



Exhibit 2

Citywide Creeks & Wetlands Management Plan

For this Exhibit, please go to:

<http://www.ci.santa-cruz.ca.us/pl/Creeks/WMP.html>

Exhibit 3

Citywide Creeks & Wetlands Management Plan MAPS

For this Exhibit, please go to:

<http://www.ci.santa-cruz.ca.us/pl/Creeks/maps/mapsindex.html>

Title 24

ZONING ORDINANCE

Chapter 24.04 Administration

24.04.030 Types of Permits and Other Actions Authorized by This Ordinance.

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 fence permit;
 4. Conservation regulations modifications;
 5. Design permit;
 6. Demolition/conversion permit;
 - a. Demolition authorization permit for residential structures,
 - b. Historic demolition permit;
 7. Extension of permits;
 8. Historic building survey: building designation and deletion;
 9. Historic alteration permit;
 - 9a. Administrative historic alteration permit;
 10. Historic landmark designation;
 11. Mobile homes: certificate of compatibility;
 12. Mobile home park conversion;
 13. Planned development permit;
 14. Relocation permit; 15. Revocation of permits;
 16. Signs:
 - a. Design permit (for signs),
 - b. Building permit (for signs),
 - c. Sign permit - public art exception;
 17. Use permit:
 - a. Administrative use permit, for uses requiring an administrative use permit plus the following:
 - (1) Any earth-disturbing activity on known archaeological sites,
 - b. Special use permit, for uses requiring a special use permit;
 18. Variance;
 19. Watercourse Development Permit;
 20. Watercourse Variance;
 - ~~21. 19.~~ Zoning Ordinance and General Plan text/map amendments;
 - ~~22. 20.~~ Project modifications, pursuant to Section 24.04.160, subsection (4)(b).
- (Ord. 99-17 § 1, 1999; Ord. 94-33 § 3, 1994; Ord. 86-13 § 1, 1986; Ord. 85-05 § 1 (part), 1985).

24.04.090 Public Hearing Requirement.

A public hearing shall be required for the following:

1. Appeals;
2. Coastal permit except for an accessory dwelling unit;
3. Conditional fence permit;
4. Design permit;

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- a. When accompanying another permit requiring a public hearing or upon a zoning administrator determination that a public hearing is required,
- b. For new two-story structures and/or second-story additions on substandard residential lots,
- c. For large homes in R-1 Districts per Section 24.08.450;
5. Demolitions: residential and historical buildings;
6. Historic building survey: building designation, deletion;
7. Historic landmark alteration permit;
8. Historic landmark designation;
9. Mobile home park conversion;
10. Planned development permit;
11. Relocation of structures;
12. Revocation of permits;
13. Sign permit - public art exception;
14. Use permits:
 - a. Administrative use permit, except when the proposed use is temporary, as defined in this title,
 - b. Special use permit (including historic district/historic landmark use permit);
15. Variance;
16. Watercourse Variance;
- ~~17.~~ 46. Project modifications, pursuant to Section 24.04.160, subsection (4)(c);
- ~~18.~~ 47. Zoning Ordinance and General Plan Text and Map amendments.

(Ord. 2003-17 § 9, 2003; Ord. 2003-16 § 9, 2003; Ord. 94-34 § 1, 1994; Ord. 89-19 § 1, 1989; Ord. 85-05 § 1 (part), 1985).

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 zoning board 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 zoning board 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.

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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			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 –				
1. Single-family residential	ZA			ZB/CC
2. Multifamily residential			ZB	CC
3. Historic demolition permit			HPC	CC
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	

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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
<u>Watercourse Variance</u>			<u>ZA</u>	<u>ZB/CC</u>
<u>Watercourse Development Permit</u>	ZA			<u>ZB/CC</u>
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, CLIP 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.				

Chapter 24.08 LAND USE PERMITS AND FINDINGS

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- 24.08.020 General provisions.
- 24.08.025 Use permit modifications.
- 24.08.027 Master use permits.
- 24.08.030 Procedure-Administrative use permit.
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- 24.08.050 Findings required.

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- 24.08.110 General provisions.
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- 24.08.130 Findings required.
- 24.08.140 Recurrent conditions.
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Part 2: VARIANCES

24.08.100 Purpose.

The purpose of this part is to allow variation from the strict application of the terms of this title where, by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional size, shape, topographic conditions, or other extraordinary situation or condition of such piece of property, or because of the use or development of lands immediately adjoining such property, the literal enforcement of the requirements of this title would involve practical difficulties or would cause undue hardship, which are unnecessary to carry out the intent and purpose of this title. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.
(Ord. 94-33 § 11, 1994; Ord. 85-05 § 1 (part), 1985).

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24.08.110 General Provisions.

In no case shall a variance be granted to permit a use or a density other than a use or density permitted in the district in which the property in question is situated. Nonconforming uses of neighboring lands, structures, or buildings in the same district or other districts shall not be considered grounds for issuance of a variance.

(Ord. 85-05 § 1 (part), 1985).

24.08.120 Procedure.

A public hearing shall be held by the zoning administrator unless variance is accompanied by application which must be heard by a higher body in which case the higher hearing body (zoning board or city council) shall conduct a public hearing.

(Ord. 85-05 § 1 (part), 1985).

24.08.130 Findings Required.

A variance shall be granted only when all of the following conditions are found:

1. That a hardship peculiar to the property, not created by any act of the owner, exists. In this context, personal, family or financial difficulties, loss of prospective profits, and neighboring violations, are not hardships justifying a variance.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and in the same vicinity; and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors.

3. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purpose and intent of this title or the public interest, nor adversely affect the General Plan.

(Ord. 85-05 § 1 (part), 1985).

24.08.140 Recurrent Conditions.

No grant of a variance shall be authorized if the zoning administrator finds that the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought, or one or the other in combination, is so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

(Ord. 85-05 § 1 (part), 1985).

24.08.150 Precedents.

A previous variance shall not be considered to have set a precedent for the granting of further variances; each case must be considered only on its individual merits.

(Ord. 85-05 § 1 (part), 1985).

Part 3: COASTAL PERMIT

24.08.200 Purpose.

The purpose of the coastal permit is to insure that development projects in the Coastal Zone Overlay District are consistent with the Local Coastal Land Use Plan and the Local Coastal Implementation Program. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

(Ord. 94-33 § 12, 1994; Ord. 85-05 § 1 (part), 1985).

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24.08.210 General Provisions.

The Coastal Zone Overlay District is a district which combines with the underlying zone. The city's coastal regulations shall prevail where they conflict with regulations governing the underlying district. Any permitted, administrative or special uses in the underlying zoning district within the Coastal Zone Overlay District are subject to coastal permit regulations and findings, and may be authorized only by approval of a coastal permit, except as provided in Section 24.08.230, Exemptions.
(Ord. 85-05 § 1 (part), 1985).

24.08.220 Permit Procedures.

An application for a coastal permit shall be reviewed in conjunction with whatever other permits are required for the project in the underlying zone. Uses requiring only a coastal permit shall be acted upon by the zoning administrator. Where a coastal permit is combined with another permit, the approving body for the coastal permit shall be the same as that for the permit required for the underlying zoning district. A public hearing shall be held in all cases, except for accessory dwelling units.
(Ord. 2003-17 § 11, 2003; Ord. 2003-16 § 11, 2003; Ord. 85-05 § 1 (part), 1985).

24.08.230 Exemptions.

Minor projects, lacking coastal significance, are exempted from the requirements of coastal development permit processing in accordance with the California Coastal Act of 1976 and the California Code of Regulations. Other projects are not subject to local coastal development permit jurisdiction.

24.08.230.1 Exemptions - Projects.

Upon Commission notification the city shall update Section 24.08.230.1 to remain consistent with legislative amendments to the Coastal Act and the California Code of Regulations, Title 14, California Coastal Commission. No local coastal permit is required for the following activities:

1. Projects described in Repair, Maintenance and Utility Hook-up Exclusions from permit requirements adopted by the California Coastal Commission on September 5, 1978, which is herein incorporated as Appendix II of the excerpted Local Coastal Program document.
2. Projects Undertaken by Federal Agencies.
3. Projects with Coastal Permit. Development authorized by a coastal permit (still valid) issued by the Coastal Commission or in areas where the Coastal Commission retains original permit jurisdiction.
4. Replacement After Natural Disaster. The replacement of any structure, other than a public works facility, destroyed by a natural disaster is exempt, provided that the replacement structure:
 - a. Will be for the same use as the destroyed structure; and
 - b. Will not exceed the floor area, height, or bulk of the destroyed structure by more than 10%; and
 - c. Will be sited in the same location on the affected property as the destroyed structure.
5. Improvements to Existing Single-Family Residences, Including Mobilehomes.
 - a. Exempt improvements to single-family residences include the following:
 - (1) Additions and other improvements in the CZ-O Coastal Zone Overlay District but outside the SP-O Shoreline Protection Overlay District to an existing single-family residence,

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including improvements to any fixtures or other structures directly attached to the residence or to structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, storage sheds, decks, gazebos, patios, greenhouses, driveway paving, and other similar nonhabitable improvements;

(2) On property located within the SP-O Shoreline Protection Overlay District, improvements that would not result in an increase in height of 10% or more or an increase of 10% or more of internal floor area of an existing structure, or an additional improvement of 10% or less where an improvement to the structure had previously been undertaken pursuant to this section, and not including any nonattached structure such as garages, fences, shoreline protective works or docks;

(3) Landscaping on the lot.

b. This exemption for improvements to single-family residences, including mobilehomes, does not include the following:

(1) Additions to single-family residences where the development permit issued for the original structure by the city or Coastal Commission indicated that any future additions would require a coastal permit;

(2) Where the structure is located on a beach, wetland, or seaward of the mean high-tide line; where the residence or proposed improvement would encroach within fifty feet of the edge of a coastal bluff;

(3) Where the improvement would involve any significant alteration of land forms on a beach, wetland, or sand dune, or is within one hundred feet of a coastal bluff or within any natural resource or natural hazard area as indicated in the Local Coastal Program;

(4) In areas having a critically short water supply as declared by resolution of the Coastal Commission, construction of major water using development not essential to residential use such as swimming pools or extension of landscape irrigation systems;

(5) Expansion or construction of water wells or septic systems.

6. Improvements to Existing Duplexes and Multifamily Residences.

a. Exempt improvements to duplexes and multifamily residences include the following:

(1) Additions and other improvements in the CZ-O Coastal Zone Overlay District but outside the SP-O Shoreline Protection Overlay District to an existing duplex or multifamily residence, including improvements to any fixtures or other structures directly attached to the residence or to structures on the property normally associated with a duplex or multifamily residence, such as garages, swimming pools, fences, storage sheds, decks, gazebos, patios, greenhouses, driveway paving, and other similar nonhabitable improvements;

(2) On property located within the SP-O Shoreline Protection Overlay District, improvements that would not result in an increase in height of 10% or more or an increase of 10% or more of internal floor area of an existing structure, or an additional improvement of 10% or less where an improvement to the structure had previously been undertaken pursuant to this section, and not including any nonattached structure such as garages, fences, shoreline protective works or docks;

(3) Landscaping on the lot.

b. This exemption for improvements to duplexes and multifamily residences, including mobilehomes, does not include the following:

(1) Additions to duplexes or multifamily residences where the development permit issued for the original structure by the city or Coastal Commission indicated that any future additions would require a coastal permit;

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(2) Where the structure is located on a beach, wetland, stream or lake; seaward of the mean high-tide line; where the structure or proposed improvement would encroach within fifty feet of the edge of a coastal bluff;

(3) Where the improvement would involve any significant alteration of land forms on a beach, wetland, or sand dune, or is within one hundred feet of a coastal bluff or within any natural resource or natural hazard area as indicated in the Local Coastal Program;

(4) Improvement which would change the type or intensity of use of the structure;

(5) In areas having a critically short water supply as declared by resolution of the Coastal Commission, construction of major water using development not essential to residential use such as swimming pools or extension of landscape irrigation systems;

(6) Expansion or construction of water wells or septic systems.

7. Interior Remodeling. Interior remodeling, residential and nonresidential, is exempt except where the use is being converted into a more intensive use or results in a loss of visitor-serving or public-access facilities.

8. Any activity that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate or use, as defined in Section 11003.5 of the Business and Professions Code, is exempt except that the division of a multiple-unit residential structure into condominiums shall not be considered a time-share project, estate, or use.

9. Maintenance Dredging. Maintenance dredging of existing navigation channels or moving dredge material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.

10. Repair and Maintenance Activity. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; however, the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:

a. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

(1) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

(2) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work, except for agricultural dikes within enclosed bays or estuaries;

(3) The replacement of 20% or more of the materials of an existing structure with materials of a different kind; or

(4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within twenty feet of coastal waters or streams.

b. Any method of routine maintenance dredging that involves:

(1) The dredging of 100,000 cubic yards or more within a twelve-month period:

(2) The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, or any sand area, within fifty feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams; or

(3) The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a

critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

c. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within fifty feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams that include:

- (1) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;
- (2) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

11. Land Division. Land division brought about in connection with the acquisition of such land by a public agency for recreational purposes.

12. Non-Major Vegetation Removal.

a. Tree, fourteen inches and less in diameter, and shrub removal and trimming not subject to the heritage tree provisions (Chapter 9.56 of the Municipal Code) and not located in a Vegetation Community (Map EQ-8) or otherwise identified by the Local Coastal Program, including area and specific plans as within an area of potentially significant natural resources or in an erosion hazard area, are exempted except when located seaward of the first public road paralleling the sea.

b. Weed abatement not located in a Vegetation Community (Map EA-8) or otherwise identified by the Local Coastal Program, including area and specific plans as within an area of potentially significant natural resources or in an erosion hazard area is exempted except when located seaward of the first public road paralleling the sea.

13. Portions of Projects. Portions of projects on portions of parcels outside the CZ-O are exempt.

14. Watercourse Development Permits. Development that requires issuance of a watercourse development permit as set forth in Part 21.

(Ord. 95-02 § 3, 1995: Ord. 94-53 § 1, 1994: Ord. 94-33 § 13, 1994: Ord. 85-05 § 1 (part), 1985).

24.08.230.2 Exclusions.

Projects which will not result in a potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast are excluded from the requirements of coastal development permit processing as authorized by and in accordance with the procedures certified by the Coastal Commission.

The Coastal Commission original jurisdiction and areas of deferred certification are not subject to local government coastal permit jurisdiction and, hence, are not excludable. In addition to this limitation and pursuant to Coastal Act Section 30610.5(b), tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, and all lands and waters subject to the public trust, shall not be excluded from coastal permit requirements.

Excluded projects as delineated below do not need to obtain a coastal permit, provided that a notice of exclusion is issued pursuant to Section 24.08.230.3. Requirements for any other city permit are unaffected by this section. Challenges to determination of exclusion may be made pursuant to Section 24.08.230.4.

A. Within Coastal Exclusion Zone A as identified on the Local Coastal Exclusion Map no coastal development permits shall be required for all categories of development, except

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that projects undertaken by public agencies must meet the terms of subsection B(2) of this section, on commercial, industrial, public and quasi-public development, to be excludable.

B. Coastal Exclusion Zone B is the Santa Cruz City Coastal Zone but not including the (a) Coastal Appeal Zone/Shoreline Protection District or projects otherwise appealable to the Coastal Commission pursuant to Section 24.04.186, or (b) within any natural resource, natural hazard area, or cultural resource area identified in the Local Coastal Program. The following categories of development are excluded from coastal development permits:

1. Residential Development - One to Four Units, including construction of guest houses or habitable accessory structures. The construction, reconstruction, demolition, relocation, or alteration of the size of any residential project (one to four units) on existing lots at densities specified in the Land Use Plan, on lots of record or lot combinations legal as of the date of Local Coastal Program certification.

2. Commercial, Industrial, Public and Quasi-Public Development.

a. Except as indicated in subsection (b) below, the exclusion for commercial, industrial, public and quasi-public development includes the following:

(1) The construction, reconstruction, demolition, relocation or alteration in size of any commercial structure less than five thousand square feet in size on legal lots of record zoned for commercial use; this exclusion also applies to additions to existing structures where the resulting size is five thousand square feet or less;

(2) Change of commercial, industrial, public or quasi-public use in an existing structure;

(3) Outdoor sales.

b. This exclusion for commercial, industrial, public or quasi-public development does not include:

(1) Any improvement made pursuant to a conversion of an existing structure occupied by visitor-serving hotels, motels or other accommodations.

3. Agricultural-Related Development. Agricultural-related development, as listed below, on all lands designated E-A-20 on the City Zoning Map, except on parcels less than ten acres in size:

a. The construction, improvement or expansion of barns, storage buildings, equipment buildings and other buildings necessary for agricultural support purposes, provided that such buildings will not exceed forty feet in height; will not cover more than ten thousand square feet of ground area, including paving; and will not include agricultural processing plants, greenhouses or mushroom farms;

b. Improvement and expansion of existing agriculturally related processing plants, mushroom farms or greenhouses, provided that such improvements will not exceed forty feet in height, and will not increase ground coverage by more than 25% percent or ten thousand square feet, whichever is less. This type of development may be excluded only one time per record parcel of land. If improvement or expansion is proposed after such development pursuant to this exclusion has been carried out, then a coastal permit must be obtained for the subsequent development;

c. Paving in association with development listed in subsections (3)(a) and (3)(b) above provided it will not exceed 10% of the ground area covered by the development;

d. Fences for farm or ranch purposes, except any fences which would block existing equestrian and/or pedestrian trails;

e. Water wells, well covers, pump houses, water storage tanks of less than ten thousand gallons' capacity and water distribution lines, including up to fifty cubic yards of associated grading;

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f. Water pollution control facilities for agricultural purposes if constructed to comply with waste discharge requirements or other order of the Regional Water Quality Control Board.

4. Major Vegetation.

a. Tree Removal. Tree removal and trimming subject to the heritage tree provisions (Chapter 9.56 of the Municipal Code) except when located in a Vegetation Community (Map EQ-8) or otherwise identified by the Local Coastal Program, including area and specific plans as within an area of potentially significant natural resources or erosion hazards.

b. Land Clearing. Land clearing except when located in a Vegetation Community (LUP Map EQ-8) or otherwise identified by the Local Coastal Program, including area and specific plans as within an area of potentially significant natural resources or erosion hazards.

5. Boundary Adjustments. Boundary adjustments not resulting in an increase in the number of building sites, buildable lots, or density of permitted development.

6. Grading and Filling.

a. Grading and filling in conjunction with an approved project; or

b. Grading and filling not subject to conservation regulations.

7. Temporary Structures. All temporary (six months or less; nonrenewable) structures and uses consistent with the conservation and cultural resource regulations and do not conflict with public access and access policies.

8. Other Excluded Development.

a. Signs. All signs are excluded except those signs governing shoreline access;

b. Bikeways. Construction of new bikeways (within existing rights-of-way), except if new construction reduces parking in the Beach Recreation or Seabright Beach Areas;

c. Exclusion of Temporary Events. Special events shall be evaluated for exclusion status by the city pursuant to Coastal Commission Guidelines for Exclusion of Temporary Events from Coastal Commission Permit requirements (adopted May 12, 1994) in consultation with the Executive Director. The Executive Director shall retain exclusion review authority if it is determined that there are significant adverse impacts on coastal resources.

d. Watercourse Development Permits. Development that requires the issuance of a watercourse development permit as set forth in Part 21.

C. Coastal Exclusion Zone C is the Santa Cruz City Coastal Appeal Zone. The following categories of development are excluded from coastal development permits:

1. Signs. All signs are excluded except freestanding signs over eight feet in height and those signs governing shoreline access.

2. Bikeways. Construction of new bikeways (within existing rights-of-way), except if new construction reduces parking in the Beach Recreation or Seabright Beach Areas.

3. Exclusion of Temporary Events. Special events shall be evaluated for exclusion status by the city pursuant to Coastal Commission Guidelines for Exclusion of Temporary Events from Coastal Commission Permit Requirements (adopted May 12, 1994) in consultation with the Executive Director. The Executive Director shall retain exclusion review authority if it is determined that there are significant adverse impacts on coastal resources.

4. Temporary Structures Pursuant to Subsection B(7) of this Section.

D. Determination of Excludability. This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code Sections 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state or local government agency.

The determination of whether a development is categorically excluded for purposes of notice, hearing and appeals shall be made by the zoning administrator at the time the application

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for development within the Coastal Zone is submitted. This determination shall be made with reference to the certified Local Coastal Program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the Local Coastal Program. Only developments which fully comply with the policies and ordinances of the certified Local Coastal Program may be excluded under this categorical exclusion. Where an applicant, interested person, or the zoning administrator has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded:

a. The zoning administrator shall make a determination as to what type of development is being proposed (i.e., categorically excluded) and shall inform the applicant of the notice and hearing requirements for that particular development.

b. If the determination of the zoning administrator is challenged or if he/she wishes to have the Coastal Commission determine the appropriate designation, he/she shall notify the Commission by telephone of the dispute/question and shall request an executive director's opinion.

c. The Executive Director of the Coastal Commission shall, within two working days of the zoning administrator's request (or upon completion of a site inspection where such inspection is warranted), transmit determination as to whether the development is categorically excluded.

d. Where, after investigation, the Executive Director's determination is not in accordance with the zoning administrator's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Coastal Commission shall schedule the hearing on the determination for the next practicable Commission meeting in the appropriate geographic region of the state following the zoning administrator's request.

(Ord. 95-02 § 4, 1995; Ord. 94-53 § 2, 1994; Ord. 94-33 § 14, 1994; Ord. 89-39 § 1, 1989; Ord. 85-05 § 1 (part), 1985).

24.08.230.3 Notice of exclusion.

Notices of exclusion shall be issued on forms prepared for that purpose by the department of planning and community development and shall indicate the developer's name, street address, if any, and assessor's parcel number(s) of the project site, a brief description of the development, and the date(s) of application for any other permit(s). A copy of the notice of exclusion shall be provided to the Coastal Commission and to any person who has requested such notice within five working days of issuance. The notice of exclusion may be issued at the time of project application but shall not become effective until all other approvals and permits required for the project are obtained. A copy of all terms and conditions imposed by the city shall be provided to the Coastal Commission.

(Ord. 94-53 § 3, 1994; Ord. 85-05 § 1 (part), 1985).

24.08.230.4 Challenges to determination of coastal permit requirement, exclusion or applicable process.

In the case of disputes over Santa Cruz City's determination of coastal permit requirement, exclusion or applicable hearing and appeals procedures, the planning director shall request an opinion of the Executive Director of the Coastal Commission. Local acceptance for filing and/or processing of the permit application shall cease until the department of planning and community development receives the determination of appropriate process from the Executive Director of the Coastal Commission or the Coastal Commission.

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(Ord. 94-53 § 4, 1994; Ord. 85-05 § 1 (part), 1985).

24.08.230.5 Exception.

Nothing in this part shall prevent demolition or the strengthening or restoring to a safe condition of any building or structure declared unsafe by the building official or fire marshal. (Ord. 85-05 § 1 (part), 1985).

24.08.240 Coastal Access.

Access easements may be required to create and/or maintain existing public access to the coastline or in accordance with Local Coastal Plan policy. (Ord. 85-05 § 1 (part), 1985).

24.08.250 Findings Required.

The hearing body must find that the development is consistent with the General Plan, the Local Coastal Land Use Plan and the Local Coastal Implementation Program and will:

1. Maintain views between the sea and the first public roadway parallel to the sea;
2. Protect vegetation, natural habitats and natural resources consistent with the Local Coastal Land Use Plan;
3. Be consistent with any applicable design plans and/or area plans incorporated into the Local Coastal Land Use Plan;
4. Maintain public access to the coast along any coastline as set forth in the Local Coastal Land Use Plan;
5. Be consistent with the Local Coastal Land Use Plan goal of providing visitor-serving needs as appropriate;
6. Be consistent with the Local Coastal Land Use Plan goal of encouraging coastal development uses as appropriate.

(Ord. 85-05 § 1 (part), 1985).

24.08.260 Notice of Final Action.

Within seven calendar days of the final local action on a coastal permit, the city shall provide notice of its action by first class mail to the Coastal Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the department of planning and community development. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission. Appealable coastal permits shall not be deemed complete and a final action taken until all local rights of appeal have been exhausted.

(Ord. 94-33 § 15, 1994; Ord. 85-05 § 1 (part), 1985).

Part 7: CONDITIONAL FENCE PERMIT

24.08.600 Purpose.

The purpose of this permit is to regulate the installation of fences exceeding normal height limits set, forth in Section 24.08.610 herein. For the purposes of this title, the term "fence" shall include fences or structures in the nature of a fence.

(Ord. 85-05 § 1 (part), 1985).

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24.08.610 General Provisions.

A conditional fence permit shall be required when the proposed fence is:

1. On that portion of any private property in the area between the street and the front or the exterior side yard setback line established by the Zoning Ordinance, the building code or other ordinances of the city and exceeds a height of three feet six inches from finished grade, except as provided in Section 24.12.160(a)(3).

2. On that portion of the property back of the setback lines described in subsection (1), above, and exceeds a height of six feet from finished grade, except as provided in Section 24.12.160(a)(3).

(Ord. 95-33 § 1, 1995; Ord. 85-05 § 1 (part), 1985).

24.08.620 Procedure.

The zoning administrator may approve a conditional fence permit without a hearing, unless the conditional fence permit is accompanied by an application which must be heard by a higher body (zoning board or city council), if it is consistent with the findings in Section 24.08.630 and the fence does not exceed a height of three feet six inches in the front or exterior side yard, or exceed a height of eight feet in the rear or interior side yards.

1. A conditional fence permit shall be required and a public hearing shall be held by the zoning administrator for any conditional fence permit that exceeds the height limits established in Section 24.08.620.

(Ord. 94-34 § 10, 1994; Ord. 85-05 § 1 (part), 1985).

24.08.630 Findings Required.

A conditional fence permit shall be granted when the following findings can be made:

1. The issuance of such a permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights or full use and enjoyment of the property;

2. The fence will not create a safety hazard for pedestrians or vehicular traffic;

3. The appearance of the fence is compatible with the design and appearance of existing buildings and structures within the neighborhood;

4. The fence or hedge is a planned architectural feature which avoids dominating the site or overwhelming the adjacent properties and structures;

5. The orientation and location of the fence or hedge is in proper relation to the physical characteristics of the site and the surrounding neighborhood and does not impede reasonable solar access of any adjacent property; and

6. The fence will be of sound construction and located so as not to create a safety hazard.

(Ord. 85-05 § 1 (part), 1985).

Part 20: RECONSTRUCTION PERMIT

24.08.2000 Purpose.

The purpose of this permit is to allow reconstruction and major repair of nonconforming buildings and structures and the reestablishment of nonconforming uses, consistent with the purpose of the General Plan and Zoning Ordinance. It is appropriate to allow replacement of nonconforming structures and uses, as long as their impact on the surrounding area is consistent with their impact before the damage. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

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(Ord. 94-33 § 25, 1994; Ord. 90-15 § 2 (part), 1990).

24.08.2010 General Provisions.

A nonconforming building or structure which was damaged as a result of a natural disaster by more than fifty percent as determined by the building official, may be repaired or reconstructed by first obtaining a reconstruction permit. A nonconforming building or structure damaged by less than fifty percent may be repaired subject to a building permit only.

Reconstruction of buildings or structures damaged more than fifty percent that are nonconforming only because of noncompliance with setbacks from a watercourse or wetland as required in Part 21 may be repaired subject to a building permit provided that the General Requirements in Section 24.08.2030 are met.

(Ord. 90-15 § 2 (part) , 1990).

24.08.2020 Procedure.

A public hearing shall be held by the zoning administrator, unless the application involves a use which requires a permit from the zoning board, then the reconstruction permit shall be heard by the zoning board.

(Ord. 94-34 § 14, 1994; Ord. 90-15 § 2 (part), 1990).

24.08.2030 General Requirement.

1. The amount of inside space (square footage) shall not be greater than the amount which existed in the building proposed for reconstruction;
2. The number of dwelling units shall not be greater than the number existing prior to the reconstruction or the number allowed by this title;
3. Setbacks shall not be less than those which existed prior to the reconstruction;
4. The height of the structure may only exceed district regulations when necessary to reconstruct the architectural features of the original structure;
5. Parking shall be no less than the parking provided prior to the reconstruction;
6. Except as provided below, a reconstruction permit shall be filed with the department of planning and community development within one year from the disaster. Reconstruction shall be started within two years from issuance of the reconstruction permit and diligently prosecuted to completion.

a. Buildings listed on the Historic Building Survey, and buildings in historic districts, shall be eligible for reconstruction permits without regard to the stated time lines.

(Ord. 92-20 § 1, 1992; Ord. 90-44 § 1, 1990; Ord. 90-15 § 2 (part) , 1990).

24.08.2040 Findings Required.

A replacement permit shall be granted when the following findings are made:

1. The project is consistent with policies of the General Plan.
2. The exterior design and appearance of the project maintains a similar relationship to the surrounding areas, and is consistent with the pre-existing fabric of the area in which it is located.
3. Previously nonconforming aspects of buildings and structures have been diminished to the extent feasible.

(Ord. 90-15 § 2 (part), 1990).

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Part 21: WATERCOURSE DEVELOPMENT PERMIT

24.08.2100 Purpose.

The purpose of this section is to carry out the goals of the City-wide Creeks and Wetlands Management Plan by applying development standards to lands adjacent to watercourses within the City of Santa Cruz that will enhance and protect watercourse functions and values. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

24.08.2110 General Provisions.

1. Applicability. The watercourse development permit requirements of this part apply to every zoning district within the City of Santa Cruz. Refer to the City-wide Creeks and Wetlands Management Plan to determine the category and development setback areas for each individual watercourse.

2. Definitions.

a. Best Management Practices (BMP). Any program, technology, process, siting criteria, operating method, measure or device which controls, prevents, removes or reduces discharge of pollutants or sediments into bodies of water.

b. Centerline of Creek. The midpoint of a creek channel as determined by taking the midpoint of the bank full width. Bank full width is the lateral extent of water surface at the point where the channel is completely filled to a point above which water would spill onto the floodplain.

c. Development. For the purpose of this part the term development shall include any work requiring a use, building, grading, or Public Works permit; the placement of a fence, wall, retaining wall, steps, deck, patio, any accessory structures, or walkway; grading, relocation or removal of stones from the creek channel; bank stabilization or repair structures; and certain landscape changes occurring within the management area.

d. Development Setback Area. The distance from the centerline of the watercourse and the edge of development, which provides a buffer between new development and the riparian corridor and watercourse.

e. Integrated Pest Management (IPM). An approach to pest management that relies primarily on non-chemical means (such as controlling climate, food sources, and building entry points) to prevent and manage pest infestation.

f. Management Area. The area of city permitting authority adjacent to watercourses that includes the riparian corridor, development setback area and extends 25 feet beyond the edge of the development setback area.

g. Riparian Corridor. The width of riparian vegetation and/or immediate watercourse influence area, measured outward from the centerline of the watercourse.

h. Vegetation Removal, Major. Clearing of woody and non-woody vegetation canopy cover or herbaceous ground cover that does not meet the definition of minor vegetation removal; removal of any native (indigenous) annual or perennial woody or non woody species within the riparian area; or pruning, trimming, cutting off, or removal of greater than 25 percent of the crown of any tree within a three-year period. Major vegetation removal is allowable under certain limited conditions for prevention of serious fire hazards, prevention of noxious weed infestation (provided that erosion control measures are implemented and the cleared area is replanted/reestablished and

seeded with appropriate native species to reduce the potential for erosion), or for other projects allowed under the Watercourse Development Permit procedures.

i. _____ Vegetation Removal, Minor. Routine trimming of plant material; pruning of tree branches totaling less than 25 percent of the crown within a three-year period; removal of non-native invasive species of brush, annual or perennial vegetation, and herbaceous grass species that out compete or suppress existing native vegetation provided that sufficient vegetation remains to prevent erosion (bare soil shall not be left exposed); or the removal of vegetation as authorized by the Planning Director or his/her designee to alleviate an existing hazardous condition. Minor vegetation removal is permissible only for routine maintenance, increasing interior light and air circulation, improving tree structure, controlling plant disease or decay, promoting longevity of vegetation, habitat enhancement and under certain conditions, for fire safety and prevention.

j. _____ Watercourse Categories. All watercourses and watercourse reaches included within City-wide Creeks and Wetlands Management Plan are categorized as either an “A”, “B” or “C” watercourse. This designation is based on the quality of the riparian corridor associated with each watercourse.

k. _____ Wetland. An area that is: a) identified as a known wetland or area of ponding water that needs further site specific review by the City-wide Creeks and Wetlands Management Plan or b) identified as part of a review process as inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions (hydrophytes).

24.08.2120 Procedure.

The zoning administrator may approve a watercourse development permit without a hearing in accordance with the findings in Section 24.08.2180 unless it is accompanied by an application that must be heard by a higher body (planning commission or city council).

24.08.2130 General Requirement.

The City-wide Creeks and Wetlands Management Plan identifies and categorizes all watercourses in the City and establishes a riparian corridor, development setback area, and management area for each watercourse. A watercourse development permit shall be required as specified by Section 24.08.2150, except as provided for in Section 24.08.2140 - Exemptions. Emergency projects are required to comply with Section 24.08.2160. All projects must comply with the watercourse development standards as described in Section 24.08.2170. Projects not listed below or requesting to vary from the watercourse development standards would require approval of a watercourse variance in accordance with Section 24.08.2200.

24.08.2140 Exemptions.

Certain types of projects that clearly would not impact riparian resources and support the goals of the City-wide Creeks and Wetlands Management Plan are exempted from the Watercourse Development Permit requirements. Such projects should incorporate applicable Best Management Practices in the project design. In situations where it is unclear whether a project is eligible for an exemption under this section, the determination would be made by the Zoning Administrator in accordance with the goals of the City-wide Creeks and Wetlands Management Plan. The following projects are eligible for an exemption:

1. Development and Structural Improvements to include the following:

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- a. Any development on parcels that have been identified within a Category “C” watercourse in the City-wide Creeks and Wetlands Management Plan.
 - b. Development projects within a Category “B” watercourse located outside of the designated *riparian corridor* and *development setback area* (in the remaining *management area*).
 - c. Any development adjacent to a closed culverted section of a watercourse.
 - d. Any development on a parcel that either:
 - i. Has an established road right-of-way between the subject parcel and the watercourse (where the development would occur); or
 - ii. Has a separate parcel with legal development that is located between the subject parcel and the watercourse (where the development would occur).
 - e. Interior remodeling of an existing legal structure within the existing structure footprint.
 - f. Repair and maintenance of existing legal structures.
 - g. Demolition of existing structures outside the *riparian corridor*, in accordance with City demolition regulations, provided that no mechanized machinery is utilized and no disturbance occurs within the *riparian corridor*.
 - h. Reconstruction of a damaged nonconforming structure where nonconformance only relates to watercourse setbacks provided applicable watercourse development standards are implemented.
2. Exterior improvements, to include the following:
- a. Exterior treatments such as painting, roofing, surface treatments, window replacement, etc. that do not increase the density or intensity of land use, or increase surface coverage.
 - b. Exterior safety lighting in the *development setback area* such as low-level walkway lighting, motion detector security lighting, driveway lighting, and entry lighting that is hooded & directed downward, away from the watercourse. Lighting shall be prohibited within the designated *riparian corridor*.
 - c. Open style fencing (e.g. wire strand or split rail) that permits the free passage of wildlife limited to the outer edge of the *riparian corridor*. Fencing must otherwise meet the regulations in Section 24.12.160.
 - d. Installation of pervious surfaces (outside of the *riparian corridor*), including at-grade decks, patios, and walkways, when the total square footage is less than 25 percent of the *development setback area*, provided that the pervious surfaces meet those requirements specified in the Watercourse Development Standards. The total percentage allowed includes both existing and new surfaces.
3. Landscaping and vegetation, to include the following:
- a. Landscaping with non-native vegetation using non-invasive species, within the *development setback area*, as recommended in the City-wide Creeks and Wetlands Management Plan.
 - b. Minor vegetation removal as defined above.
 - c. Thinning of riparian vegetation within a flood or high fire hazard area when required by the Fire Department for public safety with review and approval of a fire-vegetation management plan or when required by the Public Works Department for flood protection maintenance with review and approval of a maintenance plan.
 - d. Removal of tree(s) that are hazardous or likely to have an adverse effect upon the structural integrity of a building, utility, or public right of way, or a tree that has the

- physical condition of health such as disease or infestation which warrants alteration or removal, in accordance with the City's Heritage Tree Ordinance and with a plan prepared by a qualified professional.
 - e. Removal of impervious surfaces outside of the riparian corridor.
 - f. Mowing and grazing on public lands, consistent with an adopted Parks or Fire Management Plan.
4. Roads, public facilities and utilities, to include the following:
- a. Road maintenance of existing legal public roads, private roads and driveways (no expansion or improvements).
 - b. Construction of public trails and bridges on public lands, consistent with an adopted Parks Master Plan or Management Plan, including the location and siting of trails and bridges.
 - c. Installation and improvements to non-structural BMPs within the development setback area.
 - d. Repair, maintenance, or minor alteration of existing public utility, drainage, flood control, and water storage and provision facilities, including pumps and other appurtenant structures where there is no or negligible expansion of use.
5. Other projects, to include the following:
- a. Projects that concurrently are reviewed and approved by another authorizing permitting agency (CDFG, NOAA, USFWS or ACOE) for maintenance, flood protection, restoration or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment, provided proof of permit approval is submitted to the Planning Director.
 - b. Removal of fish passage barriers and installation of in-stream aquatic habitat enhancement structures, in accordance with a plan for said activities prepared by a qualified professional and approved by the Planning Director.
 - c. Interpretative signage designed to provide information about the value and protection of the resource that is limited to the outer edge of the riparian corridor, and must meet other City sign regulations.
 - d. Installation of new and maintenance of existing water flow gauges.
 - e. Water quality testing.
 - f. Continued operation and maintenance of existing cemetery plots.

24.08.2150. Permit Procedures.

Watercourse Development Permit required.

1. The following projects are permitted in the riparian corridor (as identified in the Creeks and Wetlands Management Plan) subject to the approval of a watercourse development permit:
- a. Watercourse and wetland restoration in accordance with a plan prepared by a qualified professional.
 - b. Major vegetation removal as defined above.
 - c. Removal of non-hazardous trees, (i.e. invasive species and/or for habitat or fire management) in accordance with the City's Heritage Tree Ordinance and a plan prepared by a qualified professional.
 - d. Removal of impervious surfaces.
 - e. Demolition of existing structures, in accordance with City demolition regulations, provided no mechanize machinery is used.
 - f. Installation of and improvements to non-structural stormwater BMPs.

- g. Channel bank protection and the repair of existing channel bank protection structures, utilizing the concepts of biotechnical bank stabilization to the maximum extent feasible in consultation with a qualified professional.
 - h. Improvements to existing roads, trails, and crossings, including replacement of existing bridge footings and abutments, as well as consideration of new footings, when studies prepared by qualified professionals demonstrate that the existing or new bridge footings and abutments will not substantially decrease biological values, cause an increase in floodwater surface elevations, redirect flow, or cause erosion to an extent greater than the existing structure, except for uses on public lands that are consistent with an adopted Parks Master Plan or Management Plan.
 - i. Public works facilities, including but not limited to, the installation of new, replacement of existing, or major improvements to existing underground pipes, culverts or other public facilities that are not exempt; or improvements to existing intake and outfall lines, when special studies have been submitted and approved by the Planning Director.
 - j. Channel maintenance, including, but not limited to vegetation management and removal of downed trees, in accordance with a channel maintenance plan prepared by a qualified professional and approved by the Planning Director.
 - k. Flood protection where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing legal development, when special studies prepared by qualified professionals demonstrate that the flood protection use shall not diminish creek capacity, percolation rates, or habitat values, if applicable. Channel redirection or hardening may be permitted only if less intrusive flood control/bank stabilization designs have been considered and have been found to be technically infeasible, including, but not be limited to integrated bank repair structures, vegetation, vegetative erosion control, and soil bioengineering.
 - l. Under channel borings at sufficient depth when special studies prepared by qualified professionals have been submitted and approved by the Planning Director that demonstrate that the under channel borings will result in no adverse impact to the watercourse, riparian corridor, or the development setback area.
2. The following projects are permitted in the **development setback area** (as identified in the City-wide Creeks and Wetlands Management Plan) subject to the approval of a watercourse development permit:
- a. Projects a, b, c, f, h, and i, listed in section 1 above.
 - b. Upper floor additions to existing legal structures (where permitted in the Zoning Ordinance) within the existing footprint area.
 - c. Solid fencing that meets the City fencing regulations.
 - d. Installation of or improvements to structural stormwater BMPs.
 - e. Kennels and animal containment areas that comply with stormwater BMPs.
3. The following projects are permitted in the **management area** (as identified in the City-wide Creeks and Wetlands Management Plan) subject to the approval of a watercourse development permit:
- a. All projects within Category “A” watercourses that are not otherwise eligible for an exemption.

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24.08.2160 Emergency Projects.

If an emergency measure is required to protect life and property from imminent danger, or to restore, repair, or maintain public works, utilities, or services during and/or immediately following a disaster or serious accident, a Watercourse Development Permit or Watercourse Variance may be issued after the emergency, provided that: a) within three days of the disaster or discovery of danger the Planning Director is notified, agrees it qualifies as an emergency and a preliminary application is filed containing the nature of the disaster and the type and location of work to be performed; and b) that within 30 days a completed application for the necessary permits is filed. It should be noted that permits may be required by other agencies.

24.08.2170 Watercourse Development Standards.

Projects or activities that are listed above as permitted or exempted uses would be required to comply with the following applicable watercourse development standards.

1. Use of permeable paving materials.
 - a. Permeable paving materials to be considered, where feasible, with suggested materials outlined in the City-wide Creeks and Wetlands Management Plan.
 - b. Pedestrian surfaces, such as walkways or patios, shall be constructed with loose aggregate, wooden decks with spacing between, or well-spaced paving stones.
2. Drainage and Water Quality Protection.
 - a. Drainage from impervious surfaces shall be directed into a City-approved drainage system consistent with the City's urban runoff program and the City's Drainage Control Ordinance (i.e., use of drainage swales, filter swales, small detention basins, percolation pits, and french drains). Percolation of storm runoff on-site through vegetated swales, percolation pits, retention basis, permeable paving materials, or other similar methods to slow and clean runoff being discharged directly into the creek corridor shall be encouraged, where appropriate hydrologic conditions exist. Direct impermeable connections shall be discouraged.
 - b. The following measures shall be implemented, as appropriate, to protect the water quality of watercourses and wetlands:
 - i. Apply native or other appropriate erosion-control hydroseed mix at all locations with exposed soil and slopes greater than 5 percent.
 - ii. Implement BMPs, including erosion control, for storm water runoff during project design and construction, as described in greater detail in the Department of Public Works Best Management Practices Manual.
 - iii. Initiate bank stabilization projects that will minimize channel erosion when a project entails work on a bank (see Bank Protection and Erosion Control standards), which may require a Watercourse Development Permit.
3. Planting restrictions.
 - a. Only native riparian and wetland plant species are allowed to be planted in the designated riparian corridor. The City-wide Creeks and Wetlands Management Plan provides a list of some suitable plant species and revegetation guidelines.
4. Appropriate Lighting.
 - a. Lighting shall be prohibited within the designated riparian corridor, except for lighting on public lands and facilities for safety and security, consistent with an adopted Management Plan.

- b. Limited exterior safety lighting in the development setback area shall be allowed, including: low-level walkway lighting; motion detector security lighting; driveway lighting; and entry lighting
 - c. All lighting shall be hooded and directed downward and away from the watercourse/wetland.
5. Habitat Enhancement.
- a. Whenever possible, avoid mowing, clearing, or stripping riparian vegetation.
 - b. The following measures are required for Category A watercourses:
 - i. Expand and enhance riparian vegetation to meet designated riparian corridor width. Plant a variety of appropriate native riparian species including ground covers, shrubs, trees and native flowering plants to attract beneficial insects. Riparian vegetation should be planted in such a manner to facilitate filtration of pollutants from storm runoff.
 - ii. Avoid clearing dense native understory vegetation to create open areas.
 - iii. Prohibit planting non-native, invasive species.
 - iv. Remove or control the spread of non-native, invasive species.
 - v. Within landscaped areas, use Integrated Pest Management methods that encourage the use of non-chemical methods for weed removal; least-toxic pesticides may be used if alternative pest management techniques do not work (references are included in the City-wide Creeks and Wetlands Management Plan.
6. Construction Best Management Practices. Implement Best Management Practices (BMPs) during construction to protect water quality in adjacent watercourses in accordance with City requirements (see appendices in the City-wide Creeks and Wetlands Management Plan.
7. Management in High Fire Hazard Areas. In areas deemed a fire hazard area, riparian vegetation within the riparian corridor and development setback area is protected under the City-wide Creeks and Wetlands Management Plan. The following measures shall be implemented, as appropriate:
- a. Protect riparian vegetation within the riparian corridor and development area.
 - b. Prohibit planting of combustible vegetation in high fire hazard areas.
 - c. New development within high fire hazard areas that offers inadequate distance for fire protection shall be responsible for fire prevention activities, such as, visible house numbering, use of fire-resistant and fire-retardant building and landscape materials, in addition to responsible management.
 - d. Increased setbacks may also be required in these areas where fire protection standards are inadequate to separate the structure(s) from wildfire hazards, rather than clearing of vegetation.
8. Erosion control measures. Erosion control shall be employed, specifically when a project entails work on or immediately adjacent to a watercourse bank, to protect water and reduce the amount of sediment entering watercourses and wetlands, as well as minimize adverse water quality, riparian and wetland impacts.
- a. Implement erosion control measures, including hydro seeding and revegetation, as outlined in and consistent with measures in the City-wide Creeks and Wetlands Management Plan.
 - b. Channel bank protection, repair, and stabilization structures shall utilize the concepts of biotechnical bank stabilization to the maximum extent feasible, as set forth in the City-wide Creeks and Wetlands Management Plan. If hard surfaces

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are used and riparian vegetation is removed, revegetation of adjacent disturbed area with riparian vegetation shall be required.

24.08.2180 Findings Required.

A watercourse development permit shall be granted when the following findings can be made:

1. The development and the project as a whole is consistent with the City-wide Creeks and Wetlands Management Plan.
2. That the development is permitted per Section 24.08.2150 or that the Zoning Administrator has determined that the project is in substantial conformance with the listed permitted uses.
3. That the development complies with the applicable watercourse development standards stated in Section 24.08.2170.
4. That the project has met the requirements of all other reviewing agencies including but not limited to State and Federal government requirements.

Part 22: WATERCOUSE VARIANCE

24.08.2200 Purpose.

The purpose of this part is to allow variation from the watercourse setbacks or development standards as outlined in Sections 24.08.2130 and 24.08.2170.

24.08.2210 General Provisions.

A watercourse variance shall be granted when, because of special circumstances applicable to the subject property the strict application of the watercourse setbacks or development standards denies a property owner privileges enjoyed by other watercourse property owners in the vicinity or creates an unnecessary hardship or unreasonable regulation which makes it obviously impractical to require compliance with applicable watercourse setback or development standards.

24.08.2220 Procedure.

Applications for a watercourse variance shall be acted upon by the Zoning Administrator at a public hearing unless the watercourse variance is accompanied by an application which must be heard by a higher hearing body such as the Zoning Board or City Council.

Required Data and Reports.

The watercourse variance shall be accompanied by the following data and reports, as applicable:

1. Site-specific Biotic and Hydrologic Studies prepared by qualified professionals submitted by the applicant that justify the requested narrower setback or other exceptions to the watercourse development standards requested from a biotic, hydrologic, and/or geomorphic standpoint. The studies must demonstrate that requested setbacks and exceptions to the watercourse development standards will ensure the following:
 - a. Provide adequate area to contain stormwater flows and provide water quality improvements;

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- b. Protect existing biological values of the watercourse corridor such as shade provision, water temperature maintenance, nutrient filtering, wildlife movement corridors, unimpeded fish movement, and wildlife habitat;
 - c. Maintain opportunities for restoration and enhancement, if the area lends itself to restoration or enhancement (contiguous to other habitat, able to sustain riparian area, etc);
 - d. No special status plant or wildlife species, are present within that portion of the setback area requested to be disturbed or narrowed.
2. A Vegetation Management Plan prepared by a qualified biologist, arborist or restoration specialist that identifies native and non-native trees and shrubs to be removed. The plan shall identify the location, limits, and square footage of the proposed vegetation management, the specific size (diameter at breast height, and tree height), the species of native and non-native trees to be managed, their condition and health, and the reason for their removal. The plan shall also propose the method of removal (cutting, mowing, spraying).
 3. An Erosion Control Plan for the portion of the project for which a watercourse variance is requested (prepared in accordance with the requirements of the City-wide Creeks and Wetlands Management Plan) and Section 24.14.060(4) of the Municipal Code.
 4. A Restoration and Enhancement Plan, prepared by a qualified professional for restoration or enhancement of the proposed narrower setback, including riparian vegetation and fisheries enhancement, and a statement that the applicant has committed to implement the plan. The Plan shall also describe how the replanted vegetation shall be monitored.

24.08.2240 Findings Required.

In approving a watercourse variance, it shall be determined by the hearing body that:

1. There are exceptional or extraordinary circumstances or conditions applicable to the subject watercourse site that do not generally apply to other watercourse parcels.
2. Granting the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the variance would not be detrimental or injurious to property or improvements in the vicinity of the subject site or to the health, safety and welfare of the watercourse directly affected by this application.
4. Granting the variance is in conformance with all other goals, policies and objectives of City-wide Creeks and Wetlands Management Plan.

Chapter 24.12 COMMUNITY DESIGN

Part 2: GENERAL SITE DESIGN STANDARDS

24.12.100 Minimum building Site.

Each building site in each zoning district shall be planned and arranged so as to occupy only that portion of a lot not otherwise required as a yard, setback, easement, right-of-way, or other legally established open space; except that, where all other provisions of this title are met, a building site may be established in airspace when created through an approval of a community housing project.

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1. Lot Area Measurement.

a. For purposes of measuring and calculating lot size and area, public and private easements contained within the lot lines, other than street or alley easements, may be included.

b. For purposes of determining net lot area, only contiguous land with less than a thirty-percent slope and not within a Floodplain (F-P) District or within a riparian corridor, as defined in Section 24.08.2110.2.(f), ~~or any stream or permanent body of water~~, shall be considered.

c. In any zoning district where no public sanitary sewer is accessible, no lot shall have an area less than that prescribed by the Santa Cruz County health department.

2. Frontage Requirement. The construction, erection, conversion, establishment, alteration, or enlargement of any structure on any real property is hereby prohibited and declared unlawful, unless the said real property shall have a frontage on a street improved to the standards of the city of Santa Cruz; or upon a publicly owned parking facility, plaza, mall, or wharf; or upon such other public access facility as may be provided in connection with an approved development plan.

(Ord. 85-05 § 1 (part), 1985).

24.12.160 Fencing and Screening.

1. Fencing. Regulations governing the installation, construction and placement of fences and structures in the nature of fences which exceed height limitations contained herein are set forth in Chapter 24.08, Part 7, Conditional Fence Permit.

a. Height Limitations. No person shall erect upon any private property in the city, any fence, or structure in the nature of a fence exceeding the following height limitations:

(1) On that portion of any private property in the area between the street and the front or the exterior side yard setback line established by the Zoning Ordinance, the Building Code or other ordinances of the city, fences shall not exceed a height of three feet six inches from finished grade, except as provided in Chapter 24.08, Part 7;

(2) On that portion of the property back of the setback lines, described under paragraph (1) above, fences shall not exceed a height of six feet from finished grade, except as provided in Chapter 24.08, Part 7.

(3) Any fence along a property line adjacent to a street, or in the adjacent required setback, except in the clear corner triangle, may include a gate, trellis or other entry feature exceeding the height limit stated in subsections (1) and (2) above. Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such gate, trellis or entry feature shall be permitted per street frontage except as provided in Chapter 24.08, Part 7.

b. Fire Hazard. The erection of any fence which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, or which will interfere with access in case of fire, by the fire department to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians shall not be permitted.

c. Temporary Fences - Exceptions. Nothing contained in this title shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to the Building Code and other ordinances of the city.

d. Barbed-Wire Fencing. No barbed-wire fences may be constructed, electrified or otherwise, without a conditional fence permit.

e. Hedges. Hedges or dense planting in the nature of a hedge shall not be grown or maintained on that portion of any private property in the area between the street and the front or the exterior side yard setback line established by this title, the Building Code, or other ordinances of the city to a height in excess of three feet six inches.

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f. Clear Corner Triangles and Clear Vision Areas. Fences or hedges shall not be greater than, nor allowed to exceed, three feet six inches in height in the clear corner triangle and the clear vision area as defined herein.

g. Fences within Watercourse Setback Areas. Fencing within a designated riparian corridor or development setback area of a watercourse shall be consistent with requirements of the Watercourse Development Permit Section 24.14.2100.

2. Screening.

a. In any nonresidential district adjacent to any R- District, screening between districts shall be provided.

b. All areas of outdoor storage in any commercial or industrial district shall be permanently screened from view from any adjacent street, public way or adjacent private property.

(Ord. 95-33 § 2, 1995: Ord. 91-13 § 4, 1991: Ord. 85-05 § 1 (part), 1985).

Chapter 24.14 ENVIRONMENTAL RESOURCE MANAGEMENT

Part 1: CONSERVATION REGULATIONS

24.14.010 Purpose.

The purpose and intent of the conservation regulations is to protect the public health, safety and community welfare; and to otherwise preserve the natural environmental resources of the city of Santa Cruz in areas having significant and critical environmental characteristics. The conservation regulations have been developed in general accord with the policies and principles of the General Plan, as specified in the Environmental Quality Element, the Safety Element of the General Plan, and the Local Coastal Program, and any adopted area or specific plans. It is furthermore intended that the conservation regulations accomplish the following:

1. Minimize cut, fill, earthmoving, grading operations, and other such man-made effects on the natural terrain;

2. Minimize water runoff and soil erosion caused by human modifications to the natural terrain;

3. Minimize fire hazard and risks associated with landslides and unstable slopes by regulating development in areas of steep canyons and arroyos and known landslide deposits;

4. Preserve riparian areas and other natural habitat by controlling development near the edge of ponds, streams, or rivers;

5. Encourage developments which use the desirable, existing features of land such as natural vegetation, climatic characteristics, viewsheds, possible geologic and archaeological features, and other features which preserve a land's identity;

6. Maintain and improve to the extent feasible existing water quality by regulating the quantity and quality of runoff entering local watercourses;

7. Maintain and improve to the extent feasible existing air quality by achieving or exceeding state air quality guidelines;

8. Serve as part of the Local Coastal Implementation Plan of the Local Coastal Program.

(Ord. 94-33 § 63, 1994: Ord. 85-05 § 1 (part), 1985).

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24.14.050 Drainage Control.

1. General Provisions.
 - a. Applicability. A drainage plan shall be provided for all large and small projects, as defined below, when existing drainage patterns would be altered by new construction. All drainage plans for properties adjacent to watercourses and wetlands shall be in conformance with requirements of Section 24.08.2100, Watercourse Development Permit and with the policies of the City-wide Creeks and Wetlands Management Plan. Drainage plans shall be submitted and reviewed as part of project approval.
 - b. Roof Drainage. All roof drains shall be discharged so as to minimize erosion.
 - c. Disposition of Stormwaters. Where storm drainage from the project is to be discharged into natural watercourses, the drainage plan shall include methods to safeguard or enhance existing water quality.
 - d. Stormwater Runoff. Storm drainage runoff resulting from project development should be minimized. To that end, devices such as detention basins, percolation ponds, or sediment traps may be required, where appropriate or as specified in an adopted area plan or wetlands management plan.
 - e. Surface Water. All surface water shall be directed to a public or private street, driveway, public right-of-way, drainage easement, or watercourse.
2. Small Project Drainage Plan.
 - a. Requirement. A drainage plan, pursuant to Section 24.14.050, subsection (2)(b), prepared by a licensed civil engineer or other qualified licensed professional, shall be required of projects which involve:
 - (1) Residential, commercial, public or quasi-public or industrial development or additions thereto, constructed on slopes of less than ten percent and parking lots of five or fewer spaces;
 - (2) Minor land divisions involving lands with slopes of ten percent or greater.
 - b. Contents. Drainage plans for small projects as defined above shall indicate the direction of water flow and the ultimate disposition of surface water. This plan shall be reviewed as part of project approval.
3. Large Project Drainage Plan.
 - a. Requirements. A drainage plan, pursuant to Section 24.14.050, subsection (3)(b), prepared by a licensed civil engineer or other qualified licensed professional, shall be required of projects which involve:
 - (1) Residential subdivisions or cluster developments when development potential exceeds four units;
 - (2) Residential, commercial, public or quasi-public or industrial development or additions thereto, if constructed on lands with slope in excess of ten percent and parking lots of more than five spaces;
 - (3) Any development adjacent to an environmental constraint area identified in the Environmental Quality and Safety Elements of the General Plan or the Local Coastal Program;
 - (4) Projects for which the planning director determines that such a plan is warranted by existing site conditions.
 - b. Contents. Drainage plans for large projects shall be prepared by a qualified professional and shall contain at least the following:
 - (1) A site plan indicating existing and proposed contours;
 - (2) The direction of water flow;

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(3) Details on drainage control facilities such as size and location of all culverts, pipe drains, drain inlets, berms, ditches, interceptor drains or swales, and energy dissipaters where necessary;

(4) Erosion control methods as outlined in Section 24.14.060.
(Ord. 94-33 § 66, 1994; Ord. 85-05 § 1 (part), 1985).

24.14.080 Intermittent/Perennial Streams, Wetland Areas, Wildlife Habitats and Plant Communities.

1. Applicability. The provisions of this section shall apply to Wildlife Habitat Areas and Plant Communities identified in Maps EQ-8 and EQ-9 of the Environmental Quality Element of the General Plan and Coastal Land Use Plan or as designated as part of an environmental review process.
the areas listed below:

a. Intermittent/Perennial Streams. ~~Identified on the largest scale USGS topographic map by either a solid line or a dash and dot symbol and/or Map EQ-11 of the Environmental Quality Element of the General Plan and Coastal Land Use Plan and/or in riparian areas as designated by Map EQ-8 in the General Plan and refined by the environmental review process.~~

b. Wetlands, Marshes and Seasonally Flooded Grasslands. ~~Identified by Map EQ-8 of the Environmental Quality Element of the General Plan and Coastal Land Use Plan or as designated as part of the environmental review process.~~

e. Precise Boundaries of Designated Areas. ~~Except for areas defined by the City-wide Creeks and Wetlands Management Plan,~~ the precise boundary of areas identified in subsection (1), above shall be determined on a case-by-case basis by a biologist with relevant academic training and experience in instances of uncertainty.

~~3. Uses Prohibited.~~

a. Intermittent/Perennial Streams. ~~Construction of main or accessory structures, grading, or removal of vegetation shall not be permitted in any designated riparian area or within one hundred feet from the center of a watercourse (as identified in subsection (1)(a) above), except as provided in subsections (4)(a) and (4)(b), below.~~

b. Wetlands, Marshes and Seasonally Flooded Grasslands. ~~Construction of main or accessory structures, grading, or removal of vegetation shall not be permitted within one hundred feet of a wetland (as identified in subsection (1)(b) above), except as provided in subsections (4)(a) and (4)(c), below.~~

~~4. Uses Permitted. Only those uses listed below are permitted subject to the provisions of subsection (e).~~

a. General. ~~The following uses of all areas, (as identified in subsections (1)(a) through (1)(c) above) including setbacks (as identified in subsections (3)(a) and (3)(c) above), may be permitted. Where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects:~~

~~(1) Maintenance and replacement of existing public works facilities, such as pipes, cables, lines or accessways;~~

~~(2) Maintenance of existing, or restoration of previously dredged, depths in existing flood control projects and navigational channels, pursuant to an approved management plan;~~

~~(3) Pervious, non-motor vehicular trails;~~

~~(4) Incidental public services projects including but not limited to, the burying of cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines;~~

~~———— (5) ——— Small scale facilities associated with nature study or other similar resource-dependent activities;~~

~~———— (6) ——— Construction, grading or removal of vegetation necessary for maintenance of existing improvements;~~

~~———— (7) ——— Landscaping designed to provide a natural buffer and any grading necessary as part of such landscaping plan;~~

~~———— (8) ——— Passive recreation;~~

~~———— (9) ——— Habitat preservation and restoration;~~

~~———— (10) ——— Other uses similar to the foregoing found by the zoning administrator or board as consistent with the intent of this part.~~

~~———— b. ——— Intermittent/Perennial Streams. Construction, grading, or removal of vegetation shall be permitted within required setbacks only where necessary for protection against erosion, scouring and for maintenance of flow.~~

~~e. ——— Wetlands, Marshes and Seasonally Flooded Grasslands. Construction, grading or removal of vegetation shall be permitted in wetlands, etc, and within required setbacks where:~~

~~———— (1) ——— A restoration/management plan has been submitted and approved;~~

~~———— (2) ——— Any construction and/or use is consistent with the approved plan.~~

3. b. Wildlife Habitats and Plant Communities. Construction, grading or removal of vegetation shall be permitted within wildlife habitats and plant communities where:

a. The development or project is in conformance with Section 24.08.2100 and with the policies of the City-wide Creeks and Management Plan.

b. Existing vegetation is preserved to the maximum extent possible;

c. The integrity of the area as a habitat is not compromised;

d. Landscaping is designed to provide a natural buffer and provide native food-bearing plant species to the greatest extent feasible;

e. Protected species under the federal Endangered Species Act, the California Endangered Species Act, and the California Native Plant Protection Act are not present or jurisdictional permits from the appropriate state or federal agency have been received for their removal.

4.e. Preservation of Vegetation. In conjunction with any of the above-listed uses, the following shall apply with regard to the preservation of existing vegetation:

a. Removal or planting of vegetation shall be in conformance with Section 24.08.2100 and with the policies of the City-wide Creeks and Wetlands Management Plan.

b. Existing vegetation shall be preserved to the maximum extent possible.

c. Existing trees or tree stands located on a site for which a discretionary permit is required shall not be removed until such a permit is approved by the decision-making body.

d. Trees subject to the Heritage Tree Ordinance and other trees designated for protection by a development proposal shall be protected through the use of barricades or other appropriate methods during the construction phases.

e. Landscaping, grading and building design shall ensure ongoing viability of remaining vegetation.

f. Wherever removal of vegetation is necessitated by any of the above uses, replacement vegetation of an equivalent kind, quality and quantity shall be provided.

(Ord. 94-33 § 69, 1994; Ord. 88-55 § 1, 1988; Ord. 85-05 § 1 (part), 1985).

Chapter 24.18 NONCONFORMING USES AND STRUCTURES*

* Editor's Note: Chapter 24.18, Nonconforming Uses and Structures, has been amended in its entirety by Ordinance 90-15, adopted 5-22-90. Prior ordinances contained in this chapter include portions of Ords. 85-05 and 89-10.

24.18.010 Purpose.

The purpose of this chapter is to provide for the control, improvement and termination of uses or structures which do not conform to the regulations of this title for the district in which they are located. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

(Ord. 94-33 § 76, 1994; Ord. 90-15 § 1, 1990).

24.18.020 General Application.

1. Any lawfully established building or structure, use of a building or structure, existing at the effective date of this title, or of any amendments thereto, that does not conform to the regulations for the district in which it is located, shall be deemed to be legally nonconforming and may be continued, except as otherwise provided in this chapter.

2. Any legal nonconforming use may be continued, provided there is no increase in the intensity of such use.

3. Any legal nonconforming building or structure shall not be made more nonconforming.

4. A building, structure or part thereof for which a building permit was issued prior to the enactment of amendments to this title making aspects of the building or structure nonconforming may be completed provided that work is prosecuted continuously and without delay. When completed, such building shall be deemed to be a legal nonconforming structure and shall thereafter be subject to the regulations set forth herein.

5. A building, structure, or use nonconforming only because of noncompliance with setbacks from a watercourse or wetland as required in Section 24.08.2100, shall be considered legally nonconforming.

~~6.5.~~ Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building official. (Ord. 90-15 § 1, 1990).

24.18.030 Nonconforming Structures - Enlargement and Alterations.

A nonconforming structure may be enlarged or structurally altered, provided that it is not made more nonconforming.

1. Exception. When a single-family residence has nonconforming side or rear yards, additions to such structures shall be permitted on the first floor, while maintaining side and rear yards no less than existing yards, and provided a design permit is obtained.

(Ord. 90-15 § 1, 1990).

24.18.040 Nonconforming Structures and Uses - Reconstruction.

A nonconforming structure which is damaged or destroyed by fire, flood, wind, earthquake, or other disaster may be repaired or reconstructed. A nonconforming structure damaged to more than fifty percent of its value as determined by the chief building official shall require approval of a reconstruction permit (Chapter 24.08, Part 20). Buildings or structures damaged more than fifty percent as described above that are nonconforming only because of noncompliance with setbacks from a watercourse or wetland as required in Section Part 21 may

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be reconstructed subject to a building permit only provided that the General Requirements in Section 24.08.2030 are met.

(Ord. 90-15 § 1, 1990).

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.

(Ord. 90-15 § 1, 1990).

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.

(Ord. 90-15 § 1, 1990).

24.18.070 Nonconforming Use - Discontinuance.

1. Any nonconforming, nonresidential use that is nonconforming due to district use regulations and/or violates performance standards and which is discontinued or abandoned or otherwise ceases operation for a period of six months or more shall not be resumed, and all subsequent use of such structure or portion of structure or site shall conform to this title. An administrative use permit shall be required for a new use exceeding the parking requirement for the use it replaces. The approving body shall find that the reduction in parking requirements will not adversely affect parking on adjacent and nearby streets and properties.

2. Whenever any part of a building, structure or land occupied by a nonconforming use is changed to or replaced by a use conforming to the provisions of this title, regardless of the period of time such conforming use occupies the building, such premises shall not thereafter be used or occupied by a nonconforming use.

3. Any uses nonconforming by reason of noncompliance with performance standards established herein shall be deemed illegal until compliance with performance standards is achieved.

4. Notwithstanding the provisions of subsection (1), above, any nonconforming use which operates on property being acquired by the city or redevelopment agency by eminent domain or under threat of condemnation and which is required to discontinue or otherwise cease operation because of construction activities undertaken by the city or redevelopment agency may resume said use without losing its status as nonconforming: (1) within two years; or (2) within six months after the city's or redevelopment agency's construction activities are completed so as to enable said use to resume, whichever is later. Nothing contained in this subsection shall be construed as having any effect upon the city's or redevelopment agency's proprietary interest in property acquired by eminent domain or under threat of condemnation.

(Ord. 2000-19 § 1, 2000; Ord. 98-13 § 1, 1998; Ord. 92-19 § 1, 1992; Ord. 90-15 § 1, 1990).

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24.18.080 Nonconforming Use - Maintenance, Repairs and Nonstructural Alterations to buildings.

1. Normal and routine maintenance or nonstructural alterations of any structure for the purpose of preserving its existing condition, retarding or eliminating wear and tear or physical depreciation, rendering the space more usable, or complying with the requirements of law shall be permitted.

2. Structural alterations or enlargement of the building containing nonconforming, nonresidential uses shall be permitted only to accommodate a conforming use, or when made to comply with the requirements of the law.

3. Buildings containing nonconforming residential uses may be altered to improve liveability, provided no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

(Ord. 90-15 § 1, 1990).

24.18.090 Nonconforming Use - Conversion to Conditional Use.

Any use legally existing on the effective date of this title, or amendments thereto, which is listed as a conditional use in the district in which it is located but which has never obtained a conditional use permit, shall be and remain a nonconforming use until a conditional use permit is obtained as provided in this title.

(Ord. 90-15 § 1, 1990).

24.18.100 Reserved.

24.18.110 Burden of Proof.

1. In any administrative or judicial proceeding wherein it is claimed that a structure or use is allowable as a nonconforming structure or use, the party asserting that such nonconforming status exists shall have the burden of providing proof of the same.

2. In any administrative proceeding such burden of proof shall be met only if the following findings can be made:

a. That the structure or use was lawful when commenced; and

b. No conditions have occurred since then that would require its abatement; and

c. No unlawful expansion, enlargement, or intensification of this structure or use has occurred and remains in place.

(Ord. 90-15 § 1, 1990).

Chapter 24.22 DEFINITIONS

24.22.498 Lot Area, Net.

The 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, ~~any stream or permanent body of water.~~

(Ord. 85-05 § 1 (part), 1985).

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24.22.650 Residential Density.

A computation expressing the number of dwelling units per acre, based on the net lot area, where acreage excludes land with greater than thirty-percent slopes, within a riparian corridor as defined in Section 24.08.2110(g), and land dedicated to streets and alleys. (Ord. 85-05 § 1 (part), 1985).

Section 2. This ordinance shall be in force and take effect thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this ___ day of _____, 2002, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk

PASSED FOR FINAL ADOPTION this ___ day of _____, 2002, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

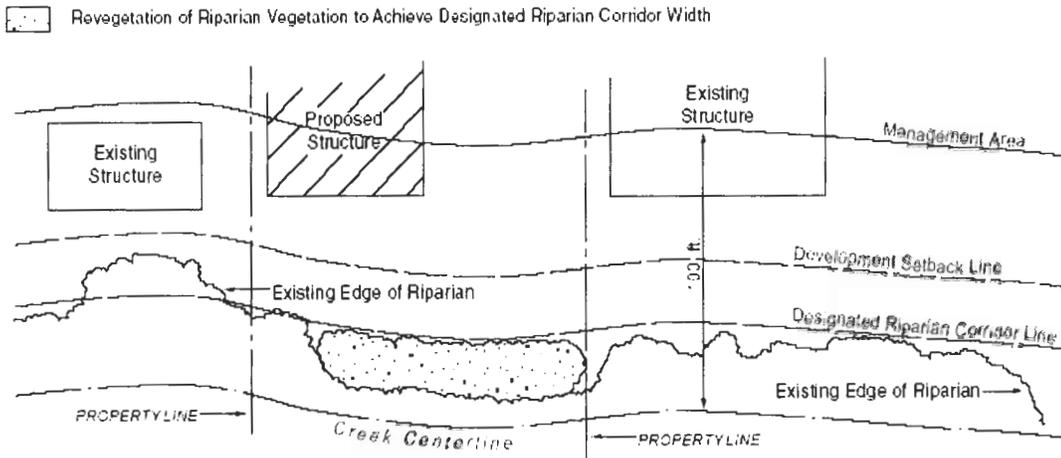
DISQUALIFIED: Councilmembers:

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

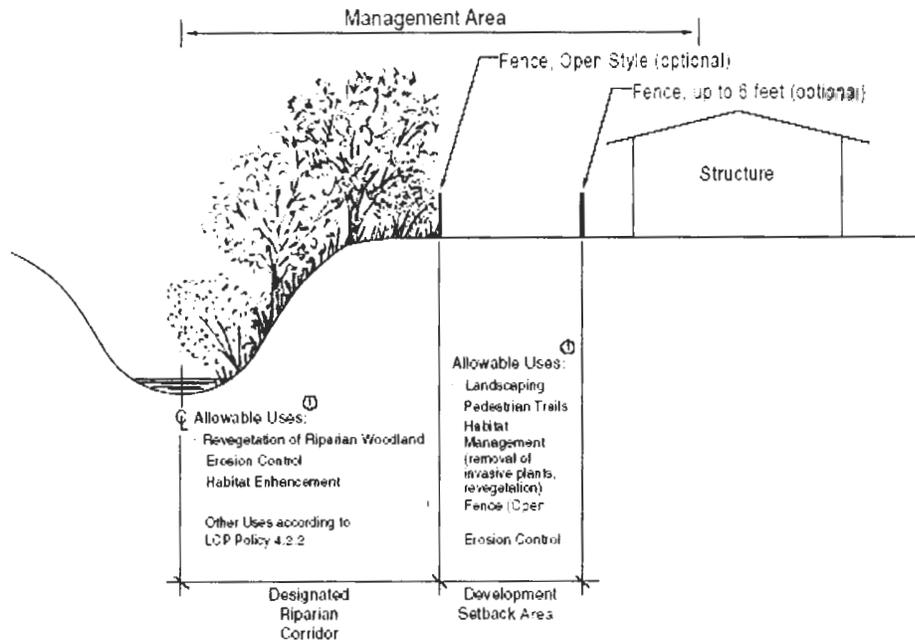
City Clerk

**Exhibit #4
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FIGURE 3-1. PROPOSED SETBACK AREAS



PLAN VIEW (Sample Development Plan Layout)



CROSS-SECTION

SOURCE: Biotic Resource Group, 2001

① See Restrictions in Chapter 4

CCC Exhibit 5
 (page 1 of 1 pages)

**TABLE 4-3. ALLOWABLE USES AND ACTIVITIES
WITH A WATERCOURSE DEVELOPMENT PERMIT**

Allowable uses and activities in the *riparian corridor* include:

- Watercourse and wetland restoration, major removal of invasive and/or exotic vegetation where appropriate, minor removal of mature eucalyptus trees in known Monarch butterfly habit areas, removal of non-hazardous trees, (i.e. invasive species and/or for habitat or fire management) in accordance with the City's Heritage Tree Ordinance and a plan prepared by a qualified professional, and removal of impervious surfaces in the riparian corridor..
- Demolition of existing structures inside the *riparian corridor*, in accordance with City demolition regulations.
- Installation of and improvements to storm water BMPs provided that removal of riparian vegetation is avoided whenever possible.
- Channel bank protection and the repair of existing channel bank protection structures. Soft" measures (e.g., landscaping with appropriate native plants that will provide bank stabilization) rather than hardened structures should be used where possible.
- Improvements to existing roads, trails, and crossings, including replacement of existing bridge footings and abutments, as well as consideration of new footings, when studies prepared by qualified professionals demonstrate that the existing or new bridge footings and abutments will not substantially decrease biological values, cause an increase in floodwater surface elevations, redirect flow, or cause erosion to an extent greater than the existing structure, except for uses on public lands that are consistent with an adopted Parks Master Plan or Management Plan. The goal of the replacement and/or improvements would be to reduce the hydrologic and geomorphic impacts of the existing roads and bridge structures with the new structures, consistent with the City's floodplain management regulations.
- Property line fences that provide adequate room for flow conveyance and wildlife movement.
- Incidental public works facilities, including but not limited to, the installation of new, replacement of existing, or improvements to existing buried cables, pipes, and culverts, or inspection of piers and improvements to existing intake and outfall lines, when special studies prepared by qualified professionals have demonstrate that there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.
- Channel maintenance, including, but not limited to vegetation management and removal of downed trees, in accordance with a channel maintenance plan prepared by a qualified professional and approved by the City.
- Flood protection when no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing legal development, when special studies prepared by qualified professionals demonstrate that the flood protection use shall not diminish creek capacity, percolation rates, and/or habitat values, if applicable. Channel redirection or hardening may be permitted only if less intrusive flood control/bank stabilization designs have been considered and have been found to be infeasible, including, but not limited to integrated bank repair structures, vegetation, vegetative erosion control, and soil bioengineering.
- Under channel borings at sufficient depth when special studies prepared by qualified professionals have been submitted and approved by the City's Planning Director that demonstrate that the under channel borings will result in no adverse impact to the watercourse, *riparian corridor*, or the *development setback area*.

Allowable Uses and activities in the *development setback area* include:

- All uses allowed in the *riparian corridor*.
- Upper floor additions to existing legal structures (where permitted by the Zoning Ordinance) within the existing footprint area.
- Retaining walls.
- Solid fencing that meets the City fencing regulations.
- Kennels and animal containment areas that comply with storm water BMPS.

Allowable Uses and activities in the *remaining management area* include:

- All other development projects within Category A watercourses allowed by the Municipal Code located in the *remaining management area* (outside of the designated *riparian corridor* and *development setback area*).

NOTE: Some allowable uses and activities may also require approval from the California Department of Fish and Game, the U.S. Army Corps of Engineers, and/or the National Marine Fisheries Service.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



MEMORANDUM

FROM: Jonna D. Engel, Ph.D.
Ecologist

TO: Susan Craig, Coastal Analyst

SUBJECT: City-wide Creeks and Wetlands Management Plan

DATE: September 10, 2007

Documents reviewed:

Craig, Susan. October 10, 2001. Letter to Sandy Brown, Associate Planner, Santa Cruz Department of Planning and Community Development. Subject: Administrative Draft of the City-Wide Creeks and Wetlands Management Plan.

Craig, Susan. March 1, 2002. Letter to Sandy Brown, Associate Planner, Santa Cruz Department of Planning and Community Development. Subject: City-Wide Creeks and Wetlands Management Plan – Second Administrative Draft.

Craig, Susan. July 11, 2002. Letter to Sandy Brown, Associate Planner, Santa Cruz Department of Planning and Community Development. Subject: City-Wide Creeks and Wetlands Management Plan – Final Draft.

Craig, Susan. December 2, 2005. Letter to Alex Khoury, Acting Director, Santa Cruz Department of Planning and Community Development. Subject: City-Wide Creeks and Wetlands Management Plan – Initial Study/Negative Declaration.

Craig, Susan. September 29, 2005. Letter to Alex Khoury, Acting Director, Santa Cruz Department of Planning and Community Development. Subject: City-Wide Creeks and Wetlands Management Plan – In-House Draft.

City-wide Creeks and Wetlands Management Plan. Prepared by City of Santa Cruz, Department of Planning and Community Development. Adopted by City Council, February 28, 2006 [Pending CCC approval]

Development Setbacks (Buffer Zones)

The Santa Cruz City-wide Creeks and Wetlands Management Plan identifies three setback areas or zones; riparian corridor, development setback, and management area.

Exhibit 7
STC-MAJ-1-06
Page 1 of 3

Under the Coastal Act and the Santa Cruz City LCP, the “riparian corridor” is environmentally sensitive habitat or ESHA. The City-wide Creeks and Wetlands Management Plan must include a section defining ESHA, why the riparian corridor is ESHA, and why it is important to protect ESHA. Under the Coastal Act and LCP the “development setback” is a buffer or setback zone. And the “management area” does not have a complement in the Coastal Act or LCP.

The delineation of the riparian corridor is the extent of the stream bank or the extent of the riparian vegetation – whichever is greater. The boundary of the riparian corridor or ESHA is the point at which a buffer zone is established to protect the ESHA. The City-wide Creeks and Wetlands Management Plan calls this area the “development setback”.

For the majority of Santa Cruz creek reaches, the development setbacks presented in the City-wide Creeks and Wetlands Management Plan (Table ES-3) afford little riparian habitat buffering protection. The proposed setbacks generally fall far short of the Commission’s recommended 100-foot setback requirement for riparian areas. However, given the urbanized character of the City, 100 feet is not usually a reasonable or attainable development setback for many of the creek reaches that are located in the coastal zone.

The development setbacks for Category A riparian corridors (highest quality) are between 20 to 50 feet. Ideally, all Category A riparian corridors would be afforded 50-foot development setbacks. However, due to the constraints of existing development, this is not always possible. Following an August 28, 2007 site visit with the City to a number of creeks within the coastal zone, I concur that the development setbacks for Moore Creek reaches 1, 3, and 5 (Category A creek reaches) are appropriately set at 30 feet.

The proposed Management Plan provides a 50-foot riparian corridor and a 20-foot development setback (for a total riparian corridor/development setback width of 70 feet) for Arroyo Seco Creek reach #3. This reach of creek has undergone restoration required by the Commission’s approval of permit A-3-SCO-00-041 and now supports a dense riparian corridor. However, the City’s biologist now states that the width of the riparian corridor for this reach of creek is overestimated in the Management Plan. The City now proposes to apply a 30-foot riparian corridor width and a 50-foot development setback for this creek reach. Commission staff visited the site on August 28, 2007 and concurs with the City that a 30-foot riparian corridor width is appropriate for this creek reach, and also concurs with the proposed 50-foot development setback.

Regarding Category A riparian corridors in the coastal zone, the northwestern finger of Moore Creek that is currently labeled as reach 5 should be re-labeled as reach 2 (see map K06). This would upgrade this undeveloped reach from the 70-foot riparian corridor and 30-foot development setback proposed by the City to the more biologically

appropriate 100-foot riparian corridor and 50-foot development setback requirement applied to reach 2.

The development setbacks for Category B riparian corridors (urban areas) are between 5 to 20 feet with the bulk at 10 feet. Ideally, Category B creek setbacks would be a minimum of 20 feet. The City derived the individual setbacks required for each reach of creek based on high resolution aerial photographs, a GIS database, review of existing resource studies, and biological and land use site inspections where feasible or where allowed by landowners. One of the purposes of the Management Plan is to apply consistent setbacks that avoid the need for variances. Increasing the development setback to 20 feet from the edge of riparian vegetation along Pilkington Creek, for example (Map P05) would extend the management area into existing development, including large portions of existing residences, paved streets and driveways, and would render large portions of these small lots undevelopable. Along Pilkington Creek, however, there may be a few parcels that could comply with a 20-foot development setback. The Management Plan notes that proposed projects that are subject to approval of other city permits (such as a coastal development permit) would also be subject to environmental review and that the result of this review might be the imposition of additional protective measures. The Management Plan also notes that there may be some circumstances in which an identified setback is recommended to be increased based on the outcome of the environmental review required for a proposed project. Given these qualifications that provide for opportunities for increased setbacks for specific parcels along specific creek reaches, the setbacks for each reach of Category "B" watercourses in the Management Plan are adequate given the existing urban land use constraints.

Category C (low quality) riparian corridors include drainage channels that are concrete or man-made, and above or below ground culverts. The City-Wide Creeks and Wetlands Management Plan ascribe Category C watercourses "low to no habitat value" and no development setback protection. Creek reaches and streams that have been highly modified (concrete or man-made) or are without riparian vegetation are generally in this state because of human disturbance. Therefore, where there are restoration opportunities, the development setback along Category C watercourses should be 10 feet and riparian vegetation restoration required.

RESOLUTION NO. NS-27,170

**RESOLUTION OF THE CITY OF SANTA CRUZ AUTHORIZING AND
DIRECTING THE CITY MANAGER TO SUBMIT THE LOCAL COASTAL
IMPLEMENTATION PLAN AMENDMENT TO THE CALIFORNIA COASTAL
COMMISSION FOR FINAL CERTIFICATION**

WHEREAS, on February 8, 2000 the City Council approved the scope of services for a City-wide Creeks and Wetlands Management Plan, which was partially funded under a grant from the California Coastal Commission; and

WHEREAS, over the last six years the City of Santa Cruz has been working on the City-wide Creeks and Wetlands Management Plan; and

WHEREAS, the codification of the City-wide Creeks and Wetlands Management Plan would involve amendments to several portions of Title 24 (Chapter 24.04, Chapter 24.08 Parts 21 and 22, Chapter 24.12 Part 2, Chapter 24.14 Part 1, and Chapter 24.18) that are also part of the City's Local Coastal Implementation Plan; and

WHEREAS, the Local Coastal Implementation Plan amendments are consistent with the provisions of the California Coastal Act; and

WHEREAS, the Planning Commission conducted a public hearings on December 1, 2005 and December 15, 2005 and recommended approval to the City Council; and

WHEREAS, the City Council conducted public hearings on February 28, 2006 and March 14, 2006 to consider approval of the City-wide Creeks and Wetlands Management Plan and the related amendments; and

WHEREAS, the City Council adopted a Negative Declaration per the provisions of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby authorizes and directs the City Manager to submit the City-wide Creeks and Wetlands Management Plan and the related amendments to the California Coastal Commission for final certification.

BE IT FURTHER RESOLVED, that amendments to the Local Coastal Implementation Plan will become effective upon final certification by the California Coastal Commission.

PASSED AND ADOPTED this 14th day of March, 2006, by the following vote:

AYES: Vice Mayor Reilly; Councilmembers Rotkin, Fitzmaurice, Porter, Coonerty; Mayor Mathews.

NOES: None.

ABSENT: Councilmember Madrigal.

DISQUALIFIED: None.

ATTEST: *Justin Cook*
City Clerk

APPROVED: *Cynthia Mathews*
Mayor

CCC Exhibit 8
(page 2 of 2 pages)

Susan Craig

From: Alex Khoury [AKhoury@ci.santa-cruz.ca.us]
Sent: Monday, September 17, 2007 5:04 PM
To: Susan Craig
Subject: Arroyo Seco Reach 3

Susan,
Per our discussions with you and the Coastal Commission biologist Jonna Engel in the field at Arroyo Seco Reach 3 and with you and Charles Lester in your office the City is concerned with the proposed changes to the City recommended riparian corridor and development setback for Arroyo Seco Reach 3. Currently the City adopted riparian corridor is 50 feet and 20 foot development setback. What was proposed in the CCC August staff report was making the development setback 50 feet from the riparian corridor. It has been express by the City that we think we incorrectly identified this reach of Arroyo Seco 3 as a Category A creek. We also believe that the restored portion of the creek should have had a smaller riparian corridor than 50 foot. The real world indicates a 30 foot riparian corridor more appropriate to this reach. The City is also concerned about the reach having two sets of drastically different requirements. One suggestion as a compromise is to apply a 30-foot riparian corridor width and a 50-foot development setback from the edge of the riparian corridor for reach 3 of Arroyo Seco Creek. This would seem to meet both our goals for this reach of Arroyo Seco creek.
Thank you for your consideration.
Alex

CCC Exhibit 9
(page 1 of 1 pages)

RECEIVED

SEP 10 2007

September 10, 2007

Susan Craig
California Coastal Commission
725 Front ST.
Santa Cruz, Ca. 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Santa Cruz Creeks and Wetlands Management Plan

Dear Ms. Craig,

We own a home at 208 Pilkington Ave. in Santa Cruz, California. In May of 2000 we went to the City of Santa Cruz to submit plans to remodel our home. We were told, to our surprise, that we could not receive a permit because we had a very small creek in the back of our lot. It was the beginning of a seven year process.

We became active participants in the process of resolving that issue. We attended countless City Council meetings, workshops and Planning Commission hearings during that time.

The planning staff, headed by Alex Khoury, did an excellent job of accumulating years of data from many sources, which became a plan that was acceptable to all sides as workable. It was a monumental effort.

While the eventual setbacks for our property are more restrictive than what we had hoped for, we have accepted them in order to bring this matter to a close so that we can move forward.

After more than seven years of attempting to resolve so many issues, the City Council, the Planning Department and the vast majority of the homeowners are in favor of this plan. Please adopt this plan that has been finally approved by the City of Santa Cruz.

Thank you.

Sincerely,



George Dervishian

CCC Exhibit 10
(page 1 of 5 pages)

559-285-0285

RECEIVED

AUG 02 2007

July 28, 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREARE: THISC
AMEND # STC-MAJ-1-06

To Whom It May Concern:

This letter is to express serious concerns I have regarding the development of the property at 623 Seabright Avenue. At the present time this property is partially prohibited from development within the riparian zone in which it is located. My two properties adjoin this property to the north at 635 and 637 Seabright Avenue.

Recently, the city council approved a building plan for this property even before it was cleared by the Coastal Commission to be built upon. There were many concerns by the surrounding home owners but we were only given 2 min. (not even the required 3 min.) to speak at the city council meeting. After living on my property for 25 years and being the person/property most impacted by this construction I would like you to reconsider this development.

I don't understand how for the past 25 years we have protected this property for the wet corridor that it is and now, overnight it will be unrecognizable.

The plans include removing numerous Heritage trees. Between the two properties sits a Redwood fairy ring which we have been told will TRY to be protected during construction. Why allow the risk to the tree if it is a protected Heritage tree? A beautiful, huge redwood tree was recently cut down at 617 Seabright Ave. due to its roots taking over the foundation. Why do you allow people to build so close to these trees and then in 30 years give them a permit to cut the tree down? I do not think this is good planning for the future of the remaining Seabright redwoods. Perhaps by turning over the decision making to the city council on how these riparian will be built is not such a good idea. People who have experience in watersheds and saving the existing Heritage trees might be better well suited to make these decisions. I found it interesting that the developer immediately put the property back on the market the day after the city council approved his development-he likely won't even be around to see it built. We are allowing developers to come into our town, cut down all our Heritage trees and put up housing so close together that the trees can't even grow naturally. We have allowed over 20 large projects to be developed in the Seabright area over a very short period of time. We are not looking into the future when water will be short-even this year we are already on rationing-where will we get new water sources? We are not demanding green materials to be used in the construction or requiring solar panels to conserve the additional energy needed to power all these new units. The city council keeps approving huge developments that will only place additional burden on the local environment.

I am not opposed to the development of the property next to me. I would like to see a responsible development- one that considers the environmental and social impact it wills bring-one that fits the neighborhood and doesn't cram big projects on small lots. The city has recently hired a person to tell us ways to help save the environment for a hefty salary. Perhaps if we just stop cutting down the Heritage trees in Santa Cruz that might be a

CCC Exhibit 10
(page 2 of 5 pages) 9 1

Pg 2

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good start. Leave a few green areas and really think about the environmental changes you are creating when you allow the over construction of an area. Come sit in my driveway and try to get out of it at 5 pm each evening. Talk to the people who have seen the floods of 1981 and lived here during the 1989 earthquake. We are the people who know Santa Cruz and our city is slowly being sold off to out of town developers whose main concern is the profit they can make on the property. Bring back the single family homes to the Seabright area or it will soon become a transient community. Stop the city council from approving the demolition of our Heritage trees every time they approve a development. I know it is hard to review every project that is brought to the Coastal commission but I hope you might consider at least reviewing the city councils decision on this project. I have enclosed the flyer on the property up for sale. It is very sad to see. By approving to amend the City of Santa Cruz's LCP Land Use and Implementation Plans to include the City-wide Creek and Wetland's Management Plan the riparian will be heavily built upon. Will we regret this decision in the years to come? I hope there will be ways for the local Santa Cruz people to be able to bring these issues to your attention and just build anything in the riparian now available for development. Perhaps the development of these areas should have restrictions on how much can be built upon them prior to you giving the reins over to the city council. No two riparian are the same and treating them all as such is a mistake.

Thank you for your time and consideration on this matter. I am passionate about the preservation of green land and trees for the future generations of Santa Cruz. You can decide how quickly those green spaces will disappear.

Sincerely,



Patricia Wilson
Homeowner-637 Seabright Ave.

EX-PARTE COMMUNICATIONS DISCLOSURE

Person(s) initiating communication: Penny Elia – Sierra Club
Marcia Hanscom – Sierra Club/CLEAN
Kristen Coppa

Person(s) receiving communication: Commissioner Larry Clark

Location of communication: Bristol Farms
1570 Rosecrans Ave.
Manhattan Beach, CA 90266

Time/Date of communication: August 1, 2007 – 12:30 pm

Type of communication: Meeting

Name or description of the project(s):

Began meeting by explaining the purpose and make-up of ORCA (Organization of Regional Coastal Activists) and the goal of conducting regularly scheduled monthly meetings with all Commissioners. These meetings are held up and down the coast each month with other ORCA representatives, that include, but are not limited to members of Sierra Club, Surfrider, Audubon, CA Native Plant Society, etc. It is ORCA's additional goal to consolidate activists' input on the major agendized items each month and share this consolidated input with each County's/area's respective Commissioner(s). With that in mind, dates for September will be organized the week following the August hearing.

Enforcement

Discussed in general terms the need for added enforcement staff and the appropriate funding for same.

c. City of Oxnard Amendment No. OXN-MAJ-1-07 (Breakers Way Rezone) Public hearing and action on request by City of Oxnard to amend its LCP to change the zoning of the Breakers Way parcel located in the Oxnard Shores neighborhood from Resource Protection (RP) to Single Family Beach (R-B-1). (DC-V)

Discussion on lawsuit and terms of settlement as well as the fact that this item will be heard in closed session. It is important that both of the lots be brought back and heard together as a piece meal approach will only lead to destruction of ESHA (Sand Dune).

a. City Of Laguna Beach LCP Amendment No. LGB-MAJ-1-07b (Assorted Implementation Plan Revisions). Public hearing and action on City of Laguna Beach LCP Amendment No. 1-07b which changes

CCC Exhibit 10
(page 4 of 5 pages)

**b. UCSC Long Range Development Plan. Public hearing and action on University of California of Santa Cruz (UCSC) proposed Coastal Long Range Development Plan (CLRDP) for expanded Marine Science Campus on University's 100 ac. Terrace Point property, at western border of City of Santa Cruz. Site is developed with about 325,000 sq.ft. of facilities and related infrastructure, including 140,000 sq.ft. of buildings (associated with UCSC's Long Marine Laboratory complex, CDFG's Marine Wildlife Center, and NOAA's Fisheries Lab). The proposed CLRDP would allow up to approximately 600,000 sq.ft. of new campus facilities (including 340,000 sq.ft. in new buildings up to 36-ft. in height) located mostly in 3 development nodes totaling about 34 acres, and would provide for expanded public access trail system and natural habitat restoration and preservation in areas outside development nodes.
(DC-SC) [POSTPONED]**



c. City of Santa Cruz LCP Amendment No. STC-MAJ-1-06 (City-Wide Creeks & Wetlands Management Plan). Public hearing and action on request by City of Santa Cruz to amend the City of Santa Cruz's LCP Land Use and Implementation Plans to include the City-Wide Creeks and Wetlands Management Plan. (SC-SC)

See previous comments

e. CD-041-07 (National Marine Fisheries Service, Statewide) Consistency determination by National Marine Fisheries Service for issuance of an exempted fishing permit to Peter Dupuy to fish for swordfish with longline gear in the West Coast EEZ (Exclusive Economic Zone), including offshore of California, which is currently prohibited for longline fishing for swordfish, in order to gather information on the economic viability and environmental effects, including the potential protected species and non-target finfish interactions, of fishing in the West Coast EEZ (MPD-SF)

Discussion of letter submitted by Center for Biological Diversity. This letter is attached for your convenience.

Meeting concluded at approximately 1:50 pm.