

ORDINANCE NO. 2024-13

AN UNCODIFIED ORDINANCE OF THE CITY OF SANTA CRUZ EXTENDING UNCODIFIED EMERGENCY ORDINANCE 2020-27 AUTHORIZING TEMPORARY USE OF CERTAIN ADJACENT PUBLIC STREET AND OUTDOOR AREAS FOR ELIGIBLE BUSINESSES IMPACTED BY INDOOR BUSINESS CLOSURES RELATED TO THE COVID-19 PANDEMIC UNTIL JULY 1, 2026, ON PRIVATE PROPERTY

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

WHEREAS, on March 10, 2020, the Santa Cruz City Council adopted Resolution No. NS-29,640 Declaring a Local Health Emergency in response to the COVID-19 pandemic; and

WHEREAS, in light of the devastating impacts that the pandemic has had on the local economy and for locally owned businesses in particular, the Director of Emergency Services issued two related Executive Orders to address the ability for businesses to temporarily use certain areas of the public right-of-way and private property for commercial activity, namely Executive Order No. 2020-11, issued on June 4, 2020 (ratified by City Council Resolution No. NS-29,667 on June 23, 2020) and Executive Order No. 2020-15, issued on July 30, 2020 (ratified by City Council Resolution No. NS-29,695 on August 11, 2020); and

WHEREAS, on December 8, 2020, the City Council adopted an uncodified Emergency Ordinance No. 2020-27, incorporating Executive Order Nos. 2020-11 and 2020-15, allowing for the continued temporary use of certain public right-of-way and private areas until October 31, 2021; and

WHEREAS, on June 22, 2021, the City Council adopted an uncodified Emergency Ordinance No. 2021-14, which extended uncodified Ordinance No. 2020-27, allowing for the temporary use of certain areas of the public right of way and private property for commercial activity until December 31, 2021; and

WHEREAS, on November 9, 2021, cognizant of the prolonged negative impacts of the pandemic to local businesses, the City Council adopted an uncodified Ordinance No. 2021-21, further extending uncodified Ordinance No. 2020-27, allowing for the temporary use of certain areas in the public right-of-way and private property until December 31, 2022; and

WHEREAS on October 25, 2022, the City Council adopted an uncodified Ordinance 2022-16, which extended uncodified Ordinance No. 2020-27 to allow for the temporary use of certain public street and outdoor areas for commercial activity (1) until October 31, 2023 in the public right-of-way; (2) until March 31, 2024 on private property; and (3) extending the Cathcart Street temporary partial street closure until March 31, 2023; and

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WHEREAS, at the October 25, 2022 meeting, the City Council also directed City staff to work with the Outdoor Dining City Council ad-hoc Subcommittee to draft ordinance amendments and procedures to streamline the permanent private outdoor dining permit process, and work with Coastal Commission for approval of permits for private properties within the coastal zone; and

WHEREAS, on February 27, 2024, the City Council adopted an uncodified Ordinance 2024-06, which extended uncodified Ordinance No. 2020-27 to allow for the temporary use of certain public street and outdoor areas for commercial activity until May 31, 2025 on private property; and

WHEREAS, at its regular meeting of August 13, 2024, the City Council will consider the adoption of Santa Cruz Municipal Code section 24.12.191 relating to outdoor dining on private property; and

WHEREAS, if adopted, City staff estimates businesses will need approximately two years to continue operating under the temporary permits while the businesses apply for permits under the permanent private outdoor dining program; and

WHEREAS, the City Council finds that extending the duration of uncodified Ordinance No. 2020-27 until July 1, 2026 for temporary use of private property for commercial activity will facilitate business recovery, generate increased sales tax revenue for the City, and provide business owners sufficient time to apply for and obtain permits for the permanent private outdoor dining program.

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

Section 1. Section 5 of uncodified Ordinance No. 2020-27, adopted as an emergency measure by the City Council on December 8, 2020, and amended by uncodified Ordinances No. 2021-14 on June 22, 2021, No. 2021-21 on November 9, 2021, No. 2022-16 on October 25, 2022, and 2024-06 on February 27, 2024 is hereby further amended to include the following expiration date:

Temporary Use Located on Private Property: shall expire on July 1, 2026.

Section 2. California Environmental Quality Act (CEQA) Compliance. This ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines 15301 (existing facilities), 15303 (construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures) and 15304(e) (minor temporary use of land having negligible or no permanent effects on the environment).

Section 3. This Ordinance shall take effect thirty (30) days following its final adoption (the “Effective Date”) and shall expire on the dates set forth above, unless further extended by action of the City Council.

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PASSED FOR PUBLICATION this 13th day of August, 2024, by the following vote:

AYES: Councilmembers Newsome, Brown, Watkins, Brunner, Kalantari-Johnson;
Vice Mayor Golder; Mayor Keeley.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this ____ day of _____, 2024 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2024-13 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator