

## **APPENDIX C**

### **Proposed Plan and Ordinance Text Amendments**

---

## APPENDIX C – PLAN AND ORDINANCE TEXT CHANGES

Revisions to Plans and Municipal Code are shown with underlined text for additions and ~~strikeout text~~ for deletions.

### Downtown Recovery Plan

See: <http://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/downtown-recovery-plan-amendments>

### General Plan Amendment

Chapter 4 - Land Use, page 41, Revise as shown:

Regional Visitor Commercial (RVC), 0.25 to 3.5 FAR.

Applies to areas that emphasize a variety of commercial uses that serve Santa Cruz residents as well as visitors. Mixed-use development is strongly encouraged in RVC districts.

Downtown Santa Cruz. (0.25 to 5.0 FAR) Emphasizes a mix of regional office and retail uses, residential and mixed-use developments, restaurants, and visitor attractions such as entertainment venues. The Downtown Recovery Plan provides detailed requirements for this area.

*Reason for General Plan Amendment: The Central Business District (CBD) zone is the primary zone district that implements the broader RVC General Plan land use designation. The modifications proposed for the CBD additional height Zone A between Pacific Avenue and Front Street would potentially allow for upper level floor area that could exceed the existing 3.5 FAR. The FAR limit is one of three development standards that work together to address bulk and mass of new construction: 1) FAR, 2) Height, and 3) establishing a percentage limitation of varying heights in direct relationship to the size of the property (a volumetric standard).*

## Local Coastal Plan Amendment – San Lorenzo Urban River Plan Policies

### Significant Riverfront Areas

#### Front Street

##### NEW POLICY

- ☛ SRFA – 1 Require new development projects to incorporate design features that encourage active engagement with the Riverwalk such as: filling adjacent to the Riverwalk with landscaping, providing direct physical access to the Riverwalk, including appropriate active commercial and/or residential uses adjacent to the Riverwalk, or a combination of these and/or other design features that support the resource enhancement and river engagement policies of the San Lorenzo Urban River Plan.

##### NEW POLICY

- ☛ SRFA – 2 Require new development projects to incorporate pedestrian and/or bicycle connections between Front Street and the Riverwalk at appropriate locations such as the extensions from Maple Street and Elm Street.

- ☛ ~~SRFA – 1 Maintain existing development standards in the Downtown Recovery Plan (DRP) for the Front Street Riverfront Area including principal permitted uses for ground level and upper floors, conditional uses, and height and step back requirements. Maintain maximum height restriction to 50 feet with development above 35 feet in height stepping back at least 10 feet at an angle not to exceed 42 degrees. (DRP, p. 47-50)~~

*Reason For Deletion: The amendments to the Downtown Recovery Plan (DRP) make this policy obsolete. This policy language was a reference to the DRP from the SLURP. The SLURP was intended as a resource protection programmatic guide and not a land use planning document. The SLURP process did not have the benefit of any land use planning guidance for architecture or urban design. Since the adoption of the SLURP, the City has undertaken a comprehensive effort to update the principal land use document for the area – the Downtown Recovery Plan. Development standards for this area are appropriately located in the DRP and not within the Local Coastal Plan.*

- ☛ ~~SRFA – 32 Maintain the ten-foot setback area between residential and commercial uses adjacent to the levee trail from the western edge of the trail. The setback area between the property line and the Riverwalk shall should be filled to raise the adjacent ground-level use to the same a similar or higher elevation as the Riverwalk elevation as the levee trail. This area The public lands between the Riverwalk and the private property may should also incorporate publicly accessible commercial or residential amenities, such as outdoor public seating or visually accessible garden space for residential development. Trees planted as part of the San Lorenzo Flood Control Improvement Project should be maintained and incorporated into new development where feasible and not in conflict with the required fill or publicly accessible amenities. (DRP, p. 51)~~

- ~~☛ SRFA —3 Maintain design guidelines for residential and commercial development with the exception of limiting building materials to more natural wood, brick and stone; avoid overuse of concrete and stucco. (DRP, p. 51)~~

*Reason for Deletion: This language is not appropriate for the LCP. It is too detailed and most of the downtown is outside of the Coastal Zone.*

- ~~☛ SRFA —4 The “river promenade” proposed in the original San Lorenzo Design Concept Plan between Soquel Drive and Laurel Street should be re-conceptualized as a more natural, less formal looking “trail” with adjacent garden space and native trees to be accommodated in the ten foot setback area.~~

*Reason for Deletion: Levee Trail complete; referenced area mostly outside the Coastal Zone.*

- ~~☛ SRFA —5 Establish a river plaza or park within the Front Street Riverfront Area between Soquel Drive and Laurel Street on the west bank (upstream orientation). Redevelopment of the Metro Station affords an opportunity for connecting a plaza or park with a public area on the east side of Front Street. Other favorable sites are the terminus with Cathcart Street and the terminus with Maple Street (Figures 49 & 50).~~

*Reason for Deletion: The Downtown Plan language continues to promote the accessible links to the Riverwalk as indicated in the new policies 1 and 2. .*

- ~~☛ SRFA —6 Maintain the wooden roof truss buildings along Front Street as architectural artifacts to demonstrate the “working waterfront” character of the area.~~

*Reason for Deletion: It is unclear where this policy came from. The ‘historic’ buildings were constructed in the 1920s to 1940s and relate to the auto-service industry and automobile culture, not a “working waterfront”.*


- ~~☛ SRFA —7 Ensure that any parcel consolidation strategy provides for public access from the Front Street sidewalk to the levee. Maintain the ten-foot step back requirement between buildings included in the Downtown Recovery Plan for any development. Encourage pedestrian traffic through creative inviting design and incorporate water features, gardens, paving, and stairways up the levee as design features.~~

*Reason for Deletion: The proposed policies better reflect the combined intentions and direction for land use in this area.*

- ~~☛ SRFA —10 Maintain views from both taller downtown buildings to the River and from the River trail to distant mountains and ridges, avoiding creation of a development “wall” between the downtown and the River.~~

*Reason for Deletion: The City does not protect views of the river from private buildings. Front Street and the Riverwalk are perpendicular to the mountain views, therefore, the*

*policy is not needed to preserve any distant views. The development will be required to have accessible connections to the Riverwalk, which will prevent a development wall between the downtown and the river.*

-  ~~SRFA — 11 Preserve views along the Front Street area to and from Beach Hill, a significant historic feature in this area.~~

*Reason for Deletion: This policy is too vague and is not a resource-related policy that follows the other parts of the SLURP.*

## Municipal Code – Zoning Ordinance Amendments

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

**Part 24: CENTRAL BUSINESS DISTRICT (CBD)\*** ~~Editor's Note: Former Part 24: GM-O Garden Mall Overlay District, previously codified herein and containing portions of Ord. 91-23 was repealed and replaced in its entirety by Ord. 91-29.~~

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

### **24.10.2300 PURPOSE.**

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

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

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

**24.10.2301 USES, DEVELOPMENT STANDARDS AND DESIGN GUIDELINES\*** ~~Editor's Note: As amended by Ord. 2000-03, the effective date of this section is July 31, 2000~~

Chapter 4 of the Downtown ~~Recovery~~ Plan, as amended, is hereby adopted by reference, and the Planning and Community Development Department shall maintain copies of the Downtown Plan in both hard copy and electronic form ~~three copies of Chapter 4 of the Downtown Recovery Plan are and shall be maintained on file in the office of the city clerk, for use and examination by the public.~~ The policies and regulations set forth in Chapter 4 of the Downtown Recovery Plan shall control all uses in the CBD, Central Business District, and its four subdistricts: Pacific Avenue Retail District; Front Street Riverfront Corridor; Cedar Street Village Corridor; and North Pacific Area.

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

### **24.10.2330 DEMOLITION CONTROL.**

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

1. No demolition permit as authorized by the Uniform Building Code shall be issued unless the replacement use and any use, design or other permits, as applicable, have been approved by the city, except as provided below.
  - a. Where the replacement use of the site requires no building permit, a demolition permit may be issued as approved by the decision-making body in connection with its action in approving the replacement use of the site.
  - b. Where the replacement use requires a building permit, but there is a practical hardship in delaying the demolition permit until a valid building permit is issued, the approving body may authorize demolition before issuance of a building permit if it finds that there is a practical hardship and prior demolition is consistent with the General Plan and the Downtown ~~Recovery~~ Plan. The approving body may require such security as it deems necessary to assure the construction of the replacement project, and may establish time requirements for performance.
2. The decision-making body shall consider any demolition application at the time it considers any necessary permits or actions for the replacement project after demolition. It shall approve demolition after evaluating it for consistency with the General Plan and Downtown ~~Recovery~~ Plan, and taking into account reasonable alternatives for reuse and cost benefits to the community.

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

### **24.10.2340 EXTENSION AREAS.**

The purpose of extension areas is to enhance the pedestrian ambiance of ~~Pacific Avenue~~ the Central Business District and the San Lorenzo Riverwalk, by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public streets and the San Lorenzo Riverwalk.

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

- c. For extension areas adjacent to public streets and pedestrian lanes within the Central Business District, a drawing showing the extension area in its relationship to the building, sidewalk and street, for the extension area and thirty feet along the sidewalk in either direction. The drawing shall show dimensions of the extension area, locating doorways and access points, show width of sidewalk (distance from curb to building face and property line), existing and projected pedestrian traffic movements, location of utilities that might affect or be affected by the application proposal, parking meters, bus stops, benches, trees, landscaping, trash receptacles and other street furniture, or any other potential sidewalk obstruction.  
The drawing of the extension area shall show its intended use, any furniture or display stands, fixtures, signs, canopies and other overhead appurtenances, landscaping and planters, trash receptacles, and any other matter to be placed in the area.
  - d. For extension areas adjacent to the San Lorenzo Riverwalk, a drawing showing the extension area in its relationship to the building, the Riverwalk, for the extension area and thirty feet along the Riverwalk in either direction. The drawing shall show dimensions of the extension area, locating doorways and access points, show proposed hardscape and landscape improvements between the existing Riverwalk and the development project relating to the extension area, location of utilities that might affect or be affected by the application proposal, benches, trees, landscaping, planters, trash receptacles and other furniture, or any other potential pedestrian obstruction.  
The drawing of the extension area shall show its intended use, any furniture or display stands, fixtures, signs, canopies and other overhead appurtenances, landscaping and planters, trash receptacles, and any other items to be placed in the area.
  - ed. Other information which may be required to act on the revocable license.
3. Location and Design Requirements. Chapter 4 of the Downtown ~~Recovery~~ Plan describes the use, location and design requirements for extension areas.

The remainder of the section remains unchanged except for deletion of the word Recovery from Downtown ~~Recovery~~ Plan in subsections 6b4 and 6c1.



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

## **24.10.2341 PARKLETS**

The purpose of parklets is to enhance the pedestrian ambiance of the CBD zone district by creating useable outdoor spaces that encourage a sense of community and that provide a tool for economic development.

1. No person shall construct or use a parklet unless a Design Permit has been obtained pursuant to Part 5 of Chapter 24.08 and a valid revocable license to operate a business has been obtained pursuant to Section 24.10.2340 of this Chapter.
2. No person shall begin construction of a parklet without first obtaining a Temporary Encroachment Permit to allow for construction to take place within the public right of way.
3. All parklets shall be maintained as private spaces and the business licensed to operate the parklet shall be responsible to maintain the parklet in good condition.
4. Parklets may only be constructed on streets with speed limits of 25 mph or lower.
5. Construction Standards.
  - a. The parklet must be located at least one parking space or 20' from any corner.
  - b. A minimum of two parking spaces shall be maintained between each parklet.
  - c. The structure shall not be located in front of a fire hydrant, above a fire hydrant shut-off valve or over utility or manhole covers.
  - d. The parklet shall not replace blue zones designated for disabled parking.
  - e. The parklet shall not be more than six feet wide and shall provide four foot setbacks from each parking tee.
  - f. The parklet length may consist of two parking spaces maximum per business and the parking spaces shall be located adjacent to the front of the business.
  - g. Reflective elements are required at the outside corners of the structure.
  - h. Soft hit posts shall be installed at the outside edges of the structure.
  - i. The parklet shall provide all features necessary to comply with current ADA requirements.
  - j. Bolting or penetrating the surface of the roadway in any way shall not be permitted.
  - k. The platform surface shall be flush with the grade of the adjacent sidewalk with a maximum gap of one-half inch.
  - l. The structure shall not impede the flow of curbside drainage and shall not be constructed over a storm drain.
  - m. Overhead elements shall provide a minimum vertical clearance of 84" above grade.
  - n. The edges/railings shall be spaced appropriately to allow for the ability to see inside the parklet during all hours.
  - o. The edges/railings shall be designed to discourage sitting on railings.
  - p. The top edge of the parklet edges/railings shall be round to prevent the resting of food and drinks.
  - q. The exterior edge/railing shall be a minimum of 30 inches tall. If alcohol will be consumed in the parklet, the edge/railing shall be a minimum of 42 inches tall.
  - r. There shall be no electrical fixtures or features within the parklet. All lighting must originate from the associated business and may not shine into the street or otherwise

- interfere with vehicular travel. Battery or solar powered lighting elements are permitted within the parklet.
- s. All moveable barriers and furniture used in the parklet shall be bolted down or shall be removed from the public right of way during non-operating hours.
6. Design Criteria.
- a. The parklet shall be an open design that allows for pedestrians on either side of the street to see into the parklet. Continuous opaque walls are not permitted.
  - b. The parklet should be designed as an extension of the sidewalk and should have multiple points of entry.
  - c. Parklets should include permanent or movable seating.
  - d. The design should include planting areas that utilize native, drought-tolerant plants. Plantings can be used to discourage seating in areas such as the tops of walls.
  - e. The parklet design should utilize sustainable, locally-sourced materials that are easy to maintain.
  - f. Signage or other advertising matter is not permitted to be installed on or within the parklet with the exception of a notice of private property/right to refuse service no greater than 11" x 5" in size. Sandwich board signs are prohibited at all times.
7. Operational Conditions
- a. If a business changes ownership, the new business owner must obtain a new Extension License per Section 24.10.2340. A Design Permit may be required to recognize changes to the parklet.
  - b. The parklet shall operate consistent with the restaurant hours of operation and shall not operate past 11:00 p.m. Parklets shall be closed or gated when not in use.
  - c. Outdoor entertainment is prohibited within the parklet.
  - d. The business associated with a parklet shall obtain a trespass letter with the Santa Cruz Police Department prior to operation of the parklet.
  - e. Prior to the commencement of use, security cameras shall be installed outside to cover the entire parklet and front sidewalk areas. Cameras shall be placed in positions where the exterior lighting does not bleed into the coverage.
  - f. Parklets and plantings shall be maintained in good condition, free of graffiti and litter. Elements that are visually or structurally degraded shall be replaced expeditiously.
  - g. Patrons of the parklet shall not be permitted to sit on the edges/railings.
  - h. Smoking is not permitted within parklets.
  - i. The parklet shall be reviewed annually by the Planning Department for compliance with conditions of approval and to ensure that the parklet is maintained in good condition and does not create a nuisance to pedestrians or adjacent businesses.

## 8. Removal

- a. The sponsor, at their own expense, shall be required to remove the parklet and restore the public right of way to the standards of the Public Works Department if desired by the sponsor or if requested by the City of Santa Cruz for utility repair and maintenance, streetscape improvements, or other improvements that interfere with the location of the parklet.
- b. If the parklet is removed temporarily for streetscape or utility improvements, the sponsor shall be responsible for the costs of removing, storing, and re-installing the parklet.
- c. In the case of an emergency, the city may remove the parklet without prior notice to the applicant. The sponsor is responsible for restoring any damage to the parklet.

