

CALIFORNIA COASTAL COMMISSION

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Th17a

Prepared October 16, 2015 (for November 5, 2015 Hearing)

To: Coastal Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Ryan Moroney, Coastal Planner

**Subject: Certification Review for the City of Santa Cruz's Local Coastal Program
Amendment Number STC-1-12 Part 4 (Outdoor Extension Areas)**

On April 16, 2015 the Coastal Commission approved the City of Santa Cruz's Local Coastal Program (LCP) Major Amendment Number STC-1-12 Part 4. The amendment established a detailed administrative use permit and revocable license requirement authorizing outdoor extension areas into public sidewalks for commercial uses, including outdoor sidewalk cafes and retail areas (such as "sidewalk sales"). The purpose of the amendment was to enhance the streetscape on the City's corridors by introducing uses attractive to visitors in ways that activate and enliven the public street.

By action taken August 11, 2015, the City of Santa Cruz adopted the amending LCP text (see Exhibit 1). The Executive Director has determined that the actions taken by the City are legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., November 5, 2015), and notification of this certification and Commission concurrence will be forwarded to the City.

Motion. I move that the Commission concur with the Executive Director's determination that the actions taken by the City of Santa Cruz to accept the Commission's approval of LCP Amendment Number STC-1-12 Part 4 are legally adequate. I recommend a yes vote.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Santa Cruz LCP consistent with the Commission's approval of LCP Amendment Number STC-1-12 Part 4; the amended LCP will be certified as of today's date (i.e., November 5, 2015). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibit

Exhibit 1: City's Acceptance of the Coastal Commission's Approval

RESOLUTION NO. NS-28,963

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ
AUTHORIZING AND DIRECTING THE CITY MANAGER TO SUBMIT THE LOCAL
COASTAL IMPLEMENTATION AMENDMENT TO THE CALIFORNIA COASTAL
COMMISSION FOR FINAL CERTIFICATION**

WHEREAS, on February 16, 2012, the Planning Commission directed staff to make minor changes to the Title 24 (Zoning Code) including changes to section 24.12.192 allowing for outdoor extension café and retail areas for commercial uses outside of the downtown; and

WHEREAS, the Planning Commission held a public hearing to review and consider the proposed zoning amendment on May 3, 2012 and recommended acceptance of the environmental determination and approval of the zoning code amendments to the City Council with minor changes; and

WHEREAS, consistent with CEQA and City Guidelines, the proposed code amendment were determined to be exempt from the California Environmental Quality Act as it is certain that there is no possibility that the activity in question may have a significant effect on the environment per CEQA Section 15061(b)(3); and

WHEREAS, on May 22, 2012 the City Council adopted the proposed changes to the Zoning Ordinance to allow outdoor extension areas outside of the downtown; including the addition of Section 24.12.192 and authorized the City Manager to submit these changes to the California Coastal Commission as a Local Coastal Implementation Plan Amendment for Final Certification by the California Coastal Commission; and

WHEREAS, on April 16, 2015 the Coastal Commission approved the addition of Section 24.12.192 to the Zoning Ordinance as a Local Coastal Implementation Plan amendment with suggested modifications; and

WHEREAS, the City Council acknowledged receipt of the California Coastal Commission action on the City of Santa Cruz Local Coastal Program Amendment Number STC-1-12 Part 4 (Outdoor Extension Areas into Public Right-of-Way for Commercial Use); and

WHEREAS, the City Council approves the California Coastal Commission suggested modifications to Zoning Ordinance Section 24.12.192 as a Local Coastal Implementation Plan Amendment and agrees to issue coastal development permits subject to the approved amendments; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Santa Cruz hereby authorizes and directs the City Manager to submit the amendments to Title 24 (Zoning Code) Section 24.12.192 to the California Coastal Commission for final certification.

RESOLUTION NO. NS-28,963

BE IT FURTHER RESOLVED, that amendments to the Local Coastal Implementation Plan will become effective upon final certification by the California Coastal Commission.


PASSED AND ADOPTED this 23rd day of June, 2015, by the following vote:

AYES: Councilmembers Chase, Terrazas, Comstock, Posner; Noroyan; Vice Mayor Mathews; Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: 
Mayor

ATTEST: 
City Clerk Administrator

ORDINANCE NO. 2015-10

**AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING PORTIONS OF TITLE 24,
INCLUDING CHANGES TO SECTION 24.12.190; AND ADDING NEW SECTION 24.12.192
TO THE SANTA CRUZ MUNICIPAL CODE AND TO THE LOCAL
COASTAL IMPLEMENTATION PLAN**

**Chapter 24.12
COMMUNITY DESIGN**

- 24.12.100 Minimum building site.
- 24.12.110 Setback requirements modifications.
- 24.12.115 Special street setback requirements for designated streets.
- 24.12.120 Projections into required yard areas, setbacks and easements.
- 24.12.125 Landscaping requirement.
- 24.12.130 Extended storage or parking in yard areas.
- 24.12.140 Accessory buildings.
- 24.12.145 Food preparation facility (special purpose).
- 24.12.150 Height limits modifications.
- 24.12.160 Fencing and screening.
- 24.12.170 Overhead transmission lines.
- 24.12.180 Community housing project requirements.
- 24.12.190 Outdoor storage, display or sale of merchandise.
- 24.12.192 Outdoor Extension Areas
- 24.12.195 Live entertainment

Part 2: GENERAL SITE STANDARDS

24.12.190 OUTDOOR STORAGE, DISPLAY OR SALE OF MERCHANDISE.

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

1. Exceptions. The following outdoor sales and commercial activities shall not be subject to the provisions of this section:

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- a. Automobiles, boat, trailer, camper, motorcycle, and motor-driven vehicle sales and rentals;
- b. Building material and supplies areas in the I-G District;
- c. Fish markets and beach, surfing, and fishing equipment in the C-B and OF-R- District;
- d. Fruit and vegetable stands;
- e. Horticultural nurseries;
- f. Vending machines, when located in service stations, motels and other drive-in businesses;
- g. Gasoline pumps, oil racks and accessory items when located on pump islands;
- h. Vending carts and stands;
- i. Activities similar to the above, as determined by the zoning administrator;
- j. Parking lot sales not to exceed three days during any six-month period;
- k. Sidewalk sales, when sponsored by business or civic organizations, not to exceed three days during any six-month period;
- l. Garage sales when conducted on residentially used property, for a period not to exceed three days during any six-month period;
- m. Sidewalk cafes on private property, subject to approval of an administrative use permit;
- n. Outdoor extension areas for commercial uses, including outdoor sidewalk cafes or retail areas on public property, subject to approval of an administrative use permit and a revocable license per Section 24.12.192;
- o. Temporary circus or carnival activities, subject to approval of an administrative use permit;
- p. Cut flowers.

(Ord. 85-05 § 1 (part), 1985).

24.12.192 OUTDOOR EXTENSION AREAS.

The purpose of outdoor extension areas is to enhance streetscape on the city's corridors by introducing uses attractive to pedestrians into the pedestrian environment, configured and arranged in ways which activate and enliven the public street. These uses include outdoor eating areas, retail areas and landscaping. In this section the term "adjacent business" shall apply to the business using the extension area. If the sidewalk width allows it, the adjacent business may be separated from the extension area by the public walkway. This section is applicable citywide, except for areas within the Downtown Recovery Plan which are subject to Section 24.10.2340.

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1. Administrative Use Permit and Revocable License. No person shall use an extension area unless an administrative use permit and revocable license are obtained pursuant to this part.

2. Outdoor Extension Area Application. Application for an outdoor extension area 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 and/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. 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.

3. Location and Design Requirements.

a. The extension area may extend no more than 10 feet from the property line into the public right of way, and in no cases shall an extension area result in an unobstructed walk way of less than 6 feet.

b. The elevation of the extension area shall be the same as the public sidewalk, and shall meet ADA accessibility standards outlined below.

c. No permanent structures will be allowed within the public right-of-way, with the exception of ADA complying barriers.

d. If a separation between the cafe and the public walkway is desired this shall be achieved through low planters or fencing; the maximum height of such planters (including the planting) shall be no more than four feet in order to maintain the public view of the extension area. Wind block types of clear fencing can exceed four feet.

e. A canvas awning will be permitted to extend over the full depth of the cafe extension area; no columns or supporting poles will be permitted within the public right-of-way.

f. The use of removable umbrellas within sidewalk extension areas is also encouraged; provided, that seven feet of clearance is provided from the sidewalk.

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g. Removable wind screens that are of a transparent material and that are an integral part of the planter may be permitted to extend the seasonal use of the cafe area. Such screens shall not exceed a height of six feet and shall be separated from the awning to provide for air movement.

h. Extension areas that include a "take-out" or service window shall submit a management plan that includes specifics on outdoor trash collection and disposal, security and customer queuing. The management plan will include designated staffing and will be designed to ensure that the site is kept clean, trash is managed, that the outdoor area is attractive and that customer queuing does not impede access to the sidewalk.

4. Conditions of Approval. The administrative use permit and revocable license may be conditioned to achieve the purpose of this part. In addition to any other appropriate conditions, standard conditions shall include:

a. The approval for this use shall be issued to the operator of the adjacent business, and shall not be transferable.

b. The extension area shall be permitted only in conjunction with the establishment which is operating in the adjacent building and to which the extension area is appurtenant.

c. The applicant shall notify the planning department and police department at least three working days in advance of the date work is to begin to establish the outdoor use.

d. The applicant shall take actions to assure that the use of the extension area in no way interferes with pedestrians or limits their free and unobstructed passage.

e. The extension area and all its contents shall at all times be maintained in a clean and attractive condition; all landscaping and planting shall be maintained in a presentable and healthy condition.

f. The extension area shall be operated in conformance with the hours specified in the approval.

g. The extension area shall be operated in conformance with any applicable city, county or state laws.

h. Use of the extension area is approved for an indefinite term, except as it may be limited as a condition of the approval, but shall be subject to termination at any time on thirty days' prior written notice upon a determination by the city that the public interest requires vacating the extension area, or as provided in Section 24.10.2340(4)(g).

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i. The licensee shall meet the liability and insurance requirements of the city's risk manager. A certificate of insurance shall be furnished to the city prior to the use of an extension area.

5. Denial, Revocation or Suspension of License. The zoning administrator may deny, revoke, or suspend a license for use of an extension area if it is found:

- a. That the provisions of this part or conditions of approval have been violated; or
- b. Any necessary health permit has been suspended, revoked or canceled; or
- c. The licensee does not meet the insurance requirements of the license; or
- d. The city determines that the public interest requires vacating the extension area.

6. Denial, Revocation or Suspension of License. The zoning administrator may deny, revoke, or suspend a license for use of an extension area if it is found:

- a. That the provisions of this part or conditions of approval have been violated, or
- b. Any necessary health permit has been suspended, revoked or canceled, or
- c. The licensee does not meet the insurance requirements of the license, or
- d. The City determines that the public interest requires vacating the extension area.

PASSED FOR PUBLICATION this 23rd day of June, 2015, by the following vote:

AYES: Councilmembers Chase, Terrazas, Comstock, Posner, Noroyan; Vice Mayor Mathews; Mayor Lane.

NOES: None.

ABSENT: None.

ABSTAIN: None.

APPROVED:


Mayor

ATTEST:



City Clerk Administrator

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PASSED FOR FINAL ADOPTION this 11th day of August, 2015, by the following vote:


AYES: Councilmembers Chase, Terrazas, Comstock, Posner, Noroyan; Vice Mayor Mathews; Mayor Lane.

NOES: None.

ABSENT: None.

ABSTAIN: None.

APPROVED:



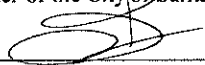
Mayor

ATTEST:



City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2015-10 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz



City Clerk Administrator