

ORDINANCE NO. 2025-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ADDING
CHAPTER 5.84, “VIBRANCY ORDINANCE”, TO THE SANTA CRUZ MUNICIPAL CODE

WHEREAS, the City Council is concerned that some commercial areas of Santa Cruz, including downtown Santa Cruz, have longstanding blighted and empty storefronts; and

WHEREAS, in addition to creating blight, empty storefronts have a severe and detrimental impact on the economic viability of the commercial center in which they are located; and

WHEREAS, long-term empty storefronts often attract illegal activity, such as squatting, vandalism, littering, graffiti, and dumping. These types of activities discourage would-be customers from visiting impacted commercial centers, and they place an undue burden on City resources and nonprofit agencies, such as graffiti abatement, police response for vandalism and squatting, debris and illegal dumping removal, and sidewalk cleaning and power washing; and

WHEREAS, to promote public health, safety, and welfare, the City Council desires to add this Chapter 5.84 (“Vibrancy Ordinance”) to the Santa Cruz Municipal Code; and

WHEREAS, the Council’s intent is to first apply Chapter 5.84 to Pacific Avenue, before it becomes applicable City-wide in June of 2026. The Council directs staff to return to the Council before the Vibrancy Ordinance’s scheduled City-wide effective date, and, at that time, the Council will consider the effectiveness of the ordinance, the City’s preparation for City-wide application and, if warranted, potential Municipal Code amendments to modify the City-wide effective date; and

WHEREAS, the City also provides incentives to help property owners reasonably maintain and lease their property. These incentives include: assisting property owners with the filing of an SCPD “trespass letter” to deter trespass and other illegal activities on the premises; assisting property owners with providing window coverings and art installations; providing short term leasing opportunities through the Downtown Pops! Program; and providing façade improvement and anti-graffiti window film-coating grants.

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

SECTION 1. A new Chapter 5.84 of the Santa Cruz Municipal Code is added as follows:

**“Chapter 5.84
VIBRANCY ORDINANCE**

**5.84.010 – PURPOSE, INITIAL APPLICABILITY ON PACIFIC AVENUE, AND CITYWIDE
EFFECTIVE DATE**

The purpose of this Chapter is to protect and improve public health, safety, and welfare, especially in commercial areas in the City of Santa Cruz. The City Council desires to incentivize property owners to lease out their empty storefronts. The Council also desires to require that empty storefronts be reasonably maintained, with the goal of promoting commerce and reducing blight and illegal activities associated with empty storefronts.

Once effective, this Chapter shall only be immediately applicable to all empty storefronts on Pacific Avenue, between Laurel St. and Water St., in the City of Santa Cruz. The Council desires to apply the registration requirement contained within Section 5.84.040 to storefronts that have, as of the effective date of the Chapter for the applicable area, been empty for at least the time periods specified in Section 5.84.040.

On June 1, 2026, this Chapter shall be applicable to all empty storefronts in the City of Santa Cruz.

5.84.020 – DEFINITIONS

“City” means the City of Santa Cruz.

“Director” means the Director of Planning and Community Development for the City of Santa Cruz, or their designee.

“Empty storefront” means a building that:

- (a) contains a “storefront”, defined as a room or set of rooms facing the street on the ground floor of a commercial building; and
- (b) is “empty”, meaning that, to a reasonable observer, the storefront: (1) does not appear to be consistently lawfully occupied for a commercial purpose, and/or (2) fails to consistently maintain regular operating hours where it is open for business.

“Enforcement Official” means the Director, or a City enforcement official appropriately designated under Santa Cruz Municipal Code section 4.02.021.

5.84.030 – MAINTENANCE REQUIREMENTS FOR ALL EMPTY STOREFRONTS SUBJECT TO THIS CHAPTER

In addition to any other applicable requirements contained in the Santa Cruz Municipal Code or state or federal law, all empty storefronts subject to this Chapter must be maintained in accordance with the following requirements:

- (a) All empty storefronts shall be posted with the name and contact phone number of the property manager. The posting must comply with the standards established by the Planning and Community Development Department. (Note: the posting required by this section shall not be considered a sign subject to Santa Cruz Municipal Code 24.12.300-390.)

- (b) All empty storefront properties shall be maintained in a manner that is free from exterior trash, debris, and graffiti.
- (c) The exterior areas of empty storefronts shall be reasonably maintained and in good condition, including paint, finishes, windows, doors, signage, awnings, lighting, and landscaping.
- (d) Empty storefronts shall be maintained in a secure manner so as not to be accessible to unauthorized persons. All windows, doors (walk-through, sliding, and garage), and gates that may allow access to the interior of the property must properly close and lock.
- (e) Any broken, cracked, or badly etched/scuffed window shall be promptly replaced. Anti-graffiti film coating shall be utilized to protect windows from damage.
- (f) The interior of empty storefronts shall be kept free from squatters and other illegal activity on the premises including the use and sale of controlled substances, prostitution, trespassing, and/or other illegal activity. If the property manager observes signs of illegal activity on the premises, they must promptly notify the owner and the Santa Cruz Police Department. However, a property manager's failure to give notice to the owner of illegal activity does not excuse the owner from any of the requirements of this Chapter.
- (g) Empty storefronts shall maintain sufficient utility services to provide power available for an alarm or security system, exterior lighting, and to properly irrigate all landscaping on the property.
- (h) For empty storefronts that contain alcoves on private property, those alcoves shall be maintained in a clean and hygienic condition, free from odors, and with adequate lighting.
- (i) Owners of empty storefronts must, within 180 days from when the property becomes vacant, install or allow for the installation of and consistently maintain in good condition, either:
 - (1) decorative vinyl window coverings (also known as window clings), to be approved by the City or selected by the Owner from pre-approved City designs, (note that window coverings required by this section shall not be considered signs subject to Santa Cruz Municipal Code 24.12.300-390); or
 - (2) window displays of curated art pieces to be approved by the City, which may coordinate or consult with the Downtown Association and/or arts organizations.

5.84.040 – REGISTRATION OF EMPTY STOREFRONTS FOR PROLONGED VACANCIES

- (a) The owner of an empty storefront shall, within two years after it has become empty, register the property with the City. Thereafter, the owner of an empty storefront shall maintain an active empty storefront registration with the City at all times while the storefront is empty.

Completed applications shall be returned to the Planning and Community Development Department.

(b) The registration application shall require:

- (1) A contact phone number, email address, and physical address for the owner and the local property manager responsible for upkeep and maintenance of the empty storefront;
- (2) A property maintenance plan for the empty storefront, describing the owner's and local property manager's plans for compliance with the maintenance requirements of this Chapter;
- (3) Documentation showing that a local property manager has been retained by the property owner, consistent with the requirements of Section 5.84.050(a).
- (4) A description of the most recent legal use of the empty storefront, the square footage of the property, and any future plans for the property; and
- (5) Such other information required by the Planning and Community Development Department, as needed to accomplish the purpose of this Chapter.

(c) A registration fee in an amount established by resolution of the City Council shall be paid annually and shall be submitted along with an updated annual registration application.

(d) Registration shall be deemed complete once the Planning and Community Development Department has sent notice to the owner that the registration fee has been received, and a complete registration application has been approved.

(e) A storefront does not require registration if it is actively participating in the City's Downtown Pops program, or a similar City program that provides owners with the option of leasing, or granting use of the space for no cost, their commercial property to tenants, or other permitted businesses, on a pop-up, or temporary, basis.

(f) The Director shall waive the registration requirement contained in subsection (a), above, for up to two additional years (after the initial first two years of vacancy) if the Director determines that the empty storefront is:

- (1) leased by a proposed commercial operation, but empty because the lessee is actively engaged in a City-required permitting process; or
- (2) the subject of active construction for repair or rehabilitation to make the storefront habitable, the owner has active permits for repair or rehabilitation, and the owner is progressing diligently to complete such repair or rehabilitation.

5.84.050 – ADDITIONAL REQUIREMENTS APPLICABLE ONLY TO EMPTY STOREFRONTS REQUIRED TO REGISTER PURSUANT TO SECTION 5.83.050

In addition to any other applicable requirements contained in the Santa Cruz Municipal Code or state or federal law, empty storefronts required to be registered with the City pursuant to Section 5.83.040 shall be maintained in accordance with the following requirements:

- (a) A local property manager must be retained to, at minimum, perform monthly inspections to ensure compliance with this Chapter and the Santa Cruz Municipal Code.
 - (1) A local property manager is a company or individual retained by the owner of an empty storefront to be responsible for the upkeep and maintenance of the property. A local property manager must be licensed to do business in the City of Santa Cruz, and the principal place of business for the local property manager must be within 60 miles of the City of Santa Cruz.
 - (2) If the owner of an empty storefront lives in or has a principal place of business within 60 miles of the City of Santa Cruz, they may serve as their own local property manager, so long as they are licensed to do business in the City of Santa Cruz.
 - (3) If the local property manager determines that an empty storefront is not in compliance with this Chapter or any provision of the Santa Cruz Municipal Code, it is the local property manager's duty to notify the owner and bring the property into compliance. However, a local property manager's failure to give notice to the owner of violations does not excuse the owner from compliance with any of the requirements of this Chapter.
- (b) Owners of empty storefronts required to register pursuant Section 5.83.040 must meet at least once per year with City staff from the Economic Development Department (to discuss the status of leasing the property) and the Planning Department (to discuss any maintenance issues on or around the property).

5.84.060 – ENFORCEMENT AND APPEALS

- (a) The Enforcement Official is authorized to do the following:
 - (1) Inspect properties in the City to identify empty storefronts subject to this Chapter.
 - (2) Order the owners and property managers of empty storefronts to comply with this Chapter and any other applicable codes.
 - (3) Inspect empty storefronts and initiate proceedings against the owners found to be in violation of this Chapter or any other applicable code.
 - (4) Suspend or revoke any empty storefront registration for properties found to be in violation of this Chapter.

- (5) Employ the enforcement mechanisms available in Title 4 to remedy violations of this Chapter.
- (6) Establish and enforce any administrative regulations necessary for the implementation or enforcement of this Chapter.
- (b) Violations of this Chapter, including failure to maintain a current empty storefront registration, are hereby declared to be public nuisances, and any violation of this Chapter may be remedied or prosecuted pursuant to Title 4 or any other applicable law.
- (c) If, at an empty storefront, one or more of the circumstances listed below in subdivisions (c)(1) – (c)(3) has occurred, then, the Chief of Police (or their designee) or the Enforcement Official may require that the owner employ additional methods of securing the empty storefront (as described in subdivision (d) below), if deemed reasonably prudent to deter illegal activity or nuisance conditions on or immediately adjacent to the empty storefront.
 - (1) The owner has, within a 12-month period, received three or more citations related to the empty storefront for violations of this Chapter or any other part of the Municipal Code, and none of those citations have been successfully appealed.
 - (2) The Chief of Police (or their designee), or the Enforcement Official has observed and cited the empty storefront for three or more concurrent violations of this Chapter or any other part of the Municipal code.
 - (3) The Enforcement Official has determined that the empty storefront constitutes a nuisance condition that requires an immediate response to protect or maintain public health or safety.
- (d) An additional method of securing the empty storefront within the meaning of subsection (c) above includes, but is not limited to:
 - (1) repairing or emergency boarding of windows/doors, or installing approved window coverings;
 - (2) adding fencing, lighting, or other physical elements (e.g., planters) to deter the illegal activity;
 - (3) utilizing security patrols, alarms, security monitoring, and/or video monitoring;
 - (4) conducting more frequent inspections by the property manager or cleanings by the appropriate personnel; and/or
 - (5) hiring a new property manager from a City-approved list of preferred property managers.

- (e) Appeals related to the enforcement of this Chapter shall be conducted according to the procedures contained within Chapter 4.20. This includes, but is not limited to, appeals of: an administrative abatement or civil penalties notice and order; an administrative citation; a letter from the City indicating an intent to record a notice of violation; a City decision to deny, revoke, or suspend an empty storefront registration; and/or a City's decision to require that the owner of an empty storefront employ additional security methods, as contemplated by subsections 5.84.060(c) – (d)."

SECTION 2. Environmental Review. The Council action to approve and adopt Chapter 5.84 ("Vibrancy Ordinance") to the Santa Cruz Municipal Code is not a "project" under CEQA because no direct or indirect physical change to the environment is anticipated, nor does the ordinance represent the type of "activity" described in subdivisions (a) through (c) of Pub. Resources Code § 21065. In the alternative, if the Council action is considered a "project" under CEQA, the following exemptions apply:

- 14 CCR 15307 – Class 7 Categorical Exemption: the Council action is "to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment." (CEQA Guidelines Section 15307.)
- 14 CCR 15308 – Class 8 Categorical Exemption: the Council action is "to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." (CEQA Guidelines Section 15308.)
- 14 CCR 15061(b)(3) – The "common sense" exemption applies because by establishing empty storefront maintenance and inspection programs, "there is no possibility that the activity in question may have a significant effect on the environment." (CEQA Guidelines Section 15061(b)(3).)

SECTION 3. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 22nd day of April 2025, by the following vote:

AYES: Councilmembers Trigueiro, Newsome, Golder, O'Hara; Vice Mayor Kalantari-Johnson; Mayor Keeley.

NOES: None.

ABSENT: Councilmember Brunner.

DISQUALIFIED: None.

APPROVED: _____
Fred Keeley, Mayor

ATTEST: _____
Bonnie Bush, City Clerk Administrator

PASSED FOR FINAL ADOPTION this XX day of XX, 2025, 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. 202x-xx and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Bonnie Bush, City Clerk Administrator