

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING CHAPTERS 18.45, 24.04, 24.08, 24.14, AND 24.22 OF THE CITY OF SANTA CRUZ MUNICIPAL CODE TO REVISE THE REQUIREMENTS FOR DEVELOPMENT ON SLOPED PROPERTY TO BE BASED ON SITE-SPECIFIC GEOTECHNICAL REPORTS. THIS ORDINANCE ALSO AMENDS THE LOCAL COASTAL PROGRAM TO INCLUDE THESE AMENDMENTS.

Strike-out indicates existing text that is proposed to be removed. Underline and red text indicates new text proposed to be included.

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

Section 1. Chapter 18.45 “Excavation and Grading” of the City of Santa Cruz Municipal Code is hereby amended as follows:

Chapter 18.45 EXCAVATION AND GRADING REGULATIONS

18.45.010 through 18.45.020 – no change.

18.45.030 GENERAL GRADING PERMIT REQUIREMENTS.

(3) Prohibited Grading Areas. No grading permit shall be issued for a project located in a protected natural resource area, including species-protected area, archaeologically sensitive area, riparian corridor, or on slopes greater than thirty percent unless an appropriate zoning permit for the special area is first obtained. No grading permit shall be issued within ~~ten~~ twenty feet of any slope exceeding thirty percent, unless a ~~variance granting such slope modification~~ slope development permit pursuant to Section 24.08 (Part 9) of the Zoning Ordinance is first obtained.

18.45.035 through 18.45.150 – no change.

Section 2. Chapter 24.04 “Administration” of the City of Santa Cruz Municipal Code is hereby amended as follows:

Chapter 24.04 – ADMINISTRATION

24.04.010 through 24.04.020 – no change.

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;
4. Conditional fence permit;
- ~~5. Conservation regulations modifications;~~
- ~~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;
- 10a. Administrative historic alteration permit;
- ~~10a~~11. Historic landmark designation;
- ~~11~~12. Mobile homes: certificate of compatibility;
- ~~12~~13. Mobile home park conversion;
- ~~13~~14. Planned development permit;
- ~~14~~15. Relocation permit;
- ~~15~~16. Revocation of permits;
- ~~16~~17. Signs:
 - a. Design permit (for signs),
 - b. Building permit (for signs),
 - c. Sign permit – public art exception;

17. Slope Development Permit

18 through 23 – no change.

24.04.040-24.04.080 – no change.

24.04.090 PUBLIC HEARING REQUIREMENT.

A public hearing shall be required for the following:

1 through 10 – no change.

11. **Slope Development Permit (on or within 20 feet of a 50% or greater slope)**
- ~~11~~12. Relocation of structures;
- ~~12~~13. Revocation of permits;
- ~~13~~14. 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);
- ~~14~~15. Variance;
- ~~15~~16. Watercourse variance;

- 1617. Project modifications, pursuant to Section 24.04.160(4)(c);
- 1718. Zoning Ordinance and General Plan text and map amendments.

24.04.100 through 24.04.120 – no change.

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			Appeal Bodies (in order)
	No Public Hearing	Public Hearing		
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU)		ZA*	CPC/CC/CCC*
Administrative Use Permit: Large Family Daycare Homes and Temporary Uses	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) <u>Slope Development Permit (on or within 20 feet of a 50% or</u>			ZA CPC	<u>CPC/CC</u>

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	
<u>greater slope)</u>				
Slope Regulations Modifications (Design Permit) <u>Slope Development Permit (on or within 20 feet of a 30% to 50% slope)</u>	ZA			CPC/CC
Design Permit – Substandard lots: new two-story structures and second-story additions, including ADUs Substandard lots: single-story ADUs	ZA ZA		ZA	CPC/CC CPC/CC CPC/CC
Large homes per Section 24.08.450 Wireless telecommunications facilities New structures or improvements to existing structures in the WCD Overlay which are exempt or excluded from coastal permit requirements	ZA ZA		ZA ZA	CPC/CC CPC/CC CPC/CC
New structures or improvements to existing structures in the WCD Overlay which require a coastal permit			ZA	CPC/CC
Demolition Permit 1. Single-family residential 2. Multifamily residential 3. Historic demolition permit	ZA		CPC HPC	CPC/CC CC CC
4. Nonresidential	ZA**		ZA**	CPC/CC
General Plan Text and Map Amendments		CPC	CC/CCC****	

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	
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****	

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	
Amendments not recommended by CPC		CPC		CC/CCC***
<p>CCC = California Coastal Commission CC = City Council CPC = City Planning Commission HPC = Historic Preservation Commission ZA = Zoning Administrator</p> <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.</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>				

24.04.140 through 24.04.250 – no change.

Section 3. Part 8: Planned Development Permit and Part 9: Slope Regulations Modifications of Chapter 24.08 “Land Use Permits and Findings” of the City of Santa Cruz Municipal Code are hereby amended as follows:

Chapter 24.08 LAND USE PERMITS AND FINDINGS

Part 8: PLANNED DEVELOPMENT PERMIT

24.08.700 through 24.08.710 – no change.

24.08.720 GENERAL PROVISIONS.

A planned development permit provides variation on district regulation, where appropriate, in the following areas:

1. Building setbacks.
2. Street standards.

3. Lot coverage.
4. Parking and loading.
5. Landscaping.
6. Open space.
7. Lot area.
8. Uses.
9. ~~Slope regulation modifications, pursuant to procedures set forth in Chapter 24.08, Part 9 (Slope Regulations Modifications).~~

~~109.~~ Height, not to exceed one story or twenty percent of height (in feet) over and above regulations established in district regulations for the district in which the project is proposed. All aspects of the proposed development which represent a departure from strict application of district regulations shall be explained in the application and reasons given why the proposed development plan affords greater public benefits than would be achieved through application of conventional zoning regulations.

24.08.730 through 24.08.790 – no change.

Part 9: SLOPE REGULATIONS MODIFICATIONS DEVELOPMENT PERMIT

24.08.800 PURPOSE.

Development on slopes presents opportunities and challenges. Construction on unstable slopes can lead to erosion, steep terrain can present wildfire and evacuation hazards, and buildings constructed on hilltops often have exceptional views while having the potential to adversely impact public views. Such development is therefore regulated by the ~~Slope regulation modifications may be permitted to allow for development in unique situations where mitigation measures achieve the purpose of provisions of Section 24.14.030(1)(d) (slope regulations) to ensure that risks to public and private property and adverse impacts to public views are~~ and where strict compliance with Section 24.14.030(1)(d) creates a particular physical hardship and where no reasonable alternative to the exception exists, and when the extent of the exception is minimized. “Public views” include scenic views of the ocean, beaches, and the Santa Cruz Mountains from public property, including from parks and public rights-of-way. This section is also part of the Local Coastal Implementation Plan.

24.08.810 PROCEDURE.

Projects on or within twenty feet of a slope of thirty percent or greater ~~requiring an exception to slope standards established by Section 24.14.030~~ must apply for a slope ~~modification~~ development permit unless the project is exempted from the need for such a permit under Section 24.14.030(1)(g). This permit may be granted by the zoning administrator under Section 24.14.030(1)(c) without a hearing if the project is ~~no closer than ten feet from the top edge~~ on or within twenty feet of a thirty-percent to fifty-percent slope and is consistent with the findings in

Section 24.08.820, unless the slope ~~modification~~development permit is accompanied by an application ~~which that~~ must be heard by a higher body. ~~Should a p~~Projects on or within twenty feet of a slope of fifty percent or greater closer than ten feet to a thirty percent slope, then it must be considered at a public hearing by the zoning board ~~administrator~~ administrator as a variance which and must also be consistent with the findings in Section 24.08.820 unless the project is exempted from such a permit per Section 24.14.030(1)(g). In the case of construction of an accessory dwelling unit pursuant to Section 24.16.100 et seq., this section shall apply only when alternative site configurations are available to an applicant that would permit the construction of a detached accessory dwelling conforming to the development standards in Section 24.16.140~~unit up to eight hundred square feet in size~~ without the need for a slope ~~modification~~development permit; when no alternative site configuration will allow the construction of an ~~eight hundred square foot~~ a detached accessory dwelling unit in conformance with Section 24.16.140, the applicant shall comply with the maximum possible number of findings in Section 24.08.820, but shall not be denied a building permit for the accessory dwelling unit based on this section.

24.08.820 FINDINGS REQUIRED.

A slope ~~modification~~ development permit may be granted when all of the following applicable conditions are found or when, pursuant to the provisions of Section 24.08.810, an application for an accessory dwelling unit meets as many of the following conditions as possible:

1. Measures have been included within the design of the project to mitigate impacts on environmental constraint areas identified in the ~~Environmental Quality~~ Natural Resources and Conservation Element and the Safety Element of the General Plan and the Local Coastal Program.
2. Landscaping of an appropriate type, size, and quality is proposed to mitigate any adverse environmental effect.
3. Usable open space is proposed in an amount equal to that normally required.
4. ~~To conform with existing land forms and topography,~~ A registered civil engineer or other qualified professional will design streets, buildings, and other manmade structures to conform with existing landforms and topography ~~have been designed by a registered civil engineer or other qualified professional.~~
5. Adequate fire safety measures as required by the city fire department have been incorporated into the design of the proposed development, when located in a designated fire hazard area.
6. The proposed project employs architectural and design elements which in total serve to reduce the mass and bulk of structures to protect public views. Such elements may include:
 - a. Multiple floor levels which follow natural slopes;

- b. Multiple roof lines to provide visual interest and break up the visual impact of the building;
 - c. Decks and balconies to provide building articulation;
 - d. Foundation types such as poles, piles, or stepped levels which minimize cut and fill and need for retaining walls;
 - e. Fence lines, walls, and other features which blend with the terrain rather than strike off at an angle against it.
7. If a project proposed for construction is in a ~~designated~~ landslide area identified in a site-specific geological report prepared pursuant to Section 24.14.030.d, ~~before granting a modification to Section 24.14.030(1)(d),~~ findings must be made that mitigation measures necessary to fulfill the purpose of this part have been incorporated into project design, based on the project’s environmental review and geotechnical reports.

Section 4. Part 1: Conservation Regulations of Chapter 242.14 “Environmental Resource Management” of the City of Santa Cruz Municipal Code is hereby amended as follows:

Chapter 24.14 ENVIRONMENTAL RESOURCE MANAGEMENT

Part 1: CONSERVATION REGULATIONS

24.14.010 through 24.14.020 – no change.

24.14.030 SLOPE REGULATIONS.

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. ~~Such areas include canyons, arroyos, slopes over thirty percent (see Maps EQ 6 and EQ 7 in the General Plan).~~ 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. ~~Parcels with a portion of the area in slopes of thirty percent or greater shall require the minimum lot area of the applicable zoning district in slopes of less than thirty percent. The~~

~~area in slopes of less than thirty percent must be contiguous to the proposed building site.~~ 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 greater than fifty percent shall require approval of a slope development permit at a public hearing before the zoning administrator, unless they are exempted pursuant to subsection (g) below. Construction of buildings (as defined in Section 24.22.154) on or within twenty feet of slopes greater than 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 (g) below.

d. ~~No building or structure shall be located on a slope of thirty to fifty percent, or within twenty feet of a thirty to fifty percent slope, unless an exception is granted pursuant to Section 24.14.040 or a variance is granted pursuant to Section 24.08.810.~~ When a slope development permit is required pursuant to subsection (c) above, 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. ~~No structure shall be located on a slope greater than fifty percent.~~ 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 (~~Map S-11~~) 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. ~~No development except m~~ Minor development on parcels of one half acre or less, not including buildings (as defined in Section 24.22.154) or grading over fifty cubic yards, may encroach on slopes greater than 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 thirty percent, and similar features, or similar minor development as determined by the zoning administrator, will be allowed to ~~may~~ encroach on slopes greater than thirty-percent slopes without an exception listed in Section 24.14.040 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." ~~which will require the house to be sited within twenty feet of a thirty percent slope.~~

i. For all development within one hundred feet of a coastal bluff, a site-specific geologic ~~investigation~~ report consistent with the California Division of Mines and Geology

guidelines shall be prepared by a state qualified professional ~~consistent with the California Division of Mines and Geology guidelines shall be prepared.~~

24.14.030(i)(2) “Driveway Design Standards” - no change.

24.14.040 EXCEPTION.

The zoning administrator may, through slope modification permit procedures, grant exception to Section 24.14.030, subsection (1)(d) when the exception is no less than 10 feet from the top edge of the slope and to Section 24.14.030 subsection (1)(g) when the exception is not a building, where strict compliance with that subsection creates a particular physical hardship and there are no reasonable alternatives to the exception, and when the applicable conditions in Section 24.08.820 are found.

24.14.050 through 24.14.090 – no change.

Section 5. Chapter 24.22 “Definitions” of the City of Santa Cruz Municipal Code is hereby amended as follows:

Chapter 24.22 - Definitions

24.22.010 through 24.22.496 – no change.

24.22.498 LOT AREA, NET.

The contiguous area within the lot lines with less than thirty percent slope and not within a riparian corridor as defined in Section 24.08.2110(g) or a Floodplain (F-P) District.

24.22.502 through 24.22.936 – no change.

Section 6. This ordinance shall take effect and be in force thirty (30) days after final adoption except within the Coastal Zone, where it shall take effect upon certification by the California Coastal Commission.