

ORDINANCE NO. 2012-19

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 24.08, PART 10–HISTORIC ALTERATION PERMIT, CHAPTER 24.12, PART 5–HISTORIC PRESERVATION, CHAPTER 24.12–COMMUNITY DESIGN, CHAPTER 24.16–AFFORDABLE HOUSING, CHAPTER 24.18–NON-CONFORMING STRUCTURES AND USES, AND CHAPTER 24.08–LAND USE PERMITS AND FINDINGS, OF THE CITY OF SANTA CRUZ ZONING ORDINANCE; AND, CHAPTER 23.37–COMMUNITY HOUSING PROJECTS, OF THE CITY SUBDIVISION ORDINANCE (AMENDMENT NO. A12-0003)

The City Council of the City of Santa Cruz ordains as follows:

Section 1. Chapter 24.08 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

24.08.910 GENERAL PROVISIONS.

The planning department shall maintain a current record of designated landmarks, historic districts and buildings listed on the city's Historic Building Survey. When an application involving such landmark, district or building indicates a possible material change to the exterior appearance of a building, structure, site or portion thereof, an historic alteration permit shall be required. Approval of an administrative historic alteration permit shall be required for the addition of, or modification to non-historic structures on parcels which include a designated landmark, or a building or a site listed in the City of Santa Cruz Historic Building Survey, or on a structure in an historic overlay district, or for minor historic alteration projects. An Historical Alteration Permit is not required for:

- a. removal, alteration, or maintenance of landscape material or other objects (walls, hitching posts, etc.) unless the landscape elements or historic objects are identified as historically important; and,
- b. alterations to the interior of the building; painting on the interior or exterior of the building.

Section 2. Chapter 24.12 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

24.12.445 VARIATIONS TO REGULATIONS FOR BUILDINGS AND SITES ON CITY HISTORIC BUILDING SURVEY AND CONTRIBUTING BUILDINGS WITHIN CITY HISTORIC DISTRICTS.

Purpose

The purpose of these variations is to create incentives to help preserve, maintain and rehabilitate existing historic properties. Another purpose is to ensure that new construction and alterations are allowed in a manner which retains the integrity of the City's historic landmarks, buildings, sites, objects, and contributing buildings within districts.

1. Procedure.

To obtain approval of any variation, a Historic Alteration Permit is required and shall be approved in accordance with Section 24.08.900-940, and shall also meet all of the relevant additional findings listed in Section 24.12.450 below. For use variations, an Administrative Use Permit shall be approved by the Zoning Administrator in accordance with Section 24.08.010-050 and must also meet all of the relevant additional findings listed in Section 24.12.450 below.

Variations to District Regulations.

a. Variations to Development Standards.

District regulations for height, stories, parking, setbacks, projections into required yards, open space, lot coverage, rear yard coverage, floor area limitations, size of accessory dwelling units, fence heights, slope regulations and yards may be modified to the extent that it promotes the preservation, maintenance and rehabilitation of an historic structure or site.

Reduction of Parking Requirements: The square footage of an existing residential, commercial or industrial building may be enlarged by at least 150 square feet or a maximum of 15 percent (of the square footage in existence prior to the addition) without requiring additional parking.

Reduction in residential parking requirements may include: waiver of covered parking requirement, credit for one parking space in the front setback, and credit for up to three spaces in tandem toward a project's parking requirement. Parking in the front yard setback must conform to Section 24.12.280.6 (surfacing).

b. Variations to Uses.

The following additional uses may be allowed on lots with listed historic buildings and on lots with contributing buildings within a historic district. This provision encourages the adaptive reuse of designated historic resources by permitting an additional use within some areas otherwise zoned primarily for residential, commercial or industrial uses.

1. Multi-family uses in single-family residential zone district, subject to RL zoning density, lot size and lot width standards
2. Business and professional office uses (not including medical offices) in residential zone districts on up to two parcels where the majority of the parcel is within 100 feet of commercially-zoned property except for CN-zoned properties;
3. Expansion of single-family homes in RM and RT zone districts;
4. In zone districts where Accessory Dwelling Units (ADUs) are allowed, ADUs of the following sizes shall be permitted on lots with the following lot size and a listed or contributing historic district building:

| Required Lot Size | Maximum Size of ADU |
|---------------------------------|---------------------|
| (a.) 4,500 to 5,000 square feet | 500 square feet |
| (b.) 5,001 to 5,999 square feet | 550 square feet |
| (c.) 6,000 to 7,499 square feet | 640 square feet |
| (d.) 7,500 to 9,999 square feet | 800 square feet |
| (e.) 10,000 or more square feet | 940 square feet |

5. Expansion of non-conforming structures and uses.
6. Residential uses may be allowed on the ground floor in commercial zones, except in the Downtown Recovery Plan area and in the Mission Street Design Plan area.

24.12.450 FINDINGS REQUIRED FOR APPROVAL OF HISTORIC VARIATIONS.

In addition to Historic Alteration Permit and Administrative Use Permit findings, the following findings are also required:

1. For All Variations: That the project involves rehabilitation and maintenance of historic structure(s) on the site to promote their long-term preservation.
2. For Lot Coverage and Floor Area Limitation Variations on Substandard Lots: That the variation results in a structure which is compatible with the following standards:
 - The maximum allowable lot coverage for structures shall be fifty-five percent;
 - The floor area for second stories shall not exceed fifty percent of the first floor area, except in cases where the first floor constitutes forty-percent or less lot coverage.
3. For Use Variations: That the use variation promotes the preservation and maintenance of the historic structure, and the effects of the proposed use, including traffic and parking, will not be detrimental to the surrounding area.
4. For Parking Variations: That such variation will not significantly affect traffic and parking on adjacent and nearby streets and properties.

Section 3. Chapter 24.12 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

24.12.290 VARIATIONS TO REQUIREMENTS.

The off-street parking requirements of this part may be satisfied or modified in alternate ways:

11. Reduction of Parking Requirements for Lots with Historic Buildings Listed on the City Historic Building Survey and on lots with Contributing Buildings within a Historic District. The parking requirements for such lots may be reduced in accord with Section 24.12.445.

Section 4. Chapter 24-18 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

24.18.050 NONCONFORMING USE – CHANGE.

1. Where a nonresidential use is nonconforming because of failure to meet parking requirements, another nonconforming use may be substituted, provided its sole nonconformity pertains to parking and its parking requirement does not exceed the parking requirement for the use it replaces.
2. When a nonconforming use in a residential R-District is changed to a permitted use, it shall meet the Zoning Ordinance requirement for the permitted use.
3. Variations to non-conforming use regulations for Lots with Historic Buildings Listed of the City Historic Building Survey and on lots with Contributing Buildings within a Historic District. Variations may be allowed in accord with Section 24.12.445.

24.18.060 NONCONFORMING USE – EXPANSION PROHIBITED.

Any nonconforming use may be maintained and continued, provided there is no expansion in the area or volume occupied or devoted to such nonconforming use, and further provided there is no increase in the intensity of such nonconforming use except as otherwise provided in this title.

Variations to non-conforming use regulations for Lots with Historic Buildings Listed of the City Historic Building Survey and on lots with Contributing Buildings within a Historic District. Variations may be allowed in accord with Section 24.12.445.

Section 5. Chapter 24.16 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

24.16.180 ZONING INCENTIVES.

The following incentives are to encourage construction of accessory dwelling units.

6. Historic Properties. Accessory dwelling unit regulations regarding lot size and unit size may be allowed in accord with Section 24.12.445 for lots with historic buildings listed of the City Historic Building Survey and on lots with contributing buildings within historic districts.

Section 6. Chapter 24.08 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

Part 13: NON-RESIDENTIAL DEMOLITION AUTHORIZATION PERMITS

24.08.1210 PURPOSE.

The purpose of this permit is to evaluate requests for demolition of non-residential structures 50 years of age or older, and of undetermined age, to ensure those that which may have historic value are not demolished.

24.08.1220 GENERAL PROVISIONS.

No demolition permit shall be issued for any non-residential structure 50 years of age or older, and of undetermined age, unless a Non-Residential Demolition Authorization Permit has been issued pursuant to this part. 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. If such a determination is made, a public hearing must be held by the Zoning Administrator regarding the Non-Residential Demolition Authorization Permit after appropriate environmental review is completed in accordance with the California Environmental Quality Act.

24.08.1230 DEMOLITION OF NON-RESIDENTIAL BUILDINGS OR STRUCTURES 50 YEARS OF AGE OR OLDER,

1. Exemptions to review process.

The following are exempted from the demolition review process as detailed in Sections 24.08.1210 through 24.08.1230:

- a. The Zoning Administrator may issue a demolition permit for any building or structure that is determined to be an imminent hazard to public safety, either to the subject property or to neighboring properties, and where demolition is the only economically feasible means to secure the public safety. Prior to demolition of any such building or structure, the applicant will measure and photo-document the building, where safety permits, and provide the documentation to the Planning and Community Development Department.
- b. Minor demolition related to normal maintenance or repair where demolished materials are replaced in kind.
- c. Accessory buildings and accessory structures of less than 200 square feet in size, as measured from the outside of the building or structure, *except* for those listed or determined eligible for listing on the City Historic Building Survey. The Zoning Administrator may require preparation of a cultural resource evaluation in conjunction with the demolition permit application if there is reason to believe that the building or structure may be eligible for listing on the City Historic Building Survey. If an evaluation determines that the resource is eligible for listing on the City Historic Building Survey, the Zoning Administrator will not approve a Non-

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Residential Demolition Permit without appropriate environmental review in accordance with the California Environmental Quality Act.

2. Process for demolition requests for buildings or structures 50 years of age or older, and of an undetermined age.

Prior to demolition of any building or structure 50 years of age or older the following is required:

- a. The project which will replace the demolished building or structure has been, or is concurrently being, approved by the City, and an appropriate building permit has been, or will concurrently be, issued; unless some other practical hardship can be documented rendering this requirement inappropriate.
- b. The Zoning Administrator may require preparation of a cultural resource evaluation in conjunction with the demolition permit application. The applicant is responsible for the cost of preparing the cultural resource evaluation. The cultural resources evaluation, prepared by a qualified consultant as determined by the Zoning Administrator, shall determine the potential eligibility of the building or structure for listing on the City Historic Building Survey in accordance with criteria listed in Section 24 12.440 (c).
- c. Concurrently with the preceding, the Zoning Administrator may forward the application to cultural resources agencies and experts as deemed necessary for review and comment.
- d. For buildings or structures determined ineligible for listing on the City Historic Building Survey, the Zoning Administrator may issue a demolition permit after the cultural resources evaluation is accepted as accurate and complete and after consultations which may be required in Section B above.
- e. If an evaluation determines that the resource is eligible for listing on the City Historic Building Survey, the Zoning Administrator shall not approve a Non-Residential Demolition Permit without appropriate environmental review in accordance with the California Environmental Quality Act

3. Findings required for issuance of non-residential demolition authorization permits.

The Zoning Administrator may issue a demolition permit after the following findings are made:

- a. The cultural resources evaluation is accepted as accurate and complete; and, the cultural resources evaluation concludes that the building or structure is not eligible for listing on the City Historic Building Survey.
- b. The project which will replace the demolished building or structure has been, or is concurrently being, approved by the City, and an appropriate building permit has been, or is concurrently being, issued; unless some other practical hardship can be documented rendering this requirement inappropriate.

- c. The property owner has been advised of the benefits of listing the property on the City Historic Building Survey and incorporating the preservation of the historic resource into the proposed project.
- d. The cultural resources evaluation determines that the resource is eligible for listing on the City Historic Building Survey, appropriate environmental review has been completed in accordance with the California Environmental Quality Act, and the Zoning Administrator can make a finding of overriding consideration that the replacement project will have public benefits which will outweigh the impact of loss of the historic resource.

NOTE:

Table 24.04.130, Zoning Hearing Requirements Summary Amendment

This table will be amended to add the Non-Residential Demolition Permit to it as shown in the attached table mark-up.

Section 7. Chapter 23.37 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

23.37.020 PROVISIONS FOR CONVERSIONS OF EXISTING STRUCTURES – VACANCY REQUIREMENTS.

- (a) No existing residential structure shall be converted to a community housing project so long as the multifamily dwelling vacancy rate in Santa Cruz is less than five percent of the total number of such dwellings offered for and under lease or rental agreement in the city.
- (b) When there is a vacancy surplus, application for residential condominium conversions may be filed. Approvals may be allowed up to the number of units that would bring the vacancy rate no lower than five percent.

23.37.020.1 PROVISIONS FOR CONVERSIONS OF EXISTING STRUCTURES – VACANCY REQUIREMENTS – EXCEPTIONS.

- (1) An existing residential structure may be converted to a community housing project and be exempt from Section 23.37.020(a) if the structure is converted and sold to at least sixty-seven percent of the existing tenants. In such cases, proposals containing five or more units shall provide at least twenty percent of the total units for purchase by households of below-average income, as defined in Section 24.22.016, and pursuant to Section 24.16.050 of the Zoning Ordinance.
- (2) An existing residential stock cooperative proposed for conversion to a condominium is exempt from Section 23.37.020.
- (3) A building which is listed on the City Historic Building Survey or which is a contributing building located in a City Historic District.

23.37.030 PROVISIONS FOR CONVERSION OF EXISTING STRUCTURES – CODE REQUIREMENTS.

An existing residential structure may be converted to a condominium project only if it meets or exceeds the requirements of Zoning Ordinance Section 24.12.180, Requirements for Community Housing Projects, and requirements of current existing building and construction codes. The Historic Building Code may be used for buildings which are listed on the City Historic Building Survey or which are contributing buildings located in a City Historic District.

PASSED FOR PUBLICATION this 27th day of November, 2012, by the following vote:

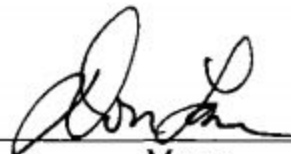
AYES: Councilmembers Madrigal, Robinson, Coonerty, Terrazas; Vice Mayor Bryant; Mayor Lane.

NOES: None.


ABSENT: None.

DISQUALIFIED: Councilmember Beiers.

APPROVED: _____


Mayor

ATTEST: _____


City Clerk Administrator

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PASSED AND ADOPTED this 11th day of December, 2012, by the following vote:

AYES: Councilmembers Madrigal, Robinson, Coonerty, Terrazas; Vice Mayor Bryant; Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: Councilmember Beiers.

APPROVED: _____

Mayor

ATTEST: _____

City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No 2012-19 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz

City Clerk Administrator

ZONING HEARING REQUIREMENTS SUMMARY – Table 24.04.130

| Permits/Actions**** | Public Hearing Requirement and Decisionmaking Body Which Can Approve an Application | | | Appeal Bodies (In order) |
|--|---|----------------|--------------------|----------------------------------|
| | No Public Hearing | Public Hearing | | |
| | Action | Recommendation | Action | |
| Coastal Permit | ZA (ADU) | | ZA* | ZB/CC/CCC* |
| Administrative Use Permit | | | ZA | ZB/CC |
| Conditional Fence Permit | ZA | | ZA | ZB/CC |
| Slope Regulations Modifications (Variance) | | | ZB | CC |
| Slope Regulations Modifications (Design Permit) | ZA | | | ZB/CC |
| Design Permit – | ZA | | | ZB/CC |
| Substandard lots: new two-story structures and second-story additions | | | ZA | ZB/CC |
| Large homes per Section 24.08.450 | | | ZA | ZB/CC |
| Signs Over 30 Sq. Ft. | ZA | | ZA | ZB/CC |
| Wireless telecommunications facilities | ZA | | ZA | ZB/CC |
| New structures or improvements to existing structures in the WCD Overlay which are Exempt or Excluded from Coastal Permit requirements | ZA | | | ZB/CC |
| New structures or improvements to existing structures in the WCD Overlay which require a Coastal Permit | | | ZA | ZB/CC |
| Demolition Permit | ZA | | ZB | ZB/CC |
| 1. Single-family residential | | | HPC | CC |
| 2. Multifamily residential | | | | CC |
| 3. Historic demolition permit | | | | CC |
| 4. Non-Residential | <u>ZA**</u> | | <u>ZA**</u> | |
| General Plan Text and Map Amendments | | CPC | CC/CCC** | |
| Historic Alteration Permit | | | HPC | CC |
| Administrative Historic Alteration Permit | ZA | | | HPC/CC |
| Historic Building Survey: Building designation, deletion | | HPC | CC | |
| Historic District Designation | | HPC/CPC | CC | |
| Historic Landmark Designation | | HPC | CC | |
| Mobile Homes (Certificate of Compatibility) | ZA | | | ZB/CC |
| Mobile Home Park Conversion | | | ZB | CC |
| Planned Development Permit | | ZB | CC | |
| Project (Major) Modification | Hearing by ZA or body approving application | | | Appeal to next highest body(ies) |
| Project (Minor) Modification | ZA | | | ZB/CC |
| Relocation of Structures Permit | ZA | | | ZB/CC |
| Revocation Permit | Hearing by ZA or body approving application | | | Appeal to next highest body(ies) |
| Special Use Permit | | | ZB | CC |
| Variance | | | ZA | ZB/CC |
| Watercourse Variance | | | CPC | CC |
| Watercourse Development Permit | ZA | | | ZB/CC |
| Zoning Ordinance Text and Map Amendments | | | | |
| Amendments recommended by CPC | | CPC | CC/CCC** | |
| Amendments not recommended by CPC | | CPC | | CC/CCC** |

| | | |
|-------------------------------------|--|---------------------------|
| CCC = California Coastal Commission | CC = City Council | ZB = Zoning Board |
| CPC = City Planning Commission | HPC = Historic Preservation Commission | ZA = Zoning Administrator |

* For projects seaward of the mean high tide line, and in the case of appealable actions, the California Coastal Commission shall be the decision-making body which can finally approve an application.

*** California Coastal Commission in case of CLUP policy, CLUP elements.

**** At a regularly scheduled meeting, a majority of the council may take an action to direct any project or amendment to be called from a lower hearing body prior to a final action or during an appeal period in accordance with Section 24.04.175.2.

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