ORDINANCE NO. 2009-11

AN ORDINANCE OF THE CITY OF SANTA CRUZ
AMENDING CHAPTER 24.10, PART 7B.1 OF THE CITY ZONING ORDINANCE
PERTAINING TO THE R-T(B)/PER 2 ZONING DISTRICT

The City Council of the City of Santa Cruz ordains as follows:

Section 1. Chapter 24.10 of the Municipal Code of the City of Santa Cruz shall be amended to read as follows:

Part 7C.2: R-T(C)/PER 2: SUBDISTRICT C –
BEACH COMMERCIAL/PERFORMANCE OVERLAY ZONE 2/
LA BAHIA HOTEL SITE

24.10.625.80 PURPOSE.

The purpose of the Beach Commercial Performance Zone is to identify areas of critical public interest in the Beach Commercial Area, and to provide regulations and standards necessary to achieve planning goals for development and/or redevelopment in a manner which protects neighborhood integrity while stimulating appropriate economic development.

The goal of RTC/PER 2 is to promote the General Plan policy for the development of regional visitor serving uses in the Beach Area while accomplishing the directives of the adopted Beach and South of Laurel Comprehensive Area Plan. The Beach Commercial Performance Zone 2 establishes the requirements for development on the La Bahia Hotel Site under the Planned Development process.

24.10.625.81 INTENT OF THE ZONE.

The RTC/PER 2 is designed to accomplish the following:

(a) to create development standards which will encourage the development of a quality full-service hotel with conference facilities along Beach Street on the La Bahia site with direct ocean and wharf views;

(b) to permit a flexible development response to the local market as well as the regional visitor market, and to allow for the development of a quality beachfront hotel with conference facilities to meet the needs and requirements of visitors, residents and workers;

(c) to provide a density of development which will allow development of a quality beachfront hotel with conference facilities which is compatible with uses adjacent to the Beach Commercial Area;

(d) to encourage design which produces an appropriate relationship between the development on this site and adjacent residential and commercial areas;

(e) to ensure development of a quality, full-service hotel with conference facilities in a building which incorporates the existing historical landmark La Bahia building or which creates a new architectural landmark in the Spanish Colonial Revival style to replace the historical La Bahia Apartments building which will be demolished;

(f) to allow setback modifications and additional height if visual analysis, architectural quality and consideration of public and economic benefits provide sufficient rationale for approval by the City Council.

24.10.625.82 APPLICABILITY.

The RTC/PER 2 zone shall be applied to all the parcels that comprise the La Bahia site, which is bounded by Beach Street, Main, First, and Westbrook Streets, and shall be subject to a permit process that is carried out to review the proposed design of development within the district through a Planned Development process subject to the criteria and standards established by the Performance Zone. This process should take into account the proposed development's potential to meet the City's adopted economic development goals; its compliance with Local Coastal Zone policy and adopted design guidelines, and identify the benefits of the proposed project.

24.10.625.83 DESIGN AND USE PERMIT REQUIREMENTS.

1. The following uses are permitted subject to a Design Permit and other requirements of the Municipal Code. The goal is to provide a quality, full-service hotel with conference facilities which will integrate existing commercial uses along Beach Street. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes.)

a. Lodging, hotel development provided it incorporates a full-service restaurant and not less than 5,000 square feet of conference facilities, (300)

b. Retail uses and eating and drinking establishments, not including drive-up or drive-in services, subject to alcohol regulations in Part 12 of Chapter 24, incidental to the conference hotel facilities, (280)

c. Exhibit space, auditoriums and conference space, (570b,570c)

d. apparel and accessory stores (250)

e. museums and art galleries (600)

f. specialty retail supply stores (290)

2. The following uses are subject to approval of a Special Use Permit, a Design Permit and other requirements of the Municipal Code:

a. Nightclubs, establishments providing entertainment or permitting dancing and establishments serving alcoholic beverages. (630)

24.10.625.84 USE DETERMINATION.

Any other use or service establishment determined by the zoning administrator to be of the same general character as the foregoing uses, and which will not impair the present or potential use of adjacent properties, may be permitted. A use permit shall be required and processed pursuant to Part 1, Chapter 24.08, Use Permits, of this title. Ord. 85-05 § 1 (part), 1985).

24.10.625.85 DISTRICT REGULATIONS.

1. General.

| Provision | |
|---|---|
| a. Maximum Height of Buildings | |
| · Number of Stories | 3-4.5* |
| · Principal buildings (feet) | 36-50* |
| · Accessory buildings (feet) | 15 |
| b. Minimum lot area (net) (square feet) | one acre |
| c. Minimum lot width (feet) | 65 |

* The number of stories allowed above average grade of the site. Given the unique topography of this site, height shall be measured based on a four quadrant method from average grade elevation to the mid-point of the roof for each building segment. Approval of projects above three stories and heights above 36 feet shall require City Council approval according to criteria below. Heights may be increased by one story or 11 feet with approval of a Planned Development Permit.

Additional Height Criteria

Allowance of heights above 36 feet for lodging and hotel uses only shall be discretionary and subject to approval of the City Council. Building heights above 36 feet shall not be allowed for more than 60 percent of the site area. Proposals for height above 36 feet shall prepare a detailed visual analysis of the proposed building to determine the visual impact of the development. The visual impact analysis must consider the views from key locations with the City, and the views from immediately adjacent streets. Building heights above 36 feet require the recommendation of the Director of Planning to the City Council, with the finding that the proposed building provides an extraordinary contribute to the aesthetic goals of the Beach/South of Laurel Area Plan. In addition to the finding of extraordinary design, further consideration for the additional building heights may be given for public benefit or economic benefits attributed to the project. The City should negotiate a development agreement which provides for the specific public benefits outlined above. In addition, this agreement should detail any on-site parking provisions and incorporate lease or purchase arrangements for any off-site parking which may be approved for conference facility parking.

2. Other Requirements.

a. The minimum distance between buildings on the same lot shall be ten feet, or one foot of setback for each two feet of height of, or portion thereof, a structure, whichever is greater.

b. Other regulations which may be applicable to site design in this zone are set forth in General Site Design Standards, Part 2, Chapter 24.12.

c. Height

Maximum Building Height: One additional story or 11 additional feet in height over the 4.5 story (50 foot) height limit may be approved with a Planned Development Permit, for a maximum of 61 feet.

d. Additional Height Allowances

d1. Uninhabitable mechanical penthouses shall be limited to 7.5 % of the roof area and will be permitted an additional 10 foot height allowance (i.e. up to 71 feet), provided that they are set back from the face of the building by a minimum of 20 feet so as not to be visible by pedestrians.

d.2 Architectural elements such as bell towers, spires, turrets, cupolas, chimneys, dormers, flag poles, etc. are limited to 7.5 % of the roof area and may extend 10 feet above the height limitation (i.e. up to 71 feet), subject to design permit review.

e. Setbacks:

Development on this site should be designed to encourage and support activities that unify Beach Street. For that reason, development on the first floor shall be required to build close to the property line adjacent to Beach Street. Terraces, significant planter boxes and other narrowscape concepts should be used to soften this edge but provide active pedestrian access. Setbacks shall be varied depending on the street frontage and in order to achieve the Spanish Colonial Revival architectural style, as follows:

| | |
|---|---|
| Beach Street | - 0-6 feet required on first floor; zero allowed on upper floors; |
| Main Street | - 0-3 feet, varied as the building increases in height; |
| Westbrook Street | - 0-3 feet, varied as the building increases in height; |
| First Street | - 0-3 feet, varied as the building increase in height. |

f. Design: All development must be in compliance with adopted Design Guidelines. Regulations which may be applicable to site design in this zone are set forth in General Site Design Standards Part 2, Chapter 24.12. and the *Design Guidelines* of the Beach and South of Laurel Comprehensive Area Plan.

f.1 It is recommended that the design of all new structures be based upon "Spanish

Colonial Revival" architecture as well as Mission Revival and Mediterranean architecture as described in the *Design Guidelines*. "Fantasy Victorian" is encouraged for recreational and entertainment development.

f.2 Buildings shall be designed with stucco walls, courtyards, arches, towers, balconies, wood doors and windows, or appropriate materials that emulate the scale, proportions and look of wood, decorative iron and tile details or other features typical of Spanish Colonial Revival style.

f.3 Building forms shall suggest thick masonry reminiscent of Spanish Colonial Revival architecture and incorporate features such as recessed doors and windows.

f.5 Roofs shall be hipped terra cotta tile roofs or flat roofs completely surrounded by a parapet. This parapet shall incorporate curvilinear decorative shapes and moldings.

f.6 Flat roofed buildings shall incorporate porches, window overhangs, trellises, wall and opening articulation or other features to avoid a bare box appearance.

g. Siting:

g.1 Development shall be designed to create plazas and pedestrian spaces featuring amenities such as shade, benches, outdoor dining, fountains, gardens and performance spaces.

g.2 All hotel lobbies shall be located along streets, plazas, courtyards, or sidewalks in order to create visual interest to the pedestrian.

g.3 Building facades shall be articulated with wall offsets, recesses, openings, ornamentation, and appropriate colors and materials to add texture and detail to the streetscape.

h. Accessibility:

h.1 Access must be aesthetically integrated within the development.

i. Parking:

i.1 Underground parking shall be required for hotels in excess of 36 feet in height.

i.2 Parking shall not be the dominant visual element of the site. Existing and/or expanded surface parking which are visible from the street or other areas exposed to public

view must be screened and softened by landscaping, low screen wall or a combination of these elements.

i.3 Surface lots must be planted with trees to reduce heat and glare that include at least 15% of the surface area to provide visual relief from broad expanses of paving. Shade trees shall be planted around the perimeter and within the lot.

i.4 Off-site parking may be permitted within this subdistrict if:

- there is adequate public parking (including the privately operated Boardwalk parking lots) to accommodate parking for conference facility requirements; or

- the development identifies and develops a suitable permanent parking facility; or

- the development secures and provides evidence of a long-term lease from a suitable permanent parking facility.

j. Landscaping:

j.1 Interior courtyards and passages are encouraged and shall be planted with colorful, perennial and annual plant species. A combination of trees, shrubs and groundcovers shall be used to frame, soften and embellish the quality of the development, to screen undesirable views and to define development boundaries. Landscaping shall be maintained in an attractive condition.

j.2 Permanent containers for flowering plants, such as window boxes and planters, are encouraged for use in limited space areas, at entries and in courtyards and plazas, and along the frontages of Beach Street, Main Street, Westbrook Street and First Street.

k. Transit: All development proposals within the RTC/PER2 district shall:

- discourage employee automotive use by instituting one or more of the following: carpooling requirements, transit subsidies, employee shuttle service, and/or

- provide a contribution and/or cost-sharing for shuttle and/or parking such as on the Depot site.

24.10.624.86 Findings

Required.

In addition to required Use and Design Permit findings, any development permit must also meet the following findings. The proposed project:

1. Can be coordinated with existing and proposed development of the surrounding areas; and

2. Shall provide the amenity level of the development, the quality of architecture, and the landscaping to meet the requirements listed above.

3. Shall be found to contribute to the overall economic health, vitality and general mix of uses in the beach area by providing quality hotel and conference facilities for the area.

Section 2. This ordinance shall be in force and take effect on the latter of the following dates: thirty (30) days after its final adoption or after final certification by the California Coastal Commission of the amendments to the City's Local Coastal Plan/Program.

PASSED FOR PUBLICATION this 14th day of April, 2009, by the following vote:

AYES: Councilmembers Coonerty, Robinson, Lane, Vice Mayor Rotkin; Mayor Mathews.

NOES: Councilmember Madrigal.

ABSENT: Councilmember Beiers.

DISQUALIFIED: None.

APPROVED: ss/Cynthia Mathews
Mayor

ATTEST: ss/Lorrie Brewer
City Clerk

This Ordinance is scheduled for further consideration at the Council meeting of April 28, 2009.