

# City of Santa Cruz Municipal Code

Excerpts from Title 24 Zoning

(Note: Refer to the Municipal Code on-line for the complete Zoning Code and Definitions. The sections included here were selected for their applicability to the topic of vacation rentals.

## DEFINITIONS

Chapter 24.22

### **24.22.066 APARTMENT.**

(See: §[24.22.320](#), Dwelling unit.)

### **24.22.070 APARTMENT, EFFICIENCY.**

(See: §[24.22.334](#), Dwelling unit, efficiency.)

### **24.22.074 APARTMENT HOTEL.**

(See: § [24.22.450](#), Hotel.)

### **24.22.117 BED-AND-BREAKFAST INN.**

A building containing not more than eight guest rooms, which may be occupied by not more than sixteen persons, which provides guest rooms and breakfast for guests and which is managed and occupied by the owner of the property.

### **24.22.134 BOARDING HOUSE.**

A lodging house in which meals are provided. (See: §[24.22.490](#), Lodging house.)

### **24.22.192 CARETAKER RESIDENCE.**

A mobile home, modular unit, or structure which is used as a residence by a security guard or caretaker of an industrial use, which is located on or adjacent to the premises occupied by the industrial use, and which is reasonably necessary to provide adequate security for the industrial use.

### **24.22.232 CONVERSION, OF USE.**

Change of a residential to a nonresidential use or a nonresidential to a residential use.

### **24.22.282 DORMITORY.**

A residential facility that provides sleeping quarters for a number of people, usually along with common bathroom facilities and recreation areas, generally for students.

#### **24.22.320 DWELLING UNIT.**

A dwelling unit is a building or portion of a building including one or more rooms which is/are designed or used as a residence by one family or housekeeping unit, with facilities for living, sleeping, eating and food preparation. A dwelling unit shall have only one domestic food preparation facility and shall have interior access between all habitable spaces.

#### **24.22.422 GUEST HOUSE.**

A detached structure of a permanent type of construction containing living and sleeping quarters which is clearly subordinate and incidental to the main building on the same lot, and which is not separately rented, let, or leased, whether compensation is direct or indirect.

#### **24.22.443 HOME OCCUPATION.**

All non-residential occupation and use of the property for financial gain which is clearly incidental and secondary to the use of the dwelling for residential purposes.

#### **24.22.450 HOTEL.**

Any building intended or designed to be used, or which is used, rented or hired out to be occupied or which is occupied for sleeping purposes by guests, and with access to units primarily from interior lobbies, courts or halls. (See: Motel)

#### **24.22.550 MOTEL.**

A building or a group of buildings designed to provide individual sleeping or living units for transient guests, not more than one-half containing cooking or other kitchen facilities, and with access to the units primarily from exterior courts, malls, balconies, parking areas or grounds.

#### **24.22.574 OCCUPANCY.**

The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

#### **24.22.576 OCCUPANCY PERMIT.**

A required permit allowing nonresidential occupancy of a building or structure after it has been determined that conformance with all conditions of approval and applicable ordinances has been achieved.

#### **24.22.618.1 PRINCIPAL RESIDENCE.\***

The dwelling a person physically occupies and lives in on a day-to-day basis. A person may have only one principal residence at a time. If a person alternates between two or more properties, the principal residence will be the one lived in the majority of days during the year. Whether a property qualifies as a principal residence depends on the facts and circumstances in each case, including the good faith of the homeowner. In addition to a homeowner's use of the property, the following factors

are relevant when determining principal residence: the address listed on the homeowner's federal and state tax returns, bank account, car registration, driver's license, voter registration and employment records; the mailing address for bills and correspondence; and whether the homeowner has been granted a homeowner's exemption pursuant to California Revenue and Taxation Code Section [218](#) which is on file in the County Assessor's Office.

#### **24.22.646 RESIDENCE HALL.**

An establishment providing living quarters including dormitories for five or more persons, with or without meals, by the week or by the month, for rent paid in money, goods, labor, or otherwise; and providing communal kitchen and dining facilities.

#### **24.22.674 ROOMING HOUSE.**

A private residence providing living quarters, with or without meals, by the week or by the month, for rent paid in money, goods, labor, etc., for at least six but not more than fifteen guests.

#### **24.22.699 SHORT TERM/VACATION RENTAL.**

"Short term/vacation rental" is a residential unit in which overnight accommodations are offered for hire, or in which living accommodations for periods of less than thirty days are customarily offered for hire, or otherwise used in a manner or purpose that would require the owner to comply with the requirements of Chapter [3.28](#), Transient Occupancy Tax.

#### **24.22.747 SINGLE-ROOM OCCUPANCY UNITS (SRO).**

A cluster of residential units of a smaller size than normally found in multiple dwellings within a residential hotel, motel, or facility providing sleeping or living facilities in which sanitary facilities may be provided within the unit and/or shared, and kitchen or cooking facilities may be provided within the unit or shared within the housing project.

#### **24.22.748.1 SMALL OWNERSHIP UNIT (SOU).**

A dwelling unit containing no more than one bedroom and a floor area ranging from four hundred to six hundred fifty square feet, located on a separate subdivided parcel and included in a residential development where all dwelling units are SOU units and are offered for sale to the general public.

### **Part 14: RESIDENTIAL DEMOLITION/CONVERSION AUTHORIZATION PERMITS\***

\* Editor's Note: Part 14 of Chapter [24.08](#) was originally adopted by Ord. 85-05. Subsequent amendments included in this part were made by Ord. 86-42.

#### **24.08.1310 PURPOSE.**

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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.**

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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.**

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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.**

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The zoning administrator may issue a demolition/conversion authorization permit for the demolition or conversion of a single-family residence 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.**

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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.**

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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.**

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All low- or moderate-income households displaced by demolition or conversion of use shall receive relocation assistance. This 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. Payment of relocation assistance or other agreed upon assistance shall be made by the applicant to eligible tenants prior to issuance of the building permit for replacement project or use, or at the time of termination of tenancy, whichever occurs first.

#### **24.08.1360 REPLACEMENT HOUSING REQUIREMENTS.**

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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.

#### **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.**

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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.
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## **24.08.1380 EXCEPTION.**

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This part, except for relocation assistance as stipulated in Title [21](#) of the Municipal Code, 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.

## **Part 4: R-1 SINGLE-FAMILY RESIDENCE DISTRICT**

### **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.

(Ord. 2000-27 § 5, 2000: Ord. 94-33 § 29, 1994: Ord. 93-19 § 4, 1993: Ord. 85-05 § 1 (part), 1985).

### **24.10.310 PRINCIPAL PERMITTED USES.**

1. Single-family dwelling.
2. Community care facilities including daycare and foster homes (six or fewer persons).
3. Family daycare in single-family dwelling or duplex.
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.

### **24.10.330 USE PERMIT REQUIREMENT.**

1. The following uses are subject to approval of an administrative use permit and a design permit:
  - 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. 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.
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 including nursing homes, retirement homes, daycare 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) The area is characterized by mixed residential uses;
    - (2) Such uses shall be permitted in entirely new structures only;
    - (3) Duplexes will not be approved on properties within five hundred feet of existing duplexes or approved duplex locations;
    - (4) 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;
    - (5) The units shall be designed so that each faces on one of the streets forming the intersection;

(6) 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 be arranged so that at least one faces each of the intersecting streets, and in all cases shall be set back at least twenty feet from the property line.

(7) There shall be a differential of at least twenty percent in the total floor area of the individual units.

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 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.

#### **24.10.160 HOME OCCUPATION REGULATIONS.**

1. Intent. The discretionary approval of a home occupation is intended to allow for home enterprises, which 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 not employ any help other than the members of the resident family or household; shall not change the residential character of the dwelling units; shall not generate a vehicular traffic increase of more than six trip ends (three round trips) per day including deliveries and clients.

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. Any activity or use which involves:

(1) A significant increase in vehicular trips to the residence;

(2) Storage or use of hazardous or unsanitary materials;

(3) Creation of noise levels exceeding the standards of this title and/or other nuisance factors inconsistent with Chapter [24.14](#), Part 2: Performance Standards;

(4) Auto/truck/motorcycle/motor boat repair;

d. The placement of a sign advertising the business.

4. Permits Required. A zoning clearance and business license shall be required, except for small family daycare which is exempt from local regulations.

#### **24.10.180 FIVE-DAY USE PERMITS.**

The zoning administrator is authorized to issue short-term permits effective for a period not to exceed five days. The zoning administrator may issue such permits without a public hearing. The zoning administrator's decision may be appealed to the planning director within a three-day period.

In approving a five-day permit, it shall be determined by the zoning administrator that the proposed use:

1. Will not constitute a nuisance or be detrimental to the public welfare of the community; and
2. That any additional conditions stipulated as necessary in the public interest have been imposed.

### **Part 7: R-T TOURIST RESIDENTIAL DISTRICT**

#### **24.10.600 PURPOSE.**

The purpose of the R-T Tourist Residential District is to establish a zoning district to accommodate a mix of residential, motel, and commercial land uses and to preserve historical buildings and trees within the district. Recognizing this variety of land uses and the desire to utilize existing land uses, the R-T District is divided into five subdistricts: Medium-Density Residential, Motel Residential, Beach Commercial, Beach Residential, and High/Medium Density Residential. Each subdistrict is designed to ensure compatibility of uses, upgrade the area by ensuring a high quality of new developments, and promote a suitable environment for residential and tourist-oriented uses. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

#### **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.

(Ord. 2000-18 § 4 (part), 2000: Ord. 85-05 § 1 (part), 1985).

#### **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 day care facility in single-family home or duplex (510a);
  - c. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section [24.12.140](#), accessory buildings.
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. 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.

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 Part 9, Chapter [24.12](#); (300c)

- b. Large community care facilities; (850e)
- c. Large family daycare facilities; (510a)
- d. Group care homes; (850e)
- e. Multiple dwellings, townhouse dwelling groups, and condominiums, ten units or more; (840)
- f. Public and private commercial parking;
- g. Public and private noncommercial recreation areas, buildings and facilities such as parks; (710)
- h. 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)
- i. Retirement homes or centers. (850b)

#### **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.

#### **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.

##### **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 Part 15 of Chapter [24.12](#).
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 Part 2 of Chapter [24.12](#) (280g).
  - b. Large community care facilities (850e).
  - c. Large family daycare facilities (510a).
  - d. Motel, hotel and bed-and-breakfast inn uses subject to annual business license review (300).
  - e. Multiple dwellings, townhouse dwelling groups, and condominiums, ten units or more (840).
  - f. Public and private commercial parking (940, 950).
  - g. Public and private noncommercial recreation areas, buildings and facilities such as parks (710).
  - h. 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).
  - i. Retirement homes or centers (850b).

#### **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.

## **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.

## **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. 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.)
  - a. Food and beverage stores (except liquor stores) (240);
  - b. Motel, hotel, and bed-and-breakfast inn uses subject to annual business license review (300);
  - c. One or two multiple-family units when located above the first floor of permitted commercial uses with no additional parking required (820);

- d. Off-site parking fewer than five spaces (930);
  - e. Small family day care facility in single-family home or duplex;
  - f. Eating and drinking establishments without alcohol sales and subject to the live entertainment regulations in Part 2 of Chapter [24.12](#) (280).
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.)
- (a) Accessory buildings containing plumbing fixtures subject to provisions of Section [24.12.140](#);
  - (b) Acting/art/music/dance/studios/schools (610);
  - (c) Apparel and accessory stores (250);
  - (d) Churches (500);
  - (e) Community organizations, associations, clubs and meeting halls (570);
  - (f) Convenience stores, subject to alcohol regulations in Part 12 of Chapter [24.12](#) (240B);
  - (g) Developed parks (710);
  - (h) Undeveloped parks and open space (700);
  - (i) Eating and drinking establishments (except bars and fast-food restaurants) subject to live entertainment and alcohol regulations of Chapter [24.12](#) (280);
  - (j) Educational facilities (public/private) (510);
  - (k) General merchandise stores (drug and department stores) (230);
  - (l) Government and public agencies (530);
  - (m) Home furnishings (270);
  - (n) Liquor stores, subject to alcohol regulations in Part 12 of Chapter [24.12](#) (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) Temporary structures and uses;
  - (w) Video rental (360B);
  - (x) Sports and recreation facilities, without alcohol sales (720);
  - (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 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.)
- (a) Bars/taverns subject to alcohol regulations in Part 12 of Chapter [24.12](#) (280C);
  - (b) Communication and information (550);
  - (c) Large family daycare facilities;
  - (d) Fast-food restaurants subject to alcohol regulations in Part 12 of Chapter [24.12](#) (280H);
  - (e) Professional offices (400), except as associated with a visitor-serving use;
  - (f) Multiple dwellings, townhouse dwelling groups and condominiums ten units or more subject to the R-T(A) District regulations (840);
  - (g) Marine facilities and related uses (560E):
    - (i) Related research facilities (400L);
    - (ii) Related storage and warehousing (330);
    - (iii) Fish/seafood wholesale sales (200F);
  - (h) Mixed residential and commercial developments with non-commercial uses on the ground floor, subject to the R-T(A) District regulations (830);

- (i) Nightclubs/music halls, subject to live entertainment and alcohol regulations in Part 12 of Chapter [24.12](#) (630);
- (j) Off-site public/private parking facilities, five or more spaces (930);
- (k) Single-family residences if lot size does not allow multifamily development (800);
- (l) Single-room occupancy (SRO) housing, sixteen units or more (860);
- (m) Sports and recreation facilities subject to alcohol regulations in Part 12 of Chapter [24.12](#) (720);
- (n) Theaters (620);
- (o) Utilities and resources (540);
- (p) Professional offices (400);
- (q) Duplexes (810);
- (r) Personal services (except contractors yards and mortuaries) (310);
- (s) Triplexes (820);
- (t) Educational facilities (public/private) (510);
- (u) Financial, insurance, real estate offices (420);
- (v) Medical/health offices (410).

#### **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.

#### **24.10.624.1 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 7C.1: R-T(C)/PER: SUBDISTRICT C – BEACH COMMERCIAL/PERFORMANCE OVERLAY ZONE**

### **24.10.625.0 PURPOSE.**

The purpose of the Beach Commercial Performance Overlay Zone is to identify areas of critical public interest in the Beach Commercial Area, and to provide regulations and standards necessary to achieve planning goals for development and/or redevelopment in a manner which protects neighborhood integrity while stimulating appropriate economic development.

The goal of RTC/PER is to promote the General Plan policy for the development of regional visitor serving uses in the Beach Area while accomplishing the directives of the adopted Beach and South of Laurel Comprehensive Area Plan. The Beach Commercial Performance Overlay zone establishes the requirement that a master plan for the entire 7.5 acre site developed under the Planned Development process before any new buildings are constructed on the site.

### **24.10.625.1 INTENT OF THE ZONE.**

The RTC/PER is designed to accomplish the following:

- (a) To incorporate a public process to ensure that development meets adopted public policy goals in terms of uses, design and public benefits;
- (b) To permit a flexible development response to the local market as well as the regional visitor market, and to allow for the development of a variety of land uses and public activities to meet the needs and requirements of visitors, residents and workers;
- (c) To provide a density of development which will be compatible with uses adjacent to the Beach Commercial Area;
- (d) To encourage design which produces a desirable relationship between the development on this site and adjacent residential and commercial areas;
- (e) To ensure conformance with the approved “Beach Commercial Design Guidelines” regarding facades, public spaces, location of store fronts, architectural variation, height, rooflines, and landscaping; and
- (f) To allow change of use of existing buildings on the site that comply with the following permit requirements.

### **24.10.625.2 APPLICABILITY.**

The RTC/PER overlay zone shall be applied to all the parcels that comprise the Main Beach Parking lot, which is bounded by Beach Street, Riverside Avenue, Second and Cliff Streets and shall be subject to a community based planning process that is carried out to review the proposed uses, densities and design of proposed development within the Overlay district through a Planned Development process subject to the criteria and standards established by the Performance Overlay Zone. This process should take into account the proposed development’s potential to meet the city’s

adopted economic development goals as well as neighborhood conservation goals for the area; its compliance with Local Coastal Zone policy and adopted design guidelines, and identify the benefits of the proposed project.

### **24.10.625.3 USE PERMIT REQUIREMENT.**

1. The following uses are permitted subject to an Administrative Use Permit, a Design Permit and other requirements of the Municipal Code. The goal is to provide a continuity of activity and interest which will integrate existing commercial uses along Beach Street and the Boardwalk more fully. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes.)

- a. Retail uses, including stores, shops, specialty shops, and neighborhood convenience retail, excluding department stores or discount malls up to a total of 125,000 square feet for the district (230, 250, 290).
- b. Eating establishments, not including drive-up or drive-in services, subject to live entertainment and alcohol regulations of Chapter [24.12](#) (280).
- c. Off-site parking with fewer than five spaces (930).
- d. Food and beverage stores (except liquor stores) (240).
- e. Acting/art/music/dance/photography studios/schools (610) if such establishments are in compliance with the Design Guidelines and active people-orient uses are located adjacent to the street.
- f. Administrative offices ancillary to a permitted use, if:
  - offices in new structures are screened on street frontage by retail/recreational, and/or active people-oriented uses of at least 25 feet in depth, or
  - offices in existing structures do not create a significant break in pedestrian activity and storefront continuity along the street, and are landscaped according to the Design Guidelines.
- g. Indoor recreational uses and sports and health clubs, provided that the storefront adjacent to the street is designed in compliance with the guidelines, and active people oriented uses are located adjacent to the street (720).
- h. Temporary structures and uses.

2. The following uses are subject to approval of a Special Use Permit, a Design Permit and other requirements of the Municipal Code:

- a. Public performance space, art galleries and/or museums which are open to the public (600, 610).
- b. Lodging, hotel development provided it incorporates specialty boutiques and/or restaurant(s) on the ground floor, and does not create a significant break in pedestrian activity and storefront continuity along the street (300).

- c. Off-site public/private parking facilities, five or more spaces (930), so long as the total width of access to the facility is not more than 50 feet in width on any one street frontage, provided the parking is visually screened and separated from the street, and that access is designed in a manner not to disrupt retail continuity along Beach Street.
- d. Residential development, located above the first floor of commercial uses, not to exceed 30 dwelling units/acre, if it includes a mixture of unit types (e.g. variety of unit sizes) and if 15% of the total number of units are affordable in accordance with Chapter [24.16](#) of the zoning regulations.
- e. Theater and cinemas; exhibit space and libraries, auditoriums and conference space, providing significant pedestrian activity and storefront continuity is provided along the streets, (550g, 570b, 570c, 600, 620)
- f. Live performing arts theaters or nightclub establishments providing live entertainment with stage/performance areas greater than 80 square feet or permitting dancing and establishments serving alcoholic beverages; provided, that the storefront is designed in compliance with design guidelines and to include active people-oriented activities of visual interest to the pedestrian and subject to acoustical studies indicating that such uses can achieve the city's existing noise standards (630).

#### **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. A use permit shall be required and processed pursuant to Part 1, Chapter [24.08](#), Use Permits, of this title.

#### **24.10.625.6 PROCEDURE.**

It is the intent of the RTC/PER overlay to encourage comprehensive master planning, following either the Planned Development or Area Plan process outlined in the city Zoning Ordinance. For this reason, all new development in the RTC/PER overlay shall require a pre-application review by city staff prior to submittal of a formal application. The intent is to review proposed plans at the conceptual stage, thereby enabling city staff to provide feedback on recommended site design elements, compatibility with other existing and planned uses within the RTC/PER overlay, and to identify other land use issues which may arise. Following the preapplication process the applicant shall submit for either an Area Plan or a Planned Development subject to the design criteria listed in the RTC/PER overlay zone, to achieve the desire to accommodate a community-based planning process identified in the Beach and South of Laurel Comprehensive Area Plan.

#### **24.10.625.7 FINDINGS REQUIRED.**

In addition to required Use and design permit findings any development permit, must also meet the following findings. 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 the adjacent RTD, and RTE neighborhoods.
2. Provides an amenity level of the development, the quality of architecture, and the landscaping required by the above standards.

## **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. Single-family and duplexes (800, 810);
  - b. Storage and equipment structures, if ancillary to principal residential use;
  - c. Small family day care facility in single-family home or duplex (510a);
  - d. Accessory Uses. Other uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section [24.12.140](#), Accessory buildings.
  - e. 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.

### **24.10.628 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. 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.
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 Part 9, Chapter [24.12](#). (300c)
  - b. Community care facilities. (850e)
  - c. Large family daycare facilities. (510a)
  - d. Multiple dwellings, townhouse dwelling groups, and condominiums, three units or more. (830, 840)
  - e. Public and private noncommercial recreation areas, buildings and facilities such as parks. (710)
  - f. 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)
  - g. Retirement homes or centers. (850b)

**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.

(Ord. 2000-18 § 1 (part), 2000: Ord. 85-05 § 1 (part), 1985).

**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.
  - b. Small family daycare.
  - 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 day care 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.

(Ord. 2000-18 § 2 (part), 2000).

#### **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 9: BED-AND-BREAKFAST INNS**

#### **24.12.800 PURPOSE.\***

These regulations are established in order to facilitate bed-and-breakfast uses in commercial districts which cater to visitors; encourage bed-and-breakfast uses in residential districts where they are appropriate, while protecting surrounding residential uses from their commercial impacts; and encourage the preservation and maintenance of buildings listed on the Historic Building Survey.

(Ord. 96-05 § 1 (part), 1996; Ord. 94-33 § 62, 1994; Ord. 85-05 § 1 (part), 1985).

\* Editor's Note: Former Section [24.12.800](#), "Purpose," was replaced in its entirety by § 1 of Ord. 96-05.

#### **24.12.810 Regulations.**

(1) In districts which allow hotels, motels and lodging, bed-and-breakfast inns shall be subject to the same regulations as hotels and motels. In all R-1, R-L, R-M, R-T(A) and R-T(D) districts, bed-and-breakfast inns shall meet the following requirements:

(a) Bed-and-breakfast inns shall provide breakfast and may provide other meals for registered guests. No meals may be served to unregistered guests or the general public.

- (b) No cooking facility shall be allowed in guest rooms.
  - (c) Guest occupancy shall be limited to fourteen days during any thirty-day period.
  - (d) Guests shall check in and out only between 9:00 a.m. and 8:00 p.m.
  - (e) Bed-and-breakfast inns shall be managed and occupied by the owner of the property.
  - (f) Except as provided in subsection (2) of this section, the bed-and-breakfast use shall comply with all requirements of the zoning district in which it is located.
  - (g) Prior to the zoning board's public hearing of the application, the applicant shall provide evidence that written comments have been solicited from all owners and occupants of lands adjoining the proposed use. Any written comments received shall be submitted to the zoning board.
  - (h) A transient occupancy permit shall be obtained prior to activating the use permit.
- (2) In addition to the requirements contained in subsection (1) of this section, bed-and-breakfast inns in the R-1 Single-Family Residence District and the R-L Multiple Residence-Low Rise District shall meet the following requirements:
- (a) There shall be a distance of either two full blocks or fifteen hundred lineal feet, whichever is greater, between bed-and-breakfast inns.
  - (b) The structure proposed for a bed-and-breakfast use shall be listed in the city of Santa Cruz Historic Building Survey.
  - (c) No use permit may be issued to authorize a bed-and-breakfast use if that use would result in a net loss of multiple dwelling units which have been occupied as such for two years prior to the application date.
  - (d) Signs shall be affixed to the structure, externally lighted only, and turned off by 10:00 p.m.
- (3) This section of the Zoning Ordinance is also part of the Local Coastal Implementation Program.

#### **24.12.820 FINDINGS REQUIRED.**

In addition to other findings required by Sections [24.08.030](#) (Design Permit), [24.08.040](#) (Special Use Permit), and [24.08.930](#) (Historic Alteration Permit), all applications for bed-and-breakfast uses within R-1, R-L, R-M, R-T(A) and R-T(D) zoning districts shall be consistent with the following findings:

- (a) The proposed use will further the preservation of any historic building(s) involved as evidenced by proposed repairs and improvements to the building and property, and the establishment of an economic use of the building which will support its continued maintenance and improvement.
- (b) The proposed use, as conditioned, will not create noise, parking or other detrimental impacts on the residential neighborhood in which it is located.

(c) The proposed use will further General Plan policies related to historic preservation, tourism and economic development.

**Part 3: OFF-STREET PARKING AND LOADING FACILITIES\***

**24.12.200 PURPOSE.**

The purpose of the regulations contained herein is to reduce street congestion and traffic hazards and to add to the safety and convenience of citizens, by providing adequate, attractively designed, and functional facilities for off-street parking and loading as an integral part of every use of land in the city. A further purpose is to promote non-auto transportation and transportation/parking management. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

**24.12.210 GENERAL PROVISIONS.**

At the time any building or structure is constructed, erected or modified, or a use established, there shall be provided on the same site, for the use of the occupants, guests, clients, customers or visitors thereof, off-street parking spaces for vehicles in accordance with the requirements herein. Alternatives in lieu of or in addition to parking may be required.

**24.12.220 EXCEPTIONS.**

Off-street parking and loading requirements set forth in this part shall not apply to agricultural uses.

**24.12.230 GENERAL REQUIREMENTS.**

A design permit is required for a new facility or an existing facility proposed for modification, containing five or more spaces.

**24.12.240 NUMBER OF PARKING SPACES REQUIRED.**

Where the computation of required parking spaces produces a fractional result, fractions of one-half or greater shall require one full parking space.

<b>Residential Uses</b>					
		<b>Number of Bedrooms</b>			
<b>Type</b>	<b>Efficiency</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4 or more</b>
Single-family* (including townhouses)	1.0	1.0	2.0	2.0	3 + 1 for ea. addl. bedroom
Houseboat, duplex, triplex, multiple mobilehome	1.0	1.5	2.0	2.0	3 + 0.5 for ea. addl. bedroom

Lodging, rooming houses and bed-and-breakfast inns		2 spaces, plus 1 for each bedroom
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 apartments, 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***		1 parking space, covered or uncovered, shall be provided on site for each bedroom in addition to the required parking for the primary residence
Community housing projects		In addition to meeting above residential parking requirements, 1 additional parking space for each 4 dwelling units shall be provided
<p>Covered Parking. At least 1 of the required parking spaces for each dwelling unit shall be covered, within a carport or a garage unless otherwise specified within Title <a href="#">24</a>. Each standard-size parking space required to be located in a garage or carport for a residential unit shall be not less than 19 feet in length by 8.5 feet in width.</p>		
<p>Covered Parking Exceptions.</p> <p>(1) Mixed-use projects are not required to provide covered parking if the project is 1 contiguous parcel or vertical development.</p> <p>(2) Duplex, triplex or multiple dwellings, townhouse dwellings, residential condominiums, SRO, or SOU projects are not required to provide covered parking. All standard sized parking for each dwelling unit shall be as required above.****</p> <p>(3) Exceptions to parking requirements may be granted to publicly subsidized units where such requirements are in conflict with state or federal regulations or funding policies.</p>		

**Notes**

\* Tandem parking may be utilized for the required uncovered parking spaces pursuant to Section [24.12.280\(4\)](#).

\*\* (1) SRO parking requirements may be reduced by 0.25 spaces for each dwelling unit at the discretion of the approving authority if the project is either located:

a) Within 0.25 mile or 1,320 feet of an alternative parking facility and spaces are available and can be committed to residents; or

b) Within 0.25 mile or 1,320 feet of access to public transportation such as a bus stop and a grocery store.

(2) Parking requirements may be further reduced by 0.25 spaces if the project allows only senior residents.

(3) Parking requirements for mixed use developments in the I-G District, as permitted under Section [24.10.1510\(2\)\(1\)\(3\)](#), may be reduced by a maximum of 0.4 spaces for each dwelling unit at the discretion of the approving authority as a part of an on-site shared parking plan.

\*\*\* Accessory dwelling units only.

\*\*\*\* 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.