that is a “Transit-Rich” Arterial Street is Bay Street. The analysis was done here for Santa Cruz if you wish to review.
<https://transitrichhousing.org/>

As you may know, I have always found that the Corridor Plan was very problematic because it was founded on unequitable decision-making by those that wished to ensure that high-density development is away from the University and the Westside primarily. It is also not a “Transit-Rich” Corridor as is the case Downtown and along Bay Street up to the University. And

finally, the Corridor Plan proposes to use primarily existing Neighborhood Commercial areas servicing primarily the Eastside – 91 parcels and at the maximum projection creates development space for 2,600-2,700 units (per the Staff own assessment). It means that those businesses no longer service the surrounding Community and that will increase the need for families to go out of the town or across town for their basic needs.

The least that can be done is to ensure that any mitigation is afforded those that are being so heavily impacted.

From: [Caroline Groux](#)
To: [City Plan](#)
Subject: Re-zoning request/opposition
Date: Wednesday, June 29, 2022 1:01:22 PM

To City of Santa Cruz Commissioner

I am requesting you to re-zone proposed MU-H parcels to MU-M where these parcels adjoin existing R-1 zoning.

Thank you

--

Caroline Groux
421 Stanford Ave
Santa Cruz, CA 95062
Tel: 831-471-5809

From: [Doug Engfer](#)
To: [City Plan](#)
Cc: [Doug Engfer](#)
Subject: SCPC Meeting Item #4: Objective Design Standards, 2 June 2022
Date: Wednesday, June 01, 2022 10:50:01 AM
Attachments: [TPWC Agenda Item 5 \(May 16 2022\) Objective Development Standards.eml.msg](#)
[TPWC 5-16-22 Packet Public Works Proposed Objective Standards.pdf](#)

I would like to thank staff for their ongoing and diligent efforts to craft a body of enforceable objective design and development standards for our town. As we've seen in the recent past, the lack of such standards has left open the door for insensitive, out-of-scale developments to be proposed and, under State law, subject to ministerial review. I hope that the current process can result in enforceable (and enforced!) standards that allow us to accommodate reasonable growth in a manner that is respectful of the interests and rights of all of our citizens.

To that end, given the public process under which these standards are being developed, it's up to the City's advisory bodies and, ultimately, the City Council, to ensure that the standards are well-crafted and represent our community well. I appreciate the work that Staff has done to attend to the many and varied comments made by members of the public; I will admit that I wish that Staff had been more responsive to some of them, however. I appreciate the improved language around archaeological survey results enforcement, for example. On the other hand, I think that Staff needs to look deeper into ways to ameliorate the shading impacts of tall developments placed immediately adjacent to existing residences. Specifically, common-sense evaluation of the unavoidable health and personal impacts of living shaded for months out of the year can and should be characterized. Further, given the State's mandate for rooftop solar on new residential development, ensuring that new developments do NOT impact existing or potential rooftop solar installation should be addressed. The proposed standards fall short on these concerns. I ask the Commission to either remedy these issues, or direct Staff to do so.

As regards the draft Transportation and Public Works (TPW) standards, I submitted a body of comments and markup to the TPW Commission (TPWC) prior to their meeting on the subject. I was unable to attend that meeting due to a scheduling conflict, but learned that TPW staff largely deferred to Planning regarding draft standards language. Now I see Planning staff deferring to TPW staff on these standards. My comments and questions largely went to issues of drafting - many of the proposed draft standards were clearly not objective in nature, or relied solely on TPW staff judgement. Unenforceable standards invite challenges and litigation. Without re-hashing these comments (they are in the TPWC public record and are attached), I would expect that someone would take responsibility for fixing this language before the draft standards are finalized. I would ask that the Planning Commission ensure that there is clear responsibility for getting this language right the first time.

Members of the Commission know that I have supported densification along our transit corridors, and improved public transit service and access, as the smart way to accommodate growth in our community (as opposed to creeping densification of much of the entire city). Enforceable (and enforced!) standards are the only way to ensure that that densification happens in a way that respects the rights and interests of our current citizens, while creating opportunity for new folks to join our community. It's critical that development standards reflect our evolving vision of our city, not just the self-interests of ambitious developers. In the main, these design standards work in the right direction, and I again commend Staff for their diligent work and their efforts to engage with the community. It's up to the Commission now to ensure that these standards are the best that they can be, and that they do not leave us

unreasonably subject to the whims of Sacramento and litigious activists.

Regrettably, I am unable to participate in this week's Commission meeting, due to a previously-planned family obligation. Thank you in advance for your efforts here.

I stand with Ukraine.

Doug Engfer
Santa Cruz

From: [Doug Engfer](#)
To: [TPWC](#)
Bcc: [Candace Brown](#)
Subject: TPWC Agenda Item 5 (May 16, 2022): Objective Development Standards

I write today with respect to Item 5 on the Commission's agenda for May 16, 2022: Objective Development Standards.

Upon reviewing this item's materials from the meeting packet, I'm struck by a few things:

- I appreciate the thoroughness of the work that Staff has done; they are looking deeply and broadly at the issue, and trying to “firm up” our standards in an objective and defensible way. This is important and timely work that deserves and demands both broad perspective and diligent attention. Thank you!
- That said, I note that there is a lot of “non-objective” language still in the document, along with vague references to judgement calls by developers or staff: “adequate, attractively designed, and functional”, “durable”, “where needed”, and “The City Engineer may...grant exceptions...”, for example. In the SB35 discussions relating to 831 Water (the City's first and still only SB35 application), it was clear that such vague language, or items open to staff discretion, were deemed, *a priori*, not objective, and therefore non-operative in assessing the compliance of that proposed development with our community's standards and expectations. Those standards were simply waived in any such discussions. It would be a shame for Staff's good work here to be mooted should a developer or litigant challenge the standards language on these grounds.
 - I have marked up the attached document, identifying language that caught my eye as troubling in this respect. I may not have caught all of it, though. I think that a thorough review of the language, perhaps informed by an opinion from the City Attorney and/or the Planning Department, is warranted.
 - The solution would seem to be to either (1) eliminate the non-objective language altogether, or (2) clearly define the objective standards that apply to something like “attractively designed” or “durable” or “where needed”. I would prefer (2) wherever feasible, since this non-objective language does still point toward agreed-upon community standards or expectations. The City Attorney's perspective would seem helpful here.
- As regards some more-specific considerations:
 - [Page 5.4]
 - Why change the 50-foot setback from R- District parcels to 20 feet?
 - Similarly, why relax the fence requirement from 8 feet to 6 feet?
 - There should be a provision that service vehicles must be able to enter and exit a property while driving forward, rather than either backing into or out of the property, for public safety and noise-abatement ("beep beep beep") reasons. This would help refine the currently-vague “sufficient room for maneuvering” clause (though that clause would seem to need more work than that).

I will not be able to attend Monday's meeting, even electronically. I hope that the Commission and Staff will give these suggestions due consideration.

Once again, I thank the Commission and Staff for their service to our community.

Doug Engfer
Santa Cruz CA

[The attachment TPWC 5-16-22 Packet Public Works Proposed Objective Standards.pdf has been manually removed]



Transportation and Public Works Commission AGENDA REPORT

DATE: 05/05/2022

AGENDA OF: 05/16/2022

DEPARTMENT: Public Works

SUBJECT: Public Works Objective Development Standards - Santa Cruz Municipal Code Revisions (PW)

RECOMMENDATION: Motion that the Transportation and Public Works Commission recommend that the City Council approve revisions to the Santa Cruz Municipal Code that regulate Public Works. (ATTACHMENT A)

BACKGROUND: To address the housing shortage, recent State legislation, including Senate Bill (SB) 35 and SB 330, requires multi-family projects to be reviewed only against objective design and development standards. Objective standards allow applicants to know the requirements that will apply to a proposed project so that they can design a project that meets those standards. According to the Government Code (Sections 65913.4 and 66300[a][7]), objective development standards “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable” by development applicants and public officials before submittal of a project application.

DISCUSSION: The City’s Planning Department has initiated revisions to the Municipal Code to incorporate objective standards into Title 24 and has been working with the Public Works Department and Parks & Recreation to revise additional sections of the Municipal Code to incorporate objective standards for review of multi-family and mixed-use residential development projects. Revisions to the Santa Cruz Municipal Code that regulate Public Works requirements are proposed in ATTACHMENT A. The purpose of these revisions is to provide a set of clear, objective, and measurable public works standards for multi-family and mixed-use residential development in accordance with the Santa Cruz General Plan.

While the City has many design guidelines and policies that promote best practices, many are subjective or optional, and therefore cannot currently be enforced under State law. The proposed Public Works Municipal Code revisions in ATTACHMENT A create objective standards for public work elements that apply to all new multi-family and mixed-use residential projects. These proposed revisions work in tandem with other Municipal Code revisions proposed by the Parks and Recreation and Planning and Community Development Departments. All proposed revisions work together to create objective standards consistent with the City’s General Plan, Area Plans, and Zoning Codes.

FISCAL IMPACT: There is no fiscal impact.

Prepared By:
Nathan Nguyen
City Engineer/Assistant
Director

Submitted By:
Mark R. Dettle
Director of Public Works

Approved By:

ATTACHMENTS:

1. ATTACHMENT A- PROPOSED REVISIONS TO MUNICIPAL CODE (TITLES 6, 15, 24) - REDLINE.DOCX

ATTACHMENT A

Proposed Revisions to Santa Cruz Municipal Code

24.12.295 OFF-STREET LOADING FACILITIES

1. Purpose. To reduce street congestion and traffic hazards and to add to the safety and convenience of the community, adequate, attractively designed, and functional facilities for off-street loading shall be incorporated as necessary in conjunction with new uses of land.

2. General Provisions. For every building hereafter erected, which is to be occupied by manufacturing, storage, warehouse, commercial, residential, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, exercise facility or other similar uses or mixed use combinations requiring the receipt or distribution by vehicles of material and merchandise, off-street loading areas shall be provided in accordance with the requirements herein.

In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

3. Requirements.

a.

Gross Floor Area	Required Loading Spaces
10,000 to 24,999 square feet	1
25,000 to 49,000 square feet	2
For each additional 50,000 square feet or fraction thereof	1

Use	Size of Use	Required Off-Street Loading Spaces
Manufacturing, storage, warehouse, retail and/or wholesale store, market, hotel, hospital, mortuary, motel, laundry, dry cleaning, <u>exercise facility</u> , or other similar uses	10,000 to 24,999 square feet of gross floor area	1 Type B
	25,000 to 49,000 square feet of gross floor area	2 Type B

	For each additional 50,000 square feet of gross floor area or fraction thereof	1 Type B
<u>Office</u>	<u>0-24,999 square feet of gross floor area</u>	<u>0</u>
	<u>25,000-99,999 square feet of gross floor area</u>	<u>1 Type A</u>
	<u>over 100,000 square feet of gross floor area</u>	<u>2 Type A</u>
<u>Residential</u>	<u>0-50 Units</u>	<u>0</u>
	<u>51-200 Units</u>	<u>1 Type A</u>
	<u>over 200 Units</u>	<u>2 Type A</u>

b.

MINIMUM DIMENSIONS FOR LOADING SPACES			
Type of Loading Space Required (See Table 22.112.130-A)	Minimum Length (feet)	Minimum Width (feet)	Required Vertical Clearance (feet)
<u>Type A</u>	<u>24</u>	<u>8</u>	<u>None</u>
Type B	30	10	14

c. Such space shall not occupy all or any part of any required front or exterior yard area or court space, and shall not be located closer than twenty five feet to any lot in an R- District, unless inside a structure or separated from such district by a wall not less than six feet in height., ~~provided a conditional fence permit is approved.~~

d. Sufficient room for maneuvering vehicles shall be provided on site.

e. Each loading berth shall be accessible from a street or alley.

f. Entrances and exits shall be provided at locations approved by the public works director.

Provisions to ensure that vehicles exit the property forward (not in reverse)

- g. The loading area, aisles and access drives shall be paved with a durable, dustless surface, and shall be so graded and drained so as to disperse surface water.
- h. Wheel stops and bumper rails shall be provided where needed for safety or to protect property.
- i. If the loading area is illuminated, lighting shall be directed away from any abutting residential sites and adjacent streets.
- j. No repair work or servicing of vehicles shall be conducted in a loading area.
- k. Trucks with trailers or detached trailers shall not be stored on-site.
- l. Loading areas shall be maintained in good condition and kept free of trash, debris, and display or advertising uses. No changes shall be made in the number of loading spaces designated on the parking plan without review by the zoning administrator.
- m. Required off-street loading facilities shall be located on the same site as the use for which the berths are required

Part 8: UNDERGROUND UTILITIES

24.12.700 GENERAL.

All facilities and wires for the extension of facilities for the supplying 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.

(Ord. 85-05 § 1 (part), 1985).

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. Where this requirement would be impractical or unreasonable, the director of public works, upon application of the property owner, may permit overhead services.

5. Any new building or structure where an expansion of any electric or planned communication service on or adjacent to the property is feasible within 5 years of construction completion, 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 Public Works dark conduit installation specifications that are current at the time of design review and available from the Public Works Department. Any lots or structures with more than one unit shall provide such connection to each individual unit, and are encouraged to install communications conduit or lines within the units to ensure connectivity throughout.

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 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.

(Ord. 85-05 § 1 (part), 1985).

24.12.720 EXCEPTIONS.

The provisions of Section 24.12.710 shall not apply to:

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 City Engineer may, by finding of exceptional hardship, grant exceptions or modifications to the requirements, of this Section on a case by case basis, or may require in-lieu payments consistent with any Council adopted resolution implementing Section 24.12.730.
7. The City Engineer may exempt city led projects from requirement to install dark conduit connections.

(Ord. 85-05 § 1 (part), 1985).

UNDERGROUND UTILITY DISTRICTS*

* Editor's Note: As originally adopted, this chapter was designated as Chapter 12.44. It was renumbered to be Chapter 12.60 at the direction of the city clerk at the time of the 1995 republication.

Sections:

12.60.010 Definitions.

12.60.020 Council may designate underground utility districts by resolution.

12.60.030 Overhead wires – Unlawful to maintain poles.

- 12.60.040 Overhead wires – Exception by special permission.
- 12.60.050 Exceptions.
- 12.60.060 Overhead wires – Notification of affected property owners and utilities.
- 12.60.070 Overhead wires – Underground construction.
- 12.60.080 Overhead wires – Property owner’s responsibility.
- 12.60.090 Service of notice.
- 12.60.100 Contents of notice.
- 12.60.110 Performance of work by city – Assessment.
- 12.60.120 Notice of assessment.
- 12.60.130 Hearing and confirmation of assessment.
- 12.60.140 Assessment as lien.
- 12.60.150 Overhead wires – Obligation of city.
- 12.60.160 Overhead wires – Force majeure.

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.
- ~~(43)~~ “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.
- ~~(64)~~ “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.
- ~~(75)~~ “Person” means and includes individuals, firms, corporations, copartnerships, and their agents and employees.

(86) “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.

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

(Ord. NS 602, 1964: prior code § 7910).

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.

(Ord. NS 602, 1964: prior code § 7912.1).

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.

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 –

- 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.

- i. Decorative sidewalks may be required based on the Area Plans.
- ii. 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.
- iii. The total number of connections through the site shall not be reduced.

- New public connections:

- i. 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.
- ii. Decorative sidewalks may be required based on the Area Plans.
- iii. 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:

- A development of 3 or more housing units on one lot shall require the installation of a City Standard street light(s).
- A development of 3 or more housing units on multiple lots shall require the installation of a City Standard street light(s).
- Any new commercial development shall require the installation of a City Standard street light(s).
- 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.
- 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.

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 curblin.

(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 curblin 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 **These refer to B-40 Avenue, not Drive.**

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

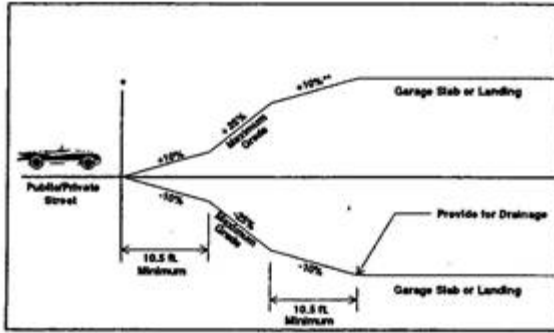
All Other Roadways

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.

24.12.280 DESIGN REQUIREMENTS.

1. Driveway Design Standards.

- a. Parking facilities hereafter established and which are located adjacent to a required front yard in an adjoining A-District or R-District shall be provided with a clear vision area and parking facilities which are located adjacent to two intersecting streets shall include a clear corner triangle as defined in this title. These areas shall be maintained in conformance with Section 13.30.110.
- b. The total clear space to accommodate a vehicle in driveways and private parking areas used as private parking facilities for single-family residential uses shall not be smaller than the dimensions of required on-site parking spaces.
- c. Driveways shall be designed to conform with existing contours to the maximum extent feasible.
- d. Driveways shall enter public/private streets in such a manner as to maintain adequate line of sight in clear vision areas and clear corner triangles based on AASHTO Green Book sight distances.
- e. Driveways shall have a maximum grade of twenty-five percent as illustrated in the following diagram:



* Back edge of standard city driveway.

** All percentages are measured from the edge of standard city driveway.

f. Driveways and approaches shall comply with the applicable standards set forth in Chapter 15.20

From: [Gabrielle Diane Laney-Andrews](#)
To: [City Plan](#)
Subject: Re: 831 Water Street
Date: Wednesday, June 29, 2022 2:04:38 PM

Please re-zone proposed MU-H parcels to MU-M where these parcels adjoin existing R-1 zoning. I can go on an on about this, but for now, this is my request.

thank you,
Gabrielle D. Laney-Andrews
316 Grant St
SC 95060

gdlaney@icloud.com

From: [Gary Patton](#)
To: [Sarah Neuse](#)
Cc: [City Council](#); [City Plan](#)
Subject: Follow Up On Community Survey on Objective Standards
Date: Wednesday, November 03, 2021 4:15:57 PM
Attachments: [Follow Up Letter To Save Santa Cruz Letter On Building Heights Survey.pdf](#)

Sarah,

Here's a letter on the Objective Standards Community Survey, following up on our earlier exchange of correspondence.

We would appreciate it if you would make certain that the Members of the Planning Commission do get a chance to see the letter and our comments.

Best wishes,

Gary A. Patton, Attorney at Law

P.O. Box 1038

Santa Cruz, CA 95061

Telephone: 831-332-8546

Email: gapatton@mac.com

Website / Blog: www.gapatton.net

Facebook: <https://www.facebook.com/gapatton>

Save Santa Cruz

Stop Overbuilding Santa Cruz

Post Office Box 4086, Santa Cruz, CA 95063
Email: StopOverbuildingSantaCruz@gmail.com

November 3, 2021

Sarah Neuse, Senior Planner <Sent by Email: sneuse@cityofsantacruz.com>
Santa Cruz City Planning Department
809 Center Street
Santa Cruz, CA 95060

Dear Sarah:

As I am sure you will remember, I wrote you a letter on September 22, 2021, pointing out that a statement in your initial report on “Defining Community Character Survey Results,” undertaken as part of the City’s review of its Objective Standards, gave a misleading impression of what the survey actually showed, in that it overstated community support for tall structures. You, essentially, agreed that your initial phrasing could be improved, and suggested the following language in an email response to my September 22nd letter:

When asked about height preferences the largest portion of respondents, 27%, selected four stories as the preferred height limit. Respondents selected either six stories or “No maximum height” in nearly equal numbers: 22% and 21% respectively, and an additional 17% preferred a five-story limit along Water, Ocean, and Soquel. While height remains a sensitive topic for the community, these responses show a preference among a significant portion of survey respondents to allow heights between four and six stories along the City’s primary thoroughfares.”

That proposed change does help make clear that four stories is the preferred height limit of the greatest number of survey respondents.

When I ran your proposed revised statement past other Save Santa Cruz members, they suggested that the accuracy of your report would be increased if you also included the following language in your final revision:

Spanish-speaking residents chose four stories as their first preference (47%) at almost twice the rate of English-speaking residents in the survey.

That the city specifically reached out to Spanish-speaking residents is excellent, but it would be a mistake, in the view of Save Santa Cruz, not to include their voices in the final narrative. Somewhere else in the narrative the claim is made that there was little difference across demographics. The fact that Spanish-speaking residents chose four stories as their first preference at almost

twice the rate of English-speaking residents is clearly at odds with that statement, which should also be amended to reflect the sentence above.

Since the report that has gone to the Planning Commission doesn't fully reflect these important observations, I'll copy this letter to the Commission, so they can consider the points we are making as they take their first look at the draft Objective Standards report.

Very truly yours,

A handwritten signature in black ink, appearing to read "gpatton", written in a cursive style.

Gary A. Patton, Co-Chair
Save Santa Cruz

cc: Save Santa Cruz Steering Committee
Members, Santa Cruz City Planning Commission
Members, Santa Cruz City Council
Other Interested Persons

Save Santa Cruz is a community-based group with over 1,700 supporters, committed to city policies that will protect and preserve the historic and unique character of the community and its unique and vital neighborhoods.

From: [Jack Bowers](#)
To: [City Plan](#)
Subject: Objective Standards for Development
Date: Wednesday, June 29, 2022 6:39:07 PM

Members of the the Commission

We write urging you to create standards that will preserve some qualities of the near East Side neighborhood where we live. We accept the need for development but object to squeezing maximum units into lots adjacent to single family homes. Sunlight, parking, privacy and neighborly relationships will suffer.

Thanks

Jack Bowers & Jane Usher
422 Windsor Street
[Sent from the all new AOL app for iOS](#)

From: cityplan@cityofsantacruz.com
To: [City Plan](#); [Sara DeLeon](#); [Tess Fitzgerald](#); [Allison Webster](#)
Subject: Planning Commission Comments
Date: Tuesday, November 02, 2021 10:43:12 AM

A new entry to a form/survey has been submitted.

Form Name: Planning Commission Comments
Date & Time: 11/02/2021 10:32 AM
Response #: 14
Submitter ID: 85135
IP address: 63.249.70.39
Time to complete: 1 min. , 10 sec.

Survey Details

Page 1

You are currently able to comment for all items scheduled for the October 21, 2021 Planning Commission meeting.

COMMENT PERIOD

The comment period for items scheduled will close at 12 PM the day prior to the meeting. Please select an item and provide your comment. Please note that all information submitted is releasable per the Public Records Act.

1. Please select the agenda item you would like to discuss.

(o) Item 3-Objective Development Standards Study Session

2. Please select one of the following regarding the item you are commenting on:

(o) In Support with Concerns

3. Comment/Question:

I have general concerns about the way in which the City seems quite focused on Midtown and the way in which the multi-family zoning was established many years ago. So much of Seabright's single family dwellings are zoned multi-family, even though there is variation in setbacks and street width. However, the newer areas of Santa Cruz on the Westside, with fairly standard setbacks and street widths, plus newer utility infrastructure seem to be mostly single family. To me, this seems a legacy of politicians living on the Westside, combined with weekend homes and blue collar workers not actively participating in City government.

I am quite concern about my little dead end lane, Hugus Avenue, which is about 1/3 the width of Cayuga with no sidewalks or alleyway. Yet, both streets have the same zoning. To me, objective standards would consider whether the multi family overlay with increased density makes sense based on public safety

criteria such as sidewalks, egresses, and street width.

And, I'd like to see some of the Victorian and bungalow architecture remain in Seabright and in my Midtown neighborhood, but I realize that's unlikely.

I do think the residential island bounded by Water, North Branciforte, Soquel and Ocean is unique within the City. There are many dead end streets within this area, and public safety must be considered in defining increased density. For example, the 100 year flood setback for Branciforte Creek should appear on zoning maps and guide future building to allow some green space in this unique urban residential island.

Thank you for your efforts!

4. Contact Information: If you would like us to contact you regarding your comment or question, please provide your contact information. Contact information will not be included as part of the list provided during the public meeting.

First Name:	Jill
Last Name:	Wynn
Phone Number:	2039124313
Email:	Not answered

Thank you,
City of Santa Cruz

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: [Jim Burns](#)
To: [City Plan](#)
Subject: Prior-to-meeting comment for the Planning Commission meeting on January 7, 2021
Date: Wednesday, January 06, 2021 12:45:47 PM

January 6, 2021

Santa Cruz City Planning Commission

Dear Commissioners,

As you endeavor to reconcile the City's zoning code with its General Plan, pursuant to a "re-do" of the shelved Corridors Plan, please do not lose sight of the important principal articulated in the City Council's direction to you concerning this work: that the city's "highest-level policy priority" should continue to be to "preserve and protect residential neighborhood areas and existing City businesses."

That does not, as some might hope, suggest that this reconciliation work should lead to a prohibition of development that would advance our City's very important need to provide additional housing for area residents. That was certainly not the Council's intent, nor is it our desire as two long-time city residents.

But as you discuss, debate, and consider the way forward with respect to this reconciliation, please consider how important it is that you support the creation of development that doesn't turn a blind eye toward this priority directive from the City Council.

Unfortunately, as you discuss this tonight, there is just such a proposed development — in its early stages — that would have you do just that: the pre-application for development of two completely oversized towers at 831 Water St.

We won't — in this communication — begin to express the many, many ways in which this particular pre-application is flawed. Suffice it to say the long list of issues that this proposal describes would be completely at odds with the Council directive to "preserve and protect residential neighborhood areas."

In fact, as the City undertakes an effort to find a balanced approach that promotes the creation of badly needed housing with an approach that is responsive to the concerns of existing neighborhoods, this particular pre-application represents the kind of project that will only polarize the city — creating only for- and against-groups that see no middle ground. That would be very regretful.

We doubt that this kind of completely out-of-scale project is what this Commission, this Council, or this City is intent on supporting. At least, for the sake of the many people in our city who stand ready to strongly advocate for housing developments that are reasonable, responsible, and respectful, we sincerely hope not.

Thank you for your (tireless) service to our beloved City.

Respectfully,

Jim and Nancy Burns
Santa Cruz

From: [Jim Burns](#)
To: [City Plan](#)
Subject: Planning Commission Meeting Item #2 - Objective Development Standards
Date: Wednesday, June 29, 2022 11:46:11 AM

June 29, 2022

Dear Members of the Santa Cruz Planning Commission,

We have only recently become aware that the Santa Cruz Planning Commission this Thursday (June 30, 2022) will review the city planning staff's latest efforts to establish Objective Standards by which development proposals can be assessed. As you may all painfully recall, the absence of these standards made assessing Novin Development's fast-track application for 831 Water Street very challenging — and their continued absence also leaves the door open for other out-of-scale developments to be proposed.

While we support the city's desire to belatedly put comprehensive Objective Standards in place, it appears to us that the staff's proposal this Thursday would — at least in certain areas of the city — once again imperil adjoining single-family neighborhoods in an effort to squeeze every last floor and unit into adjoining developments.

We hope that the current process can result in standards that allow us to accommodate reasonable growth, something we continue to strongly support. But we also hope that it can be done in a manner that is respectful of the interests and rights of all of our citizens.

In closing, we ask that you, as our Planning Commissioners, direct staff to reduce the impacts of tall developments placed immediately adjacent to existing residences. Specifically, we believe it is inappropriate to locate MU-H zoning immediately adjacent to existing R-1 zoning. The proposed zoning maps, particularly along Water Street and Soquel Avenue, show MU-H zoning concentrated immediately adjacent to existing residential properties, unlike the proposed zoning on Mission St.

In short, we are asking you to direct staff to re-zone proposed MU-H parcels to MU-M where these parcels adjoin existing R-1 zoning.

As always, THANK YOU for your service!

Sincerely,

Nancy and Jim Burns
Santa Cruz

From: [Norene Huber](#)
To: [City Plan](#)
Subject: Review of Objective Standards
Date: Wednesday, June 29, 2022 12:48:02 PM

Please direct staff to re-zone proposed MU-H parcels to MU-M where these parcels adjoin existing R-1 zoning to reduce the impacts of tall developments placed immediately adjacent to existing residences. Specifically, I believe it is inappropriate to locate MU-H zoning immediately adjacent to existing R-1 zoning.

I understand the urgent need for additional housing in Santa Cruz, but I would hope that it can be done in a manner that is also respectful of the interests and rights of ALL of our citizens.

Thank you for your consideration.

JN Huber

From: [Lira Filippini](#)
To: [City Plan](#)
Subject: [CAUTION: Verify Sender Before Opening!] Agenda Item 4; 6/2/22; Objective Standards
Date: Wednesday, June 01, 2022 11:54:15 AM
Attachments: [Objective Standards: Santa Cruz Tomorrow.docx](#)

Dear Planning Commissioners,

Agenda item 4 is most likely the most important item coming before this commission in decades, and possibly for decades to come. It sets not only the aesthetic standards for our future development, but critically - the size and potential density of market rate housing developments.

First, I'd like to point out that not all of the community-submitted objective standard ideas are included in the attachment for that, provided by staff. On June 4, 2021, the attached document was emailed to Sarah Neuse from Santa Cruz Tomorrow and was worked on by a number of community members. I've been made aware of others that were left out as well.

It is concerning that the setting of objective design standard development is not merely being used to remove subjective criteria, and to make our development standards conform to the state's criteria for what objective standards are - but instead is being used to massively increase potential size and density of market rate developments.

Due to provisions in SB 330, SB 35 and many other new state laws, affordable housing projects may already receive waivers and concessions for many of the objective standards.

However, for market rate developments, these standards are critical for establishing criteria that not only regulate aesthetic, but also size, density, massing, and the livability of these future homes and the community at large.

Many of the current standards proposed by staff fundamentally increase the size of developments that market rate developers can build, without any criteria for affordable allocation. There are many reasons this is problematic.

One such reason is that the community survey conducted by staff included survey questions that directly assumed that the options being selected were a tradeoff for affordability. This is a massive assumption based on a theory of "affordable by design" and the trickle-down housing model - that simply building more will decrease the cost for housing. For example, where the staff says that "It was commonly expressed that buildings along major corridors can be taller and larger...", what they are leaving out is that this survey question proposed that the following selection options were presented as a tradeoff for affordability.

So yes, for "affordable" housing projects, many survey takers selected increased height as something that made sense. What is being left out of this equation for the common citizen, is that an affordable housing development can technically already double in height beyond a current zoned height limit, due to a state density bonus. So what is being created by staff's omission to both the community and to public officials, is that they are increasing the height and massing possibility for market rate housing, while affordable housing will always be able to waive such standards.

A second reason, is that by using this "setting of objective design standards" to increase size/massing, by way of things like decreasing setback, we are further limiting our space for

needed infrastructure improvements as our population density skyrockets over our future increase of RHNA (which may be an indefinite pattern of increase). We need much more space for the development of "safe" active transportation along our dangerous streets. The TPW commission standards - which include a massive reduction in setbacks - were rushed through the commission, with staff saying they needed to get it through and things could be changed later. However, once any standards are set that increase possible housing density, they can not be changed back. SB 330 does not legally allow any reduction in housing capacity by way of objective standard changes. This was not made clear to the TPW commissioners, who were instead told they could make changes at another time in the future.

A third reason, is that with the standards that increase potential market rate density, we are incentivising that - instead of allowing the state's few new laws that aim to increase density by way of including more affordable housing in their proposals. Creating objective design standards that basically already maximize the area part of the FAR, we are taking away that potential axis of growth as incentivization for affordable housing developments. We would be challenging our ability to fulfill the lower income allocations of our RHNA, while once again ensuring we overproduce the market rate building, leading to further gentrification and not fulfilling our actual need - "affordability".

Overall, we have a massive transparency issue. Many community-submitted standard ideas have been left out of that document provided by staff (not just SC Tomorrow's). The community survey was leading in a way that manipulated the responses, while the standards that came out of that did not match the responses (taller buildings are not being directly tied to higher allotment of affordability in the resulting standards on height). And a massive change in high-income population density, massing, height, and reduction of setbacks are being slipped through a process that is being presented as merely solidifying aesthetic and subjective criteria into something that conforms with the state's "objective" standards.

I know that many of you Planning Commissioners are actively involved in researching the affordability crisis in housing, and have made many suggestions on how to resolve it here in Santa Cruz. I see Commissioner Schifffrin's submission for a standard for increasing the inclusionary allocation for developments of 100 or more and I remember a sub-committee also presenting the desire to increase it for density bonus projects. My hope is that this commission will not rubber-stamp the standards presented to you that fundamentally increase market rate size and density, of which there are many. And that you instead, move to allow your sub-committee to take the time needed to do damage control. The standards that dictate articulation, fenestration, step-backs, etc.. are well formed and do not create this issue. However, many of the other standards in this document do. Please take the adequate time to fix them so that they are not presented to our City Council with an "approval" by the Planning Commission.

Thank you for your consideration on this agenda item of utmost importance, that will set how our development proceeds in SC for a very long time.
-Lira Filippini

BUILDING EFFICIENCY & GREEN BUILDING

New developments shall incorporate Title 24 energy code standards, apply latest Calif. building laws such as: "Solar panels are required in all new construction homes and certain remodeled homes beginning January 1, 2020... Minimum number of shade trees needed to provide shade to surface parking areas as well as landscape and hardscape areas."

-Separate water meter for each unit in a residential development to help our City conserve water.

-Rainwater catch system for any residential development with 10 units or more. Catch system to be used to subsidize landscaping water needs.

-All residential developments shall include faraday metal shielding between all smart meter arrays and adjacent residential units.

-High filtration air system is required for any residential development with 10 units or more, as well as for any development housing exercise, yoga, or workout rooms.

Shading/Shadow/Sun

-Any structure built after 2021 shall not cast a shadow on an existing structure for more than 3 hours of the day, measured using average winter hours/angle.

-Any structure shall not impede sunlight on to adjacent structures with solar panels more than 3 hours per day, measured using average winter hours/angle.

Landscaping, Parks & Green Space

All new development shall incorporate the 2030 General Plan Chapter 9 (Parks, Recreation and Open Spaces) Goals, Policies, and action PR1.1.3-4, PR1.3.1-4 to preserve the City's highly valued identity and its Natural Resources(Chapter 4 Land Use).

To mitigate the harmful effects of the City's current technical deficiency in this policy, the following landscaping standards will work to offset the harmful effects and to achieve the City's stated green space goals.

Landscaping standards shall promote the creation of green space within commercial, industrial and medium- to high-density residential districts in order to maintain quality of life of those districts, buffer off street parking areas, reduce drainage off site, filter noise and light, encourage the planting of trees throughout the community, and support the City's health and climate change policies.

Street Trees: All commercial, industrial, and multi-family residential developments within the City shall provide boulevard trees in addition to and separate from other plant requirements.

-Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City will be considered as elements of the project in the same manner as parking, building materials and other plan details. The landowner, or successor in interest, or agent, if any, will be jointly responsible for regularly maintaining all landscaping so that

it presents a healthy, neat, and orderly appearance, including the removal of weed species as well as the repair or replacement of damaged or destroyed landscaping.

Heritage Trees: Any heritage tree (s) that is in the footprint of a proposed large development shall be relocated rather than cut down.

-Depending on size and species, mature heritage trees store on average 1-2 metric tons of carbon. The usual method of removal after cutting is chipping, which means the vast amount of carbon is released to the atmosphere within 5 years. Replacement saplings take many decades of growth to become equivalent carbon sinks. Removal of heritage trees works against the goals of the city's Climate Action Plan. Relocation of heritage trees has a high success rate and is consistent with the CAP goals.

Vertical Landscaping/Planting: All new housing developments of 3 stories or taller, will include vertical planting that covers no less than 70% of their vertical exterior wall space, excluding doors, windows and balconies. Native plant species and xeriscaping should be prioritized to support pollinators and sustainability throughout drought years. The objective standard of vertical planting will achieve:

1. Reduction in air pollution and carbon footprint that is associated with population density increase, thereby mitigating this recorded negative impact proactively
2. Reduction in noise/sound pollution by buffering the hard exterior space and reverberation
3. Reduction in light pollution via texture of plants buffering various and varying reflective building materials and paints
4. Create aesthetic element that is universally pleasing and improve the appearance of less expensive building materials sometimes needed to make an affordable housing development financially feasible.
5. Preservation of Santa Cruz as a destination symbolized by the natural environment, thereby maintaining its draw to both tourists and residents. Planted exterior buildings shows environmental responsibility and adds nature to the skyline instead of concrete, paint, etc... Santa Cruz bumper stickers are traditionally whales, butterflies and trees, not mid-high rise buildings. Living walls will draw butterflies and symbolize that our City values nature and environmental responsibility.
6. Leading other cities by example when challenged with the need to build affordable housing but do so in a way that aims to mitigate its associated impact on global warming.
7. Improvement of both mental health and physical health parameters that are negatively impacted by increased population density - by built-in green space as the surface building exteriors.

Lighting

All proposed developments shall be reviewed under Model Lighting Ordinance & International Dark Sky Association Design guidelines according to General Plan Goal HZ5-5.1 through HZ5.1.3

-To minimize light trespass and the harmful effects of light pollution, outdoor lighting shall be no more than 3000 Kelvin, no more than 2700 lumens (commercial), no more

than 1200 lumens (residential), only be on when necessary for public safety and be fully shielded and pointing downward.

RACIAL/CLASS EQUITY & AFFORDABLE HOUSING:

Materials: Affordable units and market-rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.

Segregation:

-Affordable units qualifying a housing development for SB 35 streamlining or a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market rate units in terms of appearance, materials, and finished quality. (From Santa Cruz's Density Bonus Law, edited to include SB 35 [Adopted October 24, 2017])

-There shall be distribution of low-income and very low-income housing built throughout the City for racial equity.

-50% of affordable units should be 2 bedroom or larger units.

The City of Santa Cruz enforces the objective standard that any development applying for SB 35 streamlining must include a minimum of 50% of their housing units at the affordable level or income category in which the City is currently deemed deficient (the one which needs fulfillment to satisfy regional requirements). Percentage calculated for the total number of units to be developed, including those awarded for the Density Bonus.

-Whereas a deficiency in a specific income level in the most recent year's regional housing reporting, is what qualifies a City to be subject to accepting SB 35 ministerial streamlining and the City's goal is to fulfill the requirements and not perpetuate the deficiency.

-Whereas allowing larger percentage of market rate units to be constructed, proportional to the lowest income levels of Affordable Housing, drives up the AMI, thereby increasing what is deemed "affordable" to higher than the lower income brackets can reasonably afford.

BUILDING DESIGN, DENSITY & PARKING

Height/Roof

-The pitch of roofs to match in design to adjacent structures.

-Any structures with rooftop activity will require 2" acoustical sound walls

-Any structures with rooftop activity will limit rooftop pedestrian access and activity to hours of City's sound/noise ordinance (i.e. rooftop closed at night). Rooftop safety lighting shall turn off accordingly to limit light pollution and light trespass.

-HVAC systems shall not be visible from residential neighborhoods

Neighborhood Compatibility

-The height of any building within 100 ft of a single-family home shall be no taller than 4 stories high including Density Bonus. To achieve maximum density, setbacks may be used so that the =>30% of the building along the single family zoning conforms to this standard.

-Density increase shall be limited to 10% over current zoning (General Plan LU4.1.2), including Density Bonus

-Residential projects located across the street from single-family neighborhoods shall orient the buildings to the street with individual entries, patio areas and landscaping facing the single-family homes. Parking lot areas and carports shall not be located along single-family neighborhood street frontages.

-Duplexes, triplexes, and fourplexes abutting single-family neighborhoods shall include individual front doors and interior stairs (when stairs are needed).

Building Design Elements

-The first story shall be distinguished from all other stories by using no less than 2 architectural forms, fenestration, or similar details on the front elevation (e.g., arches, awnings, balconies, columns, cornices, lintels, moldings, trellises) that are not also used in the same manner on the other stories.

-Blank walls (facades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.

-Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from wall plane by a minimum of three inches.

-Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 12 inches deep and four feet wide and extend the full height of the building.

-Rooflines shall be vertically articulated at least every 50 feet along the street frontage through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height and/or form.

-Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 18 inches deep and four feet wide and extend the full height of the building.

-Primary building entrances and associated paths of travel shall be visible from the adjacent street.

-Mirrored glass is prohibited on the exterior of building in order to minimize off-site glare and maximize transparency.

-At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20% of the building frontage, excluding windows and railings. A change in material must be offset by a minimum of six inches in depth.

-The tallest part of the building shall not take up a full floor.

Parking

-Unbundled parking only allowed in Downtown zoning.

-Structured parking shall be designed such that interior shall be fully shielded and automobile headlamps shall not be visible from adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.

-In addition to the required number of parking spaces shall be made available for use by guests, as follows: · 0.10 spaces per dwelling unit for affordable projects (defined as projects reserving at least 50% or more of the units for income-restricted households, as defined under California Law). · 0.15 spaces per dwelling unit for all other projects These guest parking spaces shall be located outside of any security gates or other access limitation devices unless provisions are made to allow a resident to remotely communicate with and provide access to the visiting guest (such as through an intercom and remote control gate, or other similar devices).

From: [Lira Filippini](#)
To: [City Plan](#)
Subject: Objective Development Standards
Date: Wednesday, November 03, 2021 12:19:54 PM

Dear Planning Commissioners,

The setting of our City's official Objective (development) Standards is of great importance, as it will be the concrete regulations by which many large developments will adhere to in the unprecedented wave of "ministerial" significant development projects at our doorstep due to SB 330 and SB 35. The current draft standards have many great elements, but also need many additions and amendments.

The Good - The process of setting these standards is clearly a lot of work and Sarah Neuse and fellow Planning Staff have already put a lot of time and energy into this. In certain areas, they have done a stupendous job. This includes the draft standards dictating passable walkways on corridor streets, requiring variety in building materials, ground floor aesthetic and transparency regulations, landscaping and open space requirements, architectural detail, and the updated street tree requirement.

G.1.i. - I am especially grateful that "green wall" is included in the list of acceptable building materials because it is not only aesthetically pleasing, but inclusion of green walls contributes to needed air scrubbing (reducing CO2/pollutants, and increasing O2). They also reduce noise pollution by providing less reverberation of sound, and reduction of light pollution by being less reflective. Inclusion of plants in a living environment has been shown to increase wellbeing in "enriched environment" studies.

Needed Amendments (to areas currently covered) - Much of the current draft standards for Building Modulation and Roof Forms are great. However, it is important to note that the community outreach needs to be seen as such - as the feedback and preferences of a community who will not only be walking and driving past these new significant developments, but also living within them, behind them, and beside them. The great standards proposed for Building Modulation and Roof Forms are only currently requirements for the "public frontage" for new developments. Application of these aesthetics standards including Building Modulation and Roof Forms should be requirements for all sides of each significant development projects.

Additionally the H. "Lighting" is greatly appreciated in their consideration of the Dark Sky's guidelines. Circadian rhythm of plants, insects, fish, birds, and mammals, including humans are scientifically shown to be disrupted by light pollution, with devastating effects. Many of our mental illnesses and physical disease states have been shown to be in direct relation to circadian rhythm disruption. **These stands should also include regulations for developments in which the rooftop is used as open space.** No light shall be placed so that it causes light pollution or light trespass. To achieve this, standards should be added that include placement and angle of shielded lights on rooftops so that the lights are shielded and do not cast beyond the footprint of the building and should not be visible to neighboring residents.

Needed Additions - There are many needed development standards that have not been included categorically in these draft standards that go beyond the aesthetic principles and have to do with public health and safety. If you read the focus group notes, some of these were

expressly brought up by a number of participants. For instance - earthquake safety and shade.

Earthquake Safety. Right now, SB 35 regulations set forth by HCD have very tight parameters. They only allow discretionary regulations beyond development standards if the site is in a earthquake hazard zone on the State Geologist's map. However, the State Geologist's map that is pointed to shows that the State has not done an assessment of Santa Cruz. Considering we have a history of earthquake damage here and these new significant developments pose much greater risk due to their significant size - to not only their inhabitants, but also the fall radius - we need detailed earthquake safety objective standards.

Shade - There is a large body of scientific evidence discussing the dangers of shade in mold production as well as mental health and mental illness. SAD (seasonal affective disorder) is a well documented mental health issue. We need objective standards for the height and setback of all new significant developments so that they do not create total shade on a neighboring residence for more than a certain portion of any day in the calendar year. Our society is struggling with mental health, and how we build absolutely affects this. Health in All Policies should dictate that how we set these development standards should be taking shade on existing residents as a serious parameter to include.

I greatly appreciate the work that is being done by the Planning Staff, specifically Sarah Neuse; however, we need a more varying and specific set of standards than currently drafted that includes public health and public safety so that we may more smoothly assess new development applications in the future. I have only listed a few of the amendments and additions that should be included in the final standards. I look forward to the Planning Commission and Planning Staff working together to set a more complete and robust set of standards that will dictate much of the future of our City.

Thank you for your thoughtful consideration,
Lira Filippini
130 Belvedere Terrace
Santa Cruz, CA 95062



THACHER & THOMPSON ARCHITECTS
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(831) 457-3939 FAX (831) 426-7609 WWW.TNTARCH.COM

December 2, 2020

Planning Commission
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

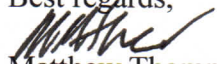
Re: Objective Development Standards Test Fits and General Plan Reconciliation

Dear Commissioners:

I was heartened to read the Agenda Report for your December 3, 2020 meeting regarding development standards for multi-family housing and mixed-use projects. The staff work by Sarah Neuse and team is clear, well informed, and on-topic. The work program from Urban Planning Partners, Inc., the City's consultant, is thoughtful and reflects current best practices. The community engagement aspects of their work program are especially attuned to what will be helpful in our community.

The initial analysis in the Agenda Report regarding FAR's, parking, height, and lot size is helpful. Development standards are complex and difficult to understand and the first set of graphics and explanations are a promising sign of things to come. One suggestion: If the maximum FAR is 2.5, do not include prototypes that exceed that FAR. To the public, this is likely to undermine their confidence that the standards can be relied upon.

I think the staff and consultants are off to a good start with the public process and initial analysis.

Best regards,

Matthew Thompson
Principal Architect

From: [melissa](#)
To: [City Plan](#)
Subject: high density housing
Date: Tuesday, June 28, 2022 6:03:43 AM

while it may be a state requirement, it is MISGUIDED since there is NOT ENOUGH WATER FOR WHO IS ALREADY HERE. NO high density housing.

From: [Scott Family](#)
To: [City Plan](#)
Subject: June 30, 2022 Agenda Item 2. Objective Development Standards Multifamily & Mixed Use
Date: Wednesday, June 29, 2022 7:47:55 PM

June 29, 2022

To: Santa Cruz Planning Commission

Re: June 30, 2022 Special Meeting Agenda Item 2. Objective Development Standards for Multifamily and Mixed-Use Housing Ordinance Amendments

We ask the Planning Commission to recommend the following:

1. Apply the City's Objective standards for development to accommodate reasonable growth in a manner that is also respectful of the interests and rights of all residents.
2. Direct staff to reduce the impacts of tall developments placed immediately adjacent to existing residences in corridors throughout the City. The proposed zoning maps, particularly along Water Street and Soquel Avenue, show MU-H zoning concentrated immediately adjacent to existing residential properties, unlike the proposed zoning on Mission Street.
3. Direct staff to re-zone proposed MU-H parcels to MU-M where these parcels adjoin existing residential properties in order to fairly apply objective standards citywide.

Thank you for your time in reviewing these proposed standards on behalf of all Santa Cruz residents.

Michael A. Scott and Isabelle Scott
Santa Cruz Residents

From: [Nancy Drinkard](#)
To: [City Plan](#)
Subject: zoning proposals
Date: Wednesday, June 29, 2022 12:33:49 PM

Please direct staff to change the proposed MU-H zoning where such zoning is immediately adjacent to R-1 zoning. The scale (especially height) of development allowed under MU-H dwarfs single story residences on R-1 parcels. Why is Mission Street being proposed as MU-M, while Branciforte, Water and Soquel are not??

Thanks,
Nancy Drinkard
128 Linden Street
Santa Cruz

From: bikerick@att.net
To: [City Plan](#)
Subject: [CAUTION: Verify Sender Before Opening!] Planning Commission meeting of Nov 4 Item 3 Objective Standards
Date: Tuesday, November 02, 2021 9:23:00 AM
Attachments: [suggested text for some objective standards.docx](#)

Dear Commissioners:

As you provide feedback on the draft Objective Standards – Attachment 8, please direct that the following topics be further addressed:

Architectural styles: Clarification is needed as to architectural styles as objective standards. On page 2 the document states, “Objective standards that exist in Area Plans will continue to apply. Objective standards can be identified in Area Plans by reviewing guidelines and standards for words like “must,” “shall,” “will” or “will not.”” Some Area Plans, like the Beach Area Plan and the Seabright Area Plan do mention preferred architectural styles. But then on page 4 of the document is the seemingly contradictory statement, “the Objective Standards do not require any specific architectural style for specific neighborhoods and enable a wide variety of building styles throughout the City.” In order to preserve and maintain the work that went into the area plans and citizen input expressed over time, the Planning Commission should review or have your consultants review any architectural standards or preferences in the area plans and change those that are still relevant into standards language where need be and also be clear as to whether and when there would be exceptions to those standards. It is possible to write objective standards that allow for design flexibility in architectural styles and still be objective, as opposed to just saying anything goes as the document can currently be interpreted to read.

Bicycle transportation: Standards with regard to bicycles are needed. On page 5, item I.B. of the document walkability is promoted, but nothing about bicycling. The default should be that any connections also be bicycle-friendly, unless there is some site-specific reason not to do so. The recent project approval for Riverfront actually removed bikeable pathways in favor of pedestrian-only one which was most unfortunate. In contrast, the pathway at 727 Hanover Street is being widened as part of that project so bikes and pedestrians could better co-exist – that should be the standard.

And, why limit access to daylight hours as the document proposes on page 6? People walk and bike at night – especially in the winter commuters may leave for and/or return home in the dark. Adequate lighting should be required as indicated on page 20.

Also, there has been a trend in new multi-family developments to locate the required bicycle parking in an aggregate location such as a bike room. Thus, a further objective standard should be to provide the most accessible pathway from the nearest street(s) to the bike room(s) in the development -- preferably separated from motor vehicle traffic. Also, the bike rooms need to be designed and sized to accommodate a range of bicycle sizes and sited to be conveniently accessible to residents.

Finally, any parking requirement reductions should not apply to bicycle parking. One of the reasons to have less car parking is that residents can get around by bike, so using that mode should be made

as easy as possible.

Parking: Clarification is needed as to how the proposed parking reduction serves city objectives for affordable housing, alternative transportation, and neighborhood preservation. The document on page 5 allows for a 50% parking reduction for an aesthetic purpose (stacked flat building type, as opposed to a townhome building type) – I may add for some unstated reason since townhouse type architecture seems preferable. As you know, there is a movement to reduce or eliminate parking requirements. This is based on urban observations of seas of underutilized asphalt. However, Santa Cruz lacks a program to allow residents to park overnight in someone else's private parking lot. Also, Santa Cruz lacks a robust alternative transportation system. The result of this proposed standard will be new residents' cars clogging nearby streets. Thus, at a minimum no parking reductions should occur unless and until any arterial and collector streets that the new project faces on are made complete – with adequate bike, pedestrian and transit accommodations – and any other streets faced by the project are traffic calmed to prevent excess speeding and cut-throughs.

Furthermore, the city and State already offers parking reduction incentives in return for providing more affordable housing. If developers can reduce parking simply by the architectural design they choose, then they lose this incentive to provide affordable housing. And, there is no guarantee that the lower construction costs that result from providing less parking spaces will be passed on to future tenants or buyers.

Neighborhood compatibility: Standards with regard to neighborhood compatibility are needed. There is nothing in the document that specifically addresses neighborhood compatibility. The bulk of the document addresses how new buildings will look from the streets on which they front, which will generally be arterial and collector streets, with just a little bit about modulating building designs as also seen from their sides and rear. Regarding parking lots that could be adjacent to residences, the proposed objective standard on page 7 only requires landscaping or fencing at the edge of a side or rear yard. Where a residence is adjacent, this is inadequate – both should be required because they serve different functions. Trees can provide aesthetic relief, shading, cooling, and maybe take up some pollutants; while fences or walls provide more noise and blowing litter protection. And a landscape strip needs to be wider than 3 feet to provide adequate buffering space and room for the landscaping to grow and be maintained. Attached are my suggestions that I sent to your staff for including objective standards for helping ensure neighborhood compatibility.

The document on page 3 does purport to address any multi-family development in any relevant zoning district. It mentions that duplexes are allowed in single-family zones in some cases and hints that future state law may allow more such “smaller” multi-family projects in single family zones. Yet, none of the proposed standards appear very applicable to duplexes and the like in predominately single-family neighborhoods. For example, I live in a single family neighborhood with 20 foot front yard setbacks. If the house on the corner next to me were to turn into a duplex would it have to include an entry of 48 square feet of flat, unenclosed, covered area, which may be a projection, or inset, or a combination of the two (as required on page 6) and would residents be prohibited from parking in their driveway (as illustrated on page 7)? Additional objective standards need to be written to direct such larger residential projects to blend in with the surrounding development in residential zoning districts or these objective standards should explicitly not apply in R-1 districts.

Instead, current standards in the R-1 zoning district should be reviewed and maintained or updated.

Regarding Attachment 7, -MU DISTRICTS DRAFT STANDARDS PUBLIC REVIEW.PDF – why are there no residential zoning densities shown? There are General Plan zoning densities listed and zoning should be consistent with the General Plan. If there are no zoning densities, then there can be no density bonus incentives to provide for affordable housing.

Thanks for your consideration,
Rick Hyman

Suggested Text for Some Objective Standards
Rick Hyman

The following standards shall apply to a non-residential or multi-story residential development (hereafter referred to as the “development”) on a parcel or aggregation of parcels that is adjacent to property in a single family or multi-family low rise residential district or with a low or medium density residential use (hereafter referred to as the “neighborhood”):

1. Buffering – where there is no intervening alleyway

Where such development will be on property abutting the neighborhood, the following standards shall apply:

- a. an at least 10 foot wide heavily landscaped buffer strip shall be established and maintained on the subject property.
- b. existing shrubs and trees that help soften the visual impacts of the development from the neighborhood must be retained, integrated into the landscape plan, and promptly replaced if any die.
- c. the majority of plants included in the landscaping whose purpose is to soften the visual impacts of new development from the neighborhood shall be of an initial large size (generally minimum of 15 gallon), fast growing, and evergreen.
- d. a deed restriction, easement or dedication shall be applied to this buffer strip limiting uses to landscape maintenance and emergency access.
- e. a solid 6 foot wall or fence shall be erected and maintained between the buffer strip and the remainder of the subject property where the development is to occur.
- f. Exceptions:
 - (1) a different fence design, or other barrier or no barrier besides landscaping is permissible if the adjoining neighborhood property owners prefer such an alternative treatment;
 - (2) if a solid building back is constructed at the buffer edge with no openings for the first 6 feet up from ground level, no separate fence or wall is required;
 - (3) if occupied residential space constitutes the entire back of a building constructed at the buffer edge, no solid barrier is necessary; landscaped yards, pathways, stairways, decks and patios covering no more than one-third of the buffer area are permissible; and residents may be allowed within the landscaped buffer area;
 - (4) if another provision in the Code allows for exceptions to this landscaped buffer requirement, then the applicant for any development must install a solid fence or wall at the property line or an alternative fence design requested by the adjoining neighborhood property owners.

2. Buffering – where there is an intervening alleyway

- a. Where a public alleyway at least 10 feet wide separates property on which development will occur from the neighborhood, all of the above standards and exceptions apply [in 1 above] except that minimum width for the heavily landscaped buffer adjacent to the alleyway shall be at least 5 feet.
- b. Where a public alleyway separates property on which development will occur from the neighborhood, no motor vehicle access shall be provided from the alleyway to a parking garage or lot on the subject property; except that access is permissible to individual residential garages or driveways if occupied residential space constitutes the entire back of a building constructed at the buffer edge.

3. Outdoor parking and accessways

If an open parking lot or paved motor vehicle access is installed between the required physical buffer (pursuant to 1 or 2 above) and the back of a new building, then the following measures must be taken:

- a. any refuse and related containers must be within an enclosure located at least 50 feet from edge of the adjacent neighborhood (otherwise these must be accessible from inside the building or in front of the building).
- b. any loading area shall be located at least 50 feet from the edge of the adjacent neighborhood (otherwise loading/unloading must occur inside the building or in front of the building).
- c. any deliveries by truck shall be prohibited between 10 p.m. and 7 a.m.
- d. a management program must be established to ensure frequent little pick-up.
- e. where there is also enclosed parking within in a mixed-use development, then any additional uncovered parking lot spaces behind the building shall be allocated first to building residents or employees. [this is to avoid frequent turnover in the parking lot caused by commercial patrons that has more noise and related impacts on the adjacent neighborhood]
- f. "Quiet Zone" or similar signs requesting consideration of the adjacent neighborhood, "No Loitering" or similar sign, hours and time limits for parking, and "Tow Away" signs for parked vehicles not in compliance with the rules shall all be posted in outdoor parking lots.
- g. security measures are permissible and encouraged, provided they do not result in adverse impacts on the adjacent neighborhood (e.g., loud audible alarm voices; bright shining lights).

4. Driveways and garage accessways

If a motor vehicle entrance/exit is provided off of a non-arterial or non-collector street that runs from an arterial or collector street into a neighborhood, then:

- a. the entrance shall be located as close to the corridor street as possible;
- b. a semi-traffic diverter or similar traffic calming device and a "residential traffic only" or similar sign shall be installed just beyond the entrance on the street to slow and caution traffic entering the residential neighborhood;
- c. turns from the entrance/exit toward the residential neighborhood shall be prohibited.

5. Mechanical equipment and venting

- a. All new mechanical equipment and appurtenances, including gas and water meters, electrical boxes, roof vents, air conditioners, antennas, etc. that could otherwise be visible from the residential neighborhood shall be permanently screened with material compatible with the materials of the building, except to the extent that such screening would interfere with the operation of solar panels.
- b. Any necessary mechanical venting of laundry or rest rooms shall be internal to the building if possible; in no case shall vents to the outside face a residential neighborhood.

6. Exterior lights

Except on the ground floor where residential uses constitute the entire back of a building facing a neighborhood, no exterior lights shall be allowed which shine beyond the property line.

7. Heritage trees

Existing heritage trees shall be preserved and afforded adequate space to survive. No heritage tree removal shall be allowed solely to allow a proposed building design; rather the building shall be redesigned and resited to allow the heritage tree to remain.

8. Adjacent uses

- a. Non-residential uses allowed within 50 feet of a neighborhood shall be limited to those principally permitted uses that generate no more than eight vehicular round trips per day from other than employees and do not use any outdoor space on the neighborhood side.

b. No non-residential use shall be allowed within 125 feet of an adjacent neighborhood that is open any time between 9 p.m. and 7 a.m.; includes outdoor uses with amplified music; uses alarms or sirens or similar loud noises that can be heard by the adjacent neighborhood; prepares food in a manner that smoke or odor is allowed to vent from the building or occurs outdoors; includes an outdoor swimming pool; or is a conditional use that the Zoning Administrator determines will have adverse noise, litter, odor, lighting, pollution or traffic impacts on the adjacent neighborhood.

9. Design features

a. All façade features designed and required to make the front of the building attractive (such as varying roof lines, other articulations, breaking up massing to appear or to be separate buildings, architect style compatible with the neighbor) must also be incorporated into all sides of the building that face residential neighborhoods, except where they are unnecessary (e.g., because the height of the building facing the residential neighborhood is only one or two stories), would adversely impact the residential neighborhood (such as glass that would cast a glare), or are in conflict with the other provisions of this section.

b. Windows and glass doors above the first floor that face onto a neighborhood shall not be permitted in non-residentially occupied spaces (e.g., storage rooms, staircases), unless mandated for safety. Any such windows and doors shall have a screen or drape that is closed when any lights are on.

c. Windows or glass doors above the first floor that serve residentially or employee occupied spaces and face onto the neighborhood shall be limited to no more than one standard sized (24" x 36") one per room or employee cubicle and shall be located in a manner that minimizes intrusion into the neighborhood residents' privacy.

c. Vines and similar plants that can grow on building sides that face onto a neighborhood shall be incorporated into building design, using, for example: trellises, window boxes or hanging plants from rooftops gardens.

d. Painting and other treatments of and on exteriors that face neighborhoods shall be permanently maintained in good condition.

e. Signs for non-residential uses facing the neighborhood shall not be visible to neighborhood residents above the required landscaped buffer; except, if building design (e.g., placement of windows or doors), would thus preclude a sign, one per business shall be allowed that is located no more than one foot above the door, window or other impediment, no more than one foot high, and illuminated only during the time the business is open.

e. A deed restriction or other binding legal document shall prohibit building changes in the future that do not comply with the provisions of this section.

10. Comprehensive management responsibility

a. A comprehensive management plan shall be prepared to ensure compliance with all on-going requirements of these standards or any other Municipal Code requirements that apply anywhere on the property over time.

b. One management entity shall assume ultimate responsibility for implementing the comprehensive management plan; except for mixed use developments: two management entities may be established -- one for the residential and one for the non-residential uses, provided they execute a legally binding agreement to ensure that (1) there is joint management of common areas used by both residents and non-residents and (2) that all on-going requirements are the responsibility of either one or the other or both.

c. While this entity may designate individual businesses to comply with certain responsibilities pertaining to their businesses, the overall management entity is ultimately responsible for the entire property.

- d. Any subsequent use permits issued to individual businesses shall be conditioned to comply with the comprehensive management plan.
- e. Any subsequent use permits for individual businesses whose operation could result in adverse neighborhood impacts not previously addressed by the original comprehensive management plan can only be approved if (1) conditioned for a supplemental management plan to address these impacts integrated into to comprehensive plan; (2) the overall management entity assumes responsibility for these supplemental measures if the individual business fails to comply.
- f. A representative of the neighborhood, if one is delegated, shall be given updated contact information for a responsible designee of the management authority.

11. Construction activity

- a. Construction activities shall be limited to the hours of 7:30 am to 6:00 pm, Monday through Friday; except limited interior construction activity from 8:00 am to 5:00 pm on Saturdays may occur with the approval of the Chief Building Official.
- b. A representative of the neighborhood, if one is designated, shall be provided with contact information for individuals responsible for the construction operations.
- c. As part of a required construction management plan, all construction materials, equipment, and vehicles shall be stored on site or at an approved location at least 100 feet away from any neighborhood. A construction vehicle access plan shall prohibit construction and related vehicles from using any non-arterial and non-collector residential streets beyond the subject site limits, unless no other access route is available. Designated parking for construction workers shall be established off of any non-arterial and non-collector residential streets beyond the subject site limits.
- d. Enforceable measures shall be incorporated into a required construction management plan to prevent adverse noise, dust, utility disruption, nuisance, odor, lighting, vibration impacts on the neighborhood.

12. Construction delays and abandonment

- a. Security must continue to be provided on a site where construction is delayed or abandoned.
- b. Once site preparation or construction commences, if it subsequently stops for a period of six continuous months, then a solid fence or wall must then immediately be installed on all sides of the subject property visible from the neighborhood; any equipment or materials stored on site that are visible from the neighborhood above the fence or wall must be removed from the site; and any equipment or materials stored on site that continue to generate noise, odor, light, dust, litter or pollution must be removed from the site.
- c. If site preparation or construction stops for one year, then the required buffering and landscaping must be immediately installed. [#1 or 2 above]
- d. Temporary uses that enhance the attractiveness and security of a halted or abandoned construction site may be permitted, provided they comply with all of these provisions.

13. Process

- a. Community outreach meetings shall be held for any such developments, except where there is no change of or expansion of use.
- b. Where State law allows exceptions to these Objective Standards, no further exceptions may be granted pursuant to a Planned Development permit, height limit modification, or other exception provision of the zoning ordinance.
- c. A representative of a neighborhood affected by such development may be designated to receive notice of when any follow-up landscape, management, transportation, or other plans required to

comply with these Objective Standards to help protect the neighborhood are submitted for approval and shall be allowed to review such plans.

d. Public notice and an opportunity to comment shall be provided prior to approval of any changes to approved building design or permit conditions that may affect the neighborhood that otherwise do not require public hearings.

From: bikerick@att.net
To: [City Plan](#)
Subject: FW: Planning Commission meeting of June 2, 2022 #4 Objective Standards
Date: Wednesday, June 01, 2022 12:04:43 PM

From: bikerick@att.net <bikerick@att.net>
Sent: Wednesday, June 1, 2022 3:02 PM
To: 'Sarah Neuse' <sneuse@cityofsantacruz.com>
Subject: Planning Commission meeting of June 2, 2022 #4 Objective Standards

Dear Commissioners:

The proposed Objective Standards have many welcome provisions. I have previously offered some suggestions and I appreciate that staff has incorporated some into the current draft. Based in part on my involvement over the years in various alternative transportation projects and development projects abutting my neighborhood, I recommend the following revisions and additions to the draft Standards. Where not self-evident I have included reasons for these in italics.

1. Please revise I.A.1 Maximum Building Length as follows:

Where the building façade along the public frontage is no greater than 75 feet in length and where the proposal meets the definition of a stacked flat building type (as opposed to a townhome building type), the motor vehicle parking requirement shall be reduced by half.

If the City is going to let half of the new multi-family residences not have any motor vehicle parking, then at least require the full amount of bicycle parking.

2. Please revise I.B.1.ii Walkability as follows:

ii. Existing frontage improvements including any bike lanes or sidewalks will be maintained, repaired, or upgraded as dictated by the City's Active Transportation Plan, any applicable Area Plan, or, in the case where no Area Plan applies, the requirements of Section II.E Ground Floor Design, or the requirements for sidewalk widths as defined in Chapter 15.20 of the Municipal Code.

Since the City's Active Transportation Plan indicates which streets have or need bike lanes, then that adopted document needs to be reference in this section.

3. Please add to I.B.2 Walkability the following:

v. Where the required connection is between two facilities that bicycles can use (e.g., between two streets or between a street and an alley or bicycle path) then the connection shall be designed for bicycle access (e.g., curb cuts) and bicyclists shall be allowed to ride on it.

4.

Please relabel I D.3.iii Parking Location and Screening to be I.D.4 and revise as follows:

iii: ~~4.~~ The entire perimeter of a surface parking area that fronts onto a side or rear yard, except the width of the access, except along property lines that abut an R-district, shall be screened by buildings, evergreen buffer landscaping to a minimum depth of 3 feet, or fences that are at least 75 percent opaque. Where abutting an R-district both a 10 foot deep landscaped buffer and a fence or wall shall also be constructed. "Quiet Zone" or similar signs requesting consideration of the adjacent neighborhood, "No Loitering" or similar sign, hours and time limits for parking, and "Tow Away" signs for parked vehicles not in compliance with the rules shall all be posted.

- *This provision should apply to all parking facilities, not just residential. Fences and landscaping serve different functions -- fences, for example, can prevent litter from blowing away and attenuate sound; while landscaping provides some habitat benefit and visual relief -- thus, they both should be required.*

5. Please revise I.D.5 Parking Location and Screening as follows:

Driveways and approaches shall comply with the standards set forth in Municipal Code Sections 15.20 and 24.12.280 and the driveway approach standard detail included with the public works standards in effect at the time of design review and shall be designed in accordance with AASHTO Green Book sight distance standards. Ingress/egress to driveway approaches may be limited based on the results of a Transportation Study that addresses limiting neighborhood traffic. Access to a common parking facility shall not be from a public alleyway adjacent to an R-district unless that is the only access to the parcel being developed. (Access to individual townhouses is permissible along an alleyway). If a motor vehicle entrance/exit is provided off of a non-arterial or non-collector street that runs from an arterial or collector street into a neighborhood, then:

- a. the entrance shall be located as close to the corridor street as possible;
- b. a semi-traffic diverter or similar traffic calming device and a "residential traffic only" or similar sign shall be installed just beyond the entrance on the street to slow and caution traffic entering the residential neighborhood;
- c. turns from the entrance/exit toward the residential neighborhood shall be prohibited, except to the extent found necessary in the Transportation Study.

- *One of, if not, the most often raised concern about large new development proposed in or adjacent to residential neighborhoods is increase in traffic. The suggested measures have been implemented in conjunction with projects along the corridor. Arterial and collector streets are designated and designed to carry through traffic; the use of neighborhood streets as cut-throughs has adverse safety, noise, and quality of life impacts. Tying these measures into a Transportation Study ensures that they can be tailored on a case-by-case basis as staff prefers.*

6. Please revise I.E.2.iii Landscape and Buffering as follows:

iii. A landscaped buffer of at least ~~5~~ 10 feet in depth and the length of the property line shall be provided at the rear property line on sites that ~~are 100 feet or greater in depth and abut a~~ residentially zoned parcel at the rear property line.

This provision should always apply no matter the depth of the parcel. Not only will landscaping provide some buffering to the residence, it provides habitat, shade, air filtering and other benefits that the City needs as it develops more intensively.

7. Please revise E.3 Landscape and Buffering as follows:

3. Refuse/Recycling Storage Facility: Enclosures for refuse bins or dumpsters are required of all new multi-family and mixed-use residential projects with three 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 Standard Design Policy. Any such enclosure shall be located at least 50 feet from edge of an R-district.

While it is most welcome that the City is requiring these enclosures, they still have noise and litter impacts that can be mitigated by siting them away from adjacent homes.

8. Please add a provision addressing the impacts from Deliveries, as follows:

a. any loading area shall be located at least 50 feet from the edge of an R-district (otherwise loading/unloading must occur inside the building or in front of the building).
b. any deliveries by truck not confined to just being on the main arterial to a building or business abutting an R-district shall be prohibited between 10 p.m. and 7 a.m.

9. Please add a provision to address odor impacts from Mechanical Equipment and Venting in large, new developments, such as:

Any necessary mechanical venting of laundry or rest rooms shall be internal to the building if possible; in no case shall vents to the outside face an R-1 district.

Large new developments are more likely to have laundry and other such cleaning facilities that emit permeating odors. These should be vented in a way that minimizes impacts on nearby residents.

10. Please add a provision to protect Heritage Trees in large new developments, such as:

No heritage tree removal shall be allowed solely to allow a proposed building design; rather the building shall be redesigned and re-sited to allow the heritage tree to remain.

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While heritage tree removals are evaluated on a case-by-case basis by the City arborist, tree removal to allow for a new development should not be a factor in her decision. There are creative design measures available to incorporate healthy heritage trees into a site plan.

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11. Please add a provision to limit excessively noisy, odorous, late-night, and similar impacting uses right adjacent to residences, as follows:

a. Non-residential uses allowed within 50 feet of a neighborhood shall be limited to those principally permitted uses that generate no more than eight vehicular round trips per day from other than

employees and do not use any outdoor space on the neighborhood side.

b. No non-residential use shall be allowed within 125 feet of an adjacent neighborhood that is open any time between 9 p.m. and 7 a.m.; includes outdoor uses with amplified music; uses alarms or sirens or similar loud noises that can be heard by the adjacent neighborhood; prepares food in a manner that smoke or odor is allowed to vent from the building or occurs outdoors; includes an outdoor swimming pool; or is a conditional use that the Zoning Administrator determines will have adverse noise, litter, odor, lighting, pollution or traffic impacts on the adjacent neighborhood.

This suggested provision or one like it can help ensure neighborhood compatibility by directing those more impacting uses further away from homes. There is a large amount of parcels designated for commercial uses; the list of permitted uses is extensive; and there is a wide range of depth of parcels along the corridors. Thus, there are ample opportunities to site noisy and similar uses in a manner that limits adverse impacts on the adjacent residents.

12. Please add a provision to address Management responsibility over time for new large multi-use or multiple-owner developments along the corridors, as follows:

a. A comprehensive management plan shall be prepared to ensure compliance with all on-going requirements of these standards or any other Municipal Code requirements that apply anywhere on the property over time.

b. One management entity shall assume ultimate responsibility for implementing the comprehensive management plan; except for mixed use developments: two management entities may be established -- one for the residential and one for the non-residential uses, provided they execute a legally binding agreement to ensure that (1) there is joint management of common areas used by both residents and non-residents and (2) that all on-going requirements are the responsibility of either one or the other or both.

c. While this entity may designate individual businesses to comply with certain responsibilities pertaining to their businesses, the overall management entity is ultimately responsible for the entire property.

d. Any subsequent use permits issued to individual businesses shall be conditioned to comply with the comprehensive management plan.

e. Any subsequent use permits for individual businesses whose operation could result in adverse neighborhood impacts not previously addressed by the original comprehensive management plan can only be approved if (1) conditioned for a supplemental management plan to address these impacts integrated into to comprehensive plan; (2) the overall management entity assumes responsibility for these supplemental measures if the individual business fails to comply.

f. A representative of the neighborhood, if one is delegated, shall be given updated contact information for a responsible designee of the management authority.

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The city is seeing and encouraging new large mixed-use developments which means that there are multiple business and residential owners involved. In order to ensure that all of these entities, current and future, know about and have responsibility to carry out permit requirements over time a provision like this one is needed. It can be further supplemented by specific conditions to address specific conditions on a case-by-case basis, but a general standard like this should be in the Code.
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13. Please add a provision to address impacts of Construction Activity, as follows:
- a. Construction activities shall be limited to the hours of 7:30 am to 6:00 pm, Monday through Friday; except limited interior construction activity from 8:00 am to 5:00 pm on Saturdays may occur with the approval of the Chief Building Official.
 - b. A representative of the neighborhood, if one is designated, shall be provided with contact information for individuals responsible for the construction operations.
 - c. As part of a required construction management plan, all construction materials, equipment, and vehicles shall be stored on site or at an approved location at least 100 feet away from any neighborhood. A construction vehicle access plan shall prohibit construction and related vehicles from using any non-arterial and non-collector residential streets beyond the subject site limits, unless no other access route is available. Designated parking for construction workers shall be established off of any non-arterial and non-collector residential streets beyond the subject site limits.
 - d. Enforceable measures shall be incorporated into a required construction management plan to prevent adverse noise, dust, utility disruption, nuisance, odor, lighting, vibration impacts on the neighborhood.

14. Please add a provision to address Construction delays and abandonment along the corridors, as follows:
- a. Security must continue to be provided on a site where construction is delayed or abandoned.
 - b. Once site preparation or construction commences, if it subsequently stops for a period of six continuous months, then a solid fence or wall must then immediately be installed on all sides of the subject property visible from the neighborhood; any equipment or materials stored on site that are visible from the neighborhood above the fence or wall must be removed from the site; and any equipment or materials stored on site that continue to generate noise, odor, light, dust, litter or pollution must be removed from the site.
 - c. If site preparation or construction stops for one year, then the required buffering and landscaping must be immediately installed.
 - d. Temporary uses that enhance the attractiveness and security of a halted or abandoned construction site may be permitted, provided they comply with all of these provisions.

As the City sees more large new developments that may take multiple years to complete the possibility of delays and even outright abandonment increases along with attendant safety, aesthetic, and environmental issues, and hence should be addressed in the Code. Such a general provision in the Code can be further supplemented by specific conditions to address specific conditions on a case-by-case basis.

15. Please add a provision to prevent “double dipping,” i.e., to take advantage of both a State exemption and a City one, as follows:
- Where State law allows exceptions to these Objective Standards, no further exceptions may be granted pursuant to a Planned Development permit, height limit modification, or other exception provision of the zoning ordinance.

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The report notes, "The standards here will be incorporated into the zoning code as part of chapter 24.12, meaning they will be required of all new development and could be waived through a State Density Bonus application for projects providing income- restricted affordable housing units or, like any zoning standard, could be subject to an application for a variance in situations where exceptional circumstances prevent a particular site from being able to meet one or more of the standards or varied through an application for a Planned Development where public benefit is proposed." The City has adopted many exceptions over time to facilitate development. Since the State has now done the same, these similar city exemption provisions are no longer necessary to also be granted.

16. Please add a provision that helps ensure citizen participation in on-going development review, as follows:

a. A representative of a neighborhood affected by large-scale corridor development may be designated to receive notice of when any follow-up landscape, management, transportation, or other plans required to comply with these Objective Standards to help protect the neighborhood are submitted for approval

and shall be allowed to review such plans.

b. Public notice and an opportunity to comment shall be provided prior to approval of any changes to approved building design or permit conditions that may affect the neighborhood that otherwise do not require public hearings.

Thanks for addressing these concerns,
Rick Hyman
Coulson Avenue

From: bikerick@att.net
To: [City Plan](#)
Cc: [Sarah Neuse](#)
Subject: Commission meeting of Dec 3, 2020; #5,6 Standards for multi-family housing
Date: Monday, November 30, 2020 12:16:20 PM

Dear Commissioners:

Please ensure that the Community Engagement Strategy is a good faith effort in that it accounts for the various incentives and exceptions already available to housing developers.

The implicit purpose of this exercise is to combat NIMBYism (not in my backyard) by eliminating obstructionist zoning provisions. True, that zoning should not promote discriminatory reasons for thwarting housing. But zoning must also implement other General Plan policies to preserve the environment and neighborhoods. If applying standards are an obstacle to building housing there are ways that they can be adjusted. Under state density bonus law, developers have the right to not comply with some zoning requirements depending on how much affordable housing they are providing. Because the City already requires 20% affordability, one can assume that strict application of all the standards need not happen. Similarly, the maximum density currently stated in the zoning districts that allow multi-family housing will never be the ultimate maximum density – under State and City law the maximum density will be at least 15% more than what is stated in the zoning district regulations. Plus, the Code includes additional City provisions to bypass various limits, including planned developments, SROs, height exceptions and the like.

The City promotes and developers have proposed several mixed use projects. The effects of the commercial components can range from benign to substantial, depending on such characteristics as amount and turnover of patrons, hours of operation, noise generation, use of or serviced by large or frequent trucks, etc. The strategy should result in zoning standards that limit those types of uses and operations that adversely impact residential uses. Not only will this benefit adjacent residential neighborhoods, but also those who will live above the establishments in these multi-use projects. Concurrently, the strategy can identify locations where more intensive, noisy commercial uses can be located without adversely affecting residents – there are ample locations available in the City. The accelerated trend toward on-line shopping, staff findings that residential units tend to subsidize the commercial uses, the challenges of fitting mixed uses on many, especially smaller parcels, the housing shortage, and the desire to have a vibrant Downtown taken all together suggest that it is unnecessary to encourage mixed-use development along the entire major city corridors, but rather to target strategic locations where it can more easily be accommodated and less impactful.

Also, large, tall buildings, irrespective of who or what use they house, can adversely impact adjacent residences. This engagement strategy should develop more precise zoning standards to mitigate their impacts on solar access, privacy, open views, air quality and the like. Again, the strategy should more precisely identify areas suitable for taller buildings, such as the front portions of deep lots and those parcels that abut other ones behind them that have tall buildings or commercial zoning.

The end of my street illustrates the subjectiveness and hence unequal application of current provisions to buffer homes from adjacent uses, in this case those on Ocean Street. The back wall of

the Holiday Inn, located 17 feet from the property line of the northern street end parcel, shields parking. In between, existing trees were retained, additional landscaping was installed, and this buffer area is off limits to other than maintenance activities. The hotel developer also installed a solid fence at the property line. Contrast those requirements with the lesser five foot setback of The Habit complex's parking lot from the adjacent home's property line, partially planted with trees that will take years to serve as adequate screening and where patrons can congregate. In this example, my neighbor on the southern street end erected his own solid fence as the developer was not required to.

Thus, as part of the upcoming engagement strategy, it would be helpful to map the interface between corridor parcels that allow large-scale housing and mixed-use projects and adjacent low-rise residential neighborhoods. The strategy could then establish uniform buffer provisions - perhaps, one set for where rows of low rise homes directly abut properties that are currently zoned for tall buildings; and another set that applies to the interface where existing or proposed accessways (roads, alleys, pathways) border or lead to properties with low-rise homes.

The proposed work plan includes soliciting community input, which is commendable. But, additionally, previous input should be taken into account. I recall a session about a decade ago at the Branciforte schools campus where the City's consultants asked residents to vote on and rank various residential and other designs that they showed photos of. One of the intended purposes was to overcome visceral negative reactions to the term "high density housing," by showing several examples that the public reacted positively to. I would hope that the results of those community meetings still exist and can be used in this new process.

And, that should be the desired outcome of the engagement strategy -- to develop zoning provisions that allow for more intensive housing in a manner that is compatible with the surrounding neighborhood, retaining the character and feel of Santa Cruz, and also resulting in a satisfactory living environment for the future occupants of this new housing.

Sincerely,
Rick Hyman
Coulson Ave.

From: [Robert Tidmore](#)
To: [City Plan](#)
Subject: General Plan Update & Corridors Plan
Date: Wednesday, January 06, 2021 11:58:36 AM

Dear Planning Commission,

I recently read about the planned effort by the City Council to replace the density called for in the Corridor Plan with greater density in the far Westside as part of a new General Plan update. This is very disappointing given the extensive work and community input that went into creating the Corridor Plan. Most importantly, the Corridor Plan utilized a proven approach, known as Transit Oriented Development (TOD), to reduce dependence on personal vehicles for commuting, errands, etc. Placing higher density on the City's transit corridors makes sense. Those streets are close to jobs, restaurants, shopping, and the larger metropolitan Santa Cruz area. Placing that same density on the far westside would concentrate development at the very fringe of our urban area, making it more difficult for new residents to walk, bike and take transit. It would increase traffic which is the greatest contributor to greenhouse gas emissions in our County. If the City is serious about climate change, then they need to pursue the Corridor Plan.

Furthermore, this approach smacks of NIMBYism. Residents on the eastside of Santa Cruz were opposed to some of the density in the Corridor Plan, so now you're going to move that density to the far westside? So now the westside residents will raise objections to this plan, and then what? Do the right thing and put density where it is proven to be effective - along transit corridors and in the core of the urban area.

Sincerely,

Robert Tidmore
1619 Delaware Ave

--

Rob Tidmore

<http://goodluckwiththetraffic.com>
robtidmore@gmail.com

From: [Doug Engfer](#)
To: [City Plan](#)
Cc: [Robin Engfer](#)
Subject: Public Comment re: test-fit scenarios (7 Jan 2021)
Date: Wednesday, January 06, 2021 11:18:39 AM

“It is no use saying, ‘We are doing our best.’ You have got to succeed in doing what is necessary.” Winston Churchill

Tonight, the Planning Commission undertakes work consistent with Council’s August 2019 direction to reconcile the City’s zoning code with the General Plan; specifically, reviewing “test fit” scenarios highlighting the characteristics and implications of the contentious MXHD land-use designation. Having reviewed the materials that Staff and their consultants have prepared and shared, we look forward to learning more during tonight’s meeting. We expect that the Commission will develop many insights that will inform its ultimate recommendations to Council regarding that reconciliation; these recommendations are targeted for delivery by December 2021.

We note that Council’s original charge was for this reconciliation to be complete by November 2020 (Staff was clear at the time that that timeline would be at best difficult, even with SB2 grant funding and help from consultants). In the meantime, the City’s land-use decisions are governed by the General Plan (and State law), irrespective of non-objective zoning considerations, with the consequence that projects may “sneak through” that are inconsistent with the City’s ultimate planning goals and objectives.

Regrettably, as we sit here tonight, such a project is in the offing, poised for development during this land-use and zoning policy “gap”, providing a third test-fit scenario for the MXHD land-use designation. I refer to the pre-proposal project at 831 Water St (<https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/planning-division/active-planning-applications-and-status/831-water-street>).

This project, as described conceptually by the developer, tests the validity of the notion that the current test-fit scenarios adequately bound the problem space. Specifically, we note that the conceptual design consists of:

- 0.9 acres of land (combining several existing smaller parcels)
- 151 units (102 studios, 46 one-bedroom, 3 two-bedroom (nominally for property managers))
- Buildings 5 stories high (59’ roof level + mechanical, elevator exit, and roof-top terrace bar)
- Siting immediately adjacent to and within 20’ of existing single-family residential homes

While there are many more concerns about this specific project and design, and while we applaud its goal of delivering affordable housing, each of these salient characteristics is at variance with key parameters Staff has used to characterize its test-fit parcels. As such, this project concept deserves consideration as a further test case for the potential implications of

MXHD land use as currently constituted.

We would argue that this project, at this scale, in this location, is fundamentally inconsistent with the City's planning vision and with the Council's direction regarding the reconciliation process. As such, this third test-fit scenario highlights the urgency of developing *both* objective standards *and* General Plan amendments, thereby allowing for density transfers so that *reasonable, respectful, responsible* development of affordable housing can take place adjacent to and within our neighborhoods, consistent with Council's direction of August 2019.

We doubt that this project concept accurately reflects the legacy that this Commission, or this Council, or this City, desires. Failing to take *immediate* action to develop tools and levers to curtail projects of this scale at locations like this one doom us all to live with the results for generations to come.

As always, we thank you for your commitment and service to our City.

Respectfully,

Robin and Doug Engfer

Santa Cruz

From: [Sarah Sturdy](#)
To: [City Plan](#); [Sarah Sturdy](#)
Subject: SCPC Meeting Item #2 - Objective Development Standards
Date: Wednesday, June 29, 2022 4:35:18 PM

Thank you for including community input on the city's objective design and development standards. The standards need to lessen the impact of very tall (over 4 stories) buildings immediately next to single family homes. There are many empty lots in Santa Cruz, many on transit corridors, that could accommodate mid-size multifamily housing (3-4 stories max). I would echo, like many of my community members, that the Commission should direct staff to re-zone proposed MU-H parcels to MU-M where these parcels adjoin existing R-1 zoning (generally consistent with the proposed Mission St pattern).

Thank you,

Sarah Sturdy

From: [sue.terence](#)
To: [City Plan](#)
Subject: cityplan@cityofsantacruz.com
Date: Wednesday, June 29, 2022 4:18:03 PM

Dear members of the Santa Cruz Planning Commission,

Is it that unreasonable to ask that your lifelong investment, your home, as well as your well being, not have the rug pulled out from under them?

Is it unreasonable to ask that our local government represent ALL of their constituents, allowing development but not allowing developments at such a scale that it tramples the adjacent neighbors, who are left with little sun for months, subsequent high risk of mold, unsafe traffic conditions, and the incessant noise of trucks backing up because the developer isn't willing to reduce the number of units (or his profits) in order to allow trucks to exit in a forward manner?

Reasonable development based on mutual respect makes sense. Reasonable development that turns a profit makes sense. But why allow a developer to make a killing at the expense of his neighbors? I am personally fed up with monied interests, on both the local and National levels, that sacrifice people's needs for their greed. Aren't you?

Development that is commensurate with the adjacent homes is the only way to balance the objective standards fairly. It is inappropriate to locate MU-H zoning immediately adjacent to existing R-1 zoning. The proposed zoning maps, particularly along Water Street and Soquel Avenue, show MU-H zoning concentrated immediately adjacent to existing R-1 residential properties.

At the very least, re-zone proposed MU-H parcels to MU-M, as is proposed for Mission St.

I appreciate that many of you entered public service to address the common good.
I have written this letter in the spirit of doing just that.

Thank you,
Sue Terence

Viviane Nguyen

From: bikerick@att.net
Sent: Wednesday, July 20, 2022 6:23 AM
To: City Plan
Subject: PC meeting of 7/21/21 #4 Objective Standards

Dear Commissioners:

Please address the following:

1. In the C-C district, do not increase the height limit by 5 feet for mixed use developments, especially where adjacent to R-1 neighborhoods -- there is no need to do this. Currently, there is a 3 story and 40 foot height limit. 40 feet is more than adequate for three stories. If the ground floor is commercial and has up to a 15 foot height, that leaves 25 feet or 12 ½ feet per floor for the two residential floors above, which is more than adequate. Retaining the 40 height limit would be consistent with the proposed MU-OM height limit along upper Ocean Street. Given that State law and the zoning code already grant height limit exceptions for affordable housing projects, there is no need to automatically start with a higher base height. Plus, if the City wants to encourage bringing down the costs of development, then it should embrace more compact building.
2. This appears to be the time to rezone 121 and 125 Coulson Ave. and the street end from CC to R-1-5. The General Plan designates these parcels as low density residential and they are not within the scope of the Ocean Street Area Plan. The City should not lose these residentially developed parcels to commercial development in the future, nor are they really suitable for commercial development.

Thank you,
Rick Hyman

Viviane Nguyen

From: International Dark-Sky Association - Santa Cruz <idasantacruzca@gmail.com>
Sent: Wednesday, July 20, 2022 3:54 PM
To: City Plan; Bonnie Bush
Cc: IDA Santacruz
Subject: Re: Draft Objective Standards

International Dark-Sky Association - Santa Cruz
Chapter

<http://santacruzdarksky.org>

Dear City of Santa Cruz Planning Commissioners,

We here at the Santa Cruz Chapter of the International Dark-Sky Association, would like to sincerely thank Planning staff, especially Sarah Neuse, for keeping Santa Cruz's nighttime environment in mind with the most recent draft of our City's Objective Development Standards. We appreciate that many of our suggestions were incorporated.

We think it would be great if a few other important issues were included in "Section H. Lighting".

1. The use of building facades as giant screens for projector events, as is done in New York's Times Square, is clearly inappropriate for our small city, especially when close to nature preserves.
2. We appreciate the requirement in Section H.1 that exterior light fixtures use a color temperature that does not exceed 3000 Kelvin. Many good options exist today at even lower Kelvin ratings, which the American Medical Association says is [beneficial for human health](#).
3. Finally, string lights can also be a source of light pollution that could be addressed in the draft standards. Note that some communities have disallowed their use.

We urge committee members to vote positively on this version of the standard, with the inclusion of the additional suggestions above.

Thank you!
Mark Buxbaum
Chapter Leader
International Dark-Sky Association - Santa Cruz Chapter

Viviane Nguyen

From: A Webb <aw.info.sub@gmail.com>
Sent: Tuesday, July 19, 2022 4:54 PM
To: City Plan; Bonnie Bush
Subject: 7/21.22 - Agenda Zoning Ordinance Updates A22-0002 and A22-0003

Dear Planning Commissioners,

The *Zoning Ordinance Update Summary Table* states:

"24.06.020 Initiation: Include Planning Director as allowed to initiate zoning map and text amendments"

I had asked during the public zoom meeting: under what scenarios would the Planning Director initiate such changes, and the answer was: none.

Yet, it is still in this Table. **So, the question remains - can anyone answer this?**

Please **ADD these two topics** into these Zoning and Objective Ordinance Amendments as explained below:

1. Problem: Light Pollution and Glare

There is a **glaring omission in permit standards** with regard to Building and/or Parking Lot lighting CHANGES, whether on private or public property, when near a residential use. Where I live, we are presently struggling with two hotel/motel parking lots that replaced their fully hooded, incandescent type warm yellow lighting that, when originally installed, complied with City standards to contain lighting onto the lot where needed without glare intrusion into neighboring uses.

In this case, no permit was sought, and I assume not required, to subsequently replace lightheads. Unfortunately, the replacement lightheads are extremely bright white blue- spectrum LED lighting (brighter than City street lights), none of the 12 lightheads were shielded. This created an instant huge impact with bright glare trespass and intrusion into many neighboring homes - especially bedroom windows.

The lack of any City approval process on such long-term changes has caused a tremendous burden on neighbors to get the property owner to reduce glare intrusions into homes, causing a bright "spot light" effect into windows and yards. This in turn is causing disruption to lifestyles, sleep and wellbeing, and forcing financial burden onto those impacted to block these new harsh impacts they are suddenly being subjected to. This is hardly equitable, especially for our largely low income community.

Lack of willingness of property owners to understand such impacts, and work cooperatively to reduce them and install proper shielding on ALL offending lightheads, then forces neighbors to seek City assistance via a complaint process. **This could be completely avoided with a proper system in place for COMMUNICATING and requiring compliance with stated City strategies to reduce such major lighting impacts, including when making future lighting changes or upgrades.**

City Code Compliance seems to need clearer guidelines on what Light Pollution, and Light Glare/Trespass is, to make it a simpler process, without the burden of neighbors having to pursue this channel or further legal battles over impacts that could easily be avoided in the first place - **especially when such standards are originally required**. When such long-term changes are made, a permit should be required to insure **all standards continue to be complied with**.

Solution to Light Pollution and Glare:

Please add a section that requires a property owner, when upgrading or improving existing building and/or parking lot lighting, or adding to building and/or parking lot lighting, to obtain a

simple permit **that emphasizes compliance with the City's Green Building standards as follows:**

Green Building standards, **Non-Residential**, including **Improvements:**

<https://www.cityofsantacruz.com/home/showpublisheddocument/35643/635418232770030000>

Light Pollution Reduction

Comply with lighting power requirements in Energy Code and design interior / exterior lighting so that **zero direct-beam illumination** leaves the building site, using the following strategies:

- **Shield all exterior luminaires or use cutoff luminaires.**
- Contain interior lighting within each source.
- Allow no more than .01 horizontal foot candle 15 ft. beyond site.
- Contain all **exterior lighting within property boundaries**

2. Problem: Fencing on shared boundaries to residential uses:

"24.12.160 FENCING AND SCREENING.

(3) On any portion of the property outside of the required front and exterior side yard setbacks, fences shall not exceed a height of **eight feet** from finished grade, with any portion of the fence above six feet consisting of lattice or other similar material that is at least 50% open except as provided in Chapter 24.08, Part 7. This maximum fence height does not apply to fences along an alley or the rail trail associated with an Accessory Dwelling Unit, where fences are limited to three feet, six inches along the alley or rail trail unless a conditional fence permit is approved for greater height."

Where existing fencing is 6-feet as has been City standard, even adding a 2-ft addition (including lattice) can pose an undue or unintended impact to a shared border fence with a residential use whereby solar access becomes blocked. **For example**, my home that I own sits 3-feet from a shared 6-ft fenceline with a business use on the east, and 3-ft from residential neighbors on the south and north. Within this small 3-ft setback, it has taken me nearly 10 years to dial in exactly what food items I can grow where, and at what time of the year based on the arc of the sun, based on **sun exposure needed. My garden reduces my grocery bill** these past 20 years - important for fixed low income, especially this past year of inflation, and I share fresh veggies with my fixed low income neighbors. I also have a butterfly and bird habitat - more important than ever with the chipping away of our natural habitats due to development. Our pollinators are important to growing human food and environmental health.

Also the **solar access into my home** is important to not have to rely on electricity use for that in the daytime or evening, and I can grow indoor plants that improve indoor environment, and also enjoy existing views from windows. As we crowd residences tighter, there has to be a balance of not TAKING away important neighboring uses that contribute to health and wellbeing just for a fence.

My understanding from participating in the zoom meeting when this change was discussed, the City's goal is to reduce public hearings for increasing fence heights.

NOTE: *The Zoning Ordinance Update Summary Table included in this Agenda is not the same as that used in the public zoom meeting discussing these changes - with regard to Fence heights. The Amended/updated ordinance reads 8 feet, the Table reads 6 feet and doesn't mention the new 8 foot height.*

This fence height in Zoning Ordinance is also part of Objective Standards.

Solution: to avoiding unintended impacts by increasing fence heights to 8-ft without a public hearing option:

Increasing this 6-ft standard to an 8-ft height, regardless of the 50% lattice idea which can still block solar access and exposure in a permanent way, **create a form of which neighbors to all borders where a 6-8 foot fence is to be erected, or height added to an existing 6-ft fence with lattice can sign off on**, including a section to where impact concern can be stated if any, with their name and address and contact info. Also that this change does NOT override a property's existing Building Permit Conditions that dictate a 6 ft or less fence height, inclusive of trellis, gates, etc. If there is a concern, such as my example, that there is a process of which this can be reviewed with the goal of avoiding permanent impacts. This would satisfy the City staff's desire to reduce their time involvement by placing that effort on the property owner making the change.

Thank you in advance for incorporating these important additions!

Sincerely,
Anita Webb
Santa Cruz

Rosemary Balsley

From: Gary Patton <gapatton@mac.com>
Sent: Tuesday, August 16, 2022 4:14 PM
To: City Council
Subject: Save Santa Cruz Letter on Objective Standards - August 23, 2022 Council Agenda
Attachments: Save Santa Cruz Letter To City Council On Objective Standards.pdf

Dear Mayor Brunner and Council Members:

Here is a letter to be included in your agenda materials for your August 23, 2022, meeting. Please take seriously our very strongly-felt comments on the so-called "Objective Standards" materials that are scheduled to come before you on that date.

Gary A. Patton, Attorney at Law
P.O. Box 1038
Santa Cruz, CA 95061
Telephone: 831-332-8546
[Email: gapatton@mac.com](mailto:gapatton@mac.com)
Website / Blog: www.gapatton.net
Facebook: <https://www.facebook.com/gapatton>

Save Santa Cruz

Stop Overbuilding Santa Cruz

Post Office Box 4086, Santa Cruz, CA 95063
Email: StopOverbuildingSantaCruz@gmail.com

August 16, 2022

Mayor and Members, Santa Cruz City Council
Santa Cruz City Hall
809 Center Street
Santa Cruz, CA 95060

Sent By Email To: citycouncil@cityofsantacruz.com

RE: Proposed Objective Standards / August 23, 2022 Agenda

Dear Mayor Brunner and Council Members:

We are writing on behalf of Save Santa Cruz, a community-based group with over 1,700 supporters. As Council Members will undoubtedly remember, Save Santa Cruz campaigned actively against the so-called “Corridors Plan,” and our members were delighted when the Council officially terminated work on that proposed plan.

The proposed “Corridors Plan” then being considered would have permitted high-density, mixed-use development along all of the City’s main transportation corridors, without adequate provisions to respond to community concerns about water and traffic, and without effective mechanisms to eliminate or reduce both business and neighborhood impacts.

The proposed “Corridors Plan” was wildly unpopular with the residents of the City because Santa Cruz residents want to preserve and protect the character and quality of our local neighborhoods, and they also want to protect our unique local businesses. Providing affordable housing opportunities and supporting appropriate new development opportunities doesn’t have to undermine what makes our community such a great place to live, and to raise a family.

If the City wants to make sure that new developments respect community concerns – and this should be obvious - the interests of local residents and small business owners must have a higher priority than what might be most convenient for developers. City residents need to have the ability to comment on proposed projects – and to have a real impact on what happens when projects are proposed.

In fact, the City Council has officially recognized this. As it initiated the Objective Standards project, the Council specifically directed the City's Planning Department to do the following:

Initiate a project to resolve the existing inconsistencies between the corridor-related General Plan policies and the Zoning Ordinance by making General Plan and Zoning Ordinance changes as necessary to meet the following objectives:

- (a) Preserve and protect residential neighborhood areas and existing City businesses, as the City's **highest-level policy priority**; and
- (b) Encourage appropriate new residential and mixed-use development, specifically including enhanced affordable housing opportunities, at appropriate locations along the City's main transportation corridors (emphasis added).

Save Santa Cruz members participated in the public meetings that have ultimately resulted in the so-called Objective Standards proposal you are currently scheduled to consider at your meeting on August 23rd. Save Santa Cruz does *not believe* that the proposed ordinance amendments and the Objective Standards that the staff is recommending are designed to preserve and protect residential neighborhood areas and existing city businesses, as the City's highest-level policy priority. In fact, in many cases, the opposite seems to be the case.

Two problems with the proposal before you are key. First, what you have before you is not *understandable*. We believe that neither Council Members nor members of the public really understand what adoption of the proposed Objective Standards will mean for

neighborhood residents and local businesses. What you will be considering is a series of fragmented changes to the City Municipal Code, but the overall outcome, the overall impact, is simply not clear. To say it again, what you will have before you for adoption is not understandable!

Second, and even more important, **the proposal before you, if approved, will eliminate public hearings on many large and significant projects, stripping city residents of their right to comment and influence the development decisions that will have a profound impact on their lives, and their neighborhoods, and, for many small businesses, their livelihoods.**

As you know, state laws have made it much more difficult than it used to be for the City to turn down or modify proposed developments. Given that, it is imperative that the Council make sure that the Objective Standards that it ultimately enacts give the City the greatest possible opportunity to achieve the Council-approved objectives that we cite above. It is also critical that the City Council *maximize* opportunities for public comment and public participation when land use and development proposals are considered. In fact, the proposed Objective Standards being recommended do exactly the opposite, and truncate public participation opportunities.

We recommend that the Council take no action on the so-called Objective Standards proposal on August 23, 2022, and that the Council do the following, instead:

1. Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.
2. Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community – and the Council itself – can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.

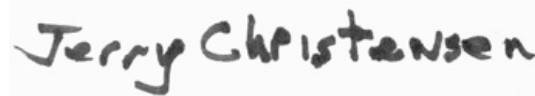
Further, the Council meeting at which action is ultimately taken should be structured to provide the maximum amount of time for interested members of the public to provide detailed, substantive suggestions.

Thank you for including this letter in your agenda packet for your August 23, 2022, meeting, and for taking our suggestions seriously.

Very truly yours,



Gary A. Patton, Co-Chair
Save Santa Cruz



Jerry Christensen, Co-Chair
Save Santa Cruz

cc: Save Santa Cruz Steering Committee
Members, Santa Cruz City Planning Commission
Members, Santa Cruz City Council
Other Interested Persons

Save Santa Cruz is a community-based group with over 1,700 supporters, committed to city policies that will protect and preserve the historic and unique character of the community and its unique and vital neighborhoods.

Rosemary Balsley

From: ROE SHAPIRO <roe_s@comcast.net>
Sent: Wednesday, August 17, 2022 5:47 PM
To: City Council
Subject: Objective Standards

As a long time resident and voter my view is to preserve and protect residential neighborhood areas and existing City businesses. And for the citizens of Santa Cruz City have an opportunity to review any proposals before the city council votes on it/

Sincerely,
Roe Shapiro

Rosemary Balsley

From: Jean Elliott <jselliottt@icloud.com>
Sent: Thursday, August 18, 2022 11:19 AM
To: City Council
Subject: Objective standards

Dear City Council Members,

Thank you for all your hard work on behalf of the residents of Santa Cruz.

I have received and carefully read the letter or August 16, 2022 from Save Santa Cruz and would like you to know that I agree with it in every detail. It is completely reasonable that members of the community, including our public servants, should be able to understand and express opinions and suggestions regarding further development in our town. We will surely find ways to provide more housing, especially more affordable housing, while solving the problems of increased traffic, parking and water use if we listen to one another and remember that we all want Santa Cruz to keep its livable character and unique businesses while realizing that we do need more housing and some of it will have to be in our back yards.

Sincerely,

Jeanie Elliott

728 Darwin St, Santa Cruz

Jelliott

Jelliott

Rosemary Balsley

From: melanie mayer <mjmayer@ucsc.edu>
Sent: Thursday, August 18, 2022 11:44 AM
To: City Council
Subject: Aug. 23, 2022 meeting, "Objective Standards"

I agree with SAVE SANTA CRUZ'S recommendations to you in their letter dated August 16, 2022, concerning "Objective Standards."

Specifically:

We recommend that the Council take no action on the so-called Objective Standards proposal on August 23, 2022, and that the Council do the following, instead:

1. Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.

2. Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community – and the Council itself – can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.

Further, the Council meeting at which action is ultimately taken should be structured to provide the maximum amount of time for interested members of the public to provide detailed, substantive suggestions.

Melanie J Mayer

Rosemary Balsley

From: Michael Urban <urban47@ucsc.edu>
Sent: Thursday, August 18, 2022 2:48 PM
To: City Council
Subject: Objective Standards

Dear Council Members,

We urge you to reject this revised version of the Corridors Plan, something that the citizens of our city overwhelmingly rejected prior to the pandemic. Objective Standards is actually a worse variant of this overall approach inasmuch as it removes a number of issues from citizen input. Please do the right thing, the democratic thing, for our city.

Michael and Veronica Urban
119 Magnolia St.

Rosemary Balsley

From: Gary Silberstein <gsilbers@ucsc.edu>
Sent: Thursday, August 18, 2022 4:26 PM
To: City Council
Subject: Objective Standards Proposal

I urge you to reject this zombie Corridor Plan.

GB Silberstein
101 English Drive
Santa Cruz

Rosemary Balsley

From: Della Davis <delladavis1@gmail.com>
Sent: Friday, August 19, 2022 10:07 AM
To: City Council
Subject: Aug. 23 Council - Objective Standards Proposal

Dear City Council Members.

I am asking the Council to vote down or take no action on the Objective Standards proposal on August 23, 2022.

Instead, it is advisable if you direct the Planning Department to change that proposal to one that will that will keep public hearing opportunities for the public on all proposed development projects, at least as is provided by current Code..

Secondly, clear, understandable presentations about changes in the Municipal Code must be given to any affected parties, and the surrounding areas, and businesses . Please instruct the Planning commission to communicate clearly, about proposals which may impact our City.

Thank you,
Della Davis

Rosemary Balsley

From: Sarah Olson <7saraholson777@gmail.com>
Sent: Friday, August 19, 2022 10:26 AM
To: City Council
Subject: Important Matter for Santa Cruz

Dear City Council,

We live in a democratic society. It is vitally important we honor the democratic principle of liberty, equality, justice, and **power to the people**. To take away the right for people to speak in a public hearing on a proposed building is a serious matter. This is especially important given the new rules from the state of California.

In your meeting on August 23rd please modify the purposed objective standards to allow public meetings for proposed buildings of over 50 units. Please have the staff make some understandable mock-ups of what the objective standards will allow buildings to look like. This would include a mock-up of what a half-mile-long amount of buildings could look like with the purposed objective standards. This is important. Care about your community and keep us informed. Do not pass objective standards which keep the public in the dark. Allow the public to give their valuable input through public hearings on buildings purposed for our town. We live here. We pay your salaries. We elected you to represent us.

Sincerely,
Sarah Olson

Rosemary Balsley

From: Garrett <garrettphilipp@aol.com>
Sent: Friday, August 19, 2022 5:17 PM
To: City Council
Subject: 8.23.22 Agenda Item #21 Objective Standards

8.23.22 Agenda Item #21 Objective Standards

Dear Council,

To most of us this is WAY too much to absorb and comment. Maybe you had outreach, but as usual it's the final draft that needs the most careful consideration. After YEARS at this, maybe you should hear the public input and give it a few more weeks to consider again.

As to the tree ordinance, it seems literally a VERY CLEAR message anyone besides the city needs to think twice about planting a tree or any size or type in the parkway areas. You have jacked the fees to an astronomic \$1500 - \$1700 or so for a now new legal method or removing trees, and jacked the infraction from \$100 to some unknown "maximum permitted by law" for an unpermitted removal.

Once a tree is planted, apparently it stays planted, or else even if it would never come to be by the adjacent property owner in the first place. Nutz.

ANY SIZE tree is included. Nutz. It could be a small lemon tree. It could be a small apple tree. If a law is worth writing, it is worth enforcing, and WOW would this be punitive and basically a huge money grab to enforce this on any size tree.

U guess I'll be cutting my 3' lemon "tree", my 3' lime "tree", and 7' (2" trunk) apple tree down to the ground before this takes effect. I'll risk the \$100 apiece fine.

In my mind, if the city didn't plant it, the tree itself belongs to the planter.

I think you should exempt small trees, especially ones that produce food whether or not they are on the approved list. I have a 35 yr old pear in the back yard that is still only 8' tall, and would fit in a parkway easy. Two shopping bags of pears a year. Plant something like that in a parkway.?. nope.

Garrett Philipp - Westside

Rosemary Balsley

From: tutti hacking <tutthacking@gmail.com>
Sent: Friday, August 19, 2022 7:22 PM
To: City Council
Subject: re: Public's right to weigh in on large developments

Dear City Council,

Don't take away our rights to speak at a public hearing for proposed building projects in Santa Cruz. Please modify the objective standard to reflect this. This is an important matter. I am SUPER concerned about the proposed height of some projects, especially the one at 831 Water Street. It is TOO TALL!

Thank you,

Tutti Hacking

Property Owner in the City of Santa Cruz

Rosemary Balsley

From: nancy maynard <scrippsmom@gmail.com>
Sent: Friday, August 19, 2022 8:23 PM
To: City Council
Subject: Public comment needs to be part of projects in the city

The public deserves to weigh in on projects being proposed in the City of Santa Cruz. We live in a democratic society that includes having the right to voice our opinions on the buildings built in Santa Cruz!

Nancy Maynard

Rosemary Balsley

From: S & B Barisof <sbarisof@pacbell.net>
Sent: Friday, August 19, 2022 9:07 PM
To: City Council
Subject: It's just the "Corridors Plan" in another form!
Attachments: sbarisof.vcf

Dear Mayor Brunner and Council Members:

Here we go again. The proposal before you, if approved, will eliminate public hearings on many large and significant projects, stripping city residents of their right to comment and influence the development decisions that will have a profound impact on their lives, and their neighborhoods, and, for many small businesses, their livelihoods.

I've yet to hear or read how these "developments" do much, if anything, for anyone except the developers. While they may make the properties more valuable, and push up the property taxes, will the additional tax money go toward funding (what in my view are excessive) present and future retirement pensions?

What will these "stack & pack" units do to address our homeless? Will they magically come with a way to generate the increased needs for water, space at the dump, parking, road widening, money for electric cars/charging stations so all the new residents won't be filling the air with the exhaust of thousands more cars? Sure, we can just put in a desal plant, but who'll pay for that, as well as it's running and maintenance, the developers? Will they pay for the land we'll need for park space for all the new tenants of these proposed units?

"Oh," they tell us "but we need more housing for our teachers, fire fighters, police, etc. and their families"! For example, the proposed units at 831 Water might be suitable for student housing, but families? Really??? Then there is the parking issue. Because they won't be putting in enough parking spaces, and will charge extra for the ones they do create, it will be a San Francisco like nightmare to find a parking space unless your house has loads of off-street parking. The same parking situation will arise if multi-story buildings go up on Ocean, Soquel, and Water... Who are these people in the Planning Dept, and what are they promoting? Who are they working for, the people who live here now or developers?

I rest my case,
Steven Barisof

--

Take care of yourself, and if you can, someone else too

Rosemary Balsley

From: Timmi Pereira <timmipereira@hotmail.com>
Sent: Saturday, August 20, 2022 9:12 PM
To: City Council
Subject: Objective Standards

Item 21 August 23.

I realize that state laws have made it more difficult to modify or deny proposed projects. However, I do not want Santa Cruz to become another San Jose. Don't take away our rights to speak at a public hearing for proposed building projects in Santa Cruz. Please modify the objective standard to reflect this. This is an important issue and one which will affect the long-term quality of life in Santa Cruz.

Timmi Pereira
Cell: 831-239-6564
Home: 831-426-1150

Rosemary Balsley

From: malewis@calcentral.com
Sent: Sunday, August 21, 2022 10:27 AM
To: City Council
Subject: Agenda item 21 - Proposed Objective Standards

Hello Mayor Brunner and SC City Council Members:

I ask that you take no action on Agenda Item 21, Amendments to Municipal Code Titles 6, 12, 13, 15, 16 and 24, and return this proposal to the Planning Commission for modification and editing as detailed below.

The presentation is overwhelming complex and lacks basic transparency of the effects of the proposed amendments, plus, more importantly, the proposed elimination of public hearings on some major development projects is undemocratic and violates established norms of government process and public participation.

1. Based on this presentation, members of the public cannot fully understand how the proposed Objective Standards will negatively impact neighborhood residents and local businesses. The proposed amendments constitute a series of fragmented changes to the City Municipal Code, but the overall outcome is not clear.
2. Even more important, the proposal before you, if approved, will eliminate public hearings on many large and significant projects, denying the public rights for free and open participation in local government guaranteed by city, county and state legislation.

I ask that you take no action on this proposal at your August 23 meeting, and return it to the Planning Department for the following instructions:

1. Return to the Board with a modified proposal that will maintain public hearing opportunities on proposed development projects, as provided by current Municipal Code.
2. Return to the Board with a presentation that clearly explains the impact of each proposed change in Municipal Code, so that the public, and City Council members, can fully understand the impacts of these amendments.
3. The modified Planning Department proposal should be presented, also in a Public Hearing that has been thoroughly publicized and legally noticed, allowing ample opportunity for public comment and participation in the decision-making process.

Michael Lewis

Rosemary Balsley

From: Lee Taiz <leetaiz@cruzio.com>
Sent: Sunday, August 21, 2022 10:57 AM
To: City Council
Subject: Opposed to "Objective Standards"

Forget about "Objective Standards" The public wants a voice.

Lee Taiz
328 Oxford Way
Santa Cruz, CA 95060

Rosemary Balsley

From: Debora Bone <dbone@cruzio.com>
Sent: Sunday, August 21, 2022 1:58 PM
To: City Council
Subject: Objective Design Standards

Hello City Council Representatives.

I have read the complex recommendations for Objective Design Standards proposed for the new zones in Santa Cruz. I am uncomfortable about the size and density of the projects, though I also understand the pressures to create more housing and especially more affordable housing. I also commend the city for including considerations for aesthetic and energy efficient buildings.

I strongly object to any new regulations or standards the limit or eliminate the necessity for public comment opportunities to be part of the process for new developments of any size. This **transparency** and opportunity for residents to provide input is important as many of these projects could significantly change the livability of our town.

Residents need to be able to point out issues that developers may not see as important and **the city needs to balance the perspective of current residents with the needs of future residents.** These conversations need to happen in an open, public manner. Even if it brings some contentions as inevitable differences of perspective are negotiated. **PLEASE create a context for listening, dialog and compromise to take place.**

Thank you for your consideration,
Debora Bone

Rosemary Balsley

From: Jim Montoya <jmtech@sonic.net>
Sent: Sunday, August 21, 2022 2:40 PM
To: City Council
Subject: RE: "Objective Standards" item on the August 23rd City Council Agenda

Dear City Council,

Creating a culture of silence by not listening to the citizens most stop. We must all have a voice in the matters that affect us all.

Don't take away our rights to speak at public hearings for proposed building projects in Santa Cruz. Please modify the objective standard to reflect this. As a voter I demand a say in the future of Santa Cruz, it is my right.

Sincerely,

Jim Montoya
Life long Santa Cruz City Resident

Rosemary Balsley

From: RS Lerios <yorkframinggallery@gmail.com>
Sent: Sunday, August 21, 2022 5:33 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

Hello, I am a third generation Santa Cruzan with two local daughters as fifth generation citizens. My 92 year old mother doesn't even want to go on drives in her "home town" anymore because it is becoming so ugly with all the large overgrowth of buildings! And so few have any character other than "block".

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities.

We have the right to fight and have our voices heard at these hearings.

Thank you for taking my objections seriously!

Robin Lerios

Owner of 42 year old local business: York Framing Gallery

Rosemary Balsley

From: Robert Corrigan <corriganr@gmail.com>
Sent: Sunday, August 21, 2022 5:56 PM
To: City Council
Subject: Objective Standards

Dear City Council Members,

We request that you take no action on the proposed Objective Standards on Tuesday. First, the way the standards are written, incorporating them within various elements of current regulations is very difficult to understand. The Planning Department needs to present this information in a way that is clearer to the public. Second, public hearings should be required for all significant development; certainly not eliminated. Finally, Objective Standards should encourage necessary large-scale development in the city-core area, and prohibit large-scale development adjacent to R1 and R1-4 zoned properties.

Thank you,
Robert and Toni Corrigan
Santa Cruz

Rosemary Balsley

From: Judi Grunstra <judiriva@hotmail.com>
Sent: Sunday, August 21, 2022 6:05 PM
To: City Council
Subject: Aug 23 2022 Meeting_Agenda Item #21

Dear Mayor and Council Members:

I have attempted to review the packet materials for the Objective Standards and zoning changes. I participated in two of the Zoom meetings facilitated by planner Sarah Neuse. But I have great misgivings about the impacts to our community that will result if you move forward with this very complex ordinance this evening.

If the City wants to make sure that new developments respect community concerns, the interests of local residents and small business owners must have a higher priority than what might be most convenient for developers. City residents need to have the ability to comment on proposed projects – and to have a real impact on what happens when projects are proposed.

State laws are further removing local control over the built environment. I agree with the group Save Santa Cruz. that the proposed ordinance amendments and the Objective Standards that the staff is recommending are so complex so as to confuse and mislead the majority of residents. Do Council Members really understand what adoption of the proposed Objective Standards will mean for neighborhood residents and local businesses? What you will be considering is a series of fragmented changes to the City Municipal Code, but the overall impact is simply not clear.

As evidenced by the recent defeat of Measure F, many city residents mistrust city staff reports and their "vision" of our city's future. To regain some trust, please take no action on the so-called Objective Standards proposal on August 23, 2022, and instead do the following:

1. Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.
2. Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community – and the Council itself – can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.

People care about this community, and are not merely trying to oppose any and all change. Please show that you take your responsibility seriously, to speak on behalf of us "little people" and that you are not unduly pressured by moneyed interests.

Thank you.

Judi Grunstra

Rosemary Balsley

From: Jeanie Elliott <jelliott@cruzio.com>
Sent: Sunday, August 21, 2022 6:11 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously.

Sincerely,
Jean Elliott

Sent from my iPhone

Rosemary Balsley

From: ANNE MITCHELL <ammscpa@aol.com>
Sent: Sunday, August 21, 2022 6:13 PM
To: City Council
Subject: : Proposed Objective Standards /August 23, 2022 Agenda
Attachments: Save Santa Cruz Letter To City Council On Objective Standards.pdf

I support the letter opposing adoption of proposed Objective Standards.
It is essential to have a public hearing on this topic. Full transparency, please

Anne Mitchell

Save Santa Cruz

Stop Overbuilding Santa Cruz

Post Office Box 4086, Santa Cruz, CA 95063
Email: StopOverbuildingSantaCruz@gmail.com

August 16, 2022

Mayor and Members, Santa Cruz City Council
Santa Cruz City Hall
809 Center Street
Santa Cruz, CA 95060

Sent By Email To: citycouncil@cityofsantacruz.com

RE: Proposed Objective Standards / August 23, 2022 Agenda

Dear Mayor Brunner and Council Members:

We are writing on behalf of Save Santa Cruz, a community-based group with over 1,700 supporters. As Council Members will undoubtedly remember, Save Santa Cruz campaigned actively against the so-called “Corridors Plan,” and our members were delighted when the Council officially terminated work on that proposed plan.

The proposed “Corridors Plan” then being considered would have permitted high-density, mixed-use development along all of the City’s main transportation corridors, without adequate provisions to respond to community concerns about water and traffic, and without effective mechanisms to eliminate or reduce both business and neighborhood impacts.

The proposed “Corridors Plan” was wildly unpopular with the residents of the City because Santa Cruz residents want to preserve and protect the character and quality of our local neighborhoods, and they also want to protect our unique local businesses. Providing affordable housing opportunities and supporting appropriate new development opportunities doesn’t have to undermine what makes our community such a great place to live, and to raise a family.

If the City wants to make sure that new developments respect community concerns – and this should be obvious - the interests of local residents and small business owners must have a higher priority than what might be most convenient for developers. City residents need to have the ability to comment on proposed projects – and to have a real impact on what happens when projects are proposed.

In fact, the City Council has officially recognized this. As it initiated the Objective Standards project, the Council specifically directed the City's Planning Department to do the following:

Initiate a project to resolve the existing inconsistencies between the corridor-related General Plan policies and the Zoning Ordinance by making General Plan and Zoning Ordinance changes as necessary to meet the following objectives:

- (a) Preserve and protect residential neighborhood areas and existing City businesses, as the City's **highest-level policy priority**; and
- (b) Encourage appropriate new residential and mixed-use development, specifically including enhanced affordable housing opportunities, at appropriate locations along the City's main transportation corridors (emphasis added).

Save Santa Cruz members participated in the public meetings that have ultimately resulted in the so-called Objective Standards proposal you are currently scheduled to consider at your meeting on August 23rd. Save Santa Cruz does *not believe* that the proposed ordinance amendments and the Objective Standards that the staff is recommending are designed to preserve and protect residential neighborhood areas and existing city businesses, as the City's highest-level policy priority. In fact, in many cases, the opposite seems to be the case.

Two problems with the proposal before you are key. First, what you have before you is not *understandable*. We believe that neither Council Members nor members of the public really understand what adoption of the proposed Objective Standards will mean for

neighborhood residents and local businesses. What you will be considering is a series of fragmented changes to the City Municipal Code, but the overall outcome, the overall impact, is simply not clear. To say it again, what you will have before you for adoption is not understandable!

Second, and even more important, **the proposal before you, if approved, will eliminate public hearings on many large and significant projects, stripping city residents of their right to comment and influence the development decisions that will have a profound impact on their lives, and their neighborhoods, and, for many small businesses, their livelihoods.**

As you know, state laws have made it much more difficult than it used to be for the City to turn down or modify proposed developments. Given that, it is imperative that the Council make sure that the Objective Standards that it ultimately enacts give the City the greatest possible opportunity to achieve the Council-approved objectives that we cite above. It is also critical that the City Council *maximize* opportunities for public comment and public participation when land use and development proposals are considered. In fact, the proposed Objective Standards being recommended do exactly the opposite, and truncate public participation opportunities.

We recommend that the Council take no action on the so-called Objective Standards proposal on August 23, 2022, and that the Council do the following, instead:

1. Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.
2. Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community – and the Council itself – can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.

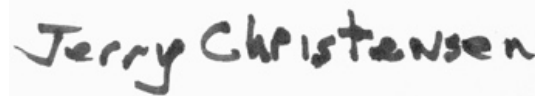
Further, the Council meeting at which action is ultimately taken should be structured to provide the maximum amount of time for interested members of the public to provide detailed, substantive suggestions.

Thank you for including this letter in your agenda packet for your August 23, 2022, meeting, and for taking our suggestions seriously.

Very truly yours,



Gary A. Patton, Co-Chair
Save Santa Cruz



Jerry Christensen, Co-Chair
Save Santa Cruz

cc: Save Santa Cruz Steering Committee
Members, Santa Cruz City Planning Commission
Members, Santa Cruz City Council
Other Interested Persons

Save Santa Cruz is a community-based group with over 1,700 supporters, committed to city policies that will protect and preserve the historic and unique character of the community and its unique and vital neighborhoods.

Rosemary Balsley

From: John Hall <jhall5@ucsc.edu>
Sent: Sunday, August 21, 2022 6:19 PM
To: City Council
Subject: Objective standards question

Dear Council members,

It seems clear that the so-called objective standards proposal is byzantine. I do not get any sense that it helps preserve Santa Cruz neighborhoods, as was its supposed highest priority.

Adopting this measure without a further detailed analysis of its features and their impacts would be a step backward for our community.

I urge you to vote against this set of changes at this time. We can do better at building strong neighborhoods while providing objective standards for projects.

Thanks for your consideration. Sincerely,

John R. Hall

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[John R. Hall](#)

Research Professor of Sociology
University of California - Santa Cruz and Davis

["Climate change, apocalypse, and the future of salvation," 2021](#)
<https://sociology.ucsc.edu/about/directory-emeriti.php?uid=jhall5>
<https://ucdavis.academia.edu/JohnHall>

Rosemary Balsley

From: Russell Weisz <russweisz1@gmail.com>
Sent: Sunday, August 21, 2022 6:22 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Russell Weisz
319 Laguna St, Santa Cruz, CA 95060

Rosemary Balsley

From: fred geiger <fredjgeiger@yahoo.com>
Sent: Sunday, August 21, 2022 6:51 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

What excuse can u come up with for deleting public hearings on large development possibilities- except for the fact that you aren't willing to do your job of listening to and representing the interests of your constituents ?

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Fred j. Geiger

Rosemary Balsley

From: Carol Roland <carrotladyone@yahoo.com>
Sent: Sunday, August 21, 2022 6:53 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!
I also wonder where you are getting the water for these residents.

Carol Roland

Rosemary Balsley

From: El Solway <elned@cruzio.com>
Sent: Sunday, August 21, 2022 6:58 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

City Council members,

I strongly support the position of Save Santa Cruz. Please don't pass the "Objective Standards" proposal in its current form. In particular, I object to eliminating many public hearing opportunities.

Sincerely, Ellen Solway

Rosemary Balsley

From: Ken Miller <keninsantacruz@gmail.com>
Sent: Sunday, August 21, 2022 7:45 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

From: [Curt Coleman](#)
To: [City Council](#)
Subject: Objection To "Objective Standards" Proposal
Date: Sunday, August 21, 2022 8:03:15 PM

Dear Council Members,

Please don't pass the so-called "Objective Standards" proposal in its current form. I especially object to eliminating public hearing opportunities.

Thanks,

Curt Coleman
SC Resident

Rosemary Balsley

From: Lily Ana W. Sturgis <l.a.w.sturgis@gmail.com>
Sent: Sunday, August 21, 2022 8:22 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

Hello,

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Sincerely,
Lily Sturgis

Rosemary Balsley

From: Scott Family <imscott@cruzio.com>
Sent: Sunday, August 21, 2022 8:30 PM
To: City Council
Subject: August 23, 2022 Agenda Item 21 . Objective Development Standards

Objection To "Objective Standards" Proposal Agenda Item 21 8/23/22

August 20, 2022

Dear Mayor Brunner and Members of the City Council:

Please do not approve the objective development standards as currently proposed. Please modify them to preserve the public right to comment on proposed major developments. Please also require that the standards reflect the following, which you required when you initiated this effort:

- (a) Preserve and protect residential neighborhood areas and existing City businesses, as the City's highest-level policy priority; and
- (b) Encourage appropriate new residential and mixed-use development, specifically including enhanced affordable housing opportunities, at appropriate locations along the City's main transportation corridors.

These proposed objective standards would remove public comment, leading to serious negative impacts on the community. State laws have made it much more difficult than it used to be for the City to modify proposed developments. It is imperative that the City enact objective standards that will help it achieve important objectives while also reflecting community desires.

We strongly support the position of Save Santa Cruz. The public deserves to weigh in on projects being proposed in the City of Santa Cruz for we will live with the results. Existing residential neighborhoods must be preserved and protected.

Thank you for your time to serve on behalf of our community,

Michael A. Scott and Isabelle B. Scott
Santa Cruz

Rosemary Balsley

From: Andrea Rosenfeld <andrea.rosenfeld88@gmail.com>
Sent: Sunday, August 21, 2022 8:37 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

Dear Mayor Brunner and Council Members:

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. With State mandates now overriding many local regulations and safeguards, now, more than ever, it is imperative that citizens be given an opportunity to weigh in on matters such as this, that affect our neighborhoods and our community as a whole.

Thank you for taking my objections seriously!

Regards,

Andrea Rosenfeld
andrea.rosenfeld88@gmail.com
415.370.2154

Rosemary Balsley

From: Maria <criminalization.of.homelessness@protonmail.com>
Sent: Sunday, August 21, 2022 8:40 PM
To: City Council
Subject: Objective Development Standards: Comment for August 23, 2022 Meeting, Item #21

Dear Santa Cruz City Councilmembers,

I have four major points I would like you to consider:

1)

I urge you to follow the Planning Commission's recommendations on increasing the affordable housing inclusionary rate on density bonus units. The staff report states incorrectly that, "there is no evidence in the record to support this recommendation," however, I'm sure you all remember when Jessie Bristow of Barry Swenson Builder "negotiated" with the Planning Commission to add four extra affordable units to their development proposal for 130 Center Street. That offer demonstrated that developers do indeed have a very high profit margin, considering four additional affordable units can be dangled like that so casually.

According to the staff report, the City Attorney's office has now determined an upgrade of this sort to the inclusionary rate is legally feasible. Please follow the Planning Commission's recommendation that, "an inclusionary rate of 25% be applied to the base units of a project seeking a 35% Density Bonus and that an inclusionary rate of 30% be applied to the base units of a project seeking a 50% Density Bonus. Increasing the inclusionary rate in this manner would have the effect of yielding an overall affordability rate of 18.5% and 20% respectively for the described scenarios."

2)

I urge you to develop a plan to provide assistance to small businesses that face displacement when the property where their business is located is redeveloped due to high-density zoning. Please go out and take a close look at the businesses on Soquel avenue. Many of the businesses are very small and will never be able to find a new location if their property is redeveloped. Some of these businesses are Latino owned and serve a very diverse population in Santa Cruz. These small businesses reflect the unique character of our community. To displace them without assistance could further exacerbate the gentrification that occurs during redevelopment.

3)

I urge you not to limit, restrict, or further reduce the public's ability to comment on proposed development projects. Please do not eliminate public hearings on significant development projects. Public hearings help assure that new development in the city reflect the values of the whole community. Council members should recall that public hearings held regarding the projects proposed at 831 Water Street and 130 Center Street resulted in improvements to the projects.

4)

I agree with the letter sent to you by Save Santa Cruz on August 16, 2022, which states:

We recommend that the Council take no action on the so-called Objective Standards proposal on August 23, 2022, and that the Council do the following, instead:

1. Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.

2. Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community – and the Council itself – can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City. 3Further, the Council meeting at which action is ultimately taken should be structured to provide the maximum amount of time for interested members of the public to provide detailed, substantive suggestions.

Thank you for reading this email and for your service to the City of Santa Cruz.
Sincerely, Maria

Rosemary Balsley

From: Kathy Haber <dannynor@cruzio.com>
Sent: Sunday, August 21, 2022 8:41 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

City Councilmembers,

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I particularly object to eliminating many public hearing opportunities. Too many high density projects are being proposed for my neighborhood (south of Laurel). The impacts on traffic and parking have not been considered. The Council needs to enact some sort of moratorium on this increase in density, until streets can be widened and on-site parking required. The summer beach traffic, which passes through this neighborhood, is already a nightmare. And the idea that a large, high end hotel can be built, without any parking at all, is ludicrous.

Thank you for taking my comments seriously!

Kathy Haber, Shelter Lagoon

Rosemary Balsley

From: Jeanne Thompson <thejeannietouch@gmail.com>
Sent: Sunday, August 21, 2022 9:06 PM
To: City Council
Subject: Proposed Objective Standards

To City Council of Santa Cruz...

As a resident of Santa Cruz for over 43 years now, I thoroughly agree with the Save Santa Cruz advocates. Our unique and popular town must not be over developed, or even unwisely developed. The quality of our neighborhoods and small businesses is crucial to the future of a successful city that holds not only business but people as its highest priority.

All residents must be heard before large scale development is considered. The neighborhood I live in is under siege by massive development as I speak. What a shame it would be to see our lovely town go down in history as one of those cities that succumbed to development for the greed of a few, not the pride and resources for many. Please think hard and long about what you are doing to this town with such a great history of the arts, culture and unique people of great talents and skills. We are Santa Cruz!!

Stop Overbuilding Santa Cruz

Jeanne Thompson
Santa Cruz CA 95060

Rosemary Balsley

From: Lira Filippini <lirafilippini@gmail.com>
Sent: Sunday, August 21, 2022 9:57 PM
To: City Council; Sonja Brunner; Donna Meyers; Justin Cummings; Martine Watkins; Shebreh Kalantari-Johnson; Sandy Brown; Renee Golder
Subject: Agenda Item 21; 8/23/22; Objective Design Standards

Dear Mayor Brunner and Council Elect,

I'm very concerned about the objective standards proposed by staff. The development of such standards was supposed to bring the General Plan and Zoning Ordinance into alignment, as well as convert all possible subjective development standards to objective standards in a way that conforms to the community's feedback on aesthetics.

Instead, what is proposed is a massive increase in height, density, and massing for many areas of the City. Though this may help build more of the housing we need -- which is only affordable housing -- the process for these types of changes has not been direct, transparent or honest.

Our community has not been forewarned of the magnitude of changes proposed. It is incredibly important that we have a more transparent and public process for this that lets people know how this will affect our infrastructure and carrying capacity.

Additionally, the changes are quite piecemeal and not orderly or comprehensively presented in a single place so that the community may review all of them in a way that is understandable.

But perhaps the most concerning part is that the Planning Staff is also recommending that developments be ministerially streamlined instead of going through the proper process of public hearings so that your constituents may voice their support or concerns over proposed developments that will affect them -- directly to those whom they elected to represent their best interests and the survivability of our city.

Please direct the Planning Staff to come back to Council and the community with a more comprehensive and understandable draft of the changes proposed (all in one place). And please reject the proposal to remove public hearings for these developments.

Thank you for your thoughtful consideration,
Lira Filippini

Rosemary Balsley

From: Katie Hansen <krlanghansen@gmail.com>
Sent: Sunday, August 21, 2022 10:23 PM
To: City Council
Subject: Public hearings for building projects

Dear City Council,
Do not take away our rights to speak at public hearings for proposed building projects in Santa Cruz. Please modify the objective standard to reflect this.
Sincerely,
Kathleen Hansen

Rosemary Balsley

From: Paul Benjamin <groovypablo@gmail.com>
Sent: Sunday, August 21, 2022 10:44 PM
To: City Council
Subject: STOP! Do NOT Hold...

Planning mtgs and PROPOSED Bldg PROJECTS without PUBLIC INPUT/DEBATE. YES, there's *great debate and controversy that the city council, city manager and mayor don't listen to the city residents, rather they are rubber stamping all the high-rise and over densification plans without allowing for city voices, and alternative long-term PLANNING by the community!!* YES, the city treasury/budget is bleeding red, or factually triage is in place!! That **does NOT mean rushing in to the over-the-top densified bldg of hotels, a new library, condo complexes** that over run out neighborhoods with **traffic issues exacerbating the existing speed, safety and chaos; the change of zoning for single residential housing w/ 4 or more story apt houses, the infrastructure of water in drought yrs w/ a SCMUD that sends a huge volume of Cubic feet of water to Soquel and does little to nothing to operate on water catchment--> what happened to the Bay& High Street water catchment facility? It was bulldozed-out of date, further has NOT been replaced!!**

The list goes on of knee-jerk reactions that do NOT seek the TRUTH through *research and studied planning beyond highly paid studies by consultants who are given a false narrative- THE CITY of SC needs low-income housing NOW and that state and gov't pressure is the only voice in the room to build, increase densification= all without the long and short term results!!*

Those result in low QUALITY OF LIFE for SC residents. AVOID the future harm of potential and permanent over building in SC city and CO. Visitors, tourists and all residents are affected by shutting off discourse and GREEN-LIGHTING the planning and building of our city and Co.

Thank you, Paul Benjamin

<http://stepupcarpenters.webs.com>

Rosemary Balsley

From: bikerick@att.net
Sent: Monday, August 22, 2022 3:43 AM
To: City Council
Subject: Zoning changes for Aug 23, 2022 meeting

Dear Councilmembers:

Please postpone action on the many revised zoning provisions until:

- there are better provisions for buffering residential neighborhoods from non-residential development and non-residential components of development – e.g., both fencing and landscaping;
- there are provisions to direct commercially generated traffic away from the residential neighborhoods;
- there are provisions to ensure ample, unobstructed bike lanes on the corridors (e.g., eliminate on-street parking) and convenient bike access into and in new corridor development;
- existing height limits are retained, including currently allowed additional heights for affordable housing projects;
- non-residential noise- and heavy traffic-generating uses and building components are prohibited from locating adjacent to residential neighborhoods – e.g., they are directed to the fronts of deep corridor parcels or to those parcels not directly adjacent to homes;
- public hearing opportunities are retained and ample public noticing and participation opportunities are made available where State law prohibits public hearings.

Please see my previous correspondence in the packet for specific suggested language to consider.

Two major corridor projects were constructed at the end of my neighborhood residential street – the Holiday Inn and The Habit/Ikes complex. In both cases my neighbors succeeded in securing several project changes through the public hearing and appeals process to better mitigate adverse impacts on the neighborhood. These included many of items listed above, including better buffering, traffic management and facility operations. Although these were commercial-only projects, the approval process and resulting conditions are instructive as models for mixed use development standards and permitting. And, in both cases the developers still were allowed to build basically what they proposed – the modifications did not materially affect their original concepts but resulted in better projects. The proposed zoning revisions before you fall way short and need to be revised before adoption.

Thank you,
Rick Hyman
138 Coulson Ave.

Rosemary Balsley

From: Rossana Bruni <rossanabruni@yahoo.com>
Sent: Sunday, August 21, 2022 11:05 PM
To: City Council
Subject: Objective Standards

Hello,

I support the position of SAVE SANTA CRUZ; the objective standards should not be rushed as currently scheduled; more time needs to be given to exploring options and community involvement.

Rossana

206 Alta Vista Dr.

Rossana Bruni
rossanabruni@yahoo.com
831-227-5846 cell

Rosemary Balsley

From: Marianne Franks <mariannefranks@yahoo.com>
Sent: Monday, August 22, 2022 6:45 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

This is too important to rush through. We are counting on you!
Marianne Franks
Mariannefranks@yahoo.com

Rosemary Balsley

From: Julia Pinsky <juliapinsky@me.com>
Sent: Monday, August 22, 2022 6:53 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

What more, Santa Cruz can do better. I want more affordable homes for my neighborhood. But I'd rather have them be spread out and lower. Simple. Please try to find a solution. Thanks you!!!

Rosemary Balsley

From: Karen Kaplan <kaplanks@hotmail.com>
Sent: Monday, August 22, 2022 7:35 AM
To: City Council
Subject: Tues. Aug 23, 2022: City of Santa Cruz Planning Policy

Dear Mayor and Santa Cruz City Council:

RE: Agenda Item #21

City of Santa Cruz Planning Policy & Development Mandates

Tuesday, August 23, 2022, 6 PM: Meeting at Santa Cruz City Hall

809 Center Street, Santa Cruz, CA 96060

<https://ecm.cityofsantacruz.com/OnBaseAgendaOnline/Meetings/ViewMeeting?id=1945&doctype=1>

New requirements imposed by state laws to build higher densities, while reducing public participation in local development decisions, are unfair.

Without opportunities for community review, the future vision of Santa Cruz will be designed by investors and developers, for their profit, without input by local residents and neighbors who may be negatively impacted.

Santa Cruz City Council hears recommendations for land use and planning changes and will approve major increases in development densities, pressured by state mandates.

Proposed changes are complex. The public needs time to review final documents.

Staff proposes to eliminate public review and input, even for the highest density projects.

Without public review, a consequence may be an increase in public protests, causing further delays and expense.

A majority of Planning Commissioners do not recommend supporting the staff proposal because it does not guarantee that new units will be affordable for people earning less than \$87K per year or for people who are trying to survive, below the poverty line.

If there is more building in Santa Cruz, the purpose should be to solve the homeless crisis and should be 100% truly affordable or government subsidized for the people who truly need it; for people who are from our community and have ties to our community. Development should accommodate seniors and disabled, so they may remain living in our community near their children, grandchildren and friends. Apartments should be walking distance to grocery stores, public transportation and should include laundry facilities, an outdoor garden, indoor and outdoor recreation space and a community room. No one wants to live in a boring box. Designing for happiness in one's home should be a priority.

Santa Cruz does not need to build more luxury high-rise apartments and condominiums, to increase population.

Santa Cruz is already too overcrowded and is quickly losing its quaint, small-town charm.

There is not enough water, parking space and public transportation to support building projects.

Highways 1 and 17 are already overcrowded. The flow of traffic is impeded by increased development, without supporting infrastructure.

"If you build it, they will come" but what water will they drink, if there is a drought?
Where will they drive, if the highways are jammed?
Where will they park?

After development decisions are made, it is difficult or nearly impossible for the public to amend.

Keep Santa Cruz the "small town" that I love!

Thank you for your consideration.

Sincerely,
Karen Kaplan
Resident of Santa Cruz County Since 1974

Rosemary Balsley

From: Tina Oberlin <toberlin@ucsc.edu>
Sent: Monday, August 22, 2022 7:43 AM
To: City Council
Subject: RE: 831 Water Street -Building Ordinance on August 23rd agenda

Dear City Council Members,

I have been advised that you will once again discuss large scale structures in single family home neighborhoods. I know there are projects in process throughout Santa Cruz to add more housing and when they are carefully considered and discussed then this must be a positive for the community and the council. I just want to emphasize again that the neighbors did not object to housing in their community but to the 5-7 story apartments being built.

I can't help but think that these building measures don't take into account the actual size of this community. I mentioned before when this project came up that no one seems to care about the congestion that already exists in this area with people getting off on the Morrissey off ramp and turning right on Water to get to Ocean or to go downtown. Are we San Jose or San Francisco ? No.

Where is there generous space in Santa Cruz ? How about All those BIG empty lots and vacant buildings off of Delaware ? Yet we keep wanting to develop large buildings on Water Street. I know this whole area is bound to be developed but can we make some sensible standards so that we are not stuck in traffic even if you think that everyone is going to ride their bike.

Thank you for your time.

Sincerely,

Tina Oberlin
A concerned citizen

Rosemary Balsley

From: mycl770@gmail.com
Sent: Monday, August 22, 2022 7:44 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

Dear City Council Members,

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Sincerely,
Carol Libby

Sent from my iPhone

Rosemary Balsley

From: Eloise Naman <eloise@cruzio.com>
Sent: Monday, August 22, 2022 7:56 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz and 831 Responsible Development. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Thank you,
Eloise Naman

Rosemary Balsley

From: Ellen Aldridge <emailellen@mac.com>
Sent: Monday, August 22, 2022 7:59 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Ellen Aldridge
2126 Ocean St
Santa Cruz CA 95060

Sent from my iPad

Rosemary Balsley

From: Jamshid Faryar <jfaryar@gmail.com>
Sent: Monday, August 22, 2022 8:17 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously! Please don't destroy the pocket low-density neighborhood around Central Park.

Rosemary Balsley

From: charles stover <cas33333@yahoo.com>
Sent: Monday, August 22, 2022 8:20 AM
To: City Council
Subject: 831 Water St

Dear City Council,

Please do all you can to stop the development at 831 Water St. It is too big and everyone knows it. There will be traffic problems for years and the increase in water can not be sustained. Our problem is not that we do not have enough housing. It is we have too many people who want to live here.

Thank You,

Charles Stover

Rosemary Balsley

From: Scott Family <imscott@cruzio.com>
Sent: Monday, August 22, 2022 8:24 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Isabelle Scott
Santa Cruz

Rosemary Balsley

From: flo queen-stover <fqueenstover@yahoo.com>
Sent: Monday, August 22, 2022 8:40 AM
To: City Council
Subject: 831 development

dear city council,

please do not allow this oversized building to be built on water street. it will create a traffic jam that can not be fixed additionally there is not enough water in santa cruz to support it.

thank you
flo queen-stover
113 lance court

Rosemary Balsley

From: Wendy Martyna <wendy.martyna@gmail.com>
Sent: Monday, August 22, 2022 8:43 AM
To: City Council
Subject: My concerns about Aug. 23rd mtg. on "Objective Standards" Proposal

To the City Council and Mayor of Santa Cruz:

As a 9-year resident at 231 May Avenue, a 44-year resident of Santa Cruz, and a retired UCSC professor, I strongly endorse the work of Save Santa Cruz -- a group which is not opposed to development, but is in favor of rational, measured development which addresses such concerns as traffic, water, and preservation of one of the oldest neighborhoods in Santa Cruz. My house was built in the 1920's, as were many houses in the Dakota/Leonard/May Avenue ("Central Park") area.

For years, we have been dealing with the continual trash, noise, and illegal activities spilling into our neighborhood from the Ocean St. Jack in the Box and the adjoining alley, as well as the consequences of the Benchlands encampments (involving drug-related, mental health, and theft and violence issues). We also cope with our neighborhood being used by large trucks and cars as a drive-through to avoid traffic on Water and Ocean.

I urge you not to pass the "Objective Standards" proposal as it now stands, which would have consequences for this neighborhood (with its history of more than 100 years) that are even greater than those already described. These are not simple issues, and they demand solutions far more attentive to vital issues affecting all of us, not just those in our neighborhood.

Thank you,
Wendy Martyna

Rosemary Balsley

From: Knitsnpaints <knitsnpaints@gmail.com>
Sent: Monday, August 22, 2022 9:00 AM
To: City Council
Subject: Item 21, Objective Development Standards 8/22/22: comments

Re: Item 21 - Objective Development Standards

Dear City Council Members and Mayor,

I am alarmed at this proposed ordinance that will fundamentally affect our City's building goals and codes without proper citizen input. It is an affront to our constitutional rights as community members to have the First and Last say in Where and How our City grows.

In shutting down or limiting Citizen Review, we, the general public, will be subject to the developer-lead staff's plans with no recourse for our neighborhood- oriented amendments.

We will lose untold numbers of heritage trees, many small businesses, and it will potentially change or homogenize the many small unique neighborhoods that make up our City. And where is the consideration of the Planning Commission's majority report concerning guaranteed inclusion of low income units.

The public has not been properly informed of these drastic changes, regardless of the Staff's assurances of public meetings. Very few, if any of my neighbors are aware of this proposal.

I ask that you set aside this proposal until there has been adequate and thorough review by the general public. That should include notices in the local papers, neutral informative mailers sent out to all addresses, etc.

Respectfully,

Susan Martinez
Santa Cruz Voter

Rosemary Balsley

From: Zane Brown <zanebrown@sbcglobal.net>
Sent: Monday, August 22, 2022 9:31 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Zane Brown

Sent from my iPhone

Rosemary Balsley

From: edward bailey <gev73a2lxq7@gmail.com>
Sent: Monday, August 22, 2022 9:42 AM
To: City Council
Subject: BUILDING STANDARDS
Attachments: Save Santa Cruz Letter To City Council On Objective Standards.pdf

Dear Council, I agree absolutely with the letter included below. You are allowing building that is too much and out of character with our town. 5, 6 & 8 stories is ridiculous. Build on the outskirts of town, not the middle! Much more affordable housing. C'mon!

You have already ruined this city by allowing the bums/druggies to take over our town and turn it into skid row!

I will campaign extensively against anyone who allows these outrageous construction proposals to pass. THINK OF YOUR CONSTITUENTS-NOBODY ELSE MATTERS!

Save Santa Cruz

Stop Overbuilding Santa Cruz

Post Office Box 4086, Santa Cruz, CA 95063
Email: StopOverbuildingSantaCruz@gmail.com

August 16, 2022

Mayor and Members, Santa Cruz City Council
Santa Cruz City Hall
809 Center Street
Santa Cruz, CA 95060

Sent By Email To: citycouncil@cityofsantacruz.com

RE: Proposed Objective Standards / August 23, 2022 Agenda

Dear Mayor Brunner and Council Members:

We are writing on behalf of Save Santa Cruz, a community-based group with over 1,700 supporters. As Council Members will undoubtedly remember, Save Santa Cruz campaigned actively against the so-called “Corridors Plan,” and our members were delighted when the Council officially terminated work on that proposed plan.

The proposed “Corridors Plan” then being considered would have permitted high-density, mixed-use development along all of the City’s main transportation corridors, without adequate provisions to respond to community concerns about water and traffic, and without effective mechanisms to eliminate or reduce both business and neighborhood impacts.

The proposed “Corridors Plan” was wildly unpopular with the residents of the City because Santa Cruz residents want to preserve and protect the character and quality of our local neighborhoods, and they also want to protect our unique local businesses. Providing affordable housing opportunities and supporting appropriate new development opportunities doesn’t have to undermine what makes our community such a great place to live, and to raise a family.

If the City wants to make sure that new developments respect community concerns – and this should be obvious - the interests of local residents and small business owners must have a higher priority than what might be most convenient for developers. City residents need to have the ability to comment on proposed projects – and to have a real impact on what happens when projects are proposed.

In fact, the City Council has officially recognized this. As it initiated the Objective Standards project, the Council specifically directed the City's Planning Department to do the following:

Initiate a project to resolve the existing inconsistencies between the corridor-related General Plan policies and the Zoning Ordinance by making General Plan and Zoning Ordinance changes as necessary to meet the following objectives:

- (a) Preserve and protect residential neighborhood areas and existing City businesses, as the City's **highest-level policy priority**; and
- (b) Encourage appropriate new residential and mixed-use development, specifically including enhanced affordable housing opportunities, at appropriate locations along the City's main transportation corridors (emphasis added).

Save Santa Cruz members participated in the public meetings that have ultimately resulted in the so-called Objective Standards proposal you are currently scheduled to consider at your meeting on August 23rd. Save Santa Cruz does *not believe* that the proposed ordinance amendments and the Objective Standards that the staff is recommending are designed to preserve and protect residential neighborhood areas and existing city businesses, as the City's highest-level policy priority. In fact, in many cases, the opposite seems to be the case.

Two problems with the proposal before you are key. First, what you have before you is not *understandable*. We believe that neither Council Members nor members of the public really understand what adoption of the proposed Objective Standards will mean for

neighborhood residents and local businesses. What you will be considering is a series of fragmented changes to the City Municipal Code, but the overall outcome, the overall impact, is simply not clear. To say it again, what you will have before you for adoption is not understandable!

Second, and even more important, **the proposal before you, if approved, will eliminate public hearings on many large and significant projects, stripping city residents of their right to comment and influence the development decisions that will have a profound impact on their lives, and their neighborhoods, and, for many small businesses, their livelihoods.**

As you know, state laws have made it much more difficult than it used to be for the City to turn down or modify proposed developments. Given that, it is imperative that the Council make sure that the Objective Standards that it ultimately enacts give the City the greatest possible opportunity to achieve the Council-approved objectives that we cite above. It is also critical that the City Council *maximize* opportunities for public comment and public participation when land use and development proposals are considered. In fact, the proposed Objective Standards being recommended do exactly the opposite, and truncate public participation opportunities.

We recommend that the Council take no action on the so-called Objective Standards proposal on August 23, 2022, and that the Council do the following, instead:

1. Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.
2. Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community – and the Council itself – can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.

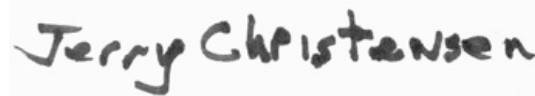
Further, the Council meeting at which action is ultimately taken should be structured to provide the maximum amount of time for interested members of the public to provide detailed, substantive suggestions.

Thank you for including this letter in your agenda packet for your August 23, 2022, meeting, and for taking our suggestions seriously.

Very truly yours,



Gary A. Patton, Co-Chair
Save Santa Cruz



Jerry Christensen, Co-Chair
Save Santa Cruz

Edward Bailey
Lower Broadway Home owner

cc: Save Santa Cruz Steering Committee
Members, Santa Cruz City Planning Commission
Members, Santa Cruz City Council
Other Interested Persons

Save Santa Cruz is a community-based group with over 1,700 supporters, committed to city policies that will protect and preserve the historic and unique character of the community and its unique and vital neighborhoods.

Rosemary Balsley

From: Richard Marlais <rmarlais@yahoo.com>
Sent: Monday, August 22, 2022 9:44 AM
To: City Council
Subject: OBJECTIVE STANDARDS ITEM ON THE AGENDA.

It is most important to a Democracy that the elected govern with the consent of the people. I feel that the proposed item on the agenda concerning "Objective Standards" will remove public input on many projects important to the citizens of this beautiful city. I would ask you to not approve this Item as submitted by our city staff.

thank you,

Rick Marlais
141 San Jose Ave.
Santa Cruz, Ca.

Sent from [Mail](#) for Windows

Rosemary Balsley

From: Brooke Matteson <bmatteson@me.com>
Sent: Monday, August 22, 2022 10:10 AM
To: City Council
Subject: Troubling 'Objective Standards' proposals

Dear Members of the City Council and Staff

Objective Design Standards are finally coming before you for a vote, but unfortunately, some highly concerning changes to our municipal code are being proposed.

Here are just two examples that would affect our community in very damaging ways.

1) The the new "mixed-use high density" designation being proposed for Water St (as well as many other streets) would bring the "base" height allowance up to 60ft instead of 40ft. I think we all know, the height can go up much higher than that "base" height when a developer uses the new state density bonus law, so when you raise the base height, you are paving the way for insanely high buildings adjacent to existing R-1 neighborhoods. Completely unacceptable.

I notice the 5-story / 60' limit (MU-H) zoning is being applied pretty much exclusively in the Eastside (Soquel, Water, Branciforte) area, while the Westside (Mission St.) gets MU-M (3 stories, 40'). It makes no sense to zone MU-H on narrow lots immediately adjacent to R-1 parcels. In the interests of equity and transparency I invite you to **SHOW YOUR WORK** justifying the concentration of highest-density development on Soquel, Water, and Branciforte but **not** on Mission.

2) I find it VERY concerning that the City Planning Staff is also trying to get the City Council to include ministerial streamlining into our own City municipal code (not just SB 35 projects). This means the staff would be able to rubber stamp projects that "**THEY**" deem align with all their new objective design standards--**without any public hearings** before City Council. It's absurd that changes of this magnitude, including codifying a reduction in public engagement, be fast-tracked through the Council.

Lastly, it seems that Staff is proposing a General Plan Amendment as part of the implementation process... I thought you said that it would be "too much work" and "would require a General Plan Amendment" to move density to parcels on the west side to offset any implied density reductions associated with moderated zoning on the east side??? But now, Staff is more than happy to propose pursuing a GPA when it suits you. What gives?

Please mark me down as a member of a large group of very outraged and concerned citizens.

Brooke Matteson

Rosemary Balsley

From: Colette Harmon <chfit4life@gmail.com>
Sent: Monday, August 22, 2022 10:26 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. I know the council is looking at the financial windfall of this proposal, but have you considered the long term NEGATIVE effect on this proposal, increased traffic, losing the small town feel and values and the enormous strain on our natural resources especially our precious water supply. Where is all the added strain on our water supply coming from??? I STRONGLY oppose the thinking of " Build now and not think about the impacts latter".

Thank you for taking my objections seriously!

Colette Harmon

Rosemary Balsley

From: LuLane <knitpurl247@gmail.com>
Sent: Monday, August 22, 2022 10:45 AM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Sent from my iPad

Rosemary Balsley

From: James Griffin <jimmerg@pacbell.net>
Sent: Monday, August 22, 2022 11:00 AM
To: City Council
Subject: 831 Water Street Project

Dear Councilmembers,

I am writing to register my objection to the planned development at the corner of Water St. and North Branciforte Ave on the grounds that it will be a monstrosity not in keeping with the surrounding environment. Aside from ruining the Belvedere Ter. neighborhood, it will make that intersection more dangerous than it is now. I am aware of State requirements for increased low income housing, but lets keep such development closer to the scope of what is being developed in the 500 block of Soquel Ave and May St. Why build horrible places to live? I will be watching how you vote and would like to feel represented by my councilmembers.

Thank you,
Jame B. Griffin

Rosemary Balsley

From: Larry McFall <mcfallmusic@comcast.net>
Sent: Monday, August 22, 2022 11:36 AM
To: City Council
Subject: Objective Standards proposal August 23, 2022

Dear Council members,

There is no understanding this “Objective Standards” proposal. I am not convinced that any of you really understand it either. This is gobbledygook.

This proposal seems more an attempt to freeze out real public participation and make it easy for the developers who could care less about the public.

Neighborhoods, community groups, small businesses deserve to be presented with a clear proposal and a greater say when confronted with such impactful decisions. Don’t take any action on the Objective Standards proposal on August 23rd, 2022. Make a better more clear, understandable proposal more geared to serve the public and not developers.

Sincerely,

Larry McFall

Rosemary Balsley

From: Doug Engfer <doug@engfer.org>
Sent: Monday, August 22, 2022 11:43 AM
To: Sonja Brunner; Martine Watkins; Donna Meyers; Shebreh Kalantari-Johnson; Justin Cummings; Sandy Brown; Renee Golder
Cc: City Council
Subject: Item 21, Agenda 23 Aug 2022 - Objective Development Standards

Mayor Brunner and Members of Council

I write today regarding Item 21 on the agenda for your meeting on Tuesday, 23 August 2022, relating to code changes implementing Objective Development Standards (“Objective Standards”).

While I recognize that growth and attendant changes have and will continue to come to our town, that we have a compelling need to develop housing (in particular deed-restricted affordable housing) for so many reasons, and that increased density created responsibly on transit-rich corridors is a critical component of any such development, I must express my concerns about the proposed standards and the process we are following to review them.

Council is today confronted with 1274 pages of material relating to this one item, in the context of a meeting agenda that also contains other critical and potentially contentious topics. These materials were published last Thursday. I’m deeply grateful to members of Council for the time that they will have spent trying to absorb all of this content, especially during the waning days of summer, while many kids are just starting school. Frankly, I could not get through all of it, and I suspect that other members of our community are in the same boat.

Looking at the proposed changes broadly (all I could make time for), I note the following:

- The re-zoning of 387 parcels in town serves to create, in essence, a “second downtown” in the Soquel, Water, Branciforte “triangle”. This is a significant change to those neighborhoods and our town, and deserves a thoughtful public discussion.
- While I note that Staff has worked to engage the public in the process along the way, as Staff has acknowledged in their report, “standards did change significantly” along the way. Unless folks have been able to participate throughout the process, it’s likely that the proposed standards differ from what folks will have seen previously.
- And the changes are so widespread it’s very challenging to perceive the cumulative impacts (a forest / trees issue, so to speak).
- In addition, while the standards have been improved somewhat regarding “transition planes” between 5-story / 60-foot buildings and immediately adjacent single-family residences, there are still a handful of parcels proposed to be up-zoned to MU-H that are immediately adjacent to residences and too narrow to support responsible development of buildings of that scale (e.g., "831 Water St" parcels). What would be the harm of those few parcels being zoned MU-M, a la Mission St?
- Finally, I note that Staff is now proposing a General Plan Amendment as part of the implementation process - previously, when the public has asked for consideration of density transfers from one part of town to another, we have been told that such an Amendment would be too hard and take too much time.

Staff is asking Council to take a first reading and vote on these proposed code changes, with a second reading coming at Council's "next available agenda". I would respectfully suggest that this process timeline is needlessly quick, and that it effectively precludes thoughtful consideration by Council and engagement by the public. Taking a page from the Water Department's playbook, I would suggest instead the following process:

- A **Council study session** held on an "off week" (that is, not as part of a regular, bi-weekly Council meeting), focused solely on the proposed Objective Standards.
 - The agenda would be a thorough discussion of the goals, objectives, and key themes driving the proposed changes, with examples of how those "guiding principles" are reflected in the proposed standards, and how those principles are equitably applied throughout the town in the proposed zoning changes.
 - The outcome of this session would be review, discussion, modification, and acceptance of those guiding principles by Council, and understanding of them by the public.
- A **Council first reading** of the proposed changes
 - A critical element of the materials for the meeting would be a "roadmap", connecting each proposed code change to one (or more) of those goals, objectives, and/or themes.
 - In addition, Staff should prepare a comprehensive view of the potential for these changes, along with the proposed changes to the Downtown Plan, to enable housing development - what is the potential growth supported by these changes, and how does that growth map onto our General Plan and the upcoming Round 6 RHNA goals for the City?
 - These materials need to be available to Council and the public at least 2 weeks before the meeting, to allow ample time for thorough and thoughtful review.
- A **Council second reading** of the proposed changes
 - To be held at least one month after the first reading, allowing Staff ample time to respond to Council's direction from the first reading, and to publish the updated standards well in advance of the meeting, again allowing Council and the public to absorb the materials.

While I recognize that this means more time spent on this project, I hope that Council can and will decide to "take a beat" and allow a fulsome review and discussion of these important and impactful changes. As I've heard said before: "there seems never to be enough time to do things right, but always time to do them twice." I sincerely hope we can take the time to do this right the first time!

Thank you for your time, attention, and service to our town.

Doug Engfer
Santa Cruz

Rosemary Balsley

From: Meghan Arnold <mcarnold@gmail.com>
Sent: Monday, August 22, 2022 11:43 AM
To: City Council
Subject: Re: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. They are the product of a community that came together to discuss and give feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. These standards will help us build the housing we desperately need.

I further support the recommendation from the city's Transportation and Public Works Committee (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Thank you,
Meghan Arnold
200 California St., Santa Cruz 95060

meghan arnold | a creative and professional creative professional
mcarnold@gmail.com | www.meghanarnold.com | [blog](#) | [twitter](#) | [instagram](#) | [linkedin](#) |
pronouns: she/hers

On Mon, Aug 22, 2022 at 11:41 AM Meghan Arnold <mcarnold@gmail.com> wrote:

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. They are the product of a community that came together to discuss and give feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. These standards will help us build the housing we desperately need.

I further support the recommendation from the city's Transportation and Public Works Committee (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Thank you,
Meghan Arnold
200 California St., Santa Cruz 95060

Rosemary Balsley

From: Maggie Trinh <maggie.trinh@gmail.com>
Sent: Monday, August 22, 2022 11:43 AM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. They are the product of a community that came together to discuss and give feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. These standards will help us build the housing we desperately need to address rising homelessness and housing costs in Santa Cruz.

I further support the recommendation from the city's Transportation and Public Works Committee (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Thank you.

Maggie Trinh

Rosemary Balsley

From: Ryan Meckel <ryantmeckel@gmail.com>
Sent: Monday, August 22, 2022 11:48 AM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. They are the product of a community that came together to discuss and give feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. These standards will help us build the housing we desperately need.

I further support the recommendation from the city's Transportation and Public Works Committee (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Best,
Ryan Meckel

From: [Vivian Rogers](#)
To: [City Council](#)
Subject: Please support the Objective Standards in Agenda Item #21
Date: Monday, August 22, 2022 11:53:00 AM

Dear Council members,

I urge you to approve Agenda Item #21, Objective Standards!

- The standards are the product of lots of community discussion and feedback to the city's planning project.
- They align zoning code with the general plan.
- These standards will help us build the housing we need.
- They facilitate the development of more multi-family and mixed-use housing which is already allowed in the city.

Vivian Rogers

From: John Aird <johnaird@earthlink.net>
Sent: Monday, August 22, 2022 11:57 AM
To: City Council
Subject: Re. Item #21 on August 23, 2022 Agenda - Proposed Objective Standards

To Mayor Brunner and Council Members -

I am writing to request you oppose the "Proposed Objective Standards" as recommended for your approval at Tuesday evening's council session. My request is based on the absolutely inadequacy of the public review process used to date in their "development", one now made even worse by staff's push for the council's quick approval.

This is not what this community has a right to expect in terms of adequate community involvement and a proper basis for council decision-making.

These proposed changes are the most significant ones Santa Cruz has considered for many, many years. They will impact what Santa Cruz's future will be, its size, scale and character. As such, they absolutely require the most exhaustive public review through multiple public forums that include built-out representations such that the full impacts of them - both positive and negative - can be fully understood. To date this has not happened and therefore, you should take no action.

Instead, I would recommend and request that you direct staff (1) to further modify the proposal as needed to be consistent with the priority given in the 2030 General Plan for "maintain(ing) the identity and vitality of our neighborhoods" and (2) to then conduct a series of focused community meetings in which there is a thorough presentation of these recommendations including in particular, clear and complete

representations of their impacts if implemented. **Only by visualizing the future can the feedback received be assured as being credible and meaningful relative to such a significant matter.**

This is the minimum that should be expected. When completed and reported back out to you, the council members themselves could decide as deemed appropriate to host individual follow-up community "listening sessions on the proposed changes" to deepen their own understanding of their consequences. Then as leaders representing their community, they would be in a position to make considered judgments and ultimately a final decision about them.

Thank you in advance for your consideration of these stated concerns and recommendations.

Sincerely,

John C. Aird

303 Highland Ave.

Santa Cruz, Ca. 95060

Rosemary Balsley

From: Anne M. Murphy <annem286@gmail.com>
Sent: Monday, August 22, 2022 12:02 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this and particularly object to eliminating many public hearing opportunities. Thank you for listening to Save Santa Cruz, we are your constituents and we want to work together with you to build more housing. It needs to include neighborhood input for the welfare of existing residents and newcomers alike.

Thank you for considering this input,

Anne Murphy

Sent from [Mail](#) for Windows



Virus-free. www.avg.com

Rosemary Balsley

From: bob scowcroft <loneoaktoo@gmail.com>
Sent: Monday, August 22, 2022 12:06 PM
To: City Council
Subject: Postpone Objective Standards review and Approval

Dear City Council Members,

I respectfully request that you postpone review and approval of the draft Objective Standards language to be brought to tomorrow's city council meeting. I understand that there are layers of complexity associated with approving such a proposal but trying to bring it forth and approve it with little if not any deliberate public comment is contrary to how Santa Cruz citizens participate in our governmental process. At first glance it seems like city staff have pulled together different objectives, propose to change the city charter, and have not taken into account several primary challenges we all face, that being traffic congestion and water allocations. For example, two high density projects proposed for Water St and Branciforte Ave have allocated at best 50% of on-site parking or the hundreds of units proposed. Given that the neighborhoods surrounding the developments are largely full with on-street parking, where will over 100 (or more) extra cars "go"? These are but two of the proposed developments I am most familiar with. Bike lane disruption, significant traffic delays and the extra congestion that Branciforte Middle School students bring to nearby street crossings would seem to call for more planning as if safety mattered not just building 4, 6 even higher story buildings on very small properties.

Simply put, the city has a general plan. Any amendments to it must be "system" oriented to account for any secondary impacts new developments will have on the small business, residents and low income renters that we WANT to stay in Santa Cruz. YES, to more housing (especially for more low income residents). NO to massive buildings impacting the surrounding neighborhoods way more than they can handle.

Sincerely,

Bob Scowcroft
142 Hammond Ave

Rosemary Balsley

From: Isabel Kain <ijkain@ucsc.edu>
Sent: Monday, August 22, 2022 12:15 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. They are the product of a community that came together to discuss and give feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. These standards will help us build the housing we desperately need.

I further support the recommendation from the city's Transportation and Public Works Committee (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Rosemary Balsley

From: Jim and Pam <jimandpamcarter@gmail.com>
Sent: Monday, August 22, 2022 12:25 PM
To: City Council
Subject: Please adopt agenda item #21 on objective standards

Dear City Council,

I'm a resident of SC and have been for over 30 years.

I'm in favor of adopting Objective Standards for ongoing and future construction of housing in the city.

Please give your thoughtful consideration to adoption of agenda item 21.

Thank you.
Jim Carter
1802 Bay Street

Sent from my iPhone

Rosemary Balsley

From: Mary Chapman <nick_and_nora@comcast.net>
Sent: Monday, August 22, 2022 12:29 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

Dear City Council,

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

- Mary Chapman
211 Leonard Street

Sent from my iPhone

Rosemary Balsley

From: Ron Pomerantz <hectic@cruzio.com>
Sent: Monday, August 22, 2022 12:35 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal on the 8-23-22 Agenda

Good day Councilmembers and Mayor Brunner.

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. Besides extremely difficult to understand there's no way to understand the implications. The Council should be providing neighborhood businesses and residents protection from excessive State development mandates, not piling on top of them. Along with many Community members I believe the Council majority has given a long list of reasons to distrust land use ordinances. The last major one was providing for 17-story projects under the guise of the Downtown Plan Extension. The "Objective Standards" before you should be renamed "Objective Standards to Maximize Excessive Development Interests".

I feel very strongly about this. I particularly object to eliminating many public hearing opportunities. I implore you to incorporate all of Rick Hyman's thoughtful and necessary additions.

Your mandate is to serve all residents and not just local and out of town real estate and development interests.

Thank you for your time and taking my comments seriously!

Ron Pomerantz

Sent from my Magic phone

Rosemary Balsley

From: Dusten Dennis <dusten_dennis@hotmail.com>
Sent: Monday, August 22, 2022 12:35 PM
To: City Council
Subject: Adopt Agenda Item #21- Objective Standards

Dear City Council,

I urge you to adopt agenda item #21. This will align our building code with our general plan and allow the building of homes along a compact corridor that will enable us to reduce our carbon footprint.

Thank You,

Dusten Dennis
920 Cayuga St.
Santa Cruz CA 95062

Rosemary Balsley

From: Michele Newman <michele@michelenewman.us>
Sent: Monday, August 22, 2022 12:37 PM
To: Karen Kaplan
Cc: City Council
Subject: Re: Tues. Aug 23, 2022: City of Santa Cruz Planning Policy

I support everything that Karen Kaplan has written to you below. I've lived in Santa Cruz since 1976 and believe that public comments are imperative for all new high-density living projects. It's incumbent upon us that we maintain public comments if we're to keep a local democratic process functioning.

Thank you, Michele Newman

----- On Mon, 22 Aug 2022 07:34:47 -0700 **Karen Kaplan <kaplanks@hotmail.com>** wrote ----

Dear Mayor and Santa Cruz City Council:

RE: Agenda Item #21

City of Santa Cruz Planning Policy & Development Mandates

Tuesday, August 23, 2022, 6 PM: Meeting at Santa Cruz City Hall

809 Center Street, Santa Cruz, CA 96060

<https://ecm.cityofsantacruz.com/OnBaseAgendaOnline/Meetings/ViewMeeting?id=1945&doctype=1>

New requirements imposed by state laws to build higher densities, while reducing public participation in local development decisions, are unfair.

Without opportunities for community review, the future vision of Santa Cruz will be designed by investors and developers, for their profit, without input by local residents and neighbors who may be negatively impacted.

Santa Cruz City Council hears recommendations for land use and planning changes and will approve major increases in development densities, pressured by state mandates.

Proposed changes are complex. The public needs time to review final documents.

Staff proposes to eliminate public review and input, even for the highest density projects.

Without public review, a consequence may be an increase in public protests, causing further delays and expense.

A majority of Planning Commissioners do not recommend supporting the staff proposal because it does not guarantee that new units will be affordable for people earning less than \$87K per year or for people who are trying to survive, below the poverty line.

If there is more building in Santa Cruz, the purpose should be to solve the homeless crisis and should be 100% truly affordable or government subsidized for the people who truly need it; for people who are from our community and have ties to our community. Development should accommodate seniors and disabled, so they may remain living in our community near their children, grandchildren and friends. Apartments should be walking distance to grocery stores, public transportation and should include laundry facilities, an outdoor

garden, indoor and outdoor recreation space and a community room. No one wants to live in a boring box. Designing for happiness in one's home should be a priority.

Santa Cruz does not need to build more luxury high-rise apartments and condominiums, to increase population.

Santa Cruz is already too overcrowded and is quickly losing its quaint, small-town charm.

There is not enough water, parking space and public transportation to support building projects.

Highways 1 and 17 are already overcrowded. The flow of traffic is impeded by increased development, without supporting infrastructure.

"If you build it, they will come" but what water will they drink, if there is a drought?
Where will they drive, if the highways are jammed?
Where will they park?

After development decisions are made, it is difficult or nearly impossible for the public to amend.

Keep Santa Cruz the "small town" that I love!

Thank you for your consideration.

Sincerely,
Karen Kaplan
Resident of Santa Cruz County Since 1974

Rosemary Balsley

From: Gerda Endemann <gerda.endemann@gmail.com>
Sent: Monday, August 22, 2022 12:44 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities.

Thank you for taking my objections seriously!

Sincerely,
Gerda Endemann

Gerda Endemann, PhD
139 Magnolia Street
Santa Cruz, CA 95062

Rosemary Balsley

From: vicb@cruzio.com
Sent: Monday, August 22, 2022 12:50 PM
To: City Council
Subject: Objective Standards Proposal

Dear City Council,

As a homeowner within one block of Water/Branciforte, I support the position of Save Santa Cruz on the Objective Standards proposal scheduled for a Council vote on Aug. 23. I've spent a lot of time trying to figure out exactly what this proposal would do, and I'm still confused.

The proposal should articulated much more clearly to facilitate informed public comment on the changes, which (it appears) will have a major impact on future large (and tall) housing developments. Save Santa Cruz has specifically raised concerns that the Objective Standards proposal will reduce public input opportunities for such large projects, and this should be addressed as the Objective Standards proposal is clarified.

In short, please don't pass the so-called "Objective Standards" proposal in its current form.

Sincerely,

Victoria Bolam

114 Dake Ave, Santa Cruz 95062

Rosemary Balsley

From: Myra Ritchey <ritcheymyra@gmail.com>
Sent: Monday, August 22, 2022 12:52 PM
To: City Council
Subject: No - Objective Standards Proposal

Dear Council Members,

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Sincerely,
Myra Ritchey

Rosemary Balsley

From: cathy puccinelli <puccinellcathy@yahoo.com>
Sent: Monday, August 22, 2022 1:03 PM
To: City Council
Subject: Objective Standard

Dear Councilmember

I am outraged of our planning staff recommendations on Objective Standards. You only have to read the many public letters coming on behalf of hundreds of concerned citizens as to why. I feel as our words and our messages do not matter, the public process has been minimal at best and our community violated. Have you read the 1400+ report?
Say No to recommendations.

Cathy Puccinelli

Sent from my iPhone

Rosemary Balsley

From: Andrew Trapani <andrewtrapani@gmail.com>
Sent: Monday, August 22, 2022 1:13 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. They are the product of a community that came together to discuss and give feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. These standards will help us build the housing we desperately need.

I further support the recommendation from the city's Transportation and Public Works Committee (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Rosemary Balsley

From: Ajay Shenoy <ajay.m.shenoy@gmail.com>
Sent: Monday, August 22, 2022 1:21 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

Dear Members of the City Council:

I am writing on Agenda Item 21 - Objective Standards - and urge adoption.

Objective standards are the only fair way to mediate between the concerns of the local community and our desperate need for more affordable housing.

The standards are the product of long consultation. They achieve this balance. They will stimulate and speed the development of new projects while ensuring the final product is in keeping with the character of the neighborhood. They will prevent strident and unrepresentative voices from inventing excuses to derail or delay the housing we need.

I further support the recommendation from the city's Transportation and Public Works Committee (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Thank you,
Ajay Shenoy
Resident, Upper Westside

Rosemary Balsley

From: Benjamin Breen <bebreen@ucsc.edu>
Sent: Monday, August 22, 2022 1:50 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

Dear City Council members,

My name is Ben Breen. I live in the employee housing at UCSC and teach in the history department.

I am writing in regards to Agenda Item 21 - Objective Standards - and urge adoption. I support the staff's recommendation, which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. These standards will help us build the housing we desperately need.

I also support the recommendation from the city's Transportation and Public Works Committee that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Thank you for your hard work on this and other issues!

Ben

Benjamin Breen

Associate Professor of History
University of California, Santa Cruz

Email: bebreen@ucsc.edu

Web: <https://history.ucsc.edu/faculty/profiles/index.php?uid=bebreen>

Book: [*The Age of Intoxication: Origins of the Global Drug Trade*](#)

Rosemary Balsley

From: Michael Funari <funarima2009@yahoo.com>
Sent: Monday, August 22, 2022 1:49 PM
To: City Council
Subject: Constituent Representation

Santa Cruz voters, in hopes of creating greater more equitable representation passed measure E last June. It appears the city council is poised to represent the interests of investors and developers whose primary concern is maximizing profits. Who on the council will represent the thousands of residents that moved to Santa Cruz to live in a serene seaside community not an overcrowded city filled with nondescript high density, high rise apartments with woefully inadequate infrastructure? Santa Cruz should not be sold off the highest bidder.

Rosemary Balsley

From: Robynne Blume <robynneblume@gmail.com>
Sent: Monday, August 22, 2022 1:53 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. They are the product of a community that came together to discuss and give feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. These standards will help us build the housing we desperately need.

I further support the recommendation from the city's Transportation and Public Works Committee (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Thank you for your time,

Robynne Blume

Rosemary Balsley

From: Ann Simonton <mwatch@cruzio.com>
Sent: Monday, August 22, 2022 2:08 PM
To: City Council
Subject: Item 21 on current Agenda

Dear Mayor Brunner, And council members:

I am writing in regard to Item 21 on your Agenda. The changes being proposed can't be solely blamed on new state regulations. The changes are sweeping, complex and require that the public have time to review the final documents.

Voting to eliminate public review and input on these projects will reflect very badly during upcoming elections and beyond. Remember the council is the voice of the people not City Staff. Council is in charge of City Staff not the other way around. The Staff is even going against what the majority of Planning Commissioners support.

Many in our fair city want more affordable units for households earning less than 87K a year.

Once your decisions are made the legacy of your vote will become known to the current electorate. Remember that climate change causes more floods and earthquakes. Citizen who lived through that were told after the Loma Prieta quake not to build downtown due to liquefaction factors and being in flood zone. Lives could be lost due to rampant unthought out building policies.

Thank you for allowing public input, time and consideration for these HUGE changes in building policies.

Thank you for your service and consideration.

Sincerely,
Ann Simonton

Rosemary Balsley

From: Jane Mio <jmio@earthlink.net>
Sent: Monday, August 22, 2022 2:13 PM
To: City Council
Subject: Agenda Item # 21 ~ 8/23/22City Council Meeting

Item # 21 Amendments to Municipal Code Titles 6, 12, 13, 15, 16 and 24 Related to Objective Development Standards for Multi-Family Housing, New Mixed Use Zoning Districts,

Dear City Council Members,

To-morrow you are asked to address item # 21, which will have monumental impact on a place Santa Cruz City residents call home.

The much heralded narrative throughout the Santa Cruz Community is that residents love living in this City, because it offers a unique 'Quality of Life' due to its neighborhoods, small/unique town features, strong, engaged community connections & beautiful natural resources.

Missing from that narrative is loving out-of character high buildings, traffic congestions, overcrowded neighborhoods, reduced tree canopy, compromised/stressed natural resources.

Item # 21 puts this common, uniting thread into grave jeopardy, because these amendments will alter the City of Santa Cruz famous 'Quality of Life' title for decades to come.

In consideration of the item # 21 consequences great care is necessary to assure a.) City Council's directives to the Planning Dept. were effectively addressed with the amendments related to Objective Standards, b.) Community access to a clear understanding how the submitted # 21 material will change the character of neighborhoods, c.) the impacted residents have adequate opportunity to voice their input/feedback.

Thank you for your efforts on behalf of our 'Quality of Life' fame.

Kind regards,
jane mio

Rosemary Balsley

From: paul gratz <pauljg45@pacbell.net>
Sent: Monday, August 22, 2022 2:26 PM
To: City Council
Subject: Comment Re. Proposed Objective Standards /August 23, 2022 Agenda

Paul Gratz
501 Prospect Hts.
Santa Cruz, CA 95065

August 22, 2022

The confusing proposal before you, if approved, will eliminate public hearings on significant building projects, eliminating the right of residents and businesses to comment and influence on the development decisions that will affect their lives, their neighborhoods, and livelihoods.

Thank you,
Paul Gratz

Rosemary Balsley

From: Chloe Bradburn <cbradburn@housingmatterssc.org>
Sent: Monday, August 22, 2022 2:36 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. These standards are the product of lots of community discussion and feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. This enables housing that is already allowed in our city and is desperately needed.

I further support the recommendation from the city's Transportation and Public Works Commission (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Thank you.

Best,
Chloe

--



Chloe Bradburn (she/they)
Service Navigation Coordinator
(831) 266-2504
housingmatterssc.org
cbradburn@housingmatterssc.org

Resolving Homelessness Together *since 1986*

Rosemary Balsley

From: Rafa Sonnenfeld <rsonn27@gmail.com>
Sent: Monday, August 22, 2022 2:49 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. These standards are the product of lots of community discussion and feedback to the city's planning project. We've spent months having public meetings and taking community surveys. These standards actually provide the city with more control over development that is already allowed here by our general plan.

I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. I further support the recommendation from the city's Transportation and Public Works Commission (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Rosemary Balsley

From: Mark Mesiti-Miller <markmesitimiller@gmail.com>
Sent: Monday, August 22, 2022 3:03 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

Greetings Mayor Brunner and Councilmembers,

I urge you to vote to adopt all proposed amendments to the municipal code as recommended by City Staff.

These amendments are the product of a community that came together to discuss and give feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. Adopting these amendments to our current standards will help us build the housing we desperately need, especially deed-restricted, permanently affordable housing.

I further support the recommendation from the city's Transportation and Public Works Committee (as supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Thank you,

Mark

Mark Mesiti-Miller
Professional Civil Engineer and 39 year resident of Santa Cruz City

Rosemary Balsley

From: Jim Burns <jrburns8788@gmail.com>
Sent: Monday, August 22, 2022 3:04 PM
To: Sonja Brunner; Martine Watkins; Donna Meyers; Shebreh Kalantari-Johnson; Justin Cummings; Sandy Brown; Renee Golder
Cc: City Council
Subject: Comment on Item 21 of your August 23 agenda

August 22, 2022

Dear Mayor Brunner and Other Members of the Santa Cruz City Council,

We are writing to express our significant opposition to the proposal Staff has put forth in Item 21 of the agenda for your meeting on Tuesday, August 23, 2022. It's the item relating to Objective Development Standards.

At the risk of sounding disrespectful to Staff who worked on this project (that is certainly not our intention with this letter), we are quite simply horrified by the direction this project has taken.

Two aspects of the work are especially troubling:

- The "sky's the limit" extent to which Staff seems comfortable supporting outlandishly high housing projects for the Eastside (so what else is new?).
- The fact that Staff seems to be suggesting that they want to seriously curtail public input on such impactful buildings. Wow!

Sky's the Limit: To be clear, other than carefully studied and appropriate locations in our downtown, we think buildings the size that Staff envisions will ruin the character of Santa Cruz (forever) and overwhelm the municipal infrastructure. And they will seriously impact adjoining neighbors who will be forced to live in their shadow (not just a metaphor).

We both recall the planner in charge of the Objective Standards work saying something like this at one of the early Planning Commission meetings on these standards: "Well, we've got to put tall buildings somewhere" with respect to her targeting the Eastside with such behemoths. Is that good (and fair) planning? If they have to go "somewhere" other than downtown, why not put them in the vicinity of Mission Street (which oddly seems spared by this latest proposal). The small unit size that is typical of such overly large buildings might work for UCSC students (the size of units in these types of buildings certainly does not make them family friendly), so why not have them located closer to campus? Is locating the tallest buildings further away (and two separate bus rides) from campus make even a smidge of sense? Of course not.

But we are all in this together, which made us really wonder why staff didn't seem to consider ways to reduce the impacts of tall developments that are immediately adjacent to *any* existing R-1 residences. Why concentrate MU-H zoning along Water Street and Soquel Avenue, immediately adjacent to existing residential properties, but propose MU-M zoning for Mission Street. Makes no sense.

Why not re-zone proposed MU-H parcels to MU-M *wherever* these parcels adjoin existing R-1 zoning?

Curtailling public input: We seem to recall that there was much made of having public meetings re. the 831 Water Street proposal — and the City said it was struggling with the fact that the *state* was limiting such input.

Not anymore, it seems, as now the *Staff* seems to be proposing that same kind of public firewall. And over the most controversial projects! What gives with that?

We could also mention the fact that this whole effort should have warranted a General Plan Amendment in the first place. But the argument — until now, it seems — was that that was just too much work. Really? Too much work to do the job correctly from the outset?

As we bring this correspondence to an end, I suppose we should anticipate that the YIMBY folks will want you to believe that our (and many others') opposition to this Objective Standards work (both in terms of product and process) means we are anti-housing. PLEASE ... in the name of honesty, push back against that tired refrain. Let's see: Because we are in favor of good planning, in favor of balanced, reasonably sized projects, and in favor of a solid planning process, we are anti-housing? Nothing could be further from the truth.

We both absolutely recognize that Santa Cruz needs more housing. We just want it to be done in a way that provides balance, maintains the charm that defines our town, and doesn't overwhelm an already taxed infrastructure.

And we are far from alone in our thinking about this, as evidenced by the nearly 600 people who found and signed the [petition](#) launched last year on the web site of the "831 Responsible Development" citizens group. These are your constituents; please consider their views.

Thank you very much for considering our concerns — and thank you very much for your tireless service!

Nancy and Jim Burns
Santa Cruz

Rosemary Balsley

From: geri lieby <glieby@gmail.com>
Sent: Monday, August 22, 2022 3:05 PM
To: City Council
Subject: Objective Standards

Hello,

The Objective Standards address the needs of now and the future. The city must not be locked into a nostalgic memory of Santa Cruz. I'm old. I remember the old Santa Cruz. It was great. But now is the time to embrace change.

Please vote in support of the Objective Standards.

Geri Lieby

Rosemary Balsley

From: Bernadette Ramer <baramer@sbcglobal.net>
Sent: Monday, August 22, 2022 3:15 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

We need to have community input especially when it affects the quality of life in our neighborhoods and our town.

Respectfully,
Bernadette Ramer
Santa Cruz City Resident in affected area

Rosemary Balsley

From: Santa Cruz YIMBY <santacruzylimby@gmail.com>
Sent: Monday, August 22, 2022 3:19 PM
To: City Council
Subject: In Support of Multi-Family Objective Standards
Attachments: Santa Cruz YIMBY - Objective Standards Letter - Support.pdf

Good Afternoon,

Please find our organization's support letter attached.

Thank you,
Santa Cruz YIMBY Leads



Dear City Council,

Thank you so much for considering the adoption of objective standards. We're pleased that the community came together to push for objective standards over the past year. This will help us build the housing and infrastructure that we need in a manner that matches the look and feel that we want buildings to have.

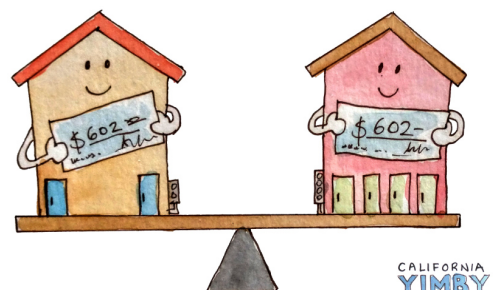
Our members and many other members of the community participated in reviewing draft standards as well as the ones before you now. Input was gathered and questions were raised over the course of many months of public meetings, including both wider community engagement processes and commission meetings. In some of the previous meetings we even expressed concerns about setbacks limiting the amount of housing. We'd like to see this go forward because we can always refine it more later.

We **support the staff's recommendation** and would also like to make one addition, the same one made during the May 16th Transportation and Public Works Commission Meeting:

The Transportation and Public Works Commission recommends that the City Council approve revisions to the Santa Cruz Municipal Code that regulate Public Works, with recommendation that staff adjust implementation of site public improvements based upon building square footage in accordance with AB 602.

As the currently written objective standards state, there are specific site-based improvements that are applied only if a project is 3 or more units. This incentivizes larger, more expensive projects because the impact is assessed by unit rather than size — even though larger single-family homes have higher impacts than small apartments.

The California legislature also saw this as an issue. In 2021 the Legislature along with Governor Gavin Newsom signed into law AB 602 which requires that fees be proportional to



the size of the building rather than the number of doors. AB 602 also requires local governments to improve the transparency of their housing impact fees, by identifying all of the fees and explaining their intended use.

In a spirit of fairness and adherence to the spirit of the law via AB 602, we recommend that staff adjust the implementation of site public improvements based on building square footage.

We are committed to seeing the objective standards improve over time. Even if our proposed amendment does not make it in, we support staff's direction to move forward with these objective standards that codify what was previously already allowed by the city. Opponents to this seem to be missing that having these standards actually give us more local control than the status quo of not having them. It's time to update our beliefs with what is codified in legislation and the scale of the problems before us!

There are tools in the state code to allow us to vary from the objective standards. If we finish writing these, we have a process to support the use of those tools to alter projects. There will still be community meetings and the community still maintains the right of appeal.

Please **support the staff's recommendation and direct staff to study the implementation of site public improvements based upon building square footage in accordance with AB 602.**

Thank you,

Ryan Meckel
Janine Roeth
Rafa Sonnenfeld

Santa Cruz YIMBY Leads

Rosemary Balsley

From: Don Lane <donlane132@gmail.com>
Sent: Monday, August 22, 2022 3:22 PM
To: City Council
Subject: Agenda Item 21 - Objective Standards

Dear Mayor and Councilmembers,

I hope you will move forward this week and adopt objective development standards for multifamily housing. I know your staff and many community members have been working for many months on this issue and it is now ripe for action.

I share the desire of many in the community to have these standards deliver much-needed multi-story apartments - especially apartments to house working families and lower income households in our community. However, I also urge caution in adopting unrealistic inclusionary requirements. The City needs to find the sweet spot with inclusionary requirements so that those requirements do not turn out to prevent the development of housing for people who need it. Rather than arbitrarily select a percentage that might make most housing projects infeasible, please adopt inclusionary percentages based on real expertise on housing development and finance. We need real affordable units built-- policies and numbers that appear good on the surface but stop housing development will not be meaningful in addressing our actual housing needs.

Best wishes for success in your ongoing efforts to alleviate the housing affordability and availability crisis in Santa Cruz. Many struggling families and individuals are counting on you.

Thank you for your service.

Don Lane

Rosemary Balsley

From: jfbergs <jfbergs@sbcglobal.net>
Sent: Monday, August 22, 2022 3:31 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. These standards are the product of lots of community discussion and feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. This enables housing that is already allowed in our city and is desperately needed.

I further support the recommendation from the city's Transportation and Public Works Commission (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Sincerely,
Joel Steinberg
95060

Sent via the Samsung Galaxy S21 5G, an AT&T 5G smartphone

Rosemary Balsley

From: Guy Lasnier <surfguy@gmail.com>
Sent: Monday, August 22, 2022 3:58 PM
To: Sonja Brunner; Sandy Brown; Donna Meyers; Justin Cummings; Renee Golder; Martine Watkins; Shebreh Kalantari-Johnson
Cc: City Council
Subject: RE: Item 21 August 23 agenda -- Please use this in place of my earlier letter

[The following is submitted to replace an earlier draft-in-progress mistakenly sent at 3:36 pm today. I apologize for the mix-up.]

Aug. 22, 2022

Dear Mayor Brunner and City Council Members,

I urge you to take no action Tuesday, Aug. 23 on the so-called Objective Standards proposal (Item 21 that appears to be rushed through with little opportunity for public review or comment. Instead I urge the Council to:

- Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.
- Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community – and the Council itself – can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.
- Further, the Council meeting at which action is ultimately taken should be structured to provide the maximum amount of time for interested members of the public to provide detailed, substantive suggestions.

Nearly 400 parcels are being re-zoned (generally “up”), along Ocean, Water, Soquel, B40, and Mission streets. The new "mixed-use high density" designation that staff is proposing for Water Street, Branciforte Avenue and Soquel Avenue (as well as many other streets) would bring the "base" height allowance up to 60 feet and as we've seen the height can go up much higher than that "base" height when a developer uses the new state density bonus law.

A second issue is that City Planning Staff is also trying to persuade you to include ministerial streamlining into the City's municipal code (not just SB 35 projects). Again, the result being minimal opportunity for public review and comment.

The consequences of these issues--intended or otherwise--are too significant to push through without adequate review and discussion, by yourselves and the public.

Thank you for your consistent attention and service to our community.

Sincerely,

Guy Lasnier

Rosemary Balsley

From: Dustin Wilson <betabullet8@gmail.com>
Sent: Monday, August 22, 2022 3:35 PM
To: City Council
Subject: Vote "No" on Objective Standards Proposal

Dear Mayor Brunner and City Council Members:

We are extremely provoked at the proposed ordinance amendments and the objective standards that the City staff is recommending at the next City Council meeting.

We feel that it is short sighted, reckless and goes contrary to what the City Council has directed the Planning Commission to do concerning development proposals and land use in the City of Santa Cruz in the recent past, after the ill-fated "Corridors Plan".

The current proposal will result in increased high density development, which is completely out of character for our City. Not only that, there will be fewer opportunities for City residents and small business owners to provide meaningful input concerning development, as is their right.

Please delay passage of the proposal until the Planning Commission includes opportunities for public hearings on proposed development projects, and encourage the Planning Commission to prepare a presentation which would more fully explain the proposal to all stakeholders in the City.

Thank you for your good work for our fair city!

David Lavorando
Rosa Montoya

Santa Cruz

Rosemary Balsley

From: rjranger@sbcglobal.net
Sent: Monday, August 22, 2022 3:39 PM
To: City Council
Cc: Bob Ramer
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz for your not passing the so-called "Objective Standards" proposal. Although I recognize the need for more affordable housing and I support the building of 3-story high structures, the impact of 5-story buildings around residential neighborhoods would have a serious impact on those communities. I also object to the plan of eliminating many public hearing opportunities. Even with new state requirements in place, it's still the role of responsible leadership to gather input from local residents on proposals that will affect their quality of life.

Please take the time to fully evaluate the consequences of the actions you are considering and don't rush to any decisions that will adversely impact neighborhoods throughout the Santa Cruz area.

Respectfully yours,

Bob Ramer

Rosemary Balsley

From: Kevin Stierhoff <kevin.stierhoff@gmail.com>
Sent: Monday, August 22, 2022 3:41 PM
To: City Council
Subject: Objective Standards Objection

Dear City Council Members,

I strongly support the position of Save Santa Cruz. Please do not pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. The community needs to have an opportunity to weigh in on this drastic change to city zoning and policies. Thank you for taking my objections seriously!

Sincerely,
Kevin Stierhoff
203 Leonard St

Rosemary Balsley

From: Susan Stuart <sstuart@cruzio.com>
Sent: Monday, August 22, 2022 3:46 PM
To: City Council
Subject: YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. These standards are the product of lots of community discussion and feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. This enables housing that is already allowed in our city and is desperately needed.

I further support the recommendation from the city's Transportation and Public Works Commission (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Susan M Stuart
204 Dickens Way
Santa Cruz, CA 95064

Rosemary Balsley

From: Donna Murphy <donna@dm5.biz>
Sent: Monday, August 22, 2022 3:50 PM
To: City Council
Subject: Support for Objective Standards!

Councilmembers:

Please accept the staff recommended amendments to the Municipal Code and Zoning Ordinances to align them with the existing General Plan, which is much over due.

The process and the staff recommendations should be commended for their thoroughness, diligence and content. The amendments are needed to fully implement land use patterns and designations in the 2030 General Plan, essential to supporting development of housing to meet the needs of the community. I strongly support the staff recommendation, including retaining the existing inclusionary zoning requirement. Let's not create additional complications and barriers; it is time to move these amendments forward.

Donna Murphy

Resident, city of Santa Cruz

Rosemary Balsley

From: Gail Jack <gailsharon4.5@gmail.com>
Sent: Monday, August 22, 2022 3:51 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. The project is way oversized for the location and will further clog up access to the downtown from the East Side of the City. This proposal does not have the backing of the community who live, drive, and work here. In particular, eliminating many public hearing opportunities is taking away the rights of the community.. Thank you for taking my objections seriously.

Gail Jack
Eastside resident

Rosemary Balsley

From: Ann Hubble <hubbletalk@gmail.com>
Sent: Monday, August 22, 2022 3:51 PM
To: City Council
Subject: I Object To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities.

Thank you for taking my objections seriously!

Sincerely,
Ann Hubble
118 Melrose Avenue
Santa Cruz, CA 95062

Rosemary Balsley

From: Deborah Marks <deborahmarks2@gmail.com>
Sent: Monday, August 22, 2022 3:53 PM
To: City Council
Subject: Objective Standards for meeting on 8/23/22

8/22/2022

Dear Mayo Brunner and City Council Members,

I am writing about the Objective Standards proposal that is on the City Council Agenda for 8/23/22.

The impact that these policies and rezoning Ocean St rezoning will have on my neighborhood will be devastating. I live in the Central Park neighborhood (Leonard, May Dakota) which is a block from Ocean and a block from Water St. Our quiet neighborhood consists of single family homes and small apartment complexes. The majority of our residents, renters and owners have lived here long term. There is a high proportion of families with young children in this neighborhood.

Residents in my neighborhood fought hard to gain protections from the high. density development changes planned for Ocean St. during the development of Ocean St Area Plan (OSAP). The City Planner sought our input and we were PROMISED that we would be **notified and included** in the zoning process for Ocean St. However, it appears that there was no process for public input on the rezoning of Ocean St. The zoning map in your Objective Standards is in fact **wrong**. The property at the corner of May and Leonard (119 Leonard) was deliberately **excluded from Ocean St zoning**, because this single family home is part of the Central Park neighborhood. The revised zoning map which extends the Ocean St density to the corner of Leonard and May is incorrect. There are also many other inconsistencies with the neighborhood protection aspects of the OSAP.

The General Plan, OSAP and Corridor Plan all had public input and participation, and community input was solicited from the City. In contrast there has been no effort, no notifications, no hearings to actively involve the community for the Objective Standards and rezoning process.

Like many others who live in the City of Santa Cruz I am in favor of **responsible** development projects that provide affordable housing for people who now live in this area and need housing. It is very reasonable and very feasible to develop projects that look attractive, provide affordable housing and also preserve the quality of life and character of existing residential neighborhoods. It is a fact that neighborhoods adjacent to the areas zoned for increased density are most at risk for adverse impacts from high density development. Cutting city residents out of this process is unconscionable.

I have personally seen how public hearings with reasonable developers can result in better projects with better design qualities and compatibility with adjacent neighborhoods. A good example of this is the low income apartment complex at 708 Water St. This building was initially proposed as a prison like design but with community input ended up with an attractive design with some architectural interest that is pleasant for residents and community members, it has character and is compatible with nearby structures. Without community input this would not have happened.

The Municipal Code amendments and Objective Standards proposal is overwhelmingly complex. There has been no significant outreach to the community to educate or engage participation in public meetings to identify how these changes will impact residential neighborhoods, local businesses and the overall community.

I strongly support the position of Save Santa Cruz. Please do not pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. The community needs to have an opportunity to weigh in on this drastic change to city zoning and policies. Thank you for taking my objections seriously!

Sincerely,
Deborah Marks
207 Leonard St , Santa Cruz, CA 95060
831 247-4510

Rosemary Balsley

From: Ryan Bailey <bailey.engr@gmail.com>
Sent: Monday, August 22, 2022 3:54 PM
To: City Council
Subject: Objective Standards and City Council Agenda 8/22

Dear Mayor Brunner and City Council Members,

I strongly support the position of Save Santa Cruz. Please do not pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. The community needs to have an opportunity to weigh in on this drastic change to city zoning and policies. Thank you for taking my objections seriously.

I do support building more and affordable housing. I am directly next door to the 515 Soquel Project and it will impact my property and neighborhood. We have been working closing with the City Planner and Developers and so far it has been a great conversation. We just hope to continue to have the opportunity to participate and weigh in on these projects that will change the neighborhoods, so that they are executed to the advantage of current and future residents.

Regards,
Ryan

Ryan Bailey
126 May Ave
Santa Cruz, CA

Rosemary Balsley

From: Gabrielle Diane Laney-Andrews <gdlaney@icloud.com>
Sent: Monday, August 22, 2022 4:06 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

To the City Council,

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Gabrielle Laney-Andrews
gdlaney@icloud.com

Rosemary Balsley

From: Storey La Montagne <storey_la_montagne@hotmail.com>
Sent: Monday, August 22, 2022 4:07 PM
To: City Council
Subject: I Object To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. I understand the need for affordable housing but it needs to be balanced with the impact to our existing neighborhoods.

Thank you for taking my objections seriously!

Sincerely,
Storey La Montagne
118 Melrose Avenue
Santa Cruz, CA 95062

Rosemary Balsley

From: Ellen Murtha <efmurtha@cruzio.com>
Sent: Monday, August 22, 2022 4:07 PM
To: City Council
Subject: Proposed Objective Standards 8.23.2022 Agenda

Mayor Brunner and City Council Members,

Thank you for working to improve our City standards for housing development decisions; please ensure the Objective Standards ensure our City Council objectives of preserving and protecting residential neighborhoods and existing businesses. I am concerned that this version of the Objective Standards could limit public comment/hearings on large developments and empower staff rather than you - our elected representatives. The State has already limited our City input on housing developments; our Objective Standards should balance that with care for the people's concerns. I agree with the letter written by Gary Patton and Jerry Christiansen of Save Santa Cruz. We have a treasure in Santa Cruz City, please preserve it. As elected governance, the Council is responsible for upholding the vision of the people.

Thank you,
Ellen Fitzgerald Murtha

Rosemary Balsley

From: Jacquelyn Griffith <jkgriffith2@icloud.com>
Sent: Monday, August 22, 2022 4:11 PM
To: City Council
Subject: SC Planning Policy Changes ...COMPLEX/ PUBLIC NEEDS TIME TO REVIEW FINAL DOCUMENT & My Comments

We NEED time to review all of this.....the state law changes and the SC Planning Policy changes! This is Far too important to push through and doing so would create a lot of community outrage. The Staff proposal to eliminate public review and input even into the highest density projects is extremely destructive to City residents. It is authoritarian! It cuts out citizens' feeling part of the community, shaping it and caring for it and noticing what is working and what needs attention.

With global warming, we have quite a lot of construction planned already, given our WATER supply. Traffic is already a problem and we need to plan growth carefully so people can get where they need to go and not waste time and fossil fuels in the process.

A majority of our Planning Commissioners have recommended that a fair share of any new units will be affordable to people earning less than \$87K a year and the staff report does not even recommend that. We are a community with people who have lived and worked here for many years and have close family and friends here and we need affordable housing! People who have spent their lives working here should be able to stay, but Very few seniors Ever earned \$87K a year and so many younger people are plagued by college debt or work in jobs the public needs but which pay considerably less. We need to determine what share of affordable units is fair and what income level should determine "affordable".

The Staff report's rules certainly look good to developers. But the City Staff and the City Council answer to the public, not just to who will bring in the most tax money. We need care and consideration in meeting the public's needs in this time of great changes. Once these rules are set there is little chance to fix unintended consequences.

Please allow adequate time and public input so as to maintain community spirit, democratic values and our democratic, participatory way of life! 🙏

Jacquelyn Griffith
42 year resident, homeowner, retired public educator with 12 years voluntary service on City and County Boards and Commissions.

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Jacquy

Rosemary Balsley

From: Nancy Niles <nniles70@gmail.com>
Sent: Monday, August 22, 2022 4:20 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. The "Objective Standards" proposal in its current form is a bad idea. I object to eliminating many public hearing opportunities. Thank you for your consideration of my objection.

Nancy Niles

Rosemary Balsley

From: Adrian Pearson <Adrian@PearsonResearch.com>
Sent: Monday, August 22, 2022 4:21 PM
To: Sonja Brunner; Martine Watkins; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Donna Meyers; City Council
Subject: August 23, 2022, 6 pm Agenda Item, Code Changes

TO:
Mayor, Council Members, and All Concerned

On behalf of Save Santa Cruz Westside, this is in support of the letter to Santa Cruz City Council, dated August 16, 2022, authored by Gary Patton and Jerry Christensen for Save Santa Cruz.

We agree with the points made in the above-referenced letter. **We request and urge that Council take no action on changes to the City's Municipal Code at this time.**

Municipal Code changes have far-reaching impacts and must always be approached with the most careful consideration. Code changes can cause unintended consequences and therefore require diligence in thoughtful evaluation. The proposed amendments to the Santa Cruz Municipal Code, set for agenda on August 23, are numerous and sweeping. A comprehensive evaluation of the impacts and consequences of these proposed amendments has not been set forth, and this is necessary for good decision-making.

Therefore, we respectfully ask that you demonstrate caution and wisdom in your leadership, and foster the trust the public has placed in you, by postponing action on this agenda item.

Cordially,

Adrian Pearson
for Save Santa Cruz Westside

Rosemary Balsley

From: Judy Weaver <jbweaver@cruzio.com>
Sent: Monday, August 22, 2022 4:22 PM
To: City Council
Subject: Objective Standards Proposal/August 23, 2022 Agenda

Dear Mayor Brunner and Council Members:

I am very concerned about the impact of the Objective Standards Proposal on the rights of city residents to participate in public hearings on proposed city development projects.

I strongly support the recommendations of Save Santa Cruz:

1. Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.
2. Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community - and the Council itself - can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.

I also strongly recommend that concerned members of the public are allowed sufficient time to make detailed, comprehensive comments at any City Council meeting in which action on this proposal is scheduled. Thank you.

Respectfully,
Judith Weaver
Santa Cruz CA 95060

Rosemary Balsley

From: Philip Boutelle <philboutelle@gmail.com>
Sent: Monday, August 22, 2022 4:23 PM
To: City Council
Subject: Agenda Item #21, Objective Standards

Mayor Brunner, Councilmembers:

I am writing to highlight the recommendation from the TPWC regarding objective standards for public works. The council agenda report for this item provides the following summary:

These proposed amendments were reviewed by the Transportation and Public Works Commission on May 16, 2022 and received a recommendation for approval by the City Council.

This statement is accurate, but it omits the specific unanimous recommendation from the TPWC. This recommendation can be found on page 19 of your agenda packet for item 21, in the document titled 'TPWC STAFF REPORT AND MINUTES, OBJECTIVE STANDARDS, MAY 16, 2022.PDF' (emphasis added):

*MOTION: Commissioner Ulyate-Crow moved, seconded by Commissioner Kelley, that the Transportation and Public Works Commission recommend that the City Council approve revisions to the Santa Cruz Municipal Code that regulate Public Works, **with recommendation that staff adjust implementation of site public improvements based upon building square footage in accordance with AB 602.** In addition, a formal request that this language be brought back to Transportation and Public Works Commission for revision including curb management, 15.15.020, 15.20.060, and egress.*

AB 602 became law on 1/1/2022, and requires that impact fees are proportional to the size of a new home, so that smaller individual homes pay smaller impact fees (as opposed to per-unit impact fees, which can incentivize larger, more expensive projects). The law also requires local governments to improve the transparency of housing impact fees, by identifying all of the fees and explaining their intended use.

Thank you,
-Phil Boutelle
Chair, Transportation and Public Works Commission.

Rosemary Balsley

From: Kate Achilles <kateachilles@gmail.com>
Sent: Monday, August 22, 2022 4:31 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

Hi,

I live in the Central Park neighborhood and have serious concerns about the future of my community if our input is not fully considered or valued for future development projects in Santa Cruz. Therefore, I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

Sincerely,
Kate Achilles
203 Leonard St.

Rosemary Balsley

From: Jim Rumble <jimrmlh@gmail.com>
Sent: Monday, August 22, 2022 4:37 PM
To: City Council
Subject: Objection To "Objective Standards" Proposal

Dear Mayor Brunner and Council Members,

I have reviewed Item 21 on tomorrow's agenda relating to the proposed "Objectivative Standards" and have serious concerns about the proposed standards. I believe the community is not being given adequate information to understand the full impact of these standards on residential neighborhoods and local businesses. Furthermore, the community is not being sufficient time to review and comment on the proposed standards and their impact. I urge you to not pass the so-called "Objective Standards" proposal at tomorrow's meeting. Thank you for taking my concerns seriously!

Jim Rumble

Rosemary Balsley

From: kirby harris <hemeah@att.net>
Sent: Monday, August 22, 2022 4:41 PM
To: City Council
Subject: WATER STREET MONSTROSITY

My daughters and their neighbors live on Belvedere Terrace DIRECTLY behind where this hideous housing complex is to be built. It is unconsonable that YOU the City Council, City Manager and Santa Cruz City government entertains even the slightest agreement that this is a suitable place to build such a thing. It is located on a BUSY part of Soquel on a DOWNHILL slope with lots of walking/bike traffic with the garage on this building spewing out cars onto on coming vehicls, bike riders and walkers who a trying to navigate the traffic.

The building is MUCH too high for this area. If they insist on putting this building thee it needs to be a MAXIMUM of 3 stories - NOT 5 to 7.t

It may have a garage but who living there is going to pay the ridiculous monthly fee to park when they can park on all the neighborhood streets surrounding this place.

This type of building IS NOT SUITABLE FOR EAST SANTA CRUZ. There is an abundance of vacant lots/properties closer to downtown and the west side that would serve these people better.

NO NO NO NO on this horrible project.

Rosemary Balsley

From: kirby harris <hemeah@att.net>
Sent: Monday, August 22, 2022 4:50 PM
To: City Council
Subject: WATER STREET/ MONSTROSITY

I just sent you an email. I realize that I describe WATER Street as SOQUEL in my email by mistake.
This is regards the project at Water & Branciforte that the council will be discussing this evening at 5 pm

Rosemary Balsley

From: Nancy K. <nakiehl@gmail.com>
Sent: Monday, August 22, 2022 4:43 PM
To: City Council
Subject: Objective Standards and City Council Agenda 8/22

Dear Mayor Brunner and City Council Members,

I strongly support the position of Save Santa Cruz. Please do not pass the so-called "Objective Standards" proposal in its current form. This appears to be a very troubling proposal and process. In particular I object to eliminating public hearing opportunities as projects are under consideration. The community needs continued opportunity to be informed and weigh in on this drastic change to city zoning and policies. Thank you for taking my objections seriously.

I recognize that Santa Cruz needs additional housing and this fact means buildings/projects will be developed. I am on May Ave, nearly across the street to the proposed entrance of 515 Soquel Project. It will impact my property and neighborhood. Collectively, neighbors and I worked closely with the City Planner and Developers. We hope to continue to have the opportunity to participate and weigh in on these projects that will change the neighborhoods. We need to insure that community process is upheld, in order to increase the possibility that they are executed to the advantage of current and future residents.

Please include my correspondence in your agenda packet for tomorrow's meeting.

Thank you,

Nancy Kiehl

Nancy Kiehl, CPCC, PCC, CPWC, NBHWC
Certified Coach
Santa Cruz, CA
303-518-3952
nancykiehl.com

Rosemary Balsley

From: Andree LeBourveau <anlebour@cabrillo.edu>
Sent: Monday, August 22, 2022 4:46 PM
To: City Council
Subject: NO to "Objective Standards" proposal

Dear Santa Cruz City Council members,
I am strongly against the "Objective Standards" proposal.

Democracy means the public has an input in our government.
Please do not limit public hearing opportunities.

Thank you,
Andree LeBourveau
131 Magnolia St
Santa Cruz, CA 95062

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Andrée LeBourveau
Visual Resource Curator
Visual, Applied, & Performing Arts
Cabrillo College
VAPA 1005
(831) 479-6343
M-Th: 8-12pm, F: 7:30-11:30am

~~~~~  
Library Resource Specialist  
Robert E. Swenson Library  
Cabrillo College  
1020  
(831) 479-5028  
M-Th: 1-5pm, F: 12-4pm

## Rosemary Balsley

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**From:** Jonathan Francisco <jonathantfrancisco@gmail.com>  
**Sent:** Monday, August 22, 2022 4:51 PM  
**To:** City Council  
**Subject:** Opposition to the Proposed 'Objective Standards' - August 23rd. 2022

Please do not approve the 'Objective Standards' as presented at your Aug 23rd 2022 meeting. Creating a process that does allow for public comment when approving or rejecting large scale development projects will be a net harm to the community. Such a process will only benefit developers and special interest groups. I remind all of you elected officials that your job is to represent the interest of the community and not developers. Not allowing the citizens to comment on the development of Santa Cruz seems counterproductive to what you all were elected to do.

So please take 'No Action' on agenda item 21 and do the following...

- 1) Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.
- 2) Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community, and the Council itself, can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.

With regards,

Jonathan Francisco  
162 Molly Way  
Santa Cruz CA 95065

## Rosemary Balsley

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**From:** Alison Russell <alisruss@gmail.com>  
**Sent:** Monday, August 22, 2022 4:51 PM  
**To:** City Council  
**Subject:** Public comment on Item 21 for City Council Agenda of August 23, 2022 (Objective Standards)

Dear Mayor Brunner and City Council members:

I would like to ask you to continue Item 21 for the following reasons:

1. At a time when our country's democratic processes are under attack, staff are proposing to eliminate public review and comment on objective standards for development, which could bring major changes to our General Plan and zoning. This follows on the heels of the state taking a similar position on S.B. 35 and other legislation affecting housing and development statewide. Blocking public input into the development of our city and neighborhoods is profoundly undemocratic and cannot be justified by an administrative need to "streamline" potentially impactful projects.
2. Despite the public outreach and engagement the planning department completed on objective standards, most city residents are not familiar with these proposals or the major changes they could bring about. The City should do a more in-depth job of helping people understand what's involved, why objective standards are important, and what the City's goals and objectives are. It feels as if residents are being asked just to trust the planning department's expertise and accept whatever development scheme is proposed. Homeowners, renters and all Santa Cruzans should be able to ask key questions and raise important issues, as the proposed objective standards could create sweeping changes in our city that will impact all of us.
3. I took part in a City workshop on the proposed standards, and, while I appreciated the opportunity, felt that it glossed over the magnitude of potential changes that could result. In addition, in comparing some of the text with that of other communities in California, I found the City's proposed standards quite complex and hard to understand without a planning background. The language in the proposed objective standards should be clear and understandable by all Council members and by average residents.
4. It is not clear how the proposed objective standards will help with housing affordability, or how they may or may not support the City's climate goals and need for shared green spaces and a healthy urban canopy.

Thank you.

Sincerely,

Alison M. Russell  
548 Sumner Street  
Santa Cruz, CA 95062



## Rosemary Balsley

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**From:** Tim Ledwith <tlewith@gmail.com>  
**Sent:** Monday, August 22, 2022 4:51 PM  
**To:** City Council  
**Subject:** Objection To "Objective Standards" Proposal

I strongly support the position of Save Santa Cruz. Please don't pass the so-called "Objective Standards" proposal in its current form. I feel very strongly about this, and particularly object to eliminating many public hearing opportunities. Thank you for taking my objections seriously!

It's been my experience that full impact of new developments on neighborhoods, infrastructure, and environment are not fully understood or assessed unless the people impacted are allowed to talk. Please retain this fundamental bit of democracy.

Tim Ledwith

## Rosemary Balsley

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**From:** Abbey Wilson <abbeygwilson@gmail.com>  
**Sent:** Monday, August 22, 2022 4:53 PM  
**To:** City Council  
**Subject:** Opposition to the Proposed 'Objective Standards' - August 23rd 2022

Please do not approve the 'Objective Standards' as presented at your Aug 23rd 2022 meeting. Creating a process that does allow for public comment when approving or rejecting large scale development projects will be a net harm to the community. Such a process will only benefit developers and special interest groups. I remind all of you elected officials that your job is to represent the interest of the community and not developers. Not allowing the citizens to comment on the development of Santa Cruz seems counterproductive to what you all were elected to do.

So please take 'No Action' on agenda item 21 and do the following...

- 1) Direct the Planning Department to return with a modified proposal that will maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.
- 2) Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community, and the Council itself, can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.

With regards,

Abbey Wilson  
162 Molly Way  
Santa Cruz CA 95065

## Rosemary Balsley

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**From:** Rachel McKay <rachelm17@gmail.com>  
**Sent:** Monday, August 22, 2022 4:54 PM  
**To:** City Council; Sonja Brunner; Donna Meyers; Justin Cummings; Martine Watkins; Shebreh Kalantari-Johnson; Sandy Brown; Renee Golder  
**Cc:** Doug Engfer; Lira Filippini  
**Subject:** Item 21, Agenda 23 Aug 2022 - Objective Development Standards

Dear Mayor Brunner and the members of the Santa Cruz City Council,

Yesterday I happened to read an online local paper and learned about agenda item 21 concerning the newly developed objective standards and the proposed changes to city zoning. When I read that the corner nearest to me is being upgraded to the highest density possible, I became deeply concerned. Fortunately my neighbors and I are able to respond rapidly through the 831 Responsible Development group.

My first concern remains with the uncertain geology of the corner of Water Street and N. Branciforte Avenue, in particular the 3 lots that were proposed for development recently. The Council voted against that development and only reversed that vote under the threat of being sued. I live on the bluff on Belvedere Terrace and have been spending the last few years working on erosion mitigation. We have a very high water table here and the geology shows that this area is the confluence of three different strata types. So putting a five story building on the 831 site seems very risky to me. I can see the subsidence happening. Another issue is an unlivable home just west of the proposed area to be zoned. This area is now proposed to become one the highest densities allowed in the city. Do you, as council members, want to be responsible for the possible collapse of a large building onto the Water Street corridor where most of our emergency vehicles travel? I hear their sirens daily.

My second concern is the haste asked for by the planning department. Here I cite the excellent letter that my neighbor Doug Engfer wrote. Clearly this is a change to policy and zoning that needs careful consideration and time to digest it. I concur with Doug's request for more time for the council to properly consider these extensive changes addressed in 1274 pages of material. I understand that the planning department is asking that you review this between tomorrow's meeting and the next regularly scheduled council meeting. Please follow Doug's suggestions for the timeline on this matter, not the rush job that Planning requests.

Doug's letter also addresses the requirement for buffers between high density corridor buildings and lower density neighborhoods; and it correctly points out that, in particular, the 831 site is too narrow to accommodate such buffers.

Third, as is pointed out by my neighbor, Lira Filipinni, is the proposed elimination of ministerial review. It seems clear that the Planning Department would rather make decisions without the input of the people who live here. Is that the sort of city that you want to live in? Democracy takes work and time and that is part of why it works.

In closing I remind you of the aphorism, haste makes waste. I ask that you Mayor Brunner and the excellent members of the City council actually take the time to review the document in agenda item 21. And I also ask you to also remember that serving the people means listening and allowing us the opportunity to speak.

Thank you,  
Rachel McKay  
Santa Cruz

PS I am joined in writing this letter by my mother, Joan Gilbert Martin. She adds that these zoning proposals are insanely ridiculous and make no sense. We both are in favor of adding more of the lowest of low income housing in Santa Cruz as that is what is most needed here; especially housing for families with children and not just SROs. A hummingbird just flew up, no doubt she joined us in being appalled by this new planning proposal.

**Rosemary Balsley**

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**From:** Anastasia Baboulevitch <anababu11@gmail.com>  
**Sent:** Monday, August 22, 2022 4:54 PM  
**To:** City Council  
**Subject:** YES on Agenda Item 21 - Objective Standards

I am writing on Agenda Item 21 - Objective Standards - and urge adoption. These standards are the product of lots of community discussion and feedback to the city's planning project. I support the staff's recommendation as proposed to the City Council which aligns zoning code with the general plan and adopts the Objective Standards for multi-family and mixed-use housing projects. This enables housing that is already allowed in our city and is desperately needed.

I further support the recommendation from the city's Transportation and Public Works Commission (and supported by Santa Cruz YIMBY) that staff adjust implementation of site public improvements and fees based upon building square footage in accordance with AB 602.

Sent from my iPhone

## Rosemary Balsley

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**From:** Kyle Kelley <rgbkrk@gmail.com>  
**Sent:** Monday, August 22, 2022 4:55 PM  
**To:** City Council; Sonja Brunner; Donna Meyers; Justin Cummings; Martine Watkins; Renee Golder; Sandy Brown; Shebreh Kalantari-Johnson  
**Subject:** YES to Objective Standards AND Fair Housing

Dear Mayor Brunner and City Council,

As someone who has participated in the objective standards process (through surveys, community meetings, and the transportation commission), I'm glad to see our objective standards moving forward. This is a good and necessary step as we seek to build abundant housing that can serve everyone well while still getting public improvement benefits.

There is one additional area that needs further study. On the transportation and public works commission, we unanimously voted to recommend that staff adjust the implementation of site public improvements based upon building square footage in accordance with [Assembly Bill 602](#), which was signed into law by Governor Newsom last year (9/2021). AB 602 requires impact fees to be proportional to the size of a new home so that smaller individual homes pay smaller fees.

As an example, in 2020 Housing Matters received planning approval from the City of Santa Cruz for a project to rehabilitate a long-vacant historic house, most recently used as a dentist's office over 20 years ago, into 7 units of permanent supportive housing. Those units averaged 490 square feet. *Each unit* was required to pay roughly the same as a 2500 square foot 4-bedroom townhouse.

We are literally requiring that the housing types that we need (multifamily, permanent supportive housing) pay much more than the type of housing that has 0% affordability (detached single-family home).

Let's make it fair and make it about the size of the building. If people don't like tall buildings, at least they'll know the big ones are paying their fair share.

**Please support the staff's recommendation and direct staff to study the implementation of site public improvements based upon building square footage in accordance with AB 602.**

Regards,

Kyle Kelley  
Transportation and Public Works Commissioner

## Rosemary Balsley

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**From:** Ellen Murtha <efmurtha@cruzio.com>  
**Sent:** Monday, August 22, 2022 4:56 PM  
**To:** City Council  
**Subject:** Proposed Objective Standards 8.23.2022 Agenda

Mayor Brunner and City Council Members,

Thank you for working to improve our City standards for housing development decisions; please ensure the Objective Standards ensure our City Council objectives of preserving and protecting residential neighborhoods and existing businesses. I am concerned that this version of the Objective Standards could limit public comment/hearings on large developments and empower staff rather than you - our elected representatives. The State has already limited our City input on housing developments; our Objective Standards should balance that with care for the people's concerns. I agree with the letter written by Gary Patton and Jerry Christiansen of Save Santa Cruz. We have a treasure in Santa Cruz City, please preserve it. As elected governance, the Council is responsible for upholding the vision of the people.

Thank you,  
Ellen Fitzgerald Murtha  
111 Anderson St.  
Santa Cruz, CA. 95060

## Rosemary Balsley

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**From:** lisa ekström <ekstromdesign@gmail.com>  
**Sent:** Monday, August 22, 2022 4:55 PM  
**To:** City Council  
**Cc:** Sonja Brunner; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Donna Meyers; Martine Watkins  
**Subject:** Agenda Item #21, August 23 meeting

Dear Mayor and City Council Members,

The proposal you are considering for Agenda Item 21 is not understandable, not transparent, and most alarmingly, seeks to eliminate public hearings on significant, large projects which would have enormous impacts on the whole community for generations to come.

To propose removing public hearings is especially alarming at a time when much of the community feels concern and even mistrust about the city government.

I ask that for Agenda Item 21, you take no action, but return the Planning Department's proposal to them, directing them to:

A) Return with a proposal modified to maintain public hearing opportunities for the public on proposed development projects, at least as extensive as is provided by current Municipal Code provisions.

and

B) Direct the Planning Department to prepare a thorough presentation, explaining the actual impact of each proposed change in the Municipal Code, so that neighborhood and community groups, small businesses, and those in the development community and even the City Council can fully understand the real impact of these proposals, which are likely to have an incredibly important impact on the future of our City.

The modified Planning Department proposal should be presented in a City Council meeting structured to provide the maximum amount of time for public participation and for the members of the public to provide detailed and substantive suggestions.

If the City wants to make sure that new developments respect community concerns, the interests of local residents and small business owners must have a higher priority than what might be most convenient for developers. City residents need to have the ability to comment on proposed projects – and to have a real impact on what happens when projects are proposed.

We need more of the public voice, not less.

Thank you,  
Lisa Ekström  
Santa Cruz, CA



## Rosemary Balsley

---

**From:** Gillian Greensite <gilliangreensite@gmail.com>  
**Sent:** Monday, August 22, 2022 4:59 PM  
**To:** Sonja Brunner; Martine Watkins; Sandy Brown; Justin Cummings; Renee Golder; Shebreh Kalantari-Johnson; Donna Meyers; City Council  
**Subject:** Agenda Item 21

Dear Mayor Brunner and City Council members,

I am writing on behalf of Save Our Big Trees to protest the omission of any reference to preserving heritage trees under the Objective Standards and Code changes presented in the staff report, which you will be considering at your meeting tomorrow evening.

At the beginning of the Objective Standards process, Save Our Big Trees presented language to Ms. Neuse that would protect as many heritage trees as possible as more and more large developments are approved under restrictions imposed by state law. We see no inclusion of any such language in the staff reports under consideration. The only reference is to the planting of street trees and In Lieu fees should such trees be removed or be unable to be planted.

As is well known, the majority of our heritage trees are not street trees but are trees on private property. As developments proceed, such trees are at high risk for being removed, especially as larger development footprints are approved. Replanting with saplings is no substitute for mature trees under climate change conditions.

On this basis alone, we ask that you table the item until due consideration is given to including Objective Standards to preserve heritage trees.

Overall, the item is confusing, is a huge document that reads more like a Code Revision rather than what was expected, which was a clear set of Objective Standards to allow the community to have some input into future developments. We have had only since last Thursday to review this final, complex document. The recommendation of removal of public hearings for most developments is truly alarming.

Along with other community groups and individuals, we ask you to vote to table this item for further review and public awareness. And specifically to incorporate language to protect our fast disappearing heritage trees.

Respectfully submitted,

Gillian

Gillian Greensite  
Save Our Big Trees  
.

# Save Santa Cruz

## Stop Overbuilding Santa Cruz

Post Office Box 4086, Santa Cruz, CA 95063

Email: [StopOverbuildingSantaCruz@gmail.com](mailto:StopOverbuildingSantaCruz@gmail.com)

August 23, 2022

Mayor and Members, Santa Cruz City Council  
Santa Cruz City Hall  
809 Center Street  
Santa Cruz, CA 95060

Presented At The City Council Meeting  
Sent By Email To: [citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)

RE: Proposed Objective Standards Item  
Agenda Item #21 - August 23, 2022 Agenda

Dear Mayor Brunner and Council Members:

I am writing on behalf of Save Santa Cruz, a community-based group with over 1,700 supporters. We have already communicated with you on the "Objective Standards" item on your Council Agenda today. I and other Save Santa Cruz members plan to testify in person at your meeting this evening, and I know that the Council has received a significant amount of correspondence, supporting our request that the Council continue the "Objective Standards" item, and that the Council consider it at a later meeting, consistent with the request we made in our August 16<sup>th</sup> letter.

The purpose of this letter is to do a little follow up, and also to indicate our objection to any action on this item without further environmental review.

### **Further Environmental Review Is Required**

The City must, as you know, comply with the California Environmental Quality Act (CEQA) when it takes any action that "might" result in an adverse impact on the environment. We believe that it is clear, from the materials in your agenda packet, that there

is definitely the possibility that the proposed actions might have adverse environmental impacts, and the staff report in your agenda packet does not indicate, as claimed, that “no further environmental review under the California Environmental Quality Act is required.

Your staff claims that Section 15183 of the CEQA Guidelines says that “no further environmental review ... is required” because the proposed actions “do not increase already studied and allowed development intensity, that they largely affect aesthetics, and that they further goals and policies evaluated as part of the General Plan.”

Please note the *actual wording* of Guidelines Section 15183:

CEQA mandates that projects which are consistent with the development density established by existing...general plan policies for which an EIR was certified shall not require additional environmental review, **except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site** (emphasis added).

In fact, a number of the recommended changes will have impacts that are “peculiar to the project.” Along Water and Soquel, where the zoning districts are proposed for change, to cite just one example, very significant impacts might be expected on adjacent residential properties. As the staff report notes, the overall densities in the General Plan cannot be reduced, but can be reallocated throughout the city, and that means, since the proposals before you could have very specific impacts, that you need to do further environmental review to be consistent with CEQA.

A comment from Peter Glynn, attached, which was published on the neighborhood website, Nextdoor, makes clear other specific impacts that might be caused by adoption of the recommended actions on the “Objective Standards” item. Similarly, the letter submitted by Rick Hyman, a professional planner (a copy of which is also attached) indicates that there are “project specific significant effects” which must be given environmental review, as required by CEQA Guidelines Section 15183. The impacts that may result from the staff recommended changes are exactly the kind of “project specific

significant effects” that require further environmental review. Other provisions in CEQA and the Guidelines also require environmental review.

The staff report presented to you further claims that the proposed amendments are “exempt from CEQA review under Sectoin [sic] 15061(b)(3). Again, please consider the actual language of that section of the Guidelines:

15061 (b) A project is exempt from CEQA if ....

(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that **there is no possibility that the activity in question may have a significant effect on the environment**, the activity is not subject to CEQA (emphasis added).

As here indicated, and as indicated in the attachments, this exemption is clearly not relevant.. The staff report claims that there is “no possibility” that these amendments might have a significant effect on the environment? Well, Save Santa Cruz begs to differ.

Please take seriously our comments, and the other public comments you have received and take the actions we have requested in our August 16, 2022 letter.

Thank you!

Very truly yours,



Gary A. Patton, Co-Chair  
Save Santa Cruz

cc: Save Santa Cruz Steering Committee  
Santa Cruz City Planning Director  
Other Interested Persons

## **ATTACHMENT: STATEMENT OF PETER GLYNN:**

From: **Nextdoor East Morrissey** <[reply@rs.email.nextdoor.com](mailto:reply@rs.email.nextdoor.com)>

Date: Tue, Aug 23, 2022 at 1:55 PM

"Note there are additional standards that effect everyone such as calling out 8 foot allowance for sidewalks for "all other roadways" beyond the main arterial and collector streets. On my street alone on the portion below freeway and to Soquel would mean shortening driveways / hence losing up to 65 off-street parking spaces for 65 houses and also more than that many trees would be impacted and most would be considered heritage trees. I suggested it be changed at the TPWC and the message was that we needed to get a draft in and we could make changes later...

However, if there is any impact on the development with state mandates than you cannot always make changes without rezoning elsewhere...One must figure out what standards cannot be easily changed and look at those very carefully.

Note Santa Rosa, Goleta and Santa Barbara have Objective Standards that are understandable and 7 to 22 pages. Try figuring out from the Santa Cruz Objective Standards what is the maximum height of the roofline...Seems like a simple question....and yet it is based on an average of the mid-point of the average of the peaks and that may include dormers so it can become obfuscated what is the true height.

Note that the 2.75 FAR is a measure of mass but not of height. So the question is--is it required to increase the minimum height from 3 stories to 5 stories on Soquel and Water knowing that you can add at least 3 stories on top of that with State Mandates for high-density bonus? Without the zoning changes, 831 Water developer said with the density bonus allowance they could already develop up to 8 stories on Water...Why add 2 more stories..?!

Most of the called out parcels are narrow parcels mostly for neighborhood businesses with no service streets or alleys to accommodate ingress/egress efficiently for truck deliveries and trash pick-up and bordering single story homes. So the Objective Standards must be understandable to those that will be most impacted. It is also sometimes up for interpretation how to define the objective standards as was seen with 831 Water. That is why public hearings are still so important.

Also note that there was recently passed a change of the unique to Santa Cruz and nowhere else in the Country SOU ordinance...No more requirement to be for entry-level ownership and instead rentals and no longer required to have Commercial on the bottom floor so no longer mixed use and called FDUs Flexible Density Units). Note this designation is unique to Santa Cruz and so the impacts are unknown based on other municipalities. In the case of 831 Water (on less than an acre is 145 units and commercial/live work and rack parking) and 908 Ocean (on less than 3 acres 390 units

and commercial and rack parking), so rather than 55 units per acre it becomes 130-150 units per acre.

Note that proposed State Mandate AB2097 removes the requirement for parking if 15-minute transit in commute periods and could effect both the projects above. They just removed the modifications for smaller towns in the Aug 16 2022 revision so this will have significant impact on Santa Cruz. <https://leginfo.ca.gov/faces...>

## **ATTACHMENT: LETTER FROM RICH HYMAN:**

**From:** [bikerick@att.net](mailto:bikerick@att.net) <[bikerick@att.net](mailto:bikerick@att.net)>

**Sent:** Monday, August 22, 2022 6:43 AM

**To:** 'City Council ([citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com))' <[citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)>

**Subject:** Zoning changes for Aug 23, 2022 meeting

Dear Councilmembers:

Please postpone action on the many revised zoning provisions until:

- there are better provisions for buffering residential neighborhoods from non-residential development and non-residential components of development – e.g., both fencing and landscaping;
- there are provisions to direct commercially generated traffic away from the residential neighborhoods;
- there are provisions to ensure ample, unobstructed bike lanes on the corridors (e.g., eliminate on-street parking) and convenient bike access into and in new corridor development;
- existing height limits are retained, including currently allowed additional heights for affordable housing projects;
- non-residential noise- and heavy traffic-generating uses and building components are prohibited from locating adjacent to residential neighborhoods – e.g., they are directed to the fronts of deep corridor parcels or to those parcels not directly adjacent to homes;
- public hearing opportunities are retained and ample public noticing and participation opportunities are made available where State law prohibits public hearings.

Please see my previous correspondence in the packet for specific suggested language to consider.

Two major corridor projects were constructed at the end of my neighborhood residential street – the Holiday Inn and The Habit/Ikes complex. In both cases my neighbors succeeded in securing several project changes through the public hearing and appeals process to better mitigate adverse impacts on the neighborhood. These included many of items listed above, including better buffering, traffic management and facility operations. Although these were commercial-only projects, the approval process and resulting conditions are instructive as models for mixed use development standards and permitting. And, in both cases the developers still were allowed to build basically what they proposed – the modifications did not materially affect their original concepts but resulted in better projects. The proposed zoning revisions before you fall way short and need to be revised before adoption.

Thank you,  
Rick Hyman  
138 Coulson Ave.



# List of Abbreviations

- AASHTO – American Association of State Highway and Transportation Officials
- AB – Assembly Bill
- ac – Acre
- ADU – Accessory Dwelling Unit
- ATP – Active Transportation Plan
- br – Bedroom
- C-B – Beach Commercial Zone District
- CC – City Council
- C-C – Community Commercial Zone District
- CEQA – California Environmental Quality Act
- C-N – Neighborhood Commercial Zone District
- C-T – Thoroughfare Commercial Zone District
- Dev. – Development
- du – Dwelling Unit
- EIR – Environmental Impact Report
- FAR – Floor Area Ratio
- LCP – Local Coastal Program
- MF – Multifamily
- MU – Mixed-Use
- MU-H - Mixed-Use High Density Zone District
- MU-M - Mixed-Use Medium Density Zone District
- MU-OH - Mixed-Use Ocean High Density Zone District
- MU-OM - Mixed-Use Ocean Medium Density Zone District
- MUTCD – Manual on Uniform Traffic Control Devices
- MU-VA - Mixed-Use Visitor Serving, Additional Heigh Zone District
- MU-VH - Mixed-Use Visitor Serving High Density Zone District
- MXHD – Mixed-Use High Density General Plan Land Use Designation
- MXMD – Mixed-Use Medium Density General Plan Land Use Designation
- MXVC – Mixed-Use Visitor Commercial General Plan Land Use Designation
- NACTO – National Association of City Transportation Officials





# List of Abbreviations

- OSAP – Ocean Street Area Plan
- PA – Professional Administrative Office Zone District
- PC – Planning Commission
- R-1-5 – Single Family Residential, 5,000sf minimum lot area Zone District
- R-district – all Residential Zone Districts
- R-H – Residential – Multifamily High Density
- RHNA – Regional Housing Need Allocation
- R-L – Residential – Multifamily Low Density Zone District
- R-M – Residential – Multifamily Medium Density Zone District
- R-T(A) – Residential-Tourist, Subdistrict A Zone District
- R-T(C) – Residential-Tourist, Subdistrict C Zone District
- SB – Senate Bill
- SF – Single Family OR Square Foot
- SOI – Sphere of Influence
- Urban Planning Partners, Consulting Firm
- WELO – Water-Efficient Landscaping Ordinance
- ZA – Zoning Administrator



# Objective Development Standards and Zoning Updates

City Council Public Hearing, August 23, 2022



# Agenda

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1. Background
2. Design and Development Standards for Multifamily Housing
3. Development Review Process Amendments
4. Proposed Mixed-Use Zoning and other Zone District Amendments
5. Planning Commission Recommendation
6. Public Works Standards for Public Realm
7. Street Tree Standards
8. Zoning Ordinance Updates
9. Environmental Review
10. Next Steps and Recommendation



# Background

State Law Context, General Plan/Zoning discrepancy, Council Direction, Community Engagement timeline



# Background

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- Project initiated to:
  - Comply with State Law for housing development review
  - Reconcile existing mismatch between General Plan and Zoning Ordinance
    - Do not alter land use pattern in 2030 General Plan
  - Objective review to address subjective Design Permit Findings



# Background - Council Direction

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- October 22, 2019:
  - *move forward with establishing mixed-use zoning districts [and] objective design standards for housing ... and embark on a very broad public outreach process.*
- August 25, 2020:
  - *contract with UPP to create Objective Development Standards for Mixed-Use and Multifamily Housing*
  - *invite the Planning Commission to outreach events and incorporate updates to the Planning Commission*



# Background - State Law Context

- Housing Crisis Act and Housing Accountability Act (SB 330 and AB 3194)
  - Must allow development of housing
  - Standards must allow for planned residential capacity of a property (as allowed on 1/1/2018)
  - Capacity of zoning or General Plan – whichever is greater
    - Subjective standards cannot be used to limit amount of housing
    - *"...shall not...reduc[e] the intensity of land use..."*
    - Reductions to height, density, Floor Area Ratio, lot coverage; OR
    - Increases to setbacks, open space or minimum parcel size



# Purpose

Provide a set of *clear, objective, and measurable standards* for multi-family and mixed-use residential development that is *consistent with the character of Santa Cruz* while also ensuring that *new housing development is economically feasible*.

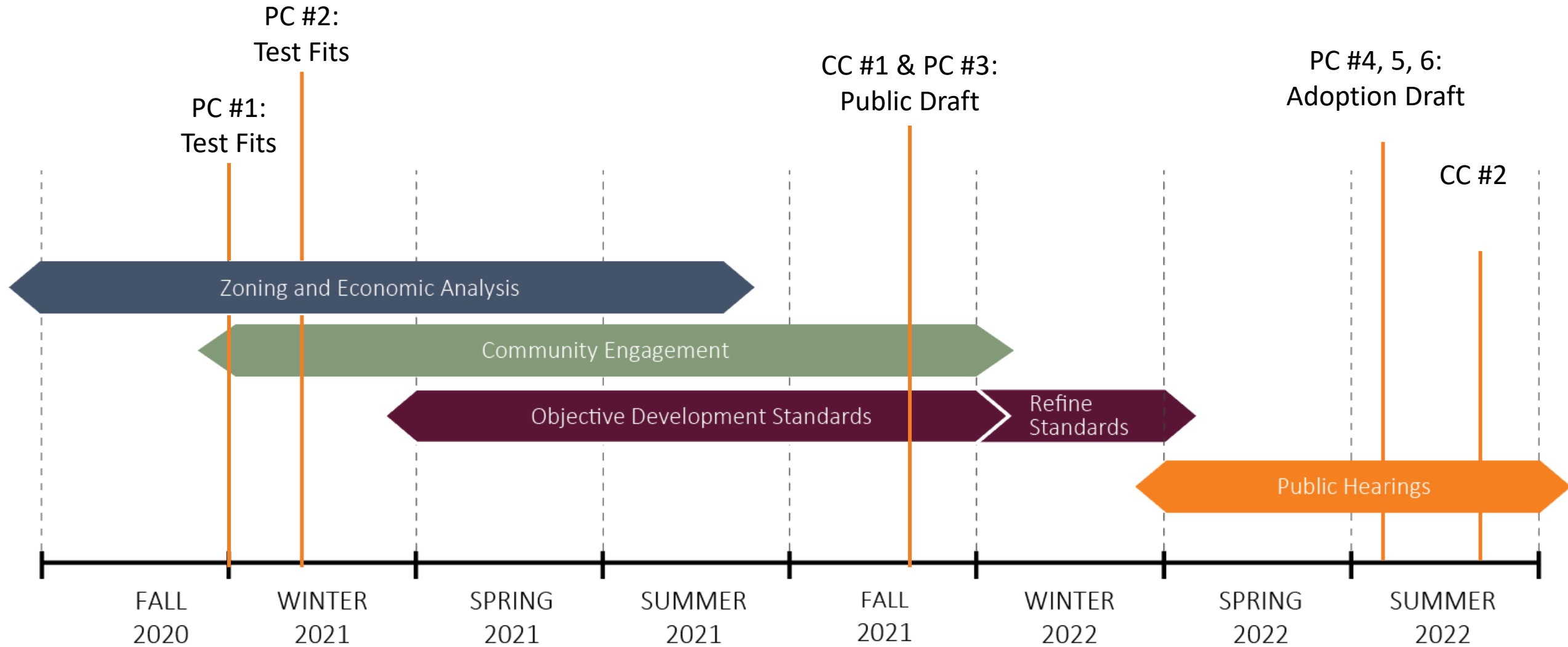
- Meet State requirements for objective standards (SB 35, 330, and 9)
- Support housing development required by State law and General Plan land uses
- Community prioritizes sustainability, affordability, eclectic character, and high-quality materials and details
- Focus on *physical* form and style of development

**“Involve no personal or subjective judgement** by a public official and are uniformly **verifiable by reference to an external and uniform benchmark** or criterion **available and knowable** by both the development applicant and public official prior to submittal.”

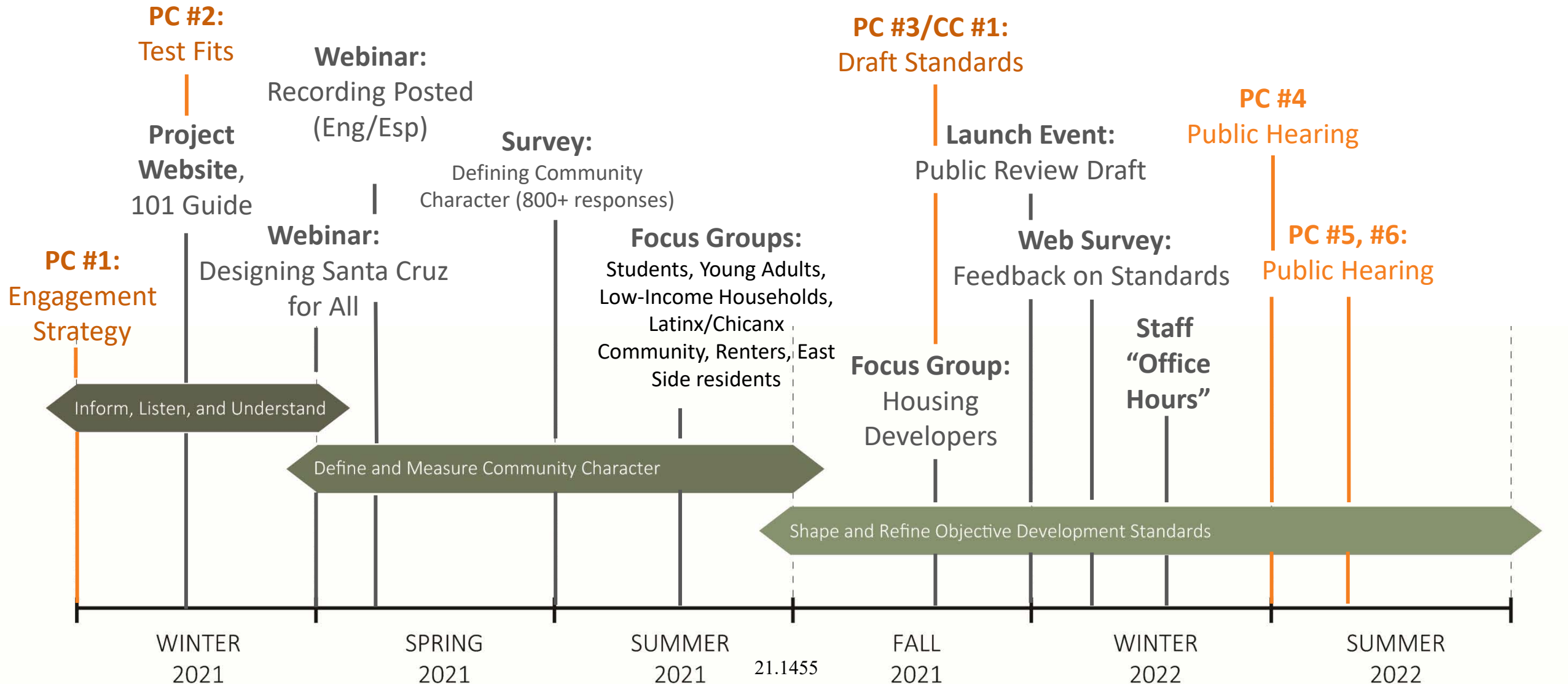
*Govt Code Section 65913.4(5)*



# Project Timeline



# Community Engagement Summary





# Background – Community Engagement

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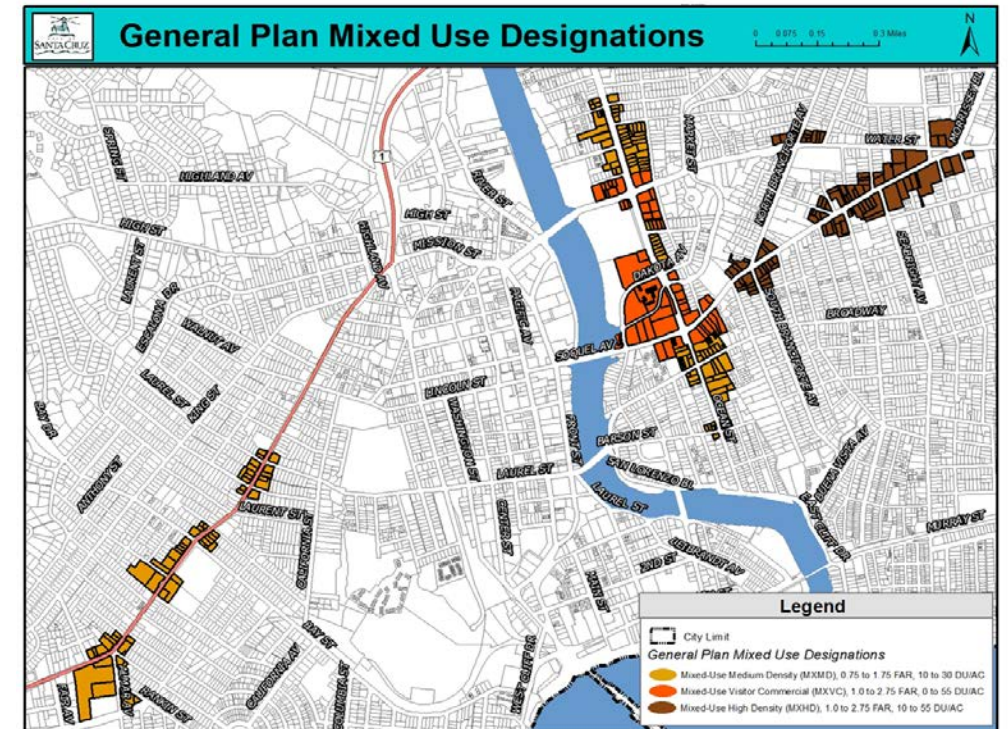
## Phase 1 - Designing a Santa Cruz for All

- English/Spanish options provided, with recording available
- Identified need for project – state law context and California housing shortage
- Provided historic and current context for housing policies
  - Zoning and racial/economic segregation
  - Rise of suburbs and single-family homes
  - Link between housing and long-term health outcomes
  - Recent bills to increase housing production and affordable units



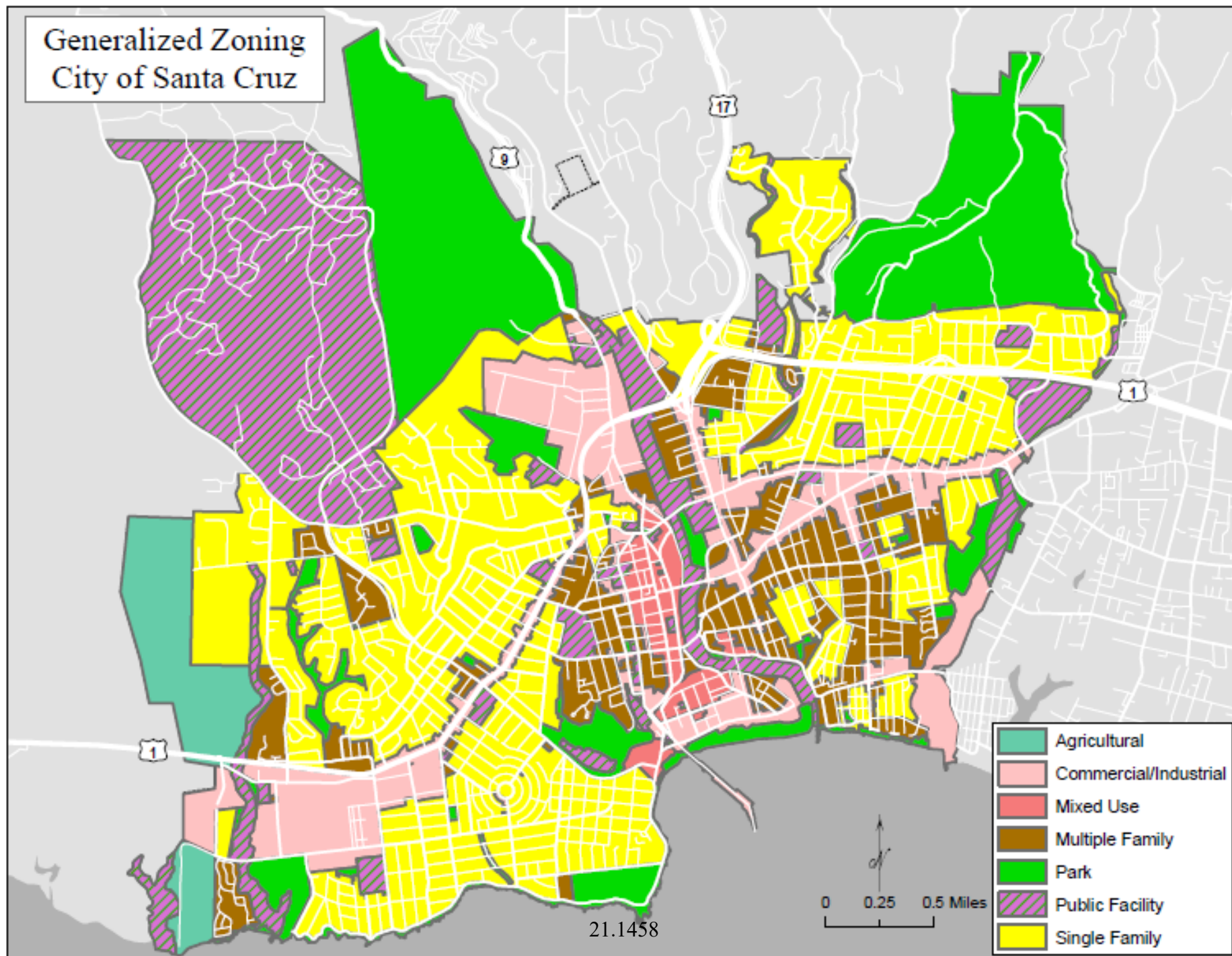
# Background – Local Context

- Multi-Family Housing planned for Santa Cruz
  - MXHD along Water and Soquel, MXVC along Ocean, MXMD along Ocean and Mission
  - R-M and R-L zones throughout the City
- State Law reduces discretion
- Equity and Social Justice
  - Zoning seems neutral
  - History shows disparate impact



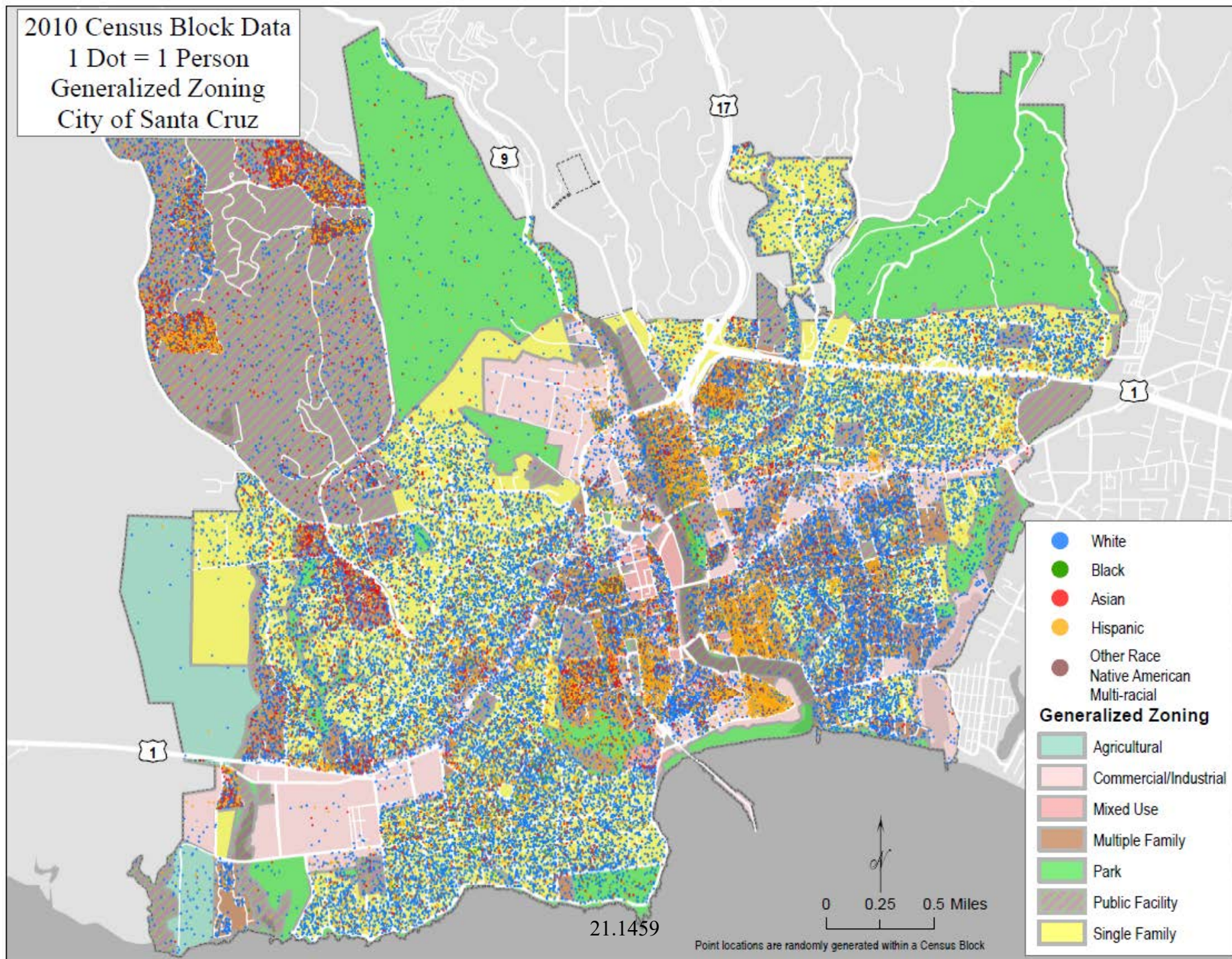


Generalized Zoning  
City of Santa Cruz





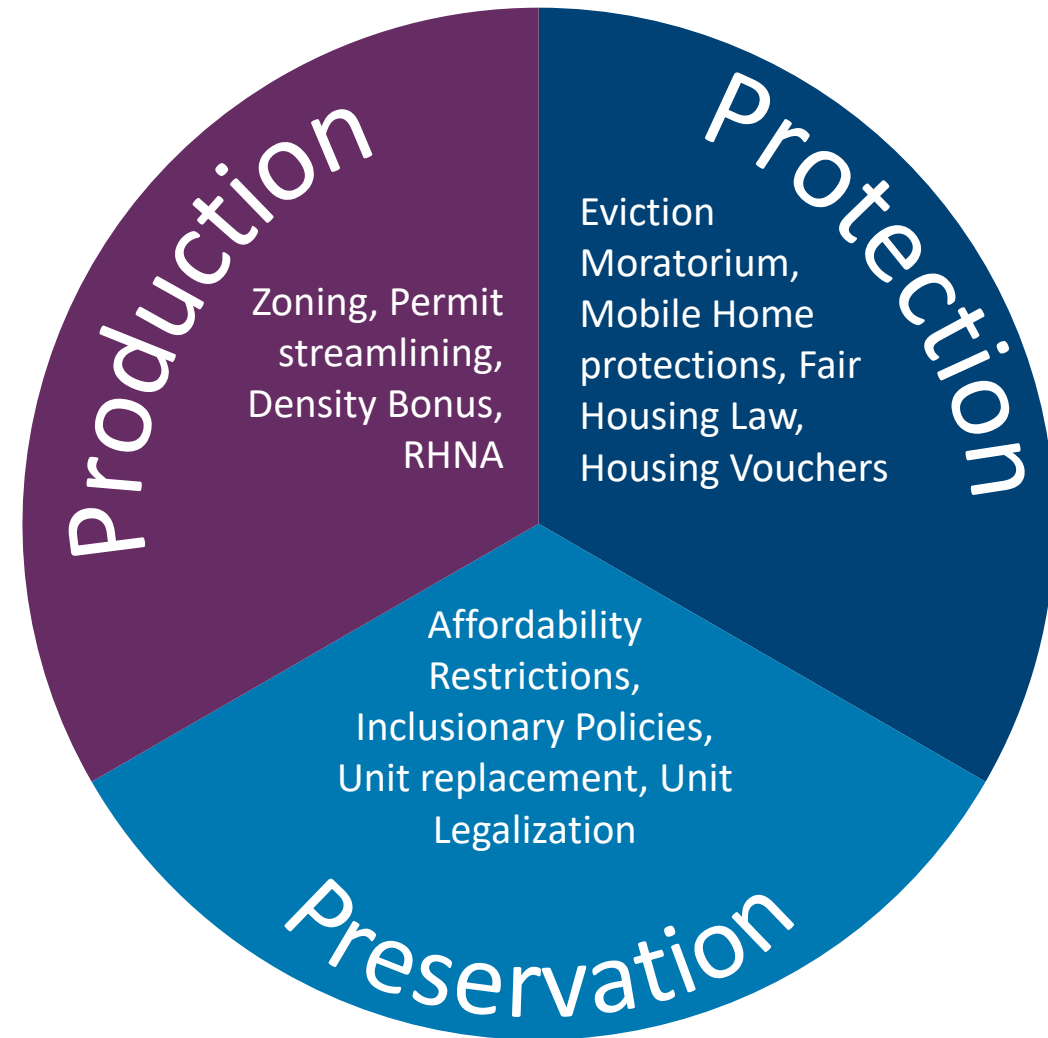
2010 Census Block Data  
1 Dot = 1 Person  
Generalized Zoning  
City of Santa Cruz





# Background -

- Availability and affordability of housing
- Santa Cruz residents have all income levels, all need housing
- California ranks **49<sup>th</sup> in housing units per capita**
- Housing production is one piece of the answer
- Estimated 1.8 million units needed by 2025
- Objective zoning will smooth production of multi-family housing





# Background – Community Engagement

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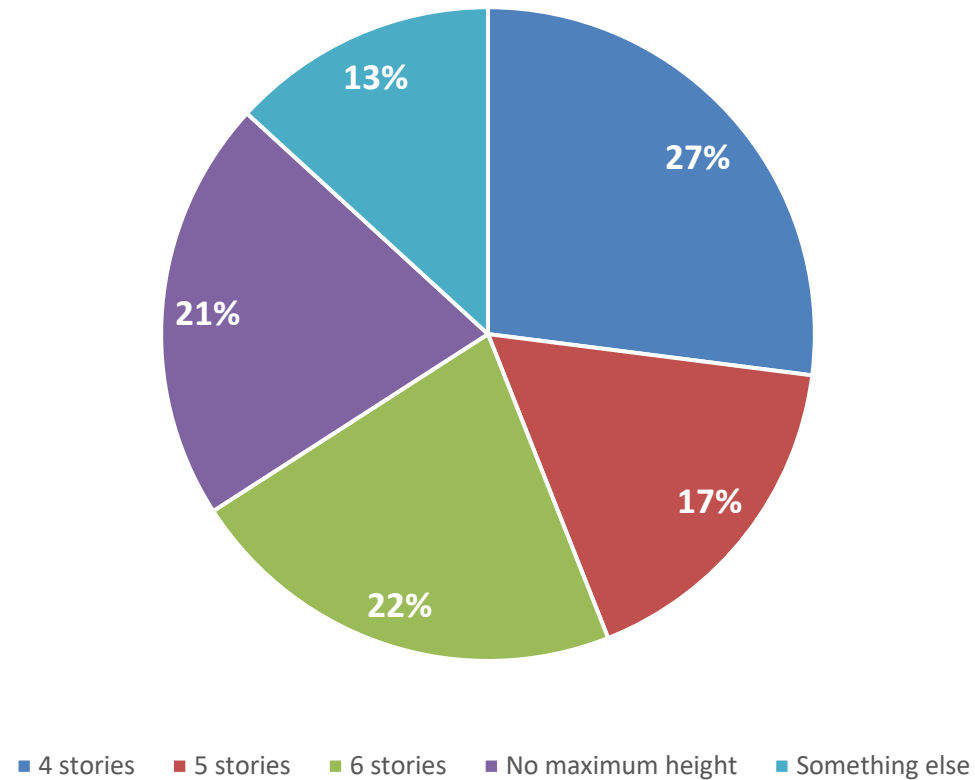
## Phase 2 – Define and Measure Community Character

- Collect input to inform draft standards
  - March 2021 – Community Character Survey
  - July 2021 – Focus Groups (Students, Young Adults, Low-Income Households, Latinx/Chicanx Community, Renters, East Side residents)
- Key findings:
  - Desire for corridors to have active ground floors
  - Prefer architectural freedom and variety over uniform style
  - Priorities for apartments: security, sunlight, private open space
  - Support for affordability, livable housing stock, access to nature

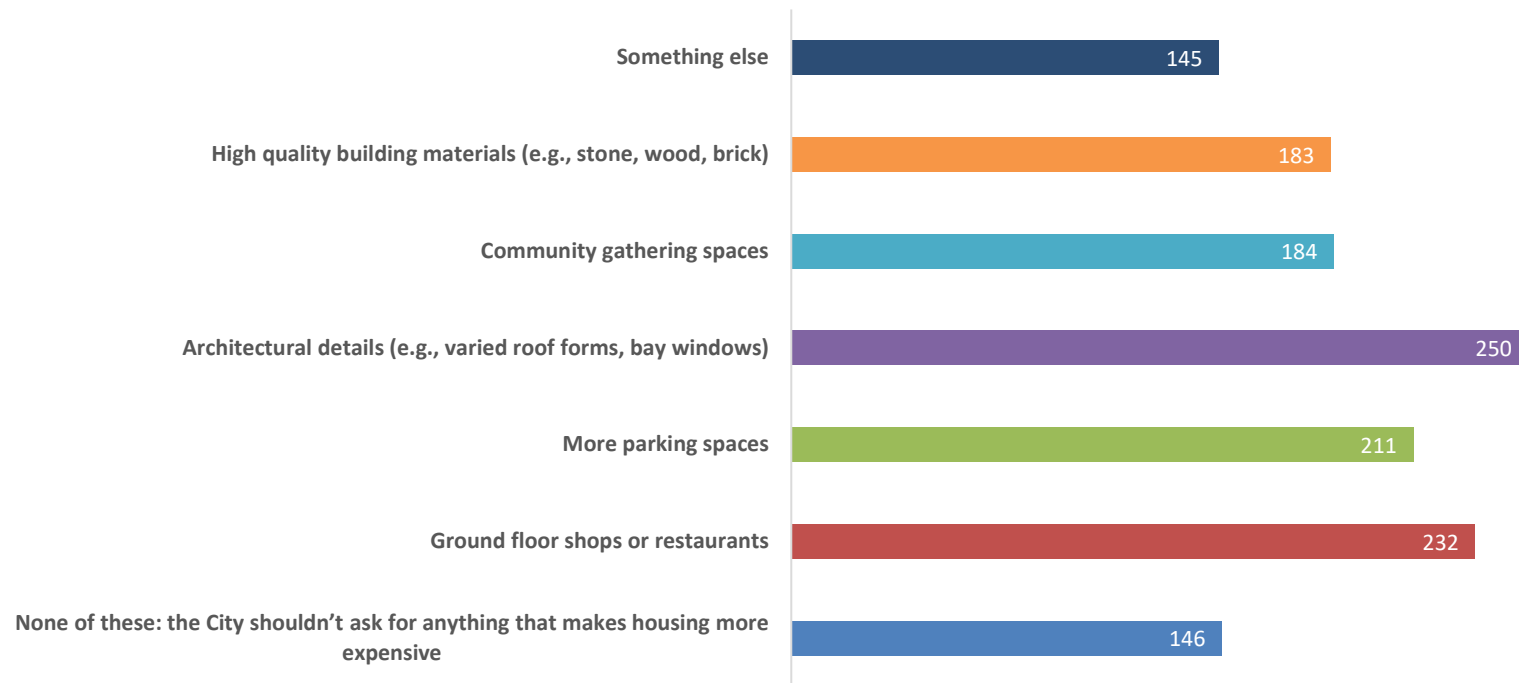


For the larger buildings allowed on Water, Ocean, and Soquel, four (4) stories is the minimum height necessary for the City's zoning code and General Plan to be consistent as required by State Law (according to test fits conducted by an urban design professional). For apartment buildings with a mix of market-rate and affordable units, what is the maximum height that you support on major commercial streets? Choose one.

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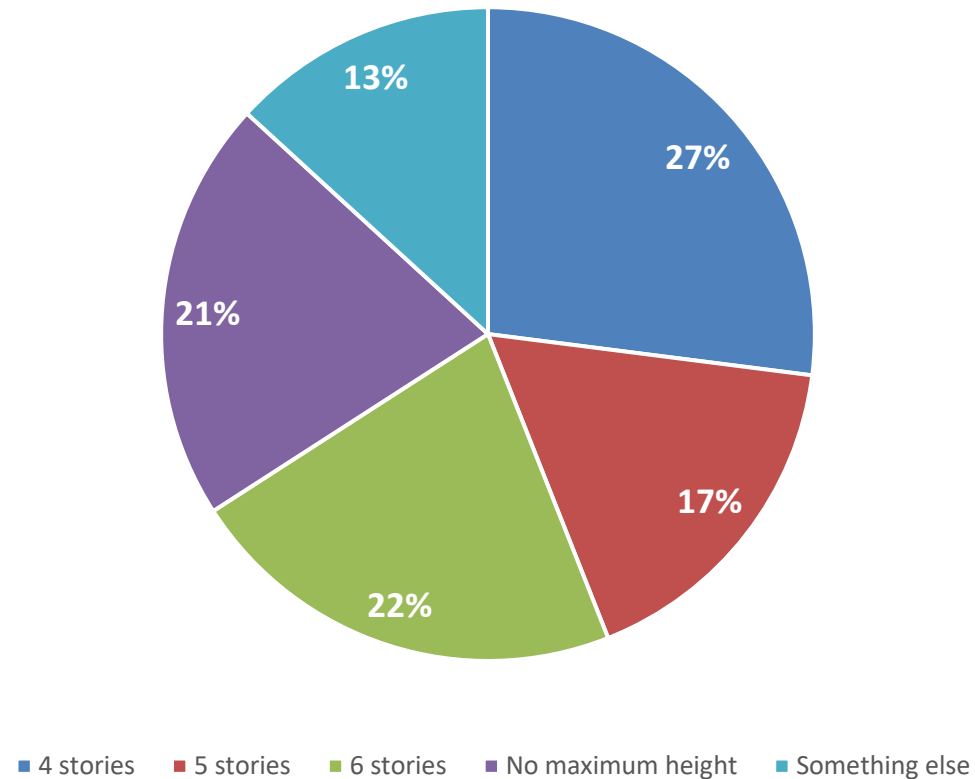


# Most important for a new building on these streets to include, even if they increase housing costs (choose 2)



For the larger buildings allowed on Water, Ocean, and Soquel, four (4) stories is the minimum height necessary for the City's zoning code and General Plan to be consistent as required by State Law (according to test fits conducted by an urban design professional). For apartment buildings with a mix of market-rate and affordable units, what is the maximum height that you support on major commercial streets? Choose one.

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# Background – Community Engagement

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## Phase 3 – Shape and Refine Standards

- Collect feedback in response to the Public Review Draft
  - November 2021 – Developer Focus Group
  - November 2021 – Virtual kickoff – Public Review Draft
  - November to December – Design Santa Cruz web platform, staff “office hours”
- Key findings:
  - Mixed feedback on active uses vs. residential-only buildings in commercial districts
  - Concern about development impacts on neighborhoods (e.g., massing/height, shadow, privacy)
  - Community support for 'dark sky' lighting standards; neighborhood buffers; additional open space amenities
  - Developer feedback supports more flexible active use standards, clearer massing standards, concern about private open space ratio



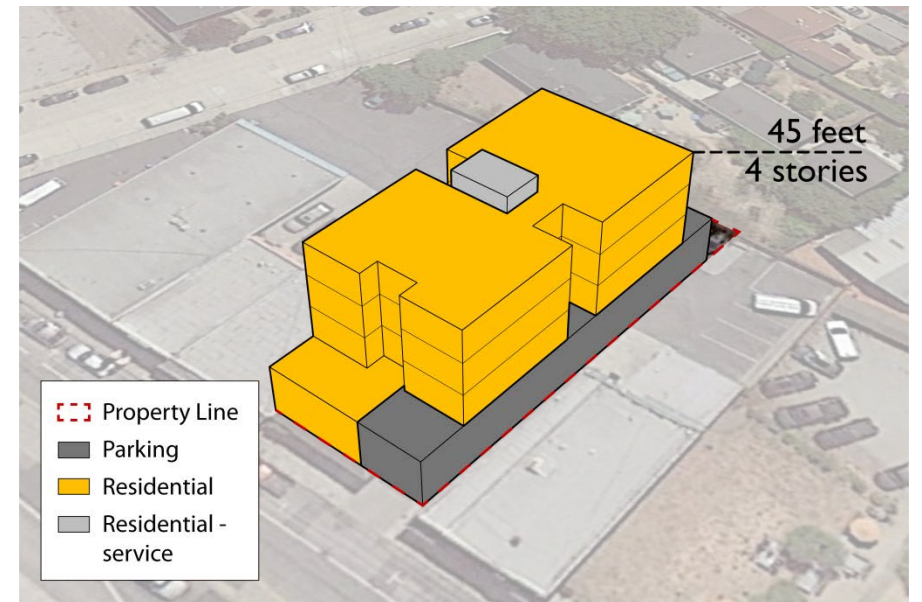
# Design Standards for Multifamily Housing

Test-fit Analysis, Overview of Proposed Standards, Response to  
Comments on Draft Standards

# Test Fits

# Methodology

- Tested “typical” site and one large site in MXHD land use designation
- Based on market assumptions (unit size and mix) and existing zoning requirements
- Economic consultant analyzed feasibility of development scenarios



# Findings

- Small sites are challenging
  - Scenarios with greater height/FAR are more likely to develop because they can provide more units and have the same fixed costs (parking/land)
- For larger sites, projects must be at least 4 stories to accommodate the allowed 2.75 FAR
- Mixed-use is more challenging than residential-only
  - Retail requires much higher levels of parking than other uses
  - Retail doesn't generate much revenue compared to other uses
- Project scenarios with higher density are most financially feasible (more developer interest in sites with 2.75 FAR, density bonus)



# Objective Design and Development Standards

# Differentiation by District

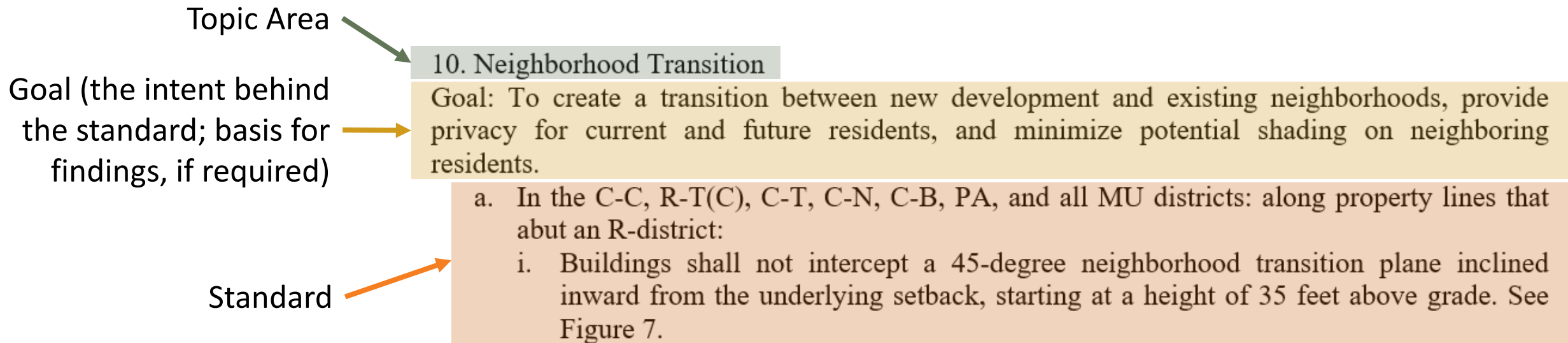
- Neighborhoods are distinguished by relationships of buildings to street, not by specific architecture (e.g., street width, lot size, and front and side setbacks)
- **Major corridors:** more intense development, height, active uses
- **Residential neighborhoods:** lower intensity, smaller apartments, landscaping
- Survey: Santa Cruz's style is eclectic

## Word on the Street:

- On commercial corridors, **67 percent of respondents preferred an eclectic building look** over a uniform one.
- **“Santa Cruz is about uniqueness and being different, like there’s nothing that’s exactly the same in Santa Cruz...”**

# Document Organization

- **Section 24.12.185(1)** – General
- **Section 24.12.185(2)** – Definitions
- **Sections 24.12.185(3) to (17)** – Goals and Standards



# Goals and Standards

- 3) Maximum Building Length
- 4) Walkability
- 5) New Public Connections
- 6) Public Frontages
- 7) Parking Location and Screening**
- 8) Landscape and Buffering**
- 9) Usable Open Space
- 10) Neighborhood Transition**
- 11) Roof Form**
- 12) Building Modulation**
- 13) Corridor Frontage
- 14) Ground Floor Design**
- 15) Architectural Detail
- 16) Building Materials**
- 17) Lighting**

# Parking Location and Screening

- **Goal:** To minimize the visual impact of parking
- Require that parking be wrapped by habitable spaces facing sidewalks
- Surface parking must be buffered by landscape





# Landscape and Buffering

- **Goal:** To enhance the urban forest, provide shade, and soften the building massing
- In R-districts, require landscaping in the front setback
- In commercial/mixed-use districts, require projects to provide street trees and planted areas along public frontages
- Require compliance with WELO standards

## Word on the Street:

- Support for landscaping in front setbacks
- Community feedback that trees, landscaping contribute to Santa Cruz' character

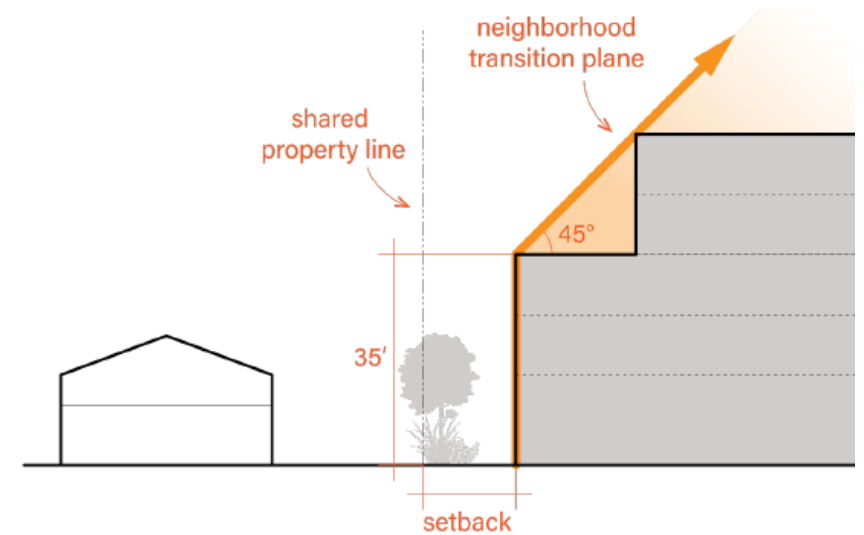


# Neighborhood Transition

- **Goal:** To create a transition between new development and existing neighborhoods
- When adjacent to an R-district, require upper stories to step back according a 45-degree “transition plane”

## Word on the Street:

- Community members interested in exploring daylight/transition plane
- Dev. professionals feel transition plane is easier to interpret than previously proposed standard



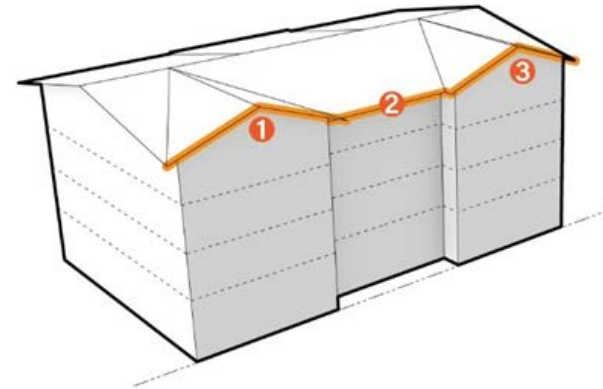
# Roof Form & Building Modulation

## *Roof Form*

- **Goal:** To provide architectural interest at the tops of buildings. Require at least one change in roof form for every 30 feet of building frontage

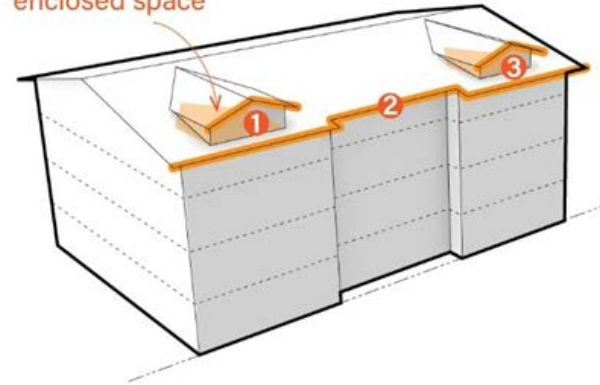
## *Building Modulation*

- **Goal:** To break up large building faces.
- Provided three options for designers to break up building faces at varying intervals/depths

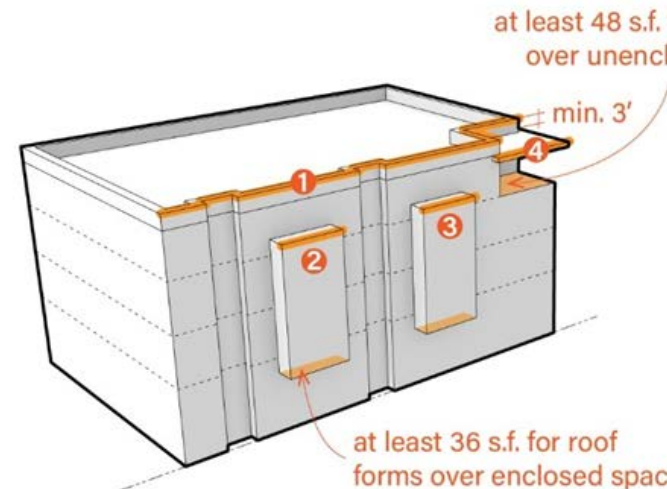


Three Intersecting Roof Forms

at least 36 s.f.  
for roof forms over  
enclosed space

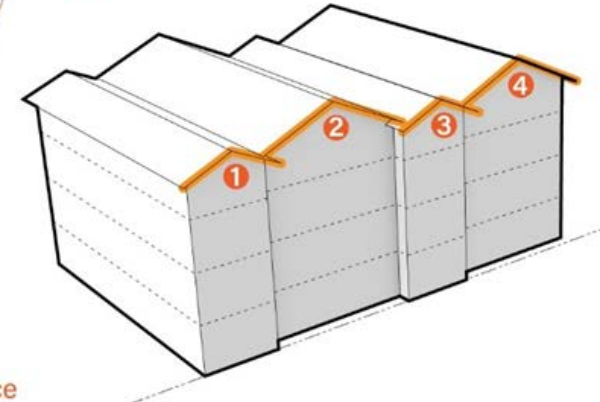


Three Hierarchical Roof Forms



Four Hierarchical Roof Forms

at least 48 s.f. for roof forms  
over unenclosed space



Four Repeated Roof Forms



# Ground Floor Design

- **Goal:** To design buildings to support walkability and local businesses, while providing privacy for residents.
- Greater transparency along commercial uses
- Require non-residential uses at the ground floor in commercial districts
- Residential uses at the ground floor must be set back or elevated from the sidewalk

## Word on the Street:

- Focus groups prioritize neighborhood-serving uses; commercial can be used to support local businesses

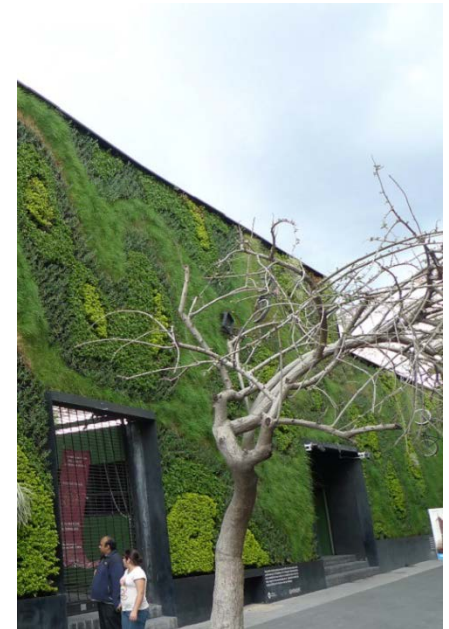


# Building Materials

- **Goal:** To ensure that building materials are high-quality, durable, and reflect existing character.
- Provided list of appropriate materials (unlisted materials require design review permit)
- Prohibit vinyl windows on shorter buildings and public streets
- Standards for how “living walls\*” and other materials should be applied (*\*incorporated in WELO updates*)

## Word on the Street:

- High-quality materials frequently mentioned in survey free responses
- Planning Commission supports additional standards on window material





# Lighting

- **Goal:** To ensure that public areas are lit while minimizing impacts of glare, light trespass, and light pollution.
- Require lighting in pedestrian-accessible areas
- Incorporated Dark Sky standards for light shielding
- Require lights to be set back, hidden from nearby properties, or below maximum height
- Emphasize lighting at building entries vs. other building faces



## Word on the Street:

- Several community members provided suggestions to clarify and refine lighting standards.
- “Good civic design should require that the building entrance(s) should be the main visual event”



# Other Development Standards

- Bird-Safe Building Design
  - Apply to buildings near natural areas
- Archaeology Report Requirement
  - Requires compliance with report recommendations
- ADUs and Inclusionary Housing
  - ADUs cannot be inclusionary units for primary res use (SF or MF)
  - MF property has an ADU inclusionary standard with 5+ ADUs
- Definitions
  - “Open Space, Useable” to encourage retention of trees
  - Added Volumetric Factory-built housing



# Development Review Process

Integrating Objective Standards, Defining Uses



# Amendments to Development Review

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- No change to:
  - Community Outreach Policy (Notification, Community Meetings)
  - Public hearing requirements for:
    - Commercial Development
    - Density Bonus
- Changes to reflect state law limitations for housing development
  - Cannot deny or condition a project to reduce housing intensity
  - Must rely on objective standards for review
  - No net loss of development capacity



# Public Input Maintained

## Current

- Community Outreach notice and meetings
- Public Hearings for:
  - Commercial Development
  - Density Bonus
  - Planned Development Permit
  - Variance
  - Coastal Permit
  - Subdivisions
  - Proximity to Slope
  - Residential in Commercial zones
- Right of Appeal
- CEQA Review

## Proposed

- Community Outreach notice and meetings
- Public Hearings for:
  - Commercial Development
  - Density Bonus
  - Planned Development Permit
  - Variance
  - Coastal Permit
  - Subdivisions
  - Proximity to Slope
  - Alternative designs for Residential
- Right of Appeal
- CEQA Review



# Administrative Process expanded

## Current

- Administrative Review
  - Fully Conforming rental projects in the **Multifamily zones**
  - Design Permit Findings Required
- Right to Appeal
- Subject to CEQA

## Proposed

- Administrative Review
  - Fully Conforming rental Multifamily **in all zones**
  - Conformance Findings Required
- Right to Appeal
- Subject to CEQA





# Amendments to Development Review

## Proposed Process, Fully Compliant proposals

- Design Permit required
  - Administrative
  - No Public Hearing
- Right of appeal
- Subject to CEQA

## Proposed Process, Alternative Design proposals

- Design Permit required
  - Public Hearing Required
- Alternative Designs for 24.12.185 only
  - Alternatives for 5 or fewer standards: ZA hearing
  - Alternatives for 6 or more standards: PC hearing
- Right of appeal
- Subject to CEQA



# New Mixed-Use Zones

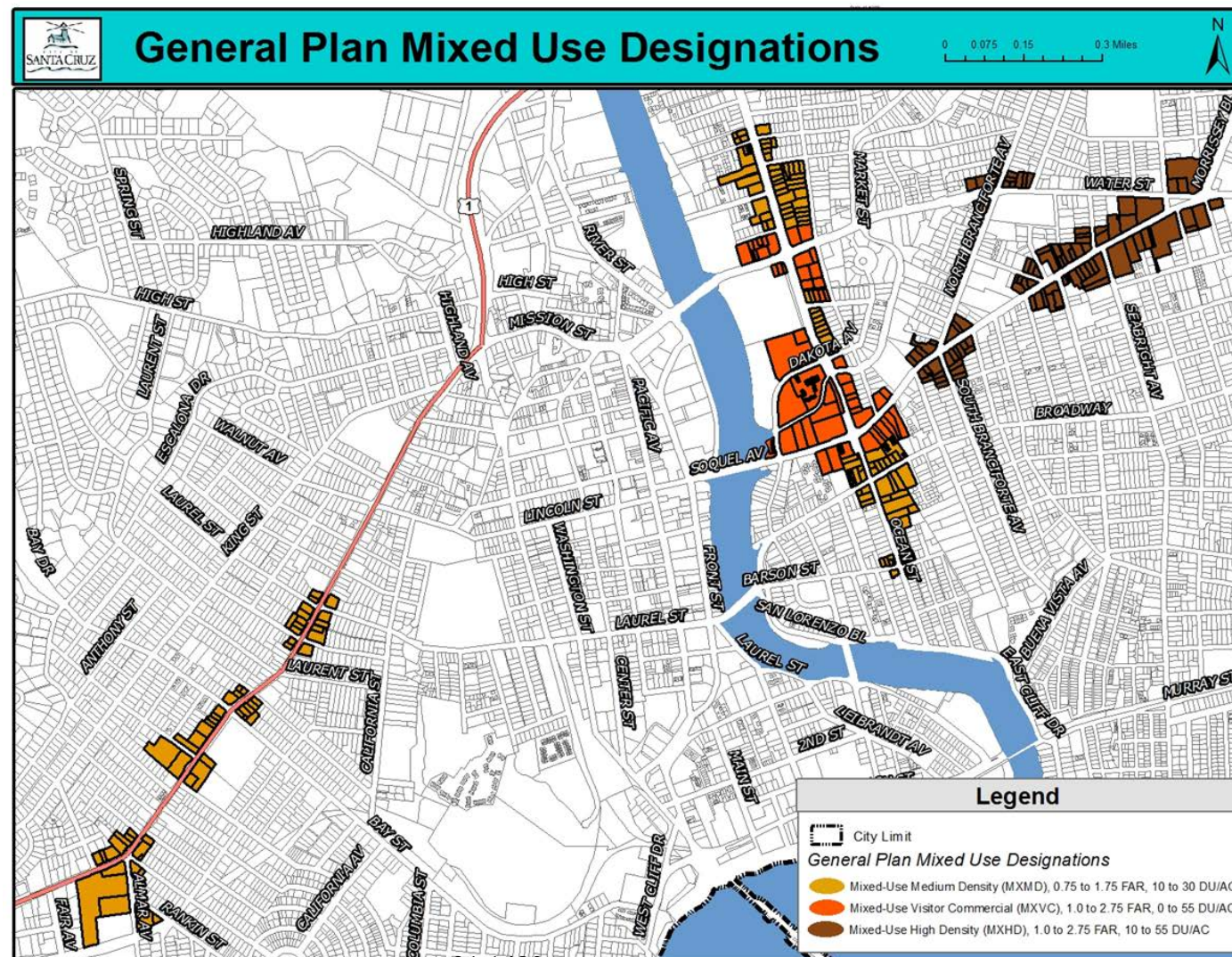
Implementing General Plan and Ocean Street Area Plan



# 2030 General Plan Land Use Pattern

- **Goal LU1:** Sustainable Land Uses
  - *“..optimum utilization of infill parcels.”*
- **Goal LU2:** A compact community with boundaries defined by the city’s greenbelt and Monterey Bay
  - *“Do not expand the city’s SOI or annex lands...”*
- **Goal LU3:** A complementary balance of diverse land uses
  - *“...land use patterns that...promote social diversity.”*
- **Goal LU4:** Land use patterns that facilitate alternative transportation and/or minimize transportation demand
  - *“...transition to higher densities along the city’s...commercial corridors.”*

# 2030 General Plan Land Use Pattern





# Mixed-Use Zone Districts

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- Require Uses for Active Frontage
  - Support Mixed Use
  - Allow 100% commercial development
- All Commercial uses based on existing C-C uses
  - Most parcels currently zoned C-C
- Ocean Street zones encourage more commercial, visitor-serving uses
- Site Standards based on Adopted General Plan and Ocean Street Area Plan
  - Heights determined by FAR in General Plan, stories in OSAP





# Mixed Use Medium Density (MU-M)

- Located in clusters on Mission St.
- General Plan of MXMD
  - Max FAR: 1.75
  - Density for 2+br: 10-30 du/ac
- Height Max, Commercial
  - 3 stories, 40 feet
- Height Max, Mixed Use
  - 4 stories, 45 feet





# Mixed Use High Density (MU-H)

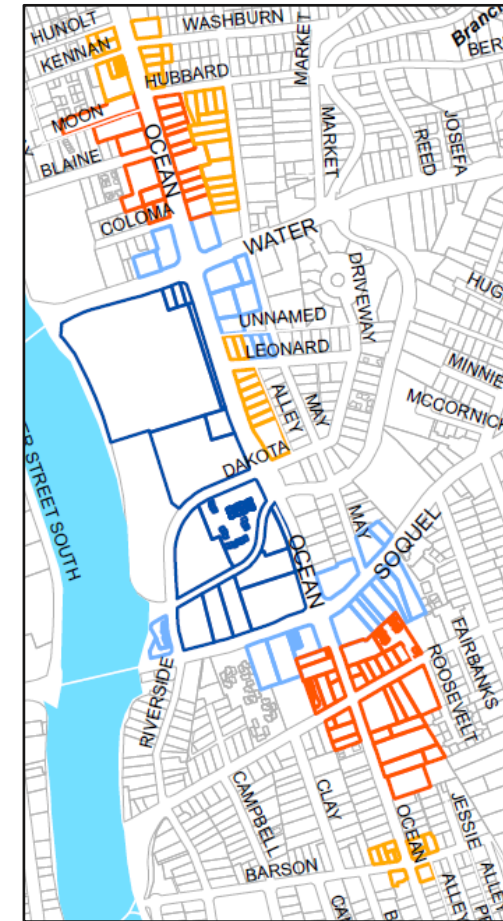
- Located in clusters on Soquel/Branciforte/Water/Morrissey
- General Plan of MXHD
  - Max FAR: 2.75
  - Density for 2+br: 10-55 du/ac
- Height Max, Commercial
  - 4 stories, 50 feet
- Height Max, Mixed Use
  - 5 stories, 55 feet






# Mixed Use Ocean Street Medium Density (MU-OM)

- Located on Ocean St, May St, and Barson St
- General Plan of MXMD
  - Max FAR: 1.75
  - Density for 2+br: 10-30 du/ac
- Height Max, Commercial
  - 3 stories, 45 feet
- Height Max, Mixed Use
  - 3 stories, 40 feet
- Height Min, All uses
  - 1 story, 16 feet



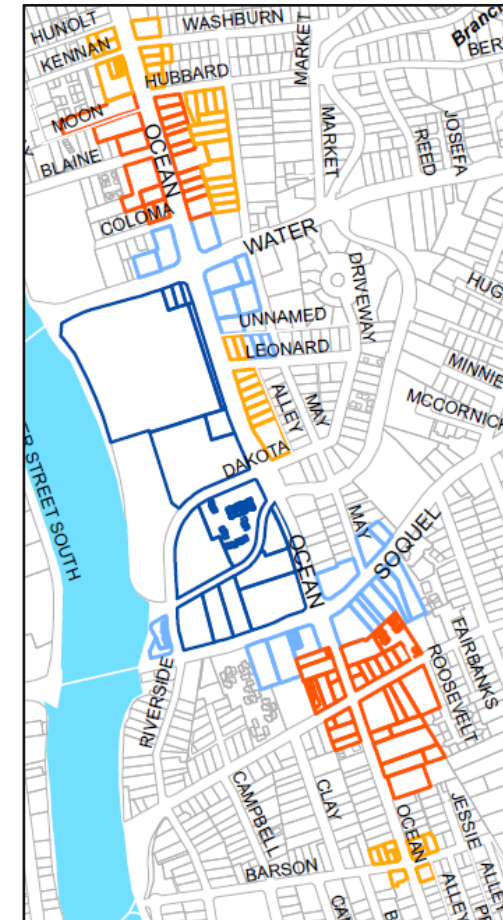
 Mixed Use Ocean Medium Density (MU-OM)






# Mixed Use Ocean Street High Density (MU-OH)

- Located on Ocean St and Broadway
- General Plan of MXMD
  - Max FAR: 1.75
  - Density for 2+br: 10-30 du/ac
- Height Max, Commercial
  - 4 stories, 55 feet
- Height Max, Mixed Use
  - 4 stories, 50 feet
- Height Min, All uses
  - 2 story, 24 feet

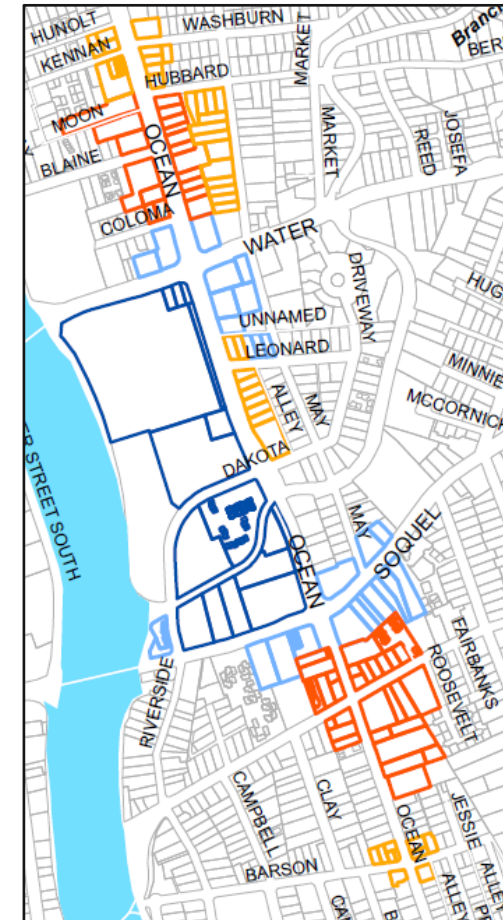



 Mixed Use Ocean High Density (MU-OH)



# Mixed Use Visitor-Serving High Density (MU-VH)

- Located on Ocean St, Water St, Soquel Ave, and Riverside Ave
- General Plan of MXVC
  - Max FAR: 2.75
  - Density for 2+br: 0-55 du/ac
- Height Max, Commercial
  - 4 stories, 55 feet
- Height Max, Mixed Use
  - 4 stories, 50 feet
- Height Min, All uses
  - 2 story, 24 feet

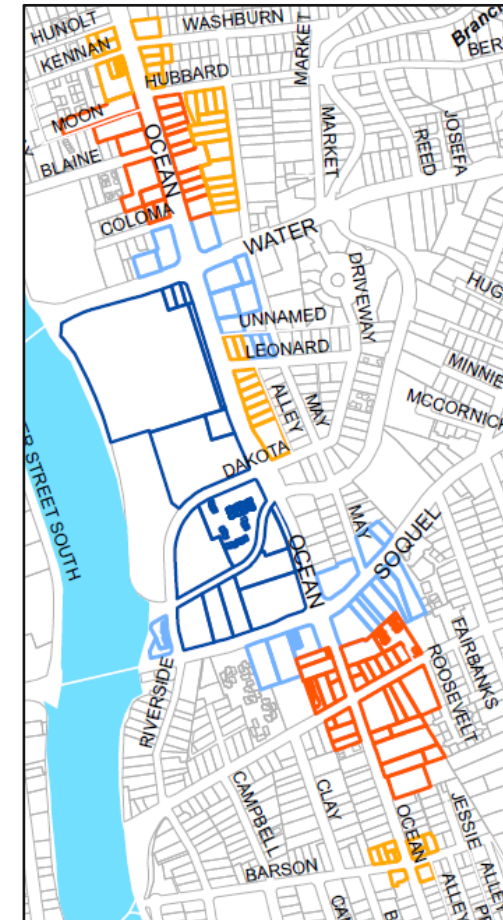



 Mixed Use Visitor High Density (MU-VH)



# Mixed Use Visitor-Serving Additional Height (MU-VA)

- Located on Ocean St, Water St, Dakota Ave, and Soquel Ave
- General Plan of MXVC
  - Max FAR: 2.75
  - Density for 2+br: 0-55 du/ac
- Height Max, Commercial
  - 6 stories, 75 feet
- Height Max, Mixed Use
  - 6 stories, 70 feet
- Height Min, All uses
  - 3 story, 40 feet



 Mixed Use Visitor Additional Height (MU-VA)



# Mixed-Use Zone Districts

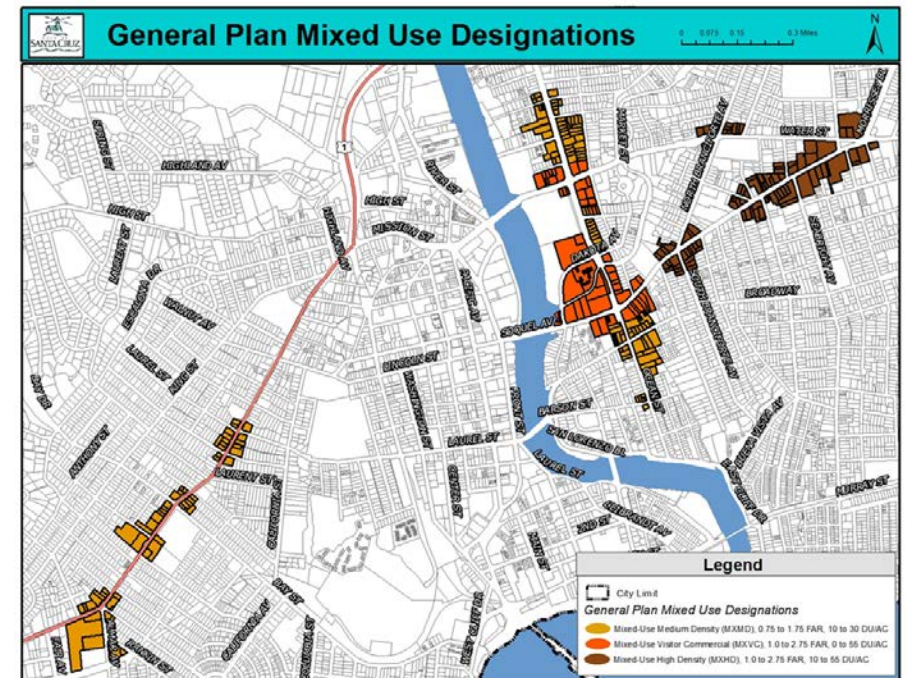
|                                            | MU-M     | MU-H     | MU-OM    | MU-OH    | MU-VH    | MU-VA    |
|--------------------------------------------|----------|----------|----------|----------|----------|----------|
| <b>Height Max, Commercial</b>              | 3 & 40   | 4 & 50   | 3 & 45   | 4 & 55   | 4 & 55   | 6 & 75   |
| <b>Height Max, Mixed Use</b>               | 4 & 45   | 5 & 55   | 3 & 40   | 4 & 50   | 4 & 50   | 6 & 70   |
| <b>Height Minimum (stories &amp; feet)</b> | N/A      | N/A      | 1 & 16   | 2 & 24   | 2 & 24   | 3 & 40   |
| <b>FAR from General Plan</b>               | 1.75     | 2.75     | 1.75     | 1.75     | 2.75     | 2.75     |
| <b>Setbacks</b>                            |          |          |          |          |          |          |
| Front                                      | 0        | 0        | 0        | 0        | 0        | 0        |
| Rear                                       | 15       | 20       | 10       | 10       | 15       | 20       |
| Side                                       | 0        | 0        | 0        | 0        | 0        | 0        |
| <b>Max Density (2+ Br Units)*</b>          | 30 du/ac | 55 du/ac | 30 du/ac | 30 du/ac | 55 du/ac | 55 du/ac |

\*Density from General Plan, reflected in proposed zoning ordinance

# Mixed Use Zone Districts: Rezoningings

## Findings

- The public necessity , and the general community welfare, and good zoning practice shall be served and furthered; and
- The proposed amendment is in general conformance with the principles, policies, and land use designations set forth in the General Plan, LCP, and any area or specific plan







# Residential Zone Amendments

## Residential Zones

- Change to calculation of side-yard setbacks
  - Allows for articulation and more floor area on lower floors
- In R-H zone
  - Deleting standards that conflict with the proposed standards
- Wireless Update

## Beach Residential Zones

- Residential uses made Principally Permitted in all cases
- No distinction based on project size
- Site Standards/densities unchanged
- Commercial uses unchanged
- Wireless Update



# Commercial Zone Amendments

## C-T, C-N, C-B, P-A

- Active Uses required
- Mixed-Use Principally Permitted
  - Stand-alone Res limited
- Density for res units either R-M or R-L (current condition)
- Wireless Update

## C-C, R-T(C)

- Active Uses encouraged
- SROs allowed as stand-alone projects (current condition)
  - FDUs: MU in R-T(C), stand alone in C-C
- Typical units allowed either
  - Mixed Use: no density in C-C/R-T(A) density in R-T(C) (current condition); OR
  - Stand-alone Res: Live-Work ground floor at R-M/R-T(A) density (current density)
- Wireless Update



# Planning Commission Recommendation

Support Staff Recommendation, Recommend further Inclusionary standards





# Planning Commission Recommendation

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## Design Standards

- Approve Staff Recommendation
- Prohibit Vinyl Windows on street-facing building faces
- Require Bus Passes for projects of 50+ units
- Increase Inclusionary for projects of 50+ and 100+ units

## New Mixed-Use Zones and Process

- Approve Staff Recommendation
- Increase inclusionary requirements for Density Bonus Projects



# Planning Commission Recommendation

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- Vinyl Windows
  - Vinyl windows are not permitted on building faces oriented toward streets, other than alleys, for buildings up to three stories in height.
  - Vinyl windows are not permitted on any building face of buildings over three stories in height.
- Bus Passes
  - Recommend considering with Climate Action Plan in September
- Inclusionary increases
  - Unstudied and untested
  - Could chill development of all housing,
    - Fewer affordable and market-rate units
  - Failure to meet RHNA obligation means more SB 35 development
  - Concerns over certifying 6th Cycle Housing Element



# Public Works Standards for Public Realm

Loading Spaces, Underground Utilities, Sidewalks and Public Realm



# Public Works Standards (Titles 6, 12, 15)

## a. Loading

- a. Use: Warehouse or similar/Office/Residential with SF thresholds
- b. Type A (8'x24') and Type B (10'x30')
- c. Refuse Enclosures (3+ units)

## b. Underground Utilities

- a. "Dark Conduit" for future use

## c. Public Realm/Sidewalks\*

- a. Transportation Study (TS)
- b. Traffic Control Devices  
*Install per TS, City ATP, Area Plans, MUTCD, NACTO, and AASHTO*
- c. ADA Bus Stop  
*5+ units and >10,000 SF of commercial/office*
- d. Streetlights  
*3+ units or commercial*
- e. Corridors/Sidewalks Widths  
*Area Plans and 8-foot minimum*

***\*Additional Objective Standards around off-street parking and multi-modal facilities to be developed as part of a future Curb Management Policy***



# Street Tree Standards

Requirements for planting, updates to maintenance standards,



# Sidebar: Street Tree Master Plan

- Approved by Council in April 2021
- Goals and Actions:
  - Emphasize incorporating trees in development and redevelopment projects
  - Explore revising the Municipal Code to promote the protection of community trees
  - Evaluate larger in-lieu fees for mitigation





## Zoning code amendments to require street trees in development projects

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- Section 24.12.186
  - Whenever development or redevelopment triggers 7' or greater sidewalk, street trees are required and must be permanently maintained
  - 1 tree for each 30' of street frontage
  - Existing trees count and are subject to protections of Chapters 13.30 and 9.56
  - Criteria to avoid utility infrastructure, existing trees, and traffic safety issues
  - Where trees cannot be planted as street trees, may be located elsewhere on property at ratio of 1.5:1





## Tree Ordinance updates to improve street tree planting and maintenance

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- Chapter 13.30
  - Add objective standards for the planting of street trees
  - Require that planting and care of street trees follow industry standards
  - Clarifying changes to title, purpose, definitions, duties, procedures
- Recommended for adoption by Parks & Recreation Commission on June 13, 2022





## Resolution for in-lieu fee for street tree replacement

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- In circumstances where a street tree is permitted for removal and replacement is not feasible
- Proposed fees based on costs to purchase, install, water for two years, and perform initial structural pruning on a replacement tree
  - \$1,510 for trees  $\leq 7$ " diameter
  - \$1,705 for trees  $> 7$ " diameter
- Other California municipalities surveyed charge tree in-lieu fees ranging from \$267 to over \$3,500
- In-lieu fee payments would fund tree planting and maintenance throughout the City
- Recommended for adoption by the Parks & Recreation Commission on August 8, 2022



# Zoning Updates

State Law changes, Fences, Accessory structures



# Why update?

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- Provide internal consistency
- Improve development processes
- Make consistent with State law
- Update standards and regulations
- Minor revisions for clarification, ease of use
- Improve the ordinance to better meet the needs of the City's residents



# Consistency Amendments

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- Removal of Conditional Driveway Permit remnants
- Use Determination – consistent across zone districts
- Update list of Use Permits that don't require public hearings
- Update Decision-Making Body table



# Process Amendments

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- No public hearing for “Low Risk Alcohol Permit”
- Clarify no 1-per-5-years limit for minor modifications that don’t increase intensity
- Revise fence standards so fewer projects require Conditional Fence Permits



# State Law Conformance Amendments

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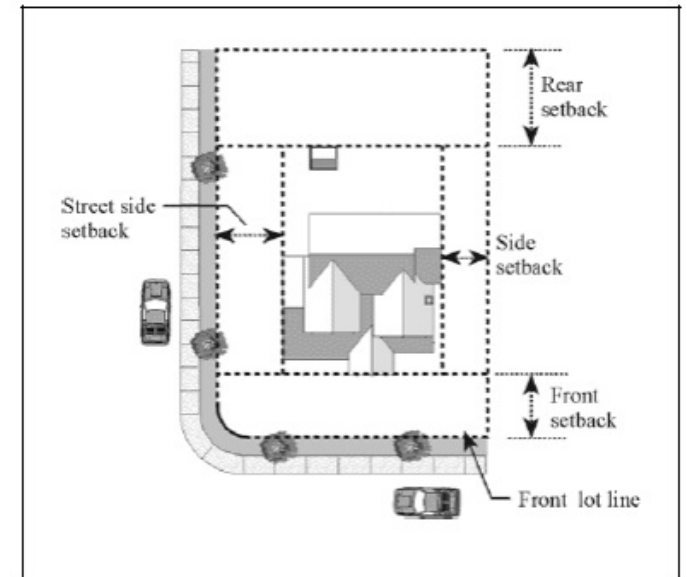
- Large family daycare homes allowed by right in residential units
- Replacement, demolition, and relocation assistance – maintain City standards where more strict, reference State standards for other requirements



# Updates to Standards: Fences

Fence height:

- Change from 6 feet to 8 feet for interior side and rear fences;
- Over 6 feet must be 50% open
- Setback for 6-foot tall exterior side yard fence:
  - 3-foot setback for exterior side
  - District standard/align with building for front (20' for R-1-5)





# Updates to Standards: Accessory Buildings

## Accessory Buildings and Structures:

- Add back Accessory Structures
- Allowed structures <8 feet tall in front and exterior side yards, outside of clear corner triangle and 90% visually permeable
- Children's play equipment < 50 square feet in area and < 14 feet tall exempt
  - 3-foot front setback and visual safety requirements





# Other Revisions

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- Remove references to Redevelopment Agency
- Revise “Downtown Recovery Plan” to “Downtown Plan”
- Allow projections into “required setbacks” rather than “conforming interior side yards”
- Include Planning Director as initiator of Zoning Map and Municipal Code text amendments
- Add definitions to Flexible Density Units
- Clarify method of determining building height
- Update definition of Family Daycare Homes



# Environmental Review

CEQA for all components



# Environmental Review

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- Objective Design and Development Standards, Rezoning, Public Works standards and Street Trees:
  - Implement the General Plan, studied in the EIR for the General Plan
  - Under Section 15183 of CEQA Guidelines, no further environmental review is required.
- Zoning Ordinance Updates
  - Exempt from CEQA under Section 15061(b)(3)



# Conclusion

Next Steps and Staff Recommendation



# Key Points

- Objective Standards project and the former Corridors Plan
  - Changes in State law since Corridors Plan
  - Zoning amendments reflect the General Plan to provide more transparency and certainty for all, and ensure better design and materials
- Community Design
  - City has limited ability to improve the design of projects, few objective standards currently address design
  - The objective standards offer the City the opportunity to retain control over design elements
- Development Review Process
  - Community Outreach Policy intact
  - Coastal Permits, Tentative Maps, Planned Development Permits, Use Permits, Variances, Density Bonus requests, or any other proposed variations from the objective standards would all require a public hearing
  - CEQA and appeal process intact



# Next Steps

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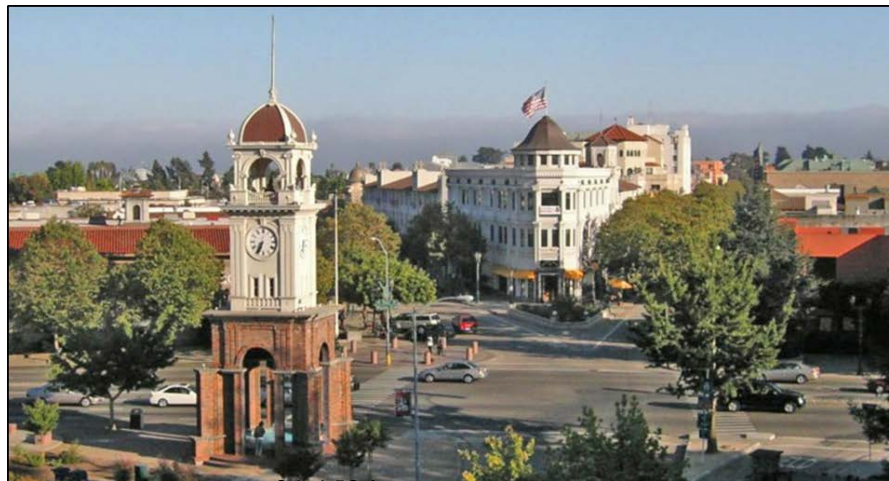
- First Reading
- Second Reading at next available meeting
  - LCP Ordinance takes effect outside Coastal Zone 30 days later
  - Non-LCP ordinance takes effect Citywide 30 days later
- Submit Coastal Commission for review
- Begin implementation in October
  - Create implementation tools for staff and applicants
- OSAP amendment and rezoning of additional property
- General Plan Text Amendment
- Check in with any changes needed (1-2 years)



# Staff Recommendation

## **RECOMMENDATION:** Motion to:

- 1) Introduce for publication an ordinance making the amendments to the Santa Cruz Municipal Code, as presented in the attached documents, for code sections not included in the Local Coastal Program or Implementation Plan; and
- 2) Introduce for publication an ordinance making the amendments to the Santa Cruz Municipal Code, as presented in the attached documents, for code sections that are included in the Local Coastal Program or Implementation Plan; and
- 3) Introduce for publication an ordinance making the proposed amendments to the zoning map, as stated in the ordinance and as shown in the associated map exhibit; and
- 4) Adopt the resolution establishing a new in lieu fee requirement for street tree removals.





# Questions