

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
725 FRONT STREET, STE. 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-6200

**PUBLIC NOTICE**

April 15, 1996

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: TAMI GROVE, DISTRICT DIRECTOR
DIANE LANDRY, ACTING PLANNING MANAGER
JOY CHASE, COASTAL PLANNER**

SUBJECT: SANTA CRUZ CITY LCP MINOR AMENDMENT NO 1-96: Proposed Minor Amendments to the certified Implementation Plan Zoning Ordinance to be heard at the Commission meeting of May 7-10, 1996 at the Hyatt Regency Long Beach, 200 South Pine Avenue, Long Beach

The City of Santa Cruz is requesting that its zoning ordinance, comprehensively amended in March 1994, LCP Amendment #2-93, be amended. This amendment request was filed on April 5, 1996 pursuant to Section 30510(b) of the Coastal Act and Sections 13553 and 13555 of the California Code of Regulations.

The purpose of this notice is to advise interested parties of the determination by the Executive Director pursuant to Section 13555 of the California Code of Regulations that the proposed amendments are minor as defined in Section 13554. Staff has summarized the amendments below. The City's explanation of the proposed amendments and the complete texts of the proposed amendments are available at the Commission's office in Santa Cruz.

Pursuant to Section 13555, the Executive Director will report this determination to the Coastal Commission at its May 9-12, 1996 hearing at the Hyatt Regency Long Beach, 200 South Pine Avenue, Long Beach. The Executive Director will also report any objections to the determination that are received within ten days of posting of this notice. The proposed minor amendments will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that they be processed as major amendments (Section 13555 (b)).

If you have any questions or need additional information including the specific date of the hearing of the amendments or Commission procedures, please contact Joy Chase at (408) 427-4863 at the Central Coast District office in Santa Cruz. Please also contact Ms. Chase by April 30, 1996 if you wish to register an objection to the proposed "Minor Amendment".

The following amendments to the City of Santa Cruz Implementation Zoning Ordinance Title 24 do not change the kind, location, intensity or density of use and do not modify

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resource protection standards and are consistent with the Land Use Plan as certified by the Commission. Under provisions of Section 13554 of the Commission Regulations, the Executive Director has determined these amendments are "minor".

Summary of Minor Amendments

Amendment 1: ALCOHOL BEVERAGE SALES. Establishes new Part 12 Alcoholic Beverage Sales to Chapter 24.12 Community Design to require Special Use Permit Requirements for the sale of alcoholic beverages and applies these standards to uses and use permit requirements in the following Zoning Districts: Part 7C Beach Commercial District 24.10.618 et al.; Part 8, Community Commercial District, 24.10.700 et al.; Part 10, Thoroughfare Commercial 24.10.900 et al.; Part 11, Neighborhood Commercial District 24.10.1000 et al.; Part 12, Beach Commercial District, 24.10.1100 et al.; Part 16 General Industrial District, 24.10.1500 et al..

The new regulations address the impact of alcohol related land uses and geographic locations upon the public health, safety and welfare by regulating the location of high risk alcohol outlets in relation to one another and their proximity to sensitive use areas and facilities primarily devoted to use by children and families and the general public and through denial of use permits or imposition of conditions upon both high and low risk alcohol outlets on a case by case basis to prevent undesirable community impact of such uses.

No coastal issues.

Amendment 2: CONDITIONAL FENCE PERMITS. Amends Chapter 24.08.610 General Provisions for Conditional Fence Permits and Chapter 24.12.160 Fencing and Screening to allow one gate, trellis or entry feature up to ten feet in height in the front yard without requiring a conditional fence permit. No coastal issues.

Amendment 3: BICYCLE PARKING REQUIREMENTS. Amends Chapter 24.12 Part 3, Off Street Parking and Loading Facilities to add Bicycle Parking Requirements. Modifications provide for additional secure bike parking by requiring that on change in occupancy of buildings, the building must meet standards of the ordinance. Improves bicycle access which is consistent with the Circulation Element of the certified Land Use Plan. No coastal issues.

ATTACHMENTS: Text of Ordinance Sections Amended:

Exhibit A Alcohol Beverage Sales Ordinance No. 95-03

Note: Ordinance No. 95-04 which adds Alcohol Beverage Sales regulations to various Zoning Districts on file in Commission office.

Exhibit B Conditional Fence Permits

Exhibit C Bicycle Parking Requirements

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING
TITLE 24 OF THE SANTA CRUZ MUNICIPAL CODE, THE
ZONING ORDINANCE, BY ESTABLISHING REGULATIONS FOR
RETAIL OUTLETS AT WHICH ALCOHOLIC BEVERAGES ARE
SOLD

THE CITY COUNCIL OF THE CITY OF SANTA CRUZ hereby finds,
determines and declares as follows:

WHEREAS, tourism and related entertainment, recreation and hospitality
businesses are important parts of the economic well-being of the Monterey Bay
region and the City of Santa Cruz; and

WHEREAS, the City Council seeks to foster commerce, production of local
products by wineries and micro-breweries, and a lively and attractive community
life; and

WHEREAS, the City seeks to encourage safe and responsible alcohol
practices by consumers and alcohol serving businesses; and

WHEREAS, the City seeks to provide additional tools in order to reduce the
costly and harmful impacts of irresponsible alcohol sales and consumption practices
on local businesses, residences, law enforcement, park ranger, life guard, medical
care, educational, preventative, treatment and rehabilitation resources; and

WHEREAS, alcohol can be a highly addictive substance that impairs motor
skills, decision-making and judgment, and the excessive uncontrolled and
unmanaged sale of alcohol may have a negative impact on public health, safety and
welfare; and

WHEREAS, in consideration of the regulations adopted in this ordinance,
and the findings and determinations herein, the City Council has examined and
considered numerous studies addressing the impacts of alcohol-related land uses
and geographical location upon the public health, safety and welfare; and

WHEREAS, the location or inadequate management practices of
establishments engaged in the sale of alcoholic beverages may present public health
hazards to consumers, including addiction, illness and often death and/or problems
that are encountered by residents, businesses, property owners, shoppers, visitors
and/or workers of the City of Santa Cruz, including, but not limited to, public
inebriation, littering, loitering, obstruction of pedestrian traffic, vehicular traffic,
noise, parking, crime, interference with children on their way to school, interference
with shoppers using the streets and defacement and damaging of structures; and

WHEREAS, studies show that the prominence of availability of alcohol is
a factor in the crime rates and accidents in a given municipal area. Studies
conducted in the Cities of Los Angeles, Oakland, Hayward, Salinas, Santa Clara and

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San Diego demonstrate that increases in alcohol outlet density are associated with a proportionate increase in generalized crime and violence; and

WHEREAS, as a result of the high number and density of retail alcohol outlets, the City has an inordinate number of alcohol-related problems that require frequent police response activity. A review of police service call data from March 1 to September 2, 1994, shows that 23.3% of all arrests involved alcohol law violations (e.g., public drunkenness, DUI, underage drinking). In addition (although not formally captured by the police data collection system), alcohol is involved in many other arrests, particularly assaults, robbery, drug offenses, domestic violence and other crimes. Alcohol involvement is distributed throughout all community settings - residences, retail alcohol outlets, streets/sidewalks, parking lots, and vehicles are areas with particular high frequencies; and

WHEREAS, studies conducted in the Cities of Hayward, Woodland, and Vallejo demonstrate that bars, taverns, liquor stores and convenience stores account for a disproportionate number of alcohol-related arrests and calls for police service; and

WHEREAS, the negative aspects of alcohol outlets are exacerbated by the excessive density and proliferation of high-risk alcohol outlets as designated in this Ordinance; and

WHEREAS, the City Council of the City of Santa Cruz finds and determines that the existence of such problems creates serious impacts on the peace, health, safety and welfare of residents of nearby areas, including: fear for the safety of children, shoppers, and visitors to the area, deterioration of neighborhoods and commercial activity, concomitant devaluation of property, and destruction of the community values and quality of life; and

WHEREAS, the City of Santa Cruz has a disproportionate number of both on-sale and off-sale alcohol outlets, with forty-two (42) alcohol outlets for every ten thousand residents, as compared to twenty-four (24) per ten thousand residents statewide; and

WHEREAS, public health and safety problems associated with alcohol availability are correspondingly more serious in the City of Santa Cruz than the state norm. The incidence of public inebriation, alcohol-related crime, accidents and suicide involving minors, and alcohol-impaired driving is also disproportionately high in the City of Santa Cruz; and

WHEREAS, this Ordinance is intended and designed to reduce these alcohol environmental problems and conditions by regulating the location of high-risk alcohol outlets in relation to one another, and their proximity to sensitive use areas and facilities primarily devoted to use by children and families and the general public, and through the denial of use permits or imposition of conditions upon both high- and low-risk alcohol outlets on a case-by-case basis to prevent undesirable community impact of such uses.

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

SECTION 1. Part 12, entitled "ALCOHOLIC BEVERAGE SALES" of Chapter 24.12 is hereby added to the Santa Cruz Municipal Code to read as follows:

"PART 12: ALCOHOLIC BEVERAGE SALES.

24.12.1100. Special Use Permit Requirement for High-Risk Alcohol Outlets.

1. Special Use Permit Required. In addition to the other requirements set forth in this Part, on and after the date this Part becomes effective, no high-risk alcohol outlet, as that term is defined pursuant to Section 24.22.437, whether on-sale or off-sale, shall be established without first obtaining a Special Use Permit from the City of Santa Cruz, in accordance with this Part and Chapter 24.08.

2. Posting Requirement. A copy of the conditions of approval for the Special Use Permit shall be kept on the premises of the establishment and posted in a place where it may readily be viewed by any member of the general public.

3. Findings. In approving a Special Use Permit, it shall be determined by the hearing body that all of the following apply:

a. The proposed use complies with all of the mandatory requirements of this section and section 24.12.1102;

b. The proposed use will not adversely affect the health, safety or welfare of area residents, or uses, or will not result in an undue concentration in the area of high-risk establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine;

c. The operational characteristics of the proposed use, such as live or amplified entertainment, will not have a negative impact upon the surrounding area;

d. The proposed use is compatible with the sizes and types of other neighboring uses in the surrounding area; and

e. The proposed use is not located in what has been determined to be a high-crime area, or where a disproportionate number of police service calls occur.

4. Conditions. The Zoning Board, or City Council on appeal, may deny any application which is inconsistent with the above-noted findings, or may impose any conditions on the applicant or proposed location reasonably related thereto, or

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to the health, safety or welfare of the community, in addition to the specific requirements set forth in Section 24.12.1102.

24.12.1102. Requirements for High-Risk Alcohol Outlets.

1. Except as provided in Section 24.12.1102.1(a) below, no high-risk alcohol outlet shall be located within six-hundred (600) feet of any other high-risk alcohol outlet, any public educational use zoned P-F, public park with a playground, hospital, medical clinic, alcohol or other drug abuse recovery or treatment facility, or community care residential facility providing mental health/social rehabilitation services. For the purpose of this paragraph, the six hundred (600) foot distance requirement shall be measured from the periphery of the property boundary of such establishments. With respect to a public park with playground the six hundred (600) foot distance shall be measured from the periphery of the playground area.

a. The Zoning Board or the City Council on appeal may grant an exception to the 600 foot spacing requirement between high-risk alcohol outlets, except in the case of public educational uses, only if the applicant can establish that any public benefit that could be served by the issuance of the special use permit will outweigh concerns affecting public health and safety. The burden of proof is on the applicant to show that the overall effect will be positive.

2. A wall or other appropriate buffer may be required around the parking area of such establishments when said area is adjacent to properties zoned or used for residential purposes or any of the above-referenced sensitive uses.

3. Exterior lighting of the parking area shall be kept at a sufficient intensity, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas.

4. All establishments shall be required to have a public telephone listing and to control incoming phone calls.

5. The applicant shall be required to provide evidence of the adoption and implementation of Responsible Beverage Service ("RBS") policies and practices, including, but not limited to participation in a Formal RBS training program. For the purposes of this Paragraph, "Formal RBS Training Program" shall mean any program from a list of vendors or programs approved by the Santa Cruz County Alcohol and Drug Program Administrator.

6. Employees shall be at least 21 years of age to sell and serve alcohol.

7. The applicant must bear the cost of modifications or cease operations if, subsequent to the approval of a special use permit, it is determined pursuant to Section 24.12.1110 that the establishment constitutes a public nuisance.

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8. Special Requirements For On-Sale Establishments:

a. The sale of alcohol beverages for consumption off the premises shall be prohibited; and

b. Special security measures such as security guards and burglar alarms systems may be required.

9. Special Requirements For Off-Sale Establishments:

a. The operation of video or any other electronic games shall be prohibited in conjunction with the sale of alcoholic beverages;

b. If the establishment is located in a shopping center, the sale of alcoholic beverages for consumption on the appurtenant common areas may be prohibited;

c. Exterior public telephones, limited to outgoing calls only, may be located on the premises;

d. Litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove litter and debris on a daily basis; and

e. Paper or plastic cups shall not be sold in quantities less than their usual and customary packaging.

10. Conditions. The Zoning Board, or the City Council on appeal, may deny any application which is inconsistent with the findings in Section 24.12.1100.3, or may approve said application with reasonable conditions related to the public health, safety or welfare, including but not limited to, those set forth in Section 24.12.1102.

24.12.1104. Administrative Use Permit Required for Low-Risk Alcohol Outlets.

1. Administrative Use Permit Required. In addition to the other requirements set forth in this Part, on and after the effective date of this Chapter, no low-risk alcohol outlet, as that term is defined pursuant to Section 24.22.529, shall be established without first obtaining an administrative use permit from the City of Santa Cruz, in accordance with Chapter 24.08 and this Part.

2. Posting Requirement. A copy of the conditions of approval for the administrative use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by any member of the general public.

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3. Findings. In approving an Administrative Use Permit it shall be determined by the hearing body that:

a. The proposed use complies with all of the requirements of this section and section 24.12.1106;

b. The proposed use will not adversely affect the health, safety or welfare of area residents, or uses, or will not result in a harmful concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine;

c. The operational characteristics of the proposed use, such as live or amplified entertainment, will not have a negative impact upon the surrounding area; and

d. The proposed use is consistent with the surrounding neighborhood character.

4. Conditions. The Zoning Administrator, or Zoning Board or City Council on appeal, may deny any application which is inconsistent with the above-noted findings, or may approve said application with reasonable conditions related to the public health, safety or welfare, including, but not limited to, those set forth in §24.12.1106.

24.12.1106. Requirements for Low-Risk Alcohol Outlets.

1. A wall or other appropriate buffer may be required around parking areas when said area is adjacent to properties zoned or used for residential purposes or to sensitive uses, including, but not limited to, educational uses (public), public parks with playgrounds and other similar uses.

2. Exterior lighting of parking areas shall be kept at a sufficient intensity, so as to provide adequate lighting for patrons while not disturbing the surrounding residential or commercial area.

3. The applicant may be required to provide evidence of the adoption and implementation of Responsible Beverage Service ("RBS") policies and practices, including, but not limited to participation in a Formal RBS training program. For the purposes of this Paragraph, "Formal RBS Training Program" shall mean any program from a list of vendors or programs approved by the Santa Cruz County Alcohol and Drug Program Administrator.

4. The applicant may be required to have employees be at least 21 years of age to sell and serve alcohol.

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5. The Zoning Administrator, and the Zoning Board or City Council on appeal, shall have the right to impose additional conditions as are necessary or advisable for the protection of the public health, safety and welfare.

6. All establishments shall be required to have a public telephone listing.

7. The applicant must bear cost of modifications or cease operations if, subsequent to the approval of an administrative use permit, it is determined pursuant to Section 24.12.1110 that the establishment constitutes a public nuisance.

8. Special Requirements For Eating and Drinking Establishments:

a. Food must be available at all hours that the establishment is open for business; however, the full kitchen need not be open or staffed.

b. Special security measures such as security guards and burglar alarm systems may be required.

9. Special Requirements For Brew Pubs:

a. Food must be available at all hours that the establishment is open for business; however, the full kitchen need not be open or staffed.

b. Special security measures such as security guards and burglar alarm systems may be required.

10. Special Requirements For Off-Sale Establishments:

a. The operation of video or any other electronic games may be prohibited in conjunction with the sale of alcoholic beverages;

b. If the establishment is located in a shopping center the sale of alcoholic beverages for consumption on appurtenant common areas may be prohibited;

c. Litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove litter and debris on a daily basis; and

d. Paper or plastic cups shall not be sold in quantities less than their usual and customary packaging.

24.12.1108. Modification of Existing Establishments Selling Alcoholic Beverages.

1. Any establishment lawfully existing prior to the effective date of 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 use permit as

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previously described in this part and shall be subject to any applicable special requirements set forth in Sections 24.12.1102 and 24.12.1106 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) a period of closure for at least one (1) year, or (c) an increase of 20% or greater of floor area in any 5-year period to accommodate retail sale of alcoholic beverages for on-site and/or off-site consumption.

2. Any establishment which becomes lawfully established on or after effective date of 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.

24.12.1110. Existing Uses Deemed Approved. Any high- or low-risk alcohol outlet lawfully in existence at the time that this Part becomes effective shall be deemed approved for such use. However, if the Zoning Board determines, after notice and a hearing in accordance with Sections 24.12.1112 and 24.12.1114, that the failure to adhere to any requirement imposed upon new or expanded uses pursuant to this Part is creating a public nuisance, or that such use constitutes a public nuisance in accordance with any other provision of the Santa Cruz Municipal Code, the Zoning Board may impose additional conditions upon the operation of such use as are necessary to abate the nuisance. Such measures may include, but shall not be limited to, any of the specific requirements set forth herein for new high- or low-risk alcohol outlets, and, if necessary, revocation of the deemed approved status and discontinuance of the use.

24.12.1112. Modification, Discontinuance Or Revocation. Notwithstanding any provision of the Santa Cruz Municipal Code to the contrary, for any use permit granted in accordance with the provisions of this Part or any deemed approved use subject to this Part, the Zoning Board may require the modification, discontinuance, or revocation of any such use permit or deemed approved use in accordance with the procedures set forth in Section 24.12.1114, if the Zoning Board determines that the use as operated or maintained constitutes a public nuisance. Such a determination shall be made if the Zoning Board determines that any of the following conditions, all of which are hereby declared a public nuisance, exist:

a. Any condition which has caused or resulted in repeated activities which are harmful to the health, peace or safety of persons residing or working or visiting in the surrounding area, as well as to consumers, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night

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or early morning hours), traffic violations or traffic safety based upon last drink statistics, curfew violations, lewd conduct, or police detention and arrests; or

b. Any condition which violates any provision of this Part or any other city, state, or federal regulation, ordinance or statute, where the violation creates a public nuisance.

24.12.1114. Procedures, Notices, Hearings, Appeals.

1. The Zoning Administrator may give notice to the record owner and lessee of the real property affected to appear at a public hearing before the Zoning Board, at a time and place fixed by the Administrator, and show cause why the use should not be modified, discontinued, or revoked as the case may be. A written notice shall be sent by certified mail not less than twenty-four (24) days prior to the date of hearing to the owner and lessee of the property involved, and by regular mail or other means to the owners and residents of all property within and outside of the City that is within six hundred (600) feet of the exterior boundaries of the properties involved.

2. After such notice and hearing, the Zoning Board may require the modification, discontinuance, or revocation of the subject use. As part of any such action, the Zoning Board may impose such conditions as the Zoning Board deems appropriate, including those necessary to protect the best interest of the surrounding property or neighborhood, to eliminate, lessen, or prevent any detrimental effect thereon, or to assure compliance with other applicable provisions of law.

3. Any such action shall be supported by written findings, including a finding that the action taken does not impair the constitutional rights of any person. However, the Zoning Board may require that a use be discontinued or revoked only if the Zoning Board also finds that (a) prior efforts to compel the owner or lessee to eliminate the problems associated with the use have failed; and (b) that the owner or lessee has failed to demonstrate, to the satisfaction of the Zoning Board, the willingness and ability to eliminate the problems associated with the use.

24.12.1116. Enforcement. The City Attorney is hereby authorized and directed to enforce all orders issued by the Zoning Board, and City Council on appeal, in accordance with the procedures set forth in Chapter 1.08 of the Santa Cruz Municipal Code, in addition to any other remedies available by law."

SECTION 2. Section 24.22.111.1 of the Santa Cruz Municipal Code is hereby added to read as follows:

"24.22.111.1 Bar, Tavern. Any retail establishment which is not a bona fide restaurant and at which the sale of alcohol beverages for consumption on the premises is the principal use, without the full range of meals provided in a bona fide restaurant. For purposes of regulations regarding on-sale establishments that sell alcohol, this definition shall include any bar, tavern, cocktail lounge, or other

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similar facility which has obtained an Alcohol Beverage Control license including but not limited to: type 40, 42, 48, 51, 52, or 61.

SECTION 3. Section 24.22.153 is hereby added to the Santa Cruz Municipal Code to read as follows:

24.22.153 Brew Pub. An establishment in which beer or wine is manufactured in limited quantities for on-site and off-site consumption.

SECTION 4. Section 24.22.223 is hereby amended to read as follows and Section 24.22.223B is hereby added to read as follows:

24.22.223 Community Care Facility. Any facility, place, or building which is maintained and operated to provide non-medical residential care, or daycare, home-finding agency services for children, adults or children and adults, including, but not limited to, the physically handicapped, mentally impaired or incompetent persons. All community care facilities shall be appropriately licensed or registered pursuant to State law, unless exempted therefrom by State law. This definition and all other definitions relating to community care facilities shall be interpreted so as to be consistent with definitions found in State law or State administrative regulations.

24.22.223A Community Care Residential Facility.

1. A community care residential facility which is any family home, group-care facility, or similar facility determined pursuant to State law, for twenty-four (24) hour non-medical care of persons in need of personal service, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual.

2. A small community care residential facility is one which serve six (6) or fewer persons.

24.22.223B Alcohol Or Other Drug Abuse Recovery or Treatment Facility. A facility licensed under Chapter 7.5 of Part 2 of Division 10.5 of the California Health and Safety Code and providing services which include one or more of the following: detoxification, rehabilitation services, educational sessions, and recovery or treatment planning to promote treatment and maintain recovery from alcohol or other drug problems.

SECTION 5. Section 24.22.231.1 of the Santa Cruz Municipal Code is hereby added to read as follows:

24.22.231.1 Convenience Store. Commercial activities include the retail sale of a limited selection of food, nonalcoholic and alcoholic beverages, and sundry items, primarily for off-premise consumption, and typically found in establishments exhibiting one or more of the following characteristics: (1) sale of alcohol after 11:00 p.m.; (2) designed for brief shopping visits; (3) one (1) to two

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duty; (4) having 4,000 square feet or less of retail floor space. Establishments which have a sizable assortment of fresh fruits and vegetables and fresh-cut meats are excluded from this category. For purposes of regulations regarding the retail sales of alcoholic beverages, this definition shall include multipurpose service stations of any size or other similar commercial uses.

SECTION 6. Section 24.22.338.1 is hereby amended to read as follows:

24.22.338.1 Eating and Drinking Establishment: Type Bona Fide Restaurant. A retail establishment which is regularly and in a bona fide manner used and kept open for the principal purpose of serving a variety of meals or menu items to patrons for compensation, and which has: (1) suitable kitchen facilities on the premises; (2) a primary use of sit down service to patrons; (3) adequate seating arrangements for patrons on the premises; (4) sale of alcoholic beverages as an incidental use and only when served at tables or counters. A bona fide restaurant, which includes, but is not limited to, any facility which has obtained a Department of Alcoholic Beverage Control license, does not include any billiard or pool hall, video arcade, game parlor, card room, gambling establishment, bowling alley, shooting gallery, or adult entertainment business; (5) a minimum of 65% of its quarterly gross receipts shall be from the sale of meals, not to include cover or admission charges, or alcoholic beverage sales, during the same period. The owner/operator may be required to submit certified records or evidence pertaining to the sales of meals and alcoholic beverages to the Finance Department of the City, as part of review of the use permit upon request by City Officials, for the purpose of verifying compliance.

SECTION 7. Section 24.22.437 of the Santa Cruz Municipal Code is hereby added to read as follows:

24.22.437 High-Risk Alcohol Outlet. As the term is used in regulations regarding retail outlets where alcoholic beverages are sold: any bar, tavern, liquor store, or convenience store. A bona fide restaurant, wine-tasting room, banquet facility, conference center, brew pub or night club (which night club does not have an On-sale Alcohol Beverage Control general license types 48 or 51) shall not constitute a high-risk alcohol outlet.

SECTION 8. Section 24.22.487 is hereby added to the Santa Cruz Municipal Code to read as follows:

24.22.487 Liquor Store. A retail business engaged primarily in the off-premise sale of alcoholic beverages. For the purpose of regulating retail businesses of this type, primary business shall mean, the sales of alcoholic beverages represent 51% or more of gross sale receipts.

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SECTION 9. Section 24.22.529 is hereby added to the Santa Cruz Municipal Code to read as follows:

24.22.529 Low-Risk Alcohol Outlet. As the term is used in regulations regarding retail establishments where alcoholic beverages are sold: any establishment selling alcohol for on- or off-site consumption which is not a "high-risk outlet."

SECTION 10. Section 24.22.560.1 of the Santa Cruz Municipal Code is hereby added to read as follows:

24.22.560.1 Night Club. A retail establishment which is regularly and in a bona fide manner used and kept open for the principal purpose of providing live entertainment, food, and beer and wine, but is not a type 48 full bar.

SECTION 11. Section 24.22.577 is hereby added to the Santa Cruz Municipal Code to read as follows:

24.22.577 Off-Sale Liquor Establishment. Any establishment which is applying for or has obtained a liquor license from the California Department of Alcoholic Beverage Control for the sale of alcoholic beverages for off-site consumption only, including license types 20 and 21.

SECTION 12. Section 24.22.580 is hereby added to the Santa Cruz Municipal Code to read as follows:

24.22.580 On-Sale Liquor Establishment. Any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises including, but not limited to, any facility which has obtained an Alcoholic Beverage Control license types 42, 48, 51, 52, or 63. Typical on-sale uses include, but are not limited to, the following establishments: bars, taverns, brew pubs, restaurants, ballrooms, dance bars, piano bars, billiard and or game parlors, nightclubs or other private clubs, and veterans clubs.

SECTION 13. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, firm, corporation or circumstance, is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion(s) thereof. The City Council of the City of Santa Cruz hereby declares that it would have adopted this Ordinance and each Section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portion be declared invalid or unconstitutional.

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SECTION 14. This Ordinance shall be in force and take effect thirty (30) days after its final adoption."

PASSED FOR PUBLICATION this 11th day of April, 1995, by the following vote:

AYES:	Councilmembers:	Rotkin, Yokoyama, Kennedy; Mathews.
NOES:	Councilmembers:	Campbell; Mayor Beiers.
ABSENT:	Councilmembers:	Scott.
DISQUALIFIED:	Councilmembers:	None.

APPROVED: *William E. ...*
Mayor

ATTEST: *Emma ...*
City Clerk

PASSED FOR FINAL ADOPTION this 25th day of April, 1995, by the following vote:

AYES:	Councilmembers:	Yokoyama, Kennedy, Mathews; Vice Mayor Rotkin.
NOES:	Councilmembers:	Scott; Campbell.
ABSENT:	Councilmembers:	Mayor Beiers.
DISQUALIFIED:	Councilmembers:	None.

APPROVED: *J.M.S. ...*
Vice Mayor

ATTEST: *Leslie ...*
Deputy City Clerk

This is to certify that the above and foregoing document is the original of Ordinance No. 95-03 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Leslie ...
Deputy City Clerk

CALIFORNIA COASTAL COMMISSION

EXHIBIT A

STC#1-96

ORDINANCE NO. 95-33

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 24.08 AND CHAPTER 24.12 OF THE SANTA CRUZ MUNICIPAL CODE, ZONING ORDINANCE, AND LOCAL COASTAL PLAN REGARDING THE ALLOWABLE HEIGHT OF FENCE GATES AND TRELLISES

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

Section 1. Section 24.08.610 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.08.610 General Provisions.

A conditional fence permit shall be required when the proposed fence is:

1. On that portion of any private property in the area between the street and the front or the exterior side yard setback line established by the Zoning Ordinance, the Building Code or other ordinances of the city and exceeds a height of three feet six inches from finished grade except as provided in Chapter 24.12.160.1(a)(3).
2. On that portion of the property back of the setback lines described in Subsection 1. above and exceeds a height of six feet from finished grade except as provided in Chapter 24.12.160.1(a)(3).

Section 2. Section 24.12.160 of the Santa Cruz Municipal Code is hereby amended to read as follows:

24.12.160 Fencing and Screening.

1. Fencing. Regulations governing the installation, construction and placement of fences and structures in the nature of fences which exceed height limitations contained herein are set forth in Chapter 24.08, Part 7, Conditional Fence Permit.
 - a. Height Limitations. No person shall erect upon any private property in the city, any fence, or structure in the nature of a fence exceeding the following height limitations:
 - (1) On that portion of any private property in the area between the street and the front or the exterior side yard setback line established by the Zoning Ordinance, the Building Code or other ordinances of the city, fences shall not exceed a height of three feet six inches from finished grade, except as provided in Chapter 24.08, Part 7;
 - (2) On that portion of the property back of the setback lines, described under paragraph (1) above, fences shall not exceed a height of six feet from finished grade, except as provided in Chapter 24.08, Part 7.

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(3) Any fence along a property line adjacent to a street, or in the adjacent required setback, except in the clear corner triangle, may include a gate, trellis or other entry feature exceeding the height limit stated in (1) and (2) above. Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such gate, trellis, or entry feature shall be permitted per street frontage except as provided in Chapter 24.08, Part 7.

- b. Fire Hazard. The erection of any fence which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, or which will interfere with access in case of fire, by the fire department to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians shall not be permitted.
- c. Temporary Fences - Exceptions. Nothing contained in this title shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to the Building Code and other ordinances of the city.
- d. Barbed-Wire Fencing. No barbed-wire fences may be constructed, electrified or otherwise, without a conditional fence permit.
- e. Hedges. Hedges or dense planting in the nature of a hedge shall not be grown or maintained on that portion of any private property in the area between the street and the front or the exterior side yard setback line established by this title, the Building Code, or other ordinances of the city to a height in excess of three feet six inches.
- f. Clear Corner Triangles and Clear Vision Areas. Fences or hedges shall not be greater than, nor allowed to exceed, three feet six inches in height in the clear corner triangle and the clear vision area as defined herein.

2. Screening.

- a. In any nonresidential district adjacent to any R- District, screening between districts shall be provided.
- b. All areas of outdoor storage in any commercial or industrial district shall be permanently screened from view from any adjacent street, public way or adjacent private property.

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Section 3. This ordinance shall be in force and take effect 30 days after its final adoption.

PASSED FOR PUBLICATION this 14th day of November, 1995, by the following vote:

AYES: Councilmembers: Rotkin, Scott, Yokoyama, Kennedy, Campbell, Mathews; Mayor Beiers.

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

DISQUALIFIED: Councilmembers: None.

APPROVED: Katherine Beiers
Mayor

ATTEST: Emma Selden
City Clerk

PASSED FOR FINAL ADOPTION this 28th day of November, 1995, by the following vote:

AYES: Councilmembers: Beiers, Scott, Yokoyama, Kennedy, Campbell, Mathews; Mayor Rotkin.

NOES: Councilmembers: None.

ABSENT: Councilmembers: None.

DISQUALIFIED: Councilmembers: None.

APPROVED: M. C. [Signature]
Mayor

ATTEST: Emma Selden
City Clerk

This is to certify that the above and foregoing document is the original of Ordinance No. 95-33 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Emma Selden
City Clerk

CALIFORNIA COASTAL COMMISSION
EXHIBIT B

ORDINANCE NO. 95-20

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING TITLE 24 OF THE SANTA CRUZ
MUNICIPAL CODE, THE ZONING ORDINANCE,
BY AMENDING CHAPTER 24.12, PART 3, OFF-
STREET PARKING AND LOADING FACILITIES TO
MODIFY BICYCLE PARKING REQUIREMENTS

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

SECTION 1. Section 24.12.250 is hereby added to the Santa Cruz
Municipal Code to read as follows:

24.12.250 Bike Parking Requirements.

1. Bicycle parking facilities shall be provided for any new building or addition or enlargement of an existing building, or for any change in the occupancy.
2. Bike Spaces Required. Bicycle parking facilities shall be provided in accordance with the following schedule, with fractional requirements for bike parking over .5 to be rounded up:

- a. Commercial; Industrial,
Office, Retail, Service

Number of auto
parking spaces

1+

Number of bicycle parking spaces
required

2 + 15% of auto parking
requirement

- b. Multi-Family Residential
3 or more units

1 space per unit

- c. Public, or Commercial
Recreation
(See Land Use Code 7XX)

35% of auto parking requirement

- d. Schools

1 space per 3 students

- e. Park and Ride Lots
and Transit Centers

35% of auto parking requirement

- f. Lodging

1 space per 5 units

CALIFORNIA COASTAL COMMISSION

EXHIBIT C

ORDINANCE NO. 95-20

3. **Type of bicycle parking required.** Each bicycle parking space shall be no less than six feet long by two feet wide (6'x 2') and shall have a bicycle rack system in compliance with the Bike rack classifications listed in Section 24.12.250.4 as follows: Fractional amounts of the type of parking facilities may be shifted as desired.

	Classification
a. Office, Industrial (Commercial) Financial	60% Class 1 40% Class 2
b. Retail, Service (Commercial)	20% Class 1 80% Class 2
c. Multi-Family Residential 3 or more units	100% Class 1 Garages or secure accessible indoor areas count
d. Public or Commercial Recreation	10% Class 1 90% Class 2
e. Schools	100% Class 2 Secured, Covered
f. Park and Ride lots	80% Class 1 20% Class 2
g. Transit Center	100% Class 2 Secured, Covered

4. **Classification of Facilities**

- a. **Class 1 bicycle facility** means a locker, individually locked enclosure or supervised area within a building providing protection for each bicycle therein from theft, vandalism and weather.
- b. **Class 2 bicycle facility** means a stand or other device constructed so as to enable the user to secure by locking the frame and one wheel of each bicycle parked therein. Racks must be easily usable with both U-locks and cable locks. Racks should support the bikes in a stable upright position so that a bike, if bumped, will not fall or roll down. Racks that support a bike primarily by a wheel, such as standard 'wire racks' are damaging to wheels and thus are not acceptable. (See Bikes are Good Business Design guidelines)

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EXHIBIT C

5. Location and Design of Facilities

- a. Bicycle parking should be located in close proximity to the buildings entrance and clustered in lots not to exceed 16 spaces each.
- b. Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components.
- c. Bicycle parking facilities should be located in highly visible well lighted areas to minimize theft and vandalism.
- d. Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
- e. Bicycle parking facilities shall not impede pedestrian or vehicular circulation, and should be harmonious with their environment both in color and design. Parking facilities should be incorporated whenever possible into building design or street furniture.
- f. Racks must not be placed close enough to a wall or other obstruction so as to make use difficult. There must be sufficient space (at least 24 inches) besides each parked bike that allows access. This access may be shared by adjacent bicycles. an aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six (6) feet to the front or rear of a bike parked in the facility.
- g. Paving is not required, but the outside ground surface shall be finished or planted in a way that avoids mud and dust.
- h. Bike parking facilities within auto parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.

6. Variation to Requirements

- a. *Substitution of car parking with bike parking.* New and pre-existing developments may convert up to 10% of their auto spaces to unrequired additional bike parking, as long as the spaces are conveniently located near the entrance. Converted parking spaces must yield at least 6 bike parking spaces per auto space.
- b. Where the provision of bike parking is physically not feasible the requirements may be waived or reduced to a feasible level by the Zoning Administrator in accordance with City bike parking standards for existing buildings.

ORDINANCE NO. 95-20

SECTION 2. This ordinance shall be in force and take effect thirty (30) days after its final adoption.

PASSED FOR PUBLICATION this 13th day of June, 1995, by the following votes:

AYES: Councilmembers: Rotkin, Scott, Yokoyama, Kennedy; Mayor Beiers.

NOES: Councilmembers: Campbell; Mathews.

ABSENT: Councilmembers: None.

DISQUALIFIED: Councilmembers: None.

APPROVED: Kathleen Beiers
Mayor

ATTEST: Emma Selden
City Clerk

PASSED FOR FINAL ADOPTION this 27th day of June , 1995, by the following votes:

AYES: Councilmembers: Scott, Yokoyama, Kennedy, Campbell; Vice Mayor Rotkin.

NOES: Councilmembers: Mathews.

ABSENT: Councilmembers: Mayor Beiers.

DISQUALIFIED: Councilmembers: None.

APPROVED: Mike Rotkin
Vice Mayor

ATTEST: Emma Selden
City Clerk

This is to certify that the above and foregoing document is the original of Ordinance No. 95-20 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz

Emma Selden
City Clerk

CALIFORNIA COASTAL COMMISSION
EXHIBIT C