

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



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Prepared September 24, 2021 (for October 15, 2021 Hearing)

To: Coastal Commissioners and Interested Persons

From: John Ainsworth, Executive Director
Susan Craig, Central Coast District Manager
Ryan Moroney, District Supervisor

Subject: Certification Review for the City of Santa Cruz Local Coastal Program (LCP) Amendment Number LCP-3-STC-20-0015-1-Part A (Accessory Dwelling Units)

On May 14, 2021 the Coastal Commission approved City of Santa Cruz's LCP Major Amendment Number LCP-3-STC-20-0015-1-Part A, with modifications. This amendment provides for a streamlined ADU review and permitting process, allows ADUs as principally permitted development in medium- and high-density multiple-residence zoning districts, and modifies off-street parking requirements for ADUs.

By action taken August 24, 2021, the City of Santa Cruz adopted the amending LCP text (see **Exhibit 1**). The Executive Director has determined that the action taken by the City is legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., October 15, 2021), and notification of this certification and Commission concurrence will be forwarded to the City.

Executive Director's Recommendation. Staff recommends that the Commission concur with the Executive Director's determination that the actions of the City of Santa Cruz in accepting the Commission's certification of LCP Amendment Number LCP-3-STC-20-0015-1-Part A, with modifications, are legally adequate.

Exhibit 1: City's Acceptance of the Coastal Commission's Approval

RESOLUTION NO. NS-29,861

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ACCEPTING CALIFORNIA COASTAL COMMISSION MODIFICATIONS TO AMENDMENTS TO MUNICIPAL CODE SECTIONS 24.04.130, 24.10.510, 24.10.565, 24.12.140, AND 24.12.240 RELATING TO ACCESSORY DWELLING UNITS, AND DIRECTING THE PLANNING DIRECTOR TO TRANSMIT THE ACCEPTANCE TO THE CALIFORNIA COASTAL COMMISSION

WHEREAS, pursuant to authority delegated to the City of Santa Cruz by the California Coastal Commission, the City of Santa Cruz regulates development in the portion of the coastal zone that lies within the City Limits and that is outside of the original jurisdiction of the California Coastal Commission; and

WHEREAS, City of Santa Cruz Municipal Code Sections 24.04, 24.10, and 24.12 are implementing ordinances of the Local Coastal Program; and

WHEREAS, on February 26, 2019, the Santa Cruz City Council adopted Ordinance 2019-03 amending Muni Code Sections 24.04.130, 24.10.510, 24.10.565, and 24.12.240, among other sections to amend existing regulations related to Accessory Dwelling Units, and directed City Staff to submit those amendments to the California Coastal Commission for certification; and

WHEREAS, on January 14, 2020, the Santa Cruz City Council adopted Ordinance 2019-28 amending Muni Code Section 24.12.140 among other sections to amend existing regulations related to Accessory Dwelling Units, and directed City Staff to submit those amendments to the California Coastal Commission for certification; and

WHEREAS, on May 14, 2021, the California Coastal Commission held a public hearing on the amendments to the Local Coastal Program implementing ordinance adopted by the City Council and certified the amendments to the Municipal Code with modifications; and

WHEREAS, the modifications proposed by the California Coastal Commission to Municipal Code Sections 24.04.130, 24.10.510, 24.10.565, 24.12.140, and 24.12.240 were submitted to the City by correspondence dated May 18, 2021, and

WHEREAS, insofar as the proposed changes to the Municipal Code are amendments to the Local Coastal Program Implementation Plan, the application of the proposed amendments in the coastal zone is statutorily exempt from California Environmental Quality Act ("CEQA") review pursuant to CEQA Guidelines Section 15265 and the California Public Resources Code Section 21089.9;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Santa Cruz City Council hereby accepts each of the California Coastal Commission's suggested modifications to

RESOLUTION NO. NS-29,861

Municipal Code Sections 24.04.130, 24.10.510, 24.10.565, 24.12.140, and 24.12.240 as shown in City of Santa Cruz Ordinance 2021-15 and incorporated herein by reference.

BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz City Council hereby directs the Director of the Planning Department or their designee to transmit this acceptance and any adopted ordinance that incorporates these modifications to the California Coastal Commission for concurrence by its Executive Director.

PASSED AND ADOPTED this 10th day of August, 2021, by the following vote:

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings; Vice Mayor Brunner; Mayor Meyers.

NOES: None.


ABSENT: Councilmember Golder.

DISQUALIFIED: None.

APPROVED: _____


Donna Meyers, Mayor

ATTEST: _____


Bonnie Bush, City Clerk Administrator

ORDINANCE NO. 2021-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ RELATING TO THE REGULATION OF ACCESSORY DWELLING UNITS

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

Section 1. Section 24.04.130 of Chapter 24.04 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.04.130 DECISION-MAKING BODY WITH FINAL AUTHORITY ON APPLICATION

APPROVAL.

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

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

Public Hearing Requirement and Decision-Making Body Which Can Approve an Application				
Permits/Actions****	No Public Hearing	Public Hearing		Appeal Bodies (in order)
	Action	Recommendation	Action	
Coastal Permit	ZA (ADU*)		ZA*	CPC/CC/CCC*

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Administrative Use Permit: Large Family Daycare Homes and Temporary Uses, and half baths in accessory buildings	ZA			CPC/CC
Other uses as listed by individual zoning districts as requiring an Administrative Use Permit			ZA	CPC/CC
Conditional Driveway Permit			ZA	CPC/CC
Conditional Fence Permit	ZA		ZA	CPC/CC
Slope Regulations Modifications (Variance)		-	CPC	CC
Slope Regulations Modifications (Design Permit)	ZA			CPC/CC
Design Permit –	ZA			CPC/CC
Substandard lots: new two-story structures and second-story additions, excluding ADUs			ZA	CPC/CC
Large homes per Section 24.08.450			ZA	CPC/CC
Wireless telecommunications facilities	ZA		ZA	CPC/CC
New structures or improvements to existing structures in the WCD Overlay which are exempt or excluded from coastal permit requirements	ZA			CPC/CC
New structures or improvements to existing structures in the WCD Overlay which require a coastal permit			ZA	CPC/CC
Demolition Permit				
1. Single-family residential	ZA			CPC/CC
2. Multifamily residential			CPC	CC

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3. Historic demolition permit			HPC	CC
4. Nonresidential	ZA**		ZA**	CPC/CC
General Plan Text and Map Amendments		C	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			CPC/CC
Mobile Home Park Conversion			CPC	CC
Outdoor Extension Areas per Section 24.12.192	ZA			CPC/CC
Planned Development Permit		CPC	CC	
Project (Major) Modification	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Project (Minor) Modification	ZA			CPC/CC
Relocation of Structures Permit	ZA			CPC/CC
Revocation Permit	Hearing by ZA or body approving application			Appeal to next highest body(ies)
Sign Permit	ZA			CPC/CC
Special Use Permit			CPC	CC
Variance			ZA	CPC/CC
Watercourse Variance			CPC	CC
Watercourse Development Permit	ZA			CPC/CC

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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 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. In the coastal zone, all proposed accessory dwelling units shall require a Coastal Permit (unless they are exempt or excluded from Coastal Permit requirements) and shall be processed in the manner described in Chapter 24.04 and Sections 24.08.200 et seq. (including in terms of public noticing and process for appeal to the Coastal Commission) except that no public hearing shall be required. In addition to all other applicable LCP requirements, standards for ADUs in the coastal zone are specified in Section 24.12.140.10.

** Such permits shall be issued administratively, without a public hearing, unless a cultural resources evaluation, prepared by a qualified consultant as determined by the zoning administrator, determines that the building or structure is eligible for listing on the city Historic Building Survey.

*** 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).

Section 2. Section 24.10.510 of Chapter 24.10 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.10.510 PRINCIPAL PERMITTED USES.

The following uses are permitted outright if a design permit is obtained for new structures and environmental review is conducted in accordance with city and state guidelines. Design permits are not required for accessory structures and additions that are less than 120 square feet and less than 15 feet in building height. (Numerical references at the end of these categories reflect the general use classifications listed in the city’s land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or

more structures. (830, 840)

2. Community care facilities including daycare (except family daycare homes), foster home, and retirement home (six or fewer persons).
3. Community garden.
4. Small family daycare homes.
5. Large family daycare homes in single-family home or duplex.
6. Accessory uses are principally permitted when they are a subordinate use to the principal use of the lot.
 - a. Park and recreational facilities.
 - b. Home occupations subject to home occupation regulations as provided in Section 24.10.160.
 - c. Room and board for not more than two paying guests per dwelling unit, when located within principal building.
 - d. Residential accessory uses and buildings customarily appurtenant to a permitted use, subject to the provisions of Section 24.12.140, Accessory Buildings, and Section 24.10.530.
7. Supportive and transitional housing.
8. Accessory Dwelling Units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2, except accessory dwelling units are not subject to approval of a design permit.

Section 3. Section 24.10.565 of Chapter 24.10 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.10.565 PRINCIPAL PERMITTED USES.

The following uses are permitted subject to a design permit for new structures in compliance with the Beach and South of Laurel Design Guidelines and other requirements of the Municipal Code (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Further refinement of uses within these categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses). Design permits are not required for accessory structures and additions that are less than 120 square feet and less than 15 feet in building height. Environmental review must be conducted in accordance with city and state guidelines:

1. Multiple dwellings, townhouse dwelling groups, and condominium projects in one or more structures; (830, 840)
2. Small community care residential facilities including daycare (except family daycare homes), foster homes, and retirement homes, with six or fewer persons; (800A)
3. Small family daycare homes; (510a)
4. Large family daycare homes in single-family dwellings or duplexes; (510a)
5. Supportive and transitional housing.
6. Accessory Dwelling Units on parcels with an approved residential use, subject to the provisions of Chapter 24.16, Part 2 except accessory dwelling units are not subject to approval of a design permit.

Section 4. Section 24.12.140 of Chapter 24.12 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.12.140 ACCESSORY BUILDINGS.

Accessory buildings are subject to the regulations and permit requirements of the zoning district in which they're located. Accessory buildings are separate and distinct from Accessory Dwelling Units, which are subject to the regulations in Part 2 of Chapter 24.16 of this title.

1. No setback shall be required for an accessory building except as otherwise provided.
2. No accessory building shall be located in a front or exterior side yard. The vehicle entry side of a garage or other covered parking may not be located closer than twenty feet from front or exterior side yard lot lines; except that the vehicle entry side of a garage or other covered parking may be built to the front and exterior side yard lot lines where the slope of the front half of the lot is greater than one foot rise or fall in a distance of seven feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five feet more above or below the established street elevation.
3. Accessory buildings that are less than one hundred twenty square feet in floor area are not required to conform to the distance-between-buildings requirement set forth in the district regulations, Chapter 24.10; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California building standards code.
4. Accessory buildings that are less than one hundred twenty square feet in floor area and less than 15 feet in height are not subject to Design Permit approval when constructed on substandard lots or when constructed on lots within a residential zone district that

requires Design Permit approval for new structures; however, such structures are subject to all other standards, regulations, and requirements of this title and other state and local requirements including Title 18 and the California building standards code.

5. Habitable accessory buildings shall not be located within the front yard nor closer than six feet to the nearest point of the principal building; and shall conform to principal building rear and side yard requirements of the district in which they are located. No habitable accessory building shall be used as a separate dwelling unit except accessory dwelling units as described in Part 2 of Chapter 24.16. Guesthouses for nonpaying guests are allowed only if permitted in the zoning district in which they are located.
6. Accessory buildings may not cover an area in excess of thirty percent of any required yard setback area for the primary structure. In the coastal zone, standards applicable to accessory dwelling units can be found in Section 24.12.140.10. The footprint of accessory dwelling units shall count toward the maximum allowable lot coverage by other accessory structures in yard setback areas; however, the maximum allowable lot coverage does not apply to the accessory dwelling unit itself.
7. An accessory building attached to a main building by a breezeway is not part of the main building.
8. An accessory building may have one sink installed in it if a building permit is obtained. A property with multiple accessory buildings may have a sink in only one accessory building without approval of an administrative use permit. Any additional plumbing fixtures would require an administrative use permit subject to findings listed in subsection (9) and a building permit for the approved improvements.
9. Except for accessory dwelling units, accessory buildings may contain a full bathroom only when an administrative use permit is approved in accordance with district regulations and all of the following findings are made:
 - a. The structure and use are subordinate to the principal use; and
 - b. The purpose of the use is incidental to the principal use; and
 - c. The use is customarily or reasonably appurtenant to the permitted use; and
 - d. The structure will not be used as a dwelling unit except as set forth in Chapter 24.16, Part 2, Accessory Dwelling Units; and
 - e. A deed restriction will be recorded limiting the use of the structure to that approved under the permit unless otherwise authorized by the city.
10. In the coastal zone, and in addition to meeting all other applicable requirements (e.g. standards specified in Sections 24.16.100 et seq.), ADUs shall meet the following additional standards:

- a. ADUs are allowed in any zone that allows residential uses on lots of any size, in conjunction with a proposed or existing residential use, provided they are sited and designed to avoid adverse impacts to coastal resources, including by conforming with all applicable LCP policies and standards, including those that govern wetlands, streams, environmentally sensitive habitat areas, public views, and coastal bluffs.
- b. Off-street parking shall be required in compliance with Section 24.12.240.1.

Section 5. Section 24.12.240 of Chapter 24.12 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.12.240 NUMBER OF PARKING SPACES REQUIRED.

- 1. Where the computation of required parking spaces produces a fractional result, fractions of one-half or greater shall require one full parking space.

	Use	Spaces Required
a.	Automobile or machinery sales and service garages	1 for each 400 square feet floor area
b.	Banks without automatic teller machines	1 for each 400 square feet floor area
c.	Banks with automatic teller machines	1 for each 400 square feet floor area; plus 1.5 for each machine
d.	Business and professional offices, excluding medical and dental offices	1 for each 300 square feet floor area
e.	Billiard parlors	1.5 for each table
f.	Community Care residential facilities, including, but not limited to: assisted living facilities, children’s homes, congregate care homes, nursing homes, residential treatment facilities	1 for every 5 guests, plus 1 for each employee on the shift with the maximum number of personnel
g.	Houses of worship	1 for each 3.5 seats in the sanctuary
h.	Dancehalls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditoriums	1 for each 3 persons of design occupancy load
i.	Family daycare and foster family homes	1 for every 5 guests, plus 1 for the resident owner or manager
j.	Funeral homes, mortuaries	1 for each 5 seats of the aggregate number of seats provided in all assembly rooms
k.	Furniture and appliance stores, household equipment	1 for each 800 square feet of sales floor area
l.	Hospitals	1 for each bed, plus 1 for each employee on the shift with the maximum number of personnel
m.	Hotels, motels	1 for each unit intended for separate occupancy, plus 1 for the resident

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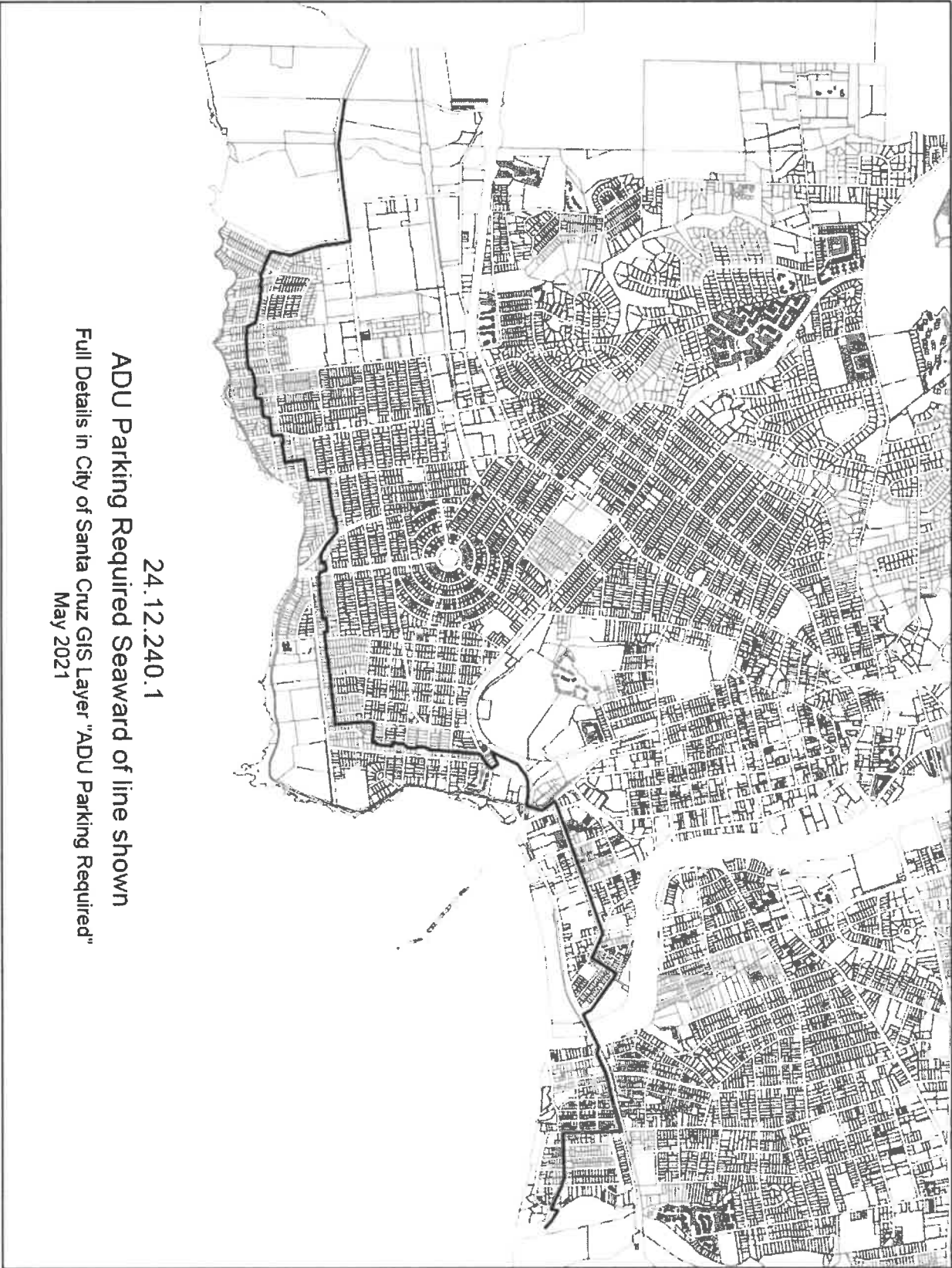
	Use	Spaces Required
		owner or manager
n.	Manufacturing plants, bottling plants, processing plants, packaging plants, furniture repair	1 for each 500 square feet of floor area
o.	Medical and dental clinics and offices	1 for each 200 square feet of floor area
p.	Medical (or convalescent) hospitals	1 for each 5 beds, plus 1 for each employee on the shift with the maximum number of personnel
q.	Physical fitness facilities	1 space for each 250square feet of floor area
	Physical fitness facilities with more than 15,000 square feet of floor area shall provide an additional 10 percent of the total number of required parking spaces	
r.	Physical therapy	1 space per 200 square feet of floor area. In addition, 1 space per 50 square feet of pool (water) area

s.	Residential Uses				
	Type	Efficiency	Number of Bedrooms		
1			2+		
	Single-family (including townhouses), Houseboat, duplex, triplex, multiple mobilehomes, Community housing projects, other multi-family dwelling units	1.0	1.0	2.0	
	Community housing projects, townhouses, and multi-family projects of 5 units or more	In addition to meeting above residential parking requirements, guest parking spaces shall be provided at a rate 10% of the above standards. Fractional spaces will be rounded up to the next whole number.			
	Lodging, rooming houses and bed-and-breakfast inns	2 spaces, plus 1 for each bedroom that is rented			
	Residence halls, dormitories	0.75 space for each guest or occupant			
	Senior housing development	1 for each 3 dwelling units or rooms intended for separate occupancy, plus an area of land equal to the required off-street parking for multi-family units, not including required open space, which could be converted to parking should the retirement center change to a multifamily residential use			
	Small ownership unit (SOU)	1 space for each dwelling unit			
	Single-room occupancy dwelling unit, less than 300 square feet	0.75 for each dwelling unit			
	Single-room occupancy dwelling unit, 300 square feet or more	1 for each dwelling unit			
	Accessory dwelling unit	<p>The parking standards for Accessory Dwelling Units are as follows (these standards do not affect the amount of required parking for the primary residence):</p> <p>Outside the coastal zone, no off-street parking shall be required for an ADU and spaces removed to accommodate an ADU will not require replacement.</p>			

		<p>On parcels located inside the coastal zone and within the designated areas shown in the LCP Figure “ADU Parking Required” (which follows the table in Section 24.12.240.1), at least one off-street parking space shall be required for each ADU, and all off-street parking requirements associated with all other residential uses at the site shall be met onsite, including replacement parking spaces if any are removed to accommodate an ADU.</p> <p>On parcels located inside the coastal zone but not within the designated areas shown in LCP Figure “ADU Parking Required” (which follows the table in Section 24.12.240.1), zero parking spaces shall be required for each ADU. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced. If other parking areas on a site (e.g. a driveway or other non-structural parking area) are removed to provide for an ADU, off-street replacement parking spaces shall be required for the primary (non-ADU) residential use.</p>
	Use	Spaces Required
t.	Restaurants and other establishments selling food and beverages on the premises (including bars and nightclubs without live entertainment)	1 for each 120 square feet of floor area
u.	Restaurants with counter and/or take-out service or drive-in facilities	1 for each 120 square feet of floor area, plus 1 for each 50 square feet of floor area devoted to counter/take-out service
v.	Research and development facilities	1 for each 325 square feet of floor area, or 1 for every 2 employees (maximum shift), whichever is greater
w.	Retail stores, shops, service establishments, including shopping centers other than furniture and appliance stores	1 for each 250 square feet of floor area
x.	Schools: <ul style="list-style-type: none"> • Elementary and junior high • High schools 	<p>1 for each employee</p> <p>1 for each employee, plus 1 for each 10 students</p>
y.	Colleges (business, beauty, etc.) and universities	1 for each employee, plus 1 for each 3 students
z.	Self-service laundry and dry cleaning establishments	1 for each 200 square feet of floor area
aa.	Service stations	3 for each lubrication or service bay, plus 1 for each employee on the day shift
ab.	Sports arenas, auditoriums, assembly halls, and meeting rooms	1 for each 3.5 seats of maximum seating capacity
ac.	Theaters	1 for each 3.5 seats for the first 350 seats; plus 1 for each 5 additional seats

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	Use	Spaces Required
ad.	Tutoring facilities	1 for each 250 square feet floor area
ae.	Wholesale establishments, warehouses, service and maintenance center, communications equipment buildings	1 for each 1,000 square feet of floor area
af.	Recycling collection facilities <ul style="list-style-type: none"> • Independent • In conjunction with other uses that provide required parking 	2 spaces 0 spaces
ag.	Unspecified uses of buildings, structures, or premises	Where the parking requirement for a particular use is not specifically established in this section, the parking requirements for each use shall be determined by the zoning administrator, and such determination shall be based upon the requirements for similar uses. Public uses not specifically established in this section shall meet the parking requirement as established by the planning commission. The planning commission shall take into account the proposed use and parking availability in the vicinity of the use.
ah.	Uses in Parking District No. 1 (Downtown)	Parking shall be provided in conformance with the resolution of the City Council for this district in effect at the time of submittal of a complete application.



24.12.240.1
ADU Parking Required Seaward of line shown
Full Details in City of Santa Cruz GIS Layer "ADU Parking Required"
May 2021

Section 6. For areas of the City outside the Coastal Zone this ordinance shall take effect and be in force thirty (30) days after final adoption, and for areas of the City located inside the Coastal Zone this ordinance shall take effect and be in force upon verification by the Executive Director of the California Coastal Commission that the approved ordinance conforms to the modifications requested by the California Coastal Commission.

PASSED FOR PUBLICATION this 10th day of August, 2021, by the following vote:

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings; Vice Mayor Brunner; Mayor Meyers.

NOES: None.

ABSENT: Councilmember Golder.

DISQUALIFIED: None.

APPROVED: _____


Donna Meyers, Mayor

ATTEST: _____


Bonnie Bush, City Clerk Administrator

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PASSED FOR FINAL ADOPTION this 24th day of August, 2021, by the following vote:

AYES: Councilmembers Watkins, Kalantari-Johnson, Brown, Cummings; Vice Mayor Brunner; Mayor Meyers.

NOES: None.

ABSENT: Councilmember Golder.

DISQUALIFIED: None.

APPROVED: 
Donna Meyers, Mayor

ATTEST: 
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2021-15 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.


Bonnie Bush, City Clerk Administrator