

ORDINANCE NO. 2006-08

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING PORTIONS OF  
TITLES 23 AND 24 TO THE SANTA CRUZ MUNICIPAL CODE AND TO THE  
LOCAL COASTAL IMPLEMENTATION PLAN PERTAINING TO  
PUBLIC HEARING NOTIFICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA  
CRUZ AS FOLLOWS:

Section 1. Chapter 24.04.100 of the Santa Cruz Municipal Code is hereby amended as follows:

24.04.100 NOTICE OF PUBLIC HEARING.

When a land use permit, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094 and 650951.3 and Public Resources Code 21000 et seq.) and as required by this Section.

a) Method of notice distribution. When a hearing for an entitlement, zoning map amendment or appeal is required, notice shall be given not less than fourteen (14) calendar days prior to said public hearing in the following manner:

1. Mailing - Notice shall be mailed by first class United States mail service, to:
  - a. The owner(s) of the property or authorized agent, and the applicant(s);
  - b. All property owners as shown on the County's latest equalized property tax assessment roll and tenants within a 300 foot radius of the site's boundaries;
  - c. Persons who have requested in writing to be on a mailing list for specific projects;
  - d. District Office of Coastal Commission for Coastal Permits only.
2. Newspaper – Notice shall be given in a newspaper of general circulation.
3. On-site posting – Notice shall be posted in the following manner:
  - a. For corner lots, signs shall be posted on each street frontage;
  - b. The sign(s) shall be located in a conspicuous place on the property abutting the public right-of-way not more than 10 feet inside the property line;
  - c. Each sign shall comply with the following:
    - i. For development of lots less than 20,000 square feet or of tenant space of 16,000 square feet and less, the sign shall be a minimum of 17 inches by 22 inches;
    - ii. The sign, in most cases, shall be nailed or stapled to a stick provided by the City, however, other alternatives may be approved by the Zoning Administrator. The sign may be posted in windows or on a building when there is an existing structure on site that is not setback from the public right-of-way;
    - iii. For development of lots of 20,000 square feet and greater or of tenant space greater than 16,000 square feet, the sign shall be 12 square feet in sign area, generally measuring three feet by four feet;

ORDINANCE NO. 2006-08

- iv. The sign, in most cases, will be attached with supporting elements made of four inch by four inch wood posts, however, other alternatives may be approved by the Zoning Administrator;
- v. To ensure consistency in appearance and information on the sign, each size sign would be printed on card stock by the City and given to the owner or authorized agent/applicant for posting. The style and color of the signs shall be approved by the Zoning Administrator;
- vi. The sign shall not exceed six feet in height from the ground level; provided, that if the property is surrounded by fences, walls, or hedges at or near the street property line, additional height may be provided as necessary to ensure visibility of the sign from the property right-of-way;
- vii. The sign shall not be illuminated;
- viii. The sign shall include all the factual information about the pending application in compliance with the Subsection F (contents of notice) listed below.
- ix. A building permit shall not be required for the posting of a sign, installed in compliance with this section;
- x. The sign shall remain in place until the expiration of the appeal period following a decision by the review authority. If the application has been appealed or called for review, the sign shall be reposted according to this title with the new hearing date and remain until the final decision is rendered. The sign shall be removed after the appeal period has been completed or final decision, whichever applies;
- xi. The property owner or authorized agent/applicant shall submit to the Zoning Administrator an affidavit and photo verifying that the sign was posted on the subject site in a timely manner in compliance with this section;
- xii. Failure to post the sign, to include the required information, or to comply with applicable placement, graphic standards or requirements may result in the delay of the required public hearing;
- xiii. The property owner or authorized agent/applicant is responsible for reporting to the Zoning Administrator the theft or damage of the sign. While the sign may be replaced, the theft or damage of the sign shall not be the sole reason to delay a public hearing;

b) Alternative to Mailing. If the number of property owners to whom notice would be mailed in compliance with Subsection A.1 above is more than 1,000 properties, the Zoning Administrator may choose to provide alternative notice allowed by State law (Government Code Section 65091(a)(3)).

c) Additional Optional Notice. In addition to the types of notice required in by Subsections A and B above, the Zoning Administrator may provide additional noticing with content or using a distribution method as the Zoning Administrator determines is necessary or desirable (e.g. use of a greater radius for noticing, greater number of signs, larger signs, use of the internet, neighborhood groups, etc).

d) Noticing of Amendments. In the case of a text amendment to the General Plan or Zoning Ordinance initiated by the City, notice shall be by publication in a newspaper of

general circulation only not less than fourteen (14) calendar days prior to said public hearing.

e) Noticing of Drive-Through Facilities. Whenever a public hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, the City shall provide notice to the blind, aged, and disabled communities in order to facilitate their participation in any hearing on or appeal of a drive-through facility.

f) Contents of Notice. Notice of a public hearing shall include:

1. Hearing information. The date, time, place and purpose of the hearing, the name of the hearing body, and the phone number, street address and office hours of the Department where an interested person could call or visit to obtain additional information.
2. Project information. The name of the applicant; the City's project case number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or diagram, of the location of the property that is subject to the hearing; a statement whether the application is within the Coastal Zone; and the procedure for appealing coastal permits, if applicable.
3. Statement on environmental document. If a Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report has been prepared for the project, or if the project has been determined to be exempt, in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's Environmental Guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the environmental determination.

g) Failure to Receive Notice. The failure of any person or entity to receive notice pursuant to this title shall not constitute grounds for any court to invalidate the actions of the City for which notice was given.

Section 2. Chapter 23.04.070 of the Santa Cruz Municipal Code is hereby added as follows:

**23.04.070 NOTICE OF PUBLIC HEARING**

Notice for public hearings on applications for tentative subdivision maps, tentative parcel maps, and any extensions, modifications or appeals thereof shall be given according to the standard notice procedures of Chapter 24.04.100.

Section 3. Chapter 23.12.030.1(b) of the Santa Cruz Municipal Code is hereby amended as follows:

**23.12.030.1 DIVISION OF LAND - FEWER THAN FIVE PARCELS - MAPS REQUIRED**

(b) Lot-line adjustments, provided:

(1) The Zoning Administrator shall limit review and approval to the following findings:

- i. The parcels resulting from the lot line adjustment will conform to local zoning and building codes; and

ORDINANCE NO. 2006-08

ii. A greater number of parcels than originally existed are not created by the lot line adjustment.

(2) The Zoning Administrator shall not impose conditions or exactions on approval of a lot line adjustment except to conform to local zoning or building ordinances, and except to facilitate the relocation of existing utilities, infrastructure, or easements;

(3) No tentative map, parcel map or final map shall be required as a condition of approval of a lot line adjustment; and

(4) The Zoning Administrator shall review a lot line adjustment as a ministerial permit.

Section 4. Chapter 23.16.040.2 of the Santa Cruz Municipal Code is hereby amended as follows:

23.16.040.2 ZONING BOARD ACTION –  
PUBLIC HEARING

The zoning board shall hold a public hearing as required in Section 23.04.070 to consider the tentative subdivision map.

Section 5. Chapter 23.16.050.2 of the Santa Cruz Municipal Code is hereby amended as follows:

23.16.050.2 CITY COUNCIL ACTION –  
PUBLIC HEARING

The city council shall hold a public hearing as required in Section 23.04.070 to consider the tentative subdivision map.

Section 6. Chapter 23.20.020.4.1 of the Santa Cruz Municipal Code is hereby amended as follows:

23.20.020.4.1 MAPS REQUIRED –  
SUBMITTAL OF APPLICATION/PUBLIC HEARING

The subdivider shall submit an application for the tentative parcel map/minor land division with the required filing fee as established by resolution of the City Council. The Zoning Administrator shall hold a public hearing as required in Section 23.04.070 to consider the tentative parcel map/minor land division.

Section 7. Chapter 24.08.2560 of the Santa Cruz Municipal Code is hereby amended as follows:

24.08.2560 PUBLIC NOTICE

Notice for public hearings on an application for a development agreement shall be given according to the standard notice procedures of Chapter 24.04.100.

Section 8. For areas outside of the Coastal Zone, this Ordinance shall take effect and be in force thirty (30) days after final adoption. For areas inside of the Coastal Zone, this Ordinance shall take effect and be in force upon certification of this Ordinance by the California Coastal Commission.

ORDINANCE NO. 2006-08

PASSED FOR PUBLICATION this 27th day of June, 2006, by the following vote:

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

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Cynthia Mathews  
Mayor

ATTEST: ss/Leslie Cook  
City Clerk

This Ordinance is scheduled for further consideration at the Council meeting of July 11, 2006.