

ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING  
CHAPTERS 24.04 – ADMINISTRATION

**Section 1.** Section 24.04.130 – Decision-Making Body With Final Authority on Application Approval of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

**24.04.130 DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION APPROVAL.**

The following table indicates the decision-making body who can approve, deny or conditionally approve an application, whether or not a public hearing is required, and the bodies to which appeals can be made:

1. The planning commission and city council may refer certain aspects of any application to the zoning administrator for final action.
2. The zoning administrator may refer any of the matters on which he/she is authorized to act to the planning commission or historic preservation commission.
3. Recommendations for approval on General Plan matters and zoning ordinance text and map amendments shall require a majority vote of the planning commission; all other actions shall require a majority of the hearing body present at the meeting.

Permits/Actions****	Public Hearing Requirement and Decision-Making Body Which Can Approve an Application			
	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU <sup>1</sup> )		ZA <sup>1</sup>	CPC/CC/CCC <sup>1</sup>
Administrative Use Permit: Temporary uses, variations to parking design requirements and number of spaces, low risk alcohol outlets, and half baths in accessory buildings	ZA			CPC/CC
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC

Slope Regulations Modifications (Variance) in the Coastal Zone			CPC	CC
Slope Development Permit (on or within 20 feet of a 50% or greater slope) outside the Coastal Zone			ZA	CPC/CCC
Slope Regulations Modifications (Design Permit) in the Coastal Zone	ZA			CPC/CC
Slope Development Permit (on or within 20 feet of a slope greater than or equal to 30% and less than 50%) outside the Coastal Zone	ZA			CPC/CC
Design Permit	ZA			CPC/CC
1. Substandard lots: New two-story structures and second-story additions with a single-family residential use, excluding ADUs			ZA	CPC/CC
2. Large homes per Section 24.08.450			ZA	CPC/CC
3. Wireless telecommunications facilities	ZA		ZA	CPC/CC
4. New structures or improvements to existing structures in the WCD Overlay which are exempt or excluded from coastal permit requirements	ZA			CPC/CC
5. New structures or improvements to existing structures in the WCD Overlay which require a coastal permit			ZA	CPC/CC
6. Mixed-Use or Residential Development conforming to all standards of Section 24.12.185	ZA			

7. Mixed-Use or Residential Development varying from no more than five standards of Chapter 24.12.185 of the Municipal Code			ZA	
8. Mixed-Use or Residential Development that varies from six or more standards of Chapter 24.12.185 of the Municipal Code			CPC	
Demolition Permit				
1. Single-family residential	ZA			CPC/CC
2. Multifamily residential			CPC	CC
3. Historic demolition permit			HPC	CC
4. Nonresidential	ZA <sup>2</sup>		ZA <sup>2</sup>	CPC/CC
General Plan Text and Map Amendments		C	CC/CC C <sup>3</sup>	
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/CC C <sup>3</sup>	
Amendments not recommended by CPC		CPC		CC/CCC <sup>3</sup>
<b>CCC = California Coastal Commission    CC = City Council    CPC = City Planning Commission    HPC = Historic Preservation Commission    ZA = Zoning Administrator</b>				
1 For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application. In the coastal zone, all proposed accessory dwelling units shall require a coastal permit (unless they are exempt or excluded from coastal permit requirements) and shall be processed in the manner described in Chapter 24.04 and Section 24.08.200 et seq. (including in terms of public noticing and process for appeal to the Coastal Commission) except that no public hearing shall be required. In addition to all other applicable LCP requirements, standards for ADUs in the coastal zone are specified in Section 24.12.140(10).				
2 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.				
3 California Coastal Commission in case of CLUP policy, CLIP elements.				
4 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).				
5. An appellant must exhaust all local appeals before an appeal can be made to the California Coastal Commission, unless the Coastal Permit is processed concurrently with other permits pursuant to Section 24.04.150 (for example, a Design Permit, a Use Permit, etc.). Because the City charges an appeal fee pursuant to Section 24.04.070 for appeals of Coastal Permits processed concurrently with other permits, Section 30603(c) of the Coastal Act does not require an appellant to exhaust all local appeals before a project can be appealed to the California Coastal Commission. The City does not charge a fee for local appeals of standalone Coastal Permits (i.e., where the Coastal Permit is not accompanied by any other permits).				

**Section 2.** Section 24.04.160 – Life of Permit of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

**24.04.160 LIFE OF PERMIT.**

1. Expiration.

- a. Each approved permit shall expire and become null and void thirty-six months from the date on which it is approved, unless exercised; a lesser time period may be specified. A relocation permit shall be exercised within six months.
- b. An approved permit applies to the subject property and runs with the land. Once exercised, an approved permit remains effective unless terminated or modified and remains effective even if the subject property is rezoned.
- c. An approved permit is transferable to any future owner of the subject property.
- d. Any modification to projects involving a Coastal Permit shall be found consistent with the certified Local Coastal Plan and shall follow the Notice of Final Action procedures included in Section 24.08.260.
- e. Any use permit which has been exercised shall expire and become void where the use has ceased for a period of six consecutive months, whether or not it is the intent to abandon said use.
- f. All active permits as of March 10, 2009, and those approved up to and including March 10, 2010, shall have the life of the permit automatically extended an addition one year from the length of time currently allowed under subsection (1)(a). This extension authorization shall expire on March 11, 2011, unless otherwise extended by the city council.

2. Extension of Permits. Any permit issued in conjunction with a project that has had its tentative subdivision map or parcel map extended pursuant to the provisions of the California Subdivision Map Act, Government Code Sections 66410 et seq. or the city's Subdivision Ordinance, S.C.M.C. Title 23, shall have its associated land use permits automatically extended for a period coextensive to any extension of the tentative subdivision map or parcel map attributable to the application of Subdivision Map Act or Subdivision Ordinance provisions.

3. Revocation of Permits. In any case where the conditions to the granting of a permit have not been or are not complied with, the decision-making body with final authority over said permit shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than ten calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the decision-making body with final authority over said permit may revoke such permit.

4. Modifications.

- a. Minor Modifications. The zoning administrator may modify conditions imposed on any permit at the request of the permit holder where evidence has been submitted that the requested modifications:
  - (1) Will not significantly alter the approved permits; and
  - (2) Are made on the basis of changed circumstances since the original approval; and
  - (3) Would not contradict or go against any direction in the record that was instrumental in the approval of the original permit; and
  - (4) In the case of a housing development application, that the requested modification applies to a variation from a design standard that was previously reviewed at a public hearing as an alternative design, or does not involve a variation from the design standards of Section 24.12.185.
- b. Minor Modification Criteria. The zoning administrator may approve any requested minor modifications on any permit which involves minor increases in floor area that do not exceed fifteen percent of the approved project or involve use intensifications permitted by the zone that do not increase parking above fifteen percent of the approved parking for the project, or approve partial variation from one of the standards in Section 24.12.185 without a public hearing as long as the proposed modification is consistent with all sections of the Zoning Ordinance, or the purpose of the standard in Section 24.12.185 as applicable. Only one such modification or project will be allowed within any five-year period without review by the planning commission or at a publicly noticed zoning administrator hearing if the original approval was administrative or was decided at a public hearing before the zoning administrator. Minor modifications not related to such increases in floor area or use intensifications may be approved without a public hearing and are not subject to the five year limitation.
- c. Major Modifications. The zoning administrator shall refer to the decision-making body with final authority for review and action any requested modifications which involve significant increases in size or nature of an approved project beyond those limits set in subsection (4)(b). A public hearing will be required unless the permit proposed for modification was approved administratively, in which case the modification may also be decided administratively, or may be elevated at the discretion of the zoning administrator. In the case of a housing development project, any variation from a requirement of Section 24.12.185 that was not previously reviewed at a public hearing, shall trigger the need for a public hearing at the level indicated by 24.08.420.

**Section 3.** Section 24.04.182 - Procedure for Appeals of Chapter 24.04 - Administration of Title 24 – Zoning Ordinance of the City of Santa Cruz Municipal Code is hereby amended as follows:

**24.04.182 PROCEDURE FOR APPEALS.**

1. A written notice of appeal, together with the appropriate fee, except for development projects which only require a coastal permit that is appealable to the Coastal Commission where no fee will be charged, must be received by the secretary to the zoning board or the city clerk not later than ten calendar days following the date of action from which such appeal is being taken, unless otherwise specified in this chapter. If the final day for filing an appeal occurs on a weekend day or holiday the final filing date shall be extended to the following workday.
2. Once filed, appeals may be withdrawn only at a public hearing and with approval of the hearing body.

**Section 4.** For areas of the City outside the Coastal Zone this ordinance shall take effect and be in force thirty (30) days after final adoption, and for areas of the City located inside the Coastal Zone this ordinance shall take effect and be in force thirty (30) days after final adoption but only following verification by the Executive Director of the California Coastal Commission that the approved ordinance conforms to the modifications requested by the California Coastal Commission.

PASSED FOR PUBLICATION this 23<sup>rd</sup> day of January, 2024, by the following vote:

AYES: Councilmembers Newsome, Brown, Brunner, Kalantari-Johnson; Vice Mayor Golder; Mayor Keeley.

NOES: None.

ABSENT: Councilmember Watkins.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_  
Fred Keeley, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

ORDINANCE NO. 2024-03

PASSED FOR FINAL ADOPTION this 13<sup>th</sup> day of February, 2024 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: \_\_\_\_\_  
Fred Keeley, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2024-03 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz

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Bonnie Bush, City Clerk Administrator