

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 24.10 – LAND USE DISTRICTS; SECTION 24.12.190 – OUTDOOR STORAGE, DISPLAY, OR SALE OF MERCHANDISE; SECTION 24.12.290 - VARIATIONS TO REQUIREMENTS; AND SECTION 24.12.1108 - MODIFICATION OF EXISTING ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; AND ADDING SECTION 24.12.191 – PRIVATE PROPERTY OUTDOOR SEATING OF THE SANTA CRUZ MUNICIPAL CODE AND LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN RELATING TO PRIVATE PROPERTY OUTDOOR SEATING ASSOCIATED WITH EATING AND/OR DRINKING ESTABLISHMENTS

WHEREAS, due to the impacts of COVID-19 on the local economy and locally owned businesses, the city of Santa Cruz's Director of Emergency Services issued Executive Order No. 2020-11 on June 4, 2020 and Executive Order No. 2020-15 on July 30, 2020, allowing businesses to temporarily expand commercial activity in the public right of way and other outdoor spaces; and

WHEREAS, to provide more certainty to business owners with regard to the use of temporary outdoor expansions, the City Council adopted Executive Order No. 2020-11 and Executive Order No. 2020-15 as Ordinance 2020-27 on December 8, 2020, setting an expiration date of October 1, 2021 for the temporary outdoor expansions; and

WHEREAS, the City Council voted to extend the expiration date for temporary outdoor expansions in uncodified Ordinance No. 2020-27 on June 2021 via uncodified Ordinance 2021-14; on November 9, 2021 via uncodified Ordinance No. 2021-21; on October 25, 2022 via uncodified Ordinance 2022-16; and on October 25, 2022, via uncodified Ordinance 2022-16; and

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 further extending 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 June 20, 2024 meeting, the Santa Cruz Planning Commission reviewed the proposed addition of Santa Cruz Municipal Code (SCMC) Section 24.12.191 to the Zoning Code and passed a motion that recommended the City Council approve the proposed amendments with additional recommendations to extend the expiration date for temporary outdoor seating area permits, refine a standard related to volume of amplified sound, specify that handwashing stations are required in conjunction with temporary restrooms, and to request the City Council subcommittee contact state representatives to advocate for state building code changes related to outdoor dining areas; and

WHEREAS, the proposed ordinance provides a streamlined and standardized process for both eating and drinking establishments to create outdoor seating areas where the business establishments are not required to obtain an administrative use permit or design permit if certain standards are met; and

WHEREAS, the proposed addition of Section 24.12.191 to the Santa Cruz Municipal Code falls within the analyzed development potential in the City of Santa Cruz's existing 2030 General Plan Environmental Impact Report using the existing zoning and General Plan and, therefore, pursuant to California Code of Regulations, Title 14, section 15183 of the California Environmental Quality Act (CEQA) Guidelines, no further environmental review under the CEQA is required; and

WHEREAS, the proposed addition of Section 24.12.191 to the Santa Cruz Municipal Code ordinance is also categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, section 15061(b)(3) as there is no possibility that the proposed ordinance will have an effect on the environment.

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

Section 1. Section 24.10.620 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the R-T(C) Subdistrict C – Beach Commercial is hereby amended to read as follows:

24.10.620 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and may also require a design permit per section 24.08.410 and are subject to other applicable 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. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

- (a) Acting/art/music/dance studios/schools (610);
- (b) Apparel and accessory stores (250);
- (c) Community organizations, associations, clubs and meeting halls (570);
- (d) Convenience stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);
- (e) Eating and drinking establishments (except bars and fast-food restaurants) subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- (f) Educational facilities (public/private) (510);
- (g) General merchandise stores (drug and department stores) (230);
- (h) Government and public agencies (530);
- (i) Home furnishings (270);
- (j) Liquor stores, subject to alcohol regulations in Chapter 24.12, Part 12 (240B);
- (k) Museum and art galleries (600);
- (l) Professional offices associated with a visitor-serving use (400);
- (m) Repairs, alterations, maintenance services to household items (except boat repair)(340);
- (n) Specialty retail supply stores (290);
- (o) Video rental (360B);

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RESIDENTIAL USES:

- (p) Supportive and transitional housing (three to nine units) subject to the R-T(A) District regulations;

COMMERCIAL USES:

- (q) Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
- (r) Churches (500);
- (s) Developed parks (710);
- (t) Undeveloped parks and open space (700);
- (u) Temporary structures and uses;
- (v) Sports and recreation facilities, without alcohol sales (720);
- (w) Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15 requiring a public hearing;
- (x) Private property outdoor seating, subject to the requirements in Section 24.12.191.

2. The following uses require a special use permit and design permit and are subject to other applicable 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. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

- (a) Bars/taverns subject to alcohol regulations in Chapter 24.12, Part 12 (280C);
- (b) Fast-food restaurants subject to alcohol regulations in Chapter 24.12, Part 12 (280H);
- (c) Financial, insurance, real estate offices (420);
- (d) Fish/seafood wholesale sales (200F);
- (e) Medical/health offices (410);
- (f) Nightclubs/music halls, subject to live entertainment and alcohol regulations in Chapter 24.12, Part 12 (630);
- (g) Personal services (except contractors' yards and mortuaries) (310);
- (h) Theaters (620);

RESIDENTIAL USES:

Supportive and transitional housing, subject to the R-T(A) District regulations;

COMMERCIAL USES:

- (j) Communication and information (550);
- (k) Marine facilities and related uses (560E);
- (l) Related research facilities (400L);
- (m) Related storage and warehousing (330);
- (n) Off-site public/private parking facilities, five or more spaces (930);
- (o) Professional offices (400), except as associated with a visitor-serving use;
- (p) Sports and recreation facilities subject to alcohol regulations in Chapter 24.12, Part 12 (720);
- (q) Utilities and resources (540).

Section 2. Section 24.10.625.3 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the R-T(C)/PER: Subdistrict C – Beach Commercial/Performance Overlay Zone is hereby amended to read as follows:

24.10.625.3 USE PERMIT REQUIREMENT

1. The following uses are permitted subject to an Administrative Use Permit, a Design Permit and other requirements of the Municipal Code. The goal is to provide a continuity of activity and interest which will integrate existing commercial uses along Beach Street and the Boardwalk more fully (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes):
 - a. Retail uses, including stores, shops, specialty shops, and neighborhood convenience retail, excluding department stores or discount malls up to a total of 125,000 square feet for the district (230, 250, 290).
 - b. Eating establishments, not including drive-up or drive-in services, subject to live entertainment and alcohol regulations of Chapter 24.12 (280).
 - c. Off-site parking with fewer than five spaces (930).
 - d. Food and beverage stores (except liquor stores) (240).
 - e. Acting/art/music/dance/photography studios/schools (610) if such establishments are in compliance with the Design Guidelines and active people-orient uses are located adjacent to the street.
 - f. Administrative offices ancillary to a permitted use, if:
 - offices in new structures are screened on street frontage by retail/recreational, and/or active people-oriented uses of at least 25 feet in depth, or
 - offices in existing structures do not create a significant break in pedestrian activity and storefront continuity along the street, and are landscaped according to the Design Guidelines.
 - g. Indoor recreational uses and sports and health clubs, provided that the storefront adjacent to the street is designed in compliance with the guidelines, and active people oriented uses are located adjacent to the street (720).
 - h. Temporary structures and uses.
 - i. Private property outdoor seating, subject to the requirements in Section 24.12.191.
2. The following uses are subject to approval of a Special Use Permit, a Design Permit and other requirements of the Municipal Code:
 - a. Public performance space, art galleries and/or museums which are open to the public (600, 610).

- b. Lodging, hotel development provided it incorporates specialty boutiques and/or restaurant(s) on the ground floor, and does not create a significant break in pedestrian activity and storefront continuity along the street (300).
- c. Off-site public/private parking facilities, five or more spaces (930), so long as the total width of access to the facility is not more than 50 feet in width on any one street frontage, provided the parking is visually screened and separated from the street, and that access is designed in a manner not to disrupt retail continuity along Beach Street.
- d. Residential development, located above the first floor of commercial uses, not to exceed 30 dwelling units/acre, if it includes a mixture of unit types (e.g. variety of unit sizes) and if 15% of the total number of units are affordable in accordance with Chapter 24.16 of the zoning regulations.
- e. Theater and cinemas; exhibit space and libraries, auditoriums and conference space, providing significant pedestrian activity and storefront continuity is provided along the streets, (550g, 570b, 570c, 600, 620)
- f. Live performing arts theaters or nightclub establishments providing live entertainment with stage/performance areas greater than 80 square feet or permitting dancing and establishments serving alcoholic beverages; provided, that the storefront is designed in compliance with design guidelines and to include active people-oriented activities of visual interest to the pedestrian and subject to acoustical studies indicating that such uses can achieve the city's existing noise standards (630).

Section 3. Section 24.10.730 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the C-C Community Commercial District is hereby amended to read as follows:

24.10.730 USE PERMIT REQUIREMENT.

- 1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code including the approval of a Design Permit for new structures when required by Section 24.08.410 (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

- a. Bakery, handicrafts or similar light manufacturing and assembly uses associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area;
- b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- d. Community organizations, associations, clubs and meeting halls (570);
- e. Educational facilities (public/private) (510);
- f. Government and public agencies (530);

- g. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- h. Thrift stores (290m);
- i. Veterinarians (410A);

COMMERCIAL USES:

- j. Accessory buildings containing plumbing fixtures subject to provisions of Section 24.12.140;
 - k. Ambulance services (410B);
 - l. Auto services and repair subject to performance standards in Section 24.12.900 (350);
 - m. Boat repairs (340D);
 - n. Building materials/garden supplies (220);
 - o. Churches (500);
 - p. Communication and information services (550);
 - q. Developed parks (710);
 - r. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
 - s. Lodging (300);
 - t. Motor vehicle dealers and supplies (260);
 - u. Off-site public/private parking facilities, five or more spaces (930);
 - v. Recycling collection facilities;
 - w. Temporary structures and uses;
 - x. Undeveloped parks and open space (700);
 - y. Utilities and resources (540);
 - z. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing;
 - aa. Private property outdoor seating, subject to the requirements in Section 24.12.191.
2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code including the approval of a design permit for new structures when required by Section 24.08.410. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

- a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- c. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- d. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

RESIDENTIAL USES:

- e. Community care facilities;

COMMERCIAL USES:

- f. Carpenter, electrical, plumbing, heating, and furniture upholstery shops;
- g. Contractor/building (310E);
- h. Fabricated metal products (manufacturing) (150);
- i. Fabricated wire products (manufacturing) (155A);
- j. Food and beverage preparation (manufacturing) (100);
- k. Furniture and fixtures (manufacturing) (120);
- l. Hospitals (520);
- m. Laboratory research experimentation, testing, software development;
- n. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- o. Local/interurban passenger transit (bus, cab) (560B);
- p. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- q. Mortuaries (310I);
- r. Motion picture production (manufacturing) (155E);
- s. Rental services (360);
- t. Solar equipment (manufacturing) (155C);
- u. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- v. Stone, clay, glass products (manufacturing) (140);
- w. Storage and warehouse when connected with permitted use (330);
- x. Wholesale trade (nondurable goods) (200):
 - (a) Bakery,
 - (b) Confectionery,
 - (c) Dairy,
 - (d) Health foods;
- y. Wholesale trade (durable goods) (210):
 - (a) Paper products and related (210E),
 - (b) Special equipment (machine supply) (210F);

Section 4. Section 24.10.802 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the MU-M Mixed-Use Medium Density District is hereby amended to read as follows:

24.10.802 USE PERMIT REQUIREMENT.

- 1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bakery, handicrafts or similar light manufacturing and assembly uses associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area;
- b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- d. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;

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- e. Thrift stores (290m);
- f. Veterinarians (410A);

RESIDENTIAL USES:

- g. Two family dwelling if the lot area allows for only two units. New Single-Family development is not permitted.
- h. Temporary structures and uses.
- i. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

COMMERCIAL USES:

- j. Developed parks (710);
- k. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- l. Lodging (300);
- m. Off-site public/private parking facilities, five or more spaces (930);
- n. Recycling collection facilities;
- o. Temporary commercial structures and uses;
- p. Utilities and resources (540);
- q. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing;
- r. Private property outdoor seating, subject to the requirements in Section 24.12.191.

2. The following uses are subject to approval of a special use permit and may also require a design permit per section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- c. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- d. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- e. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

RESIDENTIAL USES:

- f. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
- g. Dormitories, fraternity/sorority residence halls,
- h. Health facilities for inpatient and outpatient psychiatric care and treatment.
- i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

COMMERCIAL USES:

- j. Contractor/building (310E);

- k. Fabricated metal products (manufacturing) (150);
- l. Fabricated wire products (manufacturing) (155A);
- m. Food and beverage preparation (manufacturing) (100);
- n. Furniture and fixtures (manufacturing) (120);
- o. Hospitals (520);
- p. Laboratory research experimentation, testing, software development;
- q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- r. Mortuaries (310I);
- s. Motion picture production (manufacturing) (155E);
- t. Rental services (360);
- u. Solar equipment (manufacturing) (155C);
- v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- w. Stone, clay, glass products (manufacturing) (140);
- x. Storage and warehouse when connected with permitted use (330);
- y. Wholesale trade (nondurable goods) (200):
 - i. Bakery,
 - ii. Confectionery,
 - iii. Dairy,
 - iv. Health foods;
- z. Wholesale trade (durable goods) (210):
 - i. Paper products and related (210E),
 - ii. Special equipment (machine supply) (210F);

Section 5. Section 24.10.812 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the MU-H Mixed-Use High Density District is hereby amended to read as follows:

24.10.812 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bakery, handicrafts or similar light manufacturing and assembly uses associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area;
- b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- d. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- e. Thrift stores (290m);
- f. Veterinarians (410A);

RESIDENTIAL USES:

- g. Two-family dwelling if the lot area allows for only two units. New single-family development is not permitted;
- h. Temporary structures and uses;
- i. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;

COMMERCIAL USES:

- j. Developed parks (710);
 - k. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
 - l. Lodging (300);
 - m. Off-site public/private parking facilities, five or more spaces (930);
 - n. Recycling collection facilities;
 - o. Temporary commercial structures and uses;
 - p. Undeveloped parks and open space (700);
 - q. Utilities and resources (540);
 - r. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing;
 - s. Private property outdoor seating, subject to the requirements in Section 24.12.191.
2. The following uses are subject to approval of a special use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- c. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- d. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- e. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54;

RESIDENTIAL USES:

- f. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing homes, retirement homes;
- g. Dormitories, fraternity/sorority residence halls;
- h. Health facilities for inpatient and outpatient psychiatric care and treatment;
- i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit;

COMMERCIAL USES:

- j. Contractor/building (310E);
- k. Fabricated metal products (manufacturing) (150);
- l. Fabricated wire products (manufacturing) (155A);
- m. Food and beverage preparation (manufacturing) (100);
- n. Furniture and fixtures (manufacturing) (120);
- o. Hospitals (520);
- p. Laboratory research experimentation, testing, software development;
- q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- r. Mortuaries (310I);

- s. Motion picture production (manufacturing) (155E);
- t. Rental services (360);
- u. Solar equipment (manufacturing) (155C);
- v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- w. Stone, clay, glass products (manufacturing) (140);
- x. Storage and warehouse when connected with permitted use (330);
- y. Wholesale trade (nondurable goods) (200):
 - i. Bakery,
 - ii. Confectionery,
 - iii. Dairy,
 - iv. Health foods;
- z. Wholesale trade (durable goods) (210):
 - i. Paper products and related (210E),
 - ii. Special equipment (machine supply) (210F).

Section 6. Section 24.10.822 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the MU-OM Mixed-Use Ocean Street Medium Density District is hereby amended to read as follows:

24.10.822 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bakery, handicrafts or similar light manufacturing and assembly uses and wholesale trade associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area, where retail sale or service occupies the building frontage;
- b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- d. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- e. Thrift stores (290m);
- f. Veterinarians (410A);

RESIDENTIAL USES:

- g. Temporary structures and uses.
- h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

COMMERCIAL USES:

- i. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- j. Off-site public/private parking facilities, five or more spaces (930)
- k. Recycling collection facilities;
- l. Temporary commercial structures and uses;

- m. Utilities and resources (540);
 - n. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing;
 - o. Private property outdoor seating, subject to the requirements in Section 24.12.191.
2. The following uses are subject to approval of a special use permit and may also require a design permit per section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- c. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- d. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- e. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

RESIDENTIAL USES:

- f. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
- g. Dormitories, fraternity/sorority residence halls, boardinghouses.
- h. Health facilities for inpatient and outpatient psychiatric care and treatment.
- i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

COMMERCIAL USES:

- j. Contractor/building (310E);
- k. Fabricated metal products (manufacturing) (150);
- l. Fabricated wire products (manufacturing) (155A);
- m. Food and beverage preparation (manufacturing) (100);
- n. Furniture and fixtures (manufacturing) (120);
- o. Hospitals (520);
- p. Laboratory research experimentation, testing, software development;
- q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- r. Mortuaries (310I);
- s. Motion picture production (manufacturing) (155E);
- t. Rental services (360);
- u. Solar equipment (manufacturing) (155C);
- v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- w. Stone, clay, glass products (manufacturing) (140);
- x. Storage and warehouse when connected with permitted use (330);
- y. Wholesale trade (nondurable goods) (200):
 - i. Bakery,
 - ii. Confectionery,
 - iii. Dairy,
 - iv. Health foods;

- z. Wholesale trade (durable goods) (210):
 - i. Paper products and related (210E),
 - ii. Special equipment (machine supply) (210F);

Section 7. Section 24.10.832 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the MU-OH Mixed-Use Ocean Street High Density District is hereby amended to read as follows:

24.10.832 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bakery, handicrafts or similar light manufacturing and assembly uses and wholesale trade associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area, where retail sale or service occupies the building frontage;
- b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- d. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- e. Thrift stores (290m);
- f. Veterinarians (410A);

RESIDENTIAL USES:

- g. Temporary structures and uses.
- h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

COMMERCIAL USES:

- i. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
 - j. Off-site public/private parking facilities, five or more spaces (930)
 - k. Recycling collection facilities;
 - l. Temporary commercial structures and uses;
 - m. Utilities and resources (540);
 - n. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing;
 - o. Private property outdoor seating, subject to the requirements in Section 24.12.191.
2. The following uses are subject to approval of a special use permit and may also require a design permit per section 24.08.410:

USES FOR ACTIVE FRONTAGE

- a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);

- c. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- d. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- e. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

RESIDENTIAL USES:

- f. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing home, retirement home.
- g. Dormitories, fraternity/sorority residence halls, boardinghouses.
- h. Health facilities for inpatient and outpatient psychiatric care and treatment.
- i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit.

COMMERCIAL USES

- j. Contractor/building (310E);
- k. Fabricated metal products (manufacturing) (150);
- l. Fabricated wire products (manufacturing) (155A);
- m. Food and beverage preparation (manufacturing) (100);
- n. Furniture and fixtures (manufacturing) (120);
- o. Hospitals (520);
- p. Laboratory research experimentation, testing, software development;
- q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- r. Mortuaries (310I);
- s. Motion picture production (manufacturing) (155E);
- t. Rental services (360);
- u. Solar equipment (manufacturing) (155C);
- v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- w. Stone, clay, glass products (manufacturing) (140);
- x. Storage and warehouse when connected with permitted use (330);
- y. Wholesale trade (nondurable goods) (200):
 - i. Bakery,
 - ii. Confectionery,
 - iii. Dairy,
 - iv. Health foods;
- z. Wholesale trade (durable goods) (210):
 - i. Paper products and related (210E),
 - ii. Special equipment (machine supply) (210F);

Section 8. Section 24.10.842 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the MU-VH Mixed-Use Visitor-Serving High-Density District is hereby amended to read as follows:

24.10.842 USE PERMIT REQUIREMENT.

- 1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bakery, handicrafts or similar light manufacturing and assembly uses and wholesale trade associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area, where retail sale or service occupies the building frontage;
- b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- d. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- e. Thrift stores (290m);
- f. Veterinarians (410A);

RESIDENTIAL USES:

- g. Temporary structures and uses;
- h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;

COMMERCIAL USES:

- i. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
 - j. Off-site public/private parking facilities, five or more spaces (930);
 - k. Recycling collection facilities;
 - l. Temporary commercial structures and uses;
 - m. Utilities and resources (540);
 - n. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing;
 - o. Private property outdoor seating, subject to the requirements in Section 24.12.191.
2. The following uses are subject to approval of a special use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- c. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- d. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- e. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54;

RESIDENTIAL USES:

- f. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing homes, retirement homes;
- g. Dormitories, fraternity/sorority residence halls, boardinghouses;
- h. Health facilities for inpatient and outpatient psychiatric care and treatment;

- i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit;

COMMERCIAL USES:

- j. Contractor/building (310E);
- k. Fabricated metal products (manufacturing) (150);
- l. Fabricated wire products (manufacturing) (155A);
- m. Food and beverage preparation (manufacturing) (100);
- n. Furniture and fixtures (manufacturing) (120);
- o. Hospitals (520);
- p. Laboratory research experimentation, testing, software development;
- q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- r. Mortuaries (310I);
- s. Motion picture production (manufacturing) (155E);
- t. Rental services (360);
- u. Solar equipment (manufacturing) (155C);
- v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- w. Stone, clay, glass products (manufacturing) (140);
- x. Storage and warehouse when connected with permitted use (330);
- y. Wholesale trade (nondurable goods) (200):
 - i. Bakery,
 - ii. Confectionery,
 - iii. Dairy,
 - iv. Health foods;
- z. Wholesale trade (durable goods) (210):
 - i. Paper products and related (210E),
 - ii. Special equipment (machine supply) (210F).

Section 9. Section 24.10.852 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the MU-VA Mixed-Use Visitor-Serving Additional Height District is hereby amended to read as follows:

24.10.852 USE PERMIT REQUIREMENT.

- 1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bakery, handicrafts or similar light manufacturing and assembly uses and wholesale trade associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area, where retail sale or service occupies the building frontage;
- b. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12;
- c. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
- d. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12;
- e. Thrift stores (290m);
- f. Veterinarians (410A);

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RESIDENTIAL USES:

- g. Temporary structures and uses;
- h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;

COMMERCIAL USES:

- i. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290, and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
 - j. Off-site public/private parking facilities, five or more spaces (930);
 - k. Recycling collection facilities;
 - l. Temporary commercial structures and uses;
 - m. Utilities and resources (540);
 - n. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12;
 - o. Private property outdoor seating, subject to the requirements in Section 24.12.191.
2. The following uses are subject to approval of a special use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FRONTAGE:

- a. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- b. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- c. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- d. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- e. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54;

RESIDENTIAL USES:

- f. Community care facilities (seven or more persons) including daycare (except family daycare homes), nursing homes, retirement homes;
- g. Dormitories, fraternity/sorority residence halls, boardinghouses;
- h. Health facilities for inpatient and outpatient psychiatric care and treatment;
- i. Social halls, lodges, fraternal organizations, and clubs, except those operated for a profit;

COMMERCIAL USES:

- j. Contractor/building (310E);
- k. Fabricated metal products (manufacturing) (150);
- l. Fabricated wire products (manufacturing) (155A);
- m. Food and beverage preparation (manufacturing) (100);
- n. Furniture and fixtures (manufacturing) (120);
- o. Hospitals (520);
- p. Laboratory research experimentation, testing, software development;
- q. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);

- r. Mortuaries (310I);
- s. Motion picture production (manufacturing) (155E);
- t. Rental services (360);
- u. Solar equipment (manufacturing) (155C);
- v. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- w. Stone, clay, glass products (manufacturing) (140);
- x. Storage and warehouse when connected with permitted use (330);
- y. Wholesale trade (nondurable goods) (200):
 - i. Bakery,
 - ii. Confectionery,
 - iii. Dairy,
 - iv. Health foods;
- z. Wholesale trade (durable goods) (210):
 - i. Paper products and related (210E),
 - ii. Special equipment (machine supply) (210F).

Section 10. Section 24.10.930 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the C-T Thoroughfare Commercial zone district is hereby amended to read as follows:

24.10.930 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per Section 24.08.410:

USES FOR ACTIVE FROTNAGE:

- a. Brewpubs and microbreweries, subject to alcohol regulations in Part 12 of Chapter 24.12.
- b. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12.
- c. Souvenir and gift shops.
- d. Stores, shops and general retail, subject to alcohol regulations in Part 12 of Chapter 24.12.
- e. Tasting rooms, subject to alcohol regulations in Part 12 of Chapter 24.12.

COMMERCIAL USES:

- f. Ambulance service.
- g. Automatic car wash.
- h. Bakery; soft-drink bottling plant; laundry, cleaning and dyeing establishment.
- i. Garages for the repair of automobiles, trucks and other heavy equipment, subject to performance standards as set forth in this title for principal permitted uses in the I-G District.
- j. Recycling collection facilities.
- k. Small community care residential facilities.
- l. Temporary structures and uses.
- m. Truck, boat, trailer, farm equipment, and other heavy equipment sales, service and rental.
- n. Veterinary hospitals and clinics.
- o. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.
- p. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.

- q. Private property outdoor seating, subject to the requirements in Section 24.12.191.

Section 11. Section 24.10.1030 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the C-N Neighborhood Commercial District is hereby amended to read as follows:

24.10.1030 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code including the requirement for a design permit for new structures when required by Section 24.08.410 (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

- a. Acting/art/music/dance studios and schools (610);
- b. Apparel and accessory stores (250);
- c. General retail merchandise (drug and department stores) (230);
- d. Government and public agencies (530);
- e. Preschools/childcare (twelve or fewer) (510A);
- f. Home furnishings (270);
- g. Repair, alteration, maintenance services for household items (except boat repairs) (340);
- h. Specialty retail supply stores (290);
- i. Veterinarians (410A);

RESIDENTIAL USES:

- j. Small community care residential facilities;

COMMERCIAL USES:

- k. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
 - l. Auto supply stores (260C);
 - m. Churches (500);
 - n. Community organizations, associations, clubs and meeting halls (570);
 - o. Educational facilities (public/private) (510);
 - p. Parks and open spaces (700);
 - q. Recycling collection facilities;
 - r. Temporary structures and uses;
 - s. Video rental (650);
 - t. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing;
 - u. Private property outdoor seating, subject to the requirements in Section 24.12.191.
2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code including the requirement for a design permit for new structures (numerical references at the end of these categories reflect the general use classifications listed

in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

- a. Bars, subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- b. Brewpubs, subject to live entertainment and alcohol regulations of Chapter 24.12;
- c. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- d. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;

RESIDENTIAL USES:

- e. Community care facilities;
- f. Community care residential facilities;

COMMERCIAL USES:

- g. Auto services and repair, subject to performance standards in Section 24.12.900 (350);
- h. Fast-food restaurants or drive-in eating facilities, subject to performance standards in Section 24.14.290 and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- i. Off-site public/private parking facilities, five or more spaces (930);
- j. Sports and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- k. Storage and warehouses with permitted retail (330).

Section 12. Section 24.10.1130 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the C-B Beach Commercial District is hereby amended to read as follows:

24.10.1130 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable 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. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

- a. Convenience store, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- b. Educational facilities (public/private) (510);
- c. Fish/seafood/wholesale (200F);
- d. Home furnishings (270B);
- e. Thrift stores (290m);
- f. Professional offices associated with a visitor-serving use;

COMMERCIAL USES:

- g. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140;
- h. Community organizations, associations, clubs and meeting halls (570);
- i. Churches (500);

- j. Financial services (320);
 - k. Government and public agencies (530);
 - l. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
 - m. Parks and open spaces (700);
 - n. Repairs, alterations, maintenance services for household items (340);
 - o. Temporary structures and uses;
 - p. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12 requiring a public hearing.
 - q. Private property outdoor seating, subject to the requirements in Section 24.12.191.
2. The following uses require a special use permit and are subject to other applicable 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. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

USES FOR ACTIVE FRONTAGE:

- a. Bars/taverns, subject to live entertainment and alcohol regulations of Chapter 24.12;
- b. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.12.290 and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- c. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);

RESIDENTIAL USES:

- d. Group quarters (850);

COMMERCIAL USES:

- e. Off-site public/private parking facilities, five or more spaces (930);
- f. Refreshment stands and vehicles, when located on private property, in locations clearly incidental and adjacent to beach, park, campgrounds, or other major recreational and tourist facilities or activities.

Section 13. Section 24.10.1510 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the I-G General Industrial District is hereby amended to read as follows:

24.10.1510 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the municipal code (numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
- a. Agriculture (000);
 - b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);

- c. Boat repairs (340D);
 - d. Cannabis cultivation, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
 - e. Cannabis distribution and warehousing, subject to the commercial cannabis regulation, Part 14 of Chapter 24.12;
 - f. Cannabis manufacturing, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
 - g. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
 - h. Churches (500);
 - i. Communication and information services (550);
 - j. Community organizations, associations, clubs and meeting halls (570);
 - k. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
 - l. Educational facilities (public/private) (510);
 - m. Fabricated metal products (150);
 - n. Food and beverage stores (except liquor and convenience stores) (240);
 - o. Forestry services (010);
 - p. Government and public agencies (530);
 - q. Leather tanning (110);
 - r. Off-site public/private parking facilities, five or more spaces (930);
 - s. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
 - t. Parks (700);
 - u. Stone, clay, glass products (140);
 - v. Temporary structures;
 - w. Transportation facilities (560);
 - x. Utilities and resources (540);
 - y. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.
 - z. Private property outdoor seating areas, subject to the requirements in Section 24.12.191.
2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (numerical references at the ends of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
- a. Building material/garden supply stores (220) with forty thousand square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;

- b. Chemicals and allied products, subject to performance standards (130);
- c. Group quarters (850);
- d. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
- e. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- f. Paper and allied products subject to performance standards (125);
- g. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- h. Primary metals and material subject to performance standards (145);
- i. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- j. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below forty-five decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- k. Smoking lounges as defined in Section 24.22.748.2 and subject to the siting criteria and performance standards in Chapter 5.54;
- l. Emergency shelters subject to regulations in Part 17 of Chapter 24.12.

Section 14. Section 24.10.1610 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the I-G/PER-2: General Industrial District/Performance District is hereby amended to read as follows:

24.10.1610 USE PERMIT REQUIREMENT.

- 1. The following uses require an administrative use permit and are subject to other applicable 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. Subcategories of uses within

these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):

- a. Agriculture (000);
 - b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section 24.12.900 (350);
 - c. Cannabis cultivation, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
 - d. Cannabis distribution and warehousing, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
 - e. Cannabis manufacturing, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
 - f. Cannabis retail, subject to the commercial cannabis regulations, Part 14 of Chapter 24.12;
 - g. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
 - h. Forestry services (010);
 - i. Leather tanning (110);
 - j. Off-site public/private parking facilities, five or more spaces (930);
 - k. Temporary structures;
 - l. Utilities and resources (540);
 - m. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15;
 - n. Private property outdoor seating areas, subject to the requirements in Section 24.12.191.
2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions (numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses):
- a. Building material/garden supply stores (220) with forty thousand square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building

materials/garden supply stores of which fifty percent or more of the square footage will occupy an existing building, this threshold will be seventy-five thousand square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG Zone exceeds four hundred thousand square feet. When the vacant, available square footage is less than four hundred thousand square feet, the forty-thousand-square-foot threshold will apply;

- b. Chemicals and allied products, subject to performance standards (130);
- c. Food and beverage stores (except liquor and convenience stores) (240);
- d. Government and public agencies (530);
- e. Group quarters (850);
- f. Multiple dwellings or condominiums subject to R-M District regulations (830, 840);
- g. Paper and allied products subject to performance standards (125);
- h. Parks and recreation facilities, subject to alcohol regulations in Chapter 24.12, Part 12 (720);
- i. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile (one thousand three hundred twenty feet) of a grocery store.
 - (2) The lot size is less than six thousand square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section 24.10.1505, Principal Permitted Uses, is in conformance with Section 24.10.1540(2), and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.
 - (b) The amount of building space occupied by the nonresidential use is either at a minimum equal to the SRO or residential use or the nonresidential use occupies the entire ground floor of the development.
 - (4) Ambient interior noise levels can be mitigated below forty-five decibels.
 - (5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use;
- j. Transportation facilities (560).

Section 15. Section 24.10.1830 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the E-A Exclusive Agricultural District is hereby amended to read as follows:

24.10.1830 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit and may also require a design permit per section 24.08.410:
 - a. Daycare (other than family daycare homes)
 - b. Eating and drinking establishments;
 - c. Foster family homes;
 - d. Guest ranches;
 - e. Off-street parking facilities accessory and incidental to an adjacent commercial use;
 - f. Temporary structures;
 - g. Veterinary hospitals and clinics;
 - h. Accessory buildings containing plumbing fixtures subject to the provisions of Section 24.12.140.
 - i. Wireless telecommunications facilities, subject to the regulations in Chapter 24.12, Part 15.
 - j. Private property outdoor seating areas, subject to the requirements in Section 24.12.191.
2. The following uses are subject to approval of a special use permit and a design permit:
 - a. Agricultural processing plant;
 - b. Group care homes;
 - c. Helipads;
 - d. Institutions for children or the aged;
 - e. Kennels and riding stables;
 - f. Off-street parking facilities serving commercial districts within three hundred feet of the site;
 - g. Outdoor theaters, golf driving ranges, and other similar open-air commercial recreation facilities;
 - h. Public and private noncommercial recreation areas, buildings and facilities such as parks, country clubs, golf courses, and riding, swimming and tennis clubs;
 - i. Public and quasi-public buildings and uses including administrative, recreational, educational, religious, cultural, public utility or public service uses; but not including corporation yards, storage or repair yards, and warehouses;
 - j. Quarters, accommodation, or areas for transient labor, such as labor cabins or labor supply camps.

Section 16. Section 24.10.2342 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the CBD Central Business District is hereby added to read as follows:

24.10.2342 OUTDOOR SEATING ON PRIVATE PROPERTY

Outdoor seating areas on private property associated with eating and/or drinking establishments shall be allowed subject to the requirements in Section 24.12.191.

Section 17. Section 24.10.2370 of Chapter 24.10 of the Santa Cruz Municipal Code regarding the CBD Subdistrict E – Lower Pacific Avenue is hereby amended to read as follows:

24.10.2370 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an administrative use permit in the Lower Pacific Avenue Subdistrict and possibly 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):
 - a. Auto supply stores (260C);
 - b. Bakery, microbrewery (subject to alcohol regulations in Part 12 of Chapter 24.12), handicrafts or similar light manufacturing and assembly uses associated with retail sales, if floor area is less than seven thousand square feet and retail sale or service area occupies at least thirty percent of the floor area;
 - c. Brewpubs, subject to alcohol regulations in Part 12 of Chapter 24.12;
 - d. Churches (500);
 - e. Communication and information services (550);
 - f. Community organizations, associations, clubs, and meeting halls (570);
 - g. Developed parks (710);
 - h. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section 24.14.290 and subject to alcohol regulations in Part 12 of Chapter 24.12 and Section 24.14.290 (280H);
 - i. Financial, insurance, real estate offices (420);
 - j. Financial services (320);
 - k. Flexible density unit (FDU) housing (fifteen units or less) as part of a mixed-use project;
 - l. Foster family homes;
 - m. Government and public agencies (530);
 - n. Medical/health offices (except veterinarians and ambulance services) (410);
 - o. Off-site public/private parking facilities (930);
 - p. Professional offices (400);
 - q. Professional/personal services (except contractors' yards and mortuaries) (310);
 - r. Recycling collection facilities;
 - s. Sports, recreation and entertainment facilities subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
 - t. Temporary structures and uses;
 - u. Utilities and resources (540);
 - v. Veterinarians (410A);
 - w. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12;
 - x. Private property outdoor seating areas, subject to the requirements in Section 24.12.191.
2. The following uses are subject to approval of a special use permit and design permit in the Lower Pacific Avenue Subdistrict and possibly 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):

- a. Bar and cocktail lounges, subject to alcohol regulations in Part 12 of Chapter 24.12 (280C);
- b. Community care facilities;
- c. Community care residential facilities;
- d. Contractor/building (310E);
- e. Convenience/liquor stores, subject to alcohol regulations of Part 12 of Chapter 24.12 (240B);
- f. Flexible density unit (FDU) housing (sixteen units or more) as part of a mixed-use project;
- g. Nightclubs (amplified live entertainment), subject to alcohol regulations of Part 12 of Chapter 24.12 (630);
- h. Single-room occupancy (SRO) (860);
- i. General retail merchandise (drug and department stores) exceeding sixteen thousand square feet (230);
- j. Smoking lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

Section 18. Section 24.12.190 of Chapter 24.12 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.12.190 OUTDOOR STORAGE, DISPLAY, OR SALE OF MERCHANDISE.

All merchandise storage, display, or sales areas shall be wholly within a completely enclosed building or structure or shall be screened so as not to be visible from an adjacent public street or publicly operated parking lot, except that the area within a completely roofed street alcove or entryway may be utilized for merchandise display; provided, that such merchandise is displayed inside the line of the building face and does not present a hazard to pedestrians or encroach on a required building exit.

1. Exceptions. The following outdoor sales and commercial activities shall not be subject to the provisions of this section:
 - a. Automobiles, boat, trailer, camper, motorcycle, and motor-driven vehicle sales and rentals;
 - b. Building material and supplies areas in the I-G District;
 - c. Fish markets and beach, surfing, and fishing equipment in the C-B and OF-R Districts;
 - d. Fruit and vegetable stands;
 - e. Horticultural nurseries;
 - f. Vending machines, when located in service stations, motels and other drive-in businesses;
 - g. Gasoline pumps, oil racks and accessory items when located on pump islands;
 - h. Vending carts and stands;
 - i. Parking lot sales not to exceed three days during any six-month period;
 - j. Sidewalk sales, when sponsored by business or civic organizations, not to exceed three days during any six-month period;
 - k. Garage sales when conducted on residentially used property, for a period not to exceed three days during any six-month period;
 - l. Private property outdoor seating associated with eating and/or drinking establishments, subject to the requirements of Section 24.12.191;

- m. Outdoor extension areas for commercial uses, including outdoor sidewalk cafes or retail areas on public property, subject to approval of an administrative use permit and a revocable license per Section 24.12.192;
- n. Temporary circus or carnival activities, subject to approval of an administrative use permit;
- o. Cut flowers;
- p. Activities similar to the above, as determined by the zoning administrator.

Section 19. Section 24.12.191 of Chapter 24.12 of the Santa Cruz Municipal Code is hereby added to read as follows:

24.12.191 PRIVATE PROPERTY OUTDOOR SEATING

The purpose of outdoor seating areas on private property associated with eating and/or drinking establishments is to allow flexibility in how eating and drinking establishments serve their patrons while enhancing the streetscape on the city's corridors by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the view from the public right of way. This section is applicable citywide.

1. Definitions. For the purposes of this section, the following definitions shall apply:
 - a. Business establishment. The business that is operating in the building associated with the outdoor seating area and to which the outdoor seating area is appurtenant.
 - b. Design standards. The design standards applicable to the outdoor seating area as set forth in Section 24.12.191.4.
 - c. Operating standards. The operating standards applicable to the outdoor seating area for their operation and maintenance as set forth in Section 24.12.191.3.
 - d. Operator. The individual or entity responsible for operating the business establishment.
 - e. Private property outdoor seating or outdoor seating area. An outdoor patio area located on private property associated with eating and/or drinking business establishments that provides seating for patrons of the establishment.
 - f. Patio cover. An overhead structure, such as a pergola, that consists of rafters that are open to allow sunshine and the elements to come through.
 - g. Property. The parcel in which the business entity and outdoor dining area is located.
 - h. Property owner. The owner of the property where the business establishment is located.
 - i. Roof. An overhead structure that is constructed of a solid material that does not allow sunlight or the elements to come through.
2. Private property outdoor seating. Private property outdoor seating is principally permitted when accessory to an eating and/or drinking establishment unless an administrative use permit is required pursuant to Section 24.12.191.3.
3. Operating standards. Outdoor seating areas shall comply with the following operating standards, as may be amended, unless the property owner obtains an administrative use permit permitting any deviation from the operating standards.
 - a. The hours of operation shall be consistent with the business establishment's regular hours of operation, and in no event earlier than 8:00 a.m. and no later than 10:00 p.m. seven days a week.

- b. The outdoor seating area shall be permitted only in conjunction with the business establishment that is operating in the associated building and to which the outdoor seating area is appurtenant.
- c. The outdoor seating area and all its contents shall at all times be maintained in a clean, sanitary, and attractive condition.
- d. The use of the outdoor seating area shall comply with the standards established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes, or any public nuisance arising or occurring incidental to the establishment or operation of the outdoor seating area.
- e. The outdoor seating area and any surrounding property under the control of the operator shall be maintained free of litter, refuse and debris.
- f. No “live entertainment” or “incidental live entertainment” as defined in Section 24.12.1100(a)(4) and (5) of the Santa Cruz Municipal Code is allowed unless expressly permitted through another process such as an entertainment permit or use permit. Limited outdoor live entertainment may be permitted for no more than three consecutive days or five days per year subject to the provisions of Section 24.12.195.5 of the Santa Cruz Municipal Code.
- g. All uses of the outdoor seating area shall operate in conformance with Chapter 9.36 of the Santa Cruz Municipal Code (noise).
- h. Amplified sound shall be set to a volume that does not exceed the volume of normal conversational speech.
- i. Barbeques, grills, stoves, or other outdoor cooking appliances are prohibited within the outdoor seating area.
- j. The outdoor seating area shall be closed to the public when the business establishment is closed to prevent trespassing and/or criminal behavior.
- k. Prior to issuance of a building permit for the outdoor seating area, the owner of the business establishment, in conjunction with the property owner, shall submit a maintenance and management plan to address potential nuisance impacts associated with interior/exterior areas adjacent to the business establishment and associated outdoor seating area and shall outline measures to address trash/litter removal, graffiti, landscape maintenance, abandoned vehicles, and noise and loitering, subject to approval by the Planning Director or their designee. The management plan shall assign a “Neighbor Liaison” staff to provide a single point of contact between the business establishment and neighbors and City staff.
- l. Unless otherwise authorized by the City, all parking spaces and delivery zones shall be continuously maintained on the site in a condition that allows access by customers, vendors, and employees to the outdoor seating area and business establishment.
- m. Prior to occupancy of the outdoor seating area, an annually thereafter, the property owner shall file a trespass letter of authority with the Santa Cruz Police Department.
- n. Final building plans for the outdoor seating area shall include exterior security lights that provide coverage for the entire outdoor seating area while meeting the performance standards of Part 2 of Santa Cruz Municipal Code Chapter 24.16.
- o. Final building plans for the outdoor seating area shall include exterior security cameras that provide 360-degree coverage around the perimeter of all egress and ingress into the outdoor seating area. The security camera system shall have the capability to

- provide the recordings to police within 24 hours and have the capacity to store video for a minimum of 30 days.
- p. The following standards are required for business establishments that are approved to serve alcoholic beverages pursuant to Part 12 of Santa Cruz Municipal Code Chapter 24.12:
 - i. All local, state, and federal laws, rules, and regulations applying to the sale and consumption of alcohol shall be complied with.
 - ii. Alcoholic beverages shall only be consumed on alcohol licensed premises under the control of the licensee(s).
 - iii. At all times when the premises are exercising the privileges of their alcohol license, an employee of the premises shall enter and monitor the activity within the outdoor seating area on a regular basis, but no less than once every thirty (30) minutes.
 - q. A sign shall be posted in a conspicuous space at the entrance/exit points of the outdoor seating area onto any public area(s), which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." Said sign shall measure no less than seven inches by eleven inches (7 x 11) and contain lettering no less than one (1) inch in height.
4. Design standards. Outdoor seating areas shall comply with the following design standards, as may be amended, unless the property owner obtains a design permit permitting any deviation from the design standards.
- a. Perimeter fencing:
 - i. The outdoor seating area facing a public right-of-way and within twenty feet of the public right-of-way or located between the building line and the public right-of-way shall be delineated from the public right-of-way by a barrier consisting of railings, fences, planter boxes, or a combination of railings, fences, or planter boxes that are three feet six inches in height (42").
 - 1. Exception: a wind barrier may be installed on top of the perimeter fencing facing a public right-of-way and may extend above the three-foot-six-inch height limitation up to six feet from grade. The entire enclosure fence/wall shall be set back from the property line at least three feet.
 - ii. For seating areas approved to serve alcohol, the top of the perimeter fencing facing a public area shall be topped with a surface that is not flat or that is narrow enough to prevent alcoholic beverage placement.
 - iii. The perimeter fencing for any portion of an outdoor seating area facing the public right-of-way and located more than twenty feet from the right-of-way, behind the front line of the building, in the exterior side yard, or in the rear frontage of a double frontage lot described above shall have a height no greater than eight feet, with any portion of the fencing above three and a half feet having an open architectural, decorative, or ornamental feature such as lattice or other similar design or material. "Open" means that no more than 50% of the design shall be opaque.
 - iv. The perimeter fencing for any portion of an outdoor seating area located behind the building and not facing the public right of way shall have a height no greater than eight feet, with any portion of the fencing above six feet having an open architectural, decorative, or ornamental feature such as lattice or other similar design or material. "Open" means that no more than 50% of the design shall be opaque.

- v. Perimeter fencing within the Coastal Zone shall comply with Sections i. through iv. above, with the exception that the perimeter fencing shall be visually transparent above three feet six inches feet when within the public line of view of the ocean.
- b. Furniture:
 - i. An outdoor seating area shall include appropriate outdoor furniture including seating, tables, and trash and recycling receptacles.
 - ii. All furniture shall be durable, well maintained, and of a high quality, suitable for outdoor use.
- c. Overhead structures:
 - i. Overhead structures shall be constructed of durable materials including but not limited to wood or metal.
 - ii. Overhead structures shall be overhead only without sides in order to allow full visibility into the outdoor seating area.
 - iii. Patio covers shall preserve and maintain visibility through the outdoor seating area and allow some passage of light from the open sky to the outdoor seating area.
 - iv. Temporary membrane structures, including but not limited to tents and canopies, are prohibited.
 - v. The height of the overhead structure shall not exceed fifteen feet and shall maintain a minimum of eight feet clearance from grade to the bottom of the overhead structure.
 - vi. Overhead elements such as support posts for lighting, string lights, portable heaters and umbrellas shall provide a minimum vertical clearance of seven feet.
- d. Lighting:
 - i. Outdoor seating areas shall be lit.
 - ii. Lighting, if overhead, shall be a minimum of ten feet overhead, no taller than the height of the building, and no more than fifteen feet above grade.
 - iii. Lighting shall be downlit, fully shielded, and shall not be directed off the property. Lighting shall illuminate only the outdoor seating area.
 - iv. Lighting shall not blink, flash, flicker, or change intensity.
 - v. Individual exterior luminaires shall not exceed 1,260 lumens. Exterior light fixtures shall utilize light sources with a color temperature that does not exceed 3000 Kelvin.
 - vi. Posts for overhead lighting shall be adequately secured and can be incorporated into perimeter fencing.
- e. Materials:
 - i. Materials and colors of paving, perimeter fencing, chairs, tables, display stands, lighting, umbrellas, awnings, and other furniture and fixtures shall be compatible with the exterior materials and colors of the building to which the outdoor seating area is appurtenant.
 - ii. Materials for outdoor seating areas located within an area or specific plan shall be consistent with all applicable design standards of that plan and outdoor seating areas on sites subject to the objective design standards pursuant to Section 24.12.185 shall be consistent with the standards pursuant to Section 24.12.185.16.a.
 - iii. Materials shall be specifically intended for outdoor use or that are proven durable.
 - 1. Use materials that can withstand wind, rain, and solar exposure.
 - 2. Utilize non-corroding metals or protective coatings.

3. Wood, if used, shall be finished.
- iv. Lightweight materials that appear temporary and will deteriorate quickly such as plastic chains, plastic buckets and other similar materials are prohibited.
- v. Barbed wire, razor wire, and chain link fences shall not be permitted.
- vi. Perimeter fencing adjacent to parking stalls shall include reflective materials.
- vii. A wind barrier shall be constructed of transparent materials, such as acrylic or plexiglass.
- f. Signage or other advertising matter shall not be installed on or within the outdoor seating area except for the following required signage:
 - i. For establishments approved to serve alcohol pursuant to Chapter 24.12, Part 12:
 1. Signage as required by the California Department of Alcoholic Beverage Control.
 2. A sign shall be posted in a conspicuous space at the entrance/exit points of any outdoor patio area(s) onto any public area(s) that shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." Said sign shall measure no less than seven inches by eleven inches (7 x 11) and contain lettering no less than one (1) inch in height.
 - ii. Signage providing notice of private property/no trespassing with a size no greater than one square foot in area.
- g. Landscaping:
 - i. On sites subject to the objective design standards pursuant to 24.12.185, placement of an outdoor seating area facing any public frontage shall not reduce landscaping along that frontage to less than twelve square feet of planted area for each thirty linear feet of building frontage counted by rounding up to the next increment of planted area, consistent with 24.12.185.8.b.
 - ii. Consistent with objective design standards for mixed use projects pursuant to 24.12.185, the outdoor seating area shall be set back at least five feet from the rear property line when the site is one hundred feet or greater in depth and abut a residentially zoned parcel at the rear property line to allow for a landscaped buffer, consistent with 24.12.185.8.b.iii.
 - iii. Where the enclosure fencing exceeds three and a half feet in height to provide for a wind barrier, the entire fence shall be set back at least three feet from the public right of way and the setback shall be fully landscaped.
 - iv. Where possible, utilize existing site landscaping for shade and to add visual interest.
 - v. Trees or hedges shall not be located within perimeter walls when adjacent to a public right of way.
 - vi. Any planter boxes or permanent landscape elements shall be integrated into an outdoor seating area by:
 1. Adding landscaping to the perimeter enclosure, or
 2. Adding freestanding plantings within an outdoor seating area, or
 3. Adding landscaping to a building wall that frames an outdoor seating area.
- h. Parking and driveway:
 - i. When an outdoor seating area includes conversion of any part of an existing parking lot, the following shall apply:

1. The resulting parking lot shall meet all parking and driveway design standards pursuant to Section 24.12.280 and all applicable off-street loading facilities standards pursuant to Section 24.12.295.
 2. The site shall provide required bicycle parking spaces pursuant to 24.12.250 in addition to any required replacement bicycle parking spaces pursuant to Section 24.12.290.6.
 - i. The outdoor seating area shall not be located within the clear corner triangle as defined in Section 24.22.202. No structure, fixture, or furniture associated with an outdoor seating area shall exceed a height of three feet six inches within a clear vision area, as defined in Santa Cruz Municipal Code Section 24.22.206.
5. Compliance with Applicable Laws. The construction, operation and use of the outdoor seating area shall comply with all applicable state and federal laws, including the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) or successor statute, applicable state and local building codes and regulations, applicable labor laws, and all applicable health and safety requirements.
6. Enforcement. Violations of this Section 24.12.191 are hereby declared to be public nuisances and any violation of this Section 24.12.191 may be remedied or prosecuted pursuant to Title 4.

Section 20. Section 24.12.290 of Chapter 24.12 of the Santa Cruz Municipal Code regarding variations to parking requirements is hereby amended to read as follows:

24.12.290 VARIATIONS TO REQUIREMENTS

The off-street parking requirements of this part may be satisfied or modified in the following ways:

1. Parking District Number 1. If the property being occupied or proposed to be occupied is in Parking District Number 1 and requires a number of parking spaces greater than the existing use, and not otherwise accommodated on the site, the downtown commission shall review the project and advise the decision-making body as to whether the parking district is capable of providing adequate parking for the new use and existing uses in the vicinity.
2. Variations to Design Requirements. A variation to the design standards may be approved by the zoning administrator as part of an administrative use permit to supersede the design requirements contained in this section if a finding can be made that the purpose of this section is met and the following standards are met, as applicable:
 - a. Parking must be able to properly function, allowing for convenient maneuvering, and compatible relationship to adjacent uses.
 - b. All parking stalls shall be marked.
 - c. The parking arrangement shall not create safety problems for persons parking in or traversing the parking area.

- d. Any valet parking program must operate full-time during established business or operating hours (if applicable).
 - e. Any off-site parking program, for any amount of the required number of parking spaces either:
 - i. Is within a quarter-mile radius from the subject site; or
 - ii. Includes a permanent and effective means of transporting employees or patrons from the parking parcel(s) to the subject site.
 - f. Any alternative design involving parking lifts shall demonstrate that the cars and lifts are both obscured from view from neighboring properties and public roadways, and compliant with Section 24.14.260, Noise.
3. Reductions to Number of Required Parking Spaces. Required parking spaces may be reduced up to thirty-five percent (with fractional spaces to be rounded up to the next whole number) by the zoning administrator as part of an administrative use permit. This may be done using one or more of the following strategies, or an approved equivalent, subject to any standards contained herein. Reductions are available for automobile parking only, and these reductions are independent of any bicycle parking required in compliance with Section 24.12.250. The available reduction for each strategy shall be calculated in conformance with the city parking reduction worksheet in effect at the time a complete application is submitted:
- a. On-Site Cooperative Parking Facilities. The parking requirements for two or more uses of the same or different types on the same or adjoining parcels may be reduced if it can be demonstrated that the nature of the uses of the facility will result in multipurpose trips being made to the site or trips being made to individual uses at different times of the day or week and/or if their hours of operation do not coincide. At the applicant's request, the zoning administrator may approve a reduction of greater than thirty-five percent based on current and projected future uses sharing the parking facility.
 - b. Off-Site Shared Parking Facilities. Off-site parking facilities may be shared by two or more commercial uses if their entrances are located within five hundred feet of the parking facility and provided they:
 - i. Receive administrative use and design permits so that design criteria are met and conditions of use may be established along with periodic review;
 - ii. Submit a written document guaranteeing maintenance, hours of operation and specifying that the length of the agreement shall be as long as the use receiving this parking reduction is in operation;
 - iii. Submit a signage program to notify users at all location(s) of shared parking facilities;
 - iv. Demonstrate how the shared parking arrangement will fulfill the intent of this part.

- v. The use permit upon which the shared parking proposal depends shall terminate upon lapse of the written agreement specified in subsection (3)(b)(ii) unless otherwise modified by the zoning administrator.
 - c. Nonautomobile Use Programs. A reduction in parking requirements if developments include measures such as staggered work hours, provision of bus passes, provision of van/carpool programs or similar. Said programs shall be implemented as long as the use receiving this parking reduction is in operation.
 - d. Additional Bike Parking. Reductions in required automobile parking based on voluntary installation of additional bike parking spaces shall be permitted as described in Section 24.12.250(6). This reduction strategy, in and of itself, will not require an administrative use permit.
 - e. Unbundled Parking. Residential development and the residential portion of mixed-use development may propose that parking be unbundled from the purchase or lease of an individual living unit where there is either an existing residential permit parking program, in conformance with Chapter 10.41, or other control limiting on-street parking on all roadways within a five-hundred-foot minimum walking distance from the pedestrian entrances to the building or site.
 - f. An analysis by a transportation engineer or other qualified specialist may be required by the decision-making body as a means to substantiate the requested parking reduction.
4. Parking Requirements for Nonconforming Structures or Uses. In the case of structures in any district, which are reconstructed, enlarged, structurally altered, changed in occupancy to a more intensive use category, or otherwise increased in capacity, off-street parking shall be required only for that portion of structures or use constituting the increase in capacity; except that:
- a. No additional parking need be provided for nonresidential uses if the increased capacity results in an increase of four or fewer required parking spaces; and
 - b. No additional parking shall be required for residential uses if the increased capacity results in an increase of no more than one required parking space.
5. Reduction of Parking Requirements for Historic Building Survey Buildings and Landmarks, and on Lots With Contributing Buildings Within an Historic District. The normal parking requirement for (a) use(s) in a building that is listed on the historic building survey, or a landmark, may be modified in order to maintain the value of the listing or designation in accord with Section 24.12.445. Prior to modifying the requirement, the approving body shall find that the modification is necessary in order to allow appropriate findings per Section 24.08.930, findings for historic alteration permit, and that such modification will not significantly adversely affect traffic and parking on adjacent and nearby streets and properties.
6. Modified Parking Requirements on Sites with Private Property Outdoor Seating. Replacement parking is not required for any parking spaces removed to create private property outdoor

seating pursuant to Section 24.12.191. Removal of parking spaces does not require a use permit, and there is no limit on the number of spaces removed. For any required parking spaces removed, the site shall provide additional bicycle parking at a ratio of six bicycle parking spaces per space removed as described in 24.12.250.6, and/or the business shall enroll in the non-automobile use program as described in 24.12.290.3.c.

Section 21. Section 24.12.1108 of Chapter 24.12 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.12.1108 MODIFICATION OF EXISTING ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.

1. Any establishment lawfully existing prior to the effective date of the ordinance codified in this section and licensed by the state of California for the retail sale of alcoholic beverages for on-site and/or off-site consumption shall obtain a special use permit when (a) the establishment changes its type of liquor license within a license classification and/or (b) there is a substantial change in the mode or character of operation. For purposes of this part, “substantial change in the mode or character of operation” shall include, but not be limited to: (a) a pattern of conduct in violation of other laws or regulations; (b) an increase of twenty percent or greater of floor area, not to include outdoor seating, in any five-year period to accommodate retail sale of alcoholic beverages for on-site and/or off-site consumption; or (c) either (1) in the case of an establishment which operates on property being acquired by the city by eminent domain or under threat of condemnation and which is required to discontinue or otherwise cease operation because of construction activities undertaken by the city, a period of closure for at least two years or six months after the city’s construction activities are completed so as to enable said use to resume, whichever is later, or (2) in any other case, a period of closure for at least six months; or (d) there is a request to add dancing, or there is request for a major extension of hours or changes related to type of entertainment.
2. Any establishment which becomes lawfully established on or after the effective date of the ordinance codified in this part and licensed by the state of California for the retail sale of alcoholic beverages for on-site and/or off-site consumption shall obtain a modification of use permit when (a) the establishment changes its type of liquor license within a license classification and/or (b) there is a substantial change in the mode or character of operations of the establishment.

Section 22. The City Council finds and determines that the adoption of this ordinance is considered a “project” under California Code of Regulations, Title 14, section 15378(a)(1) of the California Environmental Quality Act (CEQA) Guidelines, typically subject to environmental review. The City Council finds that these amendments fall within the analyzed development potential in the City’s existing 2030 General Plan EIR using the existing zoning and General Plan and, therefore, pursuant to Section 15183 of the CEQA Guidelines, no further environmental review under the CEQA is required.

Additionally, pursuant to Section 15061(b)(2), such project may be exempted from environmental review if the City finds that the project is “exempt pursuant to a categorical exemption (see Article

19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.” The City Council finds and determines that this ordinance is categorically exempt from CEQA pursuant to California Code of Regulations, Title 14, section 15061(b)(3) as a project that, with certainty, does not have an effect on the environment.

Section 23. If any section or portion of this ordinance is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the ordinance, which shall continue in full force and effect.

Section 24. This ordinance shall take effect and be in full force thirty (30) days after final adoption outside of the Coastal Zone. Within the Coastal Zone, this ordinance shall take effect and be in full force after approval by the California Coastal Commission, but no earlier than thirty (30) days after final adoption.

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

ORDINANCE NO. 2024-12

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. 2024-12 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator