

ORDINANCE NO. 2017-XX

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING CHAPTER 24.10 OF THE CITY OF SANTA CRUZ MUNICIPAL CODE
AND THE LOCAL COASTAL PROGRAM RELATING TO CENTRAL BUSINESS
DISTRICT (CBD) DEVELOPMENT STANDARDS, AND OUTDOOR EXTENSION
AREAS

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

Section 1. Part 24 of the Santa Cruz Municipal Code is hereby amended to read as follows:

Part 24: CENTRAL BUSINESS DISTRICT (CBD)

Section 2. Section 24.10.2300 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.10.2300 PURPOSE.

This part implements the Land Use Plan, Development Standards and Design Guidelines of the Downtown Plan (Plan), a specific plan. It is intended to refine the Plan in the area of land use and regulations. It supports the purpose of the Plan, in the context of the General Plan, which aims to maintain downtown the urban center of the city, with the many functions a city center serves. Section 24.10 of the Zoning Ordinance is also part of the Local Coastal Implementation Plan.

The Central Business District Zone of the Downtown Plan is divided into four subareas, in order to enhance the character of each by special consideration of the character of each. A fifth area, CBD Subdistrict E, Lower Pacific Avenue, implements the policies of the Beach and South of Laurel Plan and is separate from the Downtown Plan.

(Ord. 96-06 § 1, 1996: Ord. 94-33 § 51, 1994: Ord. 91-29 § 2 (part), 1991).

Section 3. Section 24.10.2301 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.10.2301 USES, DEVELOPMENT STANDARDS AND DESIGN GUIDELINES

Chapter 4 of the Downtown Plan, as amended, is hereby adopted by reference, and the Planning and Community Development Department shall maintain copies of the Downtown Plan in both hard copy and electronic form, for use and examination by the

public. The policies and regulations set forth in Chapter 4 of the Downtown Recovery Plan shall control all uses in the CBD, Central Business District, and its four subdistricts: Pacific Avenue Retail District; Front Street Riverfront Corridor; Cedar Street Village Corridor; and North Pacific Area.

(Ord. 2009-24 § 1, 2009; Ord. 2004-29 § 1 (part), 2004; Ord. 2004-27 § 16 (part), 2004; Ord. 2000-03 § 1, 2000; Ord. 99-13 § 1, 1999; Ord. 95-09 § 1, 1995; Ord. 91-29 § 2 (part), 1991).

Section 4. Section 24.10.2330 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.10.2330 DEMOLITION CONTROL.

The purpose of demolition control is to provide for orderly change and development of the area in accordance with the General Plan and the Downtown Plan. It is intended to provide a means whereby existing buildings and structures are evaluated for their reuse potential before demolition is allowed.

1. No demolition permit as authorized by the Uniform Building Code shall be issued unless the replacement use and any use, design or other permits, as applicable, have been approved by the city, except as provided below.
 - a. Where the replacement use of the site requires no building permit, a demolition permit may be issued as approved by the decision-making body in connection with its action in approving the replacement use of the site.
 - b. Where the replacement use requires a building permit, but there is a practical hardship in delaying the demolition permit until a valid building permit is issued, the approving body may authorize demolition before issuance of a building permit if it finds that there is a practical hardship and prior demolition is consistent with the General Plan and the Downtown Plan. The approving body may require such security as it deems necessary to assure the construction of the replacement project, and may establish time requirements for performance.

2. The decision-making body shall consider any demolition application at the time it considers any necessary permits or actions for the replacement project after demolition. It shall approve demolition after evaluating it for consistency with the General Plan and Downtown Plan, and taking into account reasonable alternatives for reuse and cost benefits to the community.

(Ord. 91-29 § 2 (part), 1991)

Section 5. Section 24.10.2340 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.10.2340 OUTDOOR EXTENSION AREAS IN THE CENTRAL BUSINESS DISTRICT.

The purpose of extension areas is to enhance the pedestrian ambiance of the Central Business District and the Santa Cruz Riverwalk, by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public street and the Santa Cruz Riverwalk. These areas will encourage a sense of community and provide a tool for economic development.

1. Revocable License Required. No person shall use an extension area unless a valid revocable license to operate a business has been obtained pursuant to this part.
2. Revocable License Application. Application for a revocable license shall be made jointly by the property owner and the business operator of the business located on the property adjacent to the extension area, and shall be filed with the planning department on the appropriate application form, accompanied with the following information:
 - a. Name and address of the property owner and business operator. Both parties or their authorized representatives shall sign the application.

b. The expiration date of the business license of the business intending to operate the extension area.

c. For extension areas adjacent to public streets and pedestrian lanes within the Central Business District, a drawing showing the extension area in its relationship to the building, sidewalk and street, for the extension area and thirty feet along the sidewalk in either direction. The drawing shall show dimensions of the extension area, locating doorways and access points, show width of sidewalk (distance from curb to building face and property line), existing and projected pedestrian traffic movements, location of utilities that might affect or be affected by the application proposal, parking meters, bus stops, benches, trees, landscaping, trash receptacles and other street furniture, or any other potential sidewalk obstruction.

The drawing of the extension area shall show its intended use, any furniture or display stands, fixtures, signs, canopies and other overhead appurtenances, landscaping and planters, trash receptacles, and any other matter to be placed in the area.

d. For extension areas adjacent to the Santa Cruz Riverwalk, A drawing showing the extension area in its relationship to the building, the Riverwalk, for the extension area and thirty feet along the Riverwalk in either direction. The drawing shall show dimensions of the extension area, locating doorways and access points, show proposed hardscape and landscape improvements between the existing Riverwalk and the development project relating to the extension area, location of utilities that might affect or be affected by the application proposal, benches, trees, landscaping, planters, trash receptacles and other furniture, or any other potential pedestrian obstruction.

The drawing of the extension area shall show its intended use, any furniture or display stands, fixtures, signs, canopies and other overhead appurtenances, landscaping and planters, trash receptacles, and any other matter to be placed in the area.

- d. Other information which may be required to act on the revocable license.
3. Location and Design Requirements. Chapter 4 of the Downtown Plan describes the use, location and design requirements for extension areas.
 4. Form and Conditions of Revocable License. The revocable license may be conditioned to achieve the purpose of this part. In addition to any other appropriate conditions, standard conditions shall include:
 - a. The revocable license shall be issued to the operator of the adjacent business, and shall not be transferable.
 - b. The extension area shall be permitted only in conjunction with the establishment which is operating in the adjacent building and to which the extension area is appurtenant.
 - c. The licensee shall notify the planning department and police department at least three working days in advance of the date work is to begin to establish the outdoor use.
 - d. The licensee shall take actions to assure that the use of the extension area in no way interferes with pedestrians or limits their free and unobstructed passage.
 - e. The extension area and all its contents shall at all times be maintained in a clean and attractive condition; all landscaping and planting shall be maintained in a presentable and healthy condition.
 - f. The extension area shall be operated in conformance with guidelines contained in this part, and the hours specified in the approval.
 - g. The extension area shall be operated in conformance with any applicable city, county or state laws.

- h. Use of the extension area is approved for an indefinite term, except as it may be limited as a condition of the approval, but shall be subject to termination at any time on thirty days' prior written notice upon a determination by the city that the public interest requires vacating the extension area, or as provided in Section [24.10.2340](#) subsection (4)(g).
- i. The licensee shall meet the liability and insurance requirements of Section [24.10.2340](#), subsection (7).

5. Notice and Appeals.

- a. Prior to action on an application for use of an extension area, notice shall be given to adjacent businesses and property owners within fifty feet of the proposed use. Notice shall be given at least five calendar days before action, and shall be in writing.
- b. Any final action by the zoning administrator shall be appealable within ten calendar days. Appeals shall be filed with the planning and community development department, shall state the reason for appeal, and be accompanied by a \$50.00 appeal fee.
- c. An appeal from a final action of the zoning administrator shall be to the zoning board, and shall follow the same procedures for appeals contained in this title.
- d. Appeals from the action of the zoning board shall be made to the city council, through the city clerk, and shall follow the same procedures as contained in this title.

6. Action on the Extension Area Application.

- a. If the application is complete and conforms to the requirements of this part, the application shall be heard by the zoning administrator who will conditionally approve or deny the application. The zoning administrator may continue the hearing on the application as may be appropriate.

b. In acting on the application, the zoning administrator shall take into account:

- (1) The width of the sidewalk where the extension area use is proposed to be located.
- (2) The design and relationship of the extension area and its use to other existing or planned uses of the street.
- (3) The amount of pedestrian use of the sidewalk and the impact of the extension area use of the sidewalk.
- (4) Conformance of the extension area use with the Downtown Plan.

c. Before approving an extension area use and granting a revocable license, the zoning administrator shall make the following findings:

- (1) The extension area in the particular location on the sidewalk will not adversely affect the use of the public street, will implement the Downtown Plan and the General Plan, and
- (2) The proposed use will not be detrimental to persons residing, visiting or working in the area, and
- (3) The proposed use will conform to all relevant regulations in the Municipal Code, and applicable county regulations and state law.

d. Denial, Revocation or Suspension of License. The zoning administrator may deny, revoke, or suspend a license for use of an extension area if it is found:

- (1) That the provisions of this part or conditions of approval have been violated.

(2) Any necessary health permit has been suspended, revoked or canceled.

(3) The licensee does not meet the insurance requirements of the license.

e. Ten days' written notice of proposed action of denial, revocation or suspension shall be given to the property owner and holder of the revocable license.

f. Effective Date of Action.

(1) Revocation or suspension of a license on the basis of subsections (6)(d)(2) or (6)(d)(3) shall be effective upon the action. An appeal shall not stay such action.

(2) All other final actions shall become effective ten calendar days following the action, unless appealed. An appeal shall stay the action.

7. Liability and Insurance.

a. Licensee shall agree to indemnify, defend, and hold harmless the city, its officers, agents and employees, from and against any and all claims, demands, actions, damages, or judgements, including associated costs of investigation and defense, arising from any omission, fault, negligence, or other conduct of licensee in connection with licensee's occupancy, activity, use, maintenance, or repair of the extension area.

b. Without limiting the foregoing in any way, licensee shall carry liability insurance in the amount not less than \$1,000,000.00 per occurrence combined single-limit bodily injury, personal injury and property damage liability coverage.

c. Licensee shall obtain and maintain, during the term of the license, Workers' Compensation Insurance, covering all of its employees on

the premises of the extension area, with a company satisfactory to the city. Licensee shall be responsible for the insurance coverage as herein provided of all employees of said licensee.

d. Licensee shall obtain bodily injury and property damage liability insurance to cover vehicles used or maintained by it in the performance of work, with liability limits of not less than \$1,000,000.00 combined single-limit per occurrence.

e. For all insurance provided above, policies shall provide that the same cannot be canceled except upon thirty days' written notice to the city.

f. Except for Workers' Compensation, all insurance provided shall name the city of Santa Cruz, its officers, agents and employees as additional insured and shall include cross liability in favor of the city, its officers, agents and employees.

g. A certificate of insurance shall be furnished to the city as evidence of the above coverage and conditions prior to the use of an extension area. Any statements that relieve the insurance company from liability if notice of cancellation is not provided to the city are not acceptable.

(Ord. 91-29 § 2 (part), 1991).

Section 6. Section 24.10.2341 of the Santa Cruz Municipal Code is hereby added to read as follows:

24.10.2341 OUTDOOR CURB EXTENSION AREAS

The purpose of outdoor curb extension areas is to enhance the pedestrian ambiance of the Central Business District zone district by creating useable outdoor spaces that encourage a sense of community and that provide a tool for economic development.

1. No person shall construct or use an outdoor curb extension area unless a Design Permit has been obtained pursuant to Part 5 of Chapter 24.08 and a valid revocable license to operate a business has been obtained pursuant to Section 24.10.2340 of this Chapter.

2. No person shall begin construction of an outdoor curb extension area without first obtaining a Temporary Encroachment Permit to allow for construction to take place within the public right of way.
3. All outdoor curb extension areas shall be maintained as private spaces and the business licensed to operate the extension area shall be responsible to maintain the extension area in good condition.
4. Outdoor curb extension areas may only be constructed on streets with speed limits of 25 mph or lower.
5. Construction Standards.
 - a. The extension area must be located at least one parking space or 20' from any corner.
 - b. A minimum of two parking spaces shall be maintained between each outdoor curb extension area.
 - c. The structure shall not be located in front of a fire hydrant, above a fire hydrant shut-off valve or over utility or manhole covers.
 - d. The extension area shall not replace blue zones designated for disabled parking.
 - e. The extension area shall not be more than six feet wide and shall provide four foot setbacks from each parking tee.
 - f. The extension area length may consist of two parking spaces maximum per business and the parking spaces shall be located adjacent to the front of the business.
 - g. Reflective elements are required at the outside corners of the structure.
 - h. Soft hit posts shall be installed at the outside edges of the structure.
 - i. The extension area shall provide all features necessary to comply with current ADA requirements.
 - j. Bolting or penetrating the surface of the roadway in any way shall not be permitted.
 - k. The platform surface shall be flush with the grade of the adjacent sidewalk with a minimum gap of one-half inch.
 - l. The structure shall not impede the flow of curbside drainage and shall not be constructed over a storm drain.

- m. Overhead elements shall provide a minimum vertical clearance of 84” above grade.
 - n. The edges/railings shall be spaced appropriately to allow for the ability to see inside the extension area during all hours.
 - o. The edges/railings shall be designed to discourage sitting on railings.
 - p. The top edge of the extension area edges/railings shall be round to prevent the resting of food and drinks.
 - q. The exterior edge/railing shall be a minimum of 30 inches tall. If alcohol will be consumed in the extension area, the edge/railing shall be a minimum of 42 inches tall.
 - r. There shall be no electrical fixtures or features within the extension area. All lighting must originate from the associated business and may not shine into the street or otherwise interfere with vehicular travel. Battery or solar powered lighting elements are permitted within the extension area.
 - s. All moveable barriers and furniture used in the extension area shall be bolted down or shall be removed from the public right of way during non-operating hours.
6. Design Criteria.
- a. The outdoor curb extension area shall be an open design that allows for pedestrians on either side of the street to see into the extension area. Continuous opaque walls are not permitted.
 - b. The outdoor curb extension area should be designed as an extension of the sidewalk and should have multiple points of entry.
 - c. Outdoor curb extension areas should include permanent or movable seating.
 - d. The design should include ample planting areas that utilize native, drought-tolerant plants. Plantings can be used to discourage seating in areas such as the tops of walls.
 - e. The extension area design should utilize sustainable, locally-sourced materials that are easy to maintain.
 - f. Signage or other advertising matter is not permitted to be installed on or within the extension area with the exception of a notice of private

property/right to refuse service no greater than 11" x 5" in size.

Sandwich board signs are prohibited at all times.

7. Operational Conditions

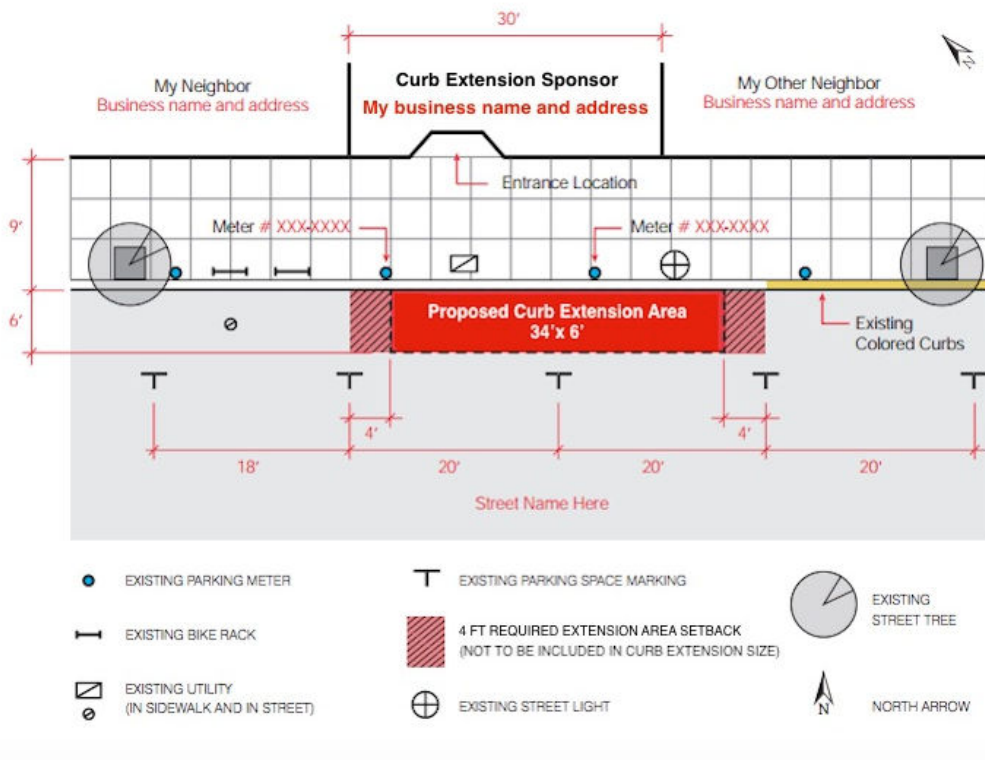
- a. If a business changes ownership, the new business owner must obtain a new Extension License per Section 24.10.2340. A Design Permit may be required to recognize changes to the outdoor curb extension area.
- b. The extension area shall operate consistent with the restaurant hours of operation and shall not operate past 11:00 p.m. Extension areas shall be closed or gated when not in use.
- c. Outdoor entertainment is prohibited within the outdoor curb extension area.
- d. The business associated with an extension area shall obtain a trespass letter with the Santa Cruz Police Department prior to operation of the extension area.
- e. Prior to the commencement of use, security cameras shall be installed outside to cover the entire extension area and front sidewalk areas. Cameras shall be placed in positions where the exterior lighting does not bleed into the coverage.
- f. Extension areas and plantings shall be maintained in good condition, free of graffiti and litter. Elements that are visually or structurally degraded shall be replaced expeditiously.
- g. Patrons of the extension area shall not be permitted to sit on the edges/railings.
- h. Smoking is not permitted within extension areas.
- i. The extension area shall be reviewed annually by the Planning Department for compliance with conditions of approval and to ensure that the extension area is maintained in good condition and does not create a nuisance to pedestrians or adjacent businesses.

8. Removal

- a. The applicant, at their own expense, shall be required to remove all extension area improvements and shall restore the public right of way to the standards of the Public Works Department if desired by the applicant or if requested by the City of Santa Cruz for utility repair and

maintenance, streetscape improvements, or other improvements that interfere with the location of the extension area.

- b. If the extension area is removed temporarily for streetscape or utility improvements, the applicant shall be responsible for the costs of removing, storing, and re-installing the extension area improvements.
- c. In the case of an emergency, the city may remove the extension area improvements without prior notice to the applicant. The applicant is responsible for restoring any damage to the extension area improvements.



Section 7. This ordinance shall take effect and be in force immediately upon certification by the California Coastal Commission.

PASSED FOR PUBLICATION this Xth day of X, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

PASSED FOR FINAL ADOPTION this Xth day of X, 2017 by the following
vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____

Mayor

ATTEST: _____

City Clerk Administrator

This is to certify that the above
and foregoing document is the
original of Ordinance No. 2017-XX
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk Administrator