

ORDINANCE NO. 89-47

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDRESSING AN EMERGENCY NEED TO PREVENT THE PREMATURE CONVERSION OF MULTIPLE SINGLE-ROOM OCCUPANCY DWELLINGS AND DECLARING THE URGENCY THEREOF

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

WHEREAS, the October 17, 1989 earthquake caused extensive damage to structures in the City of Santa Cruz. As a result a large number of multiple single room occupancy dwellings have been destroyed creating an emergency need to prevent the premature conversion of the remaining multiple single room occupancy dwellings within the City of Santa Cruz.

WHEREAS, the City of Santa Cruz has declared an emergency as a result of the October 17, 1989 earthquake and this action is consistent with Section 15359 of Public Resource Code and the actions in this Urgency Ordinance are therefore exempt from the requirements of the California Environmental Quality Act pursuant to Section 15269 of the Public Resources Code.

Action is necessary by the City to further the public welfare and safety as set forth in this ordinance.

The regulations set forth in this ordinance shall supersede existing regulations, and shall control if a conflict exists with any existing regulation.

SECTION 1. Section 24.22.747 of the Municipal Code of the City of Santa Cruz is hereby amended to read as follows:

24.22.747 Single Room Occupancy (SRO) Living Unit. A single room separately rented or leased which is exempt from the transient occupancy tax under Santa Cruz Municipal Code 3.28.020(4).

A proposed new SRO Living Unit shall have a minimum of 150 square feet of floor area if designed for occupancy by one person and 220 square feet of floor area if designed for occupancy by two persons. At least 35 sq. ft. of usable open space shall be provided, of which at least 50 percent shall be interior common space. An SRO project of 16 or more units shall provide 24 hour on-site management, and include a dwelling unit designated for the manager.

SECTION 2. Section 24.08.1320 of the Municipal Code of the City of Santa Cruz is hereby amended as follows:

24.08.1320 General Provisions. No demolition permit shall be issued for any residential dwelling unit or single room occupancy living unit unless a residential demolition/conversion authorization permit has been issued pursuant to this Part.

SECTION 3. Section 24.08.1340 of the Municipal Code of the City of Santa Cruz is hereby amended to read as follows:

Section 24.08.1340 Demolition or Conversion of Dwelling Groups, Multiple Dwellings and Single Room Occupancy Living Units. The Zoning Board may issue a demolition/conversion authorization permit for the demolition or conversion of a multi-family structure, dwelling groups, multiple dwellings and single room occupancy living units upon holding a public hearing and finding that:

1. The project to replace the demolished or converted units has been approved and an appropriate building permit has been issued; unless a hardship can be documented rendering this finding inappropriate;
2. The proposed demolition or conversion of use will not have a substantial adverse impact on housing opportunities for low- and moderate income households; or
3. If the proposed demolition or conversion of use will have a substantial adverse impact on housing opportunities for low- and moderate-income households, adequate mitigation measures will be undertaken. Such mitigation measures include relocation assistance, and may include construction of replacement housing, in lieu fees, other measures, or a combination of the above as provided by Council resolution. For purposes of this section, a residential dwelling unit shall be occupied by a person or family of low- or moderate-income, if a low- or moderate-income household currently occupies or had occupied the dwelling unit within one (1) year prior to the date of submission of the application for the demolition/conversion permit; or, in addition, if substantial evidence exists that a low- or moderate-income household had occupied the unit within two (2) years of the date of the submission of the application for the demolition/conversion authorization permit and had been evicted for the purpose of avoiding the requirements of this section.

SECTION 4. Section 24.08.1360 of the Municipal Code of the City of Santa Cruz is hereby amended to read as follows:

24.08.1360 Replacement Housing Requirements.

- a. Replacement housing must be provided by the applicant when demolition or conversion of use of three or more dwelling units or single room occupancy living units occupied by households of low or moderate income occurs. Replacement requirements shall be based on the total number of bedrooms contained within all low or moderate income units to be demolished or converted. The basic requirement is that fifty percent (50%) of all low or moderate income bedrooms demolished or converted shall be replaced either on site, or elsewhere in the City of Santa Cruz, or a combination of both. In the R-T districts, however, one-hundred percent (100%) of all low or moderate income bedrooms demolished or converted shall be replaced either on site, or elsewhere in the City of Santa Cruz, or a combination of both. This requirement will be in addition to any inclusionary unit requirement in connection with any project that might replace the demolished or converted units; except that where 100% of the units in the replacement project are affordable, no inclusionary requirement will be imposed.
- b. In determining the number of replacement bedrooms required, any studio unit shall be defined as one bedroom, and any decimal fraction greater than 0.50 shall be construed as requiring one (1) bedroom.
- c. The basic 50% bedroom replacement requirement represents a determination of financial feasibility: that being, a greater percentage would render most projects economically infeasible. In the R-T districts, however, due to greater allowable densities, the 100% bedroom replacement requirement is determined to be feasible. These replacement housing requirements and feasibility determinations implement and are consistent with State planning law (Title 7, Division I, Chapter 3, Article 10.7, Section 65590).
- d. Type of Unit: Replacement bedrooms may be grouped into unit size types as desired by the applicant, but in no case shall more than four replacement bedrooms be contained in any one unit constructed to meet replacement housing requirements.

Where a demolition/conversion application involves single room occupancy living units, replacement units shall also be single room occupancy living units.

- e. **Affordability Assurances:** The entire unit constructed to meet replacement housing requirements and containing one or more replacement bedrooms shall be deemed a low or moderate income unit subject to affordability requirements. Replacement units shall remain affordable to low or moderate income households in perpetuity. The procedure for implementing this requirement shall be established by Council resolution.
- f. Dwelling units or single room occupancy units constructed to meet replacement housing requirements shall be provided and available for use no later than three years from the date upon which work commenced on the conversion or demolition of the residential dwelling units or single room occupancy living units.

SECTION 5. Declaration of Urgency. This ordinance is declared to be an emergency measure adopted under Section 612 of the Santa Cruz City Charter, and is necessary to preserve the public peace, health, safety, property and the general welfare, and the urgency for its adoption is set forth in the findings above.

SECTION 6. Effective Date. This ordinance shall take effect immediately as provided in Section 5.

PASSED FOR FINAL ADOPTION' this 28th day of November, 1989, by the following votes:

AYES: Councilmembers - Ghio, Laird, Lane, Mahaney, Beiers, Yokoyama; Mayor Wormhoudt.

NOES: Councilmembers - None.

ABSENT: Councilmembers - None.

DISQUALIFIED: Councilmembers - None.

APPROVED Maed. Wormhoudt  
Mayor

ATTEST Patricia M. Lyon  
City Clerk