



City Council AGENDA REPORT

DATE: 06/01/2023

AGENDA OF: 06/13/2023

DEPARTMENT: Planning and Community Development

SUBJECT: Ordinance Amending Select Portions of Chapter 10.40 of the Santa Cruz Municipal Code, Along with Santa Cruz Municipal Code Section 10.41.060, Pertaining to the Parking of Oversized Vehicles (PL/CA)

RECOMMENDATION: Introduce for publication an ordinance amending select portions of Chapter 10.40 of the Santa Cruz Municipal Code pertaining to the parking of oversized vehicles.

BACKGROUND: In 2021, the Council adopted Ordinance No. 2021-20, which addressed the parking of Oversized Vehicles on public rights-of way. After Ordinance No. 2021-20 was adopted, the City engaged in a process with the California Coastal Commission (Coastal Commission or CCC), with the goal of obtaining a Coastal Development Permit (“CDP”), to authorize the City to implement Ordinance No. 2021-20 in the Coastal Zone.

The City’s initial approval of the CDP by the Zoning Administrator was appealed to the Planning Commission. The Planning Commission’s approval was appealed to the City Council, and the City Council’s approval was eventually appealed to the Coastal Commission. On May 11, 2023, the Coastal Commission approved the City’s CDP (Application No. A-3-STC-22-0018), authorizing the City to enforce Ordinance No. 2021-20 in the Coastal Zone, subject to various conditions.

During the City’s CDP process with the Coastal Commission, it became apparent that small revisions to Santa Cruz Municipal Code section 10.40.120 are appropriate in order to effectuate the intent of the Council and comply with all Coastal Commission direction.

DISCUSSION: Coastal Commission staff expressed disapproval of Santa Cruz Municipal Code section 10.40.120(f), which prohibited parking oversized vehicles within 100 feet of intersections. This section is, therefore, not included in the City’s CDP. In order to avoid confusion and potentially inappropriate enforcement of the referenced 100-foot rule, staff recommends that the language contained in Section 10.40.120(f) be stricken from the City’s Municipal Code, as provided in the attached draft ordinance.

Additionally, Santa Cruz Municipal Code section 10.40.120(g)(6) exempted enforcement of the 12 a.m. -5 a.m. oversized vehicle prohibition (contained in Section 10.40.120(a)) during “a non-pandemic-related state of emergency”[.] Given that, primarily for Federal Emergency Management Agency (FEMA) funding reasons, a state of emergency can last for months or years after the actual emergency circumstances have ended, the Council may wish to modify Section

10.40.120(g)(6) to clarify its intent as to when enforcement should cease during a declared state of emergency. The amendment prepared by staff would prohibit enforcement of Santa Cruz Municipal Code section 10.40.120(a) (the 12 a.m. - 5 a.m. oversized vehicle prohibition) during the first 10 days of a declared state of emergency. Thereafter, the Council could adopt a resolution or the City Manager could issue a directive continuing non-enforcement due to the emergency's significant impact on the need for oversized vehicles to park from 12:00 a.m. – 5:00 a.m. on city streets.

Lastly, Santa Cruz Municipal Code section 10.41.060 currently prohibits the City from issuing daytime residential parking permits to Oversized Vehicles. Staff does not believe that this was the intent of Council, given that Council also authorized a variety of nighttime parking permit programs, including for residents, guests of residents, and contractors. Therefore, staff has proposed a minor amendment to this section to effectuate what staff believes was the true intent of Council.

Health in All Policies: The proposed changes further Health in All Policies (HiAP) principles in that they support the implementation of the Oversized Vehicle Ordinance, which has been found consistent with the HiAP pillars.

Environmental Review: This project is found to not be considered a project under the California Environmental Quality Act (CEQA), and if it were considered a project, it would be found exempt from environmental review pursuant to Sections 15301, 15305, 15307, 15308, and 15321 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), as further detailed in the attached ordinance.

FISCAL IMPACT: None.

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Cassie Bronson
Assistant City Attorney

ATTACHMENTS:

1. DRAFT ORDINANCE - CLEAN
2. DRAFT ORDINANCE – TRACK CHANGES