

ORDINANCE NO. 2009-20

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING PORTIONS
OF TITLE 24 (ZONING ORDINANCE/LOCAL COASTAL IMPLEMENTATION PLAN)
REGARDING REQUIEMENTS FOR SMOKING LOUNGES IN THE COMMUNITY
COMMERCIAL (C-C), GENERAL INDUSTRIAL (I-G) AND CENTRAL BUSINESS
SUB-DISTRICT LOWER PACIFIC AVENUE (CBD-E)

Section 1: Chapter 24.10.730 Use Permit Requirements in the Community Commercial (C-C) zone district of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.730 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Accessory buildings containing plumbing fixtures subject to provisions of Section [24.12.140](#);
- b. Ambulance services (410B);
- c. Auto services and repair subject to performance standards in Section [24.12.900](#) (350);
- d. Bakery, microbrewery (subject to alcohol regulations in Part 12 of Chapter 24.12), handicrafts or similar light manufacturing and assembly uses associated with retail sales if floor area is less than seven thousand square feet and retail sale or service area occupies at least 30% of the floor area;
- e. Bar and cocktail lounges subject to live entertainment and alcohol regulations of Chapter 24.12 (280C);
- f. Brewpubs, subject to alcohol regulations in Part 12 of Chapter 24.12;
- g. Boat repairs (340D);
- h. Building materials/garden supplies (220);
- i. Churches (500);
- j. Communication and information services (550);
- k. Community organizations, associations, clubs and meeting halls (570);
- l. Developed parks (710);
- m. Educational facilities (public/private) (510);
- n. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section [24.12.290](#), and subject to live entertainment and alcohol regulations of Chapter 24.12 (280H);
- o. Foster family homes;
- p. Government and public agencies (530);
- q. Lodging (300);
- r. Mixed residential and commercial/office developments involving permitted or administrative uses on the ground floor and from three to nine multiple dwellings or condominiums above the first floor;
- s. Motor vehicle dealers and supplies (260);

ORDINANCE NO. 2009-20

- t. Multiple dwellings or condominiums, three to nine units subject to the minimum (net) land area per dwelling unit of the R-M District (830);
- u. Off-site public/private parking facilities, five or more spaces (930);
- v. Recycling collection facilities;
- w. Single-room occupancy (SRO) housing, fifteen units or fewer (860);
- x. Temporary structures and uses;
- y. Thrift stores (290m);
- z. Undeveloped parks and open space (700);
 - aa. Utilities and resources (540);
 - bb. Veterinarians (410A);
 - cc. Wireless telecommunications facilities, subject to the regulations in Part

15 of Chapter 24.12.

2. The following uses require a special use permit and are subject to other applicable requirements of the municipal code. All industrial classifications from 100 to 155 shall be limited to operations that occupy less than five thousand square feet of floor area and shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Carpenter, electrical, plumbing, heating, and furniture upholstery shops;
- b. Community care facilities;
- c. Large family daycare;
- d. Contractor/building (310E);
- e. Convenience stores, subject to alcohol regulations in Part 12 of Chapter 24.12 (240B);
- f. Fabricated metal products (manufacturing) (150);
- g. Fabricated wire products (manufacturing) (155A);
- h. Food and beverage preparation (manufacturing) (100);
- i. Furniture and fixtures (manufacturing) (120);
- j. Hospitals (520);
- k. Laboratory research experimentation, testing, software development;
- l. Liquor stores, subject to alcohol regulations in Part 12 of Chapter 24.12;
- m. Local/interurban passenger transit (bus, cab) (560B);
- n. Millwork, textile products, knit goods, woven fabrics, clothing (manufacturing) (105);
- o. Mixed residential and commercial/office developments, with ten or more multiple dwellings or condominiums, either above commercial uses or units on the same lot (840);
- p. Multiple dwellings and condominiums, ten or more units subject to the minimum land area (net) per dwelling unit of the R-M District (840);
- q. Mortuaries (310I);
- r. Motion picture production (manufacturing) (155E);
- s. Nightclubs/music halls subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- t. Rental services (360);
- u. Single-room occupancy (SRO) housing sixteen units or more (860);
- v. Solar equipment (manufacturing) (155C);

ORDINANCE NO. 2009-20

- w. Sports recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- x. Stone, clay, glass products (manufacturing) (140);
- y. Storage and warehouse when connected with permitted use (330);
- z. Wholesale trade (nondurable goods) (200):
 - (a) Bakery,
 - (b) Confectionery,
 - (c) Dairy,
 - (d) Health foods;
- aa. Wholesale trade (durable goods) (210):
 - (a) Paper products and related (210E),
 - (b) Special equipment (machine supply) (210F);
- bb. Medical marijuana provider association dispensaries, as defined in Section [24.22.539](#) and subject to the siting criteria and performance standards in Section [24.12.1300](#).
- cc. Smoking Lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

Section 2: Chapter 24.10.1500 Use Permit Requirements in the General Industrial (I-G) zone district of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.1510 USE PERMIT REQUIREMENT.

1. The following uses require an administrative use permit and are subject to other applicable requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Agriculture (000);
- b. Auto services and repairs, including trucks, heavy equipment and auto towing, subject to performance standards in Section [24.12.900](#) (350);
- c. Boat repairs (340D);
- d. Churches (500);
- e. Communication and information services (550);
- f. Community organizations, associations, clubs and meeting halls (570);
- g. Eating and drinking establishments, subject to live entertainment and alcohol regulations of Chapter 24.12 (280);
- h. Educational facilities (public/private) (510);
- i. Fabricated metal products (150);
- j. Food and beverage stores (except liquor and convenience stores) (240);
- k. Forestry services (010);
 - 1. Government and public agencies (530);
- m. Leather tanning (110);
- n. Off-site public/private parking facilities, five or more spaces (930);
- o. Other manufacturing and processing industries (except bulk petroleum, scrap and waste materials) (155);
- p. Parks (700);
- q. Stone, clay, glass products (140);
- r. Temporary structures;

ORDINANCE NO. 2009-20

- s. Transportation facilities (560);
- t. Utilities and resources (540);
- u. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.

2. The following uses require a special use permit and are subject to other applicable requirements of the Municipal Code. All industrial classifications from 125 to 145 shall comply with all performance standards listed in Part 2 of the Environmental Resource Management provisions. (Numerical references at the end of these categories reflect the general use classifications listed in the city's land use codes. Subcategories of uses within these use categories can be found in the land use codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Building material/garden supply stores (220) with 40,000 square feet or more including indoor floor area and outdoor storage, display, or sales areas. For building materials/garden supply stores of which 50% or more of the square footage will occupy an existing building, this threshold will be 75,000 square feet including indoor floor area and outdoor storage, display, or sales areas so long as vacant, available space in existing buildings in the IG zone exceeds 400,000 square feet. When the vacant, available square footage is less than 400,000 square feet, the 40,000 square foot threshold will apply;
- b. Chemicals and allied products, subject to performance standards (130);
- c. Large family daycare;
- d. Group quarters (850);
- e. Multiple dwellings or condominiums subject to R-M district regulations (830, 840);
- f. Nightclubs/music halls, subject to live entertainment and alcohol regulations of Chapter 24.12 (630);
- g. Paper and allied products subject to performance standards (125);
- h. Parks and recreation facilities, subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- i. Primary metals and material subject to performance standards (145);
- j. Rubber, plastic, miscellaneous materials and products subject to performance standards (135);
- k. Medical marijuana provider association dispensaries, as defined in Section [24.22.539](#) and subject to the siting criteria and performance standards in Section [24.12.1300](#);
- l. Horticulture, cultivating, harvesting and processing of medical marijuana by a bona-fide medical marijuana provider association provided that: (1) The medical marijuana product is used solely by a bona-fide medical marijuana provider association for distribution to its member patients at a legally authorized dispensary operation within the city; (2) security measures satisfactory to the Santa Cruz Police Department are met; (3) off-street freight loading and parking requirements of Section [24.12.240](#)(q) are met; and (4) no marijuana product is consumed on-site;
- m. Single-room occupancy (SRO) housing (860) under the following conditions:
 - (1) The site is located within one-quarter mile, (1,320 feet), of a grocery store.
 - (2) The lot size is less than 6,000 square feet.
 - (3) The SRO is part of a mixed use project, sharing the site and/or building with a use that is allowed under Section [24.10.1505](#), Principal Permitted Uses, is in conformance with Section [24.10.1540.2](#), and complies with the following requirements:

(a) The SRO development and the mixed use business are under one ownership.

(b) The amount of building space occupied by the non-residential use is either at a minimum equal to the SRO or residential use or the non-residential use occupies the entire ground floor of the development.

(4) Ambient interior noise levels can be mitigated below 45 decibels.

(5) Air quality on and around the site, including odors resulting from adjacent land uses, is not considered a potential health hazard and/or objectionable to residential use.

n. Smoking Lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

Section 3: Chapter 24.10.2370 Use Permit Requirements in the Central Business District Subdistrict E (CBD-E) zone district of the Santa Cruz Municipal Code is hereby amended as follows:

24.10.2370 USE PERMIT REQUIREMENT.

1. The following uses are subject to approval of an Administrative Use Permit in the Lower Pacific Avenue Subdistrict and possibly other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's Land Use Codes. Further refinement of uses within these categories can be found in the Land Use Codes, but they are not intended to be an exhaustive list of potential uses.)

- a. Auto supply stores (260C);
- b. Bakery, micro-brewery (subject to alcohol regulations in Part 12 of Chapter 24.12), handicrafts or similar light manufacturing and assembly uses associated with retail sales, if floor area is less than 7,000 square feet and retail sale or service area occupies at least 30% of the floor area;
- c. Brew pubs, subject to alcohol regulations in Part 12 of Chapter 24.12;
- d. Churches (500);
- e. Communication and information services (550);
- f. Community organizations, associations, clubs, and meeting halls (570);
- g. Developed parks (710);
- h. Fast-food restaurants or drive-in eating facilities subject to performance standards in Section [24.14.290](#) and subject to alcohol regulations in Part 12 of Chapter 24.12 and Section [24.14.290](#) (280H);
- i. Financial, insurance, real estate offices (420);
- j. Financial services (320);
- k. Foster family homes;
- l. Government and public agencies (530);
- m. Medical/health offices (except veterinarians and ambulance services) (410);
- n. Off-site public/private parking facilities (930);
- o. Professional offices (400);
- p. Professional/personal services (except contractors yards and mortuaries) (310);
- q. Recycling collection facilities;
- r. Sports, recreation and entertainment facilities subject to alcohol regulations in Part 12 of Chapter 24.12 (720);
- s. Temporary structures and uses;
- t. Utilities and resources (540);

ORDINANCE NO. 2009-20

- u. Veterinarians (410A);
 - v. Wireless telecommunications facilities, subject to the regulations in Part 15 of Chapter 24.12.
2. The following uses are subject to approval of a Special Use Permit and Design Permit in the Lower Pacific Avenue Subdistrict and possibly other requirements of the Municipal Code. (Numerical references at the end of these categories reflect the general use classifications listed in the city's Land Use Codes. Further refinement of uses within these categories can be found in the Land Use Codes, but they are not intended to be an exhaustive list of potential uses.)
- a. Bar and cocktail lounges, subject to alcohol regulations in Part 12 of Chapter 24.12 (280C);
 - b. Community care facilities;
 - c. Community care residential facilities;
 - d. Contractor/building (310E);
 - e. Convenience/liquor stores, subject to alcohol regulations of Part 12 of Chapter 24.12 (240B);
 - f. Night clubs (amplified live entertainment), subject to alcohol regulations of Part 12 of Chapter 24.12 (630);
 - g. Single-room occupancy (SRO) (860);
 - h. General retail merchandise (drug and department stores) exceeding 16,000 square feet (230).
 - i. Smoking Lounges as defined in Section 24.22.748.2 and subject to siting criteria and performance standards in Chapter 5.54.

Section 4: Section 24.22.748.2 Smoking Lounge, is added to Chapter 24.22, Definitions, of the Santa Cruz Municipal Code which is hereby amended to read as follows:

24.22.748.2 SMOKING LOUNGE.

Smoking Lounge is a business establishment that is dedicated, in whole or in part, to the smoking of tobacco and or other substances on the premises, including but not limited to establishments known variously as cigar lounges, hookah parlors (as regulated per Chapter 5.54), tobacco clubs or tobacco bars.

PASSED FOR PUBLICATION this 28th day of July, 2009, by the following vote:
AYES: Councilmembers Coonerty, Robinson, Lane, Madrigal, Vice Mayor Rotkin. NOES: None. ABSENT: Councilmember Beiers; Mayor Mathews. DISQUALIFIED: None.
APPROVED: ss/Mike Rotkin, Vice Mayor ATTEST: ss/Lorrie Brewer, City Clerk
This Ordinance is scheduled for further consideration at the Council meeting of September 8, 2009.