

City of Capitola Special Planning Commission Meeting Agenda



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Peter Wilk
Commissioners: Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Planning Commission Meeting will be distributed to Commissioners to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Commissioners, nor be read by them prior to consideration of an item.

1. Roll Call and Pledge of Allegiance

Commissioners Mick Routh, Courtney Christiansen, Ed Newman, Susan Westman, Peter Wilk

2. Oral Communications

A. Additions and Deletions to the Agenda

B. Public Comments

This item is for short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes. Members of the public may speak for up to three minutes, unless otherwise specified by the Chair. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue.

C. Commission Comments

D. Staff Comments

3. Public Hearings

Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Planning Commission Questions; 3) Public Comment; 4) Planning Commission Deliberation; and 5) Decision.

A. 2022 Zoning Code Amendments

Permit Number: 22-0441

APN: All Zoning Districts

Project description: Draft ordinance to adopt clean-up amendments to the Zoning Code. The proposal involves development within the Coastal Zone and is not effective unless certified by the California Coastal Commission.

Environmental Determination: Categorically Exempt under Section 15061(b)(3)

Property Owner: Effects all Zoning Districts

Representative: Ben Noble, Ben Noble Planning

B. 3720 Capitola Road & 1610 Bulb Avenue

Permit Number: #22-0149

APN: 034-18-114 and 031-12-139

Conceptual Review for (1) future annexation of 1610 Bulb Avenue into Capitola City limit and (2) Community Benefit Application for Senior Living facility at 3720 Capitola Road and 1610 Bulb Avenue in the Community Commercial (CC) Zoning District.

Environmental Determination: To be determined

Property Owner: Zurite LLC and Capitola Land Ventures LLC

Representative: Zurite LLC and Capitola Land Ventures LLC

C. Monarch Cove Inn – Code Amendments

Project Number: #21-0267

Location: 620 El Salto Drive, Parcel Numbers 036-143-31, 036-142-27, and 036-142-28

Draft ordinance to adopt amendments to the Zoning Code, Zoning Map, and General Plan Land Use Map to change the Monarch Cove Inn property from a Visitor Serving base zone to R-1 Single-Family Residential base zone with a Visitor Serving overlay zone. The proposal involves development within the Coastal Zone and is not effective unless certified by the California Coastal Commission.

Environmental Determination: Categorically Exempt under Section 15061(b)(3)

Property Owner: Bob and Lonna Blodgett

4. Director's Report

5. Commission Communications

6. Adjournment

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If using computer: Use participant option to “raise hand” during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak

If called in over the phone: Press *6 on your phone to “raise your hand” when the Chairman calls for public comment. It will be your turn to speak when the Chairman unmutes you. You will hear an announcement that you have been unmuted. The timer will then be set to 3 minutes.

Appeals: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Design Permit, Conditional Use Permit, Variance, and Coastal Permit. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be in submitted writing on an official city application form, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

Notice regarding Planning Commission meetings: The Planning Commission meets regularly on the 1st Thursday of each month at 7 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org/meetings. Need more information? Contact the Community Development Department at (831) 475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

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Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: www.cityofcapitola.org.

Capitola Planning Commission

Agenda Report

Meeting: October 20, 2022
From: Community Development Department
Subject: 2022 Zoning Code Amendments



Permit Number: 22-0441

APN: All Zoning Districts

Project description: Draft ordinance to adopt clean-up amendments to the Zoning Code

Environmental Determination: Categorical Exempt under Section 15061(b)(3)

Property Owner: Effects all Zoning Districts

Representative: Ben Noble, Ben Noble Planning

Background: In 2020, the City of Capitola adopted a comprehensive Zoning Code update that applied to areas outside of the coastal zone. In 2021, the Coastal Commission certified the Zoning Code resulting in the updated code applying throughout the city, including in the coastal zone.

Since the updated Zoning Code was adopted, staff has identified a number of necessary amendments to the new code. Some amendments are needed to correct drafting errors and resolve ambiguities without substantive changes. Other changes are proposed to improve code organization or address new issues that have arisen since the updated code was adopted.

The proposed amendments include edits to the following Zoning Code chapters:

- 17.16: Residential Zoning Districts
- 17.20: Mixed Use Zoning Districts
- 17.24: Commercial and Industrial Zoning Districts
- 17.28: Visitor Serving Overlay Zone
- 17.48: Height, Setbacks, and Floor Area
- 17.72: Landscaping
- 17.74: Accessory Dwelling Units
- 17.76: Parking and Loading
- 17.80: Signs
- 17.96: Supplemental Standards
- 17.20: Design Permits
- 17.36: Minor Modifications
- 17.160: Glossary

The proposed amendments are included with the draft ordinance (Attachment 2).

Attachment 1 lists the proposed amendments in a summary table. The summary table identifies each proposed amendment and the reason for the change. Please note the page numbers for each amendment listed in the summary table refer to the page number in the top header of the zoning code amendments, not the meeting packet page number.

Discussion: The following is a discussion of proposed amendments of interest with requests for Planning Commission feedback.

Second Story Decks and Balconies

Section 17.16.030.B.10 contains standards for second story decks and balconies in the R-1 zoning district. Under these proposed standards, second story decks and balconies in the R-1 zoning district:

- May not face an interior side parcel line abutting a single-family dwelling;
- Must be setback back 25 percent of the lot depth from the rear property line, 20 feet from the front property line, 15 percent of the lot width from the interior side property line, and 10 feet from the street side property line; and
- May not project further than 6 feet from the exterior building wall to which it is attached.

These proposed standards reflect prior Planning Commission input on second story decks and balconies. Staff requests and further Planning Commission feedback on these standards.

Roof Decks

The proposed amendments add a new roof deck definition to Chapter 17.160 that defines a roof deck as “a walkable exterior floor system located above and supported by the roof of a building.” As drafted, a roof deck would be prohibited in the R-1 district. In zoning districts that allow multifamily and mixed-use residential development (RM, MU-V, MU-N, CC, CR), roof decks would be allowed on parcels that do not abut the R-1 district. Section 17.16.030.C4.b contains standards that apply to all roof decks where permitted, including a minimum 5-foot setback from the building wall closest to the property line, an allowance for railings to project above the maximum building height, and limitations on structures within a roof deck. Staff requests Planning Commission feedback on roof deck standards and locations (e.g., within the Village).

Large Retail Uses

“Retail” is an allowed land use category defined in Chapter 17.160 as “stores and shops selling merchandise to the general public. Includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, grocery stores and other similar retail establishments.” Proposed amendments add grocery store to the definition as an example of a retail land use.

As found in Table 17.24-1, a retail establishment is a Permitted Use that does not require a Minor Use Permit or Conditional Use Permit. Proposed amendments to table 17.24-1 add a Conditional Use Permit requirement for retail uses 20,000 square feet or more to allow for Planning Commission review and public input on proposed large retail uses, such as grocery stores, that may generate adverse impacts on adjacent properties and the surrounding neighborhood.

Cannabis Retail Signs

Section 17.24.020.D.1.b.iv contains sign standards for cannabis retail establishments. The existing standards are more restrictive for cannabis with a limit of one sign per business location of up to fifteen square feet or one square foot per linear frontage of business whichever is less. Also, content is limited to the name of business and one green cross, no additional references to cannabis through symbols or language, and limit illumination to operating hours. Staff has received a request from the Apothecarium to modify the standards for cannabis to remove the single sign limit and the 15 feet sign area to allow increased visibility. Ultimately, the cannabis retailer would prefer to be subject to the sign limitation of the sign code within Chapter 17.132.

Pergolas

The proposed amendments clarify definitions and standards for pergolas, trellises, and arbors. Chapter 17.160 includes the following definitions:

- “Pergola” means an unenclosed structure with vertical posts or pillars that supports cross beams and/or an open lattice. A pergola may be freestanding or attached to a building.
- “Arbor” means a freestanding unenclosed structure with vertical latticework on two sides for climbing plants and cross beams or lattice forming a covering connecting the sides. The space between the vertical latticework may be open or contain a bench for sitting.
- “Trellis” means a structure made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal made to support and display climbing plants. A trellis may be freestanding or attached to a building wall or other structure.

Amendments to Table 17.48-2 specify that a pergola attached to a building wall may project 5 feet into the front setback area and 4 feet into the exterior side setback area. Previously, there was no allowance for an attached pergola. Amendments to Table 17.48-3 replace the term trellis with pergola but keep the existing standards for allowances within setbacks.

Accessory Dwelling Units

The proposed amendments include a number of changes to standards for accessory dwelling units in Chapter 17.74 consistent with new state law (SB 897 and AB 2221) that will go into effect January 1, 2023. Section 17.74.030.A updates the permitting process to require approval or denial of a permit within 60 days. New Sections 17.74.030.G and H address correction of violations and unpermitted accessory dwelling units. Edits to Section 17.74.040.D clarify that establishing an ADU does not require placing existing overhead utility lines underground. Section 17.74.040.E adds fires sprinkler exceptions for establishing an ADU within an existing structure. Edits to Section 17.74.050.A allows, as a class of ADU subject to limited standards, second floor expansions of up to 150 square feet to accommodate an internal ADU. Edits to Section 17.74.050.B also allow as an ADU subject to limited standards the conversion of an existing accessory structure less than 800 square feet. Both changes exceed minimum state requirements to encourage internal ADUs and new detached ADUs created by converting existing accessory structures. Also, the height limits for an attached ADU to a single-family home and for detached ADUs on multifamily parcels were increased to 25 feet and 18 feet respectively, to be in compliance with state law.

Parking in R-1 Front Setback Area

Section 17.76.040.B.1 contains standards limiting parking in the required front and exterior side setback area in the R-1 zoning district. Currently, parking spaces in these setback areas are limited a maximum of 40 percent of lot width up to maximum of 20 feet, except that all lots may have a parking space of up to 14 feet in width regardless of lot width. The Planning Commission may allow a larger parking area within the setback areas with a design permit if the larger parking area incorporates design features, such as impervious materials and enhanced landscaping, which minimize visual impacts to the neighborhood.

The proposed amendments change this existing standard to work better for typical R-1 lot widths (40 feet) and standard parking space dimensions. The proposed new standard allows, regardless of lot width, a width of 10 feet for a single space or 18 feet for two side-by-side spaces. If two spaces are provided, the spaces must be a “ribbon” or “Hollywood” design with two parallel strips of permeable pavement for each space. The maximum driveway apron width at the curb is limited to 14 feet to help preserve existing on-street parking.

Electric Vehicle Charging Stations

Standards for electric vehicle charging stations are found in 17.76.040.F (Electric Vehicle Charging Stations). Existing standards require electric vehicle charging stations for new structures or uses required to provide at least 25 parking spaces and additions or remodels that increase an existing parking lot of 50 or more space by ten percent or more. If charging stations are required, one charging station must be provided in parking lots with 25 to 49 parking spaces, with one additional charging station required for each increment of 50 additional parking spaces.

The proposed amendments replace the required number of charging stations with language requiring charging stations in accordance with the California Green Building Standards Code (CALGreen). Existing standards in 17.76.040.F are inconsistent with current state requirements, and state requirements are likely to further evolve as the state further promotes use of electric vehicles. CALGreen currently requires “*EV capable*” status for all new single-family residential, 10 percent of new multifamily dwellings, and all commercials/mixed use based on the total number of parking spaces. Attachment 3 is a guide for electric vehicle infrastructure requirements in CALGreen Building Code which was produced by the City of Sacramento.

A major difference between Capitola’s existing standard and CalGreen requirements is that CALGreen has different thresholds for when EV is required and has different EV compliance levels. CALGreen requires developments to be “*EV Capable*” whereas Capitola’s code holds developers to a higher standard to install the electric vehicle chargers. An alternative approach to the proposed amendment is to establish in the zoning code the specific number of required charging stations and periodically amend the zoning code so that the number of required stations remains equal to or greater than the number required by state law.

The proposed amendments also include new standards that prohibit digital screens that display advertisements and limit the size of digital screens used to operate equipment to 2 square feet. These standards are proposed in response to recent inquiries and industry trends that incorporate large digital advertisement displays into electric vehicle charging stations.

The proposed amendments require screening for electric vehicle charging stations on lots with six or more spaces in line with existing parking lot screening requirements. Staff requests Planning Commission feedback on this screening requirement given the need for drivers to easily locate charging stations.

State law requires cities and counties to approve electric vehicle charging stations ministerially with a building permit. The proposed amendments require the City to review and act on electric vehicle charging station applications as provided in Government Code Section 65850.7 and 65850.71. An alternative approach is to codify a specific application review process as other jurisdictions have done. Staff recommends referencing the Government Code sections rather than codifying a specific process to avoid future code amendments if state law changes.

Generators

Section 17.96.190 (Generators) contains new standards for home generators that provide backup electricity in case of a power outage. These standards prohibit generators in required front and side setbacks and allow generators to project a maximum of 5 feet into a rear setback if necessary to locate the generator behind the rear wall of the home. The standards also limit generator testing hours to 8 a.m. to 8 p.m. and prohibit using freestanding generators to supply service to recreational vehicles or trailers. These standards are intended to allow for the use and testing of home generators in a manner that minimizes impacts on adjacent neighbors.

Minor Modifications

A minor modification is a type of approval that allows for small deviations from specific development standards, including dimensions and setbacks for parking spaces, driveways, garages, parking lots, and loading areas; minimum and maximum setbacks from property lines; and other similar dimensional standards as determined by the community development director. As stated in Section 17.136.010, the purpose of the minor modification is to accommodate projects which meet the needs of property owners and do not negatively impact neighboring properties or the community at large. A minor modification allows up to a ten percent deviation to a physical dimensional standard (e.g., setbacks). A deviation to a dimensional standard greater than ten percent, or an adjustment to any other type of standard, requires a variance.

Currently, all minor modifications require Planning Commission review and approval. The proposed amendment would allow for community development director action on minor modification applications if the application is not filed for concurrent review with an application for discretionary review by the Planning Commission or City Council. If a project requesting a minor modification also requires Planning Commission review for another type of permit (e.g., Design Permit), the Planning Commission would also take action on the minor modification.

Staff recently received an inquiry on an application for small additions to single-family homes in which a minor modification was required to allow a deviation for the existing garage dimensions. The application could have been approved administratively except that a minor modification is required for the parking dimension. Allowing the Community Development Director to approve minor modifications to administrative applications would benefit residents in terms of process and costs.

CEQA: CEQA: The Zoning Code Clean-up Amendments is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), the common sense exception that CEQA applies only to projects which have the potential for causing a significant effect on the environment and 15183, projects consistent with a community plan, general plan or zoning.

Recommendation: Accept presentation on the Zoning Code Clean-up Amendments and consider forwarding a positive recommendation on the ordinance to the City Council.

Attachments:

1. Summary Table of Proposed Zoning Code Clean-up Amendments
2. Draft Ordinance Adopting the Zoning Code Clean-up Amendments
3. City of Sacramento Guide for Electric Vehicle Infrastructure Requirements in the CALGreen Building Code

Zoning Code Amendment Summary Table

#	Topic	Code Section	Page	Amendment	Reason for Change
1	ADUs	Table 17.16-1	2	Removes CUP permit requirement for ADUs and limitation to lots with one single family dwelling	Correct inconsistency with updated ADU ordinance and state law
2	Home Day Care	Table 17.16-1	2	Combines small and large home day care into one home day care category allowed by right in residential districts	State law now requires cities to regulate large home day care in the same manner as small home day care
3	Interior Side Setbacks	Table 17.16-2	4	New note clarifying that regardless of parcel width minimum setback is never greater than 7 feet	Clarify existing standard and apply standard to RM zoning district
4	Mini-Bar/Convenience Area	17.16.030.B.9	7	Clarifies a mini-bar is distinct from and allowed in addition to an outdoor kitchen.	Clarifies original intent of mini-bar provisions
5	Outdoor Kitchens	17.16.030.B.10	7	Moves outdoor kitchen standards from Table 17.48-3 to residential districts chapter	Clarifies outdoor kitchen standards apply to all outdoor kitchens, not just those that project into setbacks
6	Second Story Decks and Balconies in R-1	17.16.030.B.11	8	New objective standards for second story decks and balconies in R-1; Prohibits roof decks in R-1	Reduces privacy impacts from second story decks and balconies
7	Second Story Decks and Balconies in RM	17.16.030.C.4	9/10	New objective standards for second story decks and balconies in RM that abut R-1; New objective standards for roof decks in RM	Reduces privacy impacts from second story decks balconies and roof decks
8	ADUs	Table 17.20-1	13	Adds ADUs as an allowed use in MU-V; Removes CUP permit requirement for ADUs	Correct inconsistency with updated ADU ordinance and state law
9	Home Day Care	Table 17.20-1	13	Combines small and large home day care into one home day care category allowed by right in mixed use districts	State law now requires cities to regulate large home day care in the same manner as small home day care
10	Roof Decks – MU-V	17.20.030.E.10	20	Specifies that roof decks that provide common open space are allowed in MU-V	Clarifies original intent
11	Roof Decks – MU-N	17.20.040.I	22	Specifies that roof decks that provide common open space are allowed in MU-N	Clarifies original intent
12	Capitola Road MU-N Special Standards	Figure 17.20-9	23	Revises figure to show area subject to special standards extending to 45 th street	Corrects map error
13	Multifamily in C-C	Table 17.24-1	25	Adds note limiting multifamily to mixed use project only in C-C	Match rule in C-R consistent with original intent

Zoning Code Amendment Summary Table

#	Topic	Code Section	Page	Amendment	Reason for Change
14	ADUs	Table 17.24-1	26	Adds ADUs as an allowed use in commercial districts	Correct inconsistency with updated ADU ordinance and state law
15	Home Day Care	Table 17.24-1	26	Combines small and large home day care into one home day care category allowed by right in commercial districts	State law now requires cities to regulate large home day care in the same manner as small home day care
16	Car Washes	Table 17.24-1	26	Adds car wash as a permitted stand-alone use with a CUP in the commercial districts	Clarifies permit requirement for currently unlisted primary use
17	Large Retail Uses	Table 17.24-1	27	Adds CUP requirement for retail uses 20,000 square feet or more	Allow for public hearing and Planning Commission review for large retail uses (e.g., grocery store) that may impact surrounding properties
18	Mobile Food Vendors	Table 17.24-1	28	Allows Administrative Permit for mobile food vendor in one location four times per year	Corrects error and inconsistency with mobile food vendor permit requirement in 17.96.180.C
	Cannabis Signs	17.24.030.D.1.iv	30	Removes limit to one sign and 15 sq. ft. maximum size	Bring cannabis signs standards into closer alignment with other business identification sign standards
19	Roof Decks – C districts	17.20.030.H	33	Specifies that roof decks that provide common open space are allowed in commercial districts	Clarifies original intent
20	Monarch Cove Landscaping	17.30.120	44	Moves Monarch Cove landscaping requirements to the landscaping chapter	Reorganization to keep all landscaping requirements in one place
21	Setback Measurement	17.48.030.A	46	Adds that setback measurement language applies to setbacks from property lines and that setback areas must remain clear of structures unless specifically allowed otherwise	Clarifies existing requirements
22	Property Line Determination	17.48.030.B	46	Clarifies that “determine the lot configuration” means designating front, side, and rear property lines	Clarifies ambiguous language
23	Building Wall Projections into Setbacks	Table 17.48-2	47	Adds outdoor showers, basement light wells, and pergolas as allowed projections into required setbacks	Establish rules for common building wall projections currently not addressed in code
24	Pergolas	Table 17.48-3	48	Replaces “trellis structure” with “pergola” as site feature that may be located in setback	Corrects incorrect terminology

Zoning Code Amendment Summary Table

#	Topic	Code Section	Page	Amendment	Reason for Change
25	Outdoor kitchen	Table 17.48-3	48	Moves outdoor kitchen standards from Table 17.48-3 to residential districts chapter	Clarifies outdoor kitchen standards apply to all outdoor kitchens, not just those that project into setbacks
26	Generators	Table 17.48-3	48	Adds generator as permitted projection into rear setback and prohibited in other setback areas	Minimize generator distance from property lines
27	Building Separation	17.48.030.G	48	Adds that minimum building separation is as required by building code.	Alerts reader to this building code requirement
28	Basements	17.48.030.G	48	Adds that basements are subject to same setback requirement as ground floor	Codifies current practice
29	Floor Area Calculation	17.48.040.5.d	49	Includes in floor area calculation second story decks and balconies that are either covered or enclosed on two or more sides.	Encourage uncovered and unenclosed upper story decks and balconies to reduce appearance of building mass
30	Floor Area Calculation	17.48.040.6	49	Replaces “trellis” with “pergola” as site feature excluded from floor area calculation	Corrects incorrect terminology
31	Landscaping – Visitor Serving Properties	17.72.050.C	53	Moves Monarch Cove landscaping requirements from 17.30.120 to the landscaping chapter	Reorganization to keep all landscaping requirements in one place
32	Parking Lot Landscaping	17.72.055	53/54	Moves parking lot landscaping standards from parking chapter to landscaping chapter	Reorganization to keep all landscaping requirements in one place
	ADUs	17.74	57-63	Adds statement that establishing an ADU does not require undergrounding utilities; Allows 150-square foot expansion on ground floor for purposes other than accommodating ingress and egress; Allows conversion of existing accessory structure to ADU (not just new construction) subject to limited standards; other amendments to conform with state law	Conform with SB 897 and AB 2221 which will go into effect January 1, 2023. Encourage production of internal ADUs within existing homes; Encourage conversion of existing accessory structures to ADUs
36	Parking – restaurants in MU-V	17.76.020.C.1.b	70	Specifies that restaurant expansion without providing parking can occur only once.	Clarifies original intent.
37	Parking – Residential Care	Table 17.76-2	71	Removes parking requirement for “other nonresidential areas” in elderly and residential care facilities	Areas such as storage rooms don’t generate parking demand

Zoning Code Amendment Summary Table

#	Topic	Code Section	Page	Amendment	Reason for Change
38	Parking in R-1 Front Setback	17.76.040.B.1	73	Revises existing rules to allow 18-foot 2-car parking spaces in front setback subject to design standards	Existing parking space width standards not a good fit with common R-1 lot widths
39	EV Charging Stations	17.76.040.F	77	Replaces number of EV station requirement with building code reference; Limits size of digital screens; Requires placement outside of setbacks and screening; allows reduced parking spaces to accommodate charging stations; Allows charging stations with ministerial permit	Building code is more stringent than zoning code requirement and will change over time; aesthetic impacts from digital advertisements; state law requirements for reduced parking spaces and ministerial approval
40	Parking Lot Landscaping	17.876.070	85	Moves parking lot landscaping standards from parking chapter to landscaping chapter	Reorganization to keep all landscaping requirements in one place
41	Signs – Internal Illumination	17.80.070.D.4	97	Prohibits internal illumination in MU-N district	Consistency with MU-V district
42	Large Home Day Care	17.96.070	115	Deletes large home day care standards	Consistency with state law (SB 234)
43	ADUs – utility connections	17.96.120	118	Adds statement that establishing an ADU does not require undergrounding utilities	Clarifies existing requirement in conformance with state law
44	Generators	17.96.190	123	Adds standards for placement, testing hours, and prohibit use of generators	Reduce neighbor impacts from home generators for backup electricity
45	Design Permits – ground floor additions	Table 17.120-1	124	Removes language that design review is required only if for single-family ground floor additions is visible from a public streets	This issue is separately addressed in 17.120.030.B.1
46	Design Review – Accessory Structures	17.120.030.B.5	125	Adds Minor Design Permit requirement for two or more accessory structures	Clarifies original intent
47	Minor Modifications	17.36.030	129	Allows community development director review of minor modification applications for projects that otherwise do not require Planning Commission review	Streamline application review for non-controversial projects
48	“Addition” Definition	17.160.020.A.5	131	Expansion of uninhabitable floor area included in definition of addition	Corrects error
49	“Arbor” Definition	17.160.020.A10	131	Adds definition of arbor	Clarify difference between trellis, arbor, and pergola

Zoning Code Amendment Summary Table

#	Topic	Code Section	Page	Amendment	Reason for Change
50	“Car Wash” Definition	17.160.020.C.5	133	Ads definition of car wash	Car ashes added as a use listed in allowed use tables
51	Tasting Room	17.160.020.E	134	Tasting rooms added to definition of bars and lounges if more than 160 sq. ft. and to take-out food and beverage if more than 160 sf	Clarify parking requirement for tasting rooms
52	“Home Day Care” Definition	17.160.020.H.3	136	Eliminates separate definitions for small and large home day care	Small and large home cares now regulated the same under SB 234
53	“Outdoor Kitchen” Definition	17.160.020.O.3	138	New outdoor kitchen definition	Clarify applicability of outdoor kitchen standards
54	Front and Rear Parcel Line definition	17.160.020.P7&8	139	Adds that has the director has the authority to determine and designate the front parcel line based on existing conditions and function of the lot.	Consistency 17.48.030.B
55	“Pergola” Definition	17.160.020.P.16	139	New pergola definition	Clarify difference between trellis, arbor, and pergola
56	“Residential Use” Definition	17.160.020.R.6	141	New residential use definition	Define term frequently used in code
57	“Roof deck”	17.160.020.R.9	141	New roof deck definition	Clarify applicability of roof deck standards
58	“Tasting Room” Definition	17.160.020.T.2	142	New tasting room definition	Define term added to code
59	“Trellis” Definition	17.160.020.T.4	142	Adds that a trellis may be freestanding or attached to a building wall or other structure.	Clarify applicability of trellis standards

Chapter 17.16

RESIDENTIAL ZONING DISTRICTS

Sections:

- 17.16.010 Purpose of the residential zoning districts.
- 17.16.020 Land use regulations.
- 17.16.030 Development standards.

17.16.010 Purpose of the residential zoning districts.

A. General. The purpose of the residential zoning districts is to support attractive, safe, and friendly neighborhoods consistent with Capitola’s intimate small-town feel and coastal village charm. Development within the residential zoning districts will feature high-quality design that enhances the visual character of the community. The mass, scale, and design of new homes shall be compatible with existing homes in neighborhoods and carefully designed to minimize impacts to existing homes. Residential zoning districts contain a range of housing types and community facilities to support diverse and complete neighborhoods with a high quality of life for residents.

B. Specific.

1. Residential Single-Family (R-1) Zoning District. The purpose of the R-1 zoning district is to protect and enhance the unique qualities of individual neighborhoods in Capitola. The R-1 zoning district allows for variation in development standards based on the existing development patterns within these neighborhoods. New development will respect the existing scale, density, and character of neighborhoods to strengthen Capitola’s unique sense of place.
2. Residential Multifamily (RM) Zoning District. The purpose of the RM zoning district is to accommodate a range of housing types to serve all Capitola residents. The RM zoning district allows single-family and multifamily housing at higher densities to maintain and increase the supply of affordable housing choices. Housing in the RM zoning district will be carefully designed to enhance Capitola’s unique identity and to minimize impacts on adjacent land uses and structures. The RM zone is divided into three subzones (RM-L, RM-M, and RM-H) allowing for a range of permitted residential densities.
3. Mobile Home Park (MH) Zoning District. The MH zone provides areas for exclusive development of mobile home parks. Mobile home parks provide a valuable source of affordable housing serving Capitola’s lower-income and senior residents.

17.16.020 Land use regulations.

A. Permitted Land Uses. Table 17.16-1 identifies land uses permitted in the residential zoning districts.

Table 17.16-1: Permitted Land Uses in the Residential Zoning Districts

Key		Zoning District			Additional Regulations
		R-1	RM	MH	
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Residential Uses					
	Duplex Homes	–	P	–	

Key		Zoning District			Additional Regulations
		R-1	RM	MH	
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
-	Use not allowed				
	Elderly and Long-Term Care	-	C	-	
	Group Housing	-	P	-	
	Mobile Home Parks	-	C	P [1]	Chapter 17.100
	Multifamily Dwellings	-	P	-	
	Residential Care Facilities, Small	P	P	C [2]	
	Residential Care Facilities, Large	C	C	C [2]	Section 17.96.080
	Accessory Dwelling Units	A/C	A/C [4]	-	Chapter 17.74
	Single-Family Dwellings	P	P	C [2]	
Public and Quasi-Public Uses					
	Community Assembly	C	C	C	
	Day Care Centers	C	C	C	
	Home Day Care, Large	M	M	M	Section 17.96.070
	Home Day Care, Small	P	P	P	
	Parks and Recreational Facilities	-	C	C	
	Public Pathways and Coastal Accessways	C	C	C	
	Schools, Public or Private	-	C	C	
Commercial Uses					
	Bed and Breakfast	C	C	-	
	Vacation Rentals	See Section 17.40.030			
Transportation, Communication, and Utility Uses					
	Utilities, Major	C	C	C	
	Utilities, Minor	P	P	P	
	Wireless Communications Facilities	See Chapter 17.104			
Other Uses					
	Accessory Uses and Structures	P [3]	P [3]	P [3]	Chapter 17.52
	Home Occupation	A	A	A	Section 17.96.040
	Temporary Uses and Structures	M	M	-	Section 17.96.180
	Urban Agriculture				

Key		Zoning District			Additional Regulations
		R-1	RM	MH	
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
-	Use not allowed				
	Home Gardens	P	P	P	
	Community Gardens	M	M	M	
	Urban Farms	C	C	C	

Notes:

- [1] May include offices incidental and necessary to conduct a mobile home park use.
- [2] Permitted on the mobile home park parcel or on a separate parcel of no less than five thousand square feet.
- [3] An accessory structure that exceeds the development standards of Chapter 17.52 requires a conditional use permit.
- ~~[4] Permitted only when there is one single family dwelling on the parcel.~~

B. Additional Permits. In addition to permits identified in Table 17.16-1, development projects in the residential zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone) independent of and in addition to any other required permit or approval.

17.16.030 Development standards.

A. General Standards – Single-Family and Multifamily Zoning Districts. Table 17.16-2 identifies development standards that apply in the R-1 and RM zoning districts.

Table 17.16-2: Development Standards in the R-1 and RM Zoning Districts

	R-1	RM	Additional Standards
Site Requirements			
Parcel Area, Minimum [1]	5,000 sq. ft.	N/A	
Parcel Width, Minimum [1]	30 ft.	N/A	
Parcel Depth, Minimum [1]	80 ft.	N/A	
Floor Area Ratio, Maximum	See Section 17.16.030(B)(1)	N/A	Section 17.16.030(B) Section 17.48.040
Building Coverage, Maximum	N/A	40%	
Open Space	N/A	Section 17.16.030(C)(2)	
Parcel Area per Unit, Minimum	N/A	RM-L: 4,400 sq. ft. RM-M: 2,900 sq. ft. RM-H: 2,200 sq. ft.	
Parking and Loading	See Chapter 17.76		
Structure Requirements			

	R-1	RM	Additional Standards
Setbacks, Minimum			Sections 17.48.030(B)(2) through (6)
Front	Ground floor: 15 ft. Garage: 20 ft. Second story: 20 ft.	Main structure: 15 ft. Garage: 20 ft.	Section 17.16.030(B)(2) Section 17.16.030(B)(5) Garage Setback: Section 17.16.030(B)(4)
Rear	20% of parcel depth; 25 ft. max.	15% of parcel depth	Section 17.16.030(B)(5)
Interior Side	Ground floor: 10% of parcel width [2]; 3 ft. min.; 7 ft. max. Second story: 15% of parcel width	10% of parcel width [2]	Sections 17.16.030(B)(5) and (6)
Street Side, Corner Lots	10 ft.	10 ft.	Section 17.16.030(B)(5)
Height, Maximum	25 ft.	RM-L: 30 ft. RM-M: 30 ft. RM-H: 35 ft.	Sections 17.16.030(B)(7) and (8) Section 17.48.020
Accessory Structures	See Chapter 17.52		

Notes:

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of June 9, 2021. See Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

[2] Regardless of parcel width, in no case shall the minimum required interior side ground setback be less than 3 feet or greater is 7 feet.

B. Additional Standards in the R-1 Zoning District. The following additional standards apply in the R-1 zoning district:

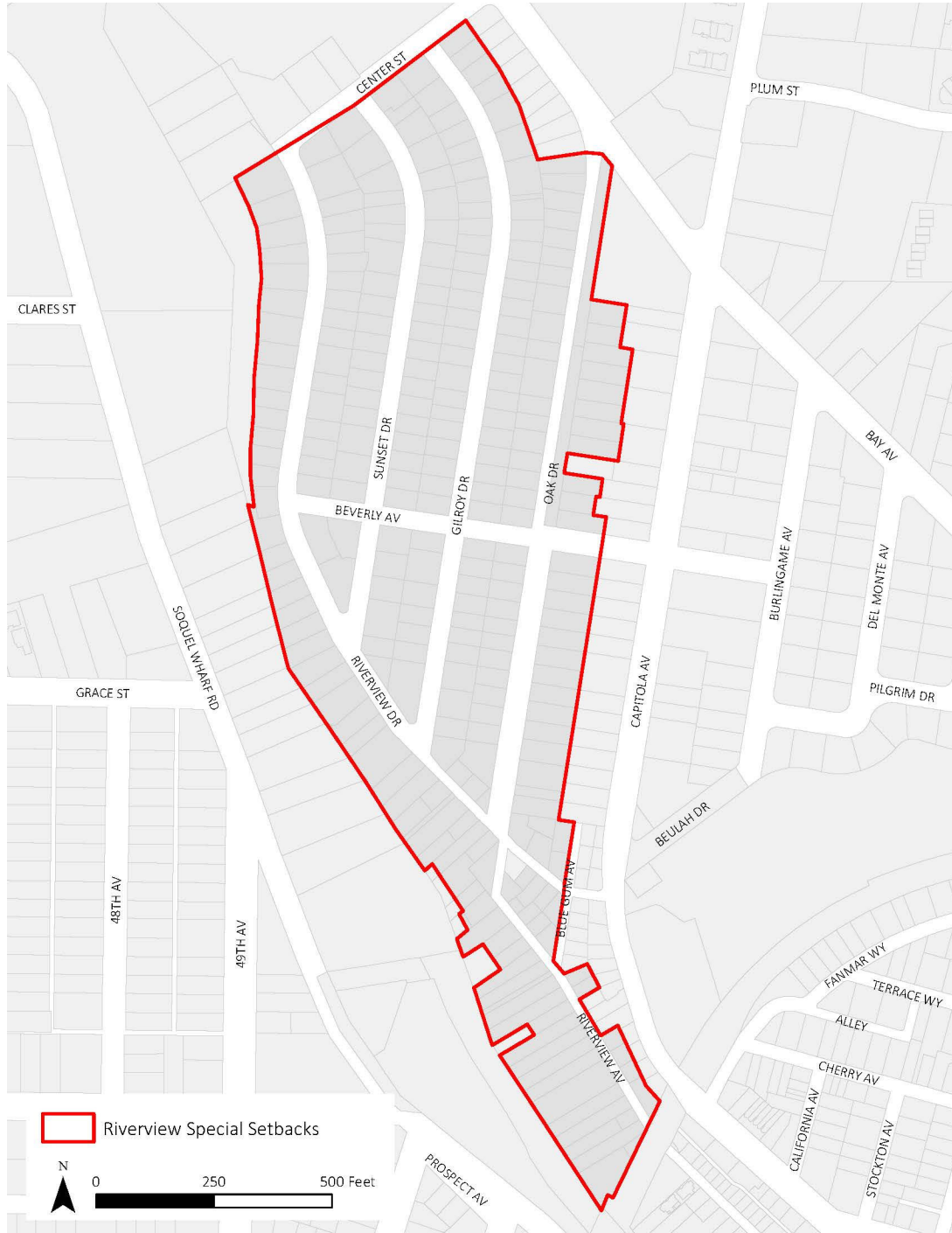
1. Floor Area Ratio. Table 17.16-3 identifies the maximum permitted floor area ratio (FAR) in the R-1 zoning district. See Section 17.48.040(B) for floor area calculations.

Table 17.16-3: Maximum Floor Area Ratio in the R-1 Zoning District

Lot Size	Maximum FAR
2,650 sq. ft. or less	0.58
2,651 to 3,250 sq. ft.	0.57
3,251 to 3,500 sq. ft.	0.56
3,501 to 3,750 sq. ft.	0.55
3,751 to 4,000 sq. ft.	0.54
4,001 to 4,250 sq. ft.	0.53
4,251 to 4,500 sq. ft.	0.52
4,501 to 4,750 sq. ft.	0.51
4,751 to 5,000 sq. ft.	0.50
5,001 to 6,000 sq. ft.	0.49
More than 6,000 sq. ft.	0.48

2. Front Setbacks in Riverview Terrace. Within the areas shown in Figure 17.16-1, the planning commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within one hundred feet on the same side of the street. The reduced front setback shall in all cases be no less than ten feet.

Figure 17.16-1: Riverview Terrace



3. Wharf Road Reduced Setback. For properties on the east side of Wharf Road from 1820 Wharf Road to 1930 Wharf Road, the planning commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within one hundred feet on the same side of the street.

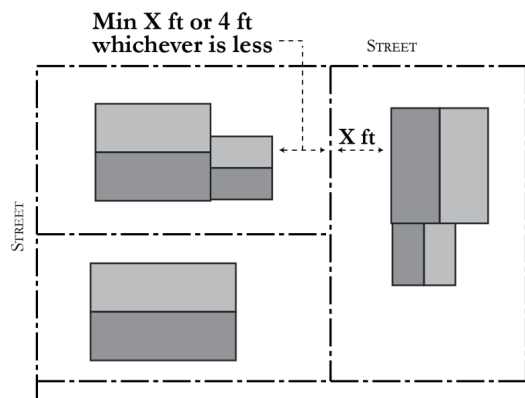
4. Garage Setbacks.

- a. Attached garages shall be set back a minimum of five feet behind the front or street side building wall of the primary structure. The planning commission may reduce this minimum setback to three feet in sidewalk exempt areas.
- b. Required setbacks for detached garages are identified in Chapter 17.52 (Accessory Structures and Uses).

5. Corner Lots.

- a. The minimum rear setback for reverse corner lots shall be the minimum interior side yard of the adjacent property, but no less than four feet. See Figure 17.16-2.
- b. On a corner lot, the front line of the lot is ordinarily construed as the least dimension of the parcel facing the street. The community development director has the discretion to determine the location of the front yard based on existing conditions and functions.

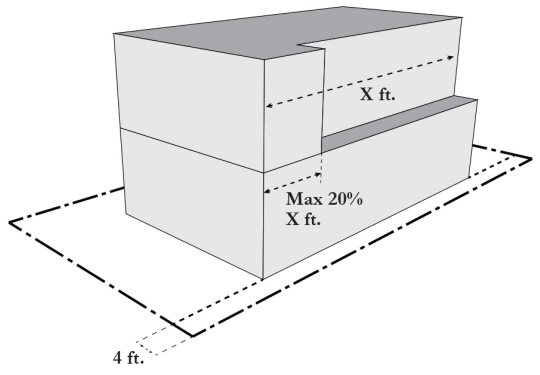
Figure 17.16-2: Reverse Corner Lot Rear Setback



6. Second-Story Setback Exceptions. Second-story additions must comply with increased setback requirements in Table 17.16-2, except in the following cases:

- a. For lots thirty feet wide or less, the minimum interior side setback for a second story is the same as the ground floor.
- b. Up to twenty percent of the length of an upper-story wall may be constructed at the same setback as the first-floor wall if the first-floor wall is at least four feet from the side property line. See Figure 17.16-3.

Figure 17.16-3: Second-Story Setback Exception



7. Height Exceptions. A maximum height of up to twenty-seven feet in the R-1 zoning district is allowed in the following circumstances:

- a. Additions to historic structures that are designed to match the roof pitch of the historic structure within the area of new addition.
- b. Parcels greater than six thousand square feet in size.
- c. Parcels with a width sixty feet or more.
- d. Parcels with an average slope of twenty-five percent or greater.
- e. When the plate height of structure does not exceed twenty-two feet.

8. Landscaping. See Section 17.72.050(A) for residential landscape requirements.

9. Mini-Bar/Convenience Areas.

a. A single-family home may contain one mini-bar/convenience area in addition to a kitchen, subject to the following standards:

- i. Fixtures shall be limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches.
- ii. No gas line or two-hundred-twenty-volt electric service is permitted within the area.
- iii. Only one such area is permitted within a property in addition to the kitchen.
- iv. The mini-bar/convenience area may be located ~~within inside the home~~ or outside of the home ~~as part of an outdoor kitchen~~. If located ~~within inside~~ the home, internal access to the area shall be maintained within the dwelling. A mini-bar/convenience area is permitted in addition to an outdoor kitchen.

b. The requirements in subsection (B)(9)(a) of this section shall not limit the establishment of an accessory dwelling unit in conformance with Chapter 17.74 (Accessory Dwelling Units).

10. Outdoor Kitchens. On a lot occupied by a single-family home, an outdoor kitchen is permitted in addition to an indoor kitchen. Outdoor kitchens shall comply with the following standards:

- a. The kitchen may include gas, electric and plumbing.

b. Electric service may not be 220 volts.

c. Drain size may not exceed that allowed for a mini-bar.

d. The kitchen may project into the rear setback area as provided in Table 17.48-3.

10. Second Story Decks and Balconies.

a. A second story deck or balcony may not face an interior side parcel line abutting a lot with a single-family dwelling.

b. A second story deck or balcony must comply with the following minimum parcel line setback requirements:

i. Rear: 25 percent of lot depth.

ii. Front: 20 feet

iii. Interior side when not abutting a single-family dwelling: 15 percent of lot width

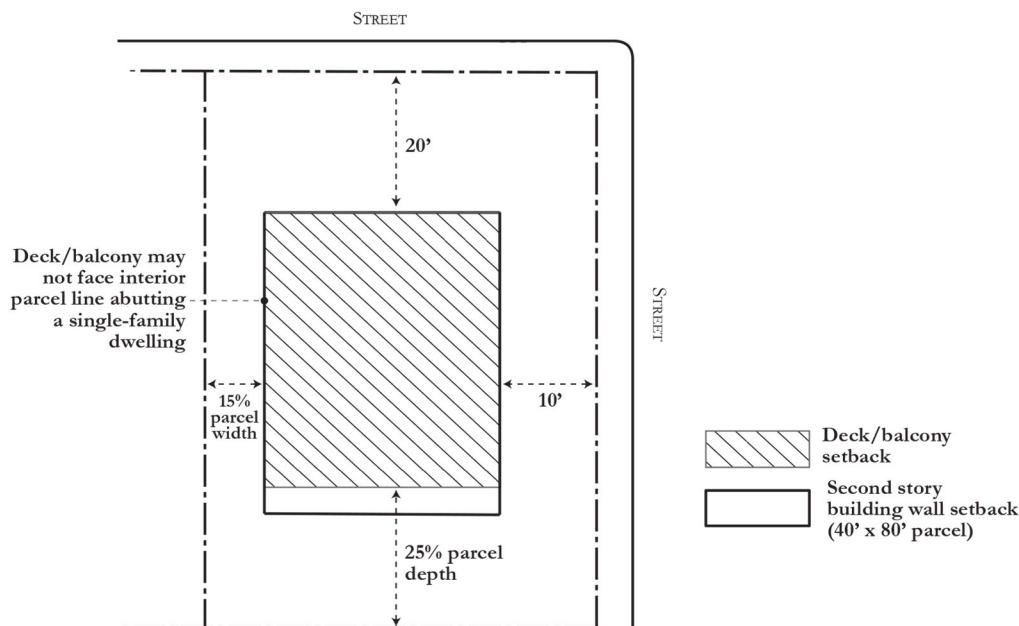
iii. Street side: 10 feet.

c. A second story deck or balcony may not project further than 6 feet from the exterior building wall to which it is attached.

d. Roof decks are prohibited in the R-1 zoning district.

e. The elevation of a freestanding deck or platform not attached to a building may not exceed 35 inches above the adjoining grade.

Figure 17.16-3a: R-1 Second-Story Decks and Balconies



C. Additional Standards for RM Zoning Districts. The following additional standards apply in the RM zoning district:

1. Single-Family Dwellings. Single-family dwellings in RM zoning districts shall comply with the development standards that apply in the R-1 zoning district.
2. Open Space. Common and private open space in the RM zoning district shall be provided as shown in Table 17.16-4 and Figure 17.16-4.

Table 17.16-4: Usable Open Space in RM Zoning District

Common Open Space [1]	
Minimum area (percent of site area)	15% [2] [3]
Minimum horizontal dimension	15 ft.
Private Open Space [4]	
Minimum percentage of units with private open space	50%
Minimum area (for individual unit)	48 sq. ft.
Minimum horizontal dimension	4 ft.

Notes:

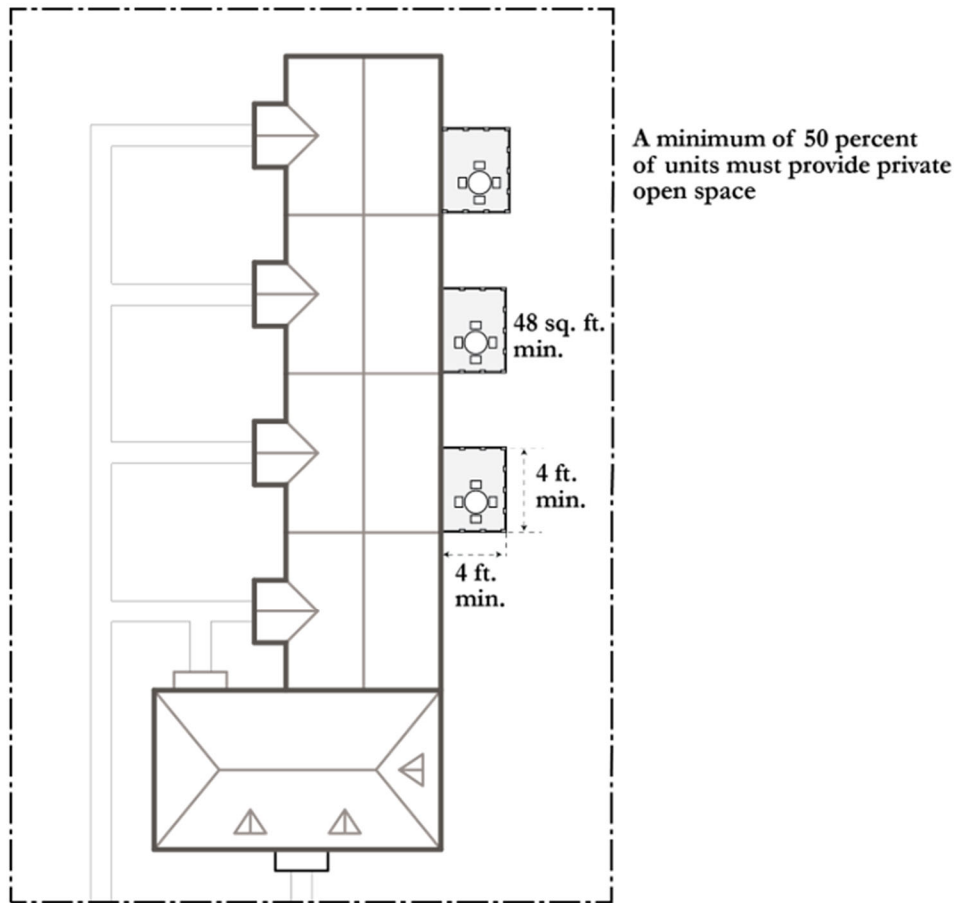
[1] Common open space shall be fully landscaped and accessible to all residents.

[2] ~~Roof terraces and roof gardens may provide up to fifty percent of the required common open space area if the planning commission finds that roof terraces and roof gardens provide quality open space for residents and minimize noise, privacy and other potential impacts on neighboring properties~~ See Section 17.16.030.C.4 for requirements that apply to rooftop decks used as common open space.

[3] The planning commission may allow reduced common open space to a minimum of ten percent for projects less than one acre in size or for projects that provide additional private open space equal to or greater than the amount of reduced common open space.

[4] Private open space may include screened terraces, decks, balconies, and other similar areas.

Figure 17.16-4: Private Open Space



3. Landscaping. See Section 17.72.050(A) for residential landscape requirements.

4. Upper-Level Decks and Balconies.

a. For parcels that abut the R-1 zoning district, second story decks and balconies must comply with the standards in Sections 17.16.030.B.10 (Second Story Decks and Balconies) and 17.82.080.B.5 (Neighbor Privacy)

b. Roof decks must comply with the following standards:

i. Roof decks are not permitted on parcels that abut the R-1 zoning district.

ii. Roof decks require a Design Permit.

iii. Roof decks may provide up to 50 percent of the minimum required common open space specified in Section 17.16.030.C.2.

iii. Where permitted, a roof deck must be setback at least 5 feet from the building wall closest to the property line.

iv. Railings to accommodate a roof deck may project 42 inches above the maximum building height in cases where the roof deck provides open space for residents.

v. Other than as needed to provide for roof access, no permanent structure that has a solid roof and/or is

enclosed on two or more sides may be placed on or attached to a roof deck. Fully transparent glass wind barriers are allowed.

vi. Roof decks may not be placed on building features that project above the maximum building height permitted in the zoning district.

D. Standards for the MH Zoning District. Table 17.16-5 identifies development standards that apply in the mobile home park (MH) zoning district.

Table 17.16-5: MH Zoning District Development Standards

		Additional Standards
Site Area [1]	5 acres [2]	
Residential Density, Maximum	20 units per acre	
Setbacks [3]		17.48.030
Front	15 ft.	
Interior Side	10 ft.	
Exterior Side	10 ft.	
Rear	20 ft.	

Notes:

[1] Applies to overall mobile home park area, not sites for individual units.

[2] For vacant property rezoned to MH, the minimum lot area is five acres. For existing mobile home parks, the minimum parcel size is five acres or the existing parcel size, whichever is less.

[3] Applies only to the perimeter of the mobile home park, not to sites and structures within the interior of the park.

Chapter 17.20

MIXED USE ZONING DISTRICTS

Sections:

- 17.20.010 Purpose of the mixed use zoning districts.
- 17.20.020 Land use regulations.
- 17.20.030 Development standards – Mixed use village zoning district.
- 17.20.040 Development standards – Mixed use neighborhood zoning district.

17.20.010 Purpose of the mixed use zoning districts.

A. General. The purpose of the mixed use zoning districts is to provide for active and inviting destinations in Capitola with a diversity of residential and commercial land uses. In the mixed use zoning districts, development shall support a lively, pedestrian-friendly public realm with inviting storefronts facing the sidewalk. A diversity of local and independent businesses, recreational amenities, and public spaces balances the needs of residents and visitors. New development shall respect Capitola’s history and reflect its unique coastal village character. The diversity of land uses, pedestrian-friendly development, and general level of activity in the mixed use zoning districts shall support a range of transportation choices, including walking, biking, and transit.

B. Specific.

1. Mixed Use, Village (MU-V) Zoning District. The purpose of the MU-V zoning district is to preserve and enhance Capitola Village as the heart of the community. A diversity of commercial, residential, and recreational uses in the MU-V zoning district serve both visitors and residents. Land uses and development shall enhance the vitality of the Village while maintaining a high quality of life for residents. A fine-grain mix of retail, restaurants, services, and recreational amenities in the MU-V zoning district provides a walkable environment, caters to all ages, and supports year-round activity during the day and night.

2. Mixed Use, Neighborhood (MU-N) Zoning District. The purpose of the MU-N zoning district is to allow for neighborhood-serving mixed use areas that enhance residents’ quality of life. The MU-N zoning district contains an eclectic mix of retail, restaurants, and services for residents and visitors. A range of housing types close to nonresidential uses increases housing choices and supports a walkable community. Development in the MU-N zoning district will be carefully designed to complement its surroundings and minimize impacts on neighboring properties. Land uses will strengthen connections between destinations in Capitola, including the Village, Bay Avenue, and 41st Avenue. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.20.020 Land use regulations.

A. Permitted Land Uses. Table 17.20-1 identifies land uses permitted in the mixed use zoning districts.

Table 17.20-1: Permitted Land Uses in the Mixed Use Zoning Districts

Key		Zoning District		Additional Regulations
		MU-V	MU-N	
P	Permitted Use			
A	Administrative Permit required			
M	Minor Use Permit required			
C	Conditional Use Permit required			
–	Use not allowed			
Residential Uses				Section 17.20.020(B), (C) and (E)
	Duplex Homes	–/P [1]	P	

Key		Zoning District		Additional Regulations
		MU-V	MU-N	
P	Permitted Use			
A	Administrative Permit required			
M	Minor Use Permit required			
C	Conditional Use Permit required			
-	Use not allowed			
Elderly and Long-Term Care		C [2] [6]	C	
Group Housing		C [2] [6]	C	
Multifamily Dwellings		-/P [1] [6]	C	
Residential Care Facilities, Small and Large		See Section 17.20.020(F)		
Residential Care Facilities, Large		C [2] [6]	C	Section 17.96.080
Residential Mixed Use		See Sections 17.20.020(D) and (E) [6]	C	
Accessory Dwelling Units		A -	A/ C	Chapter 17.74
Single-Family Dwellings		-/P [1]	P	
Public and Quasi-Public Uses				
Community Assembly		C	C	
Cultural Institutions		C	C	
Day Care Centers		M	M	
Government Offices		P/C [4]	M [5]	
Home Day Care, Large		M	M	Section 17.96.070
Home Day Care, Small		P	P	
Medical Offices and Clinics		-	M [5]	
Parks and Recreational Facilities		C	C	
Public Pathways and Coastal Accessways		C	C	
Public Safety Facilities		C	C	
Schools, Public or Private		-	C	
Commercial Uses				Section 17.20.020(E)
Alcoholic Beverage Sales		C	C	
Banks and Financial Institutions		C	P/C [3] [5]	
Commercial Entertainment and Recreation		C	C	
Eating and Drinking Places				
Bars and Lounges		C	C	
Restaurants and Cafes		C	C	

Key		Zoning District		Additional Regulations
		MU-V	MU-N	
P	Permitted Use			
A	Administrative Permit required			
M	Minor Use Permit required			
C	Conditional Use Permit required			
-	Use not allowed			
Take-Out Food and Beverage		M	M	
Gas and Service Stations		-	-	
Lodging				
Bed and Breakfast		C	C	
Hotels and Motels		C	C	
Personal Services		P	P/C [3] [5]	
Professional Offices		P/C [4]	M [5]	
Retail		P	P/C [3] [5]	
Vacation Rental		See Section 17.40.030		
Transportation, Communication, and Utility Uses				
Utilities, Major		C	C	
Utilities, Minor		P	P	
Wireless Communications Facilities		See Chapter 17.104		
Other Uses				
Accessory Uses and Structures		See Chapter 17.52		Chapter 17.52
Home Occupations		A	A	Section 17.96.040
Permanent Outdoor Display (Accessory Use)		-	C	Section 17.96.100
Temporary Uses and Structures		See Section 17.96.180		
Urban Agriculture				
Home Gardens		P	P	
Community Gardens		M	M	
Urban Farms		C	C	

Notes:

[1] Allowed only in the village residential (-VR) overlay zone. Exclusively residential uses are not allowed outside of the -VR overlay zone.

[2] Allowed only on the second or third story of a mixed use development outside of the -VR overlay zone. Allowed on any story in the -VR overlay zone.

[3] Larger than three thousand square feet requires a conditional use permit.

[4] Second-floor uses permitted by right. Ground-floor uses require a conditional use permit. Prohibited third floor and above.

[5] Conditional use permit required for parcels fronting Capitola Road.

[6] Residential uses are prohibited on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10).

B. Village Residential Overlay. Pursuant to Section 17.40.040 (Village residential (-VR) overlay zone), only residential uses are permitted in the -VR overlay zone. The village residential (-VR) overlay zone applies to the following areas within the MU-V zoning district as shown on the zoning map: Six Sisters, Venetian Court, Lawn Way, and portions of Wharf Road, Riverview Avenue, Cliff Drive, Cherry Avenue, San Jose Avenue, Park Place, and California Avenue.

C. Ground-Floor Conversions to Residential. Existing ground-floor commercial uses in the MU-V zoning district may not be converted to a residential use unless located in the village residential (-VR) overlay zone.

D. Residential Mixed Use in the MU-V Zoning District.

1. If a proposed residential mixed use project in the MU-V zoning district contains any use that requires a conditional use permit, the entire project, including the residential use, requires a conditional use permit.
2. If a proposed residential use replaces an existing upper-floor commercial use, the residential use is allowed by right.

E. Third-Story Uses in the MU-V Zoning District. Permitted land uses within the third story of an existing or new building in the MU-V zoning district are limited to residential and hotel uses only.

F. Residential Care Facilities. Residential care facilities shall be allowed with the permits required for dwellings of the same type within the applicable zoning district. For example, a residential care facility in a detached single-family home requires the same permits and is subject to the same use regulations as a detached single-family home. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.20.030 Development standards – Mixed use village zoning district.

A. General. Table 17.20-2 identifies development standards that apply in the mixed use village (MU-V) zoning district.

Table 17.20-2: Development Standards in the Mixed Use Village (MU-V) Zoning District

	MU-V	Additional Standards
Site Requirements		
Floor Area Ratio, Maximum	2.0	Section 17.20.030(C) Section 17.48.040 Chapter 17.88
Parking and Loading	See Chapter 17.76	
Structure Requirements		
Setbacks		
Front	Min: 0 ft. Max: 15 ft.	Section 17.20.030(D)
Rear	None [1]	
Interior Side	None	
Street Side	Min: 0 ft. Max: 15 ft.	
Height, Maximum	27 ft.	Section 17.20.030(B) and (C) Section 17.48.020 Chapter 17.88

	MU-V	Additional Standards
Accessory Structures	See Chapter 17.52	

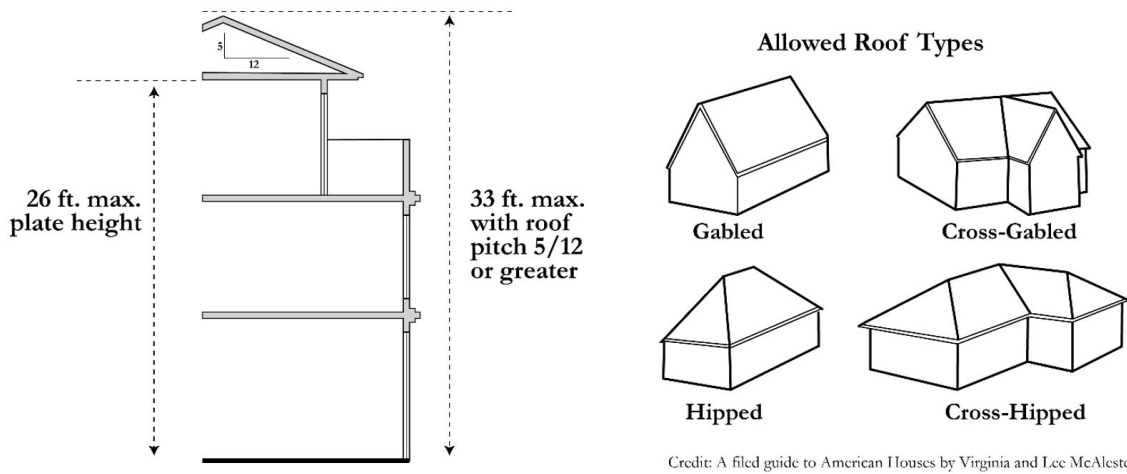
Note:

[1] Twenty percent of lot depth for residential use on parcel.

B. Height Exceptions. The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:

1. Up to thirty-three feet for gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of twenty-six feet. There shall be no breaks in the roof slope for doors and decks. Exterior doors and decks above the twenty-six-foot plate height are prohibited. See Figure 17.20-1.
2. The thirty-three feet includes the maximum height of projections for nonhabitable decorative features and structures identified in Section 17.48.020(B) (Height Exceptions).

Figure 17.20-1: Increased Height in the MU-V Zoning District

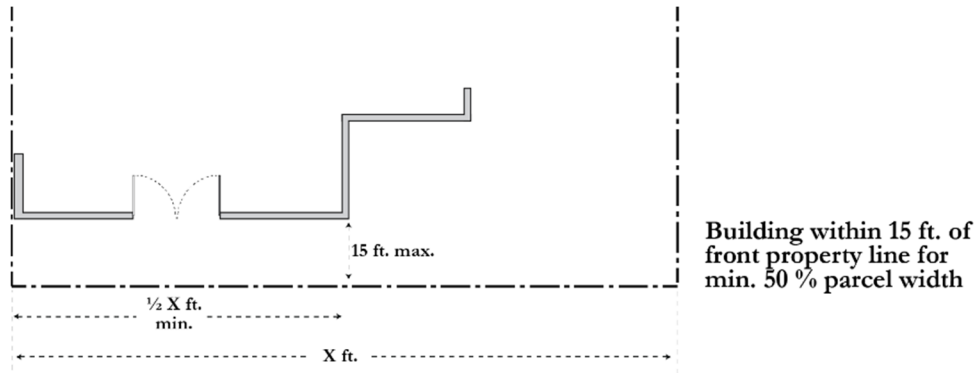


C. Increased Floor Area and Height for the Capitola Theater Site. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.20-2 for the Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10). These exceptions are intended to facilitate the development of a new hotel in the Capitola Village consistent with the general plan/land use plan.

D. Setbacks in the MU-V Zoning District. The following setback standards apply to all new structures in the MU-V zoning district:

1. Building should be constructed within fifteen feet of the front property line for a minimum of fifty percent of the parcel's linear street frontage. See Figure 17.20-2. The planning commission may modify or waive this requirement upon finding that:
 - a. Compliance with the build-to width requirement would render the proposed project infeasible;
 - b. The project incorporates a front-facing courtyard or public seating area; or
 - c. An alternative site design would result in an enhanced pedestrian experience.

Figure 17.20-2: Build-To Line – MU-V Zoning District



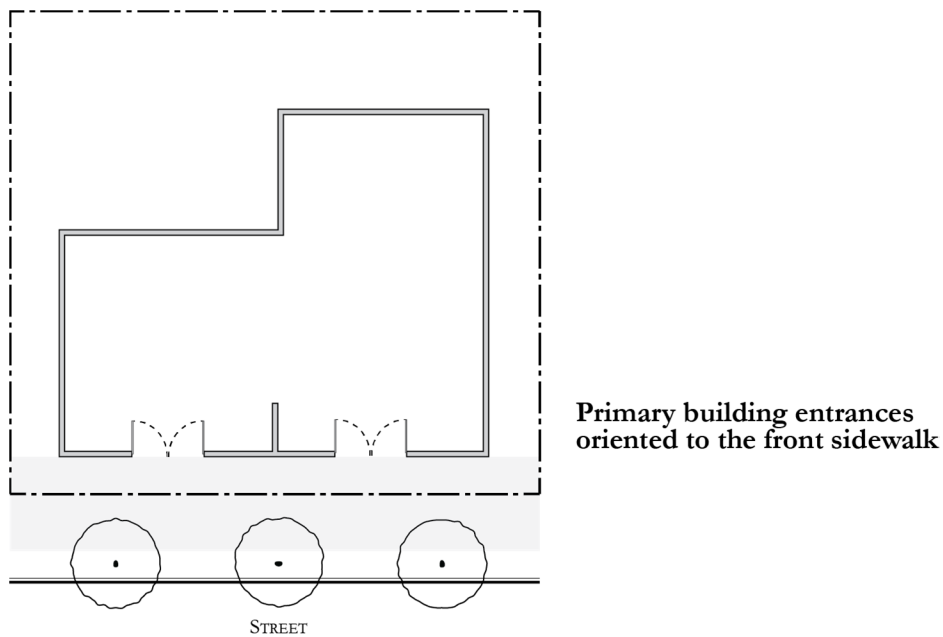
2. Front setback areas shall be pedestrian oriented and contain semi-public amenities such as courtyards or outdoor seating areas.

3. Structures shall be set back a minimum of ten feet from the property line on the northerly side of the first two hundred fifty feet of Cliff Drive, west of the intersection of Wharf Road.

E. General Design Standards. The following standards apply to all new buildings and area of new additions within the MU-V zoning districts, excluding the village residential overlay:

1. Building Orientation. Buildings should be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. See Figure 17.20-3.

Figure 17.20-3: Building Orientation

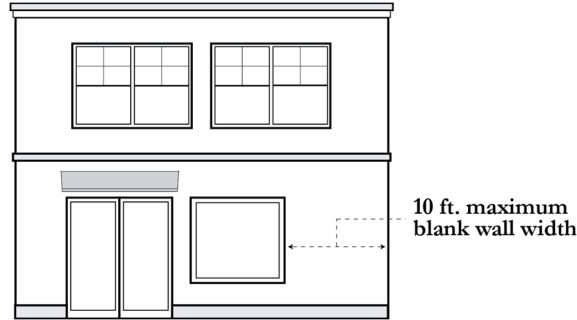


2. Blank Walls. The maximum length of an unarticulated/blank building wall fronting a public street shall be ten feet. See Figure 17.20-4. Building articulation may be provided by:

- a. Doors, windows, and other building openings;
- b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;

- c. Varying wall planes, heights or contrasting materials; and
- d. Awnings, canopies or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

Figure 17.20-4: Blank Wall Limitations



3. Storefront Width. The maximum building/storefront width shall be twenty-five feet. See Figure 17.20-5. Larger buildings shall be broken down into a pedestrian-scale rhythm with differentiated storefront design every twenty-five feet.

Figure 17.20-5: Storefront Width



4. Ground-Floor Building Transparency.

- a. The ground-floor street-facing building walls of nonresidential uses shall provide transparent windows or doors with views into the building for a minimum of sixty-five percent of the building frontage located between two and one-half and seven feet above the sidewalk. See Figure 17.20-6. Windows or doors area shall be transparent to allow views into the building.

Figure 17.20-6: Storefront Transparency



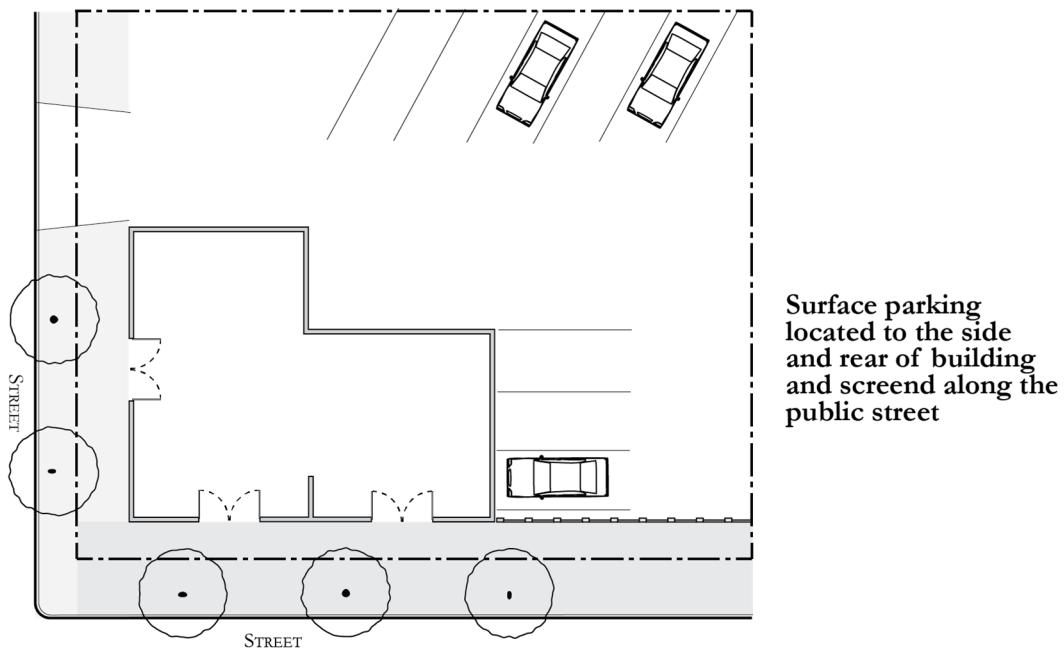
b. Exceptions to this transparency requirement may be allowed with a design permit if the planning commission finds that:

- i. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; and
- ii. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

5. Parking Location and Buffers.

- a. Surface parking shall be located to the rear or side of buildings. Surface parking may not be located between a building and a street-facing property line. See Figure 17.20-7.
- b. Surface parking adjacent to a street-facing property line shall be screened along the public right-of-way with a decorative wall, hedge, trellis, and/or landscaping at least three feet in height or maximum allowed pursuant to line of sight requirements in Section 17.96.050.
- c. Loading areas shall be located to the side and rear of buildings, and shall be sufficiently screened from the public right-of-way, as determined by the community development director.

Figure 17.20-7: Parking Location



6. Driveways and Curb Cuts.

- a. The maximum width of a new driveway crossing a public sidewalk may not exceed forty percent of the parcel width or twenty feet, whichever is less. The community development director may approve an exception to this standard in the case of shared or joint use of driveways and parking lots.
- b. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the community development director. Considerations for determination include separation between curb cuts, displaced parking, and sight lines.

7. Paved Site Areas.

- a. The materials, colors, textures, and other design features of on-site paved areas, including courtyards, walkways, and patios, shall complement and enhance the overall design character of development on the site.
- b. The use of asphalt for on-site paving is prohibited, except when used for parking areas and vehicle circulation.

8. Garbage and Recycling. Facilities for garbage and recycling shall be screened from public right-of-way and either designed into the architecture of the primary building or enclosed in an accessory structure located to the side and/or rear of the primary building.

9. Landscaping. See Section 17.72.050(B).

10. Roof Decks.

- a. Roof decks are prohibited within the residential overlay of the MU-V zoning district.
- b. Roof decks in the MU-V require a Design Permit and must comply with the standards in Section 17.16.030.C.4.b.

17.20.040 Development standards – Mixed use neighborhood zoning district.

A. General. Table 17.20-3 identifies development standards that apply in the mixed use neighborhood (MU-N) zoning district.

Table 17.20-3: Development Standards in the Mixed Use Neighborhood Zoning District

	Zoning District	Additional Standards
	MU-N	
Site Requirements		
Parcel Area, Minimum [1]	3,200 sq. ft.	
Parcel Width, Minimum [1]	40 ft.	
Parcel Depth, Minimum [1]	80 ft.	
Floor Area Ratio, Maximum	1.0	Section 17.48.040
Parking and Loading	See Chapter 17.76	
Structure Requirements		
Setbacks		

	Zoning District	Additional Standards
	MU-N	
Front	Min: 0 ft. from property line or 10 ft. from curb, whichever is greater [3] [4] Max: 25 ft.	Section 17.20.040(C)
Rear	10 ft. min. from property line [2] [3] [4]	
Interior Side	10% of lot width [3] [4]	
Street Side	Min: 0 ft. from property line or 10 ft. from curb, whichever is greater [3] Max: 25 ft.	
Height, Maximum	27 ft.	Section 17.20.040(D)
Accessory Structures	See Chapter 17.52	

Notes:

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of June 9, 2021. See Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

[2] Twenty percent of lot depth for residential use on parcel.

[3] The planning commission may approve reduced front, side, and rear setback requirements for properties fronting Capitola Avenue north of the trestle up to and including 431 Capitola Avenue.

[4] The planning commission may reduce front, side, and rear setbacks when a parcel is surrounded by commercial properties.

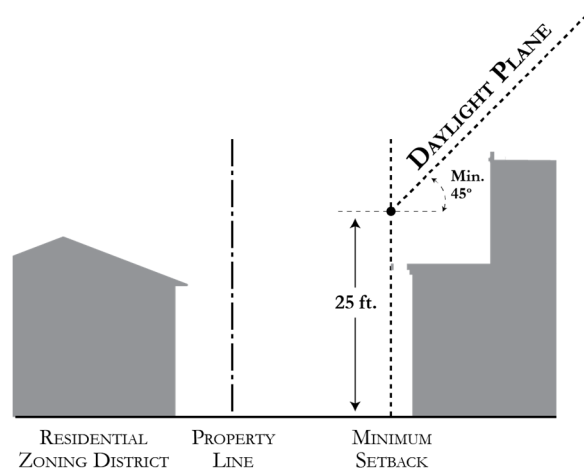
B. Building Orientation.

1. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk.
2. The planning commission may grant an exception to the requirement in subsection (B)(1) of this section upon finding that unique conditions on the site require an alternative building orientation and that the proposed project would maintain a pedestrian-friendly and active street frontage to the greatest extent possible.

C. Setbacks in the MU-N Zoning District. Front setback areas in the MU-N zoning district not used for vehicle parking or circulation shall be pedestrian oriented and shall be either landscaped or contain semi-public amenities such as courtyards or outdoor seating areas.

D. Residential Transitions – Daylight Plane. When a property abuts a residential zoning district, no structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.20-8.

Figure 17.20-8: Residential Transitions – Daylight Plane



E. Parking Location and Buffers. Surface parking shall be located to the rear or side of buildings where possible. When parking is located between a building and a street-facing property line, the parking shall be either:

1. Screened along the street with a decorative wall, hedge, trellis, and/or landscaping at least three feet in height; or
2. Designed to minimize visual impacts and support a pedestrian-friendly environment to the greatest extent possible as determined by the planning commission.

F. Driveways and Curb Cuts.

1. The maximum width of new driveways crossing a public sidewalk may not exceed forty percent of the parcel width or twenty feet, whichever is less. The community development director may approve exceptions to these standards in the case of shared or joint use of driveways and parking lots.
2. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the community development director. Considerations for determination include adequate separation between curb cuts, displaced parking, and sight lines.

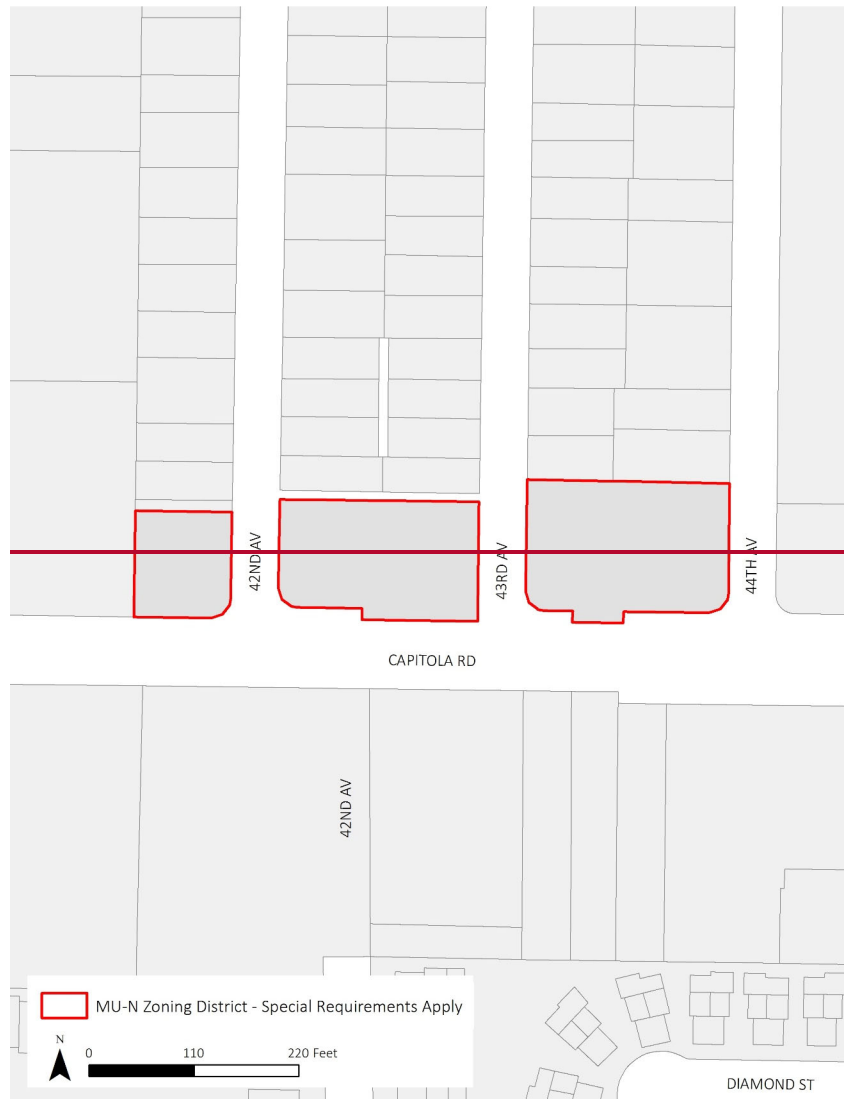
G. Landscaping. See Section 17.72.050(B).

H. Capitola Road. The following standards apply to new primary buildings constructed in the MU-N zoning district fronting the north side of Capitola Road between 41st Avenue and 45th Avenue as shown in Figure 17.20-9. These standards do not apply to alterations or expansions to existing buildings.

1. Buildings shall feature a gabled or hipped roof with a minimum 5:12 roof pitch.
2. Buildings shall be set back from the curb or street edge in a manner that allows for a minimum ten-foot sidewalk along the property frontage.

I. Roof Decks. Roof decks in the MU-N zoning district require a design permit. Roof decks must comply with standards in Section 17.16.030.C.4. b.

Figure 17.20-9: Capitola Road MU-N Subject to Special Standards





(Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.24

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sections:

- 17.24.010 Purpose of the commercial and industrial zoning districts.
- 17.24.020 Land use regulations.
- 17.24.030 Development standards.
- 17.24.040 Residential mixed use development in commercial zoning districts.

17.24.010 Purpose of the commercial and industrial zoning districts.

A. Community Commercial (C-C) Zoning District. The purpose of the C-C zoning district is to provide areas for a variety of commercial uses serving Capitola residents and visitors. The C-C zoning district allows for retail, restaurants, and services that meet the daily needs of the community. The scale, intensity, and design of development in the C-C zoning district shall be compatible with adjacent neighborhoods and contribute to Capitola’s unique coastal village character. Interspersed residential and office uses in the C-C zoning district shall support a diverse local economy and range of housing choices.

B. Regional Commercial (C-R) Zoning District. The purpose of the C-R zoning district is to provide areas for commercial uses that serve regional shoppers as well as Capitola residents, workers, and visitors. The C-R zoning district will maintain a critical mass of retail and service uses that maintain 41st Avenue as a successful retail destination. Office, medical, and residential uses will be restricted to protect the long-term economic vitality of the corridor. Incremental redevelopment of underutilized properties in the C-R zoning district will enhance the corridor as a pedestrian-friendly shopping destination that enhances Capitola’s unique identity and quality of life.

C. Industrial (I) Zoning District. The purpose of the I zoning district is to provide an area for heavy commercial and light industrial uses in Capitola. The I zoning district allows for nonresidential uses which are desired in the community but could be incompatible with land uses in other zoning districts. The I zoning district shall continue to accommodate businesses that contribute to a diverse economy, provide local jobs, and serve the needs of residents and other businesses in Capitola.

17.24.020 Land use regulations.

A. Permitted Land Uses. Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts. The city council may approve a use not listed in Table 17.24-1 after receiving a recommendation from the planning commission and finding the use to be consistent with the general plan and the purpose of the zoning district.

Table 17.24-1: Permitted Land Uses in Commercial and Industrial Zoning Districts

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
-	Use not allowed				
Residential Uses					
Single-Family Dwellings		-	-	-	
Multifamily Dwellings		C [9]	C [9]	-	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
-	Use not allowed				
Residential Mixed Use		C	C [7]	-	Section 17.24.040
<u>Accessory Dwelling Unit</u>		<u>A</u>	<u>A</u>	<u>:</u>	<u>Chapter 17.74</u>
Public and Quasi-Public Uses					
Colleges and Trade Schools		C	C	C	
Community Assembly		C	C	-	
Cultural Institutions		C	C	-	
Day Care Centers		C	C	-	
Emergency Shelters		-	-	P	Section 17.96.030
Government Offices		See 17.24.020(C)		C	
<u>Home Day Care</u>		<u>P</u>	<u>P</u>	<u>P</u>	
Medical Offices and Clinics		See 17.24.020(C)		-	
Public Paths and Coastal Accessways		C	C	C	
Public Safety Facilities		C	C	C	
Commercial Uses					
Alcoholic Beverage Sales		C	C	C	
Banks		P [2]	P [2]	-	
<u>Car Wash</u>		<u>C</u>	<u>C</u>	<u>:</u>	
Financial Institutions		P [2]	P [2]	-	Section 17.24.020(C)
Business Services		P [2]	P [2]	P	
Commercial Entertainment and Recreation		M	M	-	
Drive-Through Facilities		-	C [4]	-	
Eating and Drinking Establishments					
Bars and Lounges		C	C	C	
Mobile Food Vendors		-	A [6]/C	A [6]/C	
Restaurants and Cafes		M [2]	M [2]	C	
Take-Out Food and Beverage		M [2]	M [2]	-	
-Food Preparation		M [2]	-	P	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Gas and Service Stations		C	C	–	
Liquor Stores		C	C	–	
Lodging					
Bed and Breakfast		C	–	–	
Hotel		C	C	–	
Maintenance and Repair Services		M	C	P	
Personal Services		P [1]	P [1]	–	
Professional Offices		See 17.24.020(C)		P	
Salvage and Wrecking		–	–	P	
Self-Storage		C	–	C	Section 17.96.140
Retail		P [11]	P [11]	–	
Retail Cannabis Establishment			C [10]		Section 17.24.020(D)
Vehicle Repair		C	C	P	
Vehicle Sales and Rental		C [5]	C [5]	–	
Vehicle Sales Display Room [8]		P	P	–	
Wholesaling		–	M [3]	P	
Heavy Commercial and Industrial Uses					
Construction and Material Yards		–	–	P	
Custom Manufacturing		M	M	P	
Light Manufacturing		–	–	P	
Warehousing and Distribution		–	–	P	
Transportation, Communication, and Utility Uses					
Utilities, Major		–	C	C	
Utilities, Minor		P	P	P	
Recycling Collection Facilities		C	C	C	Section 17.96.130
Wireless Communications Facilities		See Chapter 17.104			
Other Uses					

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Accessory Uses		See Chapter 17.52			
Home Occupations		A	A	–	Section 17.96.040
Permanent Outdoor Display		C	C	C	Section 17.96.100
Temporary Uses		See Section 17.96.180			
Urban Agriculture					
Home Garden		P	P	–	
Community Garden		M	M	–	
Urban Farm		C	C	–	

Notes:

[1] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires minor use permit.

[2] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires conditional use permit.

[3] Without stock. Storage of merchandise limited to samples only.

[4] Prohibited within one hundred feet of a residential zoning district or residential use including residential properties outside the city limits. Distance is measured from any site feature designed and/or used to provide drive-through service (e.g., vehicle aisle, menu board, lighting) to the property of the residential district or use.

[5] Majority of vehicles for sale must be new.

[6] Mobile food vendors in one location ~~two~~ four times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an administrative permit in accordance with Chapter 9.36. Mobile food vendors in one location more than two times per year require a conditional use permit.

[7] Residential uses are prohibited on the first story.

[8] Maximum five thousand square feet.

[9] Allowed only as a part of a mixed use project integrated with commercial structures located on the same development site.

[10] Requires cannabis retail license (Chapter 9.61) and compliance with subsection D of this section.

[11] A retail use 20,000 square feet or more requires a Conditional Use Permit.

B. Additional Permits. In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone), independent of and in addition to any other required permit or approval.

C. Office Uses in the C-C and C-R Zoning Districts.

1. New Office Uses. In the C-C and C-R zoning districts, permits required for new office uses and conversions of nonoffice space to office use are shown in Table 17.24-2. Offices include professional, medical, financial institutions and governmental offices.

2. Existing Office Uses. Within office buildings utilized exclusively for office uses as of June 9, 2021, office uses may continue to occupy ground-floor tenant spaces. Within such office buildings, a new tenant is not subject to the permit requirements in Table 17.24-2 until such time that the building is redeveloped or all office space in the ground-floor level is converted to a nonoffice use.

Table 17.24-2: Permitted New Office Uses in the C-C and C-R Zoning Districts

Key			
		C-C Zoning District	C-R Zoning District
P	Permitted Use		
A	Administrative Permit required		
M	Minor Use Permit required		
C	Conditional Use Permit required		
–	Use not allowed		
Location and Size of Office Use			
	Ground floor, less than 5,000 sq. ft.	P	–
	Ground floor, 5,000 sq. ft. or more	C	–
	Upper floor above a ground floor	P	P
	Located within a multi-tenant site in which the office space is not located within a storefront and is set back from the front facade.	P	–

D. Retail Cannabis in the C-R Zoning District. A retail cannabis establishment in the C-R zoning district must be in compliance with the following standards:

1. Permit Requirements.

a. Cannabis Retail License. Prior to conditional use permit application, an applicant shall obtain a potential retail cannabis license from the city, as outlined in Chapter 5.36.

b. Conditional Use Permit. A retail cannabis establishment must obtain a conditional use permit from the planning commission. The retail cannabis establishment shall be in compliance with the following standards:

i. Distance from Schools and Churches. Retail cannabis establishments are not permitted within a path of travel of one thousand feet from any schools and churches. The path of travel shall be measured following the shortest path of travel along a public right-of-way from the property line of the proposed retail cannabis establishment parcel to the church or school.

ii. Distance Between Retail Cannabis Establishments. A retail cannabis establishment shall not be located within a path of travel of five hundred feet of another retail cannabis establishment. Path of travel is measured from the retail establishment suite on a multi-tenant property or the structure for a single-tenant property.

iii. Independent Access. A retail cannabis establishment shall have an independent exterior entrance that is not shared with any other business or residence.

iv. Signs. Notwithstanding other sections of the code for signs, business identification signage for a retail cannabis establishment shall be limited to one exterior building sign per business location to

~~identify the business as a retail cannabis establishment in compliance~~ with the following standards:

(A) Sign may include only the name of business and one green cross.

~~(B) Sign area maximum of fifteen square feet, or one square foot per linear frontage of the business; whichever is less.~~

~~(B)~~ Sign may not have any reference, through symbols or language, to cannabis with the exception of one green cross.

~~(C)~~ Sign shall not be directly illuminated except during operating hours.

~~(D)~~ Sign shall otherwise be subject to planning commission review through a sign permit application in accordance with Chapter 17.132.

17.24.030 Development standards.

A. General. Table 17.24-3 identifies development standards that apply in the commercial and industrial zoning districts.

Table 17.24-3: Development Standards in Commercial and Industrial Zoning Districts

	C-C	C-R	I	Additional Standards
Site Requirements				
Parcel Area, Minimum	5,000 sq. ft.			
Parcel Width, Minimum	50 ft.			
Parcel Depth, Minimum	100 ft.			
Floor Area Ratio, Maximum	1.0	1.5	0.5	Section 17.24.030(D) Chapter 17.88
Structure Requirements				
Setbacks, Minimum				
Front	See Section 17.24.030(C)		0 ft.	
Rear	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Interior Side	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Street Side	See Section 17.24.030(C)		0 ft.	
Height, Maximum	40 ft.	40 ft.	30 ft.	Section 17.24.030(D) and (E) Chapter 17.88
Landscaped Open Space, Minimum	5%			Table 17.72-1
Parking and Loading	See Chapter 17.76			

B. C-C Zoning District Fronting Capitola Road. The following requirements apply to C-C parcels fronting the south side of Capitola Road between 41st Avenue and 45th Avenue as shown in Figure 17.24-1:

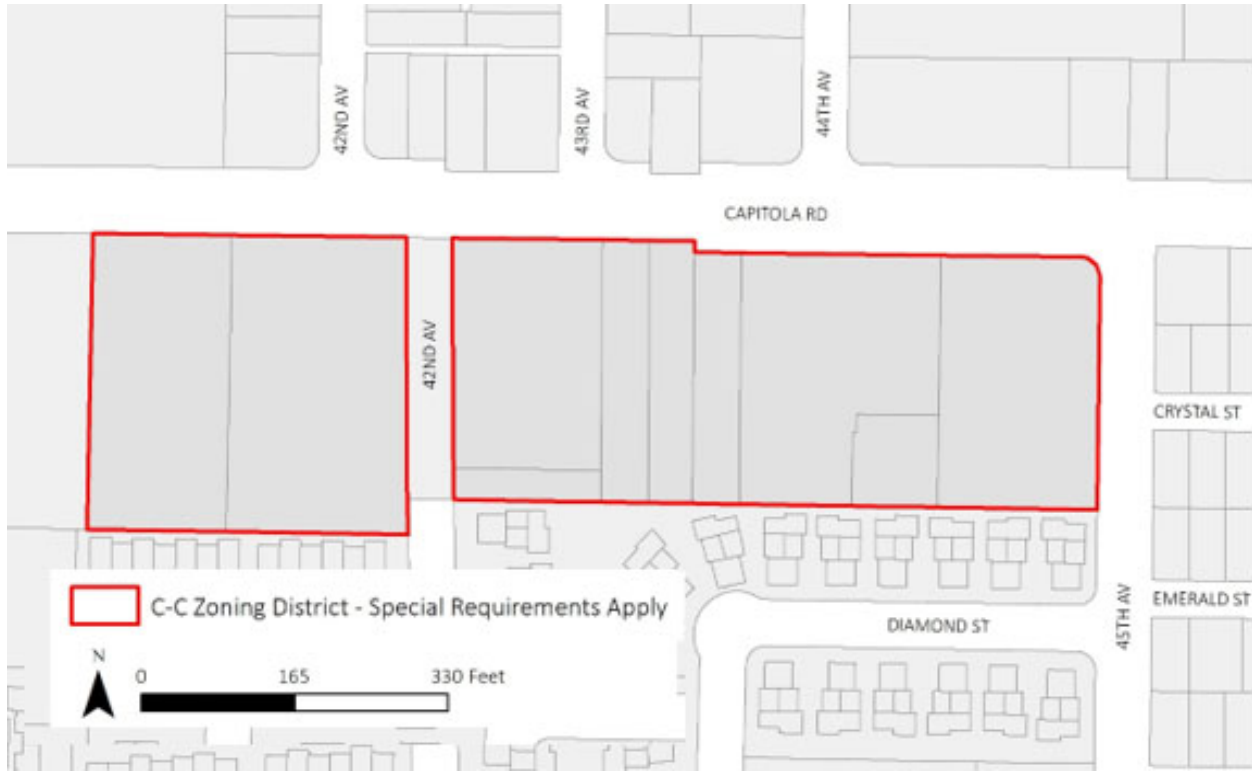
1. Maximum height: thirty-five feet.
2. Minimum rear setback: forty feet.
3. Enhanced Application Review. A proposed project with a height greater than two stories shall comply with

the following enhanced application review procedures:

a. Conceptual Review.

- i. Prior to consideration of a formal application, the planning commission and city council shall provide conceptual review of a proposed project in accordance with Chapter 17.114 (Conceptual Review).

Figure 17.24-1: Parcels Fronting Capitola Road Between 41st Avenue and 45th Avenue



- ii. Before planning commission and city council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
- iii. When reviewed by the planning commission and city council, the applicant shall demonstrate how the project design addresses public input received at the community workshop, as appropriate.

b. City Council Action. Following conceptual review, the planning commission shall serve as the recommending body and the city council shall serve as the review authority and take final action on the application.

c. Findings. To approve the application, the city council shall make all of the following findings in addition to findings for the required permits:

- i. The project satisfies applicable design review criteria in Section 17.120.070 (Design review criteria).
- ii. On-site parking, points of ingress/egress, and internal vehicle accessways are located and designed to minimize parking and traffic impacts on neighboring residential areas to the greatest extent possible.
- iii. The project incorporates rear yard setbacks and upper-story stepbacks as needed to maintain adequate light and air for abutting residential uses.

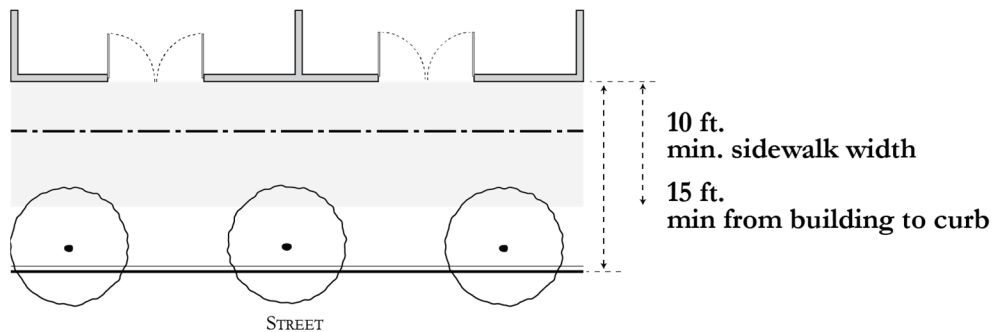
iv. The height and intensity of development is compatible with the scale and character of neighboring residential areas.

v. The project incorporates design features to support a safe and welcoming pedestrian environment. Potential features may include, but are not limited to, enhanced sidewalks along the property frontage, internal pedestrian walkways, outdoor public gathering places, unique landscaping treatments, and active ground-floor uses fronting the street.

C. Front and Street Side Setbacks in the C-R and C-C Zoning Districts. In the C-R and C-C zoning districts, buildings shall be set back from the front and street side property line so that:

1. The building is at least fifteen feet from the curb or street edge; and
2. Building placement allows for a minimum ten-foot sidewalk along the property frontage. See Figure 17.24-2.

Figure 17.24-2: Front and Street Side Setbacks in the C-R and C-C Zoning Districts

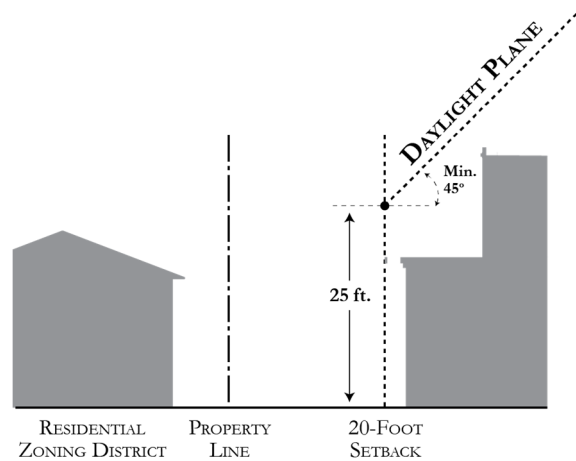


D. Increased Floor Area and Height in C-C and C-R Zoning Districts. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These exceptions are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan.

E. Residential Transition Standards. Where a commercial or industrial zoning district abuts a residential zoning district, the following standards apply:

1. Setbacks. The minimum setback from the residential property line shall be fifteen feet for interior side yards and twenty feet for rear yards. For lots less than one hundred feet wide, the planning commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.
2. Daylight Plane. No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.24-3.

Figure 17.24-3: Residential Transitions – Daylight Plane



3. Landscaping. A landscaped planting area, extending a minimum of ten feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of fifteen feet.

4. Loading. Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading shall be provided from the commercial frontage rather than from areas adjacent to residential uses.

F. Capitola Mall Redevelopment. While the Capitola Mall site has been zoned regional commercial (C-R) as part of the zoning code update, it is expected that major redevelopment of the mall property may require a rezone, planned development, specific plan, development agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.

G. Landscaping. See Section 17.72.050(B) for nonresidential landscape requirements.

H. Roof Decks. Roof decks that provide common open space for residents in the commercial zoning district require a Design Permit. Roof decks must comply with standards in Section 17.16.030.C.4.b.

17.24.040 Residential mixed use development in commercial zoning districts.

A. Purpose and Applicability. This section establishes design standards for mixed use development with housing above ground-floor commercial uses in the community commercial (C-C) and regional commercial (C-R) zoning districts. These standards are intended to promote successful mixed use development that is pedestrian-friendly and contributes to the vitality of commercial districts in Capitola.

B. Standards.

1. Ground-Floor Uses. Ground-floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.
2. Building Placement. Buildings shall be placed near the edge of the sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.
3. Building Orientation. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The planning commission may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be

oriented towards surface parking.

4. Blank Walls. The length of an unarticulated/blank building wall shall not exceed ten feet. Architectural articulation should have a similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. Building articulation may be provided by:

- a. Doors, windows, and other building openings;
- b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;
- c. Varying wall planes, heights or contrasting materials and colors; and
- d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

5. Storefront Width. The width of a single building/storefront shall not exceed fifty feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual storefront widths of twenty-five to fifty feet.

6. Ground-Floor Building Transparency. The ground-floor street-facing building walls of nonresidential uses shall provide transparent windows or doors with views into the building for a minimum of sixty-five percent of the building frontage located between two and one-half and seven feet above the sidewalk. See Figure 17.24-4. Windows or doors area shall be transparent to allow views into the building. Exceptions to this transparency requirement may be allowed if the planning commission finds that:

- a. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; or
- b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

Figure 17.24-4: Storefront Transparency



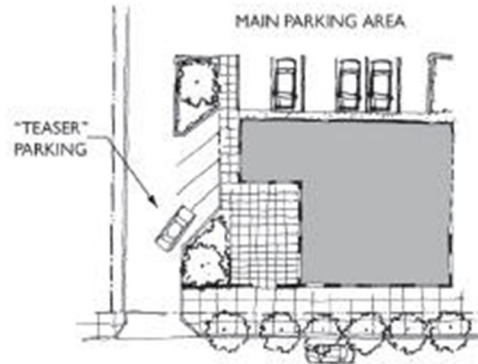
7. Retail Depth. Ground-floor commercial space shall have a depth of at least forty-five feet or two-thirds of the parcel depth, whichever is less. Where possible, sixty-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The planning commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.

8. Ground-Floor Height. Ground-floor commercial space shall have a minimum floor-to-floor height of fifteen feet. Where possible, eighteen-foot floor-to-floor heights are encouraged.

9. Parking Location. No more than ten percent of off-street retail parking may be provided along the side of retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking. See Figure 17.24-5.

10. Driveways and Curb Cuts. Pedestrian and vehicle conflicts shall be minimized by limiting the number of curb cuts to two per block and the width of curb cuts to twenty-four feet where feasible. To the extent possible, curb cuts shall be designed so pedestrian curb ramps are limited and pathways remain level as they cross the vehicle route.

Figure 17.24-5: Residential Mixed Use – Teaser Parking



Small amounts of "teaser" parking can act as a visual cue to direct drivers to additional parking out of view.

Chapter 17.28

VISITOR SERVING OVERLAY ZONE

Sections:

- 17.28.010 Purpose of the visitor serving overlay zone.
- 17.28.020 Land use regulations.
- 17.28.030 Development standards.

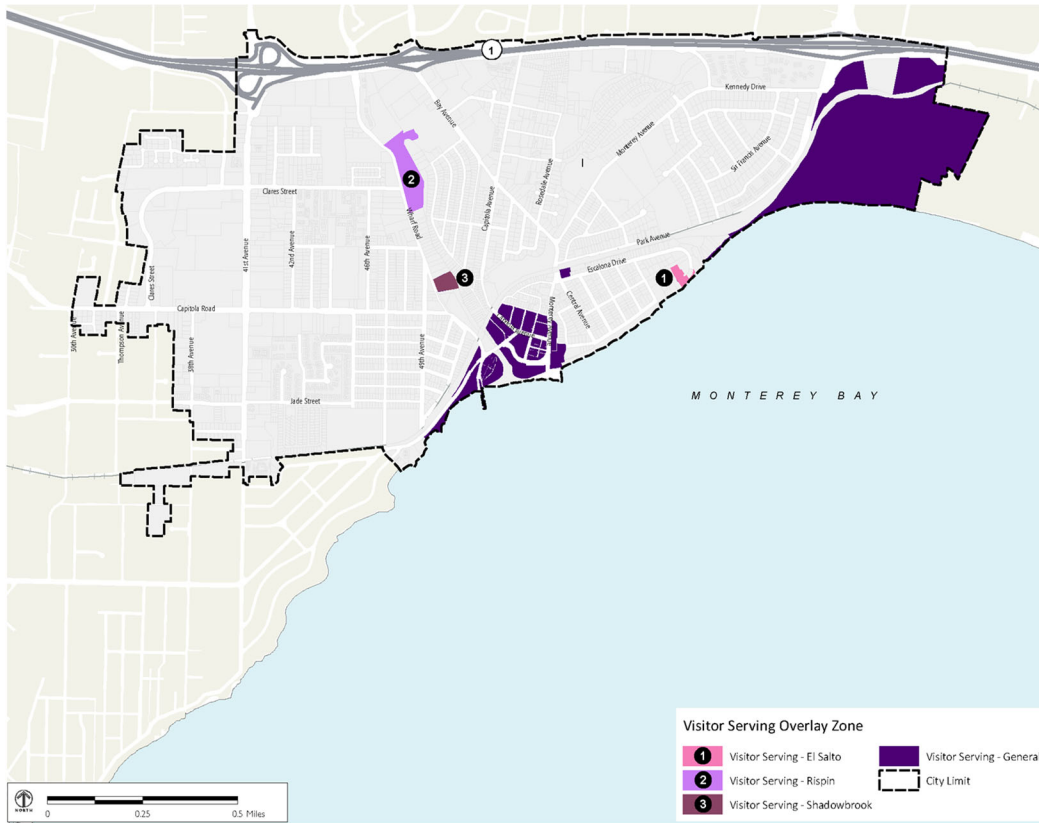
17.28.010 Purpose of the visitor serving overlay zone.

A. General. The purpose of the visitor serving (-VS) overlay zone is to provide the visiting public with a range of opportunities to enjoy Capitola's coastal location. The -VS overlay zone accommodates a range of visitor serving uses including overnight accommodations, dining establishments, and active and passive recreational facilities. Specific permitted uses depend on the resources present on the site and the surrounding land use and environmental context. The -VS overlay zone implements policies to maintain and enhance visitor serving uses in Capitola consistent with the general plan and local coastal program (LCP).

B. Visitor Serving Overlay Subzones. The -VS overlay zone is divided into subzones (see Figure 17.28-1) with unique land use and development standards:

1. Visitor Serving – Rispin (VS-R). Applies to the Rispin site (APNs 035-371-01 and 035-371-02).
2. Visitor Serving – Shadowbrook (VS-SB). Applies to the Shadowbrook site (APN 035-111-04).
3. Visitor Serving – El Salto (VS-ES). Applies to the El Salto site (APN 036-143-35).
4. Visitor Serving – General (VS-G). Applies to all other parcels with a visitor serving subzone overlay designation. The -VS zoning overlay designation on the Inn at Depot Hill site (APNs 036-121-38 and 036-121-33) acts as both the base zoning district and an overlay district (i.e., the permitted land uses identified in Table 17.28-1 are the only permitted land uses allowable on the site and the applicable land use regulations and development standards are limited to those identified in this chapter).

Figure 17.28-1: Visitor Serving Districts



(Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.28.020 Land use regulations.

A. Permitted Land Uses. Table 17.28-1 identifies land uses permitted in the -VS overlay subzones.

Table 17.28-1: Permitted Land Uses in the Visitor Serving Overlay Zone

Key	Permitted Use	-VS Subzones				Additional Regulations
		VS-G	VS-R	VS-SB	VS-ES	
P	Permitted Use					
A	Administrative Permit required					
M	Minor Use Permit required					
C	Conditional Use Permit required					
-	Use not allowed					
Residential Uses						
	Employee Housing	C [1]	-	-	-	
	Multifamily Dwellings	C [2][11]	-	-	C [2]	
	One Caretaker Unit for On-Site Security	C	C	C	C	
	Single-Family Dwellings	C [3][11]	-	-	C [3]	

Key		-VS Subzones				Additional Regulations
		VS-G	VS-R	VS-SB	VS-ES	
P	Permitted Use					
A	Administrative Permit required					
M	Minor Use Permit required					
C	Conditional Use Permit required					
-	Use not allowed					
Public and Quasi-Public Uses						
	Community Assembly	C	C	-	-	
	Cultural Institutions	C	C	-	-	
	Day Care Centers	C	-	-	-	
	Habitat Restoration and Habitat Interpretive Facilities	C	C	C	-	
	Parks and Recreational Facilities	C	C	-	-	
	Public Parking Lots	C	C	-	-	
	Public Paths and Coastal Accessways	C	C	C	C	
	Public Safety Facilities	C	-	-	-	
	Public Wharfs	C	-	-	-	
	Schools, Public or Private	-	-	-	-	
Commercial Uses						
	Business Establishments that Provide Commercial Places of Amusement or Recreation, Live Entertainment, or Service of Alcoholic Beverages	C [4]	C [4]	C	-	
	Business Establishments that Sell or Dispense Alcoholic Beverages for On-Site Consumption	C	C	C	-	
Restaurants						
	Full Service	C [5]	C [5]	C [5]	-	
Lodging						
	Hotels, Inns, Bed and Breakfast, and Hostels	C	C	-	C	
	Campgrounds [6]	C	-	-	-	
	Recreational Vehicle Parks	C	-	-	-	
	Vacation Rentals	-	-	-	-	
	Utilities, Major	C	C	C	C	
	Utilities, Minor	P	P	P	P	
	Wireless Communications Facilities	See Chapter 17.104				
Other Uses						
	Access Roadways	C	C	C	C	
	Accessory Structures and Uses, New	C [7]	C	C	C	

Key		-VS Subzones				Additional Regulations
		VS-G	VS-R	VS-SB	VS-ES	
P	Permitted Use					
A	Administrative Permit required					
M	Minor Use Permit required					
C	Conditional Use Permit required					
-	Use not allowed					
	Accessory Structures and Uses Established Prior to Primary Use or Structure	C	C	-	-	
	Change of Visitor Serving Commercial Uses within a Structure	C [8]	-	-	-	
	Food Service Accessory to a Lodging Use [9]	C	C	-	C	
	Home Occupations	C	-	-	-	Section 17.96.040
	Expansion of a Legal Nonconforming Use within an Existing Structure	C	-	-	-	
	Legal Nonconforming Use Changed to a Use of a Similar or More Restricted Nature	C	-	-	-	
	Live Entertainment	C	C	C	-	
	Offices Accessory to Visitor Serving Use	C	C	C	-	
	Parking Areas to Serve the Primary Use	C	C	C	C	
	Retail Accessory to a Visitor Serving Use	C	C	-	-	
	Temporary Assemblages of People, such as Festivals, Fairs, and Community Events	C [10]	C [10]	C [10]	-	
	Weddings	C	C	C	-	

Notes:

- [1] Permitted only as an accessory use.
- [2] Multifamily dwellings shall comply with development standards in the multifamily residential, medium density (RM-M) zoning district.
- [3] Single-family dwellings shall comply with development standards in the single-family residential (R-1) zoning district.
- [4] May not be located within two hundred feet of the boundary of a residential zoning district.
- [5] Drive-up and car service is not allowed.
- [6] May include moderate intensity recreational uses, including tent platforms, cabins, parks, stables, bicycle paths, restrooms, and interpretive facilities.
- [7] Intensification of the primary use is not allowed.
- [8] The new use may not change the nature or intensity of the commercial use of the structure.
- [9] Permitted only to serve guests of the lodging use.
- [10] Events may not exceed ten days and may not involve construction of permanent facilities.
- [11] Prohibited on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) and the Inn at Depot Hill (APNs 036-121-38 and 036-121-33).

B. Civic Uses in the VS-R Overlay Subzone. The planning commission may allow additional civic uses in the VS-R overlay subzone beyond those specifically identified in Table 17.28-1 if the planning commission finds the

additional civic use to be consistent with the purpose of the VS-R overlay subzone and compatible with existing uses present on the site. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.28.030 Development standards.

A. General. Table 17.28-2 identifies development standards that apply in the -VS overlay zone outside of the mixed use village (MU-V) zoning district.

Table 17.28-2: Development Standards in the Visitor Serving Zoning Districts

	-VS Overlay Zone	Additional Standards
Parcel Area, Minimum	5,000 sq. ft.	
Impervious Surface, Maximum	VS-R: 25% VS-SB and VS-ES: 50% [1] VS-G: No maximum	
Floor Area Ratio, Maximum	0.25	
Setbacks, Minimum	See Section 17.28.030(B)	
Height, Maximum	30 ft.	Section 17.28.030(C)

Note:

[1] In the VS-SB overlay subzone, the impervious surface requirement applies to the parcel located directly adjacent to Soquel Creek. In the VS-ES overlay subzone, the impervious surface calculation excludes the portion of parcel 036-142-28 located outside of the Monarch Cove Inn.

B. Setbacks. The following setback requirements apply in the -VS overlay zone:

1. The planning commission may require front, side and rear setbacks through the design review process to provide adequate light and air, ensure sufficient distance between adjoining uses to minimize any incompatibility, and to promote excellence of development. Where a side or rear yard abuts residential property, a setback of at least ten feet shall be provided.
2. Front and exterior side yards shall not be used for required parking facilities.
3. For the visitor serving El Salto parcels located adjacent to the bluff top, new development shall adhere to the setback and development provision provided in the LCP natural hazards policies and in Chapter 17.68 (GH Geologic Hazards District).
4. To protect the waters and riparian habitat of Soquel Creek, new development on the Shadowbrook Restaurant and Rispin parcels shall adhere to the LCP natural systems policies and Chapter 17.64 (Environmentally Sensitive Habitat Areas).

C. Height Exceptions. With a recommendation from the planning commission, the city council may approve additional height up to a maximum of thirty-six feet in the -VS overlay zone outside of the MU-V zoning district when all of the following findings can be made:

1. The proposed development and design is compatible with existing land uses in surrounding areas, the general plan, and the LCP.
2. Streets and thoroughfares are suitable and adequate to serve the proposed development.
3. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings, or open space.
4. Major public views of the shoreline, as identified in Capitola’s local coastal program, are not blocked by the proposed development.

D. Landscaping. See Table 17.72-2 in Chapter 17.72 (Landscaping) for minimum required landscaping requirements for visitor serving properties.

E. Lighting. In addition to outdoor lighting standards in Section 17.96.110 (Outdoor lighting), the following lighting requirements apply in the -VS overlay zone:

1. All exterior lighting shall be minimized, unobtrusive, down-directed and shielded using the best available dark skies technology, harmonious with the local area, and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled and that light spill, sky glow and glare impacts are minimized.
2. Lighting of natural areas (such as creeks, riparian areas, the beach, etc.) shall be prohibited past the minimum amount that might be necessary for public safety purposes, except when temporarily permitted in conjunction with a temporary event.
3. The location, type and wattage of exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use.

F. Coastal Development Permit. If a proposed development is located in the coastal zone, it may require a coastal development permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval). (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.30

VISITOR SERVING DISTRICT – MONARCH COVE INN

Sections:

- 17.30.010 Applicability.
- 17.30.020 Purpose.
- 17.30.030 Architectural and site approval.
- 17.30.040 Conditionally permitted uses – Monarch Cove Inn.
- 17.30.050 Accessory uses.
- 17.30.060 Height.
- 17.30.070 Lot area.
- 17.30.080 Lot coverage.
- 17.30.090 Yards.
- 17.30.100 Parking.
- 17.30.110 Loading areas.
- 17.30.120 Landscaping and lighting.

17.30.010 Applicability.

The regulations set forth in this chapter apply to the Monarch Cove Inn parcels. (Res. 4223, 2021)

17.30.020 Purpose.

The purpose of the V-S district is to accommodate the visiting public with a range of opportunities to enjoy the city of Capitola’s coastal location. (Res. 4223, 2021)

17.30.030 Architectural and site approval.

A design permit shall be secured for the establishment and conduct of any conditional or accessory use in a V-S district as provided in Chapter 17.120. (Res. 4223, 2021)

17.30.040 Conditionally permitted uses – Monarch Cove Inn.

The following are the conditionally permitted uses allowed on the Monarch Cove Inn parcels and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels:

- A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;
- B. Hotels, motels, hostels, inns; bed and breakfast lodging;
- C. Food service related to lodging;
- D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;
- E. Accessory structures and uses established prior to establishment of main use or structure;
- F. Habitat restoration; habitat interpretive facility;
- G. Live entertainment;
- H. Public paths;
- I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;
- J. Weddings;
- K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;

L. Other visitor serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;

M. Offices and limited retail use, accessory to visitor serving uses;

N. One caretaker unit for the purpose of providing on-site security;

O. Access roadway;

P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor serving use within the three parcels;

Q. Nonfamily residential use during the off-season months (November through April). (Res. 4223, 2021)

17.30.050 Accessory uses.

The following are accessory uses permitted in a V-S district:

A. Signs complying with the applicable regulations set forth in the sign ordinance;

B. Accessory uses and buildings customarily appurtenant to a permitted use. (Res. 4223, 2021)

17.30.060 Height.

No structures shall exceed thirty feet in height. Exceptions up to thirty-six feet in height may be granted subject to approval by the city council upon the recommendation of the planning commission when the following findings can be made:

A. The proposed development and design are compatible with existing land uses of surrounding areas and the general plan;

B. Streets and thoroughfares are suitable and adequate to serve the proposed development;

C. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings or open space;

D. Major public views are not blocked by the proposed development. (Res. 4223, 2021)

17.30.070 Lot area.

The minimum lot area required shall be five thousand square feet. (Res. 4223, 2021)

17.30.080 Lot coverage.

There shall be no specific maximum lot coverage set except as follows:

A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, notwithstanding that all parking may be provided within a structure(s);

B. Front yard and open space requirements shall be satisfied;

C. For the Monarch Cove Inn parcels, the allowable impervious site coverage (e.g., buildings, paving, decks, etc.) is fifty percent. (Res. 4223, 2021)

17.30.090 Yards.

A. Front, side and rear yard setbacks may be required through design permit approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development. Where a side or rear yard abuts residential property a setback of at least ten feet shall be provided.

B. Front yards and corner lot side yards shall not be used for required parking facilities.

C. For the Monarch Cove Inn parcels located adjacent to the bluff top, new development shall adhere to the setback and development provisions provided in the LUP's natural hazards policies and in certified zoning Chapter 17.68 (GH Geologic Hazards District). (Res. 4223, 2021)

17.30.100 Parking.

Parking standards shall be as provided in Chapter 17.76. (Res. 4223, 2021)

17.30.110 Loading areas.

Loading areas shall be as provided in Chapter 17.76. (Res. 4223, 2021)

17.30.120 Landscaping and lighting.

See Section 17.72.050(C) for minimum required landscaped areas.

~~A minimum of five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. For the visitor serving Monarch Cove Inn parcels, fifty percent of the parcels shall consist of landscaped or open space areas. The planting of invasive plant species is prohibited.~~

17.30.130 Lighting

All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use. (Res. 4223, 2021)

Chapter 17.48

HEIGHT, SETBACKS, AND FLOOR AREA

Sections:

- 17.48.010 Purpose.
- 17.48.020 Height measurement and exceptions.
- 17.48.030 Setback measurement and exceptions.
- 17.48.040 Floor area and floor area ratio.

17.48.010 Purpose.

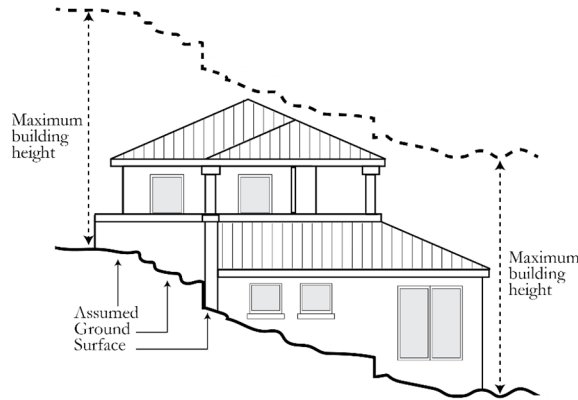
This chapter establishes rules for the measurement of height, setbacks, and floor area, and permitted exceptions to height and setback requirements.

17.48.020 Height measurement and exceptions.

A. Measurement of Height.

1. The height of a building is measured as the vertical distance from the assumed ground surface to the highest point of the building.
2. “Assumed ground surface” means a line on the exterior wall of a building that connects the points where the perimeter of the wall meets the finished grade. See Figure 17.48-1.
3. If grading or fill on a property within five years of an application increases the height of the assumed ground surface, height shall be measured using an estimation of the assumed ground surface as it existed prior to the grading or fill.

Figure 17.48-1: Measurement of Maximum Permitted Building Height



B. Height Exceptions. Buildings may exceed the maximum permitted height in the applicable zoning district as shown in Table 17.48-1. These exceptions may not be combined with any other height exceptions, including but not limited to allowances for additional height in the MU-V zone or for historic structures.

Table 17.48-1: Allowed Projections Above Height Limits

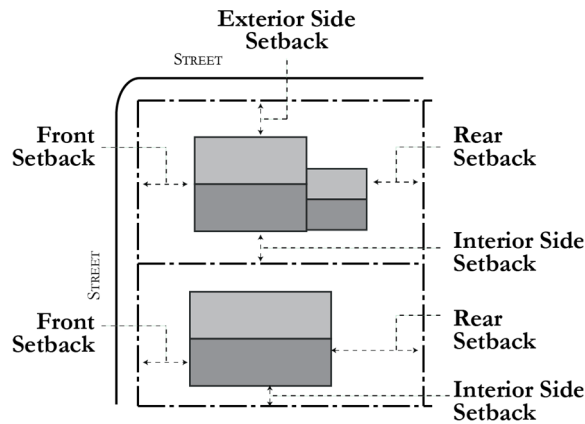
Structures Allowed Above Height Limit	Maximum Coverage	Maximum Projection Above Height Limit
Nonhabitable decorative features including spires, belfries, cupolas, domes and other similar architectural elements	10% of roof area	3 ft. in the R-1 zoning district; 6 ft. elsewhere

Structures Allowed Above Height Limit	Maximum Coverage	Maximum Projection Above Height Limit
Skylights	20% of roof area	1 ft.
Chimneys not over 6 feet in width	10% of roof area	3 ft. in R-1 zoning district; 6 ft. elsewhere
Flagpoles not over 8 inches in diameter	N/A	3 ft. in R-1 zoning district; 6 ft. elsewhere
Photovoltaic panels and thermal recovery systems	No restriction; subject to California Building Code	4 ft.
Building-mounted telecommunications facilities	See Chapter 17.104	

17.48.030 Setback measurement and exceptions.

A. Setback Measurement. Setbacks from property lines shall be measured as the distance between the property line and the nearest point of the structure along a line at a right angle to the property line. See Figure 17.48-2. Required property line setback areas shall be free and clear of structures except as specified in subsections (D) and (E) of this section.

Figure 17.48-2: Setback Measurement



Note: See specific zoning district for required minimum setback.

B. Yards. When unique circumstances exist, the community development director has the authority to determine the lot configuration (i.e., designation of front, side, and rear property lines) based on existing conditions and function of the lot.

C. Projections over Property Lines. Structures may not extend beyond a property line or into the public right-of-way, except when allowed with an encroachment permit.

D. Projections into Required Setback. Features of the primary structure on a lot may project into required setback areas as shown in Table 17.48-2, subject to the requirements of the building code. See Chapter 17.52 (Accessory Structures and Uses) for setback requirements that apply to accessory structures. New projections into setbacks associated with ESHA are limited to the exceptions of Section 17.64.030(F) (Setback Exceptions on Developed Lots).

Table 17.48-2: Allowed Projections into Required Setbacks

	Maximum Projection into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
Roof Projections					
Cornices, eaves, canopies, and similar roof projections	4 ft.	4 ft.	2 ft.	2 ft.	All: 3 ft.
Building Wall Projections					
Bay windows, balconies , sills, fireplaces, chimneys, and similar wall projections [1]	2 ft.	2 ft.	2 ft.	2 ft.	All: 3 ft.
<u>Outdoor showers, including privacy screens</u>	<u>Not allowed</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>Not allowed</u>	<u>Interior Side and Rear: 3 ft.</u>
<u>Basement light wells</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>All: 3 ft.</u>
<u>Pergolas attached to a building wall</u>	<u>5 ft.</u>	<u>No max</u>	<u>No max</u>	<u>4 ft.</u>	<u>Front: 10 ft.</u> <u>Exterior Side and Rear: 5 ft.</u> <u>Interior Side: 3 ft.</u>
Entry Features					
Stairways and fire escapes or similar features	Not allowed	4 ft.	No max	Not allowed	Front: Not allowed Exterior Side: Not allowed Interior Side: 3 ft. Rear: 5 ft.
At-grade flatwork such as concrete paving and patios	No max	No max	No max	No max	All: No min
Landing places, patios, and decks 18 inches or less above grade	No max	No max	No max	No max	Front and Exterior Side: 5 ft. Interior Side and Rear: 3 ft.
Open and unenclosed entry porches and decks 19 to 30 inches above grade	4 ft.	6 ft.	1/2 of required setback	4 ft.	Front: 10 ft. Exterior Side and Rear: 5 ft. Interior Side: 3 ft.
Covered entry porch and decks 19 to 30 inches above grade including roof and roof overhang	5 ft.	Not applicable	Not applicable	4 ft.	Front: 10 ft. Exterior side: 5 ft. Interior Side and Rear: Not applicable
Wheelchair ramps and similar features for the disabled	No max	No max	No max	No max	All: No min

Note:

[1] Projecting bay window may not exceed sixty percent of the width of the wall in which it is located.

E. Allowed Encroachments in Setback Areas. The following accessory structures and site improvements may project into required setback areas as shown in Table 17.48-3, subject to the requirements of the building code. New encroachments into setbacks associated with specific coastal resource issues (e.g., ESHA setbacks, coastal hazard setbacks, etc.) are limited to the exceptions of Section 17.64.030(F) (Setback Exceptions on Developed Lots).

Table 17.48-3: Allowed Encroachments into Required Setbacks

	Maximum Projection into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
Decorative Site Features					
Trellis structure Pergola up to 10 ft. in height open on all sides; arbors with a minimum of 2 open sides utilized over a walkway	No max	No max	No max	No max	All: No min

	Maximum Projection into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
Trellis structure Pergola up to 10 ft. in height open on at least 3 sides, and the walls of the structure are at least 50 percent transparent	Not allowed	No max	No max	Not allowed	Rear and Interior Side: No min Front and Exterior Side: Not allowed
Planter boxes and masonry planters with a maximum height of 42 inches	No max	No max	No max	No max	All: No min
Decorative ornamental features up to a maximum height of 6 ft. which does not enclose the perimeter of the property	No max	No max	No max	No max	All: No min
Entertainment Features					
Hot tubs	Not allowed	No max	Not allowed	Not allowed	Rear: 2 ft. All Other: Not allowed
Pools	Not allowed	No max	Not allowed	Not allowed	Rear: 5 ft. All Other: Not allowed
Fire pits up to 30 inches in height	No max	No max	No max	No max	All: 5 ft.
Outdoor kitchens. The kitchen may include gas, electric and plumbing, except electric service may not be 220 volts and drain size may not exceed that allowed for a mini bar. Includes pizza ovens.	Not allowed	No max	Not allowed	Not allowed	Rear: 5 ft.
Other Structures and Equipment					
Children's play equipment, movable dog house, and similar movable objects	No max	No max	No max	No max	All: No min
Rain harvest tanks that do not exceed 8 ft. in height	Not allowed	No max	No max	No max	Front: Not allowed All Other: No min
Backup electricity generators	Not allowed	5 ft.	Not allowed	Not Allowed	Rear: No min
Screened mechanical equipment including hot water heaters and air conditioning units	Not allowed	No max	No max	Not allowed	Rear and Interior Side: 3 ft. Front and Exterior Side: Not allowed

F. Encroachments in the Public Right-of-Way.

1. A privately installed structure may encroach into the public right-of-way only when the encroachment is authorized by the public works director or planning commission as provided in Chapter 12.56 (Privately Installed Improvements on Public Property or Easements).
2. In the coastal zone, a privately installed structure encroaching into the public right-of-way may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval), with the additional findings that the encroachment does not restrict lateral and vertical public coastal access, does not obstruct public coastal views, and does not impact ESHA, as identified in the local coastal program. To the extent the encroachment is allowed, all encroachments shall be revocable.

G. Building Separation. Separation between two or more buildings shall be as required by the California Building Code. This requirement applies to buildings on a single lot and buildings on adjacent lots.

H. Basements. Basements are subject to the same property line setback requirements as the ground floor.

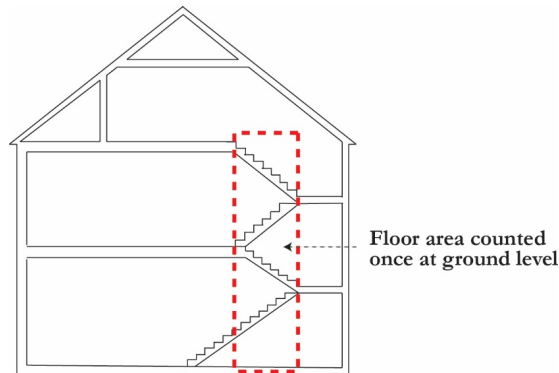
17.48.040 Floor area and floor area ratio.

A. Floor Area Defined. "Floor area" means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls.

B. Floor Area Calculation.

1. Floor area includes all interior area below a roof and within:
 - a. The outer surface of the exterior walls; or
 - b. The centerlines of party walls separating buildings or portions thereof; or
 - c. All area within the roof line of a carport.
2. Floor area includes the entire area in all enclosed structures without deduction for features such as interior walls or storage areas.
3. In the case of a multistory building with covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features is counted only once at the floor level of their greatest area of horizontal extent. See Figure 17.48-3.

Figure 17.48-3: FAR Measurement for Stairways



4. Interior area of a building with a floor-to-ceiling height of greater than sixteen feet is counted twice in the floor area calculation.
5. The following features are included in the floor area calculation:
 - a. All upper-floor area greater than four feet in height, measured between the bottom of the upper floor and the top of the ceiling.
 - b. All accessory structures other than a single building one hundred twenty square feet or less, ten feet or less in height, and without plumbing fixtures.
 - c. Carports.
 - d. Second story decks and balconies that are either covered or enclosed on two or more sides.
6. For all uses, the following features are excluded from the floor area calculation:
 - a. Covered or uncovered first-story decks and patios.
 - b. Trellises Pergolas, porte-cocheres not more than ten feet in height, and similar outdoor space which is open on at least three sides, not including carports.
 - c. Uncovered second story decks and balconies that are open on three sides.
 - d. Bay windows, chimneys, and other similar wall projections.

ed. Up to two hundred fifty square feet of an enclosed garage on a lot two thousand five hundred eighty-six square feet or less.

fe. On a lot between two thousand five hundred eighty-six and three thousand eighteen square feet with an enclosed garage, up to the difference between the maximum allowed floor area and one thousand seven hundred fifty square feet.

gf. Underground parking garages not visible from a public street.

hg. Basements when all walls are below grade and not visible. Basements are included in calculations of required on-site parking to serve the use.

7. For nonresidential uses, the following features are excluded from the floor area calculation:

a. Outdoor improvements such as patios, decks, courtyards, outdoor dining areas, and other areas used by customers and employees. These features are included in calculations of required on-site parking to serve the use.

b. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

c. Quasi-public seating areas located in a privately owned shopping center which are open to all of the patrons of all of the businesses of the shopping center and which consist of a seating area or similar area where there are tables, chairs, benches or landscaping or other similar amenities.

C. Floor Area Ratio.

1. Floor area ratio (FAR) is calculated by dividing the total floor area of all buildings on a site as defined in subsection B of this section (Floor Area Calculation) by the net parcel area.

2. Net parcel area excludes: (a) any recorded easements to allow others to use the surface of the property for access to an adjacent property or other similar use, and (b) any area under the high water mark that extends into a waterway.

Chapter 17.72
LANDSCAPING

Sections:

- 17.72.010 Purpose.
- 17.72.020 Applicability.
- 17.72.030 Water efficient landscape design and installation ordinance.
- 17.72.040 Landscape plans.
- 17.72.050 Required landscape areas.
- 17.72.060 Landscape standards.
- 17.72.070 Landscape maintenance.

17.72.010 Purpose.

This chapter establishes landscaping standards to enhance the aesthetic appearance of developed areas in Capitola and to promote the efficient use of water resources.

17.72.020 Applicability.

A. Multifamily and Nonresidential Projects. The following multifamily and nonresidential projects shall comply with all requirements of this chapter:

1. Construction of new structures.
2. Additions that increase the floor area of a multifamily or nonresidential structure by three thousand square feet or more.

B. Single-Family Residential Projects.

1. New single-family homes shall comply with all requirements of this chapter.
2. If existing landscaping is disturbed or new landscaping is added as part of a remodel or addition to an existing single-family home that requires a design permit, the new landscaping shall comply with the standards in Section 17.72.060 (Landscape standards). The city will evaluate compliance with these standards based on the plans and materials submitted as part of the design permit application. Submittal of a landscape plan for the entire site in accordance with Section 17.72.040 (Landscape plans) is not required.

C. Coastal Development Permit. A proposed development that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).

17.72.030 Water efficient landscape design and installation ordinance.

In addition to the requirements of this chapter, all applicable development in Capitola shall also comply with the applicable water provider's (i.e., the city of Santa Cruz water department or Soquel Creek Water District) landscape water use efficiency ordinance. If conflicts occur between the applicable water provider's landscape water use efficiency ordinance and the zoning code, the more restrictive policy to conserve water shall control.

17.72.040 Landscape plans.

A. Landscape Plan Required. Projects subject to the requirements of this chapter shall submit a landscape plan as part of planning permit applications (e.g., design permit/coastal development permit applications) and subsequent building permit applications.

B. Required Contents. Landscape plans shall include the following features and information:

1. Site boundaries.
2. Existing conditions on the property, including contours and existing structures.

3. Structures immediately adjacent to the property.
4. New structures and improvements proposed as part of the development project.
5. Existing landscaping, trees, and vegetation to be retained specifying plant location, species, and size. Details of all existing trees shall also include tree diameter measured forty-eight inches above existing grade and outer limit of tree canopy and a label identifying if the tree will remain or be removed.
6. New landscaping proposed as part of the development project specifying plant location, species, and size.
7. Irrigation plan specifying the location, type, and size of all components of the irrigation system.
8. Proposed grading.
9. Additional information as determined by the community development department to demonstrate compliance with the requirements of this chapter.

C. Review and Approval. The community development department shall review all landscape plans to verify compliance with this chapter. Landscape plans shall be approved by the review authority responsible for approving the planning permits required for the proposed project.

D. Changes to Approved Landscape Plans.

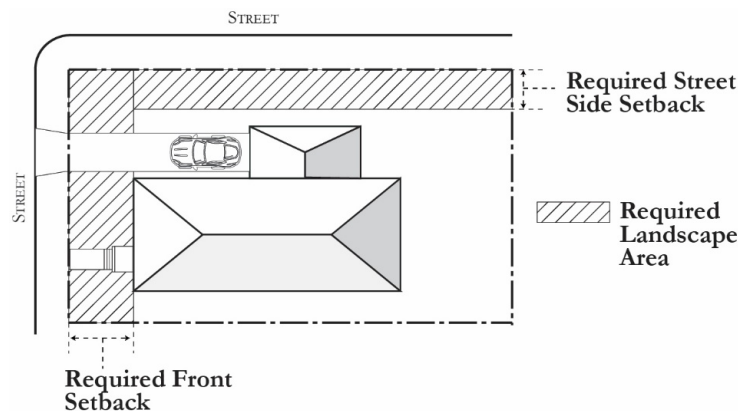
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.
2. The community development director may approve minor modifications to a landscape plan previously approved by the planning commission. Minor modifications are defined as changes to a landscape plan that do not alter the general design character of the landscaped area or alter a feature of the landscaped area specifically required by the planning commission.

17.72.050 Required landscape areas.

A. Residential Zoning Districts.

1. All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained. See Figure 17.72-1.
2. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass with related natural features, such as rock, stone, or mulch; and may include patios, courtyards, and outdoor dining areas. Artificial grass may be used within required landscaping areas. Decorative hardscape featuring pervious materials is permitted within required landscaping areas when combined with natural vegetation.

Figure 17.72-1: Required Landscape Area in R-1 Zoning District



B. Nonresidential Zoning Districts.

1. Except in the I zoning district, all required front and street side setback areas shall be landscaped, excluding areas required for access to the property and public or quasi-public open space such as courtyards and outdoor seating.
2. The minimum landscaped area on a site is shown in Table 17.72-1.
3. In the MU-V and MU-N zoning districts, up to seventy-five percent of the minimum landscaped area may be occupied by outdoor dining areas, courtyards, and other similar quasi-public areas with planning commission approval. Hardscape areas counting towards landscaping requirements must contain aboveground planters and other similar features that incorporate greenery and plantings into the space design. In all other zoning districts these areas may not count toward landscaping requirements.

Table 17.72-1: Minimum Landscaped Area in Nonresidential Zoning Districts

Zoning Districts	Minimum Landscaped Area
MU-V, MU-N, C-R, C-C, CF, I	5%
P/OS, PD, -VS	As determined by the permit approval process

C. Visitor Serving Properties. Minimum required landscaping for ~~certain~~ visitor serving properties are shown in Table 17.72-2. Minimum landscaping requirements are intended to ensure harmony with adjacent development in accordance with architectural and site approval standards. The planting of invasive plant species is prohibited

Table 17.72-2: Minimum Landscaped Area for Visitor Serving Properties

Property	Minimum Landscaped Area
Rispin site	75% as either landscaped areas in developed areas of the site, or unlandscaped natural areas in areas subject to conservation easements
Shadowbrook restaurant parcel and visitor serving El Salto and Monarch Cove parcels	50% landscaped area or undeveloped open space
<u>All other visitor serving properties</u>	<u>5%</u>

17.72.055 Parking Lot Landscaping

A. General Standards. All landscaping within parking lots shall comply with the requirements of Chapter 17.72 (Landscaping) in addition to the standards within this section.

B. Landscaping Defined. Except as otherwise specified in this section, parking lot landscaping and landscaped areas shall consist of plant materials, including any combination of trees, shrubs, and ground cover.

C. Interior Landscaping. All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than fifteen spaces, the minimum amount of interior landscaping is specified in Table 17.76-5. "Interior landscaping" is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

Table 17.76-5: Minimum Required Parking Lot Landscaping

<u>Number of Required Parking Spaces</u>	<u>Percent of Surface Parking Area to Be Landscaped</u>
<u>16 to 30</u>	<u>10%</u>
<u>31 to 60</u>	<u>15%</u>
<u>Over 60</u>	<u>20%</u>

D. Shade Trees.

1. One shade tree shall be provided for every five parking spaces in a parking lot.
2. Shade trees shall be a minimum twenty-four-inch box in size and shall provide a minimum thirty-foot canopy at maturity.
3. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city-recommended list of canopy tree species.
4. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21st. The arrangement should approximate nearly fifty percent shade coverage.
5. The planning commission may grant an exception to the required tree plantings if the fifty percent shade coverage exists within the parking lot.

E. Concrete Curbs.

1. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of four inches high by four inches deep.
2. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory storm water drainage standards.

F. Parking Space Landscaping. A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.

G. Timing. Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.

H. Green Parking Exemptions. Parking lots that incorporate solar panels, bioswales, and other similar green features into the parking lot design are eligible for reduced parking lot landscaping requirements with planning commission approval of a design permit.

I. Exceptions. The planning commission may grant an exception to the parking lot landscaping requirements in this section with the approval of a design permit upon finding that:

1. Full compliance with the requirement is infeasible or undesirable;
2. The project complies with the requirement to the greatest extent possible; and
3. The project incorporates other features to compensate for the exception and create a high-quality design environment.

17.72.060 Landscape standards.

A. General Standards. The following standards apply pursuant to Section 17.72.020 within all zoning districts:

1. Plant Selection. A minimum of ninety percent of plants and trees shall be drought-tolerant as defined by the

Water Use Classification of Landscape Species (WUCOLS). Native plants adapted to the local climate are preferred.

2. Plant Selection Along Blufftop, Beach, or ESHA. Native plants adapted to the local climate shall be required within fifty feet of the blufftop edge, the beach, or ESHA. See Chapter 17.64 (Environmentally Sensitive Habitat Areas) for habitat requirements.

3. Storm Water Management. The landscape plan shall incorporate storm water management controls in compliance with the Regional State Water Resources Control Board.

4. Turf Lawns.

a. Turf areas shall be limited to twenty-five percent of the landscaped area. The planning commission may approve larger areas if the lawn area provides functional open space.

b. Drought-tolerant grass species shall be used exclusively.

c. Turf shall not be used on berms, slopes, or median islands where runoff is a problem.

5. Slopes. Turf and high water use plants shall not be planted on berms and slopes greater than twenty-five percent.

6. Plant Groupings. Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).

7. Water Features. Decorative water features (e.g., fountains, ponds, waterfalls) must be approved by the planning commission and shall have recirculating water systems. Automatic fill valves are not recommended for use within water features.

8. Watering Times. Watering shall be limited to between eight p.m. and ten a.m.

9. Public Safety. Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation or safety and do not conflict with overhead lights, or utility lines.

B. Irrigation and Water Efficiency. Irrigation systems shall be designed to avoid runoff, low head drainage, overspray, and other similar conditions where water flows outside of landscaped areas. Irrigation systems shall feature the following equipment:

1. Irrigation systems shall meet a minimum irrigation efficiency standard of the applicable water provider.

2. Separate landscape water meters for landscape areas exceeding ten thousand square feet for single-family residential uses and five thousand square feet for all other uses.

3. Irrigation controllers capable of percent adjustment, multiple programming, and rain sensor.

4. Overhead sprays shall have a precipitation rate of no more than three-quarters of an inch per hour.

5. Separate valves and circuits based on water use and sun exposure. Separate valves for turf and nonturf and berm areas are required.

6. Sprinkler heads and emitters selected for proper area coverage, application rate, operation pressure, adjustment capability, and ease of maintenance.

7. Rain-sensing override devices are required for all irrigation systems.

8. Drip or bubble irrigation is required for all trees. Bubblers should not exceed a flow rate of one and one-half gallons per minute.

9. State-approved backflow prevention devices shall be installed on all irrigation systems.

C. Timing of Installation. Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy.

17.72.070 Landscape maintenance.

The following landscape maintenance requirements apply to multifamily and nonresidential properties:

A. General. Landscape areas shall be maintained in a neat and healthful condition at all times.

B. Mulch. Mulch shall be periodically added to the soil surface in all landscape areas.

C. Replacement of Dead or Dying Plants. Plants that are dead or severely damaged or diseased shall be replaced by the property owner.

D. Removal of Landscaping. Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed. Trees may only be removed and/or replaced in accordance with the city's tree ordinance, Chapter 12.12.

E. Irrigation Systems. Irrigation systems shall be maintained in a fully functional manner as approved by the city and required by this chapter. Watering schedules should be adjusted periodically to reflect seasonal variations.

Chapter 17.74

ACCESSORY DWELLING UNITS

Sections:

- 17.74.010 Purpose.
- 17.74.020 Definitions.
- 17.74.030 Permitting process.
- 17.74.040 General requirements.
- 17.74.050 Units subject to limited standards.
- 17.74.060 Units subject to full review standards.
- 17.74.070 Units requiring a design permit.
- 17.74.080 Development standards.
- 17.74.090 Objective design standards.
- 17.74.100 Deviation from standards.
- 17.74.110 Findings.
- 17.74.120 Deed restrictions.
- 17.74.130 Incentives.

17.74.010 Purpose.

This chapter establishes standards for the location and construction of accessory dwelling units (ADUs) consistent with Government Code Sections 65852.2 through 65852.22. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

17.74.020 Definitions.

Terms used in this chapter are defined as follows:

- A. “Accessory dwelling unit” means a self-contained living unit located on the same parcel as a primary dwelling unit.
- B. “Attached accessory dwelling unit” means an accessory dwelling unit that:
 - 1. Shares at least one common wall with the primary dwelling unit; and
 - 2. Is not fully contained within the existing space of the primary dwelling unit.
- C. “Detached accessory dwelling unit” means an accessory dwelling unit that does not share a common wall with the primary dwelling unit and is not an internal accessory dwelling unit.
- D. “Internal accessory dwelling unit” means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.
- E. “Junior accessory dwelling unit” means an accessory dwelling unit no more than five hundred square feet in size and contained entirely within a single-family residence. For purposes of this definition, attached garages and other enclosed uses within the residence are considered a part of a single-family residence.
- F. “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either:
 - 1. Two stories of living space attached to an existing primary dwelling unit; or
 - 2. Second-story living space above a ground-floor garage or living space in an existing primary dwelling unit.
- G. “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either:

1. Two stories of living space in a single accessory dwelling unit; or
2. Second-story living space above a ground-floor garage or other accessory structure.

17.74.030 Permitting process.

A. When Consistent with Standards.

1. Except when a design permit is specifically required by this chapter, an accessory dwelling unit that complies with all standards in this chapter shall be approved ministerially with an administrative permit. No discretionary review or public hearing is required. A building permit application may be submitted concurrently with the administrative permit application.

2. If an existing single-family or multifamily dwelling exists on the parcel upon which an accessory dwelling unit is proposed, the ~~Ce~~city shall either approve or deny ~~act on~~ an application to create an accessory dwelling unit within sixty days from the date the city receives a completed application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay.

3. If the city denies an application for an accessory dwelling unit, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

~~a. The city has acted on the application if it:~~

~~i. Approves or denies the building permit for the accessory dwelling unit;~~

~~ii. Informs the applicant in writing that changes to the proposed project are necessary to comply with this chapter; or~~

~~iii. Determines that the accessory dwelling unit does not qualify for ministerial approval.~~

~~4b.~~ If the accessory dwelling unit application is submitted with a permit application to create a new single-family or multifamily dwelling on the parcel, the city may delay ~~acting approving or denying on~~ the accessory dwelling unit application until the city ~~acts on~~approves or denies the permit application for the new single-family dwelling. The accessory dwelling unit shall be considered without discretionary review or hearing.

5. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

B. Two-Story Units. A two-story accessory dwelling unit (attached or detached) greater than sixteen feet in height requires planning commission approval of a design permit. To approve the design permit, the planning commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) unless the planning commission allows a deviation through the design permit process.

C. When Deviating from Standards. An accessory unit that deviates from any standard in Section 17.74.080 (Development standards) or 17.74.090 (Objective design standards) may be allowed with planning commission approval of a design permit. See Section 17.74.100 (Deviation from standards).

D. When Dependent on Separate Construction. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory dwelling unit (“separate construction”) and is not proposed as part of a permit application to create a new single-family dwelling on the parcel, the city shall either:

1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or

2. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures as the separate construction.

E. Within Coastal Zone.

1. A proposed accessory dwelling unit that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).
2. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that a public hearing for a CDP application for an accessory dwelling unit shall not be required.

F. Historic Resources.

1. If a design permit is required for an accessory dwelling unit on a property with a historic resource, the proposed project is subject to the requirements in Chapter 17.84 (Historic Preservation). Third-party review of the proposed project may be required as provided in Chapter 17.84.
2. Compliance with Chapter 17.84 is not required for accessory dwelling units approved ministerially with an administrative permit.

G. Correction of Violations The City shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

H. Unpermitted Accessory Dwelling Units.

1. Except as provided in Paragraph 2 below, the City shall not deny a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018 due to either of the following:

(a) The accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(b) The accessory dwelling unit does not comply with Government Section 65852.2 or this chapter.

2. The City may deny a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018 if the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

3. This subsection shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

17.74.040 General requirements.

The following requirements apply to all accessory dwelling units:

A. Where Allowed. An accessory dwelling unit is permitted:

1. In any zoning district where single-family or multifamily dwellings are a permitted use; and
2. On any parcel with an existing or proposed single-family or multifamily dwelling.

B. Maximum Number per Parcel. Not more than one accessory dwelling unit is allowed per parcel except as allowed by Sections 17.74.050(B) (One-Story Detached Accessory Dwelling Units Eight Hundred Square Feet or Less),

17.74.050(C) (Nonlivable Multifamily Space), and 17.74.050(D) (Detached Accessory Dwelling Units on Multifamily Parcels).

C. Residential Mixed Use. If one dwelling unit is on a parcel with a nonresidential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more dwelling units are on a parcel with a nonresidential use, the dwelling units are considered a multifamily dwelling.

D. Utility Connections. Utility connection requirements shall be subject to state law and the serving utility district. Establishing an accessory dwelling unit in conformance with this chapter does not require placing existing overhead utility lines underground.

E. Fire Sprinklers. The city shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence under the current fire code. Establishing an accessory dwelling unit does not require installing fire sprinklers in the existing primary dwelling.

F. Vacation Rentals Prohibited. Accessory dwelling units may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).

G. Separate Sale from Primary Dwelling. An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling.

H. Guaranteed Allowance. Maximum building coverage, floor area ratio, and private open space standards in Section 17.74.080 (Development standards) shall not prohibit an accessory dwelling unit with up to eight hundred square feet of floor area, up to sixteen feet in height, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards. The guaranteed allowance of eight hundred square feet of floor area is in addition to the maximum floor area of a property.

I. Converting and Replacing Existing Structures.

1. An internal accessory dwelling unit may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.
2. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.
3. If any portion of an existing structure crosses a property line, the structure may not be converted to or replaced with an accessory dwelling unit. For an existing structure within four feet of a property line, the applicant must submit a survey demonstrating that the structure does not cross the property line.

J. Manufactured Homes and Mobile Units.

1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant to California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:
 - a. Provide a minimum of three hundred twenty square feet of floor area;
 - b. Be built on a permanent chassis;
 - c. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and
 - d. Include the plumbing, heating, air conditioning, and electrical systems contained within the home.
2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are prohibited as accessory dwelling units.

3. A prefabricated or modular home is allowed as an accessory dwelling unit.

K. Junior Accessory Dwelling Units.

1. General. Junior accessory dwelling units shall comply with all standards in this chapter unless otherwise indicated.

2. Occupancy. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property.

3. Sanitation Facilities.

a. -A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the primary dwelling.

b. If a junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

4. Kitchen. A junior accessory dwelling unit must include, at a minimum:

a. A cooking facility with appliances; and

b. At least three linear feet of food preparation counter space and three linear feet of cabinet space.

L. Multifamily Homeowners Associations. If a multifamily dwelling is located in a development with a homeowners' association (HOA), an application for an accessory dwelling unit must:

1. Be signed by an authorized officer of the HOA; and

2. Include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required.

17.74.050 Units subject to limited standards.

The city shall ministerially approve an application for a building permit within a residential or mixed use zoning district to create the following types of accessory dwelling units. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) do not apply to these types of accessory dwelling units.

A. Internal Accessory Dwelling Units. One internal accessory dwelling unit or junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:

1. The internal accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the second story of ~~the an~~ existing accessory structure shall be limited to accommodating ingress and egress.

2. The unit has exterior access from the proposed or existing single-family dwelling.

3. The side and rear setbacks are sufficient for fire and safety.

4. The junior accessory dwelling unit complies with Government Code Section 65852.22.

B. One-Story Detached Accessory Dwelling Units Eight Hundred Square Feet or Less. One detached ~~new construction~~, accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection A of this

section (Internal Accessory Dwelling Units). The accessory dwelling unit must comply with the following:

1. Minimum rear and side setbacks: four feet.
2. Maximum floor area: eight hundred square feet.
3. Maximum height: sixteen feet.

C. Nonlivable Multifamily Space. One or more internal accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:

1. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to a maximum of twenty-five percent of the existing multifamily dwelling units; and
2. Each unit shall comply with state building standards for dwellings.

D. Detached Accessory Dwelling Units on Multifamily Parcels.

1. -Not more than two detached accessory dwelling units that are located on a parcel that has an existing or proposed multifamily dwelling, subject to the following:

- a1. Maximum height: ~~sixteen~~ eighteen feet.
- b2. Minimum rear and side setbacks: four feet.

2. If the existing multifamily dwelling has a rear or side setback of less than four feet, the City shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this paragraph.

17.74.060 Units subject to full review standards.

The city shall ministerially approve an application for a building permit to create the following types of accessory dwelling units:

- A. One-Story Attached Accessory Dwelling Units. A one-story attached accessory dwelling unit in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).
- B. One-Story Detached Accessory Dwelling Units Between Eight Hundred and One Thousand Two Hundred Square Feet. A one-story detached accessory dwelling unit with a floor area between eight hundred and one thousand two hundred square feet in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

17.74.070 Units requiring a design permit.

The following types of accessory dwelling units require planning commission approval of a design permit:

- A. Two-Story Accessory Dwelling Units. A two-story attached or detached accessory dwelling unit greater than sixteen feet in height in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).
- B. Accessory Dwelling Units Deviating from Standards. Any accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

17.74.080 Development standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

- A. General. Table 17.74-1 shows development standards that apply to accessory dwelling units.

Table 17.74-1: Development Standards

ADU Type/Location	Standard
Unit Size, Maximum	
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	No maximum
Junior ADU	500 sq. ft.
Floor Area Ratio, Maximum [1]	As required by zoning district [2]
Setbacks, Minimum [3,4]	
Front	Same as primary dwelling [5]
Interior Side, 1st and 2nd Story	4 ft.
Exterior Side, 1st and 2nd Story	4 ft.
Rear, 1st and 2nd Story	4 ft.
Building Coverage, Maximum	
R-M zoning district	40% [2]
All other zoning districts	No maximum
Height, Maximum [3]	
Attached ADU	25 ft. Height of primary residence or maximum permitted in zoning district, whichever is less
One-story Detached ADU, one-story on lot with existing or proposed single-family dwelling	16 ft.
One-story detached ADU on lot with existing or proposed multi-family and multi-story dwelling	18 ft.
Detached ADU, two-story [6]	22 ft.
Private Open Space, Minimum [7]	48 sq. ft. [2]

Notes:

[1] Calculated as the total floor area ratio on the site, including both the primary dwelling and accessory dwelling unit. An applicant may request simultaneous approval of a new internal accessory dwelling unit and an addition to the primary residence as part of a single application.

[2] Standard may not prohibit an accessory dwelling unit with at least eight hundred square feet of floor area. See Section 17.74.040(H) (Guaranteed Allowance).

[3] Setback and height standards apply only to attached and detached accessory dwelling units. Standards do not apply to internal or junior accessory dwelling units.

[4] See also Section 17.74.040(I) (Converting and Replacing Existing Structures) for setback exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure.

[5] See also subsection B of this section (Front Setbacks).

[6] A two-story detached accessory dwelling unit greater than sixteen feet in height requires a design permit.

[7] Private open space may include screened terraces, decks, balconies, and other similar areas.

B. Front Setbacks.

1. Any increased front setback requirement that applies to a garage associated with a primary dwelling unit also applies to a garage that serves an accessory dwelling unit.

2. In the R-1 zoning district, front setback exceptions in Riverview Terrace and on Wharf Road as allowed in Section 17.16.030(B) apply to accessory dwelling units.
3. In the mixed use zoning districts, minimum front setbacks in Chapter 17.20 (Mixed Use Zoning Districts) apply to accessory dwelling units. Maximum setbacks or build-to requirements do not apply.

C. Parking.

1. All Areas. The following parking provisions apply to accessory dwelling units in all areas in Capitola:

- a. Required Parking in Addition to Primary Residence. Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary residence.

- b. Tandem Spaces. Required off-street parking may be provided as tandem parking on an existing driveway.

- c. Within Setback Areas.

- i. Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.

- ii. A parking space in a required front setback area shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement. The paving strips shall be no wider than two and one-half feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.

- d. Alley-Accessed Parking. Parking accessed from an alley shall maintain a twenty-four-foot back-out area, which may include the alley.

2. Outside of Coastal Zone and in Cliffwood Heights. The following parking provisions apply only to accessory dwelling units outside of the coastal zone and in the Cliffwood Heights neighborhood as shown in Figure 17.74-1.

- a. No additional parking is required for an internal or junior accessory dwelling unit. The floor area of an internal or junior accessory dwelling unit shall not be included in the parking calculation for the primary residence.

- b. One off-street parking space is required for an attached or detached accessory dwelling unit, except as provided in subsection (C)(2)(c) of this section.

- c. No off-street parking is required for an accessory dwelling unit in the following cases:

- i. The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 65852.2(j)(10).

- ii. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the city council.

- iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

- iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

- v. When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

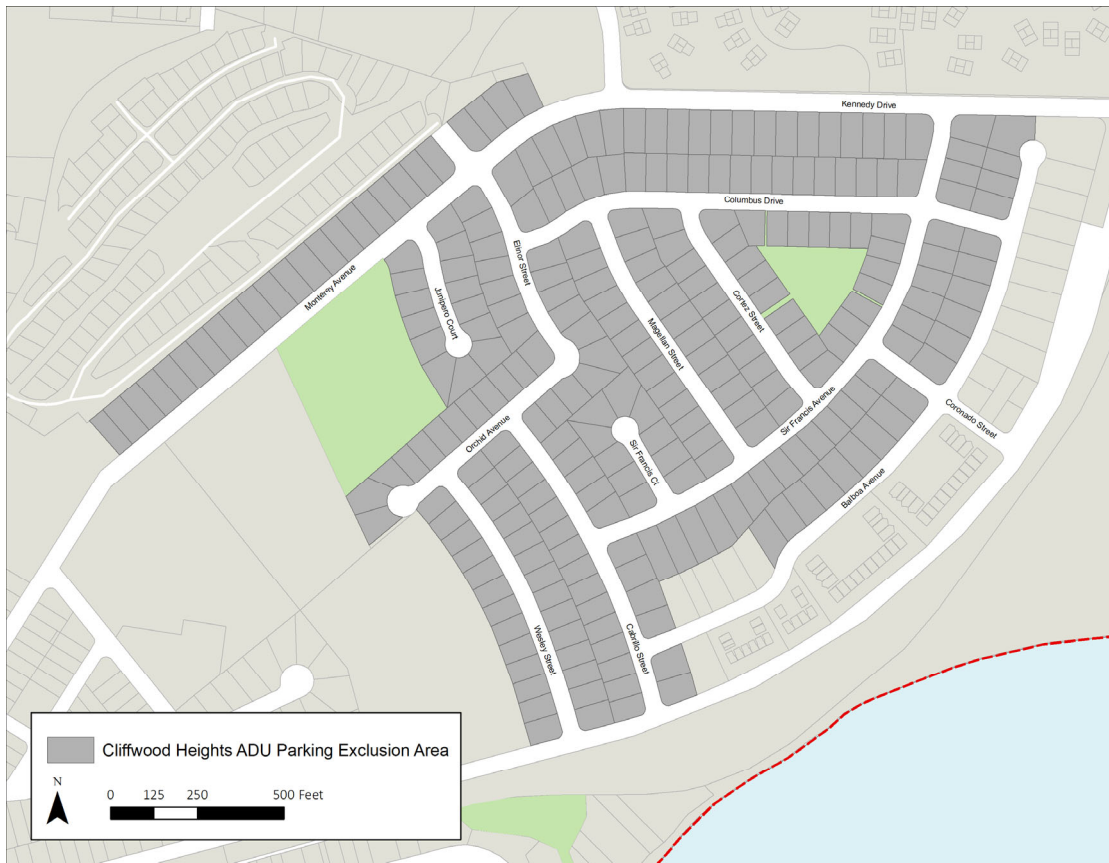
- d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction

of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.

3. Within Coastal Zone and Outside Cliffwood Heights. The following parking provisions apply only to accessory dwelling units in the coastal zone and outside of the Cliffwood Heights neighborhood as shown in Figure 17.74-1 in accordance with the city’s adopted local coastal program.

- a. One off-street parking space is required for any type of accessory dwelling unit except as provided in subsection (C)(3)(b) of this section.
- b. Where the primary residence is served by four or more existing off-street parking spaces, including spaces in a tandem configuration, no off-street parking is required for the accessory dwelling unit.
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are required for the demolished or converted parking structure. Replacement parking space(s) may be covered or uncovered. Replacement parking does not satisfy the one off-street parking requirement for the accessory dwelling unit in subsection (C)(3)(a) of this section.

Figure 17.74-1: Cliffwood Heights ADU Parking Exclusion Area



17.74.090 Objective design standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the

front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
 - a. A six-foot solid fence on the property line; or
 - b. Clerestory or opaque windows for all windows facing the adjacent property.
2. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

C. Second-Story Decks and Balconies. Second-story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the planning commission through the design permit approval process.

D. Architectural Details. Table 17.74-2 shows architectural detail standards for accessory dwelling units.

Table 17.74-2: Architectural Detail Standards

	Non-Historic Property [1]		Historic Property [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber cement, or board and batten siding or shingles [3]	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a nonreflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or nonreflective standing seam metal [3]
Roof Pitch	No requirement	4:12 or greater [6]	No requirement	4:12 or greater [6]

Notes:

[1] "Historic property" means a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

[2] Standard does not apply to secondary and accent materials.

[3] "Same as primary dwelling" means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.

[4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.

[5] Bathroom windows may be horizontally oriented.

[6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.

E. Building Additions to Historic Structures. A building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least eighteen inches from the parallel side or rear building wall to distinguish it from the historic structure.

17.74.100 Deviation from standards.

A. When Allowed. The planning commission may approve an accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

B. Permit Required. Deviations allowed under this section require planning commission approval of a design permit. A variance is not required. To approve the design permit, the planning commission must make the findings in Section 17.74.110 (Findings).

17.74.110 Findings.

A. When Required. The planning commission must make the findings in this section to approve a design permit for:

1. Two-story attached or detached accessory dwelling units greater than sixteen feet in height; and
2. Accessory dwelling units that deviate from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

B. Findings. To approve the design permit, the planning commission shall find that:

1. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
4. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.
5. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.
6. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
7. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
8. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.
9. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.
10. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

17.74.120 Deed restrictions.

A. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

1. The accessory dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).
2. The accessory dwelling unit may not be sold separately from the primary dwelling.
3. For junior accessory dwelling units, restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.

B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the accessory dwelling unit.

C. The deed restriction shall lapse upon removal of the accessory dwelling unit.

17.74.130 Incentives.

A. Fee Waivers for Affordable Units.

1. The city may waive development fees for accessory dwelling units that will be rented at levels affordable to low- or very low-income households.
2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low- or very low-income levels prior to issuance of a building permit.
3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual Consumer Price Index increase commencing with the date of application for building permit.

B. Historic Properties. The planning commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a historic resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the planning commission shall approve a design permit and find that the exception is necessary to preserve the architectural character of the primary residence.

Chapter 17.76
PARKING AND LOADING

Sections:

- 17.76.010 Purpose.
- 17.76.020 Applicability.
- 17.76.030 Required parking spaces.
- 17.76.040 General requirements.
- 17.76.050 On-site parking alternatives.
- 17.76.060 Parking design and development standards.
- 17.76.070 Parking lot landscaping.
- 17.76.080 Bicycle parking.
- 17.76.090 Visitor serving parking.
- 17.76.100 On-site loading.

17.76.010 Purpose.

This chapter establishes on-site parking and loading requirements in order to:

- A. Provide a sufficient number of on-site parking spaces for all land uses.
- B. Provide for functional on-site parking areas that are safe for vehicles and pedestrians.
- C. Ensure that parking areas are well-designed and contribute to a high-quality design environment in Capitola.
- D. Allow for flexibility in on-site parking requirements to support a multi-modal transportation system and sustainable development pattern.
- E. Ensure that on-site parking areas do not adversely impact land uses on neighboring properties.

17.76.020 Applicability.

This chapter establishes parking requirements for three development scenarios: establishment of new structures and uses, replacement of existing uses, and expansion and enlargement of existing structures and uses.

A. New Structures and Uses. On-site parking and loading as required by this chapter shall be provided any time a new structure is constructed or a new land use is established.

B. Replacing Existing Uses.

1. Mixed Use Village Zoning District.

a. Where an existing residential use is changed to a commercial use in the mixed use village (MU-V) zoning district, parking shall be provided for the full amount required by the new use. No space credit for the previous use may be granted.

b. In all other changes of use in the mixed use village (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

2. Other Zoning Districts. Where an existing use is changed to a new use outside of the mixed use village (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

C. Expansions and Enlargements.

1. Nonresidential Use.

a. Where an existing structure with a nonresidential use is expanded or enlarged, additional parking is required to serve only the expanded or enlarged area, except as allowed by subsection (C)(1)(b) of this section.

b. Within the mixed use village (MU-V) zoning district, an eating and drinking establishment may expand by up to twenty percent of the existing floor area of the business without providing additional parking. Permitted expansions include modification of the internal building layout to enlarge the dining area, additions to the size of the business within an existing building footprint, and new outdoor dining areas. This provision applies only to a single expansion of floor area. Subsequent expansions must provide additional parking.

2. Residential Use. For an existing structure with a residential use, the full amount of parking to serve the use is required when the floor area is increased by more than ten percent.

17.76.030 Required parking spaces.

A. Mixed Use Village Zoning District. All land uses in the mixed use village (MU-V) zoning district shall provide the minimum number of on-site parking spaces as specified in Table 17.76-1. Required parking for uses not listed in Table 17.76-1 shall be the same as required for land uses in other zoning districts as shown in Table 17.76-2.

Table 17.76-1: Required On-Site Parking in the Mixed Use Village Zoning District

Land Uses	Number of Required Parking Spaces
	Mixed Use Village (MU-V)
Retail	1 per 240 sq. ft.
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining and/or drinking; 1 per 240 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining and/or drinking; 1 per 240 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 240 sq. ft.
Personal Services	1 per 240 sq. ft.
Hotels	
With more than 20 guest rooms	As determined by a parking demand study [1]
With 20 or fewer guest rooms	1 per guest room plus additional spaces as required by the planning commission

Note:

[1] The parking demand study shall be paid for by the applicant, contracted by the city, and approved by the planning commission. In the coastal zone, in all cases, hotel development shall provide adequate parking as determined by the planning commission.

B. Other Zoning Districts. Land uses in zoning districts other than the mixed use village zoning district shall provide a minimum number of on-site parking spaces as specified in Table 17.76-2.

Table 17.76-2: Required On-Site Parking in Other Zoning Districts

Land Uses	Number of Required Parking Spaces
Residential Land Uses	

Land Uses	Number of Required Parking Spaces
Duplex Homes	2 per unit, 1 covered
Elderly and Long-Term Care	1 per 6 beds plus 1 per 300 sq. ft. of office and other nonresidential areas
Group Housing (includes single-room occupancy)	1 per unit plus 1 guest space per 6 units
Mobile Home Parks	1 per unit plus 1 per office and 1 guest space per 10 units
Multifamily Dwellings	2.5 per unit, 1 covered
Residential Care Facilities, Small	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas
Residential Care Facilities, Large	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas
Accessory Dwelling Units	See Chapter 17.74 (Accessory Dwelling Units)
Single-Family Dwellings	1,500 sq. ft. or less: 2 per unit 1,501 – 2,000 sq. ft.: 2 per unit, 1 covered 2,001 – 2,600 sq. ft.: 3 per unit, 1 covered 2,601 sq. ft. or more: 4 per unit, 1 covered
Public and Quasi-Public Land Uses	
Community Assembly	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Cultural Institutions	As determined by a parking demand study
Day Care Centers	1 per 400 sq. ft. of floor area used for daycare and 1 per employee
Government Offices	1 per 300 sq. ft.
Home Day Care, Large	1 per each nonresident employee
Home Day Care, Small	None beyond minimum for residential use
Medical Offices and Clinics	1 per 300 sq. ft.
Parks and Recreational Facilities	As determined by a parking demand study
Public Safety Facilities	As determined by a parking demand study
Schools, Public or Private	2 per classroom
Commercial Land Uses	
Banks and Financial Institutions	1 per 300 sq. ft.
Business Services	1 per 300 sq. ft.
Commercial Entertainment and Recreation	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining and/or drinking 1 per 300 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining and/or drinking 1 per 300 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 300 sq. ft. of gross floor area
Food Preparation	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office area
Gas and Service Stations	2 for gas station plus 1 per 100 sq. ft. of retail and as required for vehicle repair
Lodging	

Land Uses	Number of Required Parking Spaces
Bed and Breakfast	1 per guest room plus parking required for residential use
Hotel	1 per guest room plus 1 per 300 sq. ft. of office
Maintenance and Repair Services	1 per 600 sq. ft.
Personal Services	1 per 300 sq. ft.
Professional Offices	1 per 300 sq. ft.
Salvage and Wrecking	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of outdoor use area
Self-Storage	1 per 5,000 sq. ft.
Retail	1 per 300 sq. ft. of customer area
Vehicle Repair	1 per 500 sq. ft. of nonservice bay floor area plus 2 per service bay
Vehicle Sales and Rental	1 per 300 sq. ft. for offices plus 1 per 1,000 sq. ft. of display area and requirements for vehicle repair where applicable
Wholesale	1 per 5,000 sq. ft.
Heavy Commercial and Industrial Land Uses	
Construction and Material Yards	1 per 2,500 sq. ft.
Custom Manufacturing	1 per 2,000 sq. ft., plus 1 per 300 sq. ft. of office
Light Manufacturing	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office
Warehouse, Distribution, and Storage Facilities	1 per 1,500 sq. ft.
Transportation, Communication, and Utility Uses	
Utilities, Major	As determined by a parking demand study
Utilities, Minor	None
Recycling Collection Facilities	1 per 1,000 sq. ft. of floor area
Wireless Communications Facilities	None
Other Uses	
Accessory Uses	Same as primary use
Home Occupation	None beyond requirement for residence
Quasi-Public Seating Areas	None
Temporary Uses	As determined by review authority
Urban Agriculture	
Home Gardens	None beyond requirement for residence
Community Gardens	None
Urban Farms	As determined by a parking demand study

C. Calculation of Required Spaces.

1. Floor Area. Where a parking requirement is a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated. The floor area of a use shall be calculated as described in Section

17.48.040 (Floor area and floor area ratio). Floor area for the area of the required parking space (i.e., ten feet by twenty feet) and up to one hundred twenty-five square feet of ancillary space within garages and other parking facilities are not included in the calculation of floor area for the purpose of determining on-site parking requirements.

2. Employees. Where a parking requirement is stated as a ratio of parking spaces to employees, the number of employees is based on the largest shift that occurs in a typical week.

3. Seats. Where a parking requirement is stated as a ratio of parking spaces to seats, each twenty-four inches of bench-type seating at maximum seating capacity is counted as one seat.

4. Fractional Spaces. In determining the number of required parking, fractions of spaces over one-half shall be rounded up to the next whole number.

D. Unlisted Uses. The parking requirement for land uses not listed in Tables 17.76-1 and 17.76-2 shall be determined by the community development director based on the requirement for the most comparable similar use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

E. Sites with Multiple Uses. Where more than one land use is conducted on a site, the minimum number of required on-site parking spaces shall be the sum of the number of parking spaces required for each individual use.

F. Additional Required Parking. The planning commission may require more on-site parking than required by Tables 17.76-1 and 17.76-2 if the planning commission determines that additional parking is needed to serve the proposed use and to minimize adverse impacts on neighboring properties.

17.76.040 General requirements.

A. Availability and Use of Spaces.

1. In all zoning districts, required parking spaces shall be permanently available and maintained to provide parking for the use they are intended to serve.

2. Owners, lessees, tenants, or persons having control of the operation of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.

3. A conditional use permit is required to designate parking spaces for exclusive use by an individual tenant within an integrated commercial complex.

4. Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, advertising, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the zoning code.

B. Parking in Front and Exterior Side Setback Areas.

1. R-1 Zoning District.

a. -In the R-1 zoning district, the width of a parking spaces in the required front or exterior side setback area may not exceed:

i. 10 ft. for a single space; and

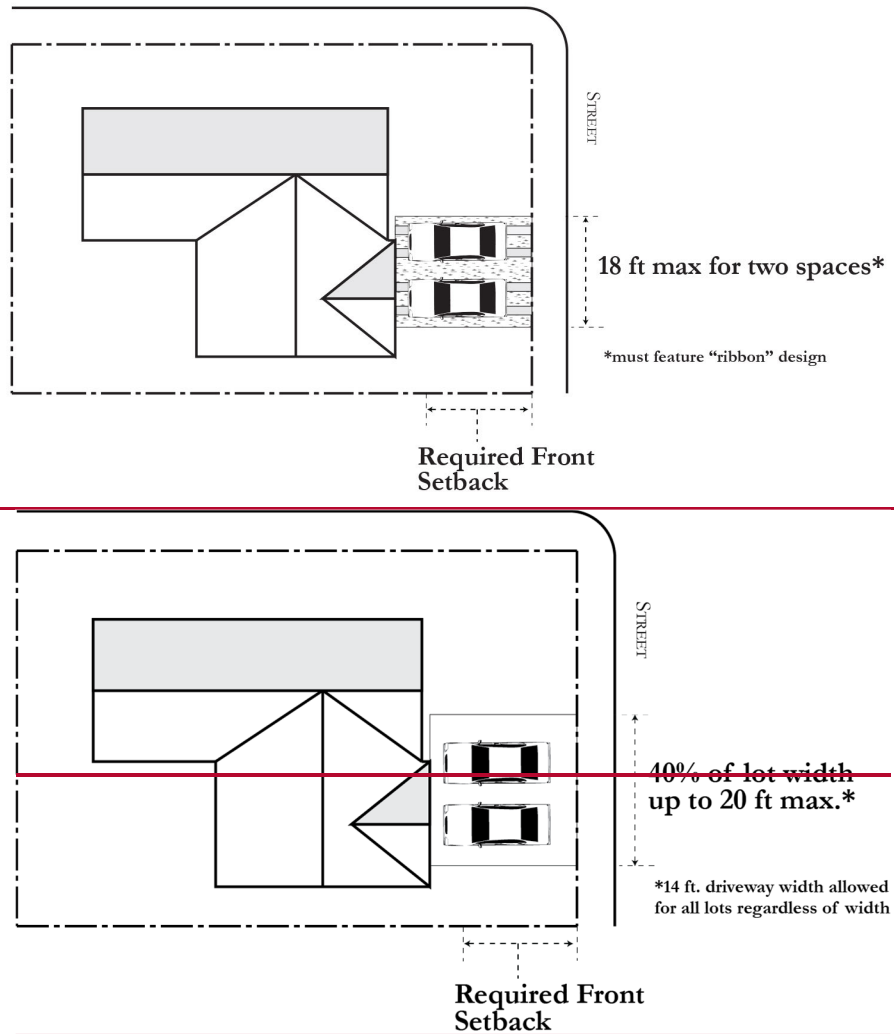
ii. 18 ft for two side-by-side spaces. See Figure 17.76-1.

b. If two spaces are provided in the front or exterior side setback area, the spaces shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement for each space. The paving strips shall be no wider than two and one-half feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.

c. The maximum driveway apron width for two side-by-side space is 14 feet.

~~forty percent of lot width up to a maximum of twenty feet, except that all lots may have a parking space of up to fourteen feet in width regardless of lot width. See Figure 17.76-1. The planning commission may allow a larger parking area within the required front and exterior side setback areas with a design permit if the larger parking area incorporates design features, such as impervious materials and enhanced landscaping, which minimize visual impacts to the neighborhood.~~

Figure 17.76-1: Parking in Front Setback Area in R-1 Zoning District



2. Other Zoning Districts.

a. In all zoning districts other than the R-1 zoning district, required parking spaces may not be located within required front or exterior side setback areas.

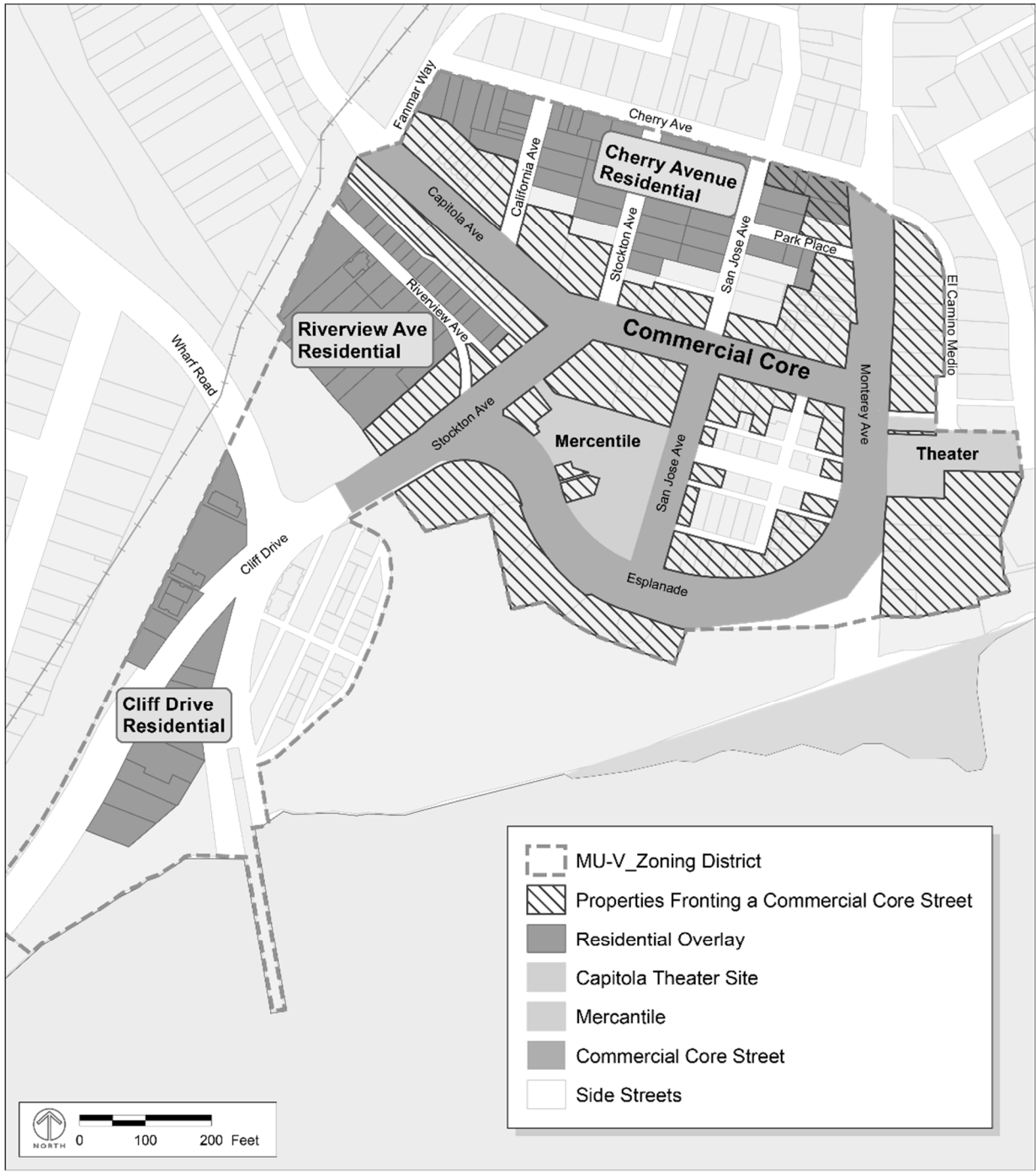
b. In the mixed use village zoning district, parking may be located adjacent to the street-facing property line in accordance with Section 17.20.030(E)(5) (Parking Location and Buffers).

c. In the mixed use neighborhood zoning district, parking may be located in the front or exterior side setback area if approved by the planning commission in accordance with Section 17.20.040(E) (Parking Location and Buffers).

C. Location of Parking.

1. All Zoning Districts. Required parking spaces may not be located within any public or private right-of-way unless located in a sidewalk exempt area and if an encroachment permit is granted.
2. R-1 Zoning District. Required parking spaces in the R-1 zoning district shall be on the same parcel as the use that they serve.
3. MU-V Zoning District. Required parking in the MU-V district for new development and intensified uses shall be provided in compliance with the following:
 - a. The planning commission may approve on-site parking as follows:
 - i. For property fronting a Commercial Core street shown in Figure 17.76-2, on-site parking is allowed if access to parking is from a side street, alleyway, or existing driveway cut. New driveway cuts are prohibited along a Commercial Core street frontage.
 - ii. For the Capitola Theater and Mercantile sites, on-site parking is allowed if parking areas are located on the interior of the site(s) and do not directly abut a Commercial Core street. Driveway cuts to serve on-site parking are limited to one cut per site; however, the planning commission may approve additional driveway cuts if (A) a parking and circulation study shows that additional access is necessary to reasonably serve the use; and (B) driveway cuts are located and designed to preserve or enhance pedestrian and vehicle safety.
 - iii. Within the Riverview Avenue, Cherry Avenue, and Cliff Drive residential overlays.
 - iv. On properties that do not front a Commercial Core street.
 - v. As mandated by Federal Emergency Management Agency (FEMA) regulations.
 - b. The planning commission may permit off-site parking if the space(s) are within walking distance of the use which it serves or located at a remote site served by a shuttle system.

Figure 17.76-2: MU-V Parking Location Map



4. Other Zoning Districts. In all zoning districts other than the R-1 and MU-V zoning districts, required parking shall be located on the same lot as the use the parking is intended to serve, except as allowed by Section 17.76.050(D).

D. Large Vehicle Storage in the R-1 Zoning District. In addition to the required on-site parking spaces for a single-family dwelling, one additional on-site parking or storage space may be provided on a parcel in the R-1 zoning district for a recreational vehicle, boat, camper, or similar vehicle. This space may not be located in a required front

or exterior side setback area and may be utilized only to store a vehicle that does not exceed thirteen and one-half feet in height, eight and one-half feet in width, and twenty-five feet in length. Such parking or storage spaces shall be finished in concrete, asphalt, semi-permeable pavers, or a similar paved surface.

E. Covered Parking in the R-1 Zoning District.

1. When required by this chapter, covered parking spaces serving a single-family dwelling shall be provided within an enclosed garage. The planning commission may allow required covered parking spaces to be provided within an open carport with a design permit if the planning commission finds that a garage is practically infeasible or that a carport results in a superior project design.
2. All carports serving a single-family dwelling shall comply with the following design standards:
 - a. Carports shall be designed with high-quality materials, compatible with the home. The roofing design, pitch, colors, exterior materials and supporting posts shall be similar to the home. The carport shall appear substantial and decoratively finished in a style matching the home which it serves.
 - b. The slope of a carport roof shall substantially match the roof slope of the home which it serves.
 - c. Pedestrian pathways connecting the carport with the home shall be provided.
3. Garages in the R-1 zoning district may be converted to habitable living space only if the total number of required on-site parking spaces is maintained, including covered spaces for the covered parking space requirement.

F. Electric Vehicle Charging Stations.

1. Building Code Requirements. Electric vehicle charging stations shall be provided in accordance with the requirements of the California Green Building Standards Code.

~~1. When Required. Electric vehicle charging stations shall be provided:~~

- ~~a. For new structures or uses required to provide at least twenty five parking spaces; and~~
- ~~b. Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.~~

~~2. Number of Charging Stations. The number of required charging stations shall be calculated as follows:~~

- ~~a. Twenty five to forty nine parking spaces: one charging station.~~
- ~~b. Fifty to one hundred parking spaces: two charging stations, plus one for each additional fifty parking spaces.~~
- ~~c. For the purpose of calculating required number of charging stations, parking spaces shall include existing and proposed spaces.~~

~~23. Use of Space Location and Signage. Charging stations shall be installed adjacent to standard size parking spaces. Signage shall be installed designating electric vehicle charging spaces with charging stations for electric vehicles only for the exclusive purpose of charging and parking an electric vehicle.~~

3. Digital Operation Screens.

- a. Digital operation screens are defined for the purposes of this section as interactive digital displays used solely for the operation and required for the functionality of the electric vehicle charging station.
- b. Digital operation screens are permitted and are limited to a maximum screen size of 2 square feet. The Community Development Director may allow for a larger screen size of up to of 4 square feet upon

determining that the larger screen is necessary for the functionality of the charging stationa.

4. Placement on Lot. Electric vehicle charging equipment must be located outside of minimum required property line setbacks.

5. Screening. Electric vehicle charging stations on lots with six spaces or more (including spaces not used for electric vehicle charging) are subject to the screening requirements in Section 17.76.060.I.

6. Impacts on Required Parking Spaces. If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate, or in any way impact the required parking spaces for existing uses on the property, the number of required parking spaces for the existing uses shall be reduced by the amount necessary to accommodate the electric vehicle charging station and any associated equipment.

7. Permits Required.

a. An application for an electric vehicle charging station that complies with all applicable requirements shall be approved ministerially with a building permit. A design permit or other type of planning permit is not required.

b. The process to review and act on the application shall be as provided in Government Code Sections 65850.7 and 65850.71.

G. Parking for Persons with Disabilities.

1. Parking spaces for persons with disabilities shall be provided in compliance with California Code of Regulations Title 24.
2. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Tables 17.76-1 and 17.76-2.

H. Curb-Side Service.

1. Curb-side (drive-up) service for retail uses is allowed in all commercial and mixed use zoning districts.
2. Restaurant curb-side service requires a conditional use permit in the regional commercial (C-R) zoning district and is prohibited in all other zoning districts.

17.76.050 On-site parking alternatives.

A. Purpose. This section identifies alternatives to required on-site parking to:

1. Allow for creative parking solutions;
2. Enhance economic vitality in Capitola;
3. Promote walking, biking, and use of transit; and
4. Encourage the efficient use of land resources consistent with the general plan.

B. Eligibility. Alternatives to required on-site parking in this section are available only to uses located outside of the mixed use village zoning district, except for:

1. Valet parking (subsection F of this section) which is available in all zoning districts, including the mixed use village zoning district; and
2. Fees in lieu of parking (subsection I of this section), which are available only to uses in the mixed use village zoning district.

C. Required Approval. All reductions in on-site parking described in this section require planning commission

approval of a conditional use permit.

D. Off-Site Parking.

1. For multifamily housing and nonresidential uses, the planning commission may allow off-site parking if the commission finds that practical difficulties prevent the parking from being located on the same lot it is intended to serve.
2. Off-site parking shall be located within a reasonable distance of the use it is intended to serve, as determined by the planning commission.
3. A deed restriction or other legal instrument, approved by the city attorney, shall be filed with the county recorder. The covenant record shall require the owner of the property where the on-site parking is located to continue to maintain the parking space so long as the building, structure, or improvement is maintained in Capitola. This covenant shall stipulate that the title and right to use the parcels shall not be subject to multiple covenants or contracts for use without prior written consent of the city.

E. Shared Parking. Multiple land uses on a single parcel or development site may use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. The planning commission may allow shared parking subject to the following requirements:

1. A parking demand study prepared by a specialized consultant contracted by the community development director, paid for by the applicant, and approved by the planning commission demonstrates that there will be no substantial conflicts between the land uses' principal hours of operation and periods of peak parking demand.
2. The total number of parking spaces required for the land uses does not exceed the number of parking spaces anticipated at periods of maximum use.
3. The proposed shared parking facility is located no further than four hundred feet from the primary entrance of the land use which it serves.
4. In the mixed use neighborhood (MU-N) zoning district the reduction for shared parking is no greater than twenty-five percent of the required on-site parking spaces.

F. Valet Parking. The planning commission may allow up to twenty-five percent of the required on-site parking spaces to be off-site valet spaces (except for a hotel on the former Village Theater site (APNs 035-262-04, 035-262-02, and 035-261-10) for which there is no maximum limit of off-site valet spaces). Valet parking shall comply with the following standards:

1. Valet parking lots must be staffed when business is open by an attendant who is authorized and able to move vehicles.
2. A valet parking plan shall be reviewed and approved by the community development director in consultation with the public works director.
3. Valet parking may not interfere with or obstruct vehicle or pedestrian circulation on the site or on any public street or sidewalk.
4. The use served by valet parking shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building, but it may not be located within a fire lane, impede vehicular and/or pedestrian circulation, or cause queuing in the right-of-way or drive aisle.

G. Low Demand. The number of required on-site parking spaces may be reduced if the planning commission finds that the land use will not utilize the required number of spaces due to the nature of the specific use. This finding shall be supported by the results of a parking demand study approved by the community development director in consultation with the public works director.

H. Transportation Demand Management Plan. The planning commission may reduce the number of required on-site

parking spaces for employers that adopt and implement a transportation demand management (TDM) plan subject to the following requirements and limitations:

1. A TDM plan reduction is available only to employers with twenty-five or more employees.
2. Required on-site parking spaces may be reduced by no more than fifteen percent.
3. The TDM plan shall be approved by the community development director in consultation with the public works director.
4. The TDM plan shall identify specific measures that will measurably reduce the demand for on-site parking spaces. Acceptable measures must ensure a reduced demand for parking spaces (e.g., an employee operated shuttle program). Measures that only encourage the use of public transit, ridesharing, biking, or walking will not be accepted.
5. The employer shall appoint a program coordinator to oversee transportation demand management activities.
6. The program coordinator must provide a report annually to the planning commission that details the implementation strategies and effectiveness of the TDM plan.
7. The planning commission may revoke the TDM plan at any time and require additional parking spaces on site upon finding that the plan has not been implemented as required or that the plan has not produced the reduction in the demand for on-site parking spaces as originally intended.

I. Fees in Lieu of Parking.

1. Within the MU-V zoning district, on-site parking requirements for hotel uses may be satisfied by payment of an in-lieu parking fee established by the city council to provide an equivalent number of parking spaces in a municipal parking lot. Such payment must be made before issuance of a building permit or a certificate of occupancy. Requests to participate in an in-lieu parking program must be approved by the city council. A proposed hotel may require a coastal development permit as specified by Chapter 17.44 (Coastal Overlay Zones) if any part of the site is located in the coastal zone. A parking plan shall be reviewed within a CDP, to ensure the development will not have adverse impacts on coastal resources.
2. Fee revenue must be used to provide public parking in the vicinity of the use. In establishing parking districts, the city council may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

J. Transit Center Credit. Provided a regional transit center is located within the Capitola Mall property, the planning commission may reduce the number of required parking spaces by up to ten percent for residential mixed use projects in the Capitola Mall property bounded by Clares Street, Capitola Road, and 41st Avenue.

17.76.060 Parking design and development standards.

A. Minimum Parking Space Dimensions. Minimum dimensions of parking spaces shall be as shown in Table 17.76-3.

Table 17.76-3: Minimum Parking Space Dimensions

Type of Space	Minimum Space Dimensions
Spaces Serving Single-Family Dwellings	
Uncovered and covered (garage) spaces	10 ft. by 20 ft. [1]
In sidewalk exempt areas	10 ft. by 18 ft.

Type of Space	Minimum Space Dimensions
Spaces Serving Multifamily and Nonresidential Uses	
Standard Spaces	9 ft. by 18 ft.
Compact Spaces	8 ft. by 16 ft.
Tandem Spaces [2]	9 ft. by 18 ft.

Notes:

[1] The dimensions of parking spaces in an enclosed garage shall be measured from the interior garage walls.

[2] See subsection (E)(3) of this section (Tandem Parking Spaces).

B. Compact Spaces. A maximum of thirty percent of required on-site parking spaces serving multifamily and nonresidential uses may be compact spaces. All parking spaces for compact cars shall be clearly marked with the word "Compact" either on the wheel stop or curb, or on the pavement at the opening of the space.

C. Parking Lot Dimensions. The dimensions of parking spaces, maneuvering aisles, and access ways within a parking lot shall conform to the city's official parking space standard specifications maintained by the public works director and as shown in Figure 17.76-3 and Table 17.76-4.

Figure 17.76-3: Standard Parking Lot Dimensions

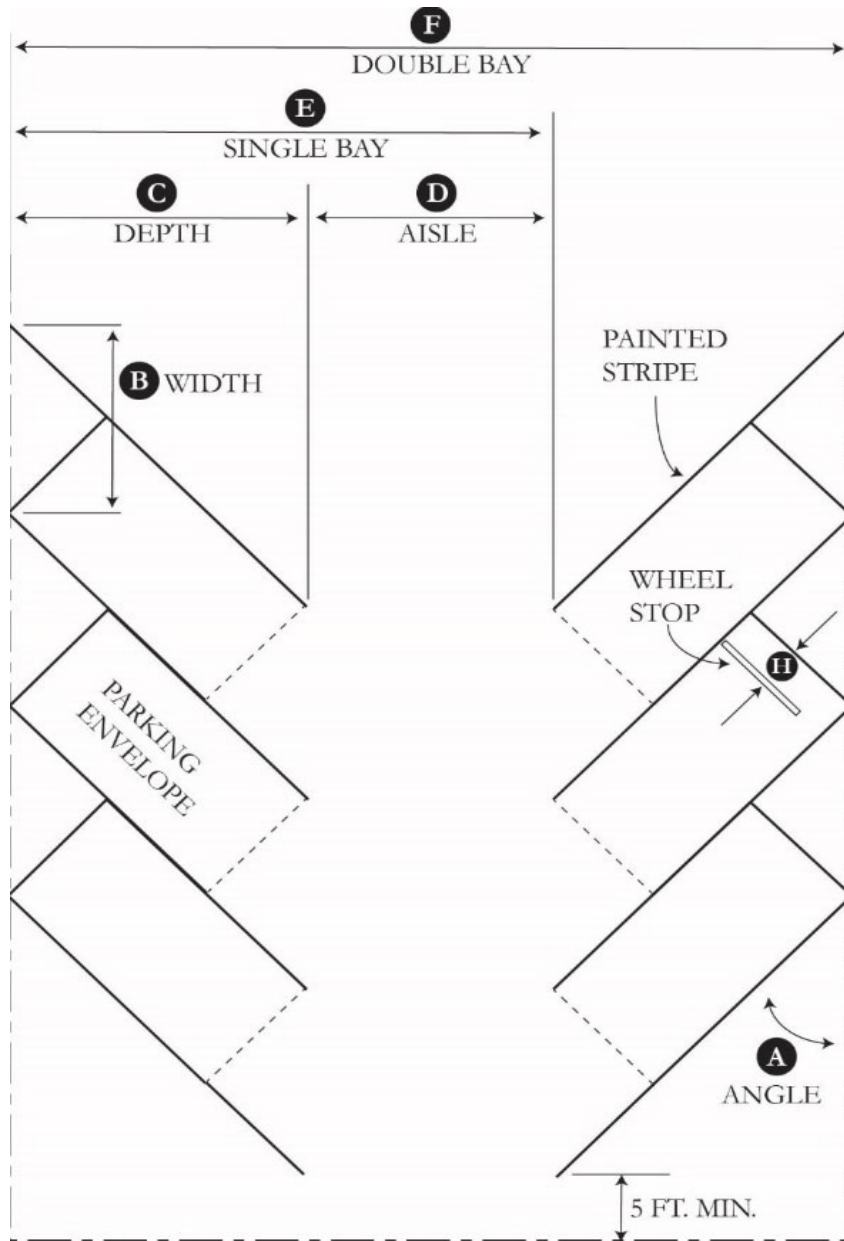


Table 17.76-4: Standard Parking Lot Dimensions

A Parking Angle	B Width		C Depth		D Aisle			E Single Bay			F Double Bay		
	Compact	Standard	Compact	Standard	Compact	Residential	Commercial	Compact	Residential	Commercial	Compact	Residential	Commercial
90	7'-6"	8'-6"	15'-0"	18'-0"	20'-0"	22'-0"	25'-0"	35'-0"	40'-0"	43'-0"	50'-0"	58'-0"	61'-0"
85	7'-7"	8'-6"	15'-7"	18'-8"	19'-0"	21'-0"	24'-0"	34'-7"	39'-8"	42'-8"	50'-2"	58'-4"	61'-0"
80	7'-8"	8'-7"	16'-1"	19'-2"	18'-0"	20'-0"	23'-0"	34'-1"	39'-2"	42'-4"	50'-2"	58'-4"	61'-0"
75	7'-9"	8'-10"	16'-5"	19'-7"	17'-0"	19'-0"	22'-0"	33'-5"	38'-7"	41'-7"	49'-10"	58'-2"	61'-0"
70	8'-0"	9'-0"	16'-9"	19'-10"	16'-0"	18'-0"	21'-0"	32'-9"	37'-10"	40'-10"	49'-6"	57'-8"	66'-8"
65	8'-4"	9'-4"	16'-10"	19'-11"	15'-0"	17'-0"	20'-0"	31'-10"	36'-11"	39'-11"	48'-8"	56'-10"	59'-10"
60	8'-8"	9'-10"	16'-9"	19'-10"	14'-0"	16'-0"	19'-0"	30'-9"	35'-10"	38'-10"	47'-6"	55'-8"	58'-8"
55	9'-1"	10'-4"	16'-7"	19'-7"	13'-0"	15'-0"	18'-0"	29'-7"	34'-7"	37'-7"	46'-2"	54'-2"	57'-2"
50	9'-10"	11'-1"	16'-4"	19'-2"	12'-0"	14'-0"	17'-0"	28'-4"	33'-2"	36'-2"	44'-8"	52'-4"	55'-4"
45	10'-7"	12'-0"	15'-11"	18'-8"	11'-0"	13'-0"	16'-0"	25'-5"	30'-0"	33'-0"	42'-10"	50'-4"	53'-4"
40	11'-8"	13'-2"	15'-15"	18'-0"	10'-0"	12'-0"	15'-0"	24'-8"	28'-2"	31'-2"	40'-10"	48'-0"	51'-0"
35	13'-1"	14'-10"	14'-8"	17'-2"	10'-0"	11'-0"	14'-0"	24'-0"	26'-2"	29'-2"	39'-4"	45'-4"	48'-4"
30	15'-3"	17'-0"	14'-0"	16'-2"	10'-0"	10'-0"	13'-0"	35'-0"	40'-0"	43'-0"	38'-0"	42'-4"	45'-4"

D. Surfacing.

1. All parking spaces, maneuvering aisles, and access ways shall be paved with asphalt, concrete, or other all-weather surface.
2. Permeable paving materials, such as porous concrete/asphalt, open-jointed pavers, and turf grids, are a preferred surface material, subject to approval by the public works director.

E. Tandem Parking Spaces. Tandem parking spaces are permitted for all residential land uses; provided, that they comply with the following standards:

1. Parking spaces in a tandem configuration shall be reserved for and assigned to a single dwelling unit.
2. For single-family dwellings, tandem parking is permitted for up to two uncovered spaces in front of a garage, with a maximum of three tandem spaces, including the covered space in a single garage. Tandem parking spaces of three spaces or more require planning commission approval.
3. The minimum size of an uncovered tandem parking space may be reduced to nine feet by eighteen feet.
4. All required guest parking shall be provided as single, nontandem parking spaces.
5. Tandem parking spaces shall not block the use of the driveway to access other parking spaces located within the parking area.
6. Tandem parking spaces shall be used to accommodate passenger vehicles only.

F. Parking Lifts. Required parking may be provided using elevator-like mechanical parking systems (“lifts”) provided the lifts are located within an enclosed structure or otherwise screened from public view. Parking lifts shall be maintained and operable through the life of the project.

G. Lighting.

1. A parking area with six or more parking spaces shall include outdoor lighting that provides adequate illumination for public safety over the entire parking area.
2. Outdoor lighting as required above shall be provided during nighttime business hours.
3. All parking space area lighting shall be energy efficient and directed away from residential properties to minimize light trespass.
4. All fixtures shall be hooded and downward facing so the lighting source is not directly visible from the public right-of-way or adjoining properties.
5. All fixtures shall meet the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light (“dark sky compliant”).

H. Pedestrian Access.

1. Parking lots with more than thirty parking spaces shall include a pedestrian walkway in compliance with ADA requirements.
2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the community development director.

I. Screening. Parking lots of six spaces or more shall comply with the following screening standards:

1. Location. Screening shall be provided along the perimeter of parking lots fronting a street or abutting a residential zoning district.

2. Height.

- a. Screening adjacent to streets shall have a minimum height of three feet.
- b. For parking lots within ten feet of a residential zoning district, screening shall have a minimum height of six feet, with additional height allowed with planning commission approval.

3. Materials – General. Required screening may consist of one or more of the following materials (see Section 17.76.070 (Parking lot landscaping) for landscaping screening requirements):

- a. Low-profile walls constructed of brick, stone, stucco or other durable material.
- b. Evergreen plants that form an opaque screen.
- c. An open fence combined with landscaping to form an opaque screen.
- d. A berm landscaped with ground cover, shrubs, or trees.

4. Materials – Adjacent Residential. Parking lots within ten feet of a residential zoning district shall be screened by a masonry wall.

J. Drainage. A drainage plan for all parking lots shall be approved by the public works director.

K. Adjustments to Parking Design and Development Standards. The planning commission may allow adjustments to parking design and development standards in this section through the approval of a minor modification as described in Chapter 17.136 (Minor Modifications).

17.76.070 Parking lot landscaping.

See 17.72.055 (Parking Lot Landscaping).

~~A. General Standards. All landscaping within parking lots shall comply with the requirements of Chapter 17.72 (Landscaping) in addition to the standards within this section.~~

~~B. Landscaping Defined. Except as otherwise specified in this section, landscaping and landscaped areas shall consist of plant materials, including any combination of trees, shrubs, and ground cover.~~

~~C. Interior Landscaping. All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than fifteen spaces, the minimum amount of interior landscaping is specified in Table 17.76 5. "Interior landscaping" is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.~~

~~Table 17.76 5: Minimum Required Parking Lot Landscaping~~

Number of Required Parking Spaces	Percent of Surface Parking Area to Be Landscaped
16 to 30	10%
31 to 60	15%
Over 60	20%

~~D. Shade Trees.~~

~~1. One shade tree shall be provided for every five parking spaces in a parking lot.~~

~~2. Shade trees shall be a minimum twenty-four inch box in size and shall provide a minimum thirty-foot canopy at maturity.~~

~~3. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city recommended list of canopy tree species.~~

~~4. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21st. The arrangement should approximate nearly fifty percent shade coverage.~~

~~5. The planning commission may grant an exception to the required tree plantings if the fifty percent shade coverage exists within the parking lot.~~

~~E. Concrete Curbs.~~

~~1. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of four inches high by four inches deep.~~

~~2. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory storm water drainage standards.~~

~~F. Parking Space Landscaping. A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.~~

~~G. Timing. Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.~~

~~H. Green Parking Exemptions. Parking lots that incorporate solar panels, bioswales, and other similar green features into the parking lot design are eligible for reduced parking lot landscaping requirements with planning commission approval of a design permit.~~

~~I. Exceptions. The planning commission may grant an exception to the parking lot landscaping requirements in this section with the approval of a design permit upon finding that:~~

~~1. Full compliance with the requirement is infeasible or undesirable;~~

~~2. The project complies with the requirement to the greatest extent possible; and~~

~~3. The project incorporates other features to compensate for the exception and create a high quality design environment.~~

17.76.080 Bicycle parking.

A. Applicability. All new multifamily developments of five units or more and commercial uses served by parking lots of ten spaces or more shall provide bicycle parking as specified in this section.

B. Types of Bicycle Parking.

1. Short-Term Bicycle Parking. Short-term bicycle parking provides shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.

2. Long-Term Parking. Long-term bicycle parking provides employees, residents, visitors and others who generally stay at a site for several hours or more a secure and weather-protected place to park bicycles. Long-term parking may be located in publicly accessible areas or in garages or other limited access areas for exclusive use by tenants or residents.

C. Bicycle Parking Spaces Required. Short-term and long-term bicycle parking spaces shall be provided as specified in Table 17.76-6.

Table 17.76-6: Required Bicycle Parking Spaces

Land Use	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Multifamily Dwellings and Group Housing	10% of required automobile spaces; minimum of 4 spaces	1 per unit
Nonresidential Uses	10% of required automobile spaces	1 per 20 required automobile spaces for uses 10,000 sq. ft. or greater

D. Short-Term Bicycle Parking Standards. Short-term bicycle parking shall be located within one hundred feet of the primary entrance of the structure or use it is intended to serve.

E. Long-Term Bicycle Parking Standards. The following standards apply to long-term bicycle parking:

1. Location. Long-term bicycle parking shall be located within seven hundred fifty feet of the use that it is intended to serve.
2. Security. Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
 - a. In a locked room or area enclosed by a fence with a locked gate;
 - b. Within view or within one hundred feet of an attendant or security guard;
 - c. In an area that is monitored by a security camera; or
 - d. Visible from employee work areas.

F. Parking Space Dimensions.

1. Minimum dimensions of two feet by six feet shall be provided for each bicycle parking space.
2. An aisle of at least five feet shall be provided behind all bicycle parking to allow room for maneuvering.
3. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, pedestrian paths, and other similar features.
4. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.

G. Rack Design. Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in a fixed position. The planning commission may allow creative approaches to rack design (e.g., vertical wall-mounted bicycle racks) if physical site constraints render compliance with bicycle parking design standards impractical or undesirable.

H. Cover. If bicycle parking spaces are covered, the covers shall be permanent and designed to protect the bicycles from rainfall.

17.76.090 Visitor serving parking.

A. Shuttle Program Parking. Parking for the free summer beach shuttle program shall be provided in a remote lot or lots, such as those located on Bay Avenue and the Village public parking lots. The free shuttle shall operate, at a minimum, on weekends and holidays between Memorial Day weekend and Labor Day weekend.

B. Public Parking in the Coastal Zone.

1. Public parking existing as of June 9, 2021, in the following locations in the CF zoning district shall be maintained for public parking:

- a. The Upper City Hall parking lot;
 - b. The Cliff Drive overlook parking; and
 - c. The Cliff Drive Southern Pacific railroad right-of-way parking unless Cliff Drive must be relocated due to cliff erosion.
2. Substantial changes in public parking facilities in the coastal zone require a local coastal program (LCP) amendment.
3. Expansion of any existing legally established residential parking programs and/or new residential parking programs in the coastal zone require an amendment to coastal development permit 3-87-42 and consistency with the LCP land use plan.
4. The city shall evaluate the potential impact on public coastal access when considering a coastal development permit application for any development that would reduce public parking spaces near beach access points, shoreline trails, or parklands, including any changes to the residential parking program established under coastal development permit 3-87-42. When parking is reduced, the city shall evaluate alternative opportunities for public coastal access as needed to ensure existing levels of public access are maintained, or if possible enhanced. Such opportunities may include bicycle lanes and bicycle parking, pedestrian trails, relocated vehicular parking spaces, and enhanced shuttle/transit service.

17.76.100 On-site loading.

A. Applicability. All retail, hotel, warehousing, manufacturing, and similar uses that involve the frequent receipt or delivery of materials or merchandise shall provide on-site loading spaces consistent with the requirements of this section.

B. Number of Loading Spaces. The minimum number of required loading spaces shall be as specified in Table 17.76-7.

Table 17.76-7: Required Loading Spaces

Floor Area	Required Loading Spaces
Less than 10,000 sq. ft.	None
10,000 to 30,000 sq. ft.	1
Greater than 30,000 sq. ft.	2 plus 1 per each additional 20,000 sq. ft.

C. Location.

- 1. Required loading spaces shall be located on the same lot as the use they are intended to serve.
- 2. No loading space shall be located closer than fifty feet to a residential zoning district, unless the loading space is wholly enclosed within a building or screened by a solid wall not less than eight feet in height.

D. Dimensions.

- 1. Each loading space shall have minimum dimensions of ten feet wide, twenty-five feet long, and fourteen feet in vertical clearance.
- 2. Deviations from the minimum dimension standards may be approved by the community development director if the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific business.

E. Design and Configuration.

1. Loading spaces shall be configured to ensure that loading and unloading takes place on site and not within adjacent public rights-of-way.
2. Sufficient maneuvering area shall be provided for loading spaces so that vehicles may enter and exit an abutting street in a forward direction.
3. Loading spaces and their associated maneuvering areas shall not encroach into required employee or visitor parking areas or other on-site areas required for vehicle circulation.
4. Loading spaces shall be striped and clearly identified as for loading purposes only.

Chapter 17.80

SIGNS

Sections:

- 17.80.010 Purpose and applicability.
- 17.80.020 Definitions.
- 17.80.030 Permit requirements.
- 17.80.040 Rules of measurement.
- 17.80.050 Signs allowed without permits.
- 17.80.060 Prohibited signs.
- 17.80.070 General sign standards.
- 17.80.080 Standards for specific types of signs.
- 17.80.090 Design standards.
- 17.80.100 Residential signs – Multi-unit properties.
- 17.80.110 Temporary signs.
- 17.80.120 Adjustment to sign standards.
- 17.80.130 Master sign program.
- 17.80.140 Nonconforming signs.
- 17.80.150 Violations and enforcement.

17.80.010 Purpose and applicability.

A. Purpose. This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs. The intent of these standards is to:

1. Support economically viable businesses serving city residents, workers, and visitors.
2. Allow for signage that identifies businesses in a fair and equitable manner.
3. Protect and enhance the aesthetic qualities of the city.
4. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs.
5. Allow for a simple and streamlined sign permitting process.

B. Applicability. This chapter applies to all signs in Capitola, except for city-installed signs and signs required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.

17.80.020 Definitions.

The following definitions apply to this chapter:

- A. “Awning sign” means a sign incorporated into, attached, or painted on an awning.
- B. “Awning face sign” means a sign located on the sloping plane face of an awning.
- C. “Awning valance sign” means a sign located on the valance of an awning perpendicular to the ground.
- D. “Center identification sign” means a sign identifying the name of a shopping center and that does not include the name of any business within the center. A shopping center is a commercial building or group of buildings operated as a unit on a single parcel, sharing common parking areas or commonly owned adjacent parcels.
- E. “Commercial message” means any sign copy that directly or indirectly names, draws attention to, or advertises a business, product, good, service, or other commercial activity, or which proposes a commercial transaction.
- F. “Commercial sign” means a sign with a commercial message.
- G. “Construction site sign” means an on-premises sign for an approved construction project that publicizes the

future building and occupants as well as the architects, engineers and construction organizations involved in the project.

H. “Directory sign” means an on-premises sign which shows the direction to or location of a customer entrance to a business.

I. “Election period” means the period beginning one hundred twenty days before and ending one day after any national, state, or local election in which city electors may vote.

J. “Flags” means fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.

K. “Monument sign” means an independent, freestanding structure supported on the ground as opposed to being supported on the building.

L. “Projecting sign” means any sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall.

M. “Roof sign” means any sign that is mounted on a roof or a parapet of a building.

N. “Sidewalk sign” means movable or permanent business identification signs placed in or attached to a public sidewalk.

O. “Sign” means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise or announce the purpose of a business or entity, or to communicate information of any kind to the public.

P. Sign Area. See Section 17.80.040(A) (Calculation of Sign Area).

Q. “Sign copy” means the area of a sign occupied by letters, numbers, graphics, or other content intended to inform, direct, or otherwise transmit information.

R. “Sign face” means the area of a sign where sign copy is placed.

S. “Wall sign” means a sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

T. “Window sign” means a sign posted, painted, placed, or affixed in or on a window exposed to public view or within one foot and parallel to a window exposed to public view.

17.80.030 Permit requirements.

A. Administrative Sign Permits. An administrative sign permit (Chapter 17.132) is required to install, construct, or enlarge a sign, except for:

1. Signs exempt from the permit requirements of this chapter as specified in Section 17.80.050 (Signs allowed without permits).
2. Signs requiring a sign permit as identified in subsection B of this section.

B. Sign Permits. Planning commission approval of a sign permit (Chapter 17.132) is required for the following types of signs and approvals:

1. New signs in the mixed use village (MU-V) zoning district.
2. Exterior neon signs.
3. Monument signs for more than four tenants.
4. Auto dealership signs in the C-R zoning district (Section 17.80.080(A)) that are not otherwise allowed with

an administrative sign permit.

5. Adjustments to sign standards in low visibility areas in commercial zoning districts (Section 17.80.120(E)).
6. Signs that do not conform with permitted sign types and standards in Section 17.80.080 (Standards for specific types of signs).
7. Master sign programs (Section 17.80.130).

C. Noncommercial Signs. Noncommercial signs are allowed wherever commercial signs are permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this chapter.

D. Message Neutrality.

1. It is the city's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech, and is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
2. Where necessary, the director will interpret the meaning and applicability of this chapter in light of this message neutrality policy.

E. Message Substitution.

1. Subject to the property owner's consent, a message of any type may be substituted, in whole or in part, for the message displayed on any legally established sign without consideration of message content.
2. Message substitutions are allowed by right without a permit.
3. This message substitution provision does not:
 - a. Create a right to increase the total amount of signage beyond that otherwise allowed or existing;
 - b. Affect the requirement that a sign structure or mounting device be properly permitted, when a permit requirement applies;
 - c. Allow a change in the physical structure of a sign or its mounting device;
 - d. Allow the establishment of a prohibited sign as identified in Section 17.80.060 (Prohibited signs); or
 - e. Nullify or eliminate any contractual obligation through a development agreement or similar agreement that specifies the allowable content of a sign.

F. City-Installed Signs. City-installed signs in all zoning districts do not require a permit.

G. Other Government-Installed Signs. Governmental agency-installed signs to carry out its responsibility to protect the public health, safety, and general welfare in all zoning districts do not require a permit.

H. Signs in the Coastal Zone.

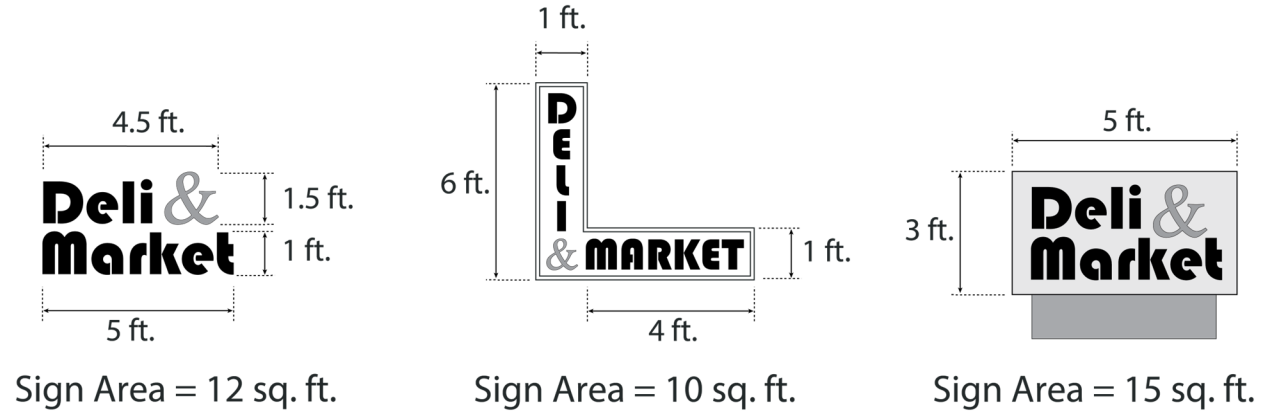
1. If a proposed sign is located in the coastal zone, it may require a coastal development permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval).
2. Notwithstanding all applicable standards in this chapter, any sign that could reduce public coastal access, including signs limiting public parking or restricting use of existing lateral and/or vertical accessways, requires a CDP.

17.80.040 Rules of measurement.

A. Calculation of Sign Area.

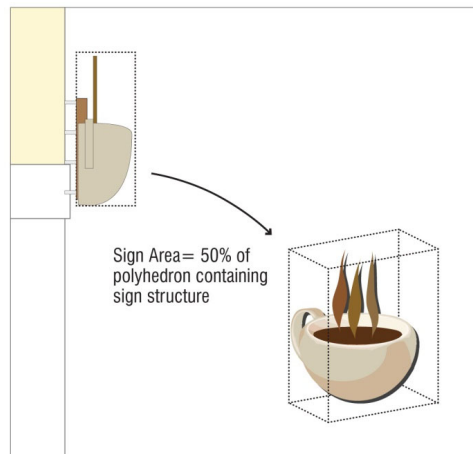
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17.80-1.

Figure 17.80-1: Measurement of Sign Area



2. Supporting framework or bracing that is clearly incidental to the display itself shall not be calculated as sign area.
3. The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed eighteen inches and the two faces are parallel with each other.
4. The area of spherical, free-form, sculptural or other nonplanar signs are measured as fifty percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 17.80-2.

Figure 17.80-2: Nonplanar Sign Area



B. Monument Sign Height Measurement. The height of a monument or other freestanding sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.

17.80.050 Signs allowed without permits.

A. Types of Signs. The following signs are allowed without a planning permit and shall not be counted towards the allowable sign area or number of signs on a parcel:

1. On-site directional signs which do not include commercial messages or images, not to exceed three feet in height and six square feet in area.
2. Informational signs which do not include commercial messages or images, displayed for the safety and convenience of the public, providing information such as “restrooms,” “danger,” “impaired clearance,” “no smoking,” “parking in rear,” “coastal access,” and other signs of a similar nature.
3. Flags bearing noncommercial messages or graphic symbols.
4. One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material.
5. One bulletin board on a parcel occupied by a noncommercial organization, with a maximum area of twelve square feet.
6. Political signs during an election period located outside of a public street, path, or right-of-way except to the extent such signs are prohibited by state or federal law. Political signs may not exceed six feet in height and thirty-two square feet per unit.
7. Constitutionally protected noncommercial message signs not to exceed three feet in height, with a maximum of six square feet per unit; and six square feet per nonresidential property.
8. Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.
9. Murals on the exterior of a building that do not advertise a product, business, or service.
10. Official or legal notices required by a court order or governmental agency.
11. Signs installed by a governmental agency within the public right-of-way.
12. Signs, postings, or notices required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.
13. Restaurant menu signs attached to a building, with a maximum area of three square feet.
14. Real estate listings posted in the window of a real estate office, with a maximum area of twenty-five percent of the total window area.
15. Residential signs not requiring a building permit as specified in Section 17.80.100 (Residential signs – Multi-unit properties).
16. Temporary signs allowed without a permit as provided in Section 17.80.110 (Temporary signs).
17. Vacation rental signs up to twelve inches by twelve inches.
18. Garage sale signs limited to the day of the garage sale.

B. Building Permit Review. Planning staff shall review all proposed signs listed in subsection A of this section that require a building permit to verify compliance with all applicable standards.

C. Changes to Sign Face. Changes to a sign face that do not structurally alter or enlarge a legally established sign and utilize similar materials shall not require a planning permit.

D. Routine Maintenance. The painting, cleaning, repair, and normal maintenance of a legally established sign shall not require a planning permit.

17.80.060 Prohibited signs.

A. Prohibited Sign Types. The following types of signs are prohibited:

1. Signs or sign structures which have become a public nuisance or hazard due to inadequate maintenance, dilapidation, or abandonment.
2. Portable signs placed on the ground other than sidewalk signs permitted in the MU-V zoning district consistent with Section 17.80.080(K) (Sidewalk Signs).
3. Roof signs.
4. Signs emitting odors, gases, or fluids.
5. Signs that feature a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind, excluding flags and insignia of any government.
6. Digital display and electronic readerboard signs which allow the image on a sign to be changed by electronic control methods, except for digital gas and service station signs consistent with Section 17.80.080(H) (Gas and Service Station Signs) and parking garage signs consistent with Section 17.80.080(I) (Parking Garage Signs).
7. Animated signs, with the exception of clocks and barber poles.
8. Signs that emit sound.
9. Signs which simulate in size, color, lettering, or design a traffic control sign or signal.
10. Signs which flash, blink, change color, or change intensity.
11. Beacons.
12. Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment.
13. Signs that have been abandoned, or whose advertised use has ceased to function for a period of ninety days or more.
14. Signs adversely affecting traffic control or safety.
15. Signs with exposed raceways.
16. Signs attached to trees.
17. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by state agencies.
18. Signs erected for the dominant purpose of being seen by travelers on a freeway, except for auto dealership signs as allowed by Section 17.80.080(A) (Auto Dealership Signs).
19. Inflatable signs and balloons greater than fifteen inches in diameter, except for temporary auto dealership signs.
20. Signs on or affecting public property (e.g., "tenant parking only") not placed there by the public entity having the possessory interest in such property.
21. All other signs not specifically permitted by or exempted from the requirements of this chapter.

B. Prohibited Sign Content.

1. The following sign content is prohibited:
 - a. Obscene or indecent text or graphics.

- b. Text or graphics that advertise unlawful activity.
- c. Text or graphics that constitute defamation, incitement to imminent lawless action, or true threats.
- d. Text or graphics that present a clear and present danger due to their potential confusion with signs that provide public safety information (for example, signs that use the words “Caution,” or “Danger,” or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

2. The content prohibited by subsection (B)(1) of this section is either not protected by the United States or California Constitution or is offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the city council that each subsection of subsection (B)(1) of this section be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or California Constitution.

17.80.070 General sign standards.

A. Maximum Permitted Sign Area. Table 17.80-1 identifies the maximum cumulative/total sign area permitted on a property in each zoning district. Each business may have a mix of the sign types allowed by Section 17.80.080 (Standards for specific types of signs) provided the area of all signs on the property does not exceed the maximum established in Table 17.80-1.

Table 17.80-1: Sign Area Standards

Zoning District	Area per Linear Foot of Building Frontage
MU-V, MU-N	0.5 sq. ft. per linear foot 36 sq. ft. max
C-R, C-C, I	1 sq. ft. per linear foot 50 sq. ft. max
-VS, CF, P/OS [1]	As determined through sign permit
PD	As determined through the development plan

Note:

[1] Sign requirements in the visitor serving overlay zone shall be as required by the base zoning district.

B. Maintenance. Signs, including all supports, braces, and anchors, shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired promptly.

C. Building Surface Repair. When an existing sign is replaced or modified, any newly exposed portions of a building surface on which the sign is displayed shall be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the removal of any excess conduit and supports, and the patching or filling of any exposed holes.

D. Illumination.

- 1. Nonresidential signs may be internally or externally illuminated except where specifically prohibited. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Internally illuminated boxes are prohibited, except that the copy of an existing internally illuminated box sign may be replaced with a change of business.
- 2. The light source for externally illuminated signs shall be positioned so that light does not shine directly on adjoining properties or cause glare for motorists or pedestrians.
- 3. Exposed bulbs are not permitted.

4. Internal illumination is prohibited in the mixed use village (MU-V) and mixed-use neighborhood (MU-N) zoning districts.

E. Materials and Design.

1. Except for interior window signs, all permanent signs shall be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.
2. The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies and will not have an adverse effect on the character and integrity of the surrounding area.

F. Location and Placement.

1. All signs shall be located on the same parcel as the business or use that it serves, except as otherwise allowed by this chapter.
2. Signs shall not obstruct the ingress to, or egress from, a door, window, fire escape, or other required accessway.
3. Signs shall not interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The city may require sign setbacks greater than specified in this chapter as needed to maintain adequate visibility for motorists and pedestrians. See Section 17.96.050 (Intersection sign distance).

G. Signs in the Public Right-of-Way.

1. No sign shall be permitted in the public right-of-way, except for:
 - a. Signs installed or required by a governmental agency.
 - b. Awning, canopy, marquee, projecting, or suspended signs attached to a building wall subject to the requirements in Section 17.80.080 (Standards for specific types of signs).
 - c. Sidewalk signs in the village mixed use (MU-V) zoning district consistent with Section 17.80.080(K) (Sidewalk Signs).
 - d. Shared auto dealership signs consistent with Section 17.80.080(A) (Auto Dealership Signs).
2. Any sign illegally installed or placed on public property shall be subject to removal and disposal as specified in Section 17.80.150 (Violations and enforcement). The city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.
3. Signs in the public right-of-way may require city approval of an encroachment permit.

17.80.080 Standards for specific types of signs.

Signs consistent with the standards in this section are allowed with an administrative permit unless planning commission approval of a sign permit is specifically required. Signs that deviate from the standards in this section may be allowed with planning commission approval of a sign permit in accordance with Section 17.80.120 (Adjustment to sign standards).

A. Auto Dealership Signs.

1. In addition to signs allowed with an administrative sign permit (Section 17.80.030(A)), the planning commission may allow special auto dealership signage in the C-R zoning district with approval of a sign permit subject to the following standards:

- a. Location: on or adjacent to an auto dealership land use.
- b. Placement: ten feet minimum setback from property line abutting the public right-of-way.
- c. Maximum height: at or below roof line.
- d. The planning commission shall review the sign permit application if the total combined sign area on the site exceeds one hundred square feet.
- e. The planning commission may allow one shared sign used by multiple auto dealerships at the entry of Auto Plaza Drive which extends into or above the public right-of-way.

The planning commission may allow temporary auto dealership signage, such as signage on light poles and flags and pennants, that deviates from temporary sign standards in Section 17.80.110 (Temporary signs) with the approval of a sign permit.

B. Awning Signs.

- 1. Standards for awning signs in each zoning district are as shown in Table 17.80-2.
- 2. Awning signs shall be located on the awning above a display window or the entrance to the business it serves.
- 3. An awning sign that projects over any public walkway or walk area shall have an overhead clearance of at least eight feet.

Table 17.80-2: Awning Sign Standards

Zoning District	Awning Face Sign		Awning Valance Sign		
	Maximum Area	Maximum Number	Maximum Area	Maximum Letter Height	Maximum Number
MU-V, MU-N	Sign permit required (Chapter 17.132)		75 percent of valance	Two-thirds of valance height	1 sign per awning located on either the awning face or the awning valance
C-R, C-C	30 percent of awning face	1 sign per awning located on either the awning face or the awning valance			
I	20 percent of awning face				

Note: In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for awning signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for awning signs shall be established by the city council in the development plan.

C. Monument Signs.

- 1. Standards for monument signs in each zoning district are as shown in Table 17.80-3.

Table 17.80-3: Monument Sign Standards

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V	12 sq. ft.	4 ft.	1 per property
MU-N	16 sq. ft.		
C-R	60 sq. ft.	8 ft.	1 per building frontage
C-C	35 sq. ft.		

Zoning District	Maximum Area	Maximum Height	Maximum Number
I		4 ft.	1 per building frontage

Note: In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for monument signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for monument signs shall be established by the city council in the development plan.

2. Monument signs shall be placed on the property of the business associated with the sign.
3. Where two monument signs are allowed on a corner parcel, each sign shall be placed at least two hundred feet from the intersection corner.
4. A monument sign for up to four tenants may be approved with an administrative sign permit. Monument signs listing more than four tenants require planning commission approval of a sign permit.
5. The area surrounding the base of a monument sign shall be landscaped consistent with Chapter 17.72 (Landscaping).
6. Monument signs shall be placed at least five feet away from any public or private driveway.
7. Monument signs shall be placed at least five feet behind sidewalk or property line, whichever is greater.
8. The height of a monument sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.
9. Monument signs are not allowed in conjunction with wall signs on a property with three or fewer businesses.

D. Center Identification Signs.

1. Standards for center identification signs in each zoning district are as shown in Table 17.80-4.
2. Center identification signs shall identify the name of the center but may not include the name of any business or businesses within the center.
3. No more than one freestanding sign is permitted per center street frontage. If a monument sign is located along the center frontage, an additional center identification sign is not permitted.

Table 17.80-4: Center Identification Sign Standards

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V and MU-N	Not permitted		
C-R	60 sq. ft.	5 ft.	1 per shopping center
C-C	35 sq. ft.		
I	Not permitted		

Note: In the planned development (PD) zoning district, standards for center identification signs shall be established by the city council in the development plan.

E. Directory Signs.

1. Standards for directory signs in each zoning district are as shown in Table 17.80-5.
2. Directory signs may not be legible from adjacent public rights-of-way.

3. Directory signs shall identify the names of the occupants of the building or complex.

Table 17.80-5: Directory Sign Standards

Zoning District	Maximum Area	Maximum Height
MU-V	12 sq. ft.	4 ft.
MU-N	16 sq. ft.	
C-R	30 sq. ft.	5 ft.
C-C	25 sq. ft.	
I	25 sq. ft.	4 ft.

Note: In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for directory signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for directory signs shall be established by the city council in the development plan.

F. Wall Signs.

- Standards for wall signs in each zoning district are as shown in Table 17.80-6.
- Wall signs shall be attached parallel to the exterior wall of the business associated with the sign and may not extend above the top of building wall.
- Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.
- Any portion of a wall sign that projects over any public walkway or walk area shall have an overhead clearance of at least eight feet.
- Wall signs are not allowed in conjunction with a monument sign on a property with three or fewer businesses.
- On a corner lot, one wall sign is allowed per street frontage.

Table 17.80-6: Wall Sign Standards

Zoning District [1]	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V	0.5 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft. max	4 in.	1 per shopfront
MU-N	1.0 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft.		
C-R, C-C, I [2]		12 in.	1 per shopfront

Notes:

[1] In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for wall signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for wall signs shall be established by the city council in the development plan.

[2] Wall signs are not allowed in conjunction with a monument sign in the industrial (I) zoning district.

G. Projecting Signs.

1. Standards for projecting signs in each zoning district are as shown in Table 17.80-7.
2. Projecting signs shall be attached to the ground-floor exterior wall of the business associated with the sign and may not extend above the top of the second-story finished floor.
3. Projecting signs shall maintain a minimum two-foot horizontal clearance from a driveway or street curb.
4. An encroachment permit must be obtained for all signs projecting over a public right-of-way.
5. A projecting sign that projects over any public walkway or walk area shall have an overhead clearance of at least eight feet.

Table 17.80-7: Projecting Sign Standards

Zoning District	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V, MU-N	4 sq. ft.	4 ft.	1 per business entryway or storefront
C-R, C-C, I	8 sq. ft.	4 ft.	1 per business entryway or storefront

Note:

In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for projecting signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for projecting signs shall be established by the city council in the development plan.

H. Gas and Service Station Signs. In addition to signs allowed with an administrative sign permit (Section 17.80.030(A)), the planning commission may allow special gas and service station signs that comply with the following standards:

1. A maximum of two signs, not exceeding four square feet, shall be allowed on each pump island to denote either full service or self-service.
2. No other signs will be allowed to be attached to pumps or islands other than required by state law. (See Business and Professions Code Section 13530.)
3. A six-foot-high monument sign which displays prices charged, credit cards accepted or special services rendered shall be allowed on each street frontage.
4. Digital changeable copy signs for gasoline pricing are permitted.
5. Two additional signs up to a maximum of one square foot are permitted to advertise ancillary services such as ATMs and propane. Such signs must be attached to another sign or structure and may not be a portable freestanding sign.

I. Parking Garage Signs. A maximum of one digital display sign not exceeding four square feet on each street frontage is permitted to show the number of available parking spaces.

J. Window Signs.

1. Standards for window signs in each zoning district are as shown in Table 17.80-8.
2. Window signs may be attached only to the inside of a ground-floor window of the business associated with the sign.

3. Interior signs within one foot of a window and publicly visible from outside of the building shall be included in the calculation of sign area for the property.

Table 17.80-8: Window Sign Standards

Zoning District	Maximum Area
MU-V, MU-N	25 percent of window
C-R, C-C, I	30 percent of window

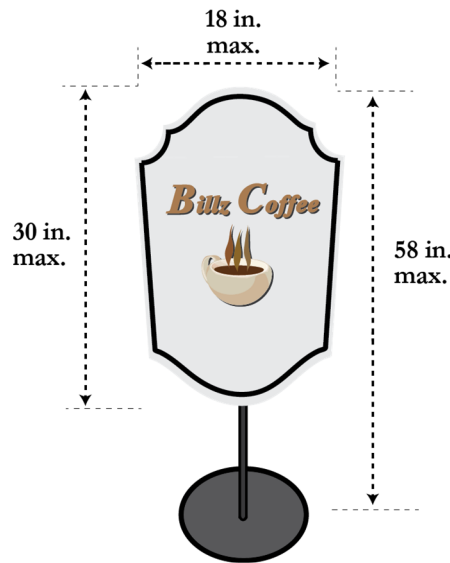
Note:

In the visitor serving (-VS), community facility (CF) and parks and open space (P/OS) zoning districts, standards for window signs shall be established by the planning commission through a sign permit. In the planned development (PD) zoning district, standards for window signs shall be established by the city council in the development plan.

K. Sidewalk Signs.

1. Where Allowed. Sidewalk signs are permitted only in the MU-V zoning district consistent with the requirements of this section.
2. Permits Required.
 - a. Sidewalk signs consistent with this section and the approved BIA design as illustrated in Figure 17.80-3 can be issued an over-the-counter sign permit by the community development director.
 - b. All sidewalk signs shall obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.
 - c. The owner of any business desiring to place a sidewalk sign on the city right-of-way shall provide an executed city hold harmless waiver and proof of liability insurance to the satisfaction of the city attorney in the amount of one million dollars prior to placing the sign within said right-of-way.

Figure 17.80-3: Sidewalk Sign Standards and Design Concepts



3. Dimensions. Sidewalk signs shall comply with the dimension standards in Table 17.80-9.

Table 17.80-9: Sidewalk Sign Standards

Zoning District	Sign Face			Entire Sign
	Maximum Area	Maximum Width	Maximum Height	Maximum Height [1]
MU-V	3.75 sq. ft.	18 in.	32 in.	58 in.
All Other Zoning Districts	Not permitted			

Note:

[1] Measured from sidewalk to top of sign.

4. Number of Signs.

- a. Only one two-sided sidewalk sign per business establishment is permitted.
- b. Multi-tenant developments are permitted one sidewalk sign per each common exterior public business entrance.

5. Materials and Design.

- a. Sidewalk signs shall be attached to metal poles. Poles may be either drilled into the sidewalk or inserted into a moveable base. Moveable bases shall be constructed of metal, form a circle with a diameter of no more than eighteen inches, and must be approved as part of the sign permit.
- b. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
- c. Sign faces shall be constructed of solid wood, metal or similar durable and weatherproof material.
- d. No sidewalk sign may contain lights of any kind.

6. Sidewalk Clearance.

- a. The sidewalk in front of the business must be at least seventy-eight inches in width.
- b. Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A forty-eight-inch level clear path of travel on concrete or similar material must be maintained where the sign is located.

7. Separation from Other Sidewalk Signs. Sidewalk signs shall be spaced a minimum of thirty linear feet from all other permitted sidewalk signs.

8. Display During Open Hours. Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.

9. Advertising Multiple Businesses. Individual signs may advertise more than one business.

10. Other Business Signage.

- a. No other temporary advertising signs (Section 17.80.110) may be used at the same time as the sidewalk sign is in use.
- b. All other signs on the property must be in conformance with the city’s sign regulations prior to a sidewalk sign permit being issued.

17.80.090 Design standards.

A. Design Standards for Mixed Use Zoning Districts. The following design standards apply to all signs in the MU-V and MU-N zoning districts:

1. Signs shall preserve, complement, or enhance the architectural composition and features of the building to which it is attached. Signs may not cover or obscure significant architectural details of the building to which it is attached.
2. Signs shall be coordinated with the overall facade composition, including ornamental details and other signs on the building to which it is attached.
3. Signs shall be mounted to fit within existing architectural features. The shape of the sign shall be used to reinforce the relationship of moldings and transoms seen along the street.
4. Signs shall be located and designed so that they are legible when viewed from the sidewalk. Sign letter styles and sizes shall be designed for legibility from the sidewalk, not the street.
5. To the extent possible, sign attachment parts shall be reused in their original location (holes in the facade or fixing positions) to protect the original building materials.
6. Internally illuminated signs are prohibited in the MU-V and MU-N zoning districts.
7. Wiring conduit for sign lighting shall be carefully routed to avoid damage to architectural details and to be concealed from view as much as possible.
8. Sign materials and colors shall be compatible with the period and style of building to which is it is attached. Sign panels shall avoid the extensive use of primary colors or significant areas of white or cream.
9. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.
10. The sign will not have a significant adverse effect on the character and integrity of the surrounding area.

B. Design Standards for Commercial Zoning Districts. The following design standards apply to all signs in the C-C and C-R zoning districts:

1. Sign design shall conform to and be in harmony with the architectural character of the building.
2. Signs shall be symmetrically located within a defined architectural space.
3. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Large panel internally illuminated signs are prohibited.
4. The design of monument and other freestanding signs shall relate to the architecture of the building or development they serve. Exterior materials, finishes and colors shall be the same or similar to those of the building or structures on site.
5. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.

C. Design Standards for Industrial Zoning District. Signs within the industrial (I) zoning district shall be constructed of metal or other materials consistent with the light industrial character of the zoning district.

17.80.100 Residential signs – Multi-unit properties.

Multi-unit properties may display one or more master signs subject to the following requirements:

- A. A master sign program (Section 17.80.130) has been approved for the multi-unit property.
- B. Maximum allowable sign area: twenty square feet per property.
- C. A master sign for a multi-unit property requires an administrative sign permit.

17.80.110 Temporary signs.

A. Permitted Temporary Signs. Table 17.80-10 (Temporary Sign Standards) identifies temporary signs permitted either by right or with the approval of an administrative sign permit. The planning commission may allow other types of temporary signs or temporary signs that do not comply with the standards in Table 17.80-10 with approval of a sign permit.

Table 17.80-10: Temporary Sign Standards

Sign Type	Permit Required	Use Restriction	Maximum Number	Maximum Area/Size	Maximum Duration
Auto Dealership Signs – Flags – Pennants – Balloons	None	Auto dealerships on Auto Plaza Drive only	No maximum	0.5 sq. ft. per linear business frontage; 30 sq. ft. max; 1/3 of window max	Year-round; must be maintained in good condition
Commercial Banner Signs	Administrative Sign Permit	Nonresidential uses only	1 per 500 ft. of linear building frontage; 2 signs maximum	30 sq. ft.	30 continuous calendar days; no more than 60 days each calendar year
Construction Site Signs – Residential	Administrative Sign Permit	Residential uses only	1 per 500 ft. of linear building frontage; 2 signs maximum	Height: 5 ft. Area: 12 sq. ft.	From issuance of building permit to certificate of occupancy
Construction Site Signs – Nonresidential	Administrative Sign Permit	Commercial and industrial uses only	1 per 500 ft. of linear building frontage; 2 signs maximum	Height: 8 ft.; 4 ft. in MU-V Area: 40 sq. ft.; 12 sq. ft. in MU-V	From issuance of building permit to certificate of occupancy
For Sale, Lease, and Rent Signs, Nonresidential	None	Commercial and industrial uses only	1 per property	Height: 8 ft. Area: 40 sq. ft.	1 year; director may approve extension
For Sale, Lease, and Rent Signs, Residential	None	Residential uses only	1 per property	Height: 4 ft. Area: 6 sq. ft.	180 days; director may approve extension
Open House or Model Home	None	None	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 sq. ft.	Limited to day of open house
Special Event	None	Special events	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 sq. ft.	Limited to day of special event
Residential Subdivision	Administrative Sign Permit	Residential subdivisions and condominiums located in the city	1 per subdivision	Height: 10 ft. Area: 40 sq. ft.	180 days or upon the sale of the last unit, whichever comes first

17.80.120 Adjustment to sign standards.

This section establishes procedures to allow the planning commission to approve signs that deviate from certain standards to provide reasonable flexibility in the administration of the sign ordinance.

A. Permit Required. Adjustments to sign standards allowed by this section require planning commission approval of a sign permit.

B. Permitted Adjustments. The planning commission may allow adjustment to the following sign standards:

1. The type of sign allowed in nonresidential zoning districts (e.g., awning signs, monument signs).
2. Requirements for temporary signs.
3. The maximum permitted sign area up to a twenty-five percent increase.
4. The maximum permitted sign height up to a twenty-five percent increase.

C. Excluded Adjustments. The planning commission may not use the sign standards adjustment process to approve deviations to the following sign standards:

1. Prohibited signs (Section 17.80.060).
2. All general sign standards (Section 17.80.070) except maximum permitted sign area (Section 17.80.070(A)).
3. Maximum number of signs allowed per property.
4. Residential signs (Section 17.80.100).

D. Findings. The planning commission may approve an adjustment to sign standards as allowed by this section if the following findings can be made in addition to findings required to approve sign permit applications:

1. The sign will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
2. The sign will not adversely impact neighboring properties or the community at large.
3. The adjustment is necessary due to unique characteristics of the subject property, structure, or use.
4. The sign will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.
5. The adjustment will not establish an undesirable precedent.

E. Low Visibility Commercial Properties.

1. In addition to adjustments allowed by subsections A through D of this section, the planning commission may allow additional adjustments to sign standards for low visibility properties in the C-R and C-C zoning districts. A low visibility property means a property where signage consistent with applicable standards would not be easily visible from the street or sidewalk due to the width of street frontage, parcel depth or configuration, placement of buildings on the property, topography, vegetation, or other physical characteristic of the property.
2. Adjustments to sign standards for low visibility properties require planning commission approval of a sign permit.
3. Adjustments are allowed to required sign types, height, size, placement, and number. Adjustments may not allow for prohibited signs or monument signs.
4. The planning commission may approve additional or variations to any type of signage upon making the following findings:

- a. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.
- b. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.

17.80.130 Master sign program.

A. Purpose. The purpose of the master sign program is to provide a coordinated approach to signage for multifamily development and multi-tenant commercial developments.

B. Applicability. A master sign program is required for multifamily uses with more than one permanent sign proposed, and any nonresidential development with four or more tenants.

C. Permit Required. A master sign program requires planning commission approval of a sign permit.

D. Applications. Applications shall be filed with the planning department on the appropriate city forms, together with all the necessary fees, deposits, exhibits, maps, and other information required by the department to clearly and accurately describe the proposed master sign program.

E. Master Sign Program Contents. All master sign programs shall identify the materials, color, size, type, placement and general design of signs located on a project or property.

F. Design Standards.

- 1. Master sign programs shall feature a unified and coordinated approach to the materials, size, type, placement and general design of signs proposed for a project or property. Master sign programs may allow for variety in the design of individual signs.
- 2. A master sign program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign. A master sign program may not allow prohibited signs as identified in Section 17.80.060 (Prohibited signs).

G. Effect of Master Sign Program.

- 1. All subsequent signs proposed for a development or property subject to an approved master sign program shall comply with the standards and specifications included in the master sign program.
- 2. Signs consistent with an approved master sign program are allowed with an administrative sign permit.
- 3. Approval of a master sign program shall supersede the regulations of this chapter. Any aspect of the proposed signs not addressed by the master sign program shall be in compliance with this chapter.

17.80.140 Nonconforming signs.

This section applies to all legally established signs that do not conform to current requirements in this chapter.

A. Continuation.

- 1. Except as required by subsection (A)(2) of this section, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time it was established. It is the applicant's responsibility to demonstrate that the sign was legally established.
- 2. At time of review of a design permit application for a property with a nonconforming sign on the site, the planning commission shall review the existing nonconforming sign in conjunction with the design permit. The planning commission may allow the continuation of the nonconforming sign only upon finding the sign is compatible with the design character and scale of the surrounding area and does not adversely impact the public health, safety, or general welfare.

B. Allowed Changes.

1. Changes to sign copy/face and repainting of legal nonconforming signs are permitted as long as there is no alteration to the physical structure or support elements of the sign.
2. A legal nonconforming sign that sustains less than fifty percent damage to its structure may be repaired to its original pre-damaged condition; provided, that such repair is completed within one hundred eighty days after the date of the damage.

C. Required Compliance. A legal nonconforming sign shall be removed or brought into compliance with this chapter in the following situations:

1. The use advertised by the sign has ceased to function for a period of ninety days or more.
2. The sign has sustained at least fifty percent damage to its structure.
3. The sign is located on a remodeled building facade.
4. The sign is relocated to a different lot or building.

17.80.150 Violations and enforcement.

A. Illegal Signs. It is unlawful for any person to install, place, construct, repair, maintain, alter or move a sign in a manner that does not comply with the requirements of this chapter.

B. Removal of Illegal Signs.

1. The city may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.
2. For illegal signs that do not place the public in immediate peril and are located on private property, the city shall serve the business owner, property owner, or person responsible for the sign a written certified notice that:
 - a. Describes the physical characteristics of the subject sign.
 - b. Explains the nature of the violation.
 - c. States that the sign shall be removed or brought into compliance with this chapter within a specified number of days after the notice is received.
 - d. States that the city will remove the sign if the business owner or person responsible for the sign does not correct the violation within the specified number of days after the notice is received.
 - e. States that the city may destroy the illegal sign if it is not retrieved within twenty days of removal by the city.
 - f. States that the business owner or person responsible for the sign is liable for all costs associated with the removal, storage, and destruction of the sign.
3. If an illegal sign is not removed or brought into compliance within the specified number of days after a notice is received, the city may issue a citation to the business owner or person responsible for the sign as provided in Title 4 (General Municipal Code Enforcement) and may remove or cause the removal of the sign.
4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.
5. A sign removed by the city shall be stored for a minimum of twenty days. If the sign is not retrieved by the business owner or person responsible for the sign within this twenty-day period, the city may destroy the sign.

Chapter 17.96
SUPPLEMENTAL STANDARDS

Sections:

- 17.96.010 Purpose.
- 17.96.020 Animal keeping.
- 17.96.030 Emergency shelters.
- 17.96.040 Home occupations.
- 17.96.050 Intersection sight distance.
- 17.96.060 Large commercial land uses.
- 17.96.070 Large home day care.
- 17.96.080 Large residential care facilities.
- 17.96.090 Offshore oil development support facilities.
- 17.96.100 Permanent outdoor displays.
- 17.96.110 Outdoor lighting.
- 17.96.120 Placement of underground utilities.
- 17.96.130 Recycling collection facilities.
- 17.96.140 Self-storage facilities.
- 17.96.150 Solar energy systems.
- 17.96.160 Soquel Creek Riverview Pedestrian Pathway.
- 17.96.170 Temporary outdoor dining.
- 17.96.180 Temporary uses and structures.

17.96.010 Purpose.

This chapter establishes supplemental standards for land uses, activities, and development that apply in all zoning districts.

17.96.020 Animal keeping.

A. General Standards. The following standards apply to the keeping of all animals in Capitola:

1. Public Health and Safety. It shall be unlawful and shall constitute a nuisance to keep any animal that poses a threat to public health or safety.
2. Animal Noise. In addition to the standards in Chapter 9.12 (Noises), no animal may disturb neighbors with its noise between sunset and one-half hour after sunrise.
3. Sanitation. It shall be unlawful and shall constitute a nuisance for any person to keep animals in an unsanitary manner or produce obnoxious odors. All debris, refuse, manure, urine, food waste, or other animal byproduct shall be removed from all the premises every day or more often as necessary.
4. Property Confinement. Animals other than household pets, where allowed, shall be confined to the property within a fenced yard.

B. Household Pets.

1. Compliance with General Standards. The keeping of dogs, cats, domesticated birds, rabbits, rodents, reptiles and amphibians, potbelly pigs less than one hundred fifty pounds, and other household pets is permitted provided they comply with subsection A of this section.
2. Maximum Number. A maximum of four of each type of household pet with a maximum of eight pets total is permitted in a single dwelling unit.

C. Chickens.

1. Permitted Location. Keeping of chickens is permitted only on properties of five thousand square feet or more

occupied by a single-family dwelling.

2. Prohibitions on Roosters. Only hens are permitted pursuant to this chapter. Roosters are prohibited.
3. Number of Chickens. A maximum of four chickens is permitted on a single property.
4. Enclosure Requirement. Chickens shall be kept in a coop which is sufficient to contain chickens. When outside of a coop, chickens shall be confined to the property within a fenced yard.
5. Location of Coops.
 - a. Chicken coops must be located behind the primary structure on the lot.
 - b. Chicken coops may not be located within a required front and side setback area or closer than twenty feet to dwelling units on adjacent properties.

D. Honeybees.

1. Permitted Location. Keeping of beehives is permitted only on properties occupied by a single-family dwelling.
2. Minimum Lot Size and Number of Hives. A maximum of one beehive is permitted on properties of at least five thousand square feet.
3. Location of Beehives. Beehives shall be located behind the primary structure on the property. Beehives shall not be located closer than twenty feet to dwellings on adjacent properties or five feet from a property line.

E. Prohibited Animals. Keeping the following animals is prohibited:

1. Roosters, fowl other than chickens and ducks, goats, pigs other than potbelly pigs, and other livestock.
2. Wild animals as defined in Section 2118 of the California Fish and Game Code, except when authorized by the State Department of Fish and Game under Fish and Game Code Section 2150 et seq.

17.96.030 Emergency shelters.

Emergency shelters will comply with the following standards:

A. Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.

B. Physical Characteristics. Emergency shelters shall comply with applicable state and local housing, building, and fire code requirements.

C. Security. Facilities shall have on-site security during hours of operation. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.

D. Laundry Facilities. Facilities shall provide laundry facilities or services adequate for the number of residents.

E. Common Facilities. Facilities shall contain amenities appropriate to the population to be served to include the following:

1. Central cooking and dining room.
2. Recreation room.
3. Counseling services.
4. Child care facilities.

5. Other support services.

F. Outdoor Activity. For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.

G. Refuse. Emergency shelters shall provide a refuse storage area that is in accordance with city requirements for accessory refuse structures. The storage area shall accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the community development director. The refuse enclosure shall be accessible to refuse collection vehicles.

H. Emergency Shelter Provider. The agency or organization operating the emergency shelter shall comply with the following requirements:

1. Temporary shelter shall be available to residents for no more than six months.
2. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
3. The provider shall have a written management plan including, as applicable, provisions for staff training, good neighbor policies, security, transportation, client supervision, food services, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents. Such plan shall be submitted to and approved by the planning, inspections, and permitting department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrated compliance with the physical standards. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. The city council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.

I. Limited Terms of Stay. The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.

J. Transportation Plan. A transportation plan is required.

K. Parking. The emergency shelter shall provide on-site parking at a rate of one space per staff member plus one space per six occupants allowed at the maximum capacity.

L. Bicycle Parking. The shelter shall provide secure bicycle parking at a rate of one space per occupant.

M. Development Standards. An emergency shelter must comply with all development standards in the industrial (I) zoning district.

17.96.040 Home occupations.

A. Required Permit. An administrative permit is required to establish or operate a home occupation.

B. Standards. All home occupations shall comply with the following standards:

1. Size. Home occupations may not occupy more than twenty-five percent of the floor area of the dwelling unit or four hundred square feet, whichever is less.
2. Sales and Displays. Products may not be sold on site directly to customers within a home occupation. Home occupations may not establish window displays of products to attract customers.
3. Advertising. No newspaper, radio, or television service shall be used to advertise the location of business; however, contact information, including phone numbers and email address, are allowed on advertisements.
4. Signs. One single, nonilluminated, wall-mounted outdoor sign of not more than one square foot in area is permitted.
5. Vehicle Traffic. A home occupation may not generate vehicle traffic greater than normally associated with a

residential use. No excessive pedestrian, automobile, or truck traffic may be introduced to the neighborhood as a result of the home occupation.

6. Deliveries. Deliveries and pick-ups for home occupations may not interfere with vehicle circulation, and shall occur only between eight a.m. and eight p.m., Monday through Saturday.

7. Mechanical Equipment. Mechanical equipment that is not normally associated with a residential use is prohibited.

8. Performance Standards. Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line.

9. Hazardous Materials Prohibited. The storage of flammable, combustible, or explosive materials is prohibited.

10. Employees. Employees of a home occupation shall be limited to the persons residing in the dwelling unit.

11. On-Site Client Contact. No more than one client/customer at the property at one time. Customer or client visits are limited to three per day, or six per day for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring).

12. Outdoor Storage Prohibited. Goods, equipment, and materials associated with a home occupation shall be stored within an enclosed structure or in a manner that is not visible from the property line.

C. Permit Revocation. An administrative permit for a home occupation that violates any of the standards in subsection B of this section (Standards) may be revoked consistent with Section 17.156.110 (Permit revocation).

17.96.050 Intersection sight distance.

A. Vision Triangle Required. In zoning districts which require a front and street side setback for primary structures, all corner parcels shall provide and maintain a clear vision triangle at the intersection of the streets' right-of-way and adjacent to driveways for the purpose of traffic safety.

B. Vision Triangle Defined.

1. Intersections. The intersection vision triangle shall be the area formed by measuring thirty feet along the major street front property line and twenty feet along the minor street property line from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

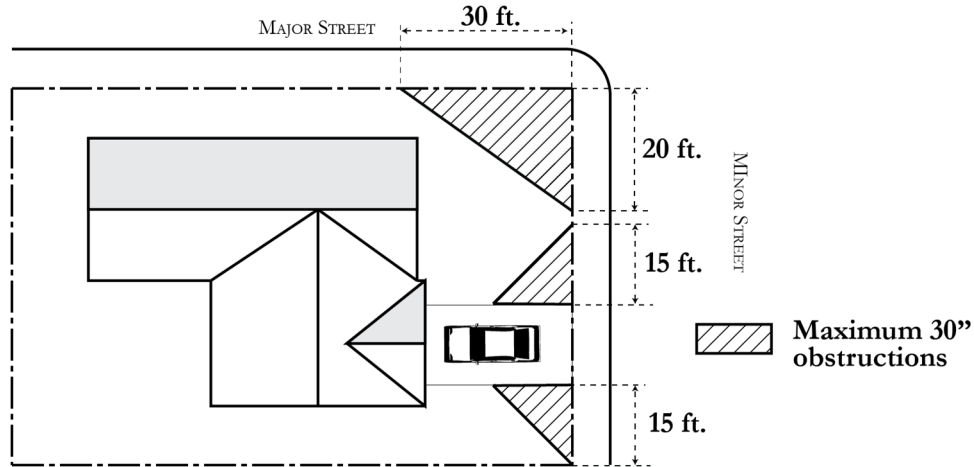
2. Driveways. The driveway vision triangle is the area formed by measuring fifteen feet along the driveway and the street from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

C. Maintenance of Sight Lines.

1. No structure, vehicle, object, or landscaping over thirty inches in height may be placed within a vision triangle, except as allowed by subsection (C)(2) of this section.

2. Trees pruned at least eight feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a vision triangle.

Figure 17.96-1: Vision Triangles



17.96.060 Large commercial land uses.

A. Purpose and Applicability. This section establishes special findings that the planning commission must make to approve a conditional use permit for commercial land uses with more than twelve thousand square feet of floor area within one or more buildings. This requirement applies to all proposed new commercial land uses except for:

1. Uses already specifically approved in an applicable master conditional use permit pursuant to Section 17.124.100 (Master use and tenant use permits); and
2. Uses within a shopping center or mall with a floor area of three hundred thousand square feet or more.

B. Findings. To approve a conditional use permit for a commercial land use with twelve thousand square feet or more of floor area, the planning commission shall make the following findings in addition to the findings in Section 17.124.070 (Findings for approval):

1. Vehicle traffic and parking demand created by the proposed use will not have substantial adverse impacts on properties within the vicinity of the subject property.
2. The structure occupied with the proposed use is compatible with the scale and character of existing structures in the surrounding area.
3. The proposed use is compatible with existing land uses in the surrounding area.
4. The size of the proposed use is similar to the average size of similar uses located in the surrounding area.
5. The use will support the surrounding local economy and attract visitors to the commercial area.

C. Purpose of Findings. The purpose of additional findings for large commercial uses is to enable the planning commission to ensure that all new uses and development are consistent with the general plan and compatible with the character of existing neighborhoods and districts. These findings are not intended to involve the city in the normal competition that arises between similar businesses in Capitola.

17.96.070 Deleted. Large home day care.

~~As allowed by Health and Safety Code Section 1597.465 et seq., the city shall approve a large home day care if it complies with the following standards:~~

~~A. Care Provider Occupancy. The single family home in which the large home day care is located shall be the principal residence of the care provider. The day care use shall be clearly residential in character and shall be accessory to the use of the property as a residence.~~

~~B. License. The care provider shall obtain and maintain a license from the State of California Department of Social Services.~~

- ~~C. Separation. A large home day care facility within a residential zoning district may not be located within five hundred feet of another large home day care.~~
- ~~D. Yard Requirement. A large home day care shall either be located within the R-1 zoning district with outdoor play space or shall have seventy five square feet of outdoor activity space for each child. A large home day care outside the R-1 shall have an outdoor area owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. The city may waive this space requirement if the applicant can demonstrate that there is a public park or other public open area that is in close proximity to the large home day care.~~
- ~~E. Screening. A fence or wall shall be located on all property lines or around all outdoor activity areas. The fence or wall shall comply with all applicable standards in Chapter 17.60 (Fences and Walls).~~
- ~~F. Noise. Outdoor activities may not occur before seven a.m. or after eight p.m. when the site is located within or adjacent to a residential zoning district.~~
- ~~G. Parking. Off street parking shall be provided as required by Chapter 17.76 (Parking and Loading).~~
- ~~H. Garage. The garage shall be utilized for the parking of the property owner's vehicles. Use of the garage for the day care home function, such as for a play area, is not allowed.~~
- ~~I. Safety Compliance. The applicant is required to have the home inspected and submit a letter of compliance from the following:~~
- ~~1. City Building Division. The home shall be inspected and brought into compliance with the building codes relative to the proposed use.~~
 - ~~2. Fire Marshal. The home shall be inspected and brought into compliance with the California Health and Safety Code and fire code relative to the proposed use.~~
- ~~J. Pick Up and Drop Off Plan. The community development director shall approve a plan for the pick up and drop off of children. The plan shall demonstrate that adequate parking and loading areas are available to minimize congestion and conflict on public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:~~
- ~~1. A scheduled time for pick up and drop off with allowances for emergencies; and~~
 - ~~2. Prohibitions of double parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.~~

17.96.080 Large residential care facilities.

Large residential care facilities shall comply with the following standards:

- A. Separation. A large residential care facility in a residential zoning district shall not be located within five hundred feet of another large residential care facility.
- B. Screening and Landscaping. A wall or fence shall be provided for purposes of screening and securing outdoor recreational areas in compliance with Chapter 17.60 (Fences and Walls).
- C. License. The care provider shall obtain and maintain a license from the State of California Department of Social Services. Large residential care facilities shall be operated according to all applicable state and local regulations.
- D. Safety Compliance. The applicant is required to have the facility inspected and submit a letter of compliance from the following:
1. City Building Department. The facility shall be inspected and brought into compliance with the building codes relative to the proposed use.
 2. Fire Marshal. The facility shall be inspected and brought into compliance with the California Health and Safety Code and fire code relative to the proposed use.

17.96.090 Offshore oil development support facilities.

- A. Prohibition. There shall be no construction, reconstruction, operation, or maintenance of any commercial or industrial offshore oil development support facility within the city of Capitola.
- B. Facilities and Activities Included in Prohibition. Prohibited facilities and activities include, but are not limited to:
1. Oil or gas storage facilities, pipe and drilling materials, or equipment repair or storage facilities, which

operate directly in support of any offshore oil or gas exploration, development, drilling, pumping or production.

2. Construction, reconstruction, or operation of facilities to process any oil or natural gas taken or removed from any offshore oil or gas drilling or pumping operations.

17.96.100 Permanent outdoor displays.

A. Permitted Displays. A single permanent outdoor display of retail goods that complies with this section is permitted as an accessory use to a primary commercial use in the mixed use, commercial, and industrial zoning districts, except in the MU-V zoning district, where permanent outdoor displays are prohibited.

B. Permits Required. Permanent outdoor displays require planning commission approval of a conditional use permit.

C. Standards.

1. Height. Displayed items shall not exceed six feet in height.

2. Size. Display areas are limited to six feet wide or ten percent of the width of the front building elevation. A display area may extend a maximum of three feet from the front building wall.

3. Goods Permitted. Displayed items shall be of the same type that are lawfully displayed and sold inside the building occupied by the primary commercial use. Only the business or entity occupying the building may sell merchandise in an outdoor display area.

4. Hours. Items shall be displayed only during the operating hours of the primary commercial use. Items shall be removed from display and moved into a permanently enclosed structure upon close of business.

5. Screening. If outdoor display areas are proposed as part of a project subject to discretionary review (e.g., conditional use or design permit) and approval by the city, the review authority may require that display areas be screened from view from neighboring properties with a solid wall, fence, or landscaped berm.

6. Vending Machines. Vending machines are not permitted as part of an outdoor display. Vending machines are considered an accessory use requiring planning commission approval of a conditional use permit.

7. Design Standards.

a. Outdoor displays shall be designed to enhance the shopping environment. The outdoor display shall be designed to complement the architecture of the building and public realm.

b. Outdoor displays shall be self-supporting, stable, and constructed to withstand wind or contact. The display shall not be permanently affixed to any object, structure or the ground including utility poles, light poles, and trees.

c. Outdoor displays may not contain any information which would routinely be placed on a business sign located on the building such as the name or type of business, hours of business operation, business logo, brand name information, etc. The outdoor display may include a sign which indicates the price of the display items or simply indicates a "sale" on the items limited in size to four square inches.

d. Outdoor displays shall be continuously maintained in a state of order, security, safety and repair. The display surface shall be kept clean, neatly painted, and free of rust, corrosion, protruding tacks, nails and/or wires.

8. Location.

a. All outdoor display areas shall be located on the same parcel as the primary commercial use.

b. Outdoor display areas may not be placed within any permanent landscaped area, required parking space, or loading area.

- c. No items may be displayed within the public right-of-way, including public sidewalks.
- d. Outdoor display areas may not be placed in a location that would cause a safety hazard, obstruct the entrance to a building, encroach upon driveways, or otherwise create hazards for pedestrian or vehicle traffic.

D. Exceptions to Standards. The planning commission may grant exceptions to the standards in subsection C of this section with a conditional use permit upon finding that the exception is necessary and that the outdoor display with the exception will comply with the basic intent of the standards.

17.96.110 Outdoor lighting.

A. Purpose. This section establishes standards for outdoor lighting to minimize light pollution, maintain enjoyment of the night sky, and reduce light impacts on adjacent properties.

B. Applicability. The standards in this section apply to all outdoor lighting in Capitola except for:

- 1. Lighting installed and maintained by the city of Capitola or other public agency;
- 2. Athletic field lights used within a school campus or public or private park;
- 3. Temporary construction and emergency lighting; and
- 4. Seasonal lighting displays related to cultural or religious celebrations.

C. Maximum Height. Lighting standards shall not exceed the maximum heights specified in Table 17.96-1.

Table 17.96-1: Maximum Light Standard Height

Zoning District	Maximum Height
Residential Zoning Districts	16 ft.
Mixed Use and Commercial Zoning Districts	16 ft. within 100 ft. of any street frontage or residential property line; 20 ft. in any other location
Industrial Zoning Districts	16 ft. within 100 ft. of any street frontage or residential property line; 25 ft. in any other location
Community Facility and Parks/Open Space Zoning Districts	25 ft., or as necessary for safety and security

D. Prohibited Lighting. The following types of exterior lighting are prohibited:

- 1. Exposed bulbs and/or lenses;
- 2. Mercury vapor lights; and
- 3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.

E. Fixture Types. All lighting fixtures shall be shielded so the lighting source is not directly visible from the public right-of-way or adjoining properties. All fixtures shall meet the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light (“dark sky compliant”).

F. Light Trespass. Lights shall be placed to direct downward and deflect light away from adjacent lots and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.

- 1. Direct or sky-reflected glare from floodlights shall not be directed into any other parcel or street, or onto any beach.
- 2. No light or activity may cast light exceeding one foot-candle onto a public street, with the illumination level

measured at the centerline of the street.

3. No light or activity may cast light exceeding one-half foot-candle onto a residentially zoned parcel or any parcel containing residential uses.

G. Required Documentation. Prior to issuance of building permits, project applicants shall submit to the city photometric data from lighting manufacturers demonstrating compliance with the requirements of this section.

H. Coastal Development Permit. In the coastal zone, and notwithstanding the other provisions of this section, all lighting shall be sited and designed to limit lighting to the minimum necessary to provide for adequate public safety. All lighting shall be sited and designed so that it limits the amount of light or glare visible from public viewing areas (including but not limited to the beach and other such natural areas) to the maximum extent feasible (including through uses of lowest luminosity possible, directing lighting downward, directing lighting away from natural areas, etc.). In addition, exterior lighting adjacent to habitat areas shall be wildlife-friendly and shall use lamps that minimize the blue end of the spectrum. All lighting that requires a CDP shall also be subject to a CDP finding that such lighting does not adversely impact significant public views.

17.96.120 Placement of underground utilities.

New construction or additions that increase existing floor area by twenty-five percent or more shall place existing overhead utility lines underground to the nearest utility pole. Establishing an accessory dwelling unit in conformance with Chapter 17.74 (Accessory Dwelling Units) does not require placing existing overhead utility lines underground.

17.96.130 Recycling collection facilities.

All recycling collection facilities where permitted shall comply with the standards in this section.

A. Accessory Use. Recycling collection facilities may be established only as an accessory use in conjunction with an existing commercial or industrial use which complies with the zoning code and the Capitola building and fire codes.

B. Permit Required. Where allowed by Part 2 of this title (Zoning Districts and Overlay Zones), a recycling collection facility requires planning commission approval of a conditional use permit.

C. Attendant Required. Facilities may accept materials for recycling only when an attendant is present on site.

D. Maximum Size. Recycling collection facilities may occupy no more than five thousand square feet of area on a property.

E. Parking Areas.

1. Recycling collection facilities shall provide parking for removal of the materials and for customers depositing the materials.

2. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use, unless a study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site.

F. Accepted Items. Recycling collection facilities may accept only glass, metal or plastic containers, papers and reusable items. Used motor oil may be accepted with a permit from the Santa Cruz County environmental health department and the Hazardous Materials Advisory Commission.

G. Power-Driven Processing Equipment. Except for reverse vending machines, recycling collection facilities may not use power-driven processing equipment.

H. Location.

1. Mobile vending facilities shall be located in a designated area without eliminating the required parking or landscaping.

2. Facilities shall be at least one hundred feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

I. Maintenance. The site shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

J. Noise. Facilities shall not exceed noise levels of sixty dBA as measured from the property line of a residentially zoned property or a residential use. Facilities shall not exceed noise levels of seventy dBA measured from all other property lines.

K. Hours of Operation. Facilities shall operate only between the hours of nine a.m. and seven p.m.

L. Facility Information and Display.

1. Containers shall be clearly marked to identify the type of materials which may be deposited.

2. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

M. Signs. Signs may be provided as follows:

1. Recycling facilities may have identification signs with a maximum of ten square feet, in addition to informational signs required by subsection L of this section.

N. Landscaping. The facility shall comply with all landscaping standards required by Chapter 17.72 (Landscaping) and other city ordinances.

17.96.140 Self-storage facilities.

A. Purpose and Applicability. This section establishes special findings for the planning commission to approve self-storage facilities in the community commercial (C-C) zoning district. These findings are intended to ensure that new self-storage facilities will not adversely impact the economic vitality of Capitola's commercial districts.

B. Required Findings. In addition to the findings in Chapter 17.124 (Use Permits), the planning commission must make the following findings to approve a self-storage facility in the community commercial (C-C) zoning district:

1. The location of the proposed self-storage facility is conducive/better suited as self-storage rather than traditional retail due to limited access to or poor visibility from the street.

2. The proposed self-storage facility would be compatible with existing land uses in the surrounding area.

3. Streets and other means of egress are adequate to serve the proposed self-storage facility.

17.96.150 Solar energy systems.

A. Required Permits.

1. Rooftop Systems. Rooftop solar energy systems and solar water heaters are permitted by right in all zoning districts. No permit or approval is required other than a building permit and fire department review.

2. Other Systems. Solar energy systems that are not located on the rooftop of a primary structure require a conditional use permit.

B. Height Exceptions. Rooftop solar energy systems may project up to four feet above the maximum permitted structure height in the applicable zoning district. This exception is applicable to the solar energy system only, not the structure on which it is located.

C. Mixed Use Village Zoning District. Rooftop solar facilities in the mixed use village zoning district shall be

located and designed to minimize visibility from a street or other public place to the greatest extent possible.

D. Building Permit Review and Approval. Building permit applications for rooftop solar energy systems shall be reviewed and approved in compliance with Chapter 15.10 (Expedited Solar Permitting Ordinance).

E. Coastal Development Permit. A proposed solar energy system may require a coastal development permit as specified by Chapter 17.44 (Coastal Overlay Zone) if any part of the site is located in the coastal zone and the proposed development shall conform with the coastal development permit findings for approval as specified in Section 17.44.130 (Findings for approval).

17.96.160 Soquel Creek Riverview Pedestrian Pathway.

The following standards apply to the Soquel Creek Riverview Pedestrian Pathway, which extends from the Stockton Avenue Bridge along the eastern side of Soquel Creek, under the Railroad Trestle, to 427 Riverview Avenue, where it follows a drainage easement to Riverview Avenue. As used in this section, “pathway” means the area within which the pedestrian walking surface (comprised of brick, decomposed granite and other surface materials) and any related public amenities are located.

A. The pathway shall be maintained at a minimum of either the existing pathway width shown in the March 2005 survey maintained by the city of Capitola, or four feet, whichever is greater.

B. The pathway shall have a minimum overhead clearance of eight feet.

C. Structures east of the pathway shall be set back a minimum of five feet from the edge of the pathway.

D. Development, including decks, fencing, landscaping and other improvements, shall not encroach into the pathway.

E. Property owners shall trim and maintain landscaping so that it does not encroach into the pathway.

F. Permeable surface variations (i.e., brick, decomposed granite and other surfaces) are permitted.

G. Deck handrails may not exceed forty-two inches in height. The space between the deck and the handrails may not be filled in to create a solid appearance.

H. Signage indicating that the pathway is open to the public is allowed.

I. All bulkheads shall be constructed in a rustic manner and finished in wood.

J. A maximum of two freestanding lights are allowed for each deck to a maximum height of eight feet.

17.96.170 Temporary outdoor dining.

This section establishes requirements for temporary outdoor dining areas located on a public sidewalk or other area within the public right-of-way.

A. Required Permits. Temporary outdoor dining within the public right-of-way requires an administrative permit and an encroachment permit. Temporary outdoor dining may require a coastal development permit as specified by Chapter 17.44 (Coastal Overlay Zone) if any part of the site is located in the coastal zone and the proposed development shall conform with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval).

B. Permitted Zoning Districts. Temporary outdoor dining within the public right-of-way is allowed in the commercial community (C-C), commercial regional (C-R), and mixed use neighborhood (MU-N) zoning districts. Temporary outdoor dining within the public right-of-way is not permitted in the mixed use village (MU-V) zoning district.

C. Standards. Temporary sidewalk dining shall comply with the following standards:

1. Location. Outside dining is permitted on the public sidewalk:

- a. When incidental to and part of a restaurant; and
 - b. Along the restaurant's frontage.
2. Number of Dining Areas. An indoor restaurant may operate only one outside dining area confined to a single location.
3. Safe Passage.
 - a. Temporary sidewalk dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the outside dining area.
 - b. The sidewalk immediately adjacent to the restaurant shall have adequate space to accommodate tables and chairs and shall provide adequate safe passage along the sidewalk for pedestrian and wheelchair users of the sidewalk. Safe and adequate passage of at least four feet in width shall be provided along the sidewalk and from the curb to the sidewalk. No tables or chairs or any other objects shall be placed or allowed to remain on any sidewalk that inhibit such passage.
4. Furniture and Signage Location.
 - a. Tables and chairs in a sidewalk dining area shall be set back at least two feet from any curb and from any sidewalk or street barrier, including a bollard, and at least eight feet from a bus stop.
 - b. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable.
 - c. All temporary improvements to separate the outdoor dining area from the sidewalk, such as a railing, shall relate to the architectural design of the primary restaurant structure in color, materials, and scale.
 - d. Umbrellas shall be secured with a minimum base of not less than sixty pounds.
 - e. All signs are subject to Chapter 17.80.
5. Food and Beverages. The service of alcoholic beverages within the sidewalk dining area requires a conditional use permit, and shall comply with the following requirements:
 - a. The outside dining area shall be situated immediately adjacent to and abutting the indoor restaurant which provides it with food and beverage service.
 - b. The outside dining area shall be clearly separate and delineated from the areas of the sidewalk which remain open to pedestrian traffic.
 - c. One or more signs shall be posted during hours of operation stating that alcohol is prohibited outside of the dining area.
 - d. The outside dining area shall receive all licenses required for on-site consumption of alcoholic beverages from state authorities.
6. Trash and Maintenance.
 - a. Storage of trash is prohibited within or adjacent to the sidewalk dining area. All trash and litter shall be removed as it accumulates or otherwise becomes a public nuisance.
 - b. The sidewalk dining area, including the sidewalk surface and furniture, shall be maintained in a clean and safe condition.
7. Hours of Operation. Sidewalk dining may occur between seven a.m. and ten p.m. seven days a week. Tables, chairs, other outdoor dining furniture, and all other structures and materials associated with the outdoor dining area shall be removed from the sidewalk and stored indoors at night and when the sidewalk dining area is not in

operation.

17.96.180 Temporary uses and structures.

A. Purpose. This section establishes requirements for the establishment and operation of temporary uses and structures. These requirements allow for temporary uses and structures in Capitola while limiting impacts on neighboring properties and the general public.

B. Temporary Uses Allowed by Right. The following temporary uses are permitted by right. No permits or approvals from the community development department are required.

1. Garage Sales. Garage sales for individual residences limited to three, one- to two-day events per calendar year. One block or neighborhood sale per calendar year is allowed in addition to individual sales.
2. Storage Containers. Storage containers delivered to a home, loaded at the residence, and delivered to another location, for a maximum of two weeks on private property. Storage containers on a residential property for more than two weeks may be approved by the planning commission with a conditional use permit.
3. Outdoor Fund Raising Events. Outdoor fund raising events on commercial sites when sponsored by a nonprofit organization directly engaged in civic or charitable efforts. Outdoor fund raising events are limited to two days each month for each sponsoring organization.
4. On-Site Construction Yards. Temporary construction yards and office trailers that are located on site, less than one acre in size, and established in conjunction with an approved project. The construction yard and trailer shall be immediately removed within ten days of completion of the construction project or expiration of the building permit.

C. Temporary Uses Requiring a Permit. An administrative permit is required for the following temporary uses:

1. Seasonal Sales. Seasonal sales (e.g., Christmas trees, pumpkins) for a maximum of forty-five calendar days, no more than four times per year on a single property. Seasonal sales are prohibited on residentially zoned property.
2. Temporary Outdoor Displays of Merchandise and Parking Lot Sales. Temporary outdoor displays of merchandise and parking lot sales on private property for a maximum of three days no more than two times per year on a single property. Following the completion of the temporary display, all signs, stands, poles, electrical wiring, or any other fixtures, appurtenances or equipment associated with the display shall be removed from the premises.
3. Farmers' Markets. Farmers' markets for a maximum of one day per week in a nonresidential zoning district. Farmers' markets for more than one day per week in a nonresidential zoning district are permitted with a conditional use permit. Farmers' markets in a residential zoning district are permitted with a conditional use permit.
4. Off-Site Construction Yards. Construction yards located off site in conjunction with an approved project. The construction yard shall be immediately removed within ten days of completion of the construction project or expiration of the building permit.
5. Employee Trailers. Trailer or commercial modular units used as a work site for employees of a business displaced during construction, for a maximum of twelve months. The community development director may grant up to two twelve-month extensions for ongoing construction activity requiring more than twelve months to complete.
6. Mobile Food Vendors. Mobile food vendors in one location four times or less per year in accordance with Chapter 9.36. Mobile food vendors in one location more than four times per year require a conditional use permit.
7. Real Estate Offices. Real estate offices used exclusively for the sale of homes or other real estate units located within an approved multi-unit development project for a maximum of three years or within thirty days

of when the last home is sold, whichever comes first.

8. Other Similar Activities. Similar temporary activities determined by the community development director to be compatible with the applicable zoning district and surrounding uses.

D. Temporary, Publicly Attended Activities/Events. Temporary, publicly attended activities such as festivals, outdoor entertainment, and other similar events may be permitted pursuant to Chapter 9.36 (Temporary, Publicly Attended Activities). If in the coastal zone, see Section 17.44.080(H) (Temporary Events) to determine if a temporary event requires a coastal development permit.

E. Conditions of Approval. Upon the approval of a permit for a temporary use, the city may attach the following conditions when necessary in connection with the temporary use:

1. Hours of operation.
2. Maintenance of accessibility for the disabled.
3. Protection of fire lanes and access.
4. Preservation of adequate on-site circulation.
5. Preservation of adequate on-site parking or a parking management plan to temporarily park off site.
6. Cleanup of the location or premises.
7. Use of lights or lighting or other means of illumination.
8. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

17.96.190 Generators

Home generators to provide backup electricity in case of a power outage must comply with the following:

A. Placement on Lot.

1. Generators are prohibited in required front and side setback areas.
2. A generator may project a maximum of 5 feet into a rear setback if necessary to locate the generator behind the rear wall of the home.

B. Testing Hours. A generator may be tested only during the hours of eight a.m. and 8 p.m.

C. Prohibited Use. Freestanding generators shall not be used to supply service to recreational vehicles or trailers. Generators attached to recreational vehicles or trailers shall not be operated on or adjacent to residential properties.

Chapter 17.120
DESIGN PERMITS

Sections:

- 17.120.010 Purpose.
- 17.120.020 Types of design permits.
- 17.120.030 When required.
- 17.120.040 Application submittal and review.
- 17.120.050 Design review process.
- 17.120.060 Public notice and hearing.
- 17.120.070 Design review criteria.
- 17.120.080 Findings for approval.
- 17.120.090 Conditions of approval.
- 17.120.100 Appeals and post-decision procedures.

17.120.010 Purpose.

This chapter establishes the process to obtain a design permit. A design permit is a discretionary action that enables the city to ensure that proposed development exhibits high-quality design that enhances Capitola’s unique identity and sense of place. The design permit process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties.

17.120.020 Types of design permits.

The zoning code establishes two types of design permits: design permits reviewed and approved by the planning commission and minor design permits reviewed and approved by the community development director.

17.120.030 When required.

A. Types of Projects. The types of projects that require a design permit, and the type of design permit for each project, are listed in Table 17.120-1. If a type of development project or activity is not specifically listed in Table 17.120-1, a design permit is not required.

Table 17.120-1: Projects Requiring Design Permits

Type of Project	Type of Permit
Single-Family Residential Projects	
Ground-floor additions to existing single-family homes where the addition is visible from a public street and does not exceed 15 ft. in height, except for exempt additions (Section 17.120.030(B))	Minor Design Permit
Accessory structures greater than 10 ft. in height and/or 120 sq. ft. to 300 sq. ft.	Minor Design Permit
Accessory structures greater than 300 sq. ft.	Design Permit
Upper-floor decks and balconies on the side or rear of a home that are not adjacent to public open space	Design Permit
All rooftop decks	Design Permit
Upper-floor additions to an existing single-family home	Design Permit
New single-family homes	Design Permit
Multifamily Residential Projects	
Ground-floor additions less than 15% of total floor area of an existing multifamily structure	Minor Design Permit
Upper-floor decks and balconies on the side or rear of a structure that are not adjacent to public open	Design Permit

Type of Project	Type of Permit
space	
All rooftop decks	Design Permit
Accessory structures including garbage and recycling enclosures	Minor Design Permit
Ground-floor additions 15% of total floor area or more to an existing multifamily structure	Design Permit
Upper-floor additions to an existing multifamily structure	Design Permit
New multifamily residential structures	Design Permit
Nonresidential Projects (Including Mixed Use)	
Exterior modifications to an existing structure that do not increase the floor area of the structure	Minor Design Permit
Accessory structures 120 sq. ft. to 300 sq. ft. including garbage and recycling enclosures	Minor Design Permit
Accessory structures greater than 300 sq. ft. including garbage and recycling enclosures	Design Permit
Additions less than 15% of the floor area of an existing nonresidential structure where the addition is not visible from the primary street frontage	Minor Design Permit
Additions 15% or more of the floor area of an existing nonresidential structure where the addition is visible from the primary street frontage	Design Permit
Additions to an existing nonresidential structure of 3,000 sq. ft. or more	Design Permit
New nonresidential structures	Design Permit

B. Single-Family Exemptions. The following additions to a single-family dwelling are exempt from the design permit requirement:

1. Ground-floor single-story additions up to four hundred square feet at the rear of the home.
2. Enclosure of an existing recessed entrance up to twenty-five square feet.
3. Enclosure of an existing open porch up to fifty square feet.
4. Installation of bay windows.
5. A single accessory structure that does not exceed one hundred twenty square feet in floor area and ten feet in height with no connection to water or sewer. Two or more accessory structures require a Minor Design Permit.
6. Minor exterior modification or replacement of materials on an existing structure including siding, windows, doors, and roof.
7. Other similar minor additions to a single-family dwelling as determined by the community development director.
8. Upper-floor decks and balconies immediately adjacent to a street or public open space.

17.120.040 Application submittal and review.

A. General. An application for a design permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information required by the community development department with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.120.080 (Findings for approval).

B. Streetscape Illustration. For all proposed new buildings, the applicant shall submit streetscape illustrations that include neighboring structures within one hundred feet of the side property lines.

C. Enhanced Visualization. The city may require enhanced project visualization materials (e.g., 3-D renderings, photo-simulations, physical models, expanded streetscape diagrams, viewpoint analysis, story poles) when any of the following apply:

1. The project is proposed within a prominent or highly visible development site as determined by the community development director.
2. The project would be located within or adjacent to vista points or visually sensitive areas as identified in the general plan.
3. The applicant is requesting a variance for height.
4. Substantial changes to the exterior of an existing structure.
5. The community development director determines that enhanced visualization is necessary to determine if the findings for approval can be made for the proposed project.
6. Story poles shall only be required by the planning commission or city council.

D. Review by Architectural Historian. Proposed projects that involve an exterior alteration to a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources) shall be reviewed by an architectural historian and may require a historic alteration permit as provided in Section 17.84.070 (Historic alteration permit).

17.120.050 Design review process.

A. Review Required. All design permit applications shall be reviewed by city staff and city-contracted design professionals as specified in Section 17.108.040 prior to review and action on the application by the planning commission.

B. Purpose of Review. The purpose of the design review process is to provide recommendations to the applicant on the design of the project based on design review criteria in Section 17.120.070. Applicants are encouraged to consider comments from the design review process and modify the project design as needed prior to planning commission consideration of the application.

17.120.060 Public notice and hearing.

A. Design Permits. The planning commission shall review and act on a design permit application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

B. Minor Design Permits. Public notice of a pending action on a minor design permit application shall be provided in compliance with Chapter 17.148 (Public Notice and Hearings). The community development director shall hold a public hearing for a minor design permit application only upon receiving a written request for a public hearing as provided in Section 17.148.030 (Notice of pending action for minor use permits and minor design permits).

17.120.070 Design review criteria.

When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, and any applicable specific plan, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria to the extent they apply.

A. Community Character. The overall project design including site plan, height, massing, architectural style, materials, and landscaping contributes to Capitola's unique coastal village character and distinctive sense of place.

B. Neighborhood Compatibility. The project is designed to respect and complement adjacent properties. The project height, massing, and intensity are compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.

C. Historic Character. Renovations and additions respect and preserve existing historic structures. New structures

and additions to nonhistoric structures reflect and complement the historic character of nearby properties and the community at large.

D. Sustainability. The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.

E. Pedestrian Environment. The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.

F. Privacy. The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.

G. Safety. The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility and features that promote a sense of ownership of outdoor space.

H. Massing and Scale. The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes, heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.

I. Architectural Style. Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.

J. Articulation and Visual Interest. Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.

K. Materials. Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.

L. Parking and Access. Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.

M. Landscaping. Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area.

N. Drainage. The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.

O. Open Space and Public Places. Single-family dwellings feature inviting front yards that enhance Capitola's distinctive neighborhoods. Multifamily residential projects include public and private open space that is attractive, accessible, and functional. Nonresidential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.

P. Signs. The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.

Q. Lighting. Exterior lighting is an integral part of the project design with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties.

R. Accessory Structures. The design of detached garages, sheds, fences, walls, and other accessory structures relates to the primary structure and is compatible with adjacent properties.

S. Mechanical Equipment, Trash Receptacles, and Utilities. Mechanical equipment, trash receptacles, and utilities

are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.

17.120.080 Findings for approval.

To approve a design permit application, the review authority shall make all of the following findings:

- A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.
- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
- E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).
- F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood.

17.120.090 Conditions of approval.

The planning commission or community development director may attach conditions of approval to a design permit to achieve consistency with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

17.120.100 Appeals and post-decision procedures.

- A. Planning commission decisions on design permits may be appealed to the city council as described in Chapter 17.152 (Appeals).
- B. Community development director decisions on minor design permits may be appealed to the planning commission as described in Chapter 17.152 (Appeals).
- C. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to design permits.

Chapter 17.136
MINOR MODIFICATIONS

Sections:

- 17.136.010 Purpose.
- 17.136.020 When allowed.
- 17.136.030 Review authority.
- 17.136.040 Application submittal and review.
- 17.136.050 Public notice and hearing.
- 17.136.060 Findings for approval.
- 17.136.070 Conditions of approval.
- 17.136.080 Appeals and post-decision procedures.

17.136.010 Purpose.

This chapter establishes the process to obtain a minor modification. A minor modification allows for small deviations from development standards to accommodate projects which meet the needs of property owners, are consistent with the purpose of the zoning code and general plan and local coastal program land use plan, and do not negatively impact neighboring properties or the community at large.

17.136.020 When allowed.

A. Permitted Modifications. The planning commission may approve a minor modification to allow for a maximum ten percent deviation from a physical development standard that applies to the subject property. Types of physical development standards eligible for a minor modification include:

1. Dimensional standards and setbacks for parking spaces, driveways, garages, parking lots, and loading areas; and
2. Minimum and maximum setbacks from property lines;
3. Other similar dimensional standards as determined by the community development director.

B. Excluded Modifications. The city may not approve minor modifications for:

1. Minimum required on-site open space and landscaping;
2. Maximum height of buildings, fences, walls, and other structures;
3. Lot area, width, or depth;
4. Minimum number of off-street parking spaces;
5. Maximum residential density;
6. Maximum floor area ratio (FAR); or
7. Setbacks from ESHA or geologic hazards.

17.136.030 Review authority.

~~The planning commission takes action on minor modification applications.~~

A. Community Development Director. The community development director shall take action on minor modification applications if the application is not filed for concurrent review with an application for discretionary review by the planning commission or city council.

B. Other Review Authority. If a minor application is submitted concurrently with a permit application reviewed by the planning commission or city council, the on minor modification application shall be reviewed by the planning

commission or city council.

C. Referral to Planning Commission. The community development director may refer any on minor modification application to the planning commission for review and final decision.

17.136.040 Application submittal and review.

An application for a minor modification shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review) or, in the coastal zone, Chapter 17.44 (Coastal Overlay Zone) with a coastal development permit. The application shall include the information and materials required by the community development department for minor modification applications, together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.136.060 (Findings for approval).

17.136.050 Public notice and hearing.

The planning commission shall review and act on a minor modification application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

17.136.060 Findings for approval.

To approve a minor modification application, the planning commission shall make all of the following findings:

- A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
- B. The modification will not adversely impact neighboring properties or the community at large.
- C. The modification is necessary due to unique characteristics of the subject property, structure, or use.
- D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.
- E. The modification is consistent with the general plan, local coastal program, and any applicable specific plan or area plan adopted by the city council.
- F. The modification will not establish a precedent.
- G. The modification will not adversely impact coastal resources.

17.136.070 Conditions of approval.

The planning commission may attach conditions of approval to a minor modification to achieve consistency with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

17.136.080 Appeals and post-decision procedures.

- A. Planning commission decisions on minor modifications may be appealed to the city council as described in Chapter 17.152 (Appeals).
- B. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to minor modifications.

Chapter 17.160

GLOSSARY

Sections:

- 17.160.010 Purpose.
- 17.160.020 Definitions.

17.160.010 Purpose.

This chapter provides definitions of terms and phrases used in the zoning code that are technical or specialized, or which may not reflect common usage. If any of the definitions in this chapter conflict with others in the municipal code, these definitions shall control for only the provisions of this zoning code. If a word is not defined in this chapter or in other chapters of the zoning code, the community development director shall determine the appropriate definition.

17.160.020 Definitions.

A. "A" Terms.

1. "Abutting" or "adjoining" means having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.
2. "Accessory dwelling unit" means a self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single parcel.
 - a. "Accessory dwelling unit, attached" means an accessory dwelling unit that shares at least one common wall with the primary residential unit.
 - b. "Accessory dwelling unit, detached" means a secondary dwelling unit that does not share a common wall with the primary residential unit.
3. "Accessory structure" means a structure that is incidental and subordinate to a primary structure or use located on the same parcel.
4. "Accessory use" means a land use which is incidental and subordinate to a primary land use located on the same parcel.
5. "Addition" means any development or construction activity that expands the footprint or increases the ~~habitable~~ floor area of a building.
6. "Adjacent" means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.
7. "Alcoholic beverage sales" means the sale of alcoholic beverages for on-site consumption at a restaurant, bar, nightclub or other establishment, or the retail sale of alcoholic beverages for off-site consumption.
8. Alteration. See "Modification."
9. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks city permits and approvals.
10. "Arbor" means a freestanding unenclosed structure with vertical latticework on two sides for climbing plants and cross beams or lattice forming a covering connecting the sides. The space between the vertical latticework may be open or contain a bench for sitting.
11. "Assumed ground surface" means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade.

121. “Average slope” means the average slope of a parcel calculated using the formula: $S = 100(I)(L)/A$, where:

- a. S = Average slope (in percent);
- b. I = Contour interval (in feet);
- c. L = Total length of all contour lines on the parcel (in feet); and
- d. A = Area of subject parcel (in square feet).

B. “B” Terms.

- 1. “Balcony” means a platform that projects from the wall of a building thirty inches or more above grade that is accessible from the building’s interior, is not accessible from the ground and is not enclosed by walls on more than two sides.
- 2. “Banks” means a commercial establishment providing retail banking services. Includes only establishments serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.
- 3. “Base zoning district” means the primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the zoning map.
- 4. “Basement” means that portion of a building between floor and ceiling, which is partly or all below grade, and where more than the vertical distance from grade to ceiling is below the average ground contact level of the exterior walls of the building.
- 5. “Bay window” means a window or series of windows serving as an important element of the building’s architecture, forming an alcove in a room and projecting outward from the wall in a rectangular, polygonal, or curved form.
- 6. “Block” means the property abutting on one side of a street and lying between the two nearest intersecting streets.
- 7. “Bluff” or “cliff” means the scarp or steep face of rock, decomposed rocks, sediment or soil resulting from erosion, faulting, folding or excavation of land mass and exceeding ten feet in height, and includes what are commonly known as “cliffs.” See also the definition of “coastal bluff” in Section 17.44.030.
- 8. “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
- 9. “Building coverage” means the land area covered by all buildings and accessory structures on a parcel.
- 10. “Building face” means and includes the general outer surface of a main exterior wall of a building. For example, a building with a rectangular plan has four main exterior walls and four building faces.
- 11. “Building height” means the vertical distance measured from the assumed ground surface of the building to the highest point of the roof, ridge, or parapet wall.
- 12. “Business services” means an establishment that provides services to other businesses on a fee or contract basis. Includes computer rental and repair, catering, printing and duplicating services, outdoor advertising services, package delivery services, equipment rental and leasing, and other similar land uses.
- 13. “By right” means permitted without any form of discretionary approval.

C. “C” Terms.

- 1. “California Environmental Quality Act (CEQA)” means California state law (Public Resources Code Section

2100 et seq.) requiring government agencies to consider the environmental consequences of their actions before taking action on a proposed project.

2. “Capitola Village” means the central core of Capitola generally bounded by the Monterey Bay shoreline to the south, the railroad trestle to the north and west, and Cliff Avenue and Depot Hill to the east.

3. “Caretaker quarters” means a residence that is accessory to a nonresidential primary use of the site, where needed for security, or twenty-four-hour care or supervision.

4. “Carport” means an accessory building to a residential structure, open on two, three or four sides and attached to, or detached from, a dwelling and established for the loading or unloading of passengers or the storage of an automobile.

5. “Car wash” means a commercial facility for the washing, waxing, or cleaning of automobiles or similar light vehicles

65. “Coastal zone” means the area of land and water extending from the state’s outer seaward limit of jurisdiction inland to the boundary as shown in Capitola’s local coastal program (LCP) as certified by the California Coastal Commission.

76. “Colleges and trade schools” means institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.

87. “Community assembly” means a facility that provides space for public or private meetings or gatherings. Includes places of worship, community centers, meeting space for clubs and other membership organizations, social halls, union halls, banquet centers, and other similar facilities.

98. “Community benefit” means a public amenity offered by a project applicant that advances general plan goals but is not required by the zoning code or any other provision of local, state, or federal law.

109. “Commercial entertainment and recreation” means an establishment that provides entertainment or recreation activities or services for a fee or admission charge. Includes bowling alleys, electronic game arcades, billiard halls, pool halls, sports clubs, commercial gymnasiums, dancehalls, and movie theaters.

110. “Community development director” means the community development director of the city of Capitola or his or her designee.

121. “Construction and material yards” means storage of construction materials or equipment on a site other than a construction site. Includes public utility buildings and service yards used by a governmental agency.

132. “Cultural institution” means a public or nonprofit institution that engages in cultural, scientific, and/or educational enrichment. Includes libraries, museums, performing art centers, aquariums, environmental education centers, nonprofit art centers and galleries, botanical gardens, and other similar uses.

143. “Curb-side service” or “drive-up service” means service provided by a commercial establishment while a customer remains waiting within a vehicle.

154. Custom Manufacturing. See “Manufacturing, custom.”

D. “D” Terms.

1. “Dark sky compliant” means a lighting fixture that meets the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light.

2. “Day care center” means a facility that provides nonmedical care and supervision of minors for periods of less than twenty-four hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and similar uses.

3. “Daylight plane” means the imaginary line beginning at a height of twenty feet at the setback from a property line and extending into the parcel at an angle of forty-five degrees.
4. “Deck” means an outdoor platform, either freestanding or attached to a building, which is supported by pillars or posts.
5. Demolition, Substantial. “Substantial demolition” means the removal or replacement of either fifty percent or more of the lineal footage of existing interior and exterior walls or fifty percent or more of the area of existing floor, ceilings, and roof structures.
6. “Density” means the number of dwelling units per acre of land, excluding street rights-of-way, public easements, public open space, land under water, and certified wetlands and floodplains.
7. “Design review” means that process for the city to review and act on a design permit application.
8. Designated Historic Resource. See Section 17.84.020(A) (Designated Historic Resources).
9. “Development” means any human-caused change to the land or a structure that requires a permit or approval from the city, including construction, rehabilitation, and reconstruction. See Section 17.44.030 for the definition of “development” that applies in the coastal zone.
10. “Development standards” means regulations in the zoning code that limit the size, bulk, or placement of structures or other improvements and modifications to a site.
11. “Discretionary approval” means an action by the city by which individual judgment is used as a basis to approve or deny a proposed project.
12. “Drive-through facility” means a facility where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle. Includes drive-through restaurants, coffee shops, pharmacies, banks, automatic car washes, drive-up windows, and other similar land uses and services.
13. “Duplex home” means a residential structure that contains two dwelling units, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
14. “Dwelling unit” means a building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.

E. “E” Terms.

1. “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.
 - a. “Bars and lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses. Also includes tasting rooms with more than 160 square feet of floor area accessible to the public.
 - b. “Restaurants and cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full service restaurants, fast-food restaurants, coffee shops, cafes, and other similar eating and drinking establishments.
 - c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a

storefront retail component and tasting rooms with 160 square feet or less of floor area accessible to the public.

2. “Elderly and long-term care” means establishments that provide twenty-four-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and are licensed as a skilled nursing facility by the state of California, including but not limited to rest homes and convalescent hospitals, but not residential care, hospitals, or clinics.

3. “Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, as defined in Section 50801 of the California Health and Safety Code.

F. “F” Terms.

1. “Farmers’ market” means a market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items but excludes second-hand goods. Food and beverages dispensed from booths located on site is permitted as an accessory use.

2. “Financial institution” means a professional office conducting businesses within the financial industry. Excludes commercial establishments providing retail banking services to walk-in customers or clients (see “Banks”).

3. “Fence” means a structure connected by boards, masonry, rails, panels, or other similar permanent building material for the purpose of enclosing space or separating parcels of land. This definition includes gates but excludes hedges and other living plants.

4. “Floor area” means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls as described in Section 17.48.040 (Floor area and floor area ratio).

5. “Floor area ratio” means the gross floor area of all of the buildings on the parcel divided by the net parcel area.

6. “Food preparation” means businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Includes catering kitchens, and small-scale specialty food production.

7. “Frontage” means that portion of all property abutting a street.

G. “G” Terms.

1. “Garage” means an enclosed structure or a part of a building designed or used for the storage of automobiles and other motor vehicles.

2. “Garage sale” means a temporary sale for the purpose of selling, trading or otherwise disposing of household furnishings, personal goods or other tangible properties of a resident of the premises on which the sale is conducted.

3. “Gas and service stations” means a retail business establishment supplying gasoline and oil and minor accessories for automobiles. Included in this definition are incidental food and beverage and car wash facilities.

4. “Group housing” means shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes rooming and boarding houses, single-room occupancy housing, dormitories, and other types of organizational housing, and extended stay hotels intended for long-term occupancy (thirty days or more). Excludes hotels, motels, bed and breakfasts, and residential care facilities.

5. “Geological hazard” means a threat to life, property or public safety caused by geological or hydrological

processes such as faulting and secondary seismic effects, including but not limited to: liquefaction, landsliding, erosion, flooding, tsunami or storm wave inundation.

6. “Government offices” means a place of employment occupied by governmental agencies and their employees. Includes offices for administrative, clerical, and public contact functions but excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

7. “Grading” means any and all activities involving earthwork, including placement of fill and/or excavation.

8. “Ground floor” means the first floor of a building other than a cellar or basement that is closest to finished grade.

H. “H” Terms.

1. “Habitable space” means an area within a building that is conditioned (heated or cooled) with a finished floor and a ceiling height of at least seven feet six inches. Excludes unfinished attics, cellars, crawl spaces, and other similar utility areas.

2. Height. See “Building height.” For structures other than buildings, “height” means the vertical distance from grade to the highest point of the structure directly above.

3. “Home day care” means a facility providing daytime supervision and care for up to 14 adults, children, or elderly located in the provider’s own home. Includes both small and large home day care facilities as defined in the California Health and Safety Code Sections 1597.44 and 1597.465

~~a. “Home day care facilities, large” means a day care home facility supervising nine to fourteen persons.~~

~~b. “Home day care facilities, small” means a day care home facility supervising eight persons or less.~~

4. “Historic resource” means either a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources).

5. “Historic alteration permit” means the city permit required to alter the exterior of a historic resource in accordance with Section 17.84.070 (Historic alteration permit).

6. “Home occupation” means the conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.

I. “I” Terms.

1. “Impervious surface” means any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces.

J. “J” Terms. None.

K. “K” Terms.

1. “Kitchen” means any room or part of a room used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit, and distinct from a “mini-bar/convenience area” which is intended as a supplemental food preparation area within a single-family home.

L. “L” Terms.

1. “Land use” means an activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied, or maintained. The meaning of the term “use” is identical to “land use.”

2. “Landscaping” means the planting and maintenance of living plant material, including the installation, use,

and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

3. “Liquor store” means a business selling alcoholic beverages for off-site consumption with the sale of alcoholic beverages constituting its primary source of revenue.

4. “Local coastal program (LCP)” means the city’s land use plan and implementation plan which includes portions of the municipal code, portions of the zoning code, zoning map (as more specifically identified in Chapter 17.44 (Coastal Overlay Zone) and actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

5. Light Manufacturing. See “Manufacturing, light.”

6. “Lodging” means an establishment providing overnight accommodations to transient patrons for payment for periods of less than thirty consecutive days.

a. “Bed and breakfast” means a residential structure that is in residential use with one or more bedrooms rented for overnight lodging and where meals may be provided.

b. “Hotel” means an establishment providing overnight lodging to transient patrons. Hotels and motels may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. Includes motor lodges, motels, extended-stay hotels, and tourist courts, but does not include group housing or bed and breakfast establishments, which are separately defined and regulated.

7. Lot. See “Parcel.”

M. “M” Terms.

1. “Maintenance and repair services” means businesses which provide construction, maintenance and repair services off site, but which store equipment and materials or perform fabrication or similar work on site. Includes off-site plumbing shops, general contractors, contractor’s storage yards, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping, septic tank service, and other similar uses.

2. “Manufacturing, custom” means establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers.

3. “Manufacturing, light” means the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

4. “Material change” means any significant alteration, by private or public action, in the external appearance or surface of an improvement, landscape or vista. This shall not include ordinary maintenance which does not require a permit.

5. “Ministerial action” means a city decision on a planning permit which involves only the use of fixed standards or objective measurements and does not require the exercise of discretion.

6. “Mini-bar/convenience area” means a supplemental food preparation area within a single-family home subject to the standards in Section 17.16.030(B)(9) (Mini-Bar/Convenience Areas).

7. “Medical offices and clinics” means a facility where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, and optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics

offered exclusively on an out-patient basis. Hospitals are excluded from this definition.

8. “Mixed use” means two or more different land uses located in one structure or on one parcel or development site.

9. “Mobile food vendors” means businesses selling food or drinks from temporary and semi-permanent structures or mobile equipment such as food trucks or pushcarts.

10. Mobile Home Park. See Section 17.100.030 (Definitions).

11. “Modification” means any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

12. “Multifamily dwelling” means a building that contains three or more dwelling units, with each unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

N. “N” Terms.

1. “Nonconforming parcel” means a parcel that was lawfully established but that no longer conforms with the parcel size or dimension standards of the zoning district in which it is located.

2. “Nonconforming structure” means a structure which does not meet the current development standards for the district in which the structure is located. Development standards include, but are not limited to, setbacks, height or lot coverage regulations of the zoning district, but do not include standards contained in the uniform codes, such as the building code.

3. “Nonconforming use” means a use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the zoning district in which it is located.

O. “O” Terms.

1. “Open space, private” means open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

2. “Open space, common” means areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit.

3. “Outdoor kitchen” means an outdoor space used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit subject to the standards in Section 17.16.030.B.10. Outdoor pizza ovens are included in the definition of an outdoor kitchen.

3. “Overlay zone” means an additional zoning district as shown on the zoning map that prescribes special regulations to a parcel in combination with the base zoning district.

P. “P” Terms.

1. “Parcel” means a lot, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the county of Santa Cruz, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. The meaning of “lot” is identical to “parcel.”

2. Parcel Area, Gross. “Gross parcel area” means the total horizontal area included within the parcel lines of the parcel, including one-half the width of any alley or portion thereof abutting a parcel line.

3. Parcel Area, Net. “Net parcel area” means the gross parcel area excluding: (a) any recorded easements to

allow others to use the surface of the property for necessary access to an adjacent property or other similar use such as a shared driveway or public access agreement (excludes utility easements), and (b) any area under the high water mark that extends into a waterway.

4. Parcel, Corner. “Corner parcel” means a parcel situated at the junction of two or more intersecting streets, with a parcel line bordering on each of the two or more streets.

5. “Parcel depth” means the average distance from the front parcel line to the rear parcel line, measured in the general direction of the side parcel lines.

6. “Parcel line” means the lines bounding a parcel.

7. Parcel Line, Front. “Front parcel line” means that dimension of a parcel or portion of a parcel, abutting on a street except the side of a corner parcel. On a corner parcel the narrowest street frontage is considered the front parcel line. The community development director ~~may designate the front parcel line for irregularly shaped parcels with unusual development patterns~~ has the authority to determine and designate the front parcel line based on existing conditions and function of the lot.

8. Parcel Line, Rear. “Rear parcel line” means, ordinarily, the line of a parcel which is generally opposite the front parcel line of said parcel. The community development director has the authority to determine and designate the front parcel line based on existing conditions and function of the lot. ~~may designate the rear parcel line for irregularly shaped parcels with unusual development patterns.~~

9. Parcel Line, Interior Side. “Interior side parcel line” means any boundary line not a front line or a rear line shared with another parcel.

10. Parcel Line, Exterior Side. “Exterior side parcel line” means any boundary line not a front line or a rear line adjacent to a street.

11. Parcel, Reversed Corner. “Reversed corner parcel” means a corner parcel, the side street line of which is substantially a continuation of the front line of the parcel upon which it rears.

12. “Parcel width” means the average distance between the side parcel lines, measured at right angles to the parcel depth.

13. “Parking lot” means an open area of land, a yard or other open space on a parcel other than a street or alley, used for or designed for temporary parking for more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

14. “Parking space” means land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used for temporary parking or storage of standard motor vehicles.

15. “Parks and recreational facilities” means noncommercial public facilities that provide open space and/or recreational opportunities. Includes parks, community gardens, community centers, passive and active open space, wildlife preserves, playing fields, tennis courts, swimming pools, gymnasiums, and other similar facilities.

16. “Pergola” means an unenclosed structure with vertical posts or pillars that supports cross beams and/or an open lattice. A pergola may be freestanding or attached to a building.

16. “Personal services” means an establishment that provides services to individuals and that may provide accessory retail sales of products related to the services provided. Includes barber shops and beauty salons, nail salons, dry cleaning establishments, self-service laundromats, tailors, tanning salons, state-licensed massage therapists, fitness studios, yoga studios, dance studios, pet grooming services, veterinary clinics, and other similar land uses. Also includes establishments that primarily offer specialized classes in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This does not include professional offices that offer classes in addition to the professional office spaces.

17. “Planning permit” means any permit or approval required by the zoning code authorizing an applicant to undertake certain land use activities.

18. Potential Historic Resource. See Section 17.84.020(B) (Potential Historic Resource).

19. “Primary use” means the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

20. “Primary structure” means a structure that accommodates the primary use of the site.

21. “Professional office” means a place of employment occupied by businesses providing professional, executive, management, or administrative services. Includes offices for accountants, architects, advertising agencies, insurance agents, attorneys, commercial art and design services, nonretail financial institutions, real estate agents, news services, photographers, engineers, employment agencies, and other similar professions. Also includes research and development facilities that engage in research, testing, and development of commercial products or services in technology-intensive fields.

22. “Public safety facility” means a facility operated by a governmental agency for the purpose of protecting public safety. Includes fire stations and other fire-fighting facilities, police stations, public ambulance dispatch facilities, and other similar land uses.

Q. “Q” Terms. None.

R. “R” Terms.

1. “Recreational vehicle (RV)” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

- a. Contains less than three hundred twenty square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
- b. Contains four hundred square feet or less of gross area measured at maximum horizontal projections;
- c. Is built on a single chassis; and
- d. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

2. “Recycling collection facility” means a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

3. “Remodel” means a change or alteration in a building that does not increase the building’s net square footage.

4. “Residential care facility” means a state-licensed residential facility providing social and personal care for residents. Includes children’s homes, homes for the elderly, orphanages, self-help group homes, and transitional housing for the homeless. Excludes facilities where medical care is a core service provided to residents, such as nursing and convalescent homes.

- a. “Residential care facility, large” means a residential care facility for seven or more persons.
- b. “Residential care facility, small” means a residential care facility for six or fewer persons.

5. “Residential mixed use” means one or more structures on a single parcel that contains both dwelling units and nonresidential uses such as retail, restaurants, offices, or other commercial uses. Different land uses may be within a single structure (vertical mixed use) or in separate structures on a single parcel (horizontal mixed use).

6. “Residential use” means any legal use of a property as a place of residence, including but not limited to dwelling units, group housing, and the residential component of a mixed-use residential building.

76. “Retail” means stores and shops selling merchandise to the general public. Includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, grocery stores and other similar retail establishments.

87. “Review authority” means the city official or city body that is responsible, under the provisions of the zoning code, for approving or denying a permit application or other request for official city approval.

9. “Roof deck” means a walkable exterior floor system located above and supported by the roof of a building.

S. “S” Terms.

1. “Salvage and wrecking” means storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

2. “Schools, public or private” means public or private facilities for education, including elementary, junior high, and high schools, providing instruction and study required in public schools by the California Education Code.

3. “Setback” means the minimum allowable distance from a given point or line of reference such as a property line to the nearest vertical wall or other element of a building or structure as defined in this chapter, or from a natural feature such as a bluff edge or an environmentally sensitive habitat area. Setbacks for buildings or structures shall be measured at right angles from the nearest property line establishing a setback area line parallel to that parcel line. Where a property line is located within a street, the setback shall be measured from the edge of the right-of-way containing the street.

4. Sign. See Chapter 17.80 (Signs).

5. “Single-family dwelling” means a residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

6. “Single-room occupancy” means housing consisting of a single-room dwelling unit that is the primary residence of its occupants. A single-room occupancy must include either food preparation or sanitary facilities (or both) and must be four hundred square feet or less.

7. “Site” means a parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.

8. “Site area” means the total area included within the boundaries of a site.

9. “Self-storage” means a structure or group of structures with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers’ goods.

10. “Split zoning” means a parcel on which two or more zoning districts apply due to zoning district boundaries crossing or otherwise not following the parcel boundaries.

11. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade as defined in this chapter for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined in this chapter at any point, such basement, cellar or unused under-floor space shall be considered as a story.

12. Story, Half. “Half story” means a partial story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls and which are not more than four feet above the floor plate of the second floor, and may include shed or dormer projections from those walls. Dormers may constitute not more than one-third of the length of the wall upon which they are located, whether as a single unit or multiple dormers.

13. “Street” means a public way more than twenty feet in width which affords a primary or principal means of access to abutting property. “Streets” includes private roads and highways.

14. “Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof rafters, or change in roof exterior lines which would prolong the life of the supporting members of a building.

15. “Structure” means anything constructed or erected that requires attachment to the ground, or attachment to something located on the ground. Pipelines, poles, wires, and similar installations erected or installed by public utility districts or companies are not included in the definition of “structure.” In the coastal zone, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

T. “T” Terms.

1. “Tandem parking” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

2. “Tasting Room” means a room or rooms, open to the general public, primarily used for the retail marketing of winery, brewery, distillery, and/or food products

2. “Temporary structure” means a structure that is erected for a limited period of time, typically no longer than one hundred eighty days, and that does not permanently alter the character or physical facilities of a property.

3. “Temporary use” means a short-term activity that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time, typically less than twelve months and does not permanently alter the character or physical facilities of a property.

4. “Trellis” means a structure made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal made to support and display climbing plants. A trellis may be freestanding or attached to a building wall or other structure.

U. “U” Terms.

1. “Upper floor” means any story of a building above the ground floor.

2. “Urban agriculture” means activities involving the raising, cultivation, processing, marketing, and distribution of food in urban areas.

a. “Home garden” means the property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.

b. “Community garden” means privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

c. “Urban farm” means privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by an individual, organization, or business with the primary purpose of growing food for sale.

3. Use. See “Land use.”

4. "Utilities, major" means generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

5. "Utilities, minor" means infrastructure facilities that are necessary to serve development within the immediate vicinity such as electrical distribution lines and underground water and sewer lines.

V. "V" Terms.

1. "Vacation rental" means the occupancy for hire of residential property or a portion thereof for a period of less than thirty consecutive calendar days. See Section 17.40.030 (Vacation rental use (-VRU) overlay zone). "For hire," for purposes of this section, does not include:

a. The owner or long-term lessee of the property, without consideration, allowing family or friends to use the property;

b. An arrangement whereby the owner or long-term lessee of the property agrees to a short-term trade with another property owner or long-term lessee whereby the sole consideration is each concurrently using the other's property.

2. "Valet parking service" means a parking service provided to accommodate patrons of one or more businesses that is accessory and incidental to the business and by which an attendant on behalf of the business takes temporary custody of a patron's motor vehicle and moves, parks, stores or retrieves the vehicle for the patron's convenience.

3. "Vehicle repair" means an establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Repair shops that are incidental to a vehicle sales or rental establishment on the same site are excluded from this definition.

4. "Vehicle sales and rental" means an establishment for the retail sales or rental of new or used vehicles. Includes the sale of vehicle parts and vehicle repair; provided, that these activities are incidental to the sale of vehicles.

5. "Vehicle sales display room" means an establishment for the retail sales of new vehicles conducted entirely within an enclosed building. Outdoor storage and display of vehicles are not permitted.

W. "W" Terms.

1. "Wall" means a permanent upright linear structure made of stone, concrete, masonry, or other similar material.

2. "Warehousing and distribution" means an establishment used primarily for the storage and/or distributing of goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. Includes vehicle storage, moving services, general delivery services, refrigerated locker storage facilities, and other similar land uses.

3. "Wholesaling" means indoor storage and sale of goods to other firms for resale. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. Wholesalers normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

4. "Wireless communications facility" means a facility that transmits or receives electromagnetic signals for the purpose of transmitting voice or data communications. See Chapter 17.104 (Wireless Communications Facilities).

X. "X" Terms. None.

Y. "Y" Terms.

1. "Yard" means an open space, other than a court, on the same parcel with a building, unoccupied and unobstructed from the ground upward, except for such encroachments allowed by the zoning code.
2. Yard, Front. "Front yard" means a yard extending across the full width of the parcel, the depth of which is the minimum horizontal distance between the front line of the parcel and the nearest line of the main building or enclosed or covered porch. On a corner parcel the front line of the parcel is ordinarily construed as the least dimension of the parcel fronting on a street.
3. Yard, Rear. "Rear yard" means a yard extending across the full width of the parcel, and measured between the rear line of the main building or enclosed or covered porch nearest the rear line of the parcel; the depth of the required rear yard shall be measured horizontally.
4. Yard, Side. "Side yard" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the parcel and the nearest part of the main building or enclosed or covered porch.

GUIDE

Electric Vehicle Infrastructure Requirements in CALGreen Building Code

Item 3 A.

DEVELOPERS, PROPERTY OWNERS, AND PROPERTY MANAGERS



This guide was developed as part of the City of Sacramento's ongoing efforts to increase electric vehicle (EV) adoption, improve access to chargers, and implement goals set forth in the City's [EV Strategy](#). The 2019 California Green Building Standards Code ("CALGreen", Title 24, Part 11) requires that new construction and major alterations include adding "EV Capable" parking spaces which have electrical panel capacity, a dedicated branch circuit and a raceway to the EV parking spot to support future installation of charging stations.

All new construction and qualifying additions or alterations must comply with CALGreen. The 2019 CALGreen codes become effective on January 1, 2020 and requires the following:

Residential (Single-Family, Townhomes, & Duplexes)

- All new construction must be EV capable. Each dwelling unit must have a listed raceway to accommodate a dedicated 208/40-volt branch circuit.
- Accessory dwelling units without additional parking do not need to comply with EV charging requirements for new construction (e.g., guest houses).

Source: <https://codes.iccsafe.org/content/CAGBSC2019>
 Residential Mandatory Measures: Chapter 4.106.4
 Residential Voluntary Measures (Tiers 1 & 2): Appendix A4.106.8
 Nonresidential Mandatory Measures: Chapter 5.106.5.3
 Nonresidential Voluntary Measures (Tiers 1 & 2): Appendix A5.106.5.3
 Definitions and requirements for alterations & mixed-use buildings:
 Chapter 3, Sections 301 & 302

Multifamily Dwellings

Required Percent of Total Parking Spaces to be "EV Capable"	Optional Tier 1 Percent of Total Parking Spaces to be "EV Capable"	Optional Tier 2 Percent of Total Parking Spaces to be "EV Capable"
10%	15%	20%

- If guest parking is available, at least one "EV Capable" space must be for guest parking.

Hotels & Motels

"EV Capable" spaces are required based on the total number of parking spaces at all types of parking facilities (e.g., garages, flat lots, valet).

Nonresidential

Total Number of Parking Spaces	Required Number of Parking Spaces to be "EV Capable"	Optional Tier 1 Number of Parking Spaces to be "EV Capable"	Optional Tier 2 Number of Parking Spaces to be "EV Capable"
0-9	0	1	1
10-25	1	2	2
26-50	2	3	4
51-75	4	5	6
76-100	5	7	9
101-150	7	10	12
151-200	10	14	17
201	6% of total	8% of total	10% of total

Mixed-Use

The code provides a formula to calculate the required number of "EV Capable" parking spaces based on residential and nonresidential units.

What Are the Different EV Compliance Levels?



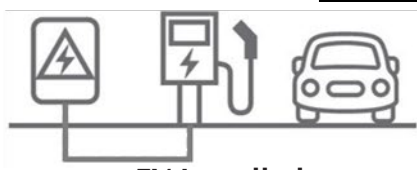
EV Capable

Installation of "raceway" (the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage) and adequate panel capacity to accommodate future installation of a dedicated branch circuit and charging station(s).



EV Ready

EV Capable plus installation of dedicated branch circuit(s) (electrical pre-wiring), circuit breakers, and other electrical components, including a receptacle (240-volt outlet) or blank cover needed to support future installation of one or more charging stations.



EV Installed

EV Ready plus installation of a minimum number of Level 2 electric vehicle supply equipment (EV chargers)

Charging Equipment Types

Chargers are identified by their input voltage and designed and sold by many manufacturers with different prices, applications and functionality. There are three categories of EV chargers:

LEVEL 1	LEVEL 2	DC FAST CHARGE
<p>3 to 5 miles of range per hour 7 to 24 hours for a full charge</p>	<p>~3-19kw and 16-40 amps 10 to 20 miles of range per hour 4 to 6 hours for a full charge</p>	<p>50-60kw and 100+ amps 80% charge in 20 to 40 minutes 60 minutes for a full charge</p>

Estimated Installation Costs

The following examples depict typical cost ranges for installation of L2 chargers, based on common equipment and installation costs in 2019.

Electric Vehicle Supply Equipment (EVSE, or "EV charger")

EVSE Support	Technical Components	Average Installation Cost	Average EVSE Unit Cost	Average Total Cost
EV Capable (mandatory)	Raceway, Circuit	\$800	N/A	\$800
EV-Ready Outlet	Raceway, Circuit, Wiring, Outlet	\$1,100	N/A	\$1,100
EV-Installed	Raceway, Circuit, Wiring, L2 EVSE	\$3,000	\$3,000	\$6,000

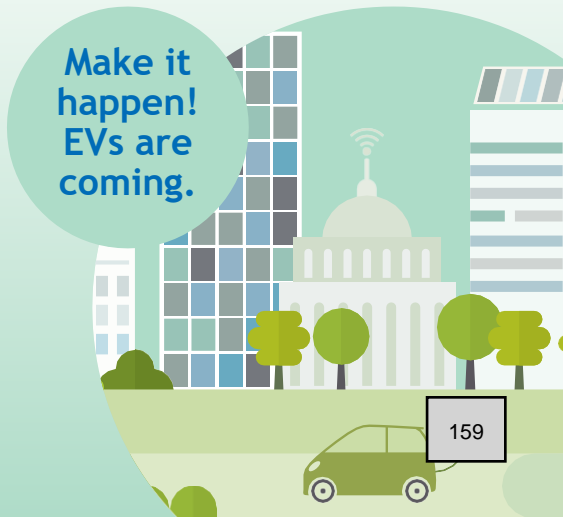
Parking Lot

Required EV Parking Spots	EV Capable (Mandatory)	EV-Ready	EV-Installed
1	\$800	\$1,100	\$6,000
4	\$3,200	\$4,400	\$24,000
6	\$4,800	\$6,600	\$36,000
8	\$6,400	\$8,800	\$48,000

Estimates for hardware and equipment based on industry input and do not include costs for permitting.

Incentives & Rebate Programs

Sacramento property owners may be eligible for rebates and incentives from SMUD and the State of California. In addition, low and no-cost financing might be available. cityofsacramento.org/ev



Capitola Planning Commission

Agenda Report

Meeting: October 20, 2022

From: Community Development Department

Address: 3720 Capitola Road & 1610 Bulb Avenue



Permit Number: #22-0149

APN: 034-18-114 and 031-12-139

Conceptual Review for (1) future annexation of 1610 Bulb Avenue into Capitola City limit and (2) Community Benefit Application for Senior Living facility at 3720 Capitola Road and 1610 Bulb Avenue in the Community Commercial (CC) Zoning District.

Environmental Determination: To be determined

Property Owner: Zurite LLC and Capitola Land Ventures LLC

Representative: Zurite LLC and Capitola Land Ventures LLC

Applicant Proposal: The applicant is seeking feedback on a conceptual review for (1) future annexation of 1610 Bulb Avenue into the Capitola city limits and (2) future Community Benefit Application for a Senior Living facility on 3720 Capitola Road and 1610 Bulb Avenue. The property at 3720 Capitola Road is located within the Community Commercial (C-C) zoning district. The applicant is proposing an 80-unit assisted living facility with integrated memory care within the approximate 70,000 square-foot, four-story building.

Background: On July 6, 2022, the city received a complete application for conceptual review. The plans were then sent to RRM Design for architectural review of the proposed assisted living facility.

On July 26, 2022, the city received the Design Review memo from RRM Design (Attachment 2).

The Conceptual Review was originally scheduled for the October 6, 2022, Planning Commission meeting. Due to technical issues, the item was continued. Following the hearing, staff re-noticed the application for the special meeting on October 20, 2022.

Discussion: The conceptual review application is for an 80-unit assisted living facility with integrated memory care at 3720 Capitola Road and 1610 Bulb Avenue. The property at 1610 Bulb Avenue is located within the County of Santa Cruz and is currently zoned residential. The purpose of the conceptual review is for the applicant to receive feedback from the City related to the proposed (1) future annexation of 1610 Bulb Avenue into the Capitola city limits and (2) future Community Benefit Application for a Senior Living facility, on the two properties.

In accordance with Chapter 17.88: Incentives for Community Benefits, the applicant is seeking an increase to the maximum floor area ratio (FAR) and height standards in exchange for the community benefit of a senior assisted living facility. The applicant is seeking an increase in the FAR from 2.0 to 2.5 and an increase in height from 35 feet to 53 feet. All incentives for community benefit applications require conceptual review prior to official entitlement application.

The conceptual review plans are defined enough to provide the City with a broad understanding of the intent of the use and future site planning, but lacks many of the details of a complete formal application. A future submittal for entitlements shall require a survey, landscape plans, complete elevations, CEQA

compliance, stormwater, third party reports, and more. It should also be noted that the application does not comply with all development standards and objective standards of the code, which will be required for an official entitlement application. Attachment 2 is a table which included the development standards for the Community Commercial zoning district relative to the proposed project.

Incentives for Community Benefits: Pursuant to Chapter 17.88: Incentives for Community Benefits, the applicant is seeking an increase to the maximum floor area ratio (FAR) and height standards in exchange for the community benefit of a senior assisted living facility. The applicant is seeking an increase in the maximum FAR from 2.0 to 2.5 and an increase in maximum height from 35 feet to 53 feet.

All incentives for community benefit applications require conceptual review by Planning Commission and City Council in which the applicant receives nonbinding input as to whether the request for incentives is worthy of consideration (17.88.070.B). The current application is to fulfill the conceptual review requirement, as well as receive a recommendation from Planning Commission on the proposed annexation of 1610 Bulb Avenue into Capitola city limits.

The purpose of Chapter 17.88 Incentives for Community Benefits is to establish incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community. These incentives are intended to facilitate the redevelopment of underutilized properties consistent with the vision for the 41st Avenue corridor as described in the general plan. The city may grant incentives only when the community benefits or amenities are offered that are not required. A community benefit must significantly advance general plan or incorporate a project feature that substantially exceeds the city’s minimum requirements.

Properties located in the Community Commercial zoning district that front Capitola Road between Clares Street and 42nd Avenue are eligible for incentives. Chapter 17.88 lists ten eligible project types that are considered Community Benefits, including but not limited to public open space, public infrastructure, pedestrian and bicycle facilities, low-cost visitor serving amenities, child care facilities, and more. The list does not include assisted living facilities; however, it allows a broader review for “other community benefits not listed, as proposed by the applicant that are significant and beyond normal requirements”. The applicant is seeking feedback on whether or not the proposed 80 unit assisted living facility would qualify as a public benefit under the “other community benefits” standard.

Pursuant to 17.88.080, the city council may approve the requested incentives for eligible projects only if all of the following underlined findings can be made in addition to the findings required for any other discretionary permit required by the zoning code:

- 1. The proposed amenities will provide a substantial benefit to the community and advance the goals of the general plan.

Staff Analysis: The General Plan Housing Element highlights elderly households as a special needs group that are of important concern in Capitola. The elderly maintain special needs related to housing construction, often requiring ramps, handrails, lower cupboards, and counters to allow for greater access and mobility. Fifteen percent of Capitola’s residents are 65 years of age or older (1,539 residents).

The following goals and policies are from the Capitola General Plan Housing Element and in support of senior assisted living facilities:

Goal 3.0 Housing for Persons with Special Needs Accessible housing and appropriate supportive services that provide equal housing opportunities for special needs populations Capitola is home to people with special housing needs due to income, family characteristics, disabilities, or other issues. These groups include, but are not limited to seniors, families with children, people with disabilities, single parent families, and people who are homeless or at risk of becoming homeless. Capitola is dedicated to furthering a socially and economically integrated community and therefore is committed

to providing a continuum of housing and supportive services to help address the diverse needs of its residents.

Policy 3.1: Encourage the accessibility and utilization of universal design principals in new housing construction as well as through conversion of existing housing to create environments that can be used by all people.

Policy 3.3: Support and facilitate programs that address the housing needs of special needs groups including the elderly population, homeless persons, female-headed households, extremely low-income households, and persons with disabilities, including developmental disabilities.

Policy 3.5: Support the development of accessible and affordable senior rental housing readily accessible to support services; provide assistance for seniors to maintain and improve their homes.

Policy 3.6: Support the development of accessible and affordable housing that is designed to serve all ages.

Policy 3.8: Encourage the integration of special needs housing in residential environments, readily accessible to public transit, shopping, public amenities, and supportive services.

Policy 3.9: Encourage the provision of supportive services for persons with special needs to further the greatest level of independence and equal housing opportunities.

Policy 3.10: Investigate and encourage the development of a variety of housing options for seniors including Congregate Housing, Continuing Care Retirement Communities (CCRCs), Assisted Living, Mobile Home Parks, co-housing, secondary dwelling units and Independent Living.

2. There are adequate public services and infrastructure to accommodate the increased development potential provided by the incentive.

Staff Analysis: The site is serviced by Santa of Cruz Water Department and County of Santa Cruz Sanitation. Both entities provided will-serve letters noting that adequate public services and infrastructure are available to accommodate the 80 unit assisted living facility.

3. The public benefit exceeds the minimum requirements of the zoning code or any other provisions of local, state, or federal law.

Staff Analysis: Assisted living facilities are not a requirement of the zoning code or local, state, or federal law. The facilities provide the public benefit of additional housing opportunities for residents in need of ongoing care. Since there is no requirement for assisted living and it is a community benefit, the proposed public benefit exceeds minimum requirements.

4. The project minimizes adverse impacts to neighboring properties to the greatest extent possible.

Staff Analysis: The proposed assisted living facility is sited with the structure located along the Capitola Road frontage and the parking area behind the building on the 1610 Bulb Avenue lot. The project complies with all setback requirements of the Community Commercial zone. Along the front and street side property line the building is at least fifteen feet from the curb or street edge and the building placement allows for a minimum ten-foot sidewalk along the property frontage. The C-C zone has a no setback requirement for interior sides or rear yards, unless adjacent to a residential zoning district. The building is proposed with no setback on the interior side yard, which is adjacent to the commercial zone and currently home to Pono Hawaiian Kitchen and Tap. The structure is setback 85 feet from the proposed rear property line which is adjacent to residential at 1574 Bulb Avenue.

To ensure the project minimizes adverse impacts to neighboring properties, Building Official Robin Woodman suggests the structure be setback from east property line, where no setback is currently proposed. There are twenty-two (22) residential rooms with windows proposed on the setback. This design could have impacts on the future redevelopment of the adjacent property. The building should either be redesigned to eliminate windows on the property line or to have an adequate setback for the residential rooms. The conceptual design has not been reviewed by the Fire Marshall. Staff anticipates additional concern from Central Fire regarding access to the bedrooms relative to no setback.

5. If in the coastal zone and subject to a coastal development permit, the project enhances coastal resources.

Staff Analysis: The property is not located in the Coastal Zone.

Design Review: The primary focus of conceptual review application is to first determine whether the assisted living facility qualifies as a public benefit and whether or not the City will support an annexation of 1610 Bulb Avenue. The applicant also chose to initiate early design comments to have the ability to work on design revisions while the annexation is processed.

New multi-family residential structures require a Design Permit pursuant to §17.120.030 and compliance with the Objective Design Standard for Multifamily pursuant to §17.82.040 – 17.82.090. The design permit process ensures high quality design, harmony with existing community character, and minimized impacts to surrounding land uses. All design permit applications require review by city staff and city contracted design professionals including a landscape architect and architect.

The City has contracted with architecture/landscape architecture firm RRM Design Group to provide comprehensive peer review of the assisted living facility. RRM reviewed the application relative to the Design Permit Criteria and the Objective Standards. RRM provided indepth analysis and a summary list of items to be further address in future revisions (Attachment 5). If there is support for the proposed use and annexation, the applicant would also like initial design feedback on the concept as submitted.

Staff Recommendation: Provide the applicant with feedback on the concept for a future annexation and incentive for community benefit. If there is general support for the concept, also provide preliminary design feedback for the proposed site planning and architecture.

Attachments

1. Conceptual Plan
2. Development Standards Table
3. RRM Design Review Memo

Capitola Senior Living Zurite, LLC

SITE DATA

PROJECT ADDRESS: LOT 1: 3720 CAPITOLA ROAD CAPITOLA CA 95010
LOT 2: 1610 BULB AVENUE, SANTA CRUZ CA 95062
and

APN: LOT 1: 034-181-14
LOT 2: 035-121-39

ZONING: LOT 1: COMMUNITY COMMERCIAL (C-C)
LOT 2: NONE - UNINCORPORATED PARCEL

GENERAL PLAN: LOT 1: R-UL (URBAN LOW RESIDENTIAL)
LOT 2: NONE - UNINCORPORATED PARCEL

TOTAL SITE AREA: LOT 1= 27109.80 SF
LOT 2= 13416.48 SF

BUILDING HEIGHT: ALLOWED: 35'
PROPOSED: 50' WITH APPROVED INCENTIVES
+ 3' for non-habitable decorative features

F.A.R.: ALLOWABLE: 2.0 WITH APPROVED INCENTIVES
PROPOSED: 2.5

TOTAL UNITS: 80 UNITS
27 MEMORY CARE UNITS
53 ASSISTED LIVING UNITS

SHEET INDEX

T Title
A1 Architectural Site Plan
A2 First Floor Plan
A3 Second Floor Plan
A4 Third Floor Plan (Fourth Floor Similar)
A5 Exterior Elevations
A6 3D Views



PROJECT DATA

Gross Area Calc's	Area (SF)
GROSS - 1ST	17,734
GROSS - 2ND	17,058
GROSS - 3RD	17,025
GROSS - 4TH	17,011
	68,778 sq ft

UNIT MIX	AL=Assisted Living	MC=Memory Care			Total (SF)
Unit Name	Unit Type	Beds	Qty	Area (SF)	
AL					
AL-0A	ASSISTED LIVING - STUDIO	1	6	415	2,490
AL-0B	ASSISTED LIVING - STUDIO	1	6	419	2,508
AL-0C	ASSISTED LIVING - STUDIO	1	2	485	970
AL-1A	ASSISTED LIVING - 1 BED	1	32	538	17,216
AL-1B	ASSISTED LIVING - 1 BED	1	4	597	2,388
AL-2	ASSISTED LIVING - 2 BED	2	3	794	2,382
		56	53		27,954 sq ft
MC					
MC-1A	MEMORY CARE - 1 BED	1	2	417	834
MC-1B	MEMORY CARE - 1 BED	1	25	357	8,925
		27	27		9,759 sq ft
		83	80		37,713 sq ft

PARKING: PER CMC 17.160.030 TABLE 17.76-2
 REQUIRED: 5 SPACE/BED + 1 SPACE/200 SF OF NON-RES AREA
 PROVIDED: 553 ASSISTED LIVING UNITS + 5 * 32 SPACES
 INCLUDES ADA, VAN, EV, *COMPACT AND STANDARD
 *CMC 17.76.060(B), MAXIMUM OF 30% OF PARKING CAN BE COMPACT

EV PARKING: PER CMC 17.76.040(F)
 REQUIRED: 1
 PROVIDED: 1

Parking Count	Qty
ADA	2
C	10
FEV	1
P	19
	32



VICINITY MAP

1" = 500'





4-STORY
ASSISTED LIVING & MEMORY CARE
approx. 89,822 SF

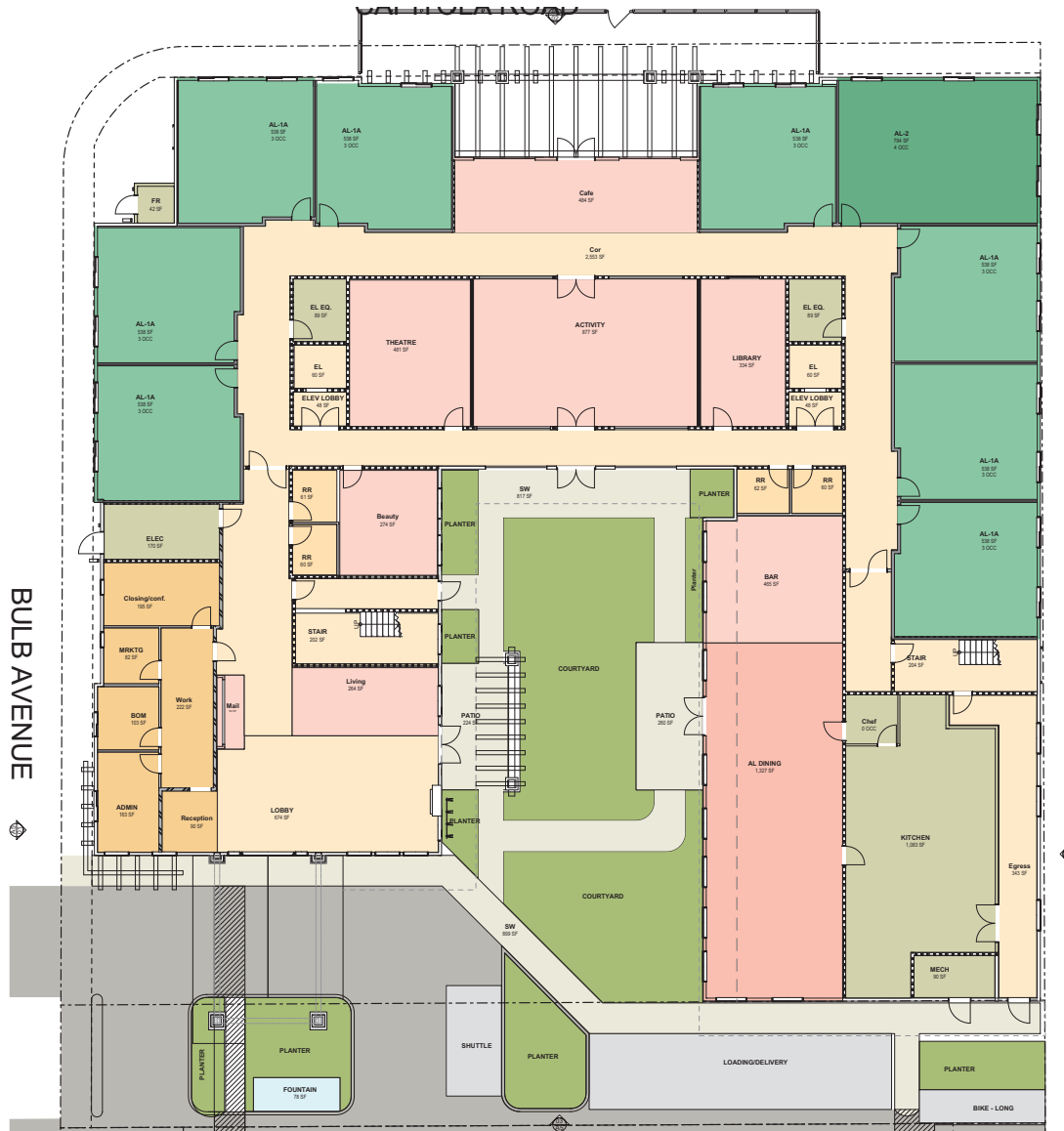
CAPITOLA ROAD

BULB AVENUE

Gross Area Calc	Area (SF)
GROSS - 1ST	17,734
GROSS - 2ND	17,008
GROSS - 3RD	17,025
GROSS - 4TH	17,011
	68,778 sq ft

Parking Count	Qty
ADA	2
C	10
FEV	1
P	18
	32





BULB AVENUE

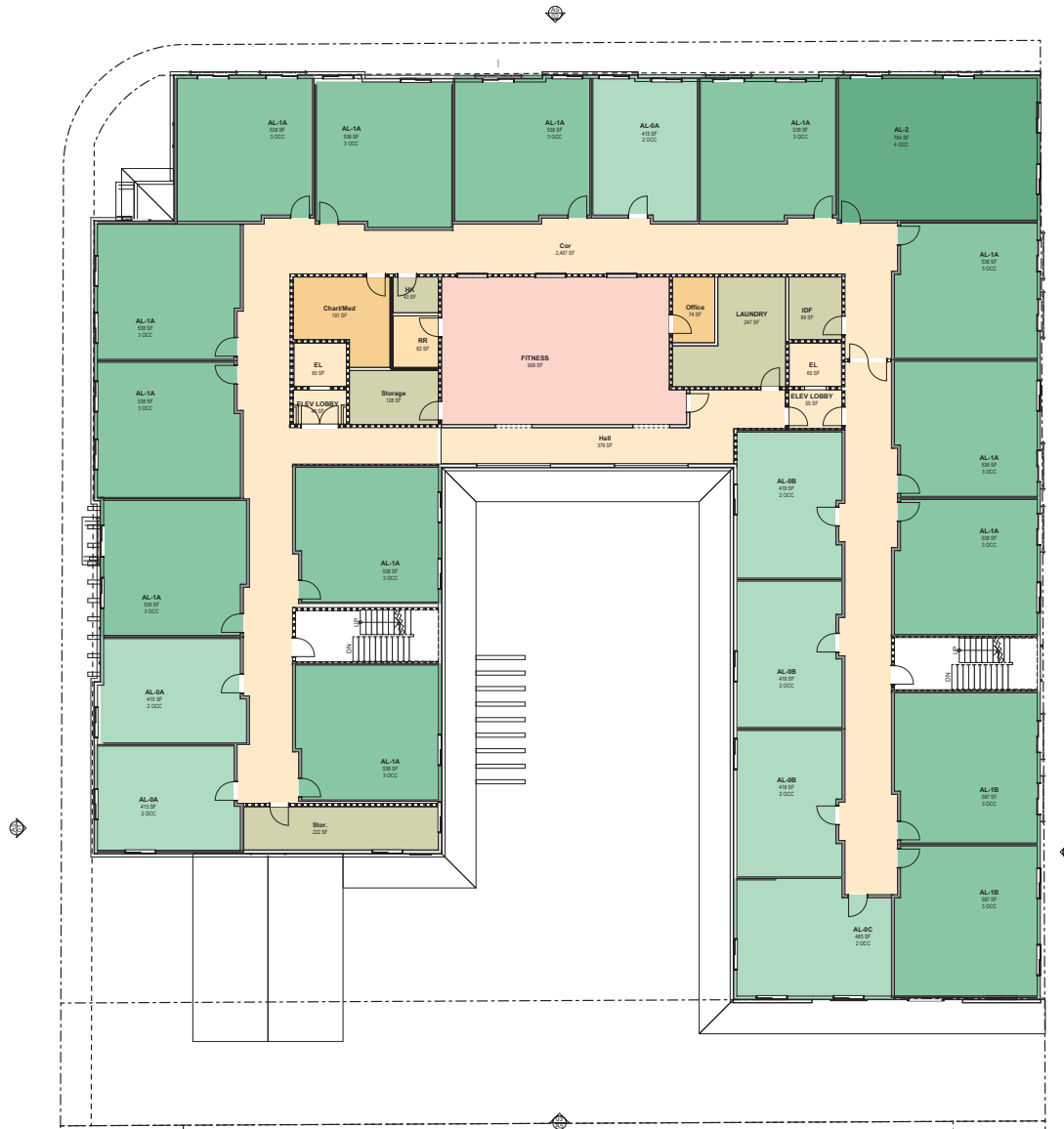
01 First Floor Plan
SCALE: 1/8" = 1'-0"





01 Second Floor Plan
SCALE: 1/8" = 1'-0"





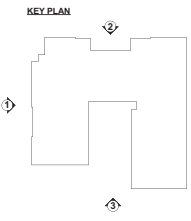
01 Third Floor
SCALE: 1/8" = 1'-0"





03 Front (North) Elevation
SCALE: 1/8" = 1'-0"

ROOF METAL TAYLOR METAL PRODUCTS GRAPHITE BLACK		ROOF SHINGLES DUNN EDWARDS SUPREME SHINGLE ESTRINE GRAY	
SIDING 1 HORIZONTAL DUNN EDWARDS DET 647 TRADE WINDS		STUCCO 1 BODY DUNN EDWARDS DET 647 TRADE WINDS	
BOARD AND BATTEN DUNN EDWARDS DET 891 SILVER SCREEN		SIDING 2 VERTICAL DUNN EDWARDS DET 788 LIGHT GRAY	
ACCENT 1 SHUTTERS, ENTRY DOOR DUNN EDWARDS DET 575 IRON CREEK		STONE VENEER ELEGANT STONE CUT COURSE STONE COLOR: SEAGHELL	
TRIM 1 TRELLIS, BEAMS, CORBEL BRACES DUNN EDWARDS DET 681 RIVER ROCKS		TRIM 2 FASCIA, WINDOW, DOOR TRIM, BANDING DUNN EDWARDS DET 614 30 CHD	



02 Back (South) Elevation
SCALE: 1/8" = 1'-0"



01 Side (East Elevation)
SCALE: 1/8" = 1'-0"



06 Generic Perspective
SCALE: 1/4" = 1'-0"



02 Building Entry Towards Capitola
SCALE: 1/4" = 1'-0"



01 Corner
SCALE: 1/4" = 1'-0"

Development Standards: The following table includes the development standards for the Community Commercial zoning district relative to the proposed assisted living project at 3720 Capitola Road.

Development Standards		
Building Height		
CC regulation	Proposed	
40 feet – Up to 50 feet with Community Benefit	53 feet (Not in compliance)	
Floor Area Ratio		
C-C Regulation	Proposed	
1.0 – Up to 1.5 with a Community Benefit	1.5	
Setbacks		
	C-C Regulation	Proposed
Front	<p><u>Buildings</u> shall be set back from the front and <u>street</u> side property line so that:</p> <ol style="list-style-type: none"> The <u>building</u> is at least fifteen feet from the curb or <u>street</u> edge; <u>Building</u> placement allows for a minimum ten-foot sidewalk along the property <u>frontage</u>. 	<p>Building is 15 feet from curb.</p> <p>Building placement allows a ten-foot sidewalk along property frontage</p>
Street Side		To be determined
Rear	0 ft. unless <u>adjacent</u> to a residential zoning district (see Section <u>17.24.030(E)</u>)	85 feet
Interior Side	0 ft. unless <u>adjacent</u> to a residential zoning district (see Section <u>17.24.030(E)</u>)	0 feet
Landscaping		
Required	Proposed	
<p>5% and <i>Where a commercial or industrial zoning district abuts a residential zoning district a landscaped planting area, extending a minimum of ten feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of fifteen feet</i></p>	<p>Does not comply. A ten-foot-deep landscape strip must be included at the rear property line. A tree screen with trees planted at a minimum interval of 15 feet must be planted along the rear property.</p>	

Parking		
Residential Care Facility for the Elderly .5 spaces per bed plus 1 space per 300 sq. ft. of office and other non-residential areas	Required	Proposed
	<u>33</u> spaces total <u>28</u> Residents (56 beds x 0.5) <u>5</u> Office Space	<u>32</u> spaces total <u>0</u> covered <u>32</u> uncovered Does Not Comply
Electric Vehicle Parking		
	Required	Proposed
25 – 49 Parking Spaces requires 1 EV Space.	<u>1</u> EV Space	1 EV Space
Bicycle Parking		
Multifamily Dwellings and Group Housing: <ul style="list-style-type: none"> • Short-Term spaces: 10% of required automobile spaces, minimum 4 spaces • Long-Term spaces: 1 per unit 	Required	Proposed
	<u>59</u> Spaces Total <u>4</u> Short-Term Spaces <u>55</u> Long-Term Spaces	Requesting a waiver



MEMORANDUM

Date: August 10, 2022	
To: Brian Froelich, Senior Planner	Organization: City of Capitola
From: RRM Design Group	Title: Design Review Team
Project Name: Capitola Senior Living	Project Number: 1783-04-CU22
Topic: 3720 Capitola Road Conceptual Review	

Dear Brian,

We have reviewed the proposed conceptual project design for compliance with the City of Capitola Design Review Criteria (DRC), found within Chapter 17.120.070 – Design Review Criteria as well as the Objective Standards (OS) Ordinance, found within Chapter 17.82 – Objective Standards for Multifamily and Mixed-Use Residential Development within the City Municipal Code.

Conceptual project documents reviewed include T Tile Sheet, A1 Architectural Site Plan, A2 First Floor Plan, A3 Second Floor Plan, A4 Third Floor Plan (Fourth Floor Similar), A5 Exterior Elevations, and A6 3D Views.

Neighborhood Character and Patterns

According to the City of Capitola Zoning Map, the portion of the project site located within the City is zoned Community Commercial (C-C), with the southern portion (1610 Bulb Avenue) located within the County of Santa Cruz jurisdiction. This County portion of the project site is under consideration for annexation into the City of Capitola, which would apply the same Community Commercial (C-C) zoning.



Project Location

The parcel currently contains two existing single-family residences and dog-boarding facility. Along Capitola Road, the area can be generally described as a commercial context, while on Bulb Avenue, the area can be generally described as a residential context. The area immediately surrounding the project site is characterized by a variety of land uses including commercial to the north, east, and west and single-family residential parcels to the south.

Project Design Review

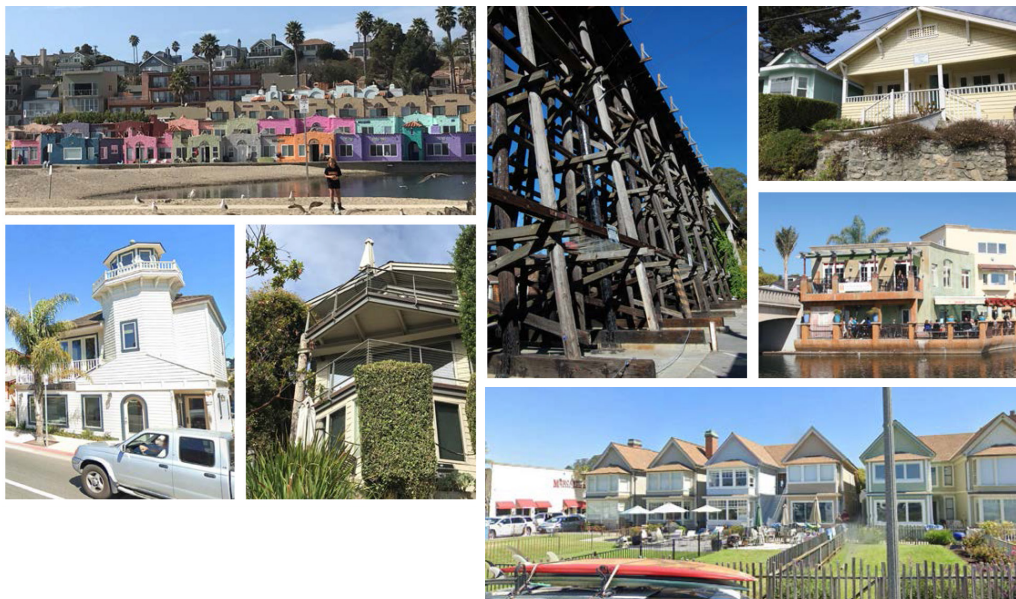
The conceptual project proposes to construct four-story, 80 units of senior housing, which includes 27 memory care and 53 assisted living units on a 0.93-acre site. Thirty-two parking spaces area proposed. Based upon our review of the conceptual project plan set, the applicant proposes an architectural style that most closely resembles an architectural style that “Contemporary Coastal” and has been reviewed as such within this review.

Community Character

The idea of community character in and of itself can often times be difficult to describe and adequately captured within an individual project design. Rather than having only one reference point or element to refer to that is emblematic of the character of a place, it is more often than not a series or collection of elements – the natural environment, a sequence of buildings at varying heights, juxtaposed materials and colors, landscape placement and selection, among others – that collectively create the setting for the creation of a distinctive sense of place.

As indicated in the City’s General Plan, one of the primary guiding principles for the City is Community Identity. Community Identity highlights the desire of the Capitola community to ensure new development enhances the small-town feel and coastal village charm while also ensuring that all areas of the City possess a unique, memorable, and high-quality identity (GP-2). Moreover, DRC 17.120.070.A takes this further, identifying that a development’s site plan, height, massing, architectural style, materials, and landscaping all collectively contribute to the unique coastal village character and distinctive sense of place.

Community Character Examples within Capitola

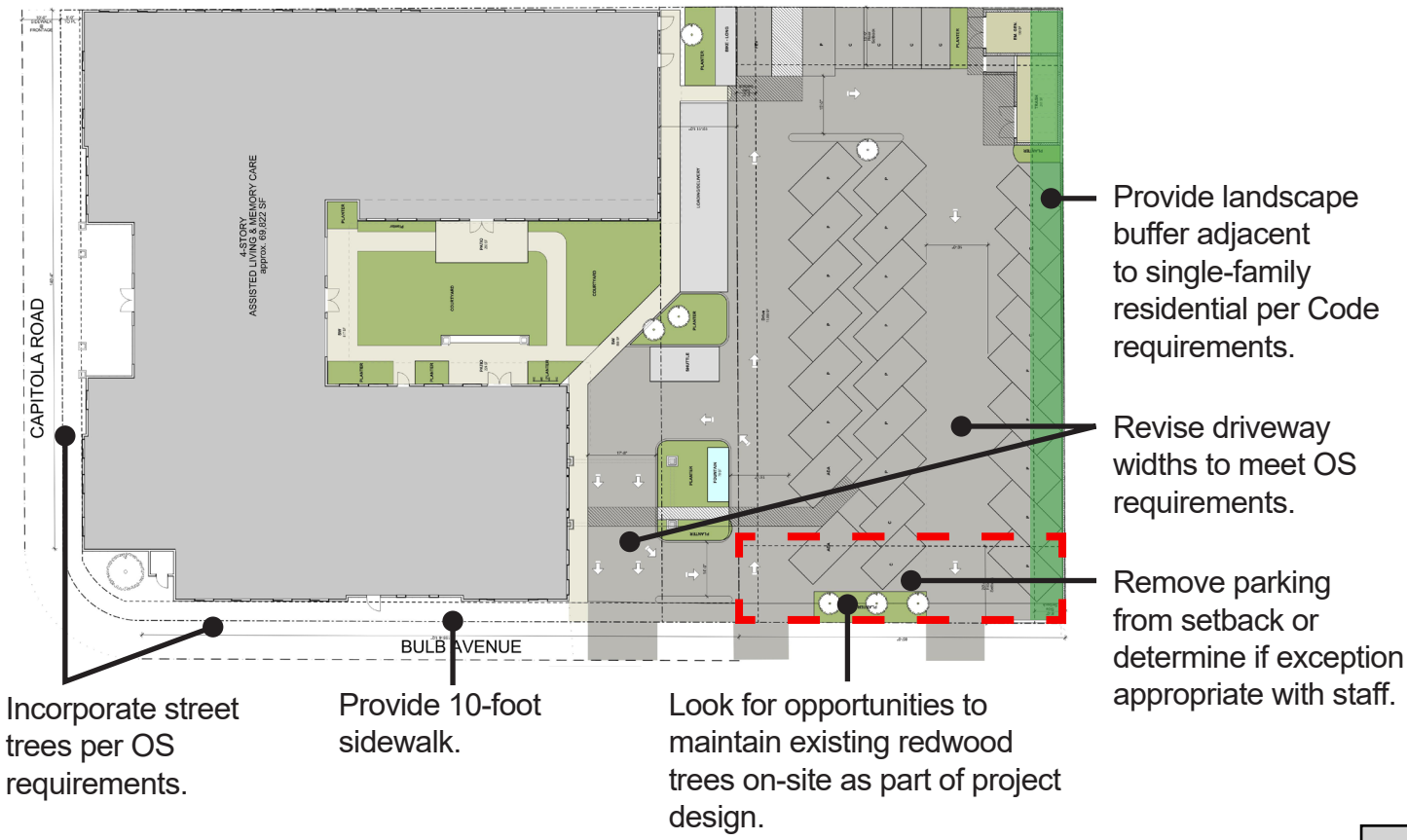


In reviewing the provided conceptual plan set for the Capitola Senior Living project, while the applicant has introduced elements within the project to convey the primary guiding design principals, as discussed in greater detail within this conceptual review, there are a number of opportunities for the applicant to address that would collectively begin to create a project that more closely exudes the unique coastal village character and distinctive sense of place that is Capitola. As this is only the first conceptual project review, it is anticipated that the City will receive a formal project submittal of the project at a future date that addresses the comments herein and will also include a follow-up design review effort.

Site Planning

Site planning involves an understanding of appropriate building placement and configuration, but also the consideration of surrounding context, landscape design, adjacent uses, hardscape, and parking. In general, the applicant has appropriately oriented the building towards Capitola Road, with secondary emphasis along Bulb Avenue. In reviewing the streetscape conditions, Sheet A1 identifies a 10-foot sidewalk along Capitola Road, consistent with OS 17.82.040.B requirements. However, the applicant should provide sidewalks that meet the minimum sidewalk width requirement on Bulb Avenue. Streetscape character is an important visual aesthetic component of the City. According to OS 17.82.040.B.2, one street tree is to be provided for every 30 feet of linear feet of sidewalk length. The applicant should provide an adequate number of street trees are provided, while also meeting other relevant street tree design standard requirements identified in OS 17.82.040.B.2. In addition, per Code requirements, a landscape buffer is required to be provided between commercial and residential zoned properties and the applicant should incorporate relevant landscape setbacks within the

Site Plan



project design. It should be noted that no formal conceptual landscape plan has been included as part of the preliminary project submittal (DRC 17.120.070.M). Going forward, the applicant should provide a conceptual landscape plan to articulate the proposed landscaping for the project in order to allow for adequate staff review. The conceptual landscape plan should also take into consideration the opportunity to maintain existing trees located on-site within the project design, such as the redwood trees located along Bulb Avenue.

To support a pedestrian-friendly streetscape, the OS and DRC dictates that parking facilities be minimized from view from public streets in order to encourage alternative modes of movement (OS 17.82.050.B and DRC 17.120.070.L). As proposed, parking for the project is located at the southern portion of the site and is accessed off of Bulb Avenue. OS 17.82.050.B.1 notes that no parking is allowed within a front or street side setback area. However, as seen on Sheet A1, it appears parking is proposed within the street side setback area. Applicant should clarify with staff if parking within the street side setback is acceptable and if determined to be adequate, should then comply with the design standards noted in OS 17.82.050.B.1.b. Per OS 17.82.050.B.2, the maximum width of a new one-way driveway crossing a public sidewalk is 12 feet and 20-feet for a two-car driveway. One-way driveway widths on the plan are noted at 14-ft, 15-ft, and 16-ft respectively, with two-way driveway widths noted at 17’8”. Going forward, applicant should revise driveway designs to ensure consistency with OS 17.82.050.B.2 requirements. Consistent with OS 17.82.050.B.3, the applicant has proposed three curb cuts along Bulb Avenue, two one-way and one two-way. Designated loading area for the project is identified on Sheet A1 at the eastern portion of the parking area, consistent with OS 17.82.050.B.6 requirements.

Architecture

The City of Capitola as a whole, and the Village in particular, has an eclectic mix of architectural styles and detailing that have evolved organically over the years and that contribute to the unique coastal village character. Section 17.120.070.I of the Zoning Code articulates that buildings should have an architectural style(s) that is compatible with the surrounding building and natural environment, is an authentic implementation of established architectural styles, and reflect Capitola’s unique coastal village character. As previously discussed above, the style portrayed in the conceptual plan set includes characteristics of a “Contemporary Coastal” style. The conceptual project lacks the stylistic detailing and level of applied design elements that would further enhance the unique coastal village character of the community. Going forward, the applicant should look for opportunities to further enhance the architectural style of the project by providing enhanced articulation/detailing, greater variation in material/color application, and/or introducing additional architectural styles that reflect the unique coastal village character.

Examples of Coastal Architecture in Capitola



Building massing, or the way the building is sized and appears, is a primary and important component of building design that provides for human-scale and adequate proportion that provides for transition to adjacent buildings and lower density residential uses (DRC 17.120.070.H). In general, the building design proposes minimal projecting and recessed elements and varying wall heights at street facing elevations, resulting in the appearance of 50-foot-tall unarticulated wall planes, inconsistent with the existing surrounding context. Moreover, the building lacks adequate proportion and scale, appearing box-like and lacking a connection to human-scale. Going forward, the applicant should break-up the 50-foot wall plane with additional projections/recesses and revise to provide greater balance and proportionality within the design to provide greater human-scale (OS 17.82.070.1.a and DRC 17.120.070.H). It appears a prominent massing recess has been provided at ground level along Capitola Road, however the massing recess does continue to the upper stories and no prominent recess is provided along the Bulb Avenue frontage (OS 17.82.070.1.b). While the property to the south of the project site is located within

Capitola Road Concept

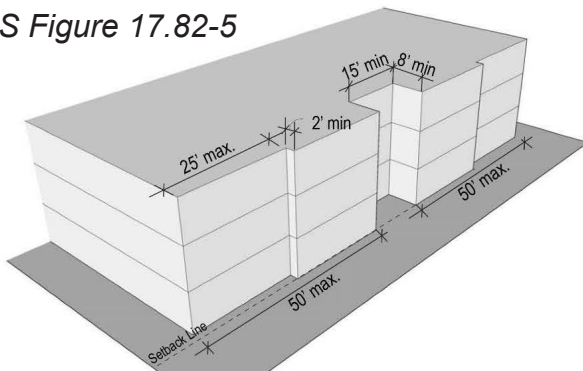


Introduce additional projecting/recessed massing elements from ground level to roof at prominent street facing elevations, to minimize box-like appearance and enhance proportionality.

Vary massing height at ground-level to provide more human-scaled connections with one- and two-story elements.

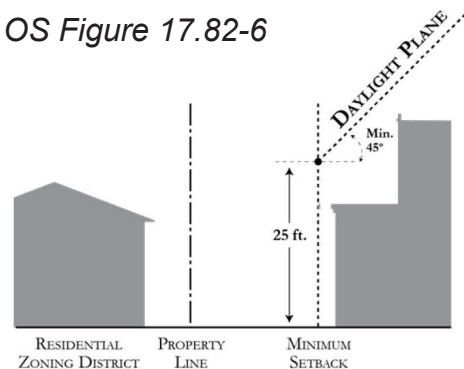
County jurisdiction, the land use designation is single-family residential equivalent and it is recommended that the applicant verify consistency with the daylight plane requirements of OS 17.82.070.2 as well as neighborhood compatibility and privacy requirements of DRC 17.120.070.B and 17.120.070.F, looking for opportunities to step down the building massing to transition to the single-family residential uses, while also minimizing potential traffic, parking, noise, odor, and privacy impacts.

OS Figure 17.82-5



Street facing elevations are required to meet the massing requirements of OS 17.82.070.B.1

OS Figure 17.82-6



Ensure that the proposed South Elevation meets the requirements of OS 17.82.070.2.

DRC 17.120.070.J notes that building facades should be well articulated to add visual interest, distinctiveness, and human scale. The project has begun to include articulation and detailing that are varied and interesting with human-scale design details. While some of these elements assist in reducing the perceived massing and box-like features of the building, additional attention to articulation and detailing is needed to further reduce the building mass and box-like appearance, add visual interest, and human scale (OS 17.82.080.A and DRC 17.120.070.J). For example, while trellis and shed roof elements at the first story aide in defining the human-scale, they appear haphazard and intermittently applied within the design and do little to reduce the box-like appearance. Also, it appears blank wall planes along street facing elevations have been largely minimized, however applicant should verify consistency with OS 17.82.080.B.1, as there appears to be areas along both Capitola Road and Bulb Avenue that exceed the requirements.

North Elevation



Projecting roof eaves shall be minimum of 2-feet in width.

Verify roof form variation percentage of 17.82.080.B.4.b.

Verify blank walls meet the requirements of OS 17.82.080.B.1.

OS 17.82.080.B.3 identifies that each building façade facing a street shall include a minimum of two façade design elements, as identified in the OS. Along Capitola Road, it appears the project intends to include balconies, varied exterior colors, and varied wall materials, while along Bulb Avenue, it appears the project intends to include shutters, a balcony, varied exterior colors, and varied wall materials. While the design intent is generally provided, the applicant should verify façade design element approach as well as consistency with the percentage requirements of OS 17.82.080.B.3 for selected elements. Moreover, while the conceptual plan set provided appears to show consistent architectural application on all sides of the building (OS 17.82.080.B.6), the façade design elements approach should result in a unified design aesthetic. Also it should be noted that no elevation has been provided for the east elevation (internal side) for staff review and should be provided going forward. In addition, while faux closed shutters appear to be placed along the West and South Elevations, they do not appear on the Capitola Road elevation, and the applicant should provide consistent articulation and detailing on all elevations. Rather than faux closed shutters, shutters associated with windows may better facilitate the design direction intended for the project.

The project proposes to include gable, hip, shed, and dormer roof elements within the design, considered appropriate to the selected architectural style direction. Per OS 17.82.080.B.4.a, roof eaves are required to project two-feet from the street-facing building wall and include ornamental brackets or decorative fascia with eave returns. While decorative brackets have been provided at gable ends, it is unclear the projecting width of the roof eaves and the applicant should verify consistency with this requirement. Moreover, while gable, hip, and shed roof elements are shown on the street-facing

elevations, applicant should verify consistency with the percentage roof form variation of OS 17.82.080.B.4.b and the roof detail and ornamentation requirement of OS 17.82.080.B.4.c.

Acknowledging the need for vehicular drop off and ADA access, the primary entry for the project is located on the south elevation, adjacent to the drop-off and parking areas. Another secondary entrance is provided along the Capitola Road frontage. As identified within the OS and DRC, primary building entrances providing interior access to multiple units must face the street (OS 17.82.060.B.3 and DRC 17.120.070.E) in order to provide an active public realm and inviting pedestrian environment. Applicant should look for opportunities to relocate the primary entry to a street facing elevation or work with City staff to approve an exception to this requirement. If an exception is pursued, the primary entry design shall comply with the design standards identified in OS 17.82.060.B.3.c. In addition, the design associated with the secondary entrance should be revised to allow for greater sunlight access and visibility, while also meeting relevant OS 17.82.060.C.1 design criteria. As currently designed, the upper stories tower over the entry, creating additional shading to this entry located on the north side of the building and should also include additional refinements to enhance its prominence and presence along Capitola Road. While an on-site pedestrian walkway is shown on Sheet A1 connecting to the public sidewalk, the applicant should verify it meets the 6-foot minimum width requirement of OS 17.82.060.B.4. The primary entry design contains a covered entry featuring a gabled roof element and supporting decorative columns projecting from the building façade (OS 17.82.060.C.1). While consistent with the design direction of the project, the transitional relationship between the design approach above and the primary entry below creates an abrupt transition that could be softened through various design interventions, while maintaining primary entry emphasis.

Site Plan



Relocate primary entry to face the street.

Verify width of internal walkway meets 6-foot minimum requirement.

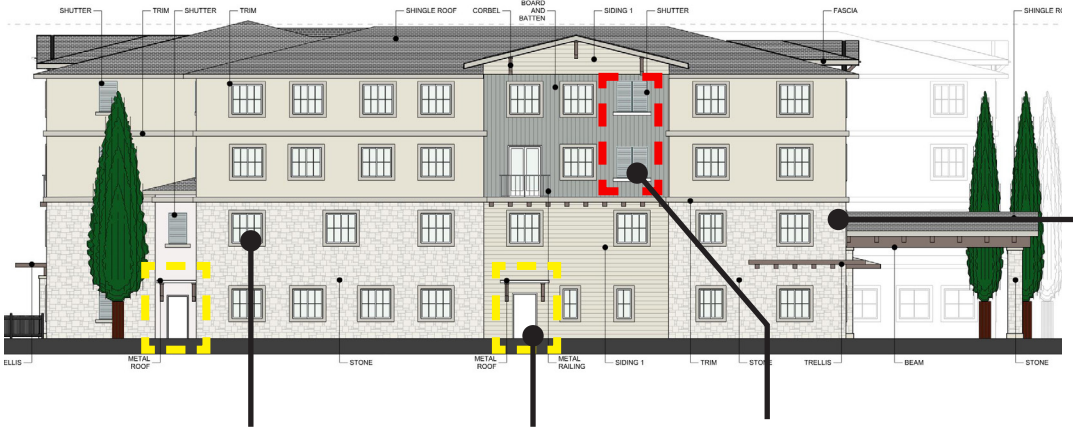
South Elevation



Soften transition of primary entry to box-like building by integrating design interventions to better blend the two design elements. Maintain primary entry emphasis.

Windows proposed along the street facing elevations appear to provide built-up profile trim/framing, consistent with OS 17.82.080.B.2, with detailing continuing onto the south elevation facing the parking area. However, it is unclear whether or not doors along these same street facing elevations contain the built-up profile trim/framing. Applicant should incorporate built-up profile trim/framing at street-facing doors as well as verify consistency with the 2-inch minimum trim offset for windows and doors from the building. In addition, east elevation along the interior property line is shown at a 0-foot setback with windows. Applicant should verify with the fire department to determine whether they can adequately serve the project as shown.

West Elevation



Vary application of materials/colors. Design appears bottom heavy, lacking connection to upper stories.

Verify built-up profile trim/framing of windows and doors meets minimum 2-inch offset.

Provide built-up profile trim/framing at doors.

Associate shutters with windows, rather than as tacked on elements.

DRC 17.120.070.K of the Zoning Code states that projects should include a mix of natural, high-quality, and durable materials that are appropriate to a selected architectural style, enhance building articulation, and are compatible with surrounding development. As noted on Sheet A3, materials proposed for the project include vertical and horizontal siding, board and batten, El Dorado stone veneer, trim, metal roof, and laminate shingles. Colors proposed include Dunn Edwards Trade Winds (Det 647), Dunn Edwards Silver Screen (Det 591), Dunn Edwards Light Gray (Det 789), Iron Creek (Det 5775), Dunn Edwards River Rocks (Det 6061), and Dunn Edwards So Chic! (Det 614). While not inappropriate to a coastal aesthetic, the application of colors/materials appears haphazard, splitting the building in half and further emphasizing the poor building proportions (DRC 17.120.070.K). Moreover, the application of darker colors at the upper stories furthers the appearance of a top-heavy project. Going forward, the applicant should look for opportunities to refine the color/material application to enhance the selected architectural style and relocate darker colors to ground level in order to more clearly define a base, body, and cap.

General Comments

Given the conceptual stage in which this project was reviewed, minimal information was provided regarding the sustainability aspects of the project. Going forward, the applicant should clarify any intended project features related to sustainability, such as on-site energy generation, passive solar design, enhanced energy efficiencies, water

conservation measures, and/or other green building techniques to allow for adequate staff review (DRC 17.120.070.D).

In reviewing the Site Plan, the trash and emergency generator enclosures are located to the southeast at the rear of the site and away from the street view. Applicant should ensure that the trash enclosure is appropriately screened from street view with solid enclosure (OS 17.82.090.B.1.b and DRC 17.120.070.S). Moreover, additional information should be provided regarding the emergency generator enclosure to allow for adequate review.

It is assumed that roof wells will be utilized to screen mechanical equipment atop the roof. The applicant should ensure that all equipment will be adequately screened with sufficient roof height (OS 17.82.090.B.2.a and DRC 17.120.070.S).

As noted in the CZC, exterior lighting should be considered an integral part of a project design, with light fixtures being designed, located, and positioned in order to minimize illumination of the sky and adjacent properties (DRC 17.120.070.Q). As part of the next submittal, applicant should clearly identify type and location of proposed site and building light fixtures for the project while also ensuring selected fixtures minimize illumination of the sky and nearby properties.

Sheet A2 appears to show front patio along Capitola Road projecting into public right-of-way. Applicant should clarify design intent and approach.

Contextual white boxes shown in project renderings should be shown at existing, real-world scale and in context of the project site.

Additional Information Needed

The following project information is needed to ensure adequate staff review going forward:

1. Conceptual Landscape Plan
2. East Building Elevation

Design Recommendations

The following recommendations are made to better respond to the proposed “Contemporary Coastal” architectural style and to enhance the overall project design.

Community Character

1. Revise project design to include elements to convey the primary guiding design principles, as discussed further within this review, and address opportunities to ensure the project more closely exudes the unique coastal village character and distinctive sense of place that is Capitola (DRC 17.120.070.H).

Site Planning

2. Ensure that the sidewalks meet the minimum 10-foot sidewalk width requirement on Bulb Avenue (OS 17.82.040.B).
3. Provide an adequate number of street trees along the street frontage per OS 17.82.040.B.2, while also meeting other relevant street tree design standard requirements identified in OS 17.82.040.B.2.
4. Provide a landscape buffer per Municipal Code requirements between commercial and residential zoned properties within the project design.
5. Provide a conceptual landscape plan to allow for adequate staff review (DRC 17.120.070.M). The conceptual landscape plan should also take into consideration the opportunity to maintain existing trees located on-site within the project design, such as the redwood trees located along Bulb Avenue.
6. Remove parking from side yard setback area per OS 17.82.050.B.1. If staff determines parking in the side yard setback to be acceptable, any parking within the setback should comply with the design standards noted in OS 17.82.050.B.1.b.
7. Revise driveway designs to ensure consistency with OS 17.82.050.B.2 requirements.

Architecture

8. Enhance the selected architectural style of the project by providing greater articulation/detailing, additional variation in material/color application, and/or introducing additional architectural styles that reflect the unique coastal village character (DRC 17.120.070.I).
9. Break-up the 50-foot wall plane with additional projections/recesses and wall heights in order to provide greater balance and proportionality within the design and provide greater human-scale (OS 17.82.070.1.a and DRC 17.120.070.H).
10. Provide a prominent massing recess element along Capitola Road and Bulb Avenue from ground level to roof level to enhance human-scale and proportionality (OS 17.82.070.1.b).

11. Ensure consistency with the daylight plane requirements of OS 17.82.070.2 at the south elevation, looking for opportunities to step down the building massing to transition to the single-family residential uses, and the neighborhood compatibility requirements of DRC 17.120.070.B and 17.120.070.F, minimizing potential traffic, parking, noise, odor, and privacy impacts.
12. Refine articulation and detailing to further reduce the building mass and box-like appearance of the project and enhance human scale (OS 17.82.080.A and DRC 17.120.070.J). For example, while trellis and shed roof elements at the first story aide in defining the human-scale, they appear haphazard and intermittently applied within the design and do little to reduce the box-like appearance.
13. Verify consistency with OS 17.82.080.B.1, as there appears to be blank wall areas along both Capitola Road and Bulb Avenue that exceed the blank wall design standard requirements.
14. Verify façade design element approach as well as consistency with the percentage requirements of OS 17.82.080.B.3 for selected design elements.
15. Provide consistent architectural application on all sides of the building in order to provide a unified design aesthetic (OS 17.82.080.B.6). For example, faux closed shutters appear to be placed along the West and South Elevations, they do not appear on the Capitola Road elevation; rather than faux closed shutters, shutters associated with windows may better facilitate the design direction intended for the project.
16. Provide East Elevation for the building to allow for adequate staff review.
17. Verify consistency with the percentage roof form variation of OS 17.82.080.B.4.b and the roof detail and ornamentation requirement of OS 17.82.080.B.4.c.
18. Verify roof eaves project a minimum of 2-feet from street facing building facades (OS 17.82.080.B.4.a).
19. Look for opportunities to relocate the primary building entry to a street facing elevation (OS 17.82.060.B.3 and DRC 17.120.070.E) in order to provide an active public realm and inviting pedestrian environment. If an exception is pursued, the primary entry design shall comply with the design standards identified in OS 17.82.060.B.3.c.
20. Revise the secondary building entry facing Capitola Road to allow for greater sunlight access and visibility, while also meeting relevant OS 17.82.060.C.1 design criteria.
21. Verify on-site sidewalk connecting to the public sidewalk meets the 6-foot minimum width requirement of OS 17.82.060.B.4.
22. Soften the building transition to the primary building entry through various design interventions, while maintaining primary building entry emphasis (OS 17.82.060.C.1).
23. Incorporate build-up profile trim/framing at street-facing doors (OS 17.82.080.B.2).
24. Verify consistency with the 2-inch minimum trim offset for windows and doors from the building (OS 17.82.080.B.2).
25. Verify with the fire department that 0-foot building setback at east property line can be adequately serviced as shown.
26. Refine the colors/materials application to align with the selected architectural style and relocate darker colors to ground level in order to more clearly define a base, body, and cap in order to enhance the overall project design (DRC 17.120.070.K).

General Comments

27. Clarify any intended project features related to sustainability, such as on-site energy generation, passive solar design, enhanced energy efficiencies, water conservation measures, and/or other green building techniques (DRC 17.120.070.D).
28. Provide trash and emergency generators enclosures to ensure areas are screened from street view with solid enclosure (OS 17.82.090.B.1.b). Provide additional information on emergency generator enclosure for adequate review.
29. Ensure that all mechanical equipment is adequately screened with sufficient roof well height (OS 17.82.090.B.2.a).
30. Identify type and location of proposed site and building light fixtures for the project while also ensuring selected fixtures minimizes illumination of the sky and nearby properties as part of the next submittal (DRC 17.120.070.Q).
31. Applicant should clarify design intent and approach of patio shown along Capitola Road that projects into the public right-of-way.
32. Show contextual white boxes in project renderings at existing, real-world scale and in context of the project site.

Overall, we feel the applicant has proposed a project that is lacking connection to the location and context of the project site. As addressed above, we have a number of concerns identified regarding consistency with the OS related to massing, neighborhood context, articulation/detailing, roof, primary entry, windows and doors, among others, that will have to be adequately addressed by the applicant to ensure a project that appropriately addresses the location and context of the site while also being consistent with City's desire for high quality new developments.

Very truly yours,

RRM DESIGN GROUP

October 9, 2022

Scott Barnes
1574 Bulb Ave.
Santa Cruz, CA 95062

City of Capitola – Planning Commission
420 Capitola Ave.
Capitola, CA 95010

Re: 3720 Capitola Road & 1610 Bulb Avenue
Permit Number: #22-0149
APN: 034-18-114 and 031-12-139

Dear Council Members and Planning Commission,

I am owner and reside at 1574 Bulb Ave. The property adjacent to the proposed project mentioned above. Although I am not opposed to the proposed use for the project. I do have some serious concerns and hope that considerations will be afforded to me and other Bulb residents prior to approving this very intrusive project.

- 1) Footprint and height of the building: A four-story, 80+ units building is taller than anything that currently exists in the city and is outrageous to suggest one should be built in a residential neighborhood.
- 2) Bulb Ave. even at the section closest to Capitola Rd. cannot absorb the ingress and egress of a **commercial parking lot** – as per the plans. The parking lot is not accessed via Capitola Rd. It is accessed entirely on Bulb Ave.
 - a. Bulb Ave. is a quiet residential street on which there are only a few lots that have sidewalks. At most hours of the day the street is full of on street parked cars. Drivers coming from opposite directions need to stop, pull to the side and wait for the on coming car to pass, then pull back into the roadway. This street cannot absorb any more traffic.
The landscaped center median on Capitola Rd. opposite the intersection of Bulb and Capitola Rd. inhibits left turns from Capitola Rd. on to Bulb as well as left turns from Bulb onto Capitola Rd. This creates a situation where every car turning out of the development, who wished to travel in the North/West direction, would turn left on Bulb, then drive down Bulb to Brommer. Turning Bulb into a one-way street in the Brommer to Capitola Rd. direction would cause all vehicles on Bulb who wish to drive in the North/West direction to turn right on Capitola Rd. (as there is no left turn), then make a U turn on 41st Ave. OR travel South, down 38th Ave. down Brommer, and to 30th Ave. to access the traffic light at 30th and Capitola Rd.
Ingress and Egress must be designed on the Capitola Rd. portion of the project and not on Bulb Ave.
- 3) Noise: Parking, garbage, generator, ambulance access on Bulb Ave. is unacceptable.

- 4) We will require, at the developer's expense to construct a stucco wall between my property and the project that would mitigate sound and as much of view of the project as possible.
- 5) The current initial design also displays a Generator and Dumpster enclosures at the rear of the property directly next to my back yard. What is so worrisome is that had the designer spent one minute walking the property before creating the design, they would know that they had placed the dumpster enclosure and generator at the worst possible location as far as neighbor disturbance. My bedroom is only a few yards from these enclosures.

Lastly, it is time for Capitola to open its public meetings to the public, in person. Create a hybrid meeting so that those who remain fearful of COVID 19 may interact electronically. The website question feature is too unreliable – we attempted to speak at the October 6 meeting, but the feature was not available, and the audio was not working.

Thank you,

DocuSigned by:

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Scott Barnes
(831) 818-5067
Sbarnes1574@yahoo.com

cc: Manu Koenig
701 Ocean St. #500A
Santa Cruz, CA 95060

Capitola Planning Commission

Agenda Report

Meeting: October 20, 2022
From: Community Development Department
Subject: Monarch Cove Inn



Project Number: #21-0267

Location: 620 El Salto Drive, Parcel Numbers 036-143-31, 036-142-27, and 036-142-28

Project Description: Proposed amendments to the Zoning Code, Zoning Map, and General Plan Land Use Map to change the Monarch Cove Inn property from a Visitor Serving base zone to R-1 Single-Family Residential base zone with a Visitor Serving overlay zone. The proposal involves development within the Coastal Zone and is not effective unless certified by the California Coastal Commission.

Environmental Determination: Categorically Exempt under Section 15061(b)(3)

Background: In 2020, the City of Capitola adopted a comprehensive Zoning Code update that applied to the subject Monarch Cove Inn properties within the coastal zone. In April 2021, the Coastal Commission certified the Zoning Code resulting in the updated code applying throughout the city, including in the coastal zone but specifically excluded all sections relating to the Monarch Cove Inn properties.

At the April 15, 2021, Coastal Commission meeting, the Coastal Commission staff did not recommend support for the proposed policy changes to the Monarch Cove Inn property. The Monarch Cove Inn subtopic generated extended and specific discussion. During discussion, several Coastal Commissioners were receptive to the request to change the zoning, and no Commissioners declared opposition. The Coastal staff maintained their position and noted loss of Visitor Serving resources, iconic views, and lack of replacement resources as justification for maintaining the property as Visitor Serving. Ultimately, discussion concluded in advising the Monarch Cove Inn owner and the City of Capitola to bring the proposal back before the Coastal Commission as a separate item for consideration.

Link to April 15, 2021, Coastal Commission meeting (Item 11.c.):
https://cal-span.org/meeting/cc_20210415/

Following the Coastal Commission meeting, Coastal staff further advised that the city should contract with a third-party consultant to assess the Monarch Cove Inn's profitability and real estate value. The Inn's owner had stated during the April 15, 2021, Coastal Commission meeting that they were operating at a sustained loss and had tried unsuccessfully in the past to reposition, upgrade and expand the property to reestablish financial stability. Permit history shows that the owner made major development proposals in 2001 and 2014 to add buildings, guest rooms, guest facilities, and amenities in effort to upgrade and modernize the property. Both proposals were met with significant opposition by the surrounding neighborhood and the 2014 project was ultimately withdrawn. The city has contracted with Kosmont Companies to prepare a Feasibility Study and Broker Assessment of Value to evaluate the owner's statements regarding profitability and financial positioning (Attachments #3 and #4).

Discussion: The city's Planning Commission and City Council previously supported the proposed Zoning Code text, Zoning Map, and General Plan Map amendments in 2021. The owner has stated a need to transition the property to R-1 (single-family) to eventually close the Monarch Cove Inn and return the

property to a single-family use in their retirement and for flexibility in estate management. The property is not currently permitted to be used as an R-1 use, due to the base zone being Visitor Serving. The proposed change to R-1 with a Visitor Serving overlay would allow the owner to close the existing Monarch Cove Inn on their own timeline and maintains the possibility that the estate or a future owner could reestablish a permitted Visitor Serving use.

Property Overview

The 620 El Salto Drive property is located at the end of a narrow private road. It was developed as a single-family estate in the late 1890's with the construction of an approximate 4,000 square foot main house. The property had been operated over the years as an inn, bed and breakfast, and family compound but formally became a visitor serving facility called the Monarch Cove Inn in 1991. The property has 11 guest rooms within three structures but performs better financially as a venue for outdoor weddings and special events.

The property is surrounded by single family residences and is located at the dead end of a residential street. Over the years, neighborhood density increased, and the property became increasingly less compatible with the quiet neighborhood around it. Due to adjacent neighbor complaints about noise and parking on city streets, the property now operates under a Conditional Use Permit (CUP) since 2001. The CUP restricts special events to no more than two per week and six per month. Events during the week (M-F) are limited to 40 people, during weekends they are limited to 75 people and all events must end by 6 P.M., which negatively impacts revenue from weddings substantially.

In 2014, the owner applied to the city for an expansion of the facility into a 41-room hotel complex that would retain the historic Victorian Inn, demolish and replace the two cottages, replace the garage area with a subterranean garage for 56 cars, meeting rooms and kitchen facilities. The owner had incurred a significant soft cost investment in progressing the project to a point that a full Environmental Impact Report was prepared, but the project application was ultimately withdrawn by the owner due to substantial community opposition.

Feasibility Study

Kosmont's analysis of the Monarch Cove Inn property concludes that the hospitality operations currently yield an inadequate return on investment of less than 4% annually and do not justify continued operations as a hospitality venue. In consideration of the long-term capital investment required, continued hotel use of the property is not financially feasible.

The report concludes that in combination with current resident sentiment being generally opposed to expansion of hospitality uses, no financially feasible or impactful upgrades to the property can be expected to be approved by the city.

Broker Opinion of Value

The Broker Opinion of Value considers the property's zoning, allowable uses, current market conditions, and other relevant information to evaluate the range of fair market value of the property.

For the hotel use, Kosmont estimated stabilized long term net operating income and used market cap rates to estimate the "As Is" value of continued hotel operations. This analysis does not include mortgage interest or other financing costs. The value of the property as a hotel use is \$3.1 million.

For the residential use, Kosmont compiled per acre land sale comp data and made adjustments as appropriate given the Property's allowable density and location to estimate the value of the Property for residential redevelopment and as a single-family residence, which was its original use. The average value for those two residential scenarios is \$4.25 million (\$3.9 million and \$4.6 million).

Proposed General Plan and Zoning Map Amendments

The only necessary General Plan and Zoning Map amendments are to change the Zoning Map and General Plan Land Use Map designations from Visitor Serving to R-1 Single Family Residential with a Visitor Serving Overlay (attachments #2 and #3).

Proposed Zoning Text Amendments

The proposed zoning text amendments include adding the Monarch Cove Inn property to Chapter 17.28 Visitor Serving Overlay Zone, deleting Chapter 17.30, which only applies to the Monarch Cove Inn Visitor Serving District, and minor edits to Chapter 17.72 Landscaping where Visitor Serving properties are referenced. The proposed text in Chapter 17.28 Visitor Serving Overlay Zone is the same text that was proposed for Coastal Commission certification on April 15, 2021. During the 2021 updated, the land use table (Table 17.21-1), was updated to add single-family dwelling as a Conditional Use on the Monarch Cove property subject to the requirements of notes 3 and 12, as follows:

[3] Single-family dwellings shall comply with development standards in the single-family residential (R-1) zoning district.

[12] Allowed in conjunction with overnight accommodation use (at least one on property) or grant of public access to a viewpoint.

Staff is not suggesting additional changes to the previously supported notes at this time. However, the Planning Commission may recommend additional revisions to the City Council.

CEQA: The Zoning Code and General Plan Land Use Map Amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), the commonsense exception that CEQA applies only to projects which have the potential for causing a significant effect on the environment and 15183, projects consistent with a community plan, general plan or zoning.

Recommendation: Accept presentation on the Zoning Code, Zoning Map, and General Plan Map Amendments and consider forwarding a positive recommendation to the City Council.

Next Steps: The Planning Commission's recommendation will be forwarded to the City Council for consideration. If the City Council adopts some or all the proposed amendments, the City of Capitola and the owner will jointly file an application for Coastal Commission review of the amendments.

Attachments:

1. Proposed Zoning Code Amendments in underline and strikeout format
2. Proposed Zoning Map Amendment
3. Proposed General Plan Land Use Map Amendment
4. Feasibility Analysis, August 29, 2022 – Prepared by Kosmont Companies
5. Broker Opinion of Value, August 29, 2022 – Prepared by Kosmont Companies

Report prepared by: Brian Froelich, Senior Planner

Chapter 17.28

VISITOR SERVING OVERLAY ZONE

Sections:

- 17.28.010 Purpose of the visitor serving overlay zone.
17.28.020 Land use regulations.
17.28.030 Development standards.

17.28.010 Purpose of the visitor serving overlay zone.

A. General. The purpose of the visitor serving (-VS) overlay zone is to provide the visiting public with a range of opportunities to enjoy Capitola's coastal location. The -VS overlay zone accommodates a range of visitor serving uses including overnight accommodations, dining establishments, and active and passive recreational facilities. Specific permitted uses depend on the resources present on the site and the surrounding land use and environmental context. The -VS overlay zone implements policies to maintain and enhance visitor serving uses in Capitola consistent with the general plan and local coastal program (LCP).

B. Visitor Serving Overlay Subzones. The -VS overlay zone is divided into subzones (see Figure 17.28-1) with unique land use and development standards:

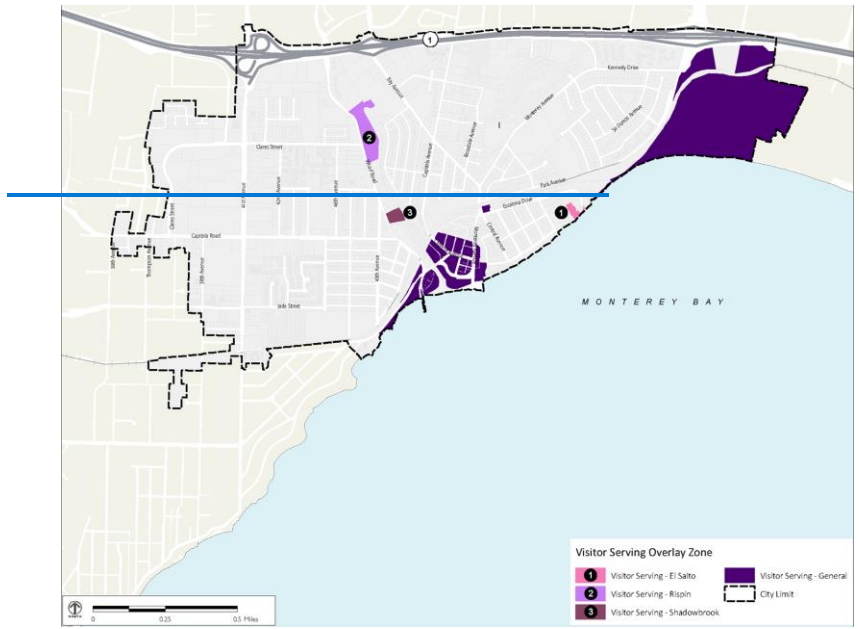
1. Visitor Serving – Rispin (VS-R). Applies to the Rispin site (APNs 035-371-01 and 035-371-02).
2. Visitor Serving – Shadowbrook (VS-SB). Applies to the Shadowbrook site (APN 035-111-04).

[3. Visitor Serving - Monarch Cove Inn \(VS-MC\). Applies to the Monarch Cove Inn site \(APN 036-143-31 & 036-142-27\) and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels.](#)

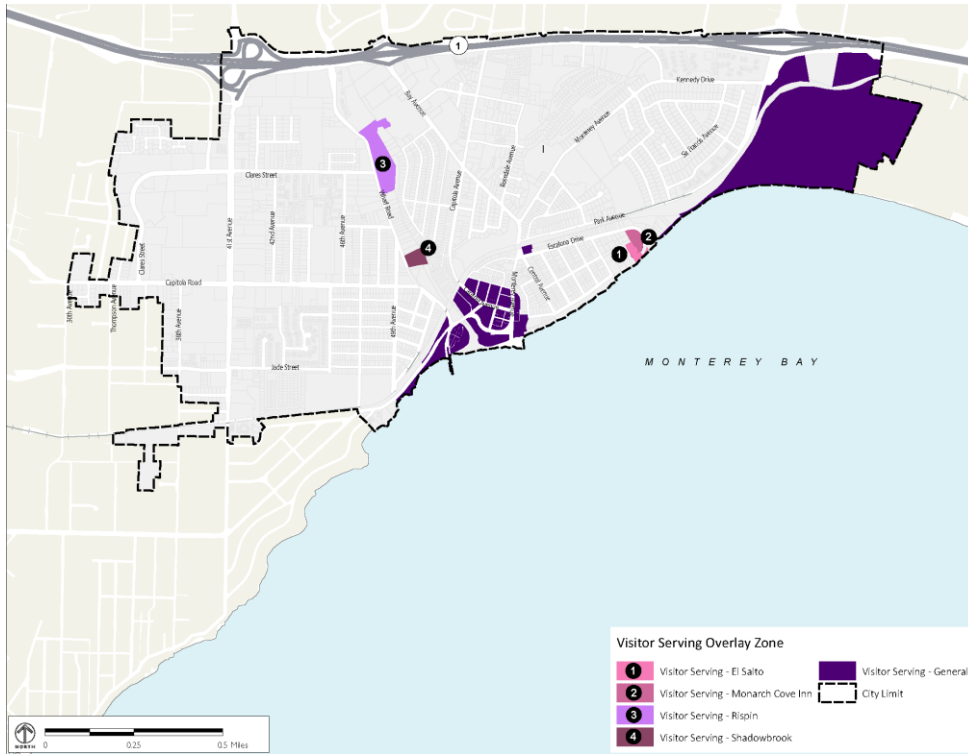
[34. Visitor Serving – El Salto \(VS-ES\). Applies to the El Salto site \(APN 036-143-35\).](#)

[45. Visitor Serving – General \(VS-G\). Applies to all other parcels with a visitor serving subzone overlay designation. The -VS zoning overlay designation on the Inn at Depot Hill site \(APNs 036-121-38 and 036-121-33\) acts as both the base zoning district and an overlay district \(i.e., the permitted land uses identified in Table 17.28-1 are the only permitted land uses allowable on the site and the applicable land use regulations and development standards are limited to those identified in this chapter\).](#)

Figure 17.28-1: Visitor Serving Districts



The Capitola Municipal Code is current through Ordinance 1051, passed April 28, 2022.



(Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.28.020 Land use regulations.

A. Permitted Land Uses. Table 17.28-1 identifies land uses permitted in the -VS overlay subzones.

Table 17.28-1: Permitted Land Uses in the Visitor Serving Overlay Zone

Key	Permitted Use	-VS Subzones				Additional Regulations
		VS-G	VS-R	VS-SB	VS-ES	
P	Permitted Use					
A	Administrative Permit required					
M	Minor Use Permit required					
C	Conditional Use Permit required					
-	Use not allowed					

The Capitola Municipal Code is current through Ordinance 1051, passed April 28, 2022.

Key P Permitted Use M Minor Use Permit required C Conditional Use Permit required - Use not allowed	-VS Subzones					Additional Regulations
	VS-G	VS-R	VS-SB	VS-MC	VS-ES	
Residential Uses						
Employee Housing	C [1]	-	-	☒	-	
Multifamily Dwellings	C [2][11]	-	-	☒	C [2]	
One Caretaker Unit for On-Site Security	C	C	C	☒	C	
Single-Family Dwellings	C [3][11]	-	-	☒ [3][12]	C [3]	
Public and Quasi-Public Uses						
Community Assembly	C	C	-	☒	-	
Cultural Institutions	C	C	-	☒	-	
Day Care Centers	C	-	-	☒	-	
Habitat Restoration and Habitat Interpretive Facilities	C	C	C	☒	-	
Parks and Recreational Facilities	C	C	-	☒	-	
Public Parking Lots	C	C	-	☒	-	
Public Paths and Coastal Accessways	C	C	C	☒	C	
Public Safety Facilities	C	-	-	☒	-	
Public Wharfs	C	-	-	☒	-	
Schools, Public or Private	-	-	-	☒	-	
Commercial Uses						
Business Establishments that Provide Commercial Places of Amusement or Recreation, Live Entertainment, or Service of Alcoholic Beverages	C [4]	C [4]	C	☒	-	
Business Establishments that Sell or Dispense Alcoholic Beverages for On-Site Consumption	C	C	C	☒	-	
Restaurants						
Full Service	C [5]	C [5]	C [5]	☒	-	
Lodging						
Hotels, Inns, Bed and Breakfast, and Hostels	C	C	-	☒	C	
Campgrounds [6]	C	-	-	☒	-	
Recreational Vehicle Parks	C	-	-	☒	-	
Vacation Rentals	-	-	-	☒	-	
Utilities, Major	C	C	C	☒	C	
Utilities, Minor	P	P	P	☒	P	

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Wireless Communications Facilities	See Chapter 17.104					
Other Uses						
Access Roadways	C	C	C	C	C	
Accessory Structures and Uses, New	C [7]	C	C	C	C	
Accessory Structures and Uses Established Prior to Primary Use or Structure	C	C	-	C	-	
Change of Visitor Serving Commercial Uses within a Structure	C [8]	-	-	C	-	
Food Service Accessory to a Lodging Use [9]	C	C	-	C	C	
Home Occupations	C	-	-	C	-	Section 17.96.040
Expansion of a Legal Nonconforming Use within an Existing Structure	C	-	-	C	-	
Legal Nonconforming Use Changed to a Use of a Similar or More Restricted Nature	C	-	-	C	-	
Live Entertainment	C	C	C	C	-	
Offices Accessory to Visitor Serving Use	C	C	C	C	-	
Parking Areas to Serve the Primary Use	C	C	C	C	C	
Retail Accessory to a Visitor Serving Use	C	C	-	C	-	
Temporary Assemblages of People, such as Festivals, Fairs, and Community Events	C [10]	C [10]	C [10]	C [13]	-	
Weddings	C	C	C	C	-	

Notes:

- [1] Permitted only as an accessory use.
- [2] Multifamily dwellings shall comply with development standards in the multifamily residential, medium density (RM-M) zoning district.
- [3] Single-family dwellings shall comply with development standards in the single-family residential (R-1) zoning district.
- [4] May not be located within two hundred feet of the boundary of a residential zoning district.
- [5] Drive-up and car service is not allowed.
- [6] May include moderate intensity recreational uses, including tent platforms, cabins, parks, stables, bicycle paths, restrooms, and interpretive facilities.
- [7] Intensification of the primary use is not allowed.
- [8] The new use may not change the nature or intensity of the commercial use of the structure.
- [9] Permitted only to serve guests of the lodging use.
- [10] Events may not exceed ten days and may not involve construction of permanent facilities.
- [11] Prohibited on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) and the Inn at Depot Hill (APNs 036-121-38 and 036-121-33).
- [12] Allowed in conjunction with overnight accommodation use (at least one on property) or grant of public access to a viewpoint.
- [13] Limited to a single two-day or less event per year.

B. Civic Uses in the VS-R Overlay Subzone. The planning commission may allow additional civic uses in the VS-R overlay subzone beyond those specifically identified in Table 17.28-1 if the planning commission finds the additional civic use to be consistent with the purpose of the VS-R overlay subzone and compatible with existing uses present on the site. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.28.030 Development standards.

A. General. Table 17.28-2 identifies development standards that apply in the -VS overlay zone outside of the mixed use village (MU-V) zoning district.

The Capitola Municipal Code is current through Ordinance 1051, passed April 28, 2022.

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Table 17.28-2: Development Standards in the Visitor Serving Zoning Districts

	-VS Overlay Zone	Additional Standards
Parcel Area, Minimum	5,000 sq. ft.	
Impervious Surface, Maximum	VS-R: 25% VS-SB, <u>VS-MC</u> and VS-ES: 50% [1] VS-G: No maximum	
Floor Area Ratio, Maximum	0.25	
Setbacks, Minimum	See Section 17.28.030(B)	
Height, Maximum	30 ft.	Section 17.28.030(C)

Note:

[1] In the VS-SB overlay subzone, the impervious surface requirement applies to the parcel located directly adjacent to Soquel Creek. In the VS-ES overlay subzone, the impervious surface calculation excludes the portion of parcel 036-142-28 located outside of the Monarch Cove Inn.

B. Setbacks. The following setback requirements apply in the -VS overlay zone:

1. The planning commission may require front, side and rear setbacks through the design review process to provide adequate light and air, ensure sufficient distance between adjoining uses to minimize any incompatibility, and to promote excellence of development. Where a side or rear yard abuts residential property, a setback of at least ten feet shall be provided.
2. Front and exterior side yards shall not be used for required parking facilities.
3. For the visitor serving El Salto parcels located adjacent to the bluff top, new development shall adhere to the setback and development provision provided in the LCP natural hazards policies and in Chapter 17.68 (GH Geologic Hazards District).
4. To protect the waters and riparian habitat of Soquel Creek, new development on the Shadowbrook Restaurant and Rispin parcels shall adhere to the LCP natural systems policies and Chapter 17.64 (Environmentally Sensitive Habitat Areas).

C. Height Exceptions. With a recommendation from the planning commission, the city council may approve additional height up to a maximum of thirty-six feet in the -VS overlay zone outside of the MU-V zoning district when all of the following findings can be made:

1. The proposed development and design is compatible with existing land uses in surrounding areas, the general plan, and the LCP.
2. Streets and thoroughfares are suitable and adequate to serve the proposed development.
3. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings, or open space.
4. Major public views of the shoreline, as identified in Capitola’s local coastal program, are not blocked by the proposed development.

D. Landscaping. See Table 17.72-2 in Chapter 17.72 (Landscaping) for minimum required landscaping requirements for visitor serving properties.

E. Lighting. In addition to outdoor lighting standards in Section 17.96.110 (Outdoor lighting), the following lighting requirements apply in the -VS overlay zone:

The Capitola Municipal Code is current through Ordinance 1051, passed April 28, 2022.

1. All exterior lighting shall be minimized, unobtrusive, down-directed and shielded using the best available dark skies technology, harmonious with the local area, and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled and that light spill, sky glow and glare impacts are minimized.
2. Lighting of natural areas (such as creeks, riparian areas, the beach, etc.) shall be prohibited past the minimum amount that might be necessary for public safety purposes, except when temporarily permitted in conjunction with a temporary event.
3. The location, type and wattage of exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use.

F. Coastal Development Permit. If a proposed development is located in the coastal zone, it may require a coastal development permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval). (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.30

VISITOR SERVING DISTRICT – MONARCH COVE INN

Sections:

- ~~17.30.010 — Applicability.~~
- ~~17.30.020 — Purpose.~~
- ~~17.30.030 — Architectural and site approval.~~
- ~~17.30.040 — Conditionally permitted uses — Monarch Cove Inn.~~
- ~~17.30.050 — Accessory uses.~~
- ~~17.30.060 — Height.~~
- ~~17.30.070 — Lot area.~~
- ~~17.30.080 — Lot coverage.~~
- ~~17.30.090 — Yards.~~
- ~~17.30.100 — Parking.~~
- ~~17.30.110 — Loading areas.~~
- ~~17.30.120 — Landscaping and lighting.~~

~~17.30.010 — Applicability.~~

~~The regulations set forth in this chapter apply to the Monarch Cove Inn parcels. (Res. 4223, 2021)~~

~~17.30.020 — Purpose.~~

~~The purpose of the V-S district is to accommodate the visiting public with a range of opportunities to enjoy the city of Capitola's coastal location. (Res. 4223, 2021)~~

~~17.30.030 — Architectural and site approval.~~

~~A design permit shall be secured for the establishment and conduct of any conditional or accessory use in a V-S district as provided in Chapter 17.120. (Res. 4223, 2021)~~

~~17.30.040 — Conditionally permitted uses — Monarch Cove Inn.~~

~~The following are the conditionally permitted uses allowed on the Monarch Cove Inn parcels and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels:~~

- ~~A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;~~
- ~~B. Hotels, motels, hostels, inns; bed and breakfast lodging;~~
- ~~C. Food service related to lodging;~~
- ~~D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;~~
- ~~E. Accessory structures and uses established prior to establishment of main use or structure;~~
- ~~F. Habitat restoration; habitat interpretive facility;~~
- ~~G. Live entertainment;~~
- ~~H. Public paths;~~
- ~~I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;~~
- ~~J. Weddings;~~
- ~~K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;~~

~~L. Other visitor serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;~~

~~M. Offices and limited retail use, accessory to visitor serving uses;~~

~~N. One caretaker unit for the purpose of providing on-site security;~~

~~O. Access roadway;~~

~~P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor serving use within the three parcels;~~

~~Q. Nonfamily residential use during the off-season months (November through April). (Res. 4223, 2021)~~

17.30.050 — Accessory uses.

The following are accessory uses permitted in a V-S district:

~~A. Signs complying with the applicable regulations set forth in the sign ordinance;~~

~~B. Accessory uses and buildings customarily appurtenant to a permitted use. (Res. 4223, 2021)~~

17.30.060 — Height.

No structures shall exceed thirty feet in height. Exceptions up to thirty-six feet in height may be granted subject to approval by the city council upon the recommendation of the planning commission when the following findings can be made:

~~A. The proposed development and design are compatible with existing land uses of surrounding areas and the general plan;~~

~~B. Streets and thoroughfares are suitable and adequate to serve the proposed development;~~

~~C. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings or open space;~~

~~D. Major public views are not blocked by the proposed development. (Res. 4223, 2021)~~

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17.30.070 — Lot area.

The minimum lot area required shall be five thousand square feet. (Res. 4223, 2021)

17.30.080 — Lot coverage.

There shall be no specific maximum lot coverage set except as follows:

~~A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, notwithstanding that all parking may be provided within a structure(s);~~

~~B. Front yard and open space requirements shall be satisfied;~~

~~C. For the Monarch Cove Inn parcels, the allowable impervious site coverage (e.g., buildings, paving, decks, etc.) is fifty percent. (Res. 4223, 2021)~~

17.30.090 — Yards.

~~A. Front, side and rear yard setbacks may be required through design permit approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development. Where a side or rear yard abuts residential property a setback of at least ten feet shall be provided.~~

~~B. Front yards and corner lot side yards shall not be used for required parking facilities.~~

~~C. For the Monarch Cove Inn parcels located adjacent to the bluff top, new development shall adhere to the setback and development provisions provided in the LUP's natural hazards policies and in certified zoning Chapter 17.68 (GH Geologic Hazards District). (Res. 4223, 2021)~~

~~**17.30.100 — Parking.**~~

~~Parking standards shall be as provided in Chapter 17.76. (Res. 4223, 2021)~~

~~**17.30.110 — Loading areas.**~~

~~Loading areas shall be as provided in Chapter 17.76. (Res. 4223, 2021)~~

~~**17.30.120 — Landscaping and lighting.**~~

~~A minimum of five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. For the visitor serving Monarch Cove Inn parcels, fifty percent of the parcels shall consist of landscaped or open space areas. The planting of invasive plant species is prohibited. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use. (Res. 4223, 2021)~~

Chapter 17.72

LANDSCAPING

Sections:

- 17.72.010 Purpose.
- 17.72.020 Applicability.
- 17.72.030 Water efficient landscape design and installation ordinance.
- 17.72.040 Landscape plans.
- 17.72.050 Required landscape areas.
- 17.72.060 Landscape standards.
- 17.72.070 Landscape maintenance.

17.72.010 Purpose.

This chapter establishes landscaping standards to enhance the aesthetic appearance of developed areas in Capitola and to promote the efficient use of water resources.

17.72.020 Applicability.

A. Multifamily and Nonresidential Projects. The following multifamily and nonresidential projects shall comply with all requirements of this chapter:

1. Construction of new structures.
2. Additions that increase the floor area of a multifamily or nonresidential structure by three thousand square feet or more.

B. Single-Family Residential Projects.

1. New single-family homes shall comply with all requirements of this chapter.
2. If existing landscaping is disturbed or new landscaping is added as part of a remodel or addition to an existing single-family home that requires a design permit, the new landscaping shall comply with the standards in Section 17.72.060 (Landscape standards). The city will evaluate compliance with these standards based on the plans and materials submitted as part of the design permit application. Submittal of a landscape plan for the entire site in accordance with Section 17.72.040 (Landscape plans) is not required.

C. Coastal Development Permit. A proposed development that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).

17.72.030 Water efficient landscape design and installation ordinance.

In addition to the requirements of this chapter, all applicable development in Capitola shall also comply with the applicable water provider's (i.e., the city of Santa Cruz water department or Soquel Creek Water District) landscape water use efficiency ordinance. If conflicts occur between the applicable water provider's landscape water use efficiency ordinance and the zoning code, the more restrictive policy to conserve water shall control.

17.72.040 Landscape plans.

A. Landscape Plan Required. Projects subject to the requirements of this chapter shall submit a landscape plan as part of planning permit applications (e.g., design permit/coastal development permit applications) and subsequent building permit applications.

B. Required Contents. Landscape plans shall include the following features and information:

1. Site boundaries.
2. Existing conditions on the property, including contours and existing structures.

3. Structures immediately adjacent to the property.
4. New structures and improvements proposed as part of the development project.
5. Existing landscaping, trees, and vegetation to be retained specifying plant location, species, and size. Details of all existing trees shall also include tree diameter measured forty-eight inches above existing grade and outer limit of tree canopy and a label identifying if the tree will remain or be removed.
6. New landscaping proposed as part of the development project specifying plant location, species, and size.
7. Irrigation plan specifying the location, type, and size of all components of the irrigation system.
8. Proposed grading.
9. Additional information as determined by the community development department to demonstrate compliance with the requirements of this chapter.

C. Review and Approval. The community development department shall review all landscape plans to verify compliance with this chapter. Landscape plans shall be approved by the review authority responsible for approving the planning permits required for the proposed project.

D. Changes to Approved Landscape Plans.

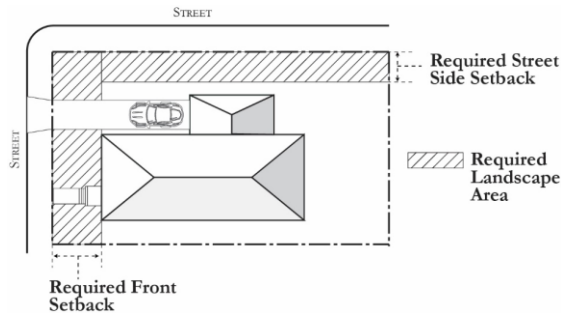
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.
2. The community development director may approve minor modifications to a landscape plan previously approved by the planning commission. Minor modifications are defined as changes to a landscape plan that do not alter the general design character of the landscaped area or alter a feature of the landscaped area specifically required by the planning commission.

17.72.050 Required landscape areas.

A. Residential Zoning Districts.

1. All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained. See Figure 17.72-1.
2. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass with related natural features, such as rock, stone, or mulch; and may include patios, courtyards, and outdoor dining areas. Artificial grass may be used within required landscaping areas. Decorative hardscape featuring pervious materials is permitted within required landscaping areas when combined with natural vegetation.

Figure 17.72-1: Required Landscape Area in R-1 Zoning District



B. Nonresidential Zoning Districts.

1. Except in the I zoning district, all required front and street side setback areas shall be landscaped, excluding areas required for access to the property and public or quasi-public open space such as courtyards and outdoor seating.
2. The minimum landscaped area on a site is shown in Table 17.72-1.
3. In the MU-V and MU-N zoning districts, up to seventy-five percent of the minimum landscaped area may be occupied by outdoor dining areas, courtyards, and other similar quasi-public areas with planning commission approval. Hardscape areas counting towards landscaping requirements must contain aboveground planters and other similar features that incorporate greenery and plantings into the space design. In all other zoning districts these areas may not count toward landscaping requirements.

Table 17.72-1: Minimum Landscaped Area in Nonresidential Zoning Districts

Zoning Districts	Minimum Landscaped Area
MU-V, MU-N, C-R, C-C, CF, I	5%
P/OS, PD, -VS	As determined by the permit approval process

C. Visitor Serving Properties. Minimum required landscaping for certain-visitor serving properties are shown in Table 17.72-2. Minimum landscaping requirements are intended to ensure harmony with adjacent development in accordance with architectural and site approval standards. The planting of invasive plant species is prohibited.

Table 17.72-2: Minimum Landscaped Area for Visitor Serving Properties

Property	Minimum Landscaped Area
Rispin site	75% as either landscaped areas in developed areas of the site, or unlandscaped natural areas in areas subject to conservation easements
Shadowbrook restaurant parcel and visitor serving El Salto and Monarch Cove parcels	50% landscaped area or undeveloped open space
<u>All other visitor serving properties</u>	<u>5%</u>

17.72.060 Landscape standards.

A. General Standards. The following standards apply pursuant to Section 17.72.020 within all zoning districts:

1. Plant Selection. A minimum of ninety percent of plants and trees shall be drought-tolerant as defined by the Water Use Classification of Landscape Species (WUCOLS). Native plants adapted to the local climate are preferred.

2. Plant Selection Along Blufftop, Beach, or ESHA. Native plants adapted to the local climate shall be required within fifty feet of the blufftop edge, the beach, or ESHA. See Chapter 17.64 (Environmentally Sensitive Habitat Areas) for habitat requirements.

3. Storm Water Management. The landscape plan shall incorporate storm water management controls in compliance with the Regional State Water Resources Control Board.

4. Turf Lawns.

a. Turf areas shall be limited to twenty-five percent of the landscaped area. The planning commission may approve larger areas if the lawn area provides functional open space.

b. Drought-tolerant grass species shall be used exclusively.

c. Turf shall not be used on berms, slopes, or median islands where runoff is a problem.

5. Slopes. Turf and high water use plants shall not be planted on berms and slopes greater than twenty-five percent.

6. Plant Groupings. Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).

7. Water Features. Decorative water features (e.g., fountains, ponds, waterfalls) must be approved by the planning commission and shall have recirculating water systems. Automatic fill valves are not recommended for use within water features.

8. Watering Times. Watering shall be limited to between eight p.m. and ten a.m.

9. Public Safety. Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation or safety and do not conflict with overhead lights, or utility lines.

B. Irrigation and Water Efficiency. Irrigation systems shall be designed to avoid runoff, low head drainage, overspray, and other similar conditions where water flows outside of landscaped areas. Irrigation systems shall feature the following equipment:

1. Irrigation systems shall meet a minimum irrigation efficiency standard of the applicable water provider.

2. Separate landscape water meters for landscape areas exceeding ten thousand square feet for single-family residential uses and five thousand square feet for all other uses.

3. Irrigation controllers capable of percent adjustment, multiple programming, and rain sensor.

4. Overhead sprays shall have a precipitation rate of no more than three-quarters of an inch per hour.

5. Separate valves and circuits based on water use and sun exposure. Separate valves for turf and nonturf and berm areas are required.

6. Sprinkler heads and emitters selected for proper area coverage, application rate, operation pressure, adjustment capability, and ease of maintenance.

7. Rain-sensing override devices are required for all irrigation systems.

8. Drip or bubble irrigation is required for all trees. Bubblers should not exceed a flow rate of one and one-half gallons per minute.

9. State-approved backflow prevention devices shall be installed on all irrigation systems.

C. Timing of Installation. Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy.

17.72.070 Landscape maintenance.

The following landscape maintenance requirements apply to multifamily and nonresidential properties:

A. General. Landscape areas shall be maintained in a neat and healthful condition at all times.

B. Mulch. Mulch shall be periodically added to the soil surface in all landscape areas.

C. Replacement of Dead or Dying Plants. Plants that are dead or severely damaged or diseased shall be replaced by the property owner.

D. Removal of Landscaping. Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed. Trees may only be removed and/or replaced in accordance with the city's tree ordinance, Chapter 12.12.

E. Irrigation Systems. Irrigation systems shall be maintained in a fully functional manner as approved by the city and required by this chapter. Watering schedules should be adjusted periodically to reflect seasonal variations.

Zoning Map/LCP-IP Proposed Modifications for Monarch Cove Inn Parcels

Existing Land Use: Visitor Serving



Proposed Land Use: R-1 Single-Family Residential with Visitor Serving Overlay



Residential Zoning Districts

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

Mixed-Use Zoning Districts

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

Commercial and Industrial Zoning Districts

- C-R - Regional Commercial
- C-C - Community Commercial

I - Industrial

Other Zoning Districts

- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development

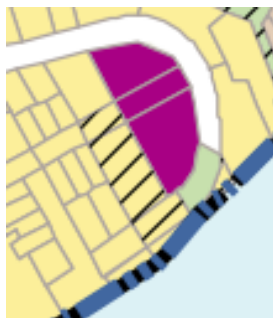
Overlay Zones*

- AHO - Affordable Housing
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.

General Plan and Local Coastal Program Land Use Map Proposed Modifications for Monarch Cove Inn Parcels

Existing Land Use: Visitor Serving



Proposed Land Use: Single-Family Residential with Visitor Serving Overlay



Residential Designations

- Single-Family Residential (R-1)
- Multi-Family Residential (R-M)
- Mobile Home (R-MH)

Mixed-Use Designations

- Village Mixed-Use (MU-V)
- Neighborhood Mixed-Use (MU-N)

Other Designations

- Parks and Open Space (P/OS)
- Public/Quasi-Public (P/QP)
- Visitor Serving (VS)

Commercial/Industrial Designations

- Regional Commercial (C-R)
- Community Commercial (C-C)
- Visitor Accommodations (VA)
- Industrial

Overlays

- Visitor Serving (VS)





August 29, 2022

Mr. Brian Froelich
Senior Planner
City of Capitola
420 Capitola Ave.
Capitola, CA 95010

Re: Monarch Cove Inn Feasibility Analysis

Dear Mr. Froelich:

Kosmont & Associates, Inc. doing business as Kosmont Companies (“Consultant” or “Kosmont”) is pleased to present our findings relative to the California Coastal Commission request for a feasibility analysis of future hospitality use for the historic Monarch Cove Inn, an 11-room hotel (“Property”) on 1.4-acres owned by the Blodgett family (“Owner”), and located at 620 El Salto Drive in Capitola (“City”).

BACKGROUND

In 2020, the City initiated a zoning change for the subject Property from Commercial to R-1. As part of the Local Coastal Plan review, the California Coastal Commission (“CCC”) requested an independent 3rd party study to assess the feasibility of the Property to continue as a visitor serving facility. The main house was built in 1886 and has undergone extensive renovations, but overall amenities are lacking compared to competitive facilities limiting achievable room rates.

Due to its small size of 11 rooms and regulations limiting special events (i.e., weddings), the Property has been unable to generate sufficient net operating income to cover the annual debt service. CCC wants to know if there are any modifications that can be made to allow the Property to operate profitably (e.g., additional rooms, restaurant, special event facilities).

To address CCC concerns, the City retained Kosmont Companies to provide an independent assessment of the hotel operations and the financial feasibility of adding new facilities to the Property.

Consultant toured the Property and met with Owner to understand operating challenges, and see the historic financial performance records. Consultant worked with City staff to understand the terms of the existing Conditional Use Permit.



Hotel Description

The 620 El Salto Drive Property is located at the end of a narrow cul-de-sac street. It was developed as a single family estate in the late 1890's with the construction of a ~4,000 SF main house. The family also owned most of the property along El Salto Drive. Over the years many parcels were sold to other individuals who built single family homes.

In 1991, the family converted the property into a visitor serving facility called the Monarch Cove Inn. While primarily a hospitality facility, the major source of revenue was outdoor weddings and special events prior to CUP restrictions, generating over \$250,000 per year in operating income that often exceeded the hotel room revenue.

The Property is surrounded by single family residences to the north and west and the Pacific Ocean on the south. In the 1880's the property was surrounded by a 60 foot wide Escalona Drive right of way connecting to Grand Ave. The majority of Grand Avenue has been eroded away and right of way is now a pedestrian path.

The Property is comprised of 4 parcels. In the 1989 General Plan, the City designated three parcels as Visitor Serving (V-S) with the fourth parcel 036-143-36 zoned Parks and Open Space (P/OS).

Due to adjacent neighbor complaints about noise and parking on city streets, the lodging has been operates under a Conditional Use Permit since 2001, that restricts special events to no more than two per week and six per month. Events during the week (M-F) are limited to 40 people and during weekends they are limited to 75 people, which negatively impacts revenue from wedding substantially.

Another factor that has restricted guest attendance is parking. The subject Property currently has approximately a dozen parking spaces on site. Guests used to be able to park on offsite lots and drives that were privately owned. As those parcels were sold and developed, parking became an problem for the community. Property now must arrange for offsite parking and shuttle systems to bring guests at significant cost.

Subject Property





Hotel Operations

Kosmont gathered hotel market data for the Santa Cruz/Capitola submarket from Smith Travel Research (STR) to understand the competitive hotel market room rates and occupancy rates for the time frame pre-Covid up to the current year.

The Property has extraordinary maintenance needs with an acre of gardens and three Victorian buildings requiring a full time handyman and full time gardener. Engineering assessments have also identified the need for a new foundation and a seismic retrofit that would cost approximately \$800,000.

Table 1 shows that despite increasing hotel operating revenues, expenses have climbed faster resulting in lower net operating income and cash flow during the past 8 years.

Table 1

Monarch Cove Inn Financial Performance									
	2014	2015	2016	2017	2018	2019	2020	2021	
Occupancy Rate	47%	72%	78%	81%	79%	64%	55%	82%	
Average Daily Rate	\$ 193	\$ 178	\$ 176	\$ 171	\$ 178	\$ 200	\$ 173	\$ 193	
Room Revenue (net of TOT)	\$ 364,000	\$ 516,000	\$ 552,000	\$ 557,000	\$ 564,000	\$ 515,000	\$ 382,000	\$ 634,000	
Other Revenue	82,000	97,000	54,000	46,000	58,000	42,000	14,000	29,000	
Total Revenue	\$ 446,000	\$ 613,000	\$ 606,000	\$ 603,000	\$ 622,000	\$ 557,000	\$ 396,000	\$ 663,000	
Operating Costs	\$ 317,000	\$ 355,100	\$ 433,000	\$ 463,200	\$ 463,000	\$ 387,000	\$ 357,400	\$ 523,400	
Net Operating Income	\$ 129,000	\$ 257,900	\$ 173,000	\$ 139,800	\$ 159,000	\$ 170,000	\$ 38,600	\$ 139,600	
Return on Investment /1	3.2%	6.4%	4.3%	3.5%	4.0%	4.3%	1.0%	3.5%	
Less: Debt Service /2	\$ 114,000	\$ 125,900	\$ 105,000	\$ 128,800	\$ 105,000	\$ 123,000	\$ 116,000	\$ 105,000	
Net Cash Flow	\$ 15,000	\$ 132,000	\$ 68,000	\$ 11,000	\$ 54,000	\$ 47,000	\$ (77,400)	\$ 34,600	
Source: Monarch Cove Inn									
/1 \$4 million estimated debt and equity investment									
/2 Excludes deferred interest on \$2 million loan									

As shown above, the Monarch Cove Inn has struggled for years to achieve breakeven operations, despite high room rates and strong occupancy. Wedding and other event revenues have continued their significant decline. With a return on investment of less than 4%, Owner is not able to invest in long term improvements needed to maintain a hospitality use.

Hotel Market

The Santa Cruz / Capitola hotel market contains over 3,000 hotel rooms plus over one hundred nearby camping spaces at New Brighton State Beach and over 60 RV camp sites at Seacliff State Beach Campground.

The potential loss of 11 rooms at Monarch Cove represents less than 0.3% of the dedicated hospitality inventory, *not counting* the hundreds of single family homes renting rooms via Airbnb.com and similar websites.

Table 2 illustrates the major hotel properties in Santa Cruz/Capitola that have been historically surveyed by STR as to room rates and occupancy.

Table 2

Competitive Set Hotel Properties in Capitola and Santa Cruz						
Miles from Site	Property Name	Property Address	City	Hotel Class	Rooms	Year Built / Renovated
0.7	Quality Inn & Suites Capitola By The Sea	822 Bay Ave	Capitola	Midscale	55	1980
1.2	Best Western Plus	1435 41st Ave	Capitola	Upper Midscale	58	2000
1.2	Fairfield Inn & Suites Santa Cruz Capitola	1255 41st Ave	Capitola	Upper Midscale	84	2011
1.9	Seacliff Inn Aptos, Tapestry Collection	7500 Old Dominion Ct	Aptos	Upscale	148	1980
4.1	Best Western Plus All Suites Inn	500 Ocean St	Santa Cruz	Upper Midscale	77	1989 / 2022
4.1	Comfort Inn Beach Boardwalk Area	314 Riverside Ave	Santa Cruz	Upper Midscale	28	1996
4.1	Hyatt Place Santa Cruz	407 Broadway	Santa Cruz	Upscale	106	2017
4.2	Autograph Collection Hotel Paradox	611 Ocean St	Santa Cruz	Upper Upscale	170	1969 / 2012
4.3	Holiday Inn Express & Suites Santa Cruz	1410 Ocean St	Santa Cruz	Upper Midscale	100	2009
4.3	Quality Inn Santa Cruz	1101 Ocean St	Santa Cruz	Midscale	42	1972
4.4	Comfort Inn Santa Cruz	110 Plymouth St	Santa Cruz	Upper Midscale	62	1970
4.4	Best Western Inn Santa Cruz	126 Plymouth St	Santa Cruz	Midscale	28	1983
4.4	Hampton Inn Santa Cruz	1505 Ocean St	Santa Cruz	Upper Midscale	46	2000

Source: STR



Market area hotel performance metrics, based on the hotel competitive set identified above, are summarized in the Table 3 below. The data shows that Monarch Cove Inn Property achieved higher room rates (\$193) and occupancy rates(82.2%) than the competitive hotels in 2021.

Table 3

Market Hotel Performance: 2014 - 2021							
Year	Avg. Occupancy	ADR	Supply of Room Nights	Demand for Room Nights	Change in Occupied Room Nights	RevPAR	Change in RevPAR
2014	65.8%	\$140.27	328,135	215,790		\$92.25	
2015	70.2%	\$153.69	328,135	230,197	6.7%	\$107.82	16.9%
2016	70.2%	\$160.08	328,135	230,225	0.0%	\$112.31	4.2%
2017	70.6%	\$161.19	344,353	243,264	5.7%	\$113.87	1.4%
2018	74.3%	\$165.26	366,825	272,543	12.0%	\$122.78	7.8%
2019	74.6%	\$165.73	366,825	273,776	0.5%	\$123.69	0.7%
2020	51.8%	\$141.22	366,491	189,670	-30.7%	\$73.09	-40.9%
2021	64.2%	\$175.91	366,460	235,319	24.1%	\$112.96	54.6%
2022*	68.5%	\$157.44				\$107.77	

Source: Costar / STR

Significant seasonality is highlighted by the Capitola/Santa Cruz market’s monthly performance data over the past year as summarized below:

Monthly Hotel Performance: Previous 12-month Period			
Month	Avg. Occupancy	ADR	RevPAR
Jun 21	73.8%	\$207.45	\$153.14
Jul 21	81.5%	\$243.12	\$198.20
Aug 21	71.9%	\$224.87	\$161.61
Sep 21	67.9%	\$208.10	\$141.31
Oct 21	66.1%	\$169.49	\$111.96
Nov 21	65.1%	\$146.87	\$95.58
Dec 21	57.8%	\$129.16	\$74.70
Jan 22	55.9%	\$118.70	\$66.34
Feb 22	66.9%	\$139.95	\$93.66
Mar 22	70.6%	\$148.90	\$105.14
Apr 22	78.3%	\$186.05	\$145.70
May 22	70.7%	\$180.89	\$127.86
Average	68.9%	\$175.30	\$122.93

Source: Costar / STR



Limiting Conditions per Conditional Use Permit (“CUP”)

The various operational constraints imposed by the CUP have had a dramatic impact on the feasibility of continued hospitality operations at the Property.

1. Maximum of two weddings per week and six per month
2. Maximum of 40 guests allowed Monday thru Thursday
3. Maximum of 75 guests will be allowed Friday thru Sunday
4. All events must occur prior to 6:00 pm
5. No event parking may take place in residential neighborhood. City allows remote parking if a shuttle is provided
6. A security guard is required on site during all events

With 80% of weddings occurring between May and October, the limit of 6 weddings per month impacts revenue substantially, eliminating 2-3 weekend event days during peak months (according to Brides.com). The most significant constraint is the limitation of 75 guests on weekends, as pre-pandemic wedding parties averaged 130 guests (theknot.com). The financial data shown above clearly demonstrates the dramatic decline in non-hotel room revenue, a trend that continues today.

Feasibility of New Development

One potential option to improve operating revenues would be an expansion of hotel rooms or addition of restaurant/bar area. In 2014, the Owner Robert Blodgett applied to the City for an expansion of the facility into a 41-room hotel complex that would retain the historic Victorian Inn, demolish and replace the two cottages and garage area with a subterranean garage for 56 cars and two new hotel buildings with 32 guest rooms, meeting rooms and kitchen facilities. The Owner prepared a full Environmental Impact Report, but the Project application was withdrawn by the Owner due to massive community opposition.

With current resident sentiment opposed to hospitality uses, no changes to the commercial uses allowed on the Property can be expected to be approved by the City.

Finding

Kosmont’s analysis of the Monarch Cove Inn Property shows the hospitality operations yield an inadequate return on investment of less than 4% to justify operations as a hospitality venue. Given the long term capital investment required, continued hotel use of the property is not financially feasible.

Disclaimer:

The analyses, projections, assumptions presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Actual results may differ from those expressed in this analysis, as results are difficult to predict as a function of market conditions, natural disasters, pandemics, significant economic impacts, legislation and administrative actions.



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August 14, 2020

Mr. Brian Froelich, AICP
Senior Planner
City of Capitola
420 Capitola Ave.
Capitola, CA 95010

Re: Monarch Cove Inn Property Broker Opinion of Value (BOV)

Dear Mr. Froelich;

Kosmont Real Estate Services, Inc. ("KRES") dba Kosmont Realty ("KR"), a licensed California brokerage firm (Department of Real Estate License #02058445), is pleased to present this broker opinion of value ("BOV") in connection with the Monarch Cove Inn ("Property") located at 620 El Salto Drive in Depot Hill neighborhood of Capitola ("City"). APNs for the four parcels are 036-142-27, 036-142-28, 036-143-31, 036-143-36.

The BOV considers the Property's zoning/allowable uses, current market and economic conditions, and other relevant data/information to evaluate the range of fair market value of the Property.

Valuation Summary

For hotel use, KR estimated stabilized long term net operating income and used market cap rates to estimate the "As Is" value of continued hotel operations. This analysis does not include mortgage interest or other financing costs. The value of the property in hotel use is \$3.1 million.

For residential use, KR compiled per acre land sale comp data and made adjustments as appropriate given the Property's allowable density and location to estimate the value of the Property for residential redevelopment and as a single family residence, which was its original use. The average value for those two residential scenarios is \$4.25 million (\$3.9 million and \$4.6 million).

The Property's estimate of value was derived from the Sales Comparison Methodology with supportable adjustments, and Income Capitalization Methodology as shown below.

Value Summary

	<i>Bldg / Land Area</i>	<i>Estimated Value</i>
Residential Zoned Land	61,000	\$3,900,000
Residential Reuse of Buildings	5,000	\$4,600,000
Hotel Use	5,000	\$3,100,000



I. BACKGROUND AND OBJECTIVE

In 2020, the City initiated a zoning change for the Property from Commercial to R-1 Residential. As part of the Local Coastal Plan review, the California Coastal Commission (“CCC”) requested an independent 3rd party study to assess the feasibility of the Property to continue as a visitor serving facility. The Property was built in 1886 and has undergone many renovations and continues to have extraordinary maintenance needs.

Due to its small size of 11 rooms and regulations limiting special events (i.e., weddings), the Property has been unable to generate sufficient net operating income to cover the annual debt service. CCC has requested an independent evaluation of the Property value in current hotel use, as well as a valuation of the Property with a residential rezoning.

Property Orientation

KR toured the Property, gathered information on building size and condition and reviewed the parcel data to identify the Property dimensions, as well as gathered info on hotel revenue and operating cost trends. KR also interviewed owners and reviewed financial statements regarding extraordinary maintenance costs associated with the historic building.

Market Research

KR gathered Santa Cruz/Capitola hotel operating data from CoStar/STR to understand the Property’s competitive position in the local market. KR gathered hotel sales comps to understand per room values and capitalization rates. KR also gathered data on single family homes sales values and undeveloped residential land sale comps in the Capitola area.

Permitted Uses – Residential & Commercial Zoning

KR gathered information from the City on underlying R-1 residential density (3 single family units), as well as allowable uses on the hotel Property under the current commercial zoning, with the various regulations imposed, as discussed later.

Market Conditions

It is important to note that residential home values have seen extraordinary appreciation in the past two years across California, especially in suburban areas away from large metropolitan centers, subject to various lockdown constraints. Demand for housing and prices may soften with mortgage rates spiking by over 200 basis points since January 2022.

II. Property Information

Location

The Property is located on a beachfront cliff in the Depot Hill neighborhood of the City, which is adjacent to Santa Cruz, about 35 miles southwest of San Jose via SR 17. It is located at the end of a narrow cul-de-sac at 620 El Salto Drive.

A City Location Map, Property Aerial Map, Parcel Maps, and Property Photos are provided as Exhibits A, B, C, and D, respectively.

Existing Conditions

The Property is comprised of 4 parcels. In the 1989 General Plan the City designated three parcels as Visitor Serving (V-S) with the fourth parcel 036-143-36, zoned Parks and Open Space (P/OS).

The Property is a 61,000 SF irregular shaped lot. The Property contains a 4,000 square foot 120-year old Victorian building, that currently has 9 guest rooms. The Property also has two guest houses, a garage, and an outdoor event pavilion. Due to adjacent neighbor complaints about noise and parking on the street, the lodging now operates under a Conditional Use Permit (“CUP”) that restricts special events to no more than two per week and six per month. Events during the week (M-F) are limited to 40 people and during weekends limited to 75 people.





History

The Monarch Cove Inn was originally developed as a single-family estate in the late 1880's with the construction of a ~4,000 SF main house. The family also owned most of the property along the El Salto Drive. Over the years, many parcels were sold to other individuals who built single family homes.

In 1991, the family converted the Property into a visitor serving facility called the Monarch Cove Inn. While primarily a hospitality facility, the major source of revenue was outdoor weddings and special events prior to CUP restrictions.

The Property is surrounded by single family residences to the north and west and the Pacific Ocean on the south. In the 1880's, the Property was surrounded by a 60-foot wide Escalona Drive right of way connecting to Grand Ave. The majority of Grand Avenue has been eroded away and right of way is now a pedestrian path.

III. Valuation Methodology

Standard methods for the valuation of real estate include replacement cost methodology, income capitalization methodology, and the sales comparison methodology.

Replacement Cost Methodology

The replacement cost methodology was not considered to be an accurate determinate of value because the current building improvements are an historic structure.

Income Capitalization Methodology

KR utilized the income capitalization methodology to value the Property in current hotel use.

Sales Comparison Methodology

KR utilized the sales comparison methodology for both the hotel use and for residential use based on recent comparable property sales in the immediate area.

IV. a. Valuation Analysis - Residential

To estimate the value of the Property as residential use, KR used the Sales Comparison Method and surveyed comparable vacant land sales over the last three years in Capitola/Santa Cruz. Finding comparable sales is difficult due to the unique character of the subject Property (120-year old Victorian on 4 parcels with cliffside ocean views).

As shown in the table below, four (4) comparable homes were recently evaluated on a price per square-foot of building basis:



Home Sales Comparables

Address	Location	Sale Date	Home Size SF	Sales Price	\$/PSF	Use
<u>SUBJECT PROPERTY</u>						
620 El Salto Drive	Capitola	N.A.	5,000	n.a.	n.a.	Hospitality
<u>SALE COMPARABLE</u>						
709 El Salto Drive	Capitola	4/29/22	1,467	\$1,630,000	\$1,111	Single Family
30 Moran Way	Santa Cruz	Listed	2,160	\$2,699,000	\$1,250	Single Family
602 El Salto Drive	Capitola	8/27/21	2,760	\$2,900,000	\$1,050	Single Family
501 El Salto Drive	Capitola	9/28/20	2,630	\$2,090,000	\$ 795	Single Family
Average Sales Price/PSF					\$1,050	

Source: Redfin, Homes.com, Zillow

Based on the above comparable sales transacted between 2020 and 2022, home values range from approximately ~\$800 PSF to ~\$1,200 PSF with an average of \$1,050 PSF. Due to significant appreciation in home values in past two years, the first two sales listed are most comparable to the subject Property, despite being new construction, and would indicate a value of \$1,200 PSF for equivalent condition.

Adjustments

In order to determine a fair value for the subject Property in residential use, KR made the following adjustments for the 4,000 SF Victorian building foundation repair/earthquake retrofit and conversion of hospitality to single family use:

Preliminary Value	5,000 SF x \$1,200 =	\$6,000,000
Less: Foundation Repair (\$200/SF) /1		(800,000)
Less: Conversion from Hospitality (\$150/SF) /2		<u>(600,000)</u>
Adjusted Value in Residential Reuse		<u>\$4,600,000</u>

/1 Foundation cost estimate provided by engineering firm hired during the 2014 redevelopment planning

/2 Conversion cost estimates per KR, based on discussions with Owner.



Residential Zoned Land

KR examined land sales for residentially zoned land in the Capitola/Santa Cruz area. Due to limited development and sales transaction activity because of negative market factors/conditions caused by the Covid-19 pandemic (e.g. rise in construction costs), there were few land sales for residential development. Therefore, KR utilized sales comparables dating back to 2019, as shown in the table below.

Residential Land Sales

Address	Location	Sale Date	Lot Acres	Sales Price	\$/Acre	Use
<u>SUBJECT PROPERTY</u>						
620 El Salto Drive	Capitola	N.A.	1.4	n.a.	n.a.	Hospitality
<u>SALE COMPARABLE</u>						
1260 7 th Ave	Santa Cruz	12/13/19	0.95	\$1,580,000	\$1,600,000	Vacant Land
217 Protrero St	Santa Cruz	10/9/19	0.21	\$ 600,000	\$3,000,000	Single Family
961 Beach St	Santa Cruz	1/25/19	0.50	\$1,135,000	\$2,270,000	Vacant Land
Average Sale Price/Acre					\$1,400,000	

Source: CoStar

The sales comparables shown in the table above represent a wide range of values due to location and allowable density with an average of \$1.4 million per acre. The last two sales are most comparable to the subject Property, but allow for much higher density. With a lower density allowed on Subject, KR estimates the value of subject Property with residential zoning for 3 units to be \$2.8 million per acre or \$3.9 million.

IV. b. Valuation Analysis – Hotel

To estimate the value of the Property for continued hotel use, KR used the Income Capitalization Method and projected net operating income and market capitalization rates. Table 1 on the following page shows that the net operating income has ranged from \$140,000 to \$170,000 with an average of \$150,000, excluding the significant negative impact Covid-19 had on the hotel’s 2020 operations.



Table 1

Monarch Cove Inn Financial Performance					
	2017	2018	2019	2020	2021
Occupancy Rate	81%	79%	64%	55%	82%
Average Daily Rate	\$ 171	\$ 178	\$ 200	\$ 173	\$ 193
Room Revenue (net of TOT)	\$ 557,000	\$ 564,000	\$ 515,000	\$ 382,000	\$ 634,000
Other Revenue	<u>46,000</u>	<u>58,000</u>	<u>42,000</u>	<u>14,000</u>	<u>29,000</u>
Total Revenue	\$ 603,000	\$ 622,000	\$ 557,000	\$ 396,000	\$ 663,000
Operating Costs	<u>\$ 463,200</u>	<u>\$ 463,000</u>	<u>\$ 387,000</u>	<u>\$ 357,400</u>	<u>\$ 523,400</u>
Net Operating Income	<u>\$ 139,800</u>	<u>\$ 159,000</u>	<u>\$ 170,000</u>	<u>\$ 38,600</u>	<u>\$ 139,600</u>

Source: Monarch Cove Inn

Capitalized Value

Hotel capitalization rates are typically higher than those for industrial, retail and apartments as the risk level is greater. KR’s survey of hotel sales in the San Jose / Santa Cruz area indicates market capitalization rates from 5% to 7%, with a 9-room Victorian Inn listed (listed in July 2022) at 6.2% cap rate. KR believes a 5.5% capitalization rate is appropriate for the Property. With average net operating income of \$150,000, the supportable sales value is estimated at \$2.7 million.

Hotel Sales Comparables

KR researched hotel sales in the Capitola / Santa Cruz area since 2018. Several properties were found with a wide range of size, location and type of construction.

Hotel Sales						
Address	Location	Sale Date	Bldg SF	Sales Price	\$/PSF	Use
<u>SUBJECT PROPERTY</u>						
620 El Salto Drive	Capitola	N.A.	5,000	n.a.	n.a.	Hospitality
<u>SALE COMPARABLE</u>						
Beach St Inn	Santa Cruz	10/20/21	20,000	\$14.1 million	\$700	Hospitality
118 1 st St	Santa Cruz	9/22/21	3,100	\$1.93 million	\$615	Hospitality
Darling House 314 W. Cliff	Santa Cruz	8/30/19	7,870	\$5.0 million	\$1,160	Hospitality
Capitola Hotel 210 Esplanade	Capitola	6/20/18	3,400	\$3.0 million	\$890	Hospitality
<u>Average Sales Price/PSF</u>					\$900	

Source: CoStar



The last two sales represent properties located in commercial area by the water with ocean views. The 118 1st St. property is a 9-room Victorian property being rehabbed and converted into a Bed and Breakfast. It is located two blocks from the beach, but with limited ocean views and represents a strong comparable given the need for major renovation. Considering the Property’s premium views and the need for renovation, KR estimates the fair value of subject Property based on Sales Comparison Methodology to be \$700 PSF or \$3.5 million.

Reconciling the Income Approach and Sales Comparison Approach for Hotel use results in an average value of \$3.1 million.

V. Conclusion – Broker Opinion Value

Based on the Sales Comparison Methodology with supportable adjustments, and Income Capitalization Methodology, KR estimates the value of the Property under two alternative residential scenarios (average of \$4.25 million) and as hotel (\$3.1 million) as shown below.

Value Summary		
Costar	Bldg / Land Area	Estimated Value
Residential Zoned Land	61,000	\$3,900,000
Residential Reuse of Buildings	5,000	\$4,600,000
Hotel Use	5,000	\$3,100,000

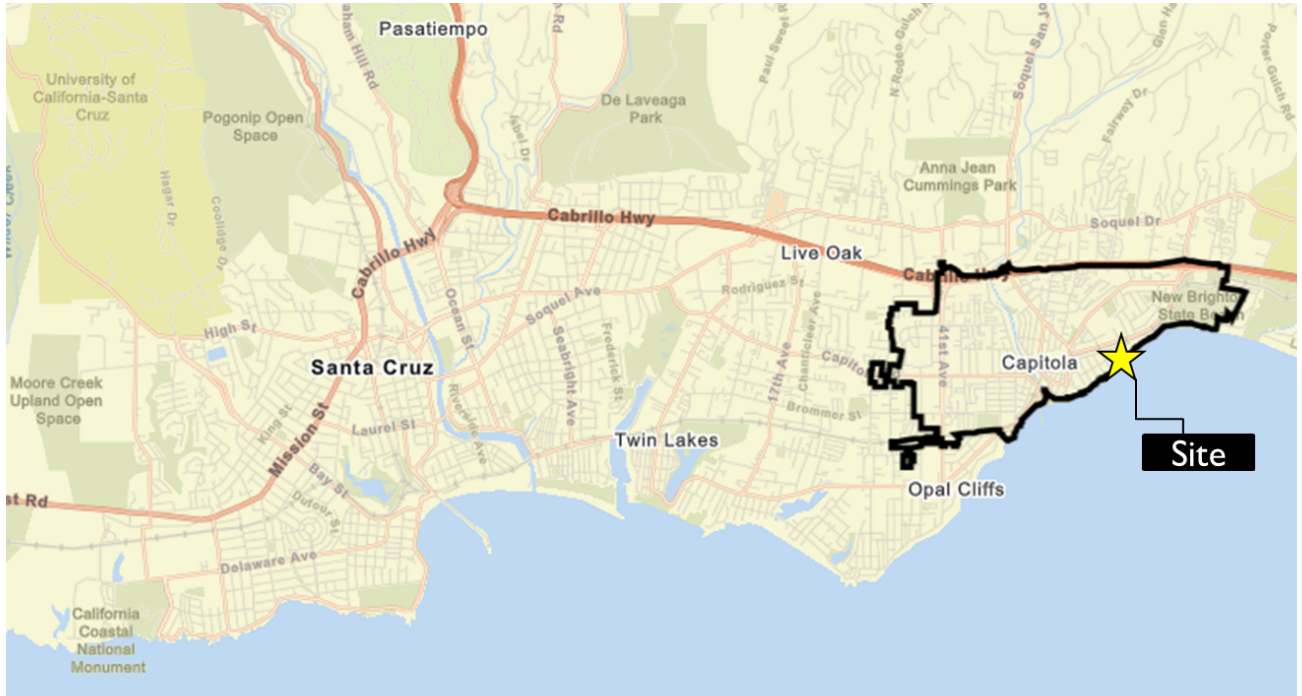
Note: This evaluation is a Broker Opinion of Value (“BOV”). It is not an appraisal, which generally provides a more detailed evaluation of value and related property characteristics. BOV based on typical market conditions, which do not reflect extraordinary events that can impact supply/demand market characteristics which in turn impact property valuation.

Respectfully Submitted:

**Kosmont Real Estate Services
doing business as “Kosmont Realty”**

Larry J. Kosmont, CRE®
Chairman & CEO

Exhibit A1 – City Location Map



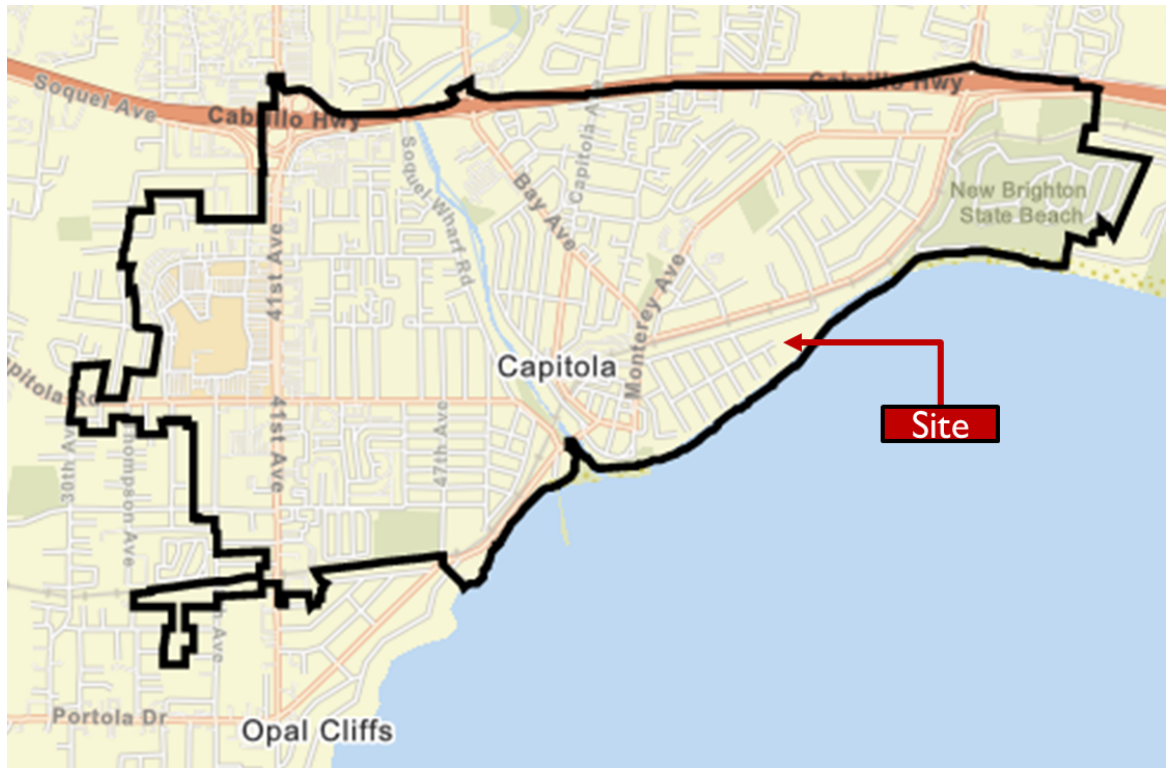


Exhibit B – Property Aerial



Exhibit C – Assessor Parcel Map

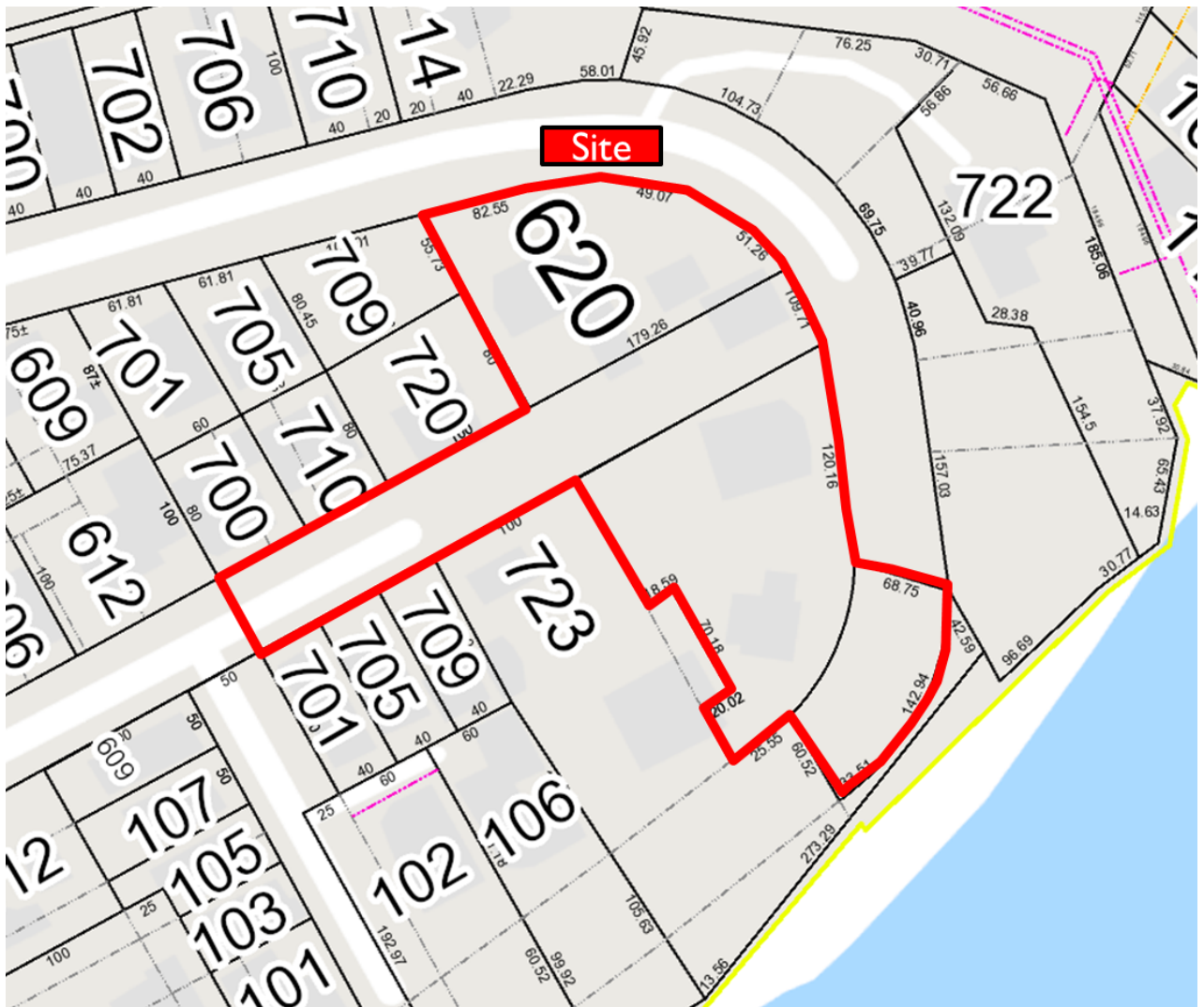


Exhibit D – Property Photos

Main House



Event Pavilion



Entrance on El Salto Drive



Ocean View from backyard



Guest House

