



**DEPT. OF PLANNING  
AND COMMUNITY DEVELOPMENT**

**M E M O R A N D U M**

DATE: October 6, 2017 (October 12, 2017 Agenda)  
TO: Planning Commissioners  
FROM: Ron Powers, Principal Planner  
SUBJECT: Downtown Recovery Plan Suggested Language Amendments

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There are two items for Planning Commission consideration that were not previously discussed in the 10/12/2017 Agenda Report and staff was interested in providing these recommendations to the Commission prior to the evening of the meeting next week. Staff is suggesting

**Non-Conforming Uses**

In October 2000 the City Council adopted Ordinance No. 2000-20 which added major amendments to the Downtown Recovery Plan to create land use regulations that “encourage the market to provide an appropriate mix of retail uses” to our downtown area. Included in these regulations was a list of prohibited uses that were considered as incompatible with the vision identified for the downtown. These uses are: Tattoo parlors; rent, sales or service of automobiles, trucks, recreational vehicles, motorcycles or trailers; sale of firearms; general advertising signs; sale of alcoholic beverages for off-site consumption requiring ABC liquor license Numbers 20 or 21 (liquor stores); drive-up facility; or drive-through facility.

The ordinance allowed any of these prohibited uses operating in the downtown area at the time of the adoption of the above mentioned ordinance to continue in operation until October 10, 2020. The provided 20 year amortization date for the subject uses is now a little over three years away. The following are the businesses affected by the ordinance:

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<i>Name of Business</i>	<i>Address</i>	<i>Type of Non-conformity</i>	<i>Comments/notes</i>
Taco Bell	802 Pacific Ave.	Drive-through restaurant.	Property changed ownership in 2015. Part of potential future project.
Bonesio Liquor Store	801 Pacific Ave. 206 Laurel St.	Off-site alcohol sales license type 21 allows purchasing beer, wine and distilled spirits for off-site consumption.	Primary function of business is beer/wine/distilled spirits sales.
Andy's Auto Supply	901 Pacific Ave.	Oil change service.	Site has old use approval.
New Leaf	1134 Pacific Ave.	Off-site alcohol sales license type 20 allows purchasing beer and wine for off-site consumption.	Liquor license for this grocery store use is in conjunction with sale of other food items. Primary business is food sales. Beer/wine sales are an ancillary use.
CVS Pharmacy	600 Front St.	Off-site alcohol sales license type 21 allows purchasing beer, wine and distilled spirits for off-site consumption.	Liquor license for this property is in conjunction with sale of sundry items and a limited selection of food and nonalcoholic beverages. Primary business is household items/pharmacy. Beer/wine/spirit sales are an ancillary use.
Trader Joes	700 Front St. 716 River St.	Off-site alcohol sales license type 21 allows purchasing beer, wine and distilled spirits for off-site consumption.	Liquor license for this property is in conjunction with sale of other food items. Primary business is food sales. Beer/wine/spirit sales are an ancillary use.
Holiday Muffler	309 Front St.	Auto service	Part of potential future project.
Comerica Bank	25 River St.	Bank drive-through	

The following section of Chapter 4 of the Downtown Plan includes the suggested language shown as redlined and underlined text to address the non-conforming uses:

## A. ALL CENTRAL BUSINESS DISTRICTS LAND USES

### 1. Prohibited Uses

The uses described in subsection (a) below, are deemed inconsistent with the goals, policies and objectives of the Downtown Plan and are, therefore, prohibited within the Downtown Plan (Plan) portion of the Central Business District as either a stand-alone use or an accessory or temporary use. Such uses that lawfully existed within the Plan area prior to the adoption of this provision are deemed non-conforming and may continue only at the same location at the same intensity or less for a period of no more than 20 years from the effective date of the Zoning Ordinance amendment (October 10, 2000), after which time the use shall be completely removed or converted to a conforming use. The uses described in subsection (b) below shall be deemed a public nuisance and shall be immediately abated according to the provisions of the Zoning Ordinance or other applicable City Codes or Ordinances.

Uses that are prohibited within any of the Downtown Plan subdistricts.

1. a. Uses not permitted include, but are not limited to, the following: medical and recreational cannabis provider dispensaries, Tattoo parlors; rent, sales or service of automobiles, trucks, recreational vehicles, motorcycles or trailers; sale of firearms; general advertising signs; sale of alcoholic beverages for off-site consumption requiring ABC liquor license Numbers 20 or 21 (liquor stores), except that code provisions will be developed to allow sale of alcohol for off-site consumption that is clearly incidental to other principally permitted uses, that represents a small percentage (to be determined) of the total shelf space in the business, and that establishes operational criteria to limit the impact of the alcohol sales, including but not limited to, hours of operation, security, and limitations on single-serve containers and locations of alcohol within the store; drive-up facility; or drive-through facility.
- b. Nuisance Activities. No use, even though listed as a permitted use or otherwise allowed, shall be permitted which, by reason of its nature or manner of operation, is deemed by the Zoning Administrator to be creating a condition that is hazardous, noxious, or offensive through the emission of odor, fumes, smoke, cinder, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise. Such use shall be subject to violation abatement procedures, which may result in revocation of the use permit.

### **Active Uses Adjacent to Public Passageways and Riverwalk**

One of the key objectives of the Downtown Plan is to create a more publicly active environment along the new public passageways between Front Street and the Riverwalk and along the Riverwalk itself. As noted in the Coastal Commission staff comment letters regarding the Environmental Impact Report, providing more public activities in these areas is a shared interest of the City and Coastal Commission. Based on conversations with Coastal Commission staff, the following language is suggested to strengthen the commitment to these publicly accessible areas. The following section of Chapter 4 of the Downtown Plan includes the suggested language shown as redlined and underlined text to directly emphasize the desirable uses for these areas.

## **E. FRONT STREET/RIVERFRONT CORRIDOR DEVELOPMENT STANDARDS AND DESIGN GUIDELINES**

### **5. Access to the Riverwalk.**

Between Soquel Avenue and Laurel Streets along Front Street, new development shall provide east-west public access between the Riverwalk and the Front Street sidewalk at or near the extension of Cathcart Street, Elm Street and Maple Street. Developers of riverfront properties shall be required to physically and/or financially contribute their fair share through conditions of approval, an Improvement District, Development Agreement, or similar mechanisms to the improvement of these publicly accessible connections. Development shall be consistent with the following performance standards:

- a. Publicly Open Passageways. Such access shall be open to the public during daylight hours.
- b. Pedestrian Focus. Such publicly accessible connections shall be predominantly pedestrian in nature and located within 50 feet of the Front Street intersections at the terminus of Cathcart Street and the extensions of Maple and Elm Streets. In addition to the pedestrian access, bicycle access shall be provided at the extension of Elm Street, which will serve as the primary bicycle access to the Riverwalk between Soquel Avenue and Laurel Street.
- c. Passageway Widths. The width of these publicly accessible pedestrian connections shall be no less than the following: 60 feet at or near the terminus of Cathcart Street; 50 feet at or near the terminus of Maple Street; and 30 feet at or near the extension of Elm Street.
- d. Vertically Open Passageways. These passageways shall be open to the sky, provide a high quality accessible path of travel between the Front Street sidewalk and the Riverwalk, and provide clear building breaks that avoid the walling off of the river from downtown.

- e. Pedestrian Oriented Uses. The pedestrian passageways shall be lined with active pedestrian-oriented uses that create a safe and interesting environment, including commercial uses, outdoor cafes, resident-serving amenities, building entries and/or lobbies. Such uses, particularly restaurants and outdoor cafes, are strongly encouraged to provide direct frontage and active outdoor areas along both the pedestrian passageway and the Riverwalk.