

# City of Capitola

## Planning Commission Meeting Agenda

### Thursday, November 03, 2022 – 7:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Peter Wilk

**Commissioners:** Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

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*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

*Please review the Notice of Remote Access for instructions. 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. Approval of Minutes

[A.](#) Minutes for approval August 18, 2022 meeting

[B.](#) Minutes for approval September 1, 2022 meeting

[C.](#) Minutes for approval October 6, 2022 meeting

#### 4. Consent Calendar

*All matters listed under "Consent Calendar" are considered by the Planning Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Planning Commission votes on the action unless members of the public or the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.*

**A. 602 El Salto Drive**

**Permit Number: #22-0215**

**APN: 036-142-03**

Design Permit to demolish an existing residence and construct a new two-story, single-family residence and detached garage, located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Bruce Kelly

Representative: Dennis Norton, Filed: 05.23.22

**B. 401 Capitola Avenue**

**Permit Number: #22-0282**

**APN: 035-131-11**

Item to be continued and renoticed for future Planning Commission meeting. Conditional Use Permit and Parking Variance to establish a bar and lounge (pour room) serving beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption 15301

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

**5. 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. 935 Balboa Avenue**

**Permit Number: #22-0397**

**APN: 036-232-13**

Appeal of an administrative denial of a tree removal permit to remove one mature eucalyptus tree, located within the RM-L (Multi-Family Residential, Low Density) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Joe Stokley

Appellant: Moe Hassan and Tony Sharifi, Filed: 09.19.22

**B. 216 Central Avenue**

**Permit Number: #20-0103**

**APN: 036-122-22**

Design Permit, Historic Alteration Permit, Minor Modification for the required parking space dimensions, and Variance for the nonconforming calculation to construct first- and second-story additions to a historic single-family residence located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Lorraine Krilanovich and Lynn Jackson

Representative: Scott Mitchell, Filed: 06.09.22

**C. 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: **Categorically Exempt under Section 15061(b)(3)**

Property Owner: Effects all Zoning Districts

Representative: Ben Noble, Ben Noble Planning

**6. Director's Report**

**7. Commission Communications**

**8. Adjournment**

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**Notice of Remote Access**

In accordance with California Senate Bill 361, the Planning Commission meeting is not physically open to the public and in person attendance cannot be accommodated.

**Watch:**

- Online: <https://www.cityofcapitola.org/meetings> or <https://www.youtube.com/channel/UCJqSsB5qqoS7CcD8lq9Yw1g/videos>

- Spectrum Cable Television channel 8

**Join Zoom by Computer or by Phone:**

Click this Meeting link:

<https://us02web.zoom.us/j/84769092900?pwd=anpWVWIQamFzT3BGUm54QStJWtJWtdwQT09>

Or Call one of the following Phone Numbers: - **1 (669) 900 6833 OR 1 (408) 638 0968 OR- 1 (346) 248 7799**

Meeting ID: 847 6909 2900

Meeting Passcode: 379704

**To make a remote public comment:**

- **Via Zoom Application:** Use participant option to “raise hand”. The moderator will unmute you.

- **Via Zoom phone call:** Dial \*9 on your phone to “raise your hand”. The moderator will unmute you.

**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](http://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.

**Americans with Disabilities Act:** Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the Community Development Department at least 24 hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

**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](http://www.cityofcapitola.org).

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, August 18, 2022 – 7:00 PM

City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010



**Chairperson:** Peter Wilk

**Commissioners:** Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

#### 1. Roll Call

Chair Wilk called the meeting to order at 7 P.M. Commissioners Courtney Christiansen, Ed Newman, Mick Routh, Susan Westman, Peter Wilk were present.

#### 2. Oral Communications – None

##### A. Additions and Deletions to the Agenda - None

##### B. Public Comments – None

##### C. Commission Comments – None

##### D. Staff Comments

Director Herlihy noted that City Council meeting will go hybrid next week, (August 15, 2022). Three Councilmembers will be present and two will participate remotely. Planning Commissioners will be asked to volunteer to participate in in-person meeting at the end of this meeting.

#### 3. Consent Calendar

##### A. 3720 Capitola Road & 1610 Bulb Avenue

**Permit Number: #22-0149**

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

**Request to Continue.** 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 Frank DeBernado

Representative: Zurite LLC and Frank DeBernado

Director Herlihy noted that there's a request to continue item A, 3720 Capitola Road & 1610 Bulb Avenue without a date certain.

**B. 1350 49<sup>th</sup> Avenue**  
**Permit Number: #22-0035**  
**APN: 034-068-14**

Permit amendment for a Design Permit and Variance to construct first- and second-story additions on an existing single-family residence with a variance to the required side yard setback located at 1350 49th Avenue within the R-1 (Single-Family) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Rick Aberle

Representative: John Hofacre, Filed: 01.31.22

**Motion: Approve Items 3.A and 3.B**

**Result: Passed, 5:0 (Unanimous)**

**Mover:** Commissioner Christiansen

**Second:** Vice Chair Westman

**Yea:** Chair Wilk, Vice Chair Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

**Conditions of Approval:**

1. The project approval consists of a 680 square-foot of first- and second-story additions with a variance for the side yard setback. The maximum Floor Area Ratio for the 3,216 square foot property is 57% (1,883 square feet). The total FAR of the project is 57% with a total of 1,832 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on August 18, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property

owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.

7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of building permit, all Planning fees associated with permit #22-0035 shall be paid in full.
9. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
11. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
12. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
14. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction

noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

16. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
22. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward.
23. Prior to issuance of a building permit, the applicant shall provide documentation of a signed access agreement that references the existing encroachment and includes permission from the owner(s) of 1335 Prospect Avenue to access the northerly side yard of 1335 Prospect Avenue to conduct the work as described in the amended permit.

### **Design Permit 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.**



Community Development Staff and the Planning Commission have reviewed the proposed additions to an existing residence and new attached garage. With the granting of a variance to the side setback of the primary residence, the project secures the purpose of the General Plan, and Local Coastal Program, and 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.**

Community Development Staff and the Planning Commission have reviewed the application for additions to an existing residence and new attached garage. With the granting of a variance to the side setback of the primary residence, the 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).**

Section 15332 of the CEQA Guidelines exempts projects characterized as in-fill development meeting the described conditions. The proposed project involves additions to an existing single-family residence located in the R-1 (Single-Family Residential) zoning district. The project meets all applicable general plan policies and zoning regulations; the project site does not have any identified habitat value; the project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is and can be adequately served by all required utilities and public services.

**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.**

Community Development Staff and the Planning Commission have reviewed the reviewed the proposed additions. The proposed project 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).**

The Community Development Staff and the Planning Commission have reviewed the application. With the granting of a variance to the side setback of the primary residence, the proposed complies with all applicable design review criteria in Section 17.120.070.

**F. The proposed project maintains the character, scale, and development pattern of the neighborhood.**

Community Development Staff and the Planning Commission have all reviewed the application. The design of the remodeled residence will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

**Variance Findings**

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: The lot has an irregular shape as a four-sided polygon with no parallel sides. Typical lots in the Jewel Box neighborhood are rectangular in shape and measure approximately 40 feet wide by 80 feet deep. The subject lot is unique in that it is wide but lacks depth, ranging from 29 to 46 feet. The frontage is 60 feet wide, and the side lot lines are 30 feet deep on the south side and 71 feet deep on the north side. The required 15-foot front yard setback and 20 percent rear yard setback result in a limited and narrow building envelope. The unique lot shape provides an atypical area in which to locate a rectangular garage.

- B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: Most properties in the vicinity and zone in which the property is located area able to accommodate the required 10-foot by 20-foot covered parking space due to the fact they are regularly shaped.

- C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: Most R-1 properties within the vicinity possess covered parking spaces.

- D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

Staff Analysis: The granting of a variance enables the property to provide on-site covered parking which is both required by residential development standards will reduce street parking demand. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.

- E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: The majority of properties within the neighborhood either possess garages, have lot shapes and sizes better able to accommodate the strict application of side setbacks, or both. Therefore, the variance does not constitute a grant of special privilege.

- F. The variance will not have adverse impacts on coastal resources**

Staff Analysis: The variance will not negatively impact coastal resources.

**Coastal Development Permit Findings:**

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed development conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

**B. The project maintains or enhances public views.**

The proposed project is located on private property at 1350 49<sup>th</sup> Avenue. The project will not negatively impact public landmarks and/or public views.

**C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The proposed project is located at 1350 49<sup>th</sup> Avenue. The proposed project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

**D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project involves residential additions on private property and will not negatively impact coastal resources.

**G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

With the granting of a variance for the side setback of the primary residence the proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

**H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves additions to an existing residence on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

**4. Public Hearings**

**A. Wharf Road Tree Removals**

**Permit Number: #22-0243**

**Wharf Road and Stockton Avenue Intersection**

Tree Removal Permit for the removal of two canary island pine trees located within the MU-V (Mixed Use Village) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: City of Capitola

Representative: City of Capitola, Filed: 06.06.2022

Associate Planner Sean Sesanto presented the report on tree removal.

Recommendation: Approve project #22-0243 based on the conditions of finding and approval.

Commissioner Routh asked questions on repair costs estimates of property damage caused by the trees to be removed.

Public Works Director Steve Jersberg responded that it's in the range of \$10,000-\$15,000.

Commissioner Christiansen asked for clarification if tree removal is the preferred course of action.

Public Works Director Steve Jersberg clarified that removing both trees was preferred; the neighbors have been on it for years. The removed trees will be replaced by palm trees.

Chair Wilk: asked clarification questions on sidewalk, sewage, safety and how many trees are planned to replace the two trees proposed for removal.

There was no public comment.

Commissioner Routh expressed concern on three trees removed in Capitola in the last 18 months primarily for lack of maintenance. We must do more to protect our trees.

Commissioner Newman expressed support for staff recommendation and observed that older large trees don't last forever; planting newer, younger replacement trees can be the option.

Commissioner Westman agreed and said; removing the large trees needing and planting two replacements may be more appropriate in the future.

Chair Wilk expressed concern on safety and property damage and observed that there's no rationale for removing the trees.

Director Herlihy noted that a woman recently emailed in her public comments, she was unable to access the meeting.

Associate Planner Sean Sesanto summarized the recently received public comments and noted that the comments were favorable. The trees are a hazard; it is better to have them removed

**Motion: Approve staff recommendation with the following conditions and findings:**

**Result: Passed; 3:2**

**Mover:** Commissioner Newman

**Second:** Vice Chair Westman.

**Yea:** Vice Chair Westman, Commissioner Christiansen, Commissioner Newman

**Nay:** Chair Wilk, Commissioner Routh

**Conditions of Approval:**

1. The project approved consists of a tree removal permit for the removal of two canary island pine trees within the public right-of-way at the intersection of Wharf Road and Stockton Avenue. The project is approved as described in the staff report by the Planning Commission on August 18, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Following the removals, the City shall replant trees at a 1:1 ratio.

**Findings:**

**A. The removal of the tree is in the public interest with respect to unreasonable existing and potential property damage.**

Both trees have caused substantial damage to public property including the adjacent sidewalk, curb, and gutter. The trees have the potential to cause further unreasonable property damage.

**B. There are no feasible alternatives to tree removal that secure the purposes of the Community Tree and Forest Management Ordinance.**

The Planning Commission reviewed the application and staff review and found that there are no feasible alternatives to tree removal that could be implemented that would stop existing property damage or reduce risk to life and property without seriously harming or killing the tree. Specifically, root pruning and root barriers may not reasonably stop future damage to public property. Furthermore, root pruning close to the tree trunks may worsen the health and stability of the trees and increase risk of total tree failures.

**C. The type, size and schedule for planting replacement trees is specified and shall be concurrent with the tree removal or prior to it, in accordance with Section 12.12.190(F) and (G).**

The property is not located within an environmentally sensitive habitat area. The proposed removal is consistent with the Community Tree and Forest Management ordinance and Chapter 17.95 for Environmentally Sensitive Habitats.

**D. The removal of the tree would not be contrary to the purposes of this chapter and Chapter 17.95.**

The property is not located within an environmentally sensitive habitat area. The proposed removal is consistent with the Community Tree and Forest Management ordinance and Chapter 17.95 for Environmentally Sensitive Habitats.

**5. Director's Report**

Director Herlihy noted that on September 22, 2022, the City Council will hear the appeal on 1410 Prospect Avenue, (the single-family home that will be reconstructed.)

Secondly, Commissioners Wilk, Christiansen, and Westman volunteered to participate in-person at the September 1, 2022, Planning Commission meeting. Commissioners Newman and Routh will zoom in.

**6. Commission Communications**

Commissioner Westman expressed disappointment on the repaving of Bay Avenue.

**7. Adjournment**

The meeting was adjourned at 7:36PM to the next Regular Meeting of the Planning Commission on September 1, 2022.

ATTEST/Approved by the Planning Commission

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Louis Osemwegie, City Clerk's Office

DRAFT

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, September 01, 2022 – 7:00 PM

City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010



**Chairperson:** Peter Wilk

**Commissioners:** Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

#### 1. Roll Call

Chair Wilk called the meeting to order at 7 P.M. Commissioners Mick Routh, Susan Westman, and Peter Wilk were present in-person. Commissioner Ed Newman attended remotely, and Commissioner Courtney Christiansen was absent.

#### 2. Oral Communications – None

##### A. Additions and Deletions to the Agenda - None

**B. Public Comments** – Director Herlihy noted that there are two people attending on Zoom; there's no hand raised.

##### C. Commission Comments – None

##### D. Staff Comments

Director Herlihy noted that the RTC appeal will be heard September 22, 2022, by City Council.

#### 3. Approval of the Minutes

- A. Approve May 5, 2022, Regular Planning Commission Meeting Minutes
- B. Approve June 2, 2022, Regular Planning Commission Meeting Minutes
- C. Approve July 21, 2022, Regular Planning Commission Meeting Minutes

**Motion: Approve minutes.**

**Result: Passed, 4-0 (Unanimous)**

**Mover:** Vice Chair Westman

**Second:** Commissioner Routh

**Yea:** Chair Wilk, Vice Chair Westman, Commissioner Newman, Commissioner Routh

**Absent:** Commissioner Christiansen

#### 4. Consent Calendar

##### A. 1830 47th Avenue

**Permit Number: #22-0239**

**APN: 034-022-35**

Design Permit, Coastal Development Permit, and Tree Removal Permit for demolition of an existing residence and construction of a new single-story residence with an attached garage and ADU located within the R-1 (Single-Family Residential) zoning district.

The project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to California Coastal Commission.

Environmental Determination: Categorical Exemption 15303  
Property Owner: Alex Westervelt  
Representative: Kieran Martin, Filed: 06.03.2022

**Motion: Approve the Consent Calendar**

**Result: Passed, 4-0-1 (Unanimous)**

**Mover:** Commissioner Routh

**Seconded:** Vice Chair Westman

**Yea:** Chair Wilk, Vice Chair Westman, Commissioner Newman, Commissioner Routh

**Absent:** Commissioner Christiansen

**Conditions of Approval**

General

1. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission on September 1, 2022. All construction and site improvements shall be completed according to the approved plans.
2. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
3. Construction activity shall be subject to a noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. 9.12.010B

Planning

4. The project approval consists of construction of a 954 primary residence, 343 square foot ADU, and 260 square foot garage. The maximum Floor Area Ratio for the 4,000 square-foot property is 54% (2,160 square feet). The FAR of the project is 39.6% with a total of 1,586 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 1, 2022, except as modified through conditions of approval or as required by the Planning Commission during the hearing.
5. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
6. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code 17.156.080.
7. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to



others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

8. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
10. Prior to issuance of building permit, all Planning fees associated with permit #22-0239 shall be paid in full.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Exterior lights shall comply with CMC Section 17.96.110 and be limited to the Building Code required minimum. Fixtures shall be shielded and directed downward to meet the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light and prevent light trespass on adjacent lots. Exterior lighting shall be shown and specified on the plans for Building Permit plan check.
13. The applicant shall install two, 15-gallon arbutus marina with functional irrigation, prior to final inspection.
14. Prior to issuance of building permits, the building permit plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
15. 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 present owner and stating that:
  - a. The accessory dwelling unit may not be used for vacation rentals; and
  - b. The accessory dwelling unit shall not be sold separately from the primary dwelling.
  - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.
16. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the city at time of demolition permit application.

Public Works

17. Prior to issuance of building permits, submit a stormwater temporary construction sediment and erosion control plan, e.g., wattle, contain trash/debris, stockpile protection, location of portable toilet and containment/protection, stockpile protection detail, wattle location, etc. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction; and shall be maintained throughout project duration.
18. Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans.
19. Prior to issuance of building permits, submit a site drainage plan. Sheet L-2 of plan set dated 5/23/22 – Show the location of all downspouts, direction of flow and specify where the overflow

will dissipate to and provide verification the retention areas are properly sized to handle the flow. Site runoff shall not drain onto the adjacent parcels.

20. Prior to issuance of building permits, the applicant shall submit plans detailing all improvements that impact or interface with the public right of way. At a minimum these details will include the limits of any existing or proposed curb drains, ADA compliant driveway approach, and installation of curb/gutter/sidewalk along the property frontage. The extent of all improvements or modifications shall be limited to those areas fronting the property boundary and shall not impact the frontage of adjacent parcels.
21. Prior to project final, all vegetation encroaching onto the existing sidewalk shall be removed. The applicant shall contact the Public Works Department for an inspection to evaluate the condition of the existing sidewalk, curb and gutter.
22. Prior to project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department.
23. Prior to any work in the City Road right of way, an encroachment permit shall be acquired by the contractor performing the work. All sidewalk, curb and gutter improvements shall be constructed per city standard. No material or equipment storage may be placed in the road right-of-way.

**Design Permit 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.**  
Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage are consistent with the general plan and the local coastal program.
- B. The proposed project complies with all applicable provisions of the zoning code and municipal code.**  
Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage comply with all measurable development standards of the R-1 (Single-Family Residential) zoning district.
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**  
Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence and accessory structures in a residential zone. This project involves demolition and reconstruction of a single family residence and typical accessory structures. No adverse environmental impacts were discovered during review of the proposed project.
- 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.**  
Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage 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).**

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the project. The proposed new residence, ADU, and garage comply with the applicable design review criteria as described in the staff report and through conditions of approval.

**F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood.**

Community Development Staff, the Development and Design Review Committee, and the Planning Commission have all reviewed the application for the proposed new residence, ADU, and garage. The contemporary design of the residence with single plane roofs and narrow vertical windows are less common but these architectural elements currently exist on the block at 1760, 1770, and 1775 47<sup>th</sup> Avenue. The single story nature of the project allows is to blend appropriately with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood with a measure of unique style.

**Coastal Findings**

**A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed development conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

**B. The project maintains or enhances public views.**

The proposed project is located on private property at 1830 47th Avenue. The project will not negatively impact public landmarks and/or public views.

**C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The proposed project is located at 1830 47th Avenue. The project has no impact on landmarks or public views.

**D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project involves the demolition and replacement of an existing residence, an ADU and a garage, which will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project involves the demolition and replacement of an existing residence and remodel of an existing garage, which will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project involves the demolition and replacement of an existing residence, an ADU and a garage, which will not negatively impact coastal resources. There are no coastal resources in the immediate area of the subject property.

**G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

The proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

**H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves the demolition and replacement of an existing residence, and ADU and a garage on a residential lot of record. The project is consistent with the LCP goals for appropriate

coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

**5. Public Hearings**

**A. State Route 1 Auxiliary Lane Improvements**

**Permit Number: #22-0223**

**APN: N/A**

Coastal Development Permit and Tree Removal Permit for auxiliary lanes, bus on shoulder improvements, replacement of the Capitola Avenue Overcrossing, new landscaping, and soundwalls. The project is located within the Coastal Overlay zone and partially within a Planned Development zoning district.

The project is located within the Coastal Zone and requires a Coastal Development Permit which is appealable to California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: FEIR CA Dept. of Transportation, May 2021

Property Owner(s): State of California and Capitola Knolls HOA

Representative: Sarah Christensen, RTC

Senior Planner Brian Froelich presented the staff report.

Sarah Christensen, (Santa Cruz County Regional Transportation Commission), provided overview on the Highway 1 Proposed Project.

Project Engineer Kira Caselli, provided details on the Project Improvements

Vice Chair Westman asked questions on the new design for Capitola Avenue bridge, and highlighted the need to coordinate with the New Brighton Middle School.

Commissioner Routh: asked if the old overpass will be incorporated or demolished.

Project Engineer Kira Caselli responded that they will be demolished.

Commissioner Newman asked clarifying question on any anticipated lawsuit.

Sarah Christensen, (Santa Cruz County Regional Transportation Commission) observed that the project was certified back in 2021; CEQA document was prepared, and no lawsuit was received.

Public comments: Paula Bradley commented on Capitola Knolls Tree removal, landscaping, and greenbelt along the highway. She proposes the following conditions: (i). landscaping should be required; (ii). trees should be tagged or identified, so that the trees being removed are seen. (iii). There should be shrubs.

Sarah Christensen, (SCCRTC) observed that there are some limitations to what can be proposed on private property, as part of a public project.

**Motion: Approve the coastal development and tree removal permits with the added condition of re-wording the statement to continue to cooperate with Capitola Knolls in coming up with an agreement for the sound wall, planting, and acquisition of land.**

**Result: Passed, 4-0-1 (Unanimous)**

**Mover:** Vice Chair Westman

**Second:** Commissioner Routh

**Yea:** Chair Wilk, Vice Chair Westman, Commissioner Newman, Commissioner Routh

**Absent:** Commissioner Christiansen

**Conditions of Approval**

1. The project approval consists of a Coastal Development Permit and Tree Removal Permit to develop Highway 1 Auxiliary Lanes and Bus-on-Shoulder project between Bay Avenue/Porter Street and State Park Drive for the area of Highway 1 located within the Coastal Zone. The project also includes improving the outside shoulders, constructing a new pedestrian and bicycle overcrossing at Mar Vista Drive, adding retaining walls near the Bay Avenue/Porter Street interchange, rebuilding and widening the Capitola Avenue overcrossing to accommodate standard sidewalk widths and bike lanes, replacing the outside barrier at the Park Avenue undercrossing, installing major landscaping improvements and installing soundwalls. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 1, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The Final EIR adopted avoidance, minimization, and/or mitigation measures shall be followed for the project.
3. The RTC shall execute legal agreements and/or complete any necessary lot line/boundary adjustments, prior to any work in the area outside of the existing Caltrans right of way. The RTC and Capitola Knolls HOA shall work together and with the city, as needed, to complete any necessary landscaping lot line adjustments or alterations to land boundaries.

**Coastal Findings**

1. **The project is consistent with the LCP land use plan, and the LCP implementation program.** The proposed project conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program. The applicant has prepared an exhaustive analysis of the LCP, engaged with city staff, Coastal Commission staff, stakeholders, and the community.
2. **The project maintains or enhances public views.** The proposed project will impact views along the highway. The applicant has evaluated the need for soundwalls and performed a performance benefit and efficiency analysis to minimize wall height to the extent possible. The walls will be constructed of a stacked and staggered (mixed) block wall and planted with creeping vines. Vegetation removed is replaced with a select and primarily native plant list. Views will change but there are no views to the coast, shoreline or major landmark that will be impacted.
3. **The project maintains or enhances vegetation, natural habitats and natural resources.** The proposed project will remove 108 non-native trees and replant with only native and drought tolerant specimens. The project also adjusts to minimize impacts to the Nobel Gulch Riparian area. Vegetation will be disrupted in the short term and enhanced after project completion.
4. **The project maintains or enhances low-cost public recreational access, including to the beach and ocean.** The project purpose is to improve access and ease traffic. Access to public recreational resources will benefit from the project for all transportation modes.
5. **The project maintains or enhances opportunities for visitors.** The project will maintain opportunities for visitors while improving access.
6. **The project maintains or enhances coastal resources.** The project maintains coastal resources while improving access.

- 7. **The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.** The project is consistent with local policy documents and the LCP. The applicant has communicated formally and informally with the city, stakeholders, and the community in preparation of the project design.
- 8. **The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).** The project will improve public and visitor access to coastal resources and recreation.

**6. Director's Report**

Director Herlihy acknowledged and thanked Sean for his helpfulness and invaluable contributions in the last two years, as well as introduced Brian and Louis in person. She also commented on City Council's Administrative Policy on hybrid meetings and announced a Special Meeting on October 20, 2022.

**7. Commission Communications**

Vice Chair Westman asked for an update on outdoor dining. Director Herlihy provided update and stated that a lottery had been held in the village for 45 days; with a total 19 applicants.

**8. Adjournment**

The meeting was adjourned at 7:40PM to the next Regular Meeting of the Planning Commission on October 6, 2022.

ATTEST/Approved by the Planning Commission

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Louis Osemwegie, City Clerk's Office

# City of Capitola

## Planning Commission Meeting Minutes

### Thursday, October 06, 2022 – 7:00 PM

City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010



**Chairperson:** Peter Wilk

**Commissioners:** Courtney Christiansen, Ed Newman, Susan Westman, Mick Routh

#### 1. Roll Call

Chair Wilk called the meeting to order at 7 P.M. Commissioners Courtney Christiansen, Ed Newman, Mick Routh, Susan Westman, Peter Wilk were present.

#### 2. Oral Communications – None

##### A. Additions and Deletions to the Agenda - None

##### B. Public Comments – None

##### C. Commission Comments – None

##### D. Staff Comments

Director Herlihy noted that there are four participants on zoom; there are no hands raised.

##### E. Consent Calendar

###### A. 216 Central Avenue

**Permit Number: #20-0103**

**APN: 036-122-22**

Request to continue. Design Permit, Historic Alteration Permit, a Minor Modification for the required parking space dimensions, and a Variance for the nonconforming calculation to construct first- and second-story additions to a historic single-family residence located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: TBD

Property Owner: Lorraine Krilanovich and Lynn Jackson

Representative: Scott Mitchell, Filed: 06.09.22

**Motion: Approve Request to continue.**

**Result: Passed, 5:0 (Unanimous) Mover:** Commissioner Newman

**Second:** Commissioner Christiansen.

**Yea:** Chair Wilk, Vice Chair Westman, Commissioner Christiansen, Commissioner Newman, Commissioner Routh

### 3. Public Hearings

#### A. 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

Commissioner Newman recused himself because of a conflict.

Director Herlihy presented the staff report.

Architect Greg Irwin tried unsuccessfully to provide additional details because of a technical glitch.

Lee Cory, (designated to speak on behalf of Greg Irwin), tried unsuccessfully to assist with the presentation as the technical glitch persisted.

Commissioner Routh suggested going to next item while they figure this out.

Per consensus, the item was deferred to return soon after. No vote was required or taken.

The technical glitch persisted when the item returned. There was a consensus to defer the item to the next Planning Commission Meeting.

Commissioner Routh noted that this is a big project. The applicants should present in person; not on zoom.

**Motion: Defer the item to the next Planning Commission Meeting.**

**Result: Passed, 4-0-1**

**Mover:** Vice Chair Westman

**Second:** Commissioner Christiansen

**Yea:** Chair Wilk, Vice Chair Westman, Commissioner Christiansen, Commissioner Routh

**Recused:** Commissioner Newman

#### B. 529 Capitola Avenue

**Permit Number: #22-0153**

**APN: 035-093-01**

Design Permit and Coastal Development Permit for the demolition of an existing detached garage and construction of a new two-story building with a two-car garage on the first floor and an ADU on the upper floor located within the MU-N (Mixed Use Neighborhood) zoning district.

Environmental Determination: Categorical Exemption 15301

Property Owner: Jim LaTorre

Representative: Dennis Norton, Filed: 04.19.2022



Vice Chair Westman recused herself because of a conflict.

Senior Planner Brian Froelich presented the staff report. Staff recommends the Planning Commission approve project #22-0153 based on conditions of approval and findings.

Public comment:

Dennis Norton, (designer for the applicant) stated that this is a good project and noted that he agreed with the staff report conclusion that the structure is not safe. He also agreed with the conditions of approval, except #12. He wanted to make sure the owner did not need to put existing utilities underground.

Planner Froelich concurred and stated that only new utilities would need to be placed underground.

Director Herlihy noted that there are six attendees on zoom; there are no hands raised.

**Motion: Approve the project**

**Result: Passed, 4-0-1**

**Mover:** Commissioner Routh

**Second:** Commissioner Newman

**Yea:** Chair Wilk, Commissioner Newman, Commissioner Routh and Commissioner Christiansen

**Recused:** Vice Chair Westman

**Conditions of Approval**

1. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission on October 6, 2022. All construction and site improvements shall be completed according to the approved plans.
2. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
3. Construction activity shall be subject to a noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. 9.12.010B

Planning

4. The project approval consists of construction of a two-story detached building with a 485 square-foot two car garage on the first floor and a 563 square-foot ADU on the upper floor. The maximum Floor Area Ratio for the 4,000-square-foot property is 1:1 (4,000 square feet). The FAR of the project is 60.7% with a total of 2,428 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 6, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
5. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

6. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code 17.156.080.
7. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
8. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
10. Prior to issuance of building permit, all Planning fees associated with permit #22-0153 shall be paid in full.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, the building permit plans must show that ~~the any new overhead utility lines will be installed underground to the nearest utility pole and/or meter.~~ any new overhead utility lines will be installed underground to the nearest utility pole and/or meter.
13. Exterior lighting shall comply with CMC Section 17.96.110 and be limited to the Building Code required minimum. Fixtures shall be shielded and directed downward to meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light and prevent light trespass on adjacent lots.
14. 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 present owner and stating that:
  - a. The accessory dwelling unit may not be used for vacation rentals; and
  - b. The accessory dwelling unit shall not be sold separately from the primary dwelling.
15. The applicant shall raise the sill height of the windows on the south side of the ADU to be a minimum of 60 inches above finished floor or treat any portion of the windows below 60 inches above finished floor with an opaque coating.

Public Works

16. Submit a temporary construction sediment and erosion control plan (construction bmp's), The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
17. Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans.

18. Prior to issuance of building permits, the applicant shall submit a stormwater applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
19. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
20. The applicant shall work with the Public Works Department to complete a Deferred Sidewalk Agreement in place of installing new curb, gutter, sidewalk, and curb ramp improvements.
21. Prior to any work in the City Road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
22. The new driveway approach shall not change the existing flowline along the Beverly Drive frontage.

**Accessory Dwelling Unit Design Permit Findings:**

- A. 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.**

The proposed ADU utilizes a board and batten siding with colors consistent to the primary dwelling and a 2:12 roof pitch to coordinate with the dormer roof line of the primary dwelling. The exterior design is compatible with the primary dwelling on the parcel.

- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.**

The proposed ADU utilizes materials and a two-story building form common within the neighborhood. Also, the ADU complies with the 22-foot maximum ADU height limit and is well within the zone height limit of 25. Therefore, the exterior design is in harmony with, and maintains the scale of the neighborhood.

- C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.**

The proposed project is a single-bedroom ADU on a site that is being brought into parking compliance. The ADU will not create excessive noise, traffic, or parking congestion.

- D. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.**

The proposed ADU is located on a developed lot in a residential and mixed-use neighborhood with adequate water and sewer service.

- E. 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.**

The proposed project provides adequate open space for the accessory dwelling unit and the primary residence. The yard is well landscaped and provides ample outdoor open space for both units.

- F. 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.**

The proposed ADU is in the rear of the property. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated in design and with conditions of

approval. The location and design of the ADU maintains a compatible relationship with adjacent properties.

- G. 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.**

The internal staircase to the proposed second-story ADU faces the interior of the lot and the primary residence. The applicant is requesting consideration for clear windows facing the property on the south. Planning staff is recommending a condition that windows on the south façade have a minimum sill height of 60 inches or be opaque for portions of the windows below 60 inches. The design of the ADU, with siding materials similar to the primary residence and similar roof pitch to the dormer, complements the design of the primary residence and does not visually dominate it or the surrounding properties.

- H. 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.**

The location of the proposed ADU complies with the development standards in CMC §17.74.080. The project is within the coastal zone and complies with the local coastal plan.

- I. 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.**

The project does not impair public views of the ocean or scenic coastal areas.

- J. 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.**

The applicant is requesting consideration for clear windows on the south façade. The applicant asserts that there is adequate landscape screening a distance between structures to maintain privacy. Planning staff has added condition #15, which represents a compromise between strict code compliance and the applicant’s proposal.

**Coastal Development Permit Findings:**

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed development conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

- B. The project maintains or enhances public views.**

The proposed project is located on private property at 529 Capitola Avenue. The project will not negatively impact public landmarks and/or public views.

- C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The proposed accessory dwelling unit (ADU) will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

- D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project involves an ADU and will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project involves an ADU and will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project involves an ADU and will not negatively impact coastal resources.

**G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

The proposed project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the MU-N (Mixed-Use Neighborhood) zone.

**H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves an ADU on a mixed-use lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses.

**C. 401 Capitola Avenue**

**Permit Number: #22-0282**

**APN: 035-131-11**

Conditional Use Permit and Parking Variance to establish a bar and lounge (pour room) serving beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption 15301

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

Chair Wilk recused because of a conflict, as Commissioner Newman.

Senior Planner Brian Froelich presented the staff report. Staff recommends the Planning Commission continue project #22-0282 to the November 3, 2022, Planning Commission meeting

**Motion: Continue the item to next meeting.**

**Result: Passed, 3-0-2**

**Mover:** Commissioner Christiansen

**Second:** Commissioner Routh

**Yea:** Vice Chair Westman, Commissioner Christiansen, Commissioner Routh

**Recused:** Chair Wilk, Commissioner Newman

**4. Director's Report– None**

**5. Commission Communications– None**

**6. Adjournment**

The meeting was adjourned at 7:40PM to the next Regular Meeting of the Planning Commission on November 3, 2022.

ATTEST/Approved by the Planning Commission

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Louis Osemwegie, City Clerk's Office

DRAFT

# Capitola Planning Commission

## Agenda Report



**Meeting:** November 3, 2022  
**From:** Community Development Department  
**Topic:** 602 El Salto Drive

**Permit Number: #22-0215**

**APN: 036-142-03**

Design Permit to demolish an existing residence and construct a new two-story, single-family residence and detached garage, located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Bruce Kelly

Representative: Dennis Norton, Filed: 05.23.22

### **Applicant Proposal:**

The applicant is proposing to demolish an existing single-family residence and construct a 3,734 square foot single-family residence and 550 square foot detached garage. The property is located at 602 El Salto Drive in the R-1 (Single-Family Residential) zoning district.

### **Background:**

On September 14, 2022, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: provided written comment that a minor revocable encroachment permit would be required for landscape improvements within the right-of-way.

Building Official, Robin Woodman: informed the applicant a pool demolition plan and soils report will be required with the building submittal and noted that outdoor shower drainage must be shown on Building Permit plans.

Associate Planner, Sean Sesanto: noted that clarification was needed on the site and landscape plans with respect to proposed tree removals and replacements. He informed the applicant that the hot tub and utility closet cannot be located within the front or exterior side yard as proposed.

Following the Development and Design Review meeting, the applicant resubmitted plans that clarified the existing and proposed trees and removed the utility closet and hot tub encroachments.

**Development Standards:**

The following table outlines the zoning code requirements for development in the R-1 Zoning District. The project complies with all applicable zoning requirements.

<b>Development Standards</b>			
<b>Building Height</b>			
<b>R-1 Regulation</b>	<b>Existing</b>		<b>Proposed</b>
25 ft.	Proposed for demolition		24 ft. 11 in.
<b>Floor Area Ratio (FAR)</b>			
	<b>Existing</b>		<b>Proposed</b>
<b>Lot size</b>	9,108 sq. ft.		9,108 sq. ft.
<b>Maximum Floor Area Ratio</b>	48% (Max 4,372 sq. ft.)		48% (Max 4,372 sq. ft.)
First Story Floor Area	Proposed for demolition		2,311 sq. ft.
Second Story Floor Area			1,423 sq. ft.
Detached Garage			550 sq. ft.
<b>Total FAR</b>			47% (4,284 sq. ft.)
<b>Setbacks</b>			
	<b>R-1 regulation</b>		<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story</b>	15 ft.		22 ft. 3 in.
<b>Front Yard 2<sup>nd</sup> Story</b>	20 ft.		35 ft.
<b>Interior Side Yard 1<sup>st</sup> Story</b>	10% lot width	Lot width 75 ft. 2 in. 7 ft. min.	Residence: 8 ft. <b>Utility space: 5 ft. 8 in.</b>
<b>Interior Side Yard 2<sup>nd</sup> Story</b>	15% of width	Lot width 75 ft. 2 in. 10 ft. min	11 ft. 6 in.
<b>Exterior Side Yard 1<sup>st</sup> and 2<sup>nd</sup> Story</b>	10 ft.		First Story: 20 ft. Second Story: 20 ft.
<b>Rear Yard 1<sup>st</sup> Story</b>	10% of adjacent parcel width	Lot width 64 ft. 9 in. 6 ft. 5 in. min.	35 ft. 4 in.
<b>Rear Yard 2<sup>nd</sup> Story</b>			38 ft. 4 in.
<b>Encroachments</b>	None		
<b>Detached Garage</b>			
	<b>R-1 Regulation</b>		<b>Proposed</b>
Maximum Height	15 ft.		12 ft. 9 in.
Front (El Salto Drive)	40 ft.		90 ft.
Interior Side	3 ft.		26 ft.
Exterior Side	10 ft.		24 ft.
Rear	3 ft.		7 ft. 1 in.
<b>Parking</b>			
Residential (2,601 sq. ft. or more)	<b>Required</b>		<b>Proposed</b>
	4 spaces total 1 covered		4 spaces total 2 covered 2 uncovered
<b>Underground Utilities: Required with 25% increase in area</b>			<b>Yes</b>



**Discussion:**

The existing property is on the corner of El Salto Drive and Sacramento Avenue within the Depot Hill neighborhood, surrounded by one- and two-story single-family residences. The lot consists of a single-family residence which is proposed for demolition. The existing residence was constructed around 1986 and is not listed as a historic structure.

**Design Permit**

The applicant is proposing to construct a new two-story, single-family residence. On a corner lot, the narrowest street frontage is considered the front parcel line; therefore, the front yard is along El Salto Drive. The parcel has historically had driveway access off of Sacramento Avenue, and the current application keeps the same orientation with the main entrance and driveway along Sacramento Avenue. On the El Salto frontage, the new home is proposed with a covered patio and a pathway connecting to the street. The design includes numerous features of a craftsman-style, such as sweeping porches with large columns, exposed rafters and beams, and a mixture of wooden horizontal board and shingle sidings. The roofline features a central hipped roof with secondary gables with standing metal seam. The detached garage similarly features horizontal board siding and a single gabled roof with standing metal seam.

**Parking**

The proposed residence exceeds 2,600 square feet and therefore must provide four on-site parking spaces, one of which must be covered. The proposal includes four full-size parking spaces: two in the driveway and two in the detached garage.

**Tree Removals**

The existing landscape includes sixteen trees including one fruit tree. The project would retain four trees and remove twelve. The applicant is proposing to plant three Japanese maples and three ornamental olive trees; however, the proposed trees are beyond the property line. Pursuant to CMC §12.12.190(C), the project must propose plantings that will secure the goal of a fifteen percent canopy coverage. New plantings must be on the subject property to be counted towards the calculation. Condition #8 requires three of the proposed replacement trees be located on the subject property.

**CEQA:**

§15303(a) of the CEQA Guidelines exempts one single family residence in a residential zone. No adverse environmental impacts were discovered during review of the proposed project.

**Recommendation:**

Staff recommends the Planning Commission **approve** application #22-0215 with the following Conditions and Findings for Approval.

**Attachments:**

1. 602 El Salto Drive – Plan Set
2. Design Permit Review Criteria

**Conditions of Approval:**

1. The project approval consists of the demolition of an existing residence and the construction of a 3,724 square-foot single-family residence and 550 square-foot detached garage. The maximum Floor Area Ratio for the 9,108 square foot property is 48% (4,372 square feet). The total FAR of the project is 47% with a total of 4,284 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 3, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 12 trees to be removed from the property. The three replacement trees proposed within the Sacramento Avenue public right-of-way shall be located on the subject property (602 El Salto Drive) in addition to any trees planted on the adjacent parcel. Alteration to the tree planting plan shall be consistent with CMC §12.12.190 and be approved by the Community Development Department.
9. Prior to issuance of building permit, all Planning fees associated with permit #22-0215 shall be paid in full.

10. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of a building permit, the applicant shall submit a Minor Revocable Encroachment Permit for the landscaping in the right-of-way. The revocable encroachment agreement shall be completed prior to project final.
13. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
14. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
15. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
16. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
17. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
18. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
19. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

20. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
21. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
23. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
24. At time of submittal for building permit review, landscape plan(s) shall be revised such that the hot tub is not located within the front yard (El Salto Drive) or the exterior side yard (Sacramento Avenue), which includes the area between the minimum required setback(s) and the nearest line of the primary structure.
25. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.

#### **Design Permit 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.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence complies with the development standards of the R-1 zoning district. The project secures the purpose of the General Plan, and Local Coastal Program, and 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.**

Community Development Staff and the Planning Commission have reviewed the application for a new single-family residence. As conditioned the 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).**

Section §15303(a) of the CEQA Guidelines exempts one single-family residence and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves a single-family residence within the Single-Family Residential (R-1) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

**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.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence 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).**

The Community Development Staff and the Planning Commission have reviewed the application. The proposed single-family residence complies with all applicable design review criteria in Section 17.120.070.

**F. The proposed project maintains the character, scale, and development pattern of the neighborhood.**

Community Development Staff and the Planning Commission have reviewed the application for the single-family residence. The design of the home with sweeping porches, standing metal seam roof, and shingle and horizontal board siding will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

**Coastal Development Permit Findings:**

**A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

**B. The project maintains or enhances public views.**

The proposed project is located on private property at 602 El Salto Drive. The project will not negatively impact public landmarks and/or public views.

**C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The proposed project is located at 602 El Salto Drive. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

**D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project involves a replacement single-family residence and will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project involves a replacement single-family residence and will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project involves a replacement single-family residence and will not negatively impact coastal resources.

**G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

The proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

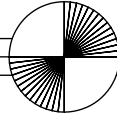
**H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves a replacement single-family residence on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

# KELLY RESIDENCE

GENERAL INFORMATION:	
<b>SITE AREA:</b> 9,108 SQ. FT.	<b>ZONE:</b> R-1
<b>BUILDING:</b>	
EXISTING RESIDENCE	2,760 SQ. FT.
GARAGE	410 SQ. FT.
<b>PROPOSED:</b>	
LEVEL 1	2,325 SQ. FT.
LEVEL 1 EXEMPTIONS	-120 SQ. FT.
LEVEL 2	1,602 SQ. FT.
DETACHED GARAGE	550 SQ. FT.
TOTAL FLOOR AREA	4,357 SQ. FT.
F.A.R. ALLOWABLE IS 48% (4,372 SF) PROPOSED SF = 4,357 SF	

**CODE ANALYSIS:**  
THESE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED IN COMPLIANCE WITH THE CALIFORNIA BUILDING AND FIRE CODES (2019)  
OCCUPANCY CLASSIFICATION: **R-3/U**  
BUILDING CONSTRUCTION TYPE: **VB**  
FIRE RATING: **SPRINKLERED**



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**PROJECT DESCRIPTION:**  
RENOVE EXISTING RESIDENCE,  
ADD NEW 2 STORY RESIDENCE,  
DETACHED GARAGE.

LEGEND OF SHEETS	
PAGE	TITLE
1	COVER SHEET, PROJECT INFO
0A	GENERAL NOTES
2	SITE PLAN
3	PROPOSED 1ST FLOORPLAN
4	PROPOSED 2ND FLOORPLAN
5	ELEVATIONS
6	GARAGE ELEVATIONS
7	ROOF PLAN
8	SITE PLANNING DETAILS
10	SECTIONS
11	ELECTRICAL PLAN LEVEL 1
12	ELECTRICAL PLAN LEVEL 2
200P	BEST MANAGEMENT PRACTICES
3	SURVEY
11.1.0	EXISTING TREES
11.1.0	HARDSCAPE & LIGHTING
11.1.1	LANDSCAPE ELEVATIONS & DETAILS
11.2.0	PLANTING PLAN
11.4.1	DETAILS & SOILS & PLANTING
001	GENERAL NOTES & DESIGN CRITERIA
002	GENERAL SPECIFICATIONS AND NOTES
01	STRUCTURAL FOUNDATION & HOLDOWN PLAN
02	STRUCTURAL FLOOR FRAMING & SHEARWALL PLAN
03	STRUCTURAL ROOF FRAMING & SHEARWALL PLAN
001	SHEARWALL SCHEDULE & TYPICAL DETAILS
002	HOLDOWN SCHEDULE & TYPICAL DETAILS
003	TYPICAL CONCRETE DETAILS
004	TYPICAL CARPENTRY DETAILS
005	FOUNDATION DETAILS
006	FLOOR FRAMING DETAILS
006.1	FLOOR FRAMING & STEEL DETAILS
007	ROOF FRAMING DETAILS
008	SIMPSON WOOD STRONG WALL DETAILS
01.142	ENERGY COMPLIANCE
01.1	GREEN BUILDING



VICINITY MAP

REVISIONS:	BY:

**OWNER:**  
BRUCE & NANCY KELLY  
22549 ROLLING HILLS RD  
SARATOGA, CA 95070  
408-640-6050

**KELLY RESIDENCE**  
602 EL SALTO DR  
CAPITOLA, CA 95010  
APN 036-142-03

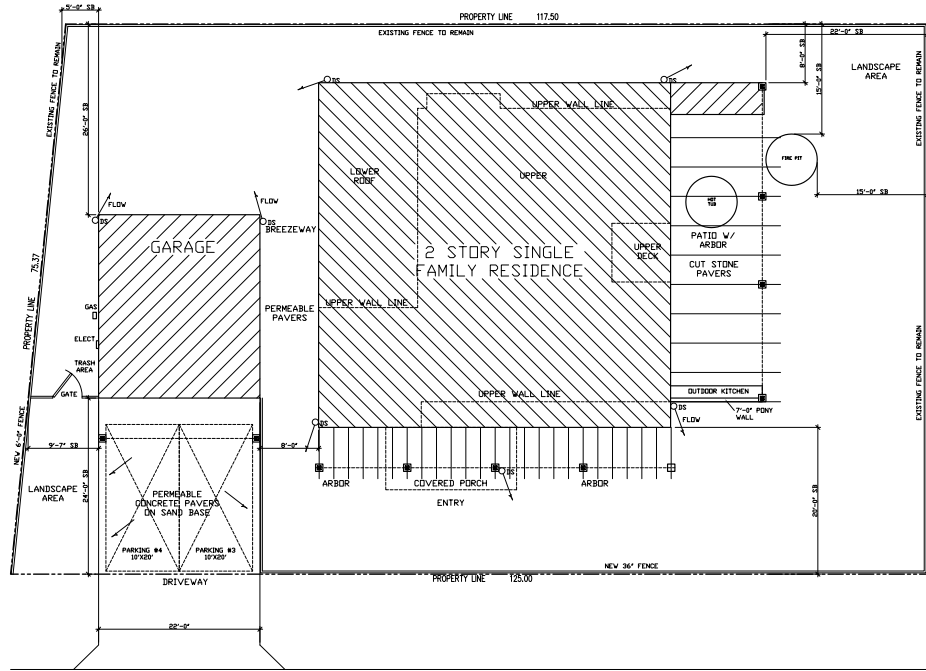
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PH: 831.339.1111  
WWW.DENNISNORTON.COM

COVER SHEET  
LEGEND OF SHEETS

<b>DRAWN:</b>	GG
<b>CHECKED:</b>	
<b>JOB NO.:</b>	ELSALTO
<b>DATE:</b>	10/11/22
<b>SHEET</b>	1
<b>OF # SHEETS</b>	







SACRAMENTO AVE

EL SALTO DRIVE

NOTE:  
SEE LANDSCAPE  
PLAN PAGE L-1.0

NOTE:  
ALL WATER DRAINAGE TO  
DISSIPATE INTO LANDSCAPE  
AREAS

**SITE PLAN**  
SCALE: 1/8"=1'-0"



REVISIONS:	BY:

OWNER:  
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22549 ROLLING HILLS RD  
SARATOGA CA 95070  
408-640-6057

KELLY RESIDENCE  
602 EL SALTO DR  
CAPITOLA, CA 95010  
APN 036-142-03

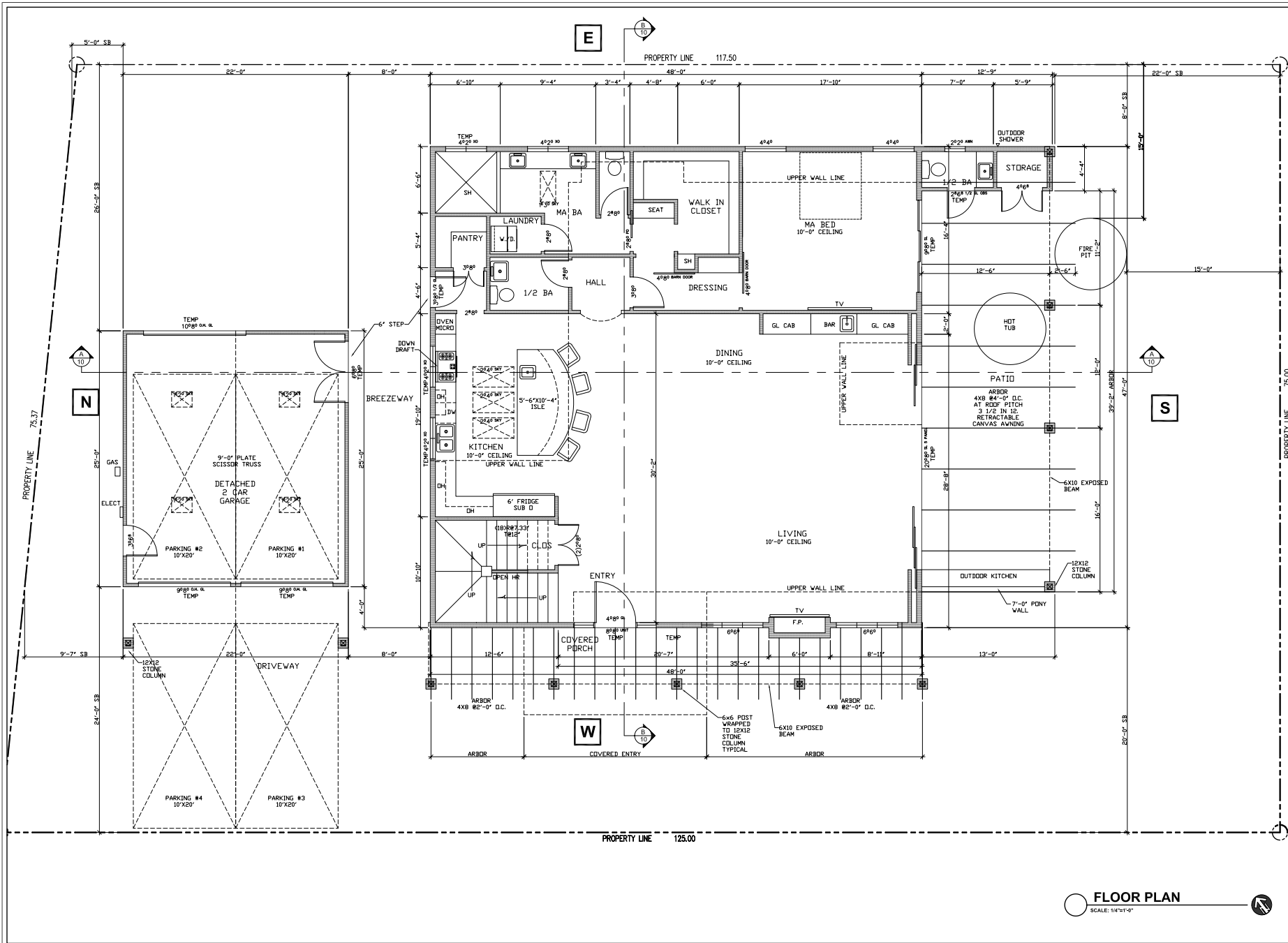
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SITE  
PLAN

DRAWN: GG  
SCALE: 1/8"=1'-0"  
JOB NO. ELSALTO  
DATE: 10/27/22

SHEET  
2  
OF SHEETS



REVISIONS:	BY:

OWNER:  
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KELLY RESIDENCE  
 602 EL SALTO DR  
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PROPOSED  
 1ST FLOOR PLAN

DRAWN:	GG
SCALE:	1/4" = 1'-0"
JOB NO.:	EL.SALTO
DATE:	10/27/22
SHEET	3
OF # SHEETS	

**FLOOR PLAN**  
 SCALE: 1/4"=1'-0"

REVISIONS:	BY:

OWNER:  
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SARATOGA CA 95070  
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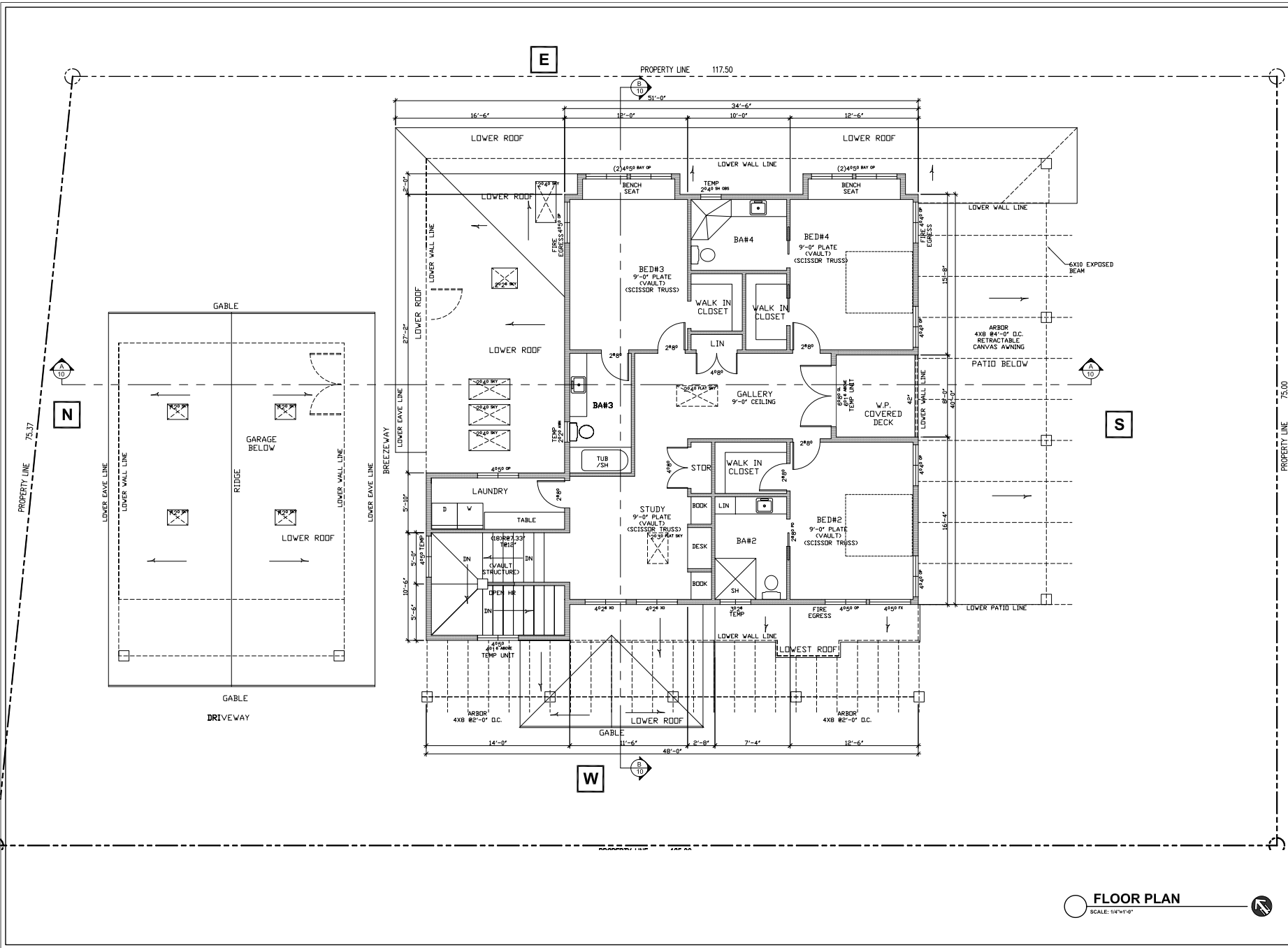
KELLY RESIDENCE  
602 EL SALTO DR  
CAPITOLA, CA 95010  
APN 036-142-03

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PROPOSED  
2ND FLOOR PLAN

DRAWN: GG  
SCALE: 1/4"=1'-0"  
JOB NO. ELSALTO  
DATE: 10/11/22

SHEET  
4  
OF # SHEETS



FLOOR PLAN  
SCALE: 1/4"=1'-0"

NOTE: ▽ = TEMPERED GLASS



REVISIONS:	BY:

OWNER:  
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KELLY RESIDENCE  
602 EL SALTO DR  
CAPITOLA, CA 95010  
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ELEVATIONS

DRAWN: GG

SCALE: 1/4" = 1'-0"

JOB NO. ELSALTO

DATE: 07/11/22

SHEET

5

OF # SHEETS

REVISIONS:	BY:

OWNER:  
 BRUCE & NANCY KELLY  
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KELLY RESIDENCE  
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GARAGE  
 ELEVATIONS

DRAWN: GG

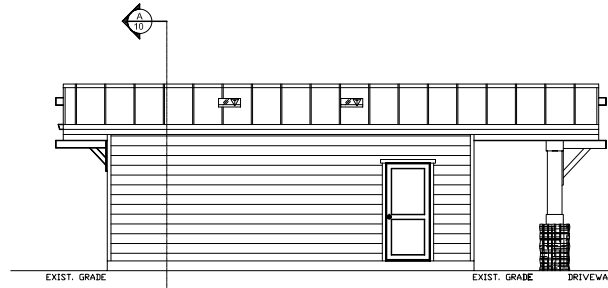
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JOB NO. ELSALTO

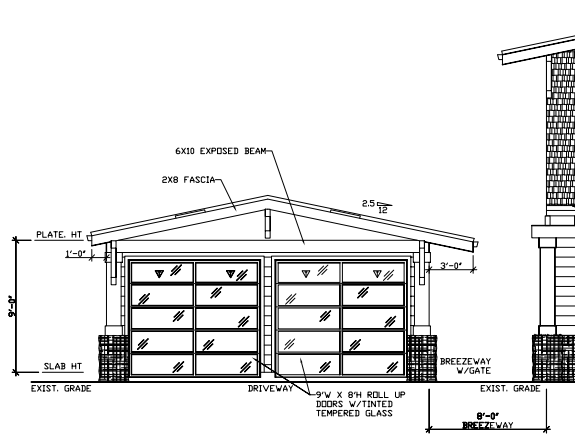
DATE: 07/11/22

SHEET

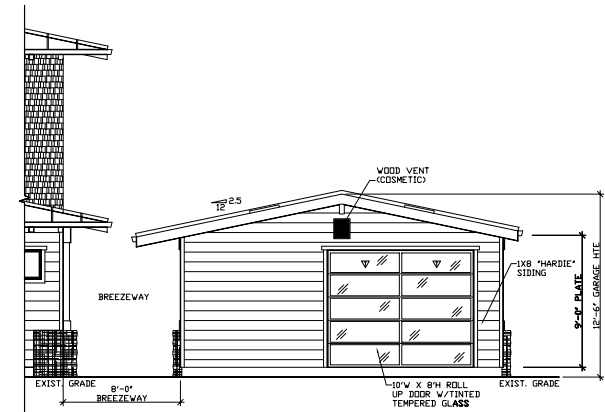
6  
 OF # SHEETS



**NORTH ELEVATION**

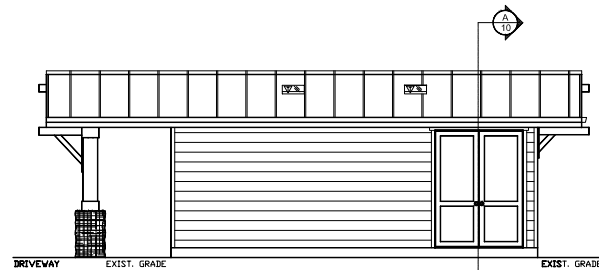


**WEST ELEVATION**



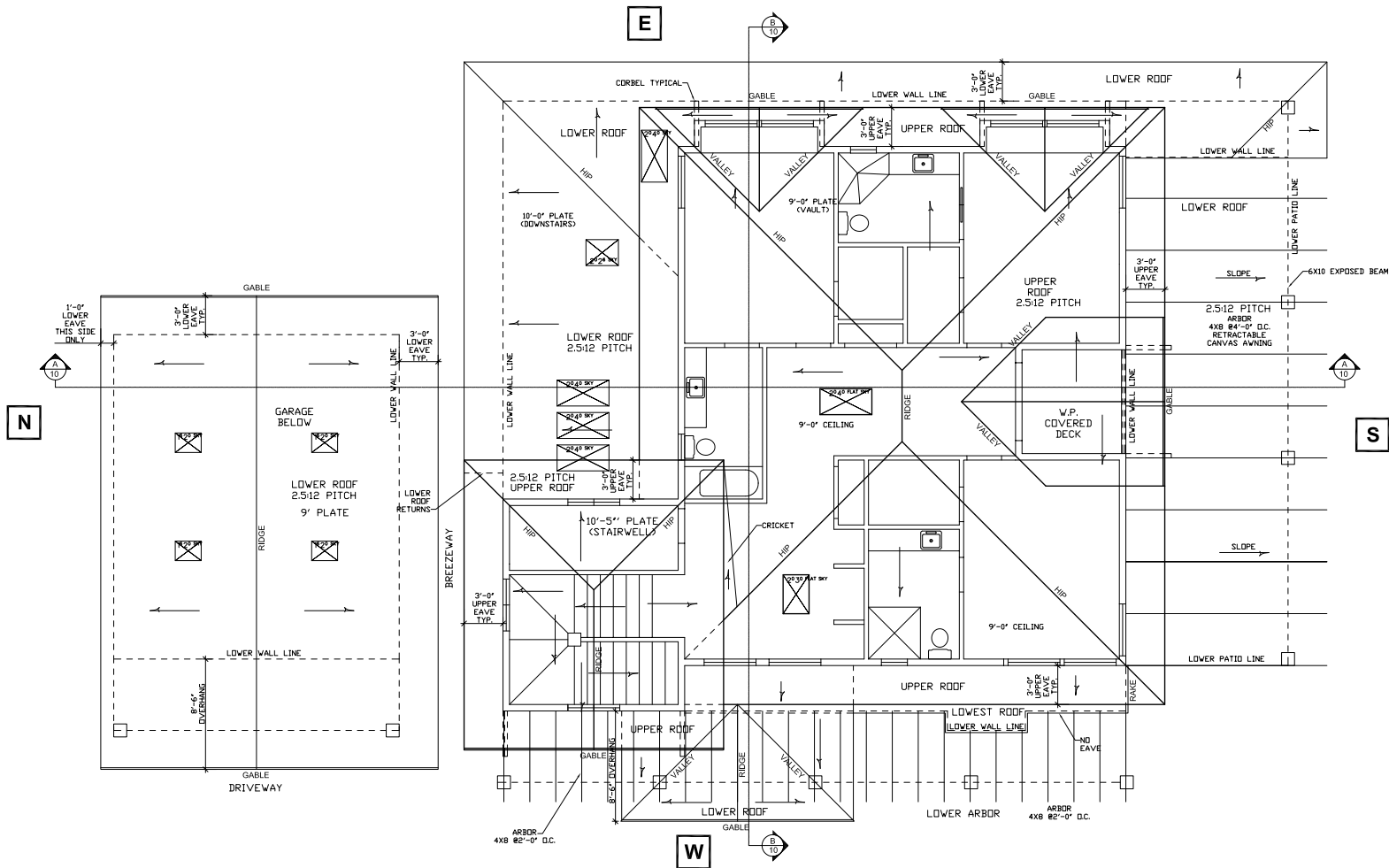
**EAST ELEVATION**

SCALE: 1/4" = 1'-0"



**SOUTH ELEVATION**

NOTE: ▽ = TEMPERED GLASS



NOTE:  
ALL ROOF DRAINAGE  
DOWNSPOUTS TO SPASHBLOCKS  
TO VEGETATED AREAS

**ROOF PLAN**  
SCALE: 1/4"=1'-0"

REVISIONS:	BY:

OWNER:  
BRUCE & NANCY KELLY  
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KELLY RESIDENCE  
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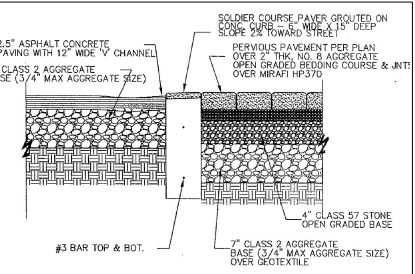
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ROOF  
PLAN

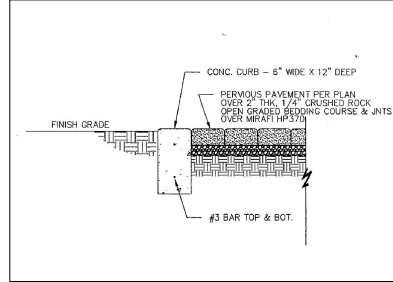
DRAWN: GG  
SCALE: 1/4"=1'-0"  
JOB NO. ELSALTO  
DATE: 07/11/22

SHEET  
8  
OF # SHEETS

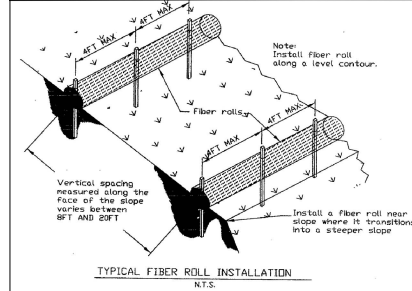
**1 SEMI-PERMEABLE PAVERS (DRIVEWAY)**



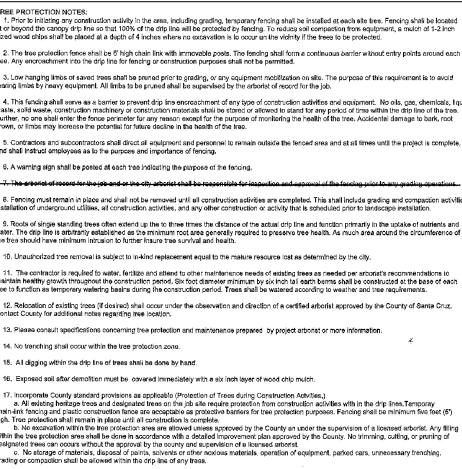
**2 SEMI-PERMEABLE PAVERS (PATIOS & WALKWAYS)**



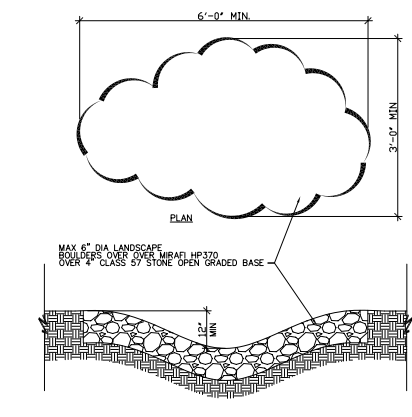
**3 FIBER ROLL**



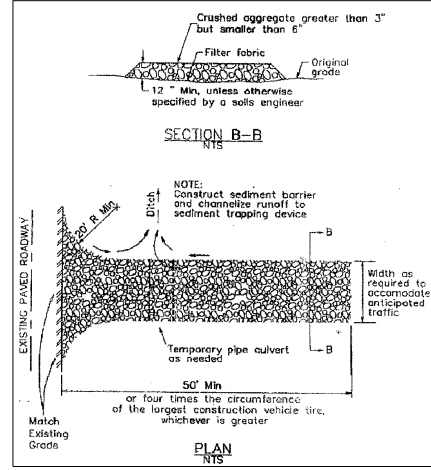
**5 TREE PROTECTION PLAN**



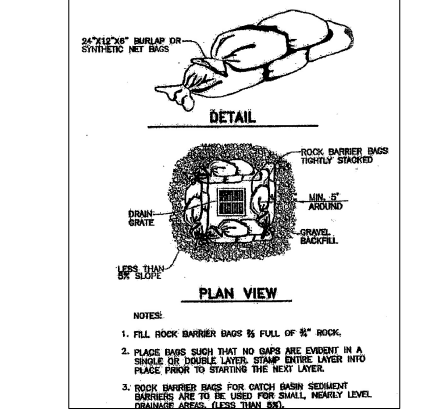
**6 BIOSWALE**



**4 CONSTRUCTION ENTRANCE**



**7 STORM DRAIN INLET PROTECTION**



**8 SITE HOUSEKEEPING REQUIREMENTS: CONSTRUCTION MATERIALS**

ALL LOOSE STOCKPILED CONSTRUCTION MATERIALS THAT ARE NOT ACTIVELY BEING USED (I.E. SOILS, SPILLS, AGGREGATE, FL-ASH, STUCCO, HYDRATED LIME, ETC.) SHALL BE COVERED AND BEMED.

ALL CHEMICALS SHALL BE STORED IN WATERIGHT CONTAINERS (WITH APPROPRIATE SECONDARY CONTAINMENT TO PREVENT SPILLAGE OR LEAKAGE) OR IN A STORAGE SHED (COMPLETELY ENCLOSED).

EXPOSURE OF CONSTRUCTION MATERIALS TO PRECIPITATION SHALL BE MINIMIZED. THIS DOES NOT INCLUDE MATERIALS AND EQUIPMENT THAT ARE DESIGNED TO BE OUTDOORS AND EXPOSED TO ENVIRONMENTAL CONDITIONS (I.E. POLES, EQUIPMENT PADS, CABINETS, CONDUITS, INSULATORS, BRINGS, ETC.).

BEST MANAGEMENT PRACTICES TO PREVENT THE OFF-SITE TRACKING OF LOOSE CONSTRUCTION AND LANDSCAPE MATERIALS SHALL BE IMPLEMENTED.

**9 SITE HOUSEKEEPING REQUIREMENTS: WASTE MANAGEMENT**

DISPOSAL OF ANY RINSE OR WASH WATER OR MATERIALS ON IMPERVIOUS OR PERVIOUS SITE SURFACES OR INTO THE STORM DRAIN SYSTEM SHALL BE PREVENTED.

SANITATION FACILITIES SHALL BE CONTAINED (E.G. PORTABLE TOILETS) TO PREVENT DISCHARGES OF POLLUTANTS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER, AND SHALL BE LOCATED A MINIMUM OF 20 FEET AWAY FROM AN INLET, STREET OR DRIVEWAY, STREAM, RIPARIAN AREA OR OTHER DRAINAGE FACILITY.

SANITATION FACILITIES SHALL BE INSPECTED REGULARLY FOR LEAKS AND SPILLS AND CLEANED OR REPLACED AS NECESSARY.

COVER WASTE DISPOSAL CONTAINERS AT THE END OF EVERY BUSINESS DAY AND DURING A RAIN EVENT.

DISCHARGES FROM WASTE DISPOSAL CONTAINERS TO THE STORM WATER DRAINAGE SYSTEM OR RECEIVING WATER SHALL BE PREVENTED.

STOCKPILED WASTE MATERIAL SHALL BE CONTAINED AND SECURELY PROTECTED FROM WIND AND RAIN AT ALL TIMES UNLESS ACTIVELY BEING USED.

PROCEDURES THAT EFFECTIVELY ADDRESS HAZARDOUS AND NON-HAZARDOUS SPILLS SHALL BE IMPLEMENTED.

EQUIPMENT AND MATERIALS FOR CLEANUP OF SPILLS SHALL BE AVAILABLE ON SITE AND THAT SPILLS AND LEAKS SHALL BE CLEANED UP IMMEDIATELY AND DISPOSED OF PROPERLY.

CONCRETE WASHOUT AREAS AND OTHER WASHOUT AREAS THAT MAY CONTAIN ADDITIONAL POLLUTANTS SHALL BE CONTAINED SO THERE IS NO DISCHARGE INTO THE UNDERLYING SOIL AND ONTO THE SURROUNDING AREAS.

**10 SITE HOUSEKEEPING REQUIREMENTS: VEHICLE STORAGE & MAINTENANCE AND LANDSCAPE MATERIALS**

MEASURES SHALL BE TAKEN TO PREVENT OIL, GREASE, OR FUEL TO LEAK IN TO THE GROUND, STORM DRAINS OR SURFACE WATERS.

ALL EQUIPMENT OR VEHICLES, WHICH ARE TO BE FUELED, MAINTAINED AND STORED ONSITE SHALL BE IN A DESIGNATED AREA FITTED WITH APPROPRIATE BUMPS.

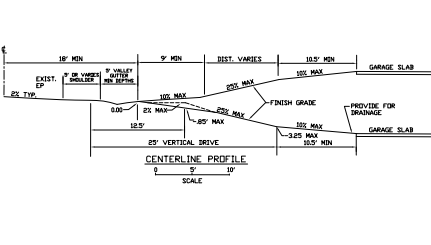
LEAKS SHALL BE IMMEDIATELY CLEANED AND LEAKED MATERIALS SHALL BE DISPOSED OF PROPERLY. CONTAIN STOCKPILED MATERIALS SUCH AS MULCHES AND TOPSOIL WHEN THEY ARE NOT ACTIVELY BEING USED.

CONTAIN FERTILIZERS AND OTHER LANDSCAPE MATERIALS WHEN THEY ARE NOT ACTIVELY BEING USED. DISCONTINUE THE APPLICATION OF ANY ERODIBLE LANDSCAPE MATERIAL WITHIN 2 DAYS BEFORE A FORECASTED RAIN EVENT OR DURING PERIODS OF PRECIPITATION.

APPLY ERODIBLE LANDSCAPE MATERIAL AT QUANTITIES AND APPLICATION RATES ACCORDING TO MANUFACTURE RECOMMENDATIONS OR BASED ON WRITTEN SPECIFICATIONS BY KNOWLEDGEABLE AND EXPERIENCED FIELD PERSONNEL.

STACK ERODIBLE LANDSCAPE MATERIAL ON PALLETS AND COVERING OR STORING SUCH MATERIALS WHEN NOT BEING USED OR APPLIED.

**11 TYPICAL DRIVEWAY**



REVISIONS:	BY:

**OWNER:**  
BRUCE & MARY KELLY  
22549 ROLLING HILLS RD  
SARATOGA, CA 95070  
408-640-8057

**KELLY RESIDENCE**  
602 EL SALTO DR  
CAPITOLA, CA 95010  
APN 036-142-03

**DENNIS NORTON**  
HOME DESIGN AND PROJECT PLANNING  
1712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010  
PH: 408-640-1234  
WWW.DENNISNORTON.COM

<b>SITE PLANNING DETAILS</b>	
DRAWN:	GG
SCALE:	N/A
JOB NO.:	ELSALTO
DATE:	01/21/22
SHEET:	9
OF # SHEETS:	9

**Stormwater Pollution Prevention and Protection for Construction Projects**

In the City of Capitola, water in streets, gutters, and storm drains flows directly to local creeks and Monterey Bay without any treatment. When debris, paint, concrete and other harmful pollutants from construction sites and home construction projects get soaked, leaked or washed into the street or storm drain they can damage sensitive creek habitats and end up polluting our bay and ocean.

In order to reduce the amount of pollutants reaching local storm drains and watersheds, the City has developed "Best Management Practices" (BMPs) for construction work. All types of construction projects are required to abide by the following mandatory BMPs. These BMPs apply to both new and remodeled residential, commercial, retail, and industrial projects.

- 1. Keep an orderly site and ensure good housekeeping practices are used.
2. Cover materials when they are not in use.
3. Keep materials away from streets, gutters, storm drains and drainage channels.
4. Ensure dust control water does not leave the site or discharge to storm drains.
5. Train your employees on these BMPs and encourage them with storm water issues prior to beginning work.

Table with 4 columns: NOT TO SCALE, STANDARD DRAWINGS FOR STORMWATER POLLUTION PREVENTION AND PROTECTION FOR CONSTRUCTION PROJECTS, DRAWN BY: M.P., CHECKED BY: S.E.J., DRAWING No. STRM-BMP-1

- 1. Clean up leaks, spills and other spills immediately so that they do not contaminate the soil or runoff nor leave residue on paved surfaces.
2. Portable toilets are used only when necessary.
3. Protect vegetation and trees from accidental damages from construction activities by surrounding them with fencing or tree armoring.

- 1. Site development shall be filled to the topography and soils in order to minimize the potential for erosion.
2. Schedule excavation and grading activities prior to rainy weather periods.
3. Control the amount of runoff crossing your site especially during excavation by using berms or temporary drainage ditches or bio-swales to divert water flow around the site.

- 1. Practice contaminant "Source Reduction" by estimating carefully and minimizing waste when ordering materials.
2. Recycle excess materials such as concrete, asphalt, scrap metal, solvents, degreasers, paper, and vehicle maintenance materials whenever possible.

Landscaping, Gardening & Ponds/Fountains/Pool/Spa Maintenance
Many landscaping activities and practices expose soils and increase the likelihood of water runoff that will transport earth, sediments and garden chemicals into the storm drain system during irrigation or rain events.

- 1. Protect stockpiles and landscaped materials from wind and rain by storing them under tarps or secured plastic sheeting.
2. Schedule grading and excavation during dry weather.
3. Use temporary check drains or ditches to direct runoff away from storm drains or drainage channels.

- 1. When draining a pond, fountain, pool or spa, any volumes in excess of 500 gallons must be reported in advance to the City of Capitola Public Works Department.

Preventing Water & Sediment Runoff
Effective erosion and sediment control measures must be implemented and maintained on all disturbed areas in order to prevent a net increase of sediment to the site's storm water discharge relative to pre-construction levels.

Table with 4 columns: NOT TO SCALE, STANDARD DRAWINGS FOR STORMWATER POLLUTION PREVENTION AND PROTECTION, DRAWN BY: M.P., CHECKED BY: S.E.J., DRAWING No. STRM-BMP-2

- 1. Effective filtration devices, barriers, and settling devices shall be selected, installed and maintained properly.
2. If storm water must be installed to that the drainage around each fence does not create additional erosion and rills down slope of the fence.
3. Whenever possible, use terracing, surface roughening (e.g. with a ballzooiler), and energy dissipaters (such as riprap, sand traps and rock) on slopes to reduce runoff velocity and soil sediments.

Earth Moving Activities & Heavy Equipment
Soil excavation and grading operations reduce the amount of runoff crossing a site and slow the flow with check dams or roughened ground surfaces.

- 1. Maintain all heavy equipment, inspect frequently for leaks, and repair leaks immediately upon discovery.
2. Perform major auto or heavy equipment maintenance, repair jobs and vehicle or equipment washing off-site.
3. Do not use diesel oil to lubricate equipment parts or clean equipment.

Practices During Construction
1. Remove existing vegetation only when absolutely necessary.
2. Protect down slope drainage courses, creeks and storm drains with wattles or temporary drainage swales.

- 1. Clean up spills immediately using the cleanup methods if possible.
2. Sweep up spilled dry materials immediately.
3. Use like water as possible for dust control.

- 1. Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains.
2. Chemical paint or varnish stripping residue, chips and dust from marine paints or varnishes, or paints containing lead, mercury or trichloroethylene must be disposed of as hazardous wastes.

Table with 4 columns: NOT TO SCALE, STANDARD DRAWINGS FOR STORMWATER POLLUTION PREVENTION AND PROTECTION, DRAWN BY: M.P., CHECKED BY: S.E.J., DRAWING No. STRM-BMP-3

Painting, Varnish & Application of Solvents & Adhesives
Paints, varnish, solvents and adhesives contain chemicals that are harmful to wildlife and aquatic life in our community.

- 1. Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains.
2. Wash water from painted buildings constructed pre-1978 can contain high amounts of lead event paint chips are not present.

- 1. Recycle return to supplier, or donate unwanted water-based (latex) paint.
2. Protect nearby storm drain inlets and adjacent water bodies prior to breaking up asphalt or concrete.

- 1. Protect nearby storm drain inlets and adjacent water bodies prior to breaking up asphalt or concrete.
2. The discharge of sand and slurry to the storm drain system is prohibited.
3. Remove and clean up all debris and materials from the site.

Table with 4 columns: NOT TO SCALE, STANDARD DRAWINGS FOR STORMWATER POLLUTION PREVENTION AND PROTECTION, DRAWN BY: M.P., CHECKED BY: S.E.J., DRAWING No. STRM-BMP-4

**Concrete, Cement, & Masonry Products**

- 1. Concrete, cement, masonry products, sediment or pollutant laden water shall never be discharged into or allowed to reach the storm drain system.
2. Avoid mixing excess amount of fresh concrete or cement mortar on-site.
3. During tile cutting, ensure that the slurry water does not run off into the street or storm drain system.

Site Clean Up
1. Clean up by sweeping instead of hosing down whenever possible.
2. The street, sidewalk and other paved areas may not be cleaned by washing or by directing sediment, concrete, asphalt, or other particles into the storm drain system.

- 1. Discarded building materials and demolition wastes must never be left in a street, gully, or waterway.
2. Discarded building materials and demolition wastes must never be left in a street, gully, or waterway.

Signed and Agreed to by:
Project Owner or General Contractor
Project: \_\_\_\_\_ Date: \_\_\_\_\_
Print Name: \_\_\_\_\_

Table with 4 columns: NOT TO SCALE, STANDARD DRAWINGS FOR STORMWATER POLLUTION PREVENTION AND PROTECTION, DRAWN BY: M.P., CHECKED BY: S.E.J., DRAWING No. STRM-BMP-5

Table with 2 columns: REVISIONS, BY: with empty rows for revisions.

OWNER: BRUCE & HANLEY KELLY 72549 ROLLING HILLS RD SARATOGA, CA 95070 408-640-8905

KELLY RESIDENCE
602 EL SALTO DR
CAPITOLA, CA 95010
APN 036-142-03

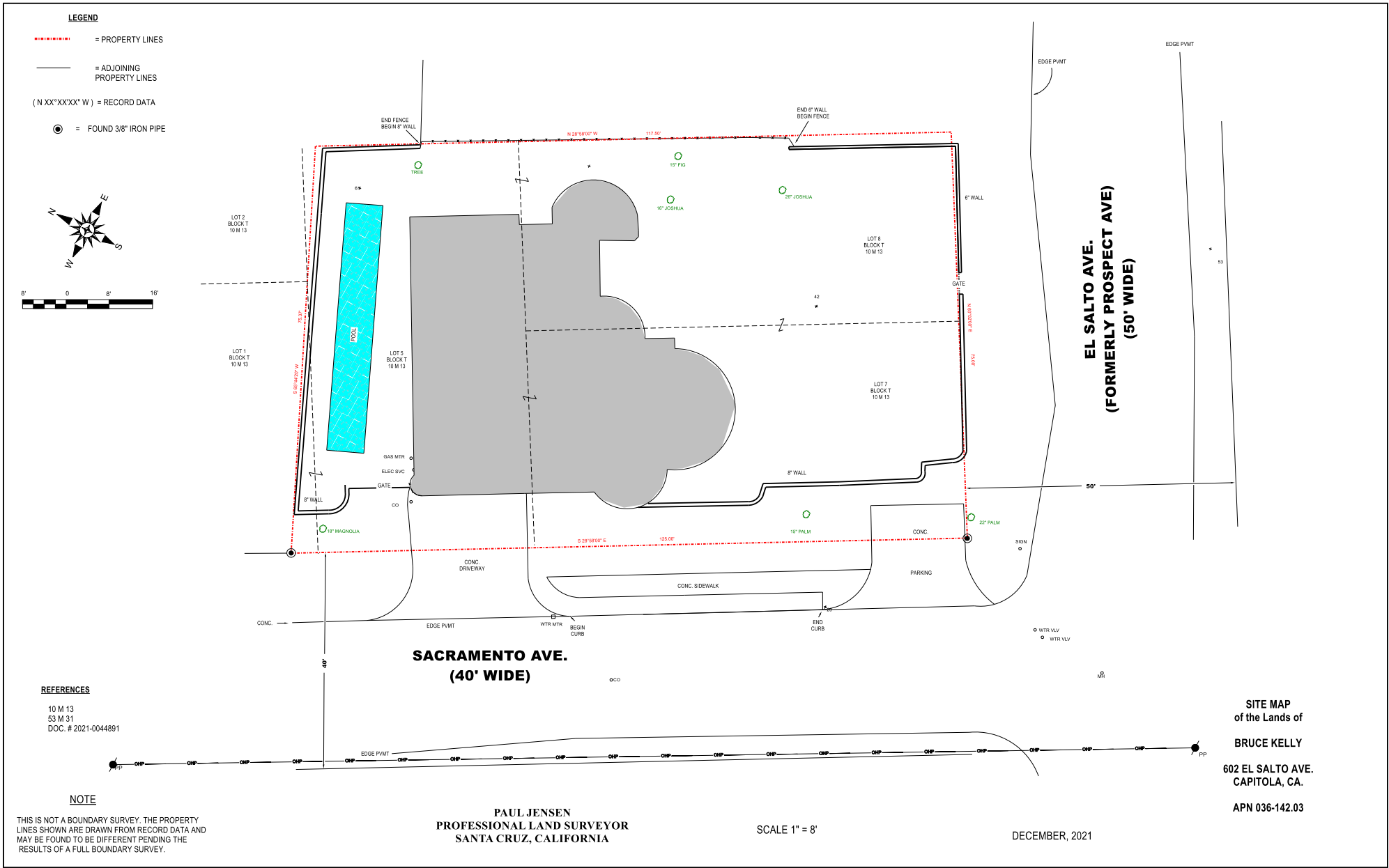
DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
1715 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010
WILMUTY: www.dennisonorton.com

BEST MANAGEMENT PRACTICES

Table with 2 columns: DRAWN: GG, SCALE: NONE, JOB NO: ELSALTO, DATE: 01/21/22, SHEET: BMP

BMP # SHEETS

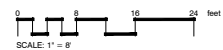
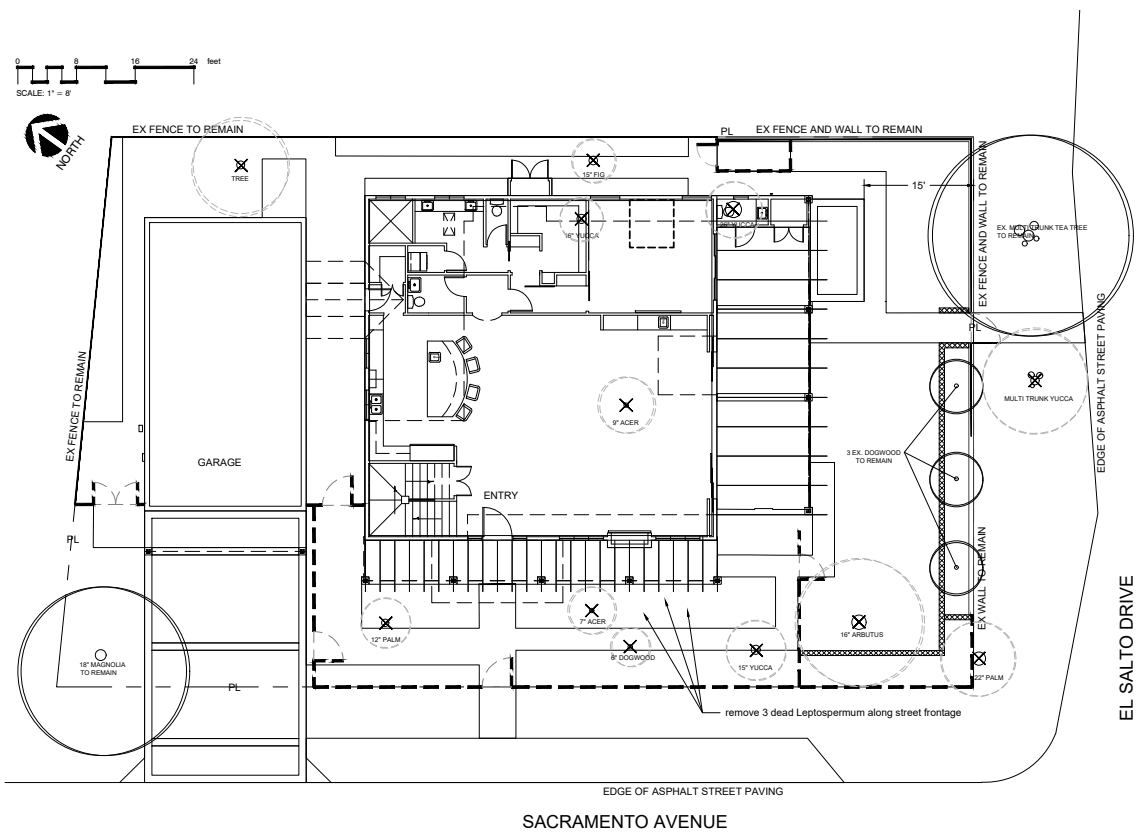




Item 4 A.



mike@arnonelandscap.com 831.462.4988



**EXISTING TREE LEGEND**

KEY	DESCRIPTION
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED

**KELLY RESIDENCE**  
**602 EL SALTO DRIVE**  
**CAPITOLA, CALIFORNIA**

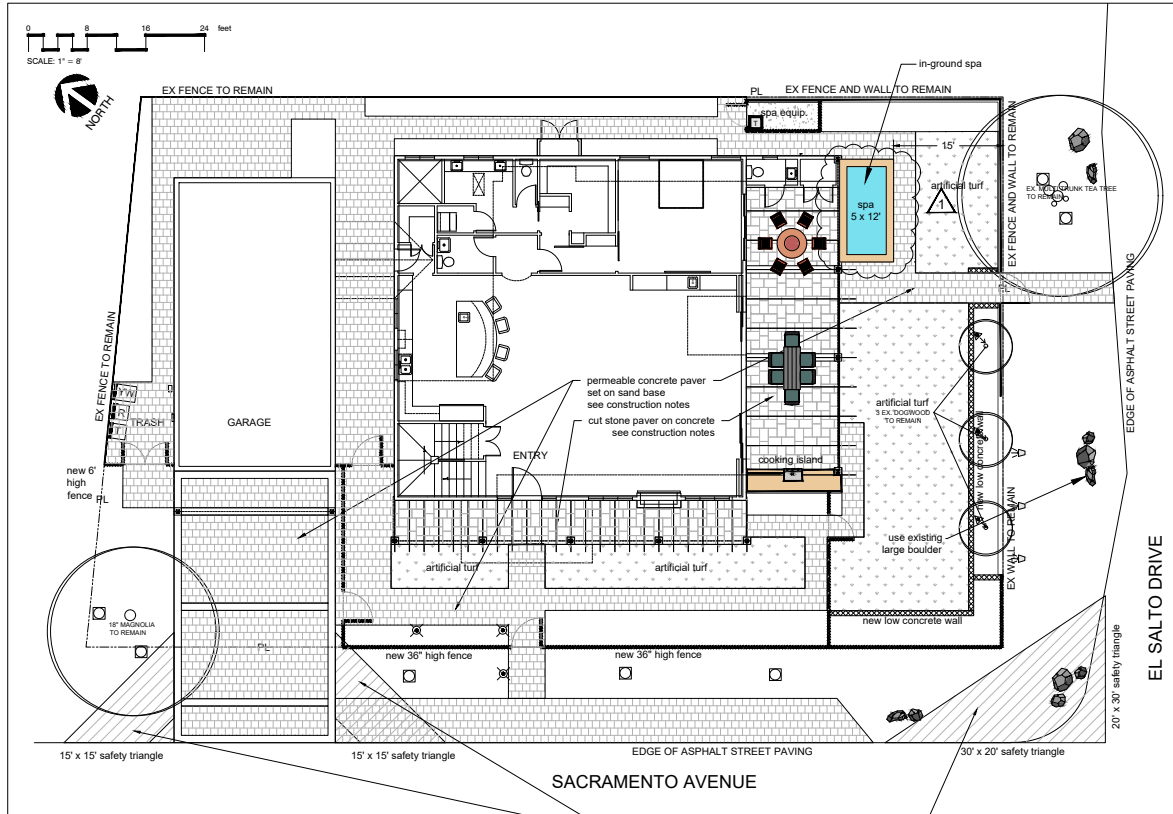
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**REVISIONS**

▲ 9.19.22	add ex. tree sheet
-----------	--------------------

**EXISTING TREES**

**JOB NO.** 202205  
**SCALE** 1/8" = 1' - 0"  
**DRAWN** MA  
**CHECK**  
**DATE** 9.19.2022  
**SHEET**  
**T-1.0**



Belgard Aqua Dublin permeable pavers in Victorian color



Tumbled Connecticut Bluestone

KELLY RESIDENCE  
602 EL SALTO DRIVE  
CAPITOLA, CALIFORNIA

LIGHTING SCHEDULE

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY
□	FX LUMINAIRE DX-SS TRANSFORMER 150 Watt in Stainless Steel cabinet	1
SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY
↔	FX Luminaire NP - LED Up Light Aluminum Alloy, (AL) Almond, (PM) PostMount, (LS) Long Shield Lamp: 3LED, 10.1W, 2900K	3
⊕	FX Luminaire MS - LED Wall Light N/A, (AB) Antique Bronze, Wall Mount Lamp: 1LED, 2W, 2900K Accessories: N/A	3
⊗	FX Luminaire CV - LED Path Light Copper, (AB) Antique Bronze, (PM) PostMount, Riser 12" Lamp: 3LED, 2W, N/A	3
□	FX Luminaire KG - LED Well Light Aluminum/Brass, (AB) Antique Bronze on Brass, N/A, N/A Lamp: 6LED, 10.1W, N/A	7

SIGHT VISIBILITY TRIANGLES:  
Within this area, nothing shall be erected, placed, planted,  
or allowed to grow exceeding three feet in height with the  
exception of trees with canopies no lower than six feet.  
Shown for design speed of 25 mph.

CONSTRUCTION NOTES:

- Contractor shall notify Underground Service Alert (USA) at 811 to verify the location and depth of all existing utilities prior to any demolition, trenching or excavation.
- Contractor shall take care not to damage in any way, any existing elements to remain. Such damage is the responsibility of the contractor and shall be replaced or repaired to match the original at no additional cost to the owner.
- All dimensions and elevations shall be verified in the field and chalked, flagged or string lined prior to any construction. If any discrepancies occur, notify Landscape Architect immediately before proceeding.
- CONTRACTOR SHALL CLEARLY LAYOUT ENTIRE HARDSCAPE DESIGN USING CHALK, FLAGS, OR PAINT TO DEFINE ALL NEW LANDSCAPE ELEMENTS. CONTRACTOR SHALL RECEIVE APPROVAL FROM OWNER PRIOR TO START OF INSTALLATION OF LANDSCAPE ELEMENTS SHOWN ON PLANS.
- Contractor shall place 3" diameter sleeves (chases) under all paving crossings as shown on plan to be used for drip irrigation lines, irrigation laterals or low voltage lighting cable.
- Pavers for driveway and walkways shall be Belgard Aqua Dublin Permeable pavers in Victorian color. Install as per manufacturer's specifications using metal edge for interior border. (www.belgard.com) 877.235.4273. See photo example.
- Cut stone for porch and back patio shall be Tumbled Connecticut Bluestone available at GraniteRock in Santa Cruz or Central Home Supply in Scotts Valley. See photo example.

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REVISIONS

△ 8.25.22 relocate spa

HARDSCAPE & LIGHTING PLAN

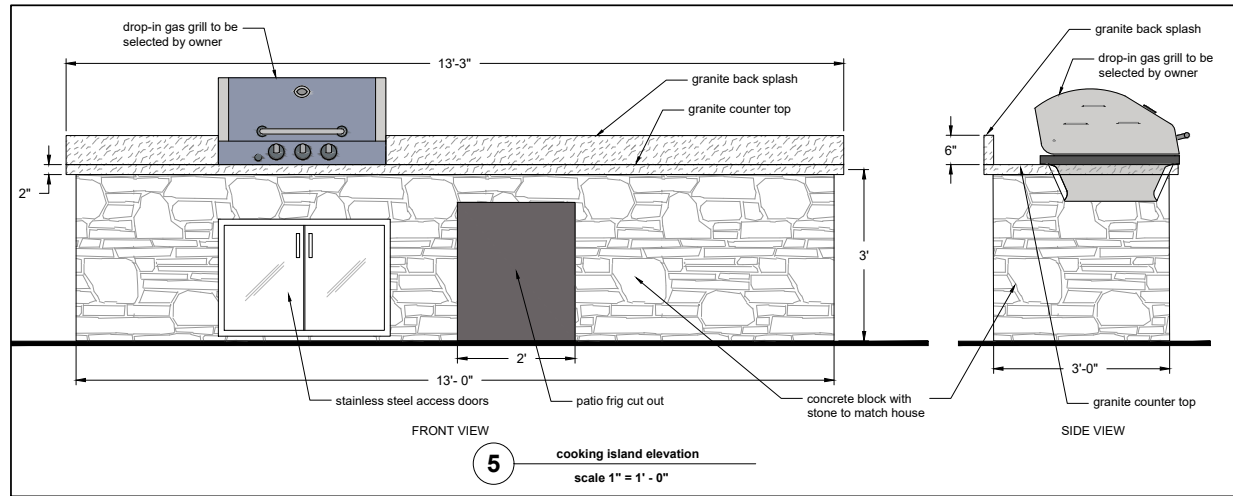
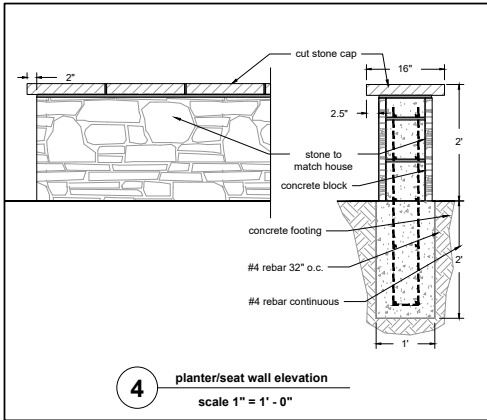
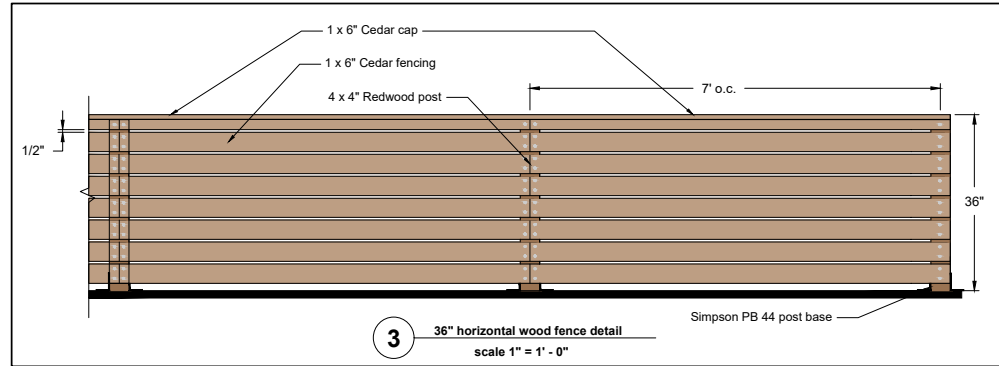
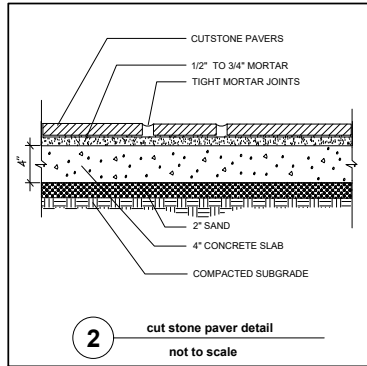
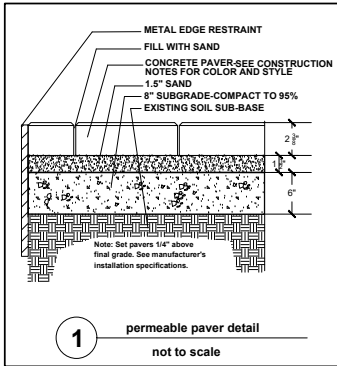
JOB NO. 202205

SCALE 1/8" = 1' - 0"

DRAWN MA SHEET

CHECK

DATE 9.19.2022 L-1.0



KELLY RESIDENCE  
602 EL SALTO DRIVE  
CAPITOLA, CALIFORNIA

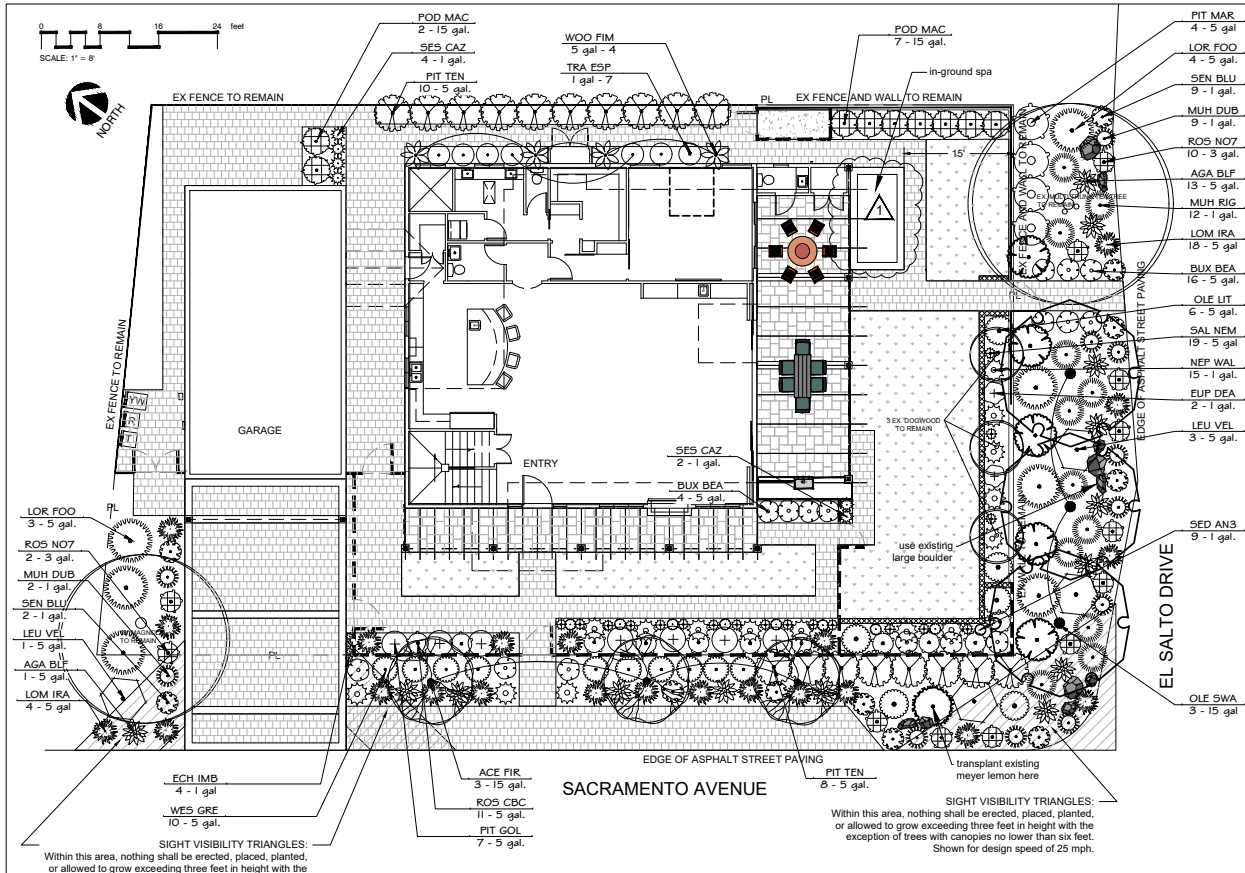
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REVISIONS

ELEVATIONS & DETAILS

JOB NO. 202205  
SCALE 1/8" = 1' - 0"  
DRAWN MA SHEET  
CHECK  
DATE 9.19.2022 L-1.1



**PLANT SCHEDULE**

TREES	CODE	BOTANICAL / COMMON NAME	COUNT	QTY
ACE FIR	ACE FIR	Acer palmatum Fireglow / Fireglow Japanese Maple	15 gal.	3
OLE SWA	OLE SWA	Olea europaea 'Swan Hill' TM / Swan Hill Olive (multi-trunk)	15 gal.	3
BUX BEA	BUX BEA	Buxus microphylla japonica 'Green Beauty' / Green Beauty Japanese Boxwood	5 gal.	16
ECH IMB	ECH IMB	Echeveria imbricata / Hen and Chicks	1 gal.	4
EUP DEA	EUP DEA	Euphorbia 'Dean's Hybrid' / Dean's Hybrid Euphorbia	1 gal.	2
LEU VEL	LEU VEL	Leucospermum 'Vadfire' / Vadfire Protea	5 gal.	4
LOM IRA	LOM IRA	Lomandra longicata 'Breeze' TM / Breeze Mat Rush	5 gal.	22
LOR FOO	LOR FOO	Loropetalum chinense Raspberry / Raspberry Fringe Flower	5 gal.	7
MUH DUB	MUH DUB	Muhlenbergia dubia / Fine Muhly	1 gal.	11
MUH RIG	MUH RIG	Muhlenbergia rigens / Deer Grass	1 gal.	12
NEP WAL	NEP WAL	Nepeta 'Fassenet' Walker's Low / Walker's Low Catmint	1 gal.	15
OLE LIT	OLE LIT	Olea europaea 'Little Olive' TM / Little Olive Olive	5 gal.	6
PIT TEN	PIT TEN	Pittosporum tenuifolium / Tahitihi	5 gal.	18
PIT MAR	PIT MAR	Pittosporum tenuifolium 'Majora Channon' / Tahitihi	5 gal.	4
PIT GOL	PIT GOL	Pittosporum tenuifolium 'Gold Ball' / Gold Ball Tahitihi	5 gal.	7
POD MAC	POD MAC	Podocarpus macrophyllus / Yew Pine	15 gal.	9
ROS CBC	ROS CBC	Rosa 'Iceberg' / Iceberg Floribunda Rose	5 gal.	11
ROS NO7	ROS NO7	Rosa 'Noaschnel' TM / Flower Carpet White Groundcover Rose	3 gal.	12
SAL NEM	SAL NEM	Salvia nemorosa 'East Friesland' / East Friesland Perennial Sage	5 gal.	19
SED AN3	SED AN3	Sedum 'Angelina' / Angelina Sedum	1 gal.	9
SEN BLU	SEN BLU	Senecio mandraliscae 'Blue Chalk Sticks' / Senecio	1 gal.	11
SES CAZ	SES CAZ	Seselia 'Campo Azul' / Campo Azul Moor Grass	1 gal.	6
TRA ESP	TRA ESP	Trachelospermum jasminoides / Star Jasmine Trellis	1 gal.	7
WES GRE	WES GRE	Westringia lucida 'Grey Box' / Grey Box Westringia	5 gal.	10
WOO FIM	WOO FIM	Woodwardia fibrata / Giant Chain Fern	5 gal.	4

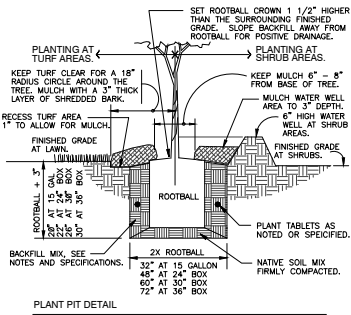
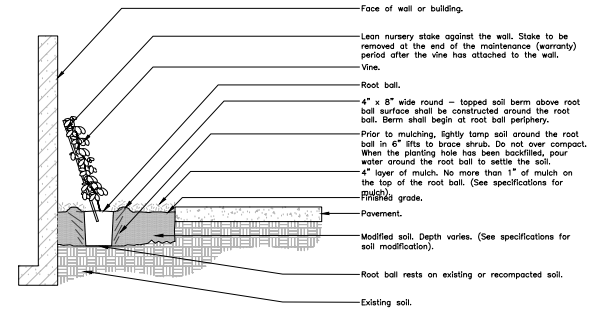
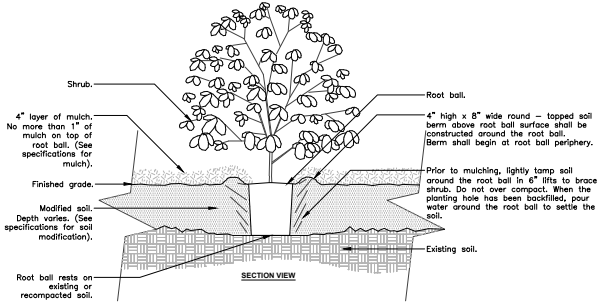
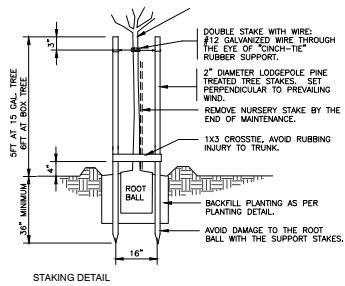
KELLY RESIDENCE  
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CAPITOLA, CALIFORNIA

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OWNER SHALL ASSUME RESPONSIBILITY FOR COMPLIANCE WITH ALL EASEMENTS, SETBACK REQUIREMENTS AND PROPERTY LINES. OWNER SHALL ACQUIRE ALL NECESSARY PERMITS REQUIRED TO PERFORM WORK SHOWN ON PLANS. BASE INFORMATION HAS BEEN PROVIDED BY THE OWNER. MICHAEL ARNONE LANDSCAPE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF SAID PROPERTY LINE BOUNDARIES, FENCE LINES OR PROPERTY CORNERS.

**REVISIONS**  
△ 8.25.22 relocate spa

**PLANTING PLAN**

**JOB NO.** 202205  
**SCALE** 1/8" = 1' - 0"  
**DRAWN** MA **CHECKED** SHEET  
**DATE** 9.19.2022 **L-2.0**



Notes:  
1- Shrubs shall be of quality prescribed in the root observations detail and specifications.  
2- See specifications for further requirements related to this detail.

2 SHRUB - MODIFIED SOIL  
3/4" = 1'-0"

URBAN TREE FOUNDATION © 2014  
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FX-PL-FX-SHRB-03

Notes:  
1- Vines shall be of quality as prescribed in the root observations detail and specifications.  
2- See specifications for further requirements related to this detail.

3 VINE - MODIFIED SOIL  
1/2" = 1'-0"

URBAN TREE FOUNDATION © 2014  
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FX-PL-FX-VINE-03

1 TREE PLANTING DOUBLE STAKE  
1" = 1'-0" FX-PL-FX-TREE-10

PERRY LABORATORY  
HORTICULTURAL ADVISING AND TESTING  
Michael Arnone  
Kelly, Capitola  
03/31/22  
Page 2

The pH value of this soil is slightly alkaline in reaction and is somewhat higher than desirable for these plants. The low electrical conductivity reading shows that the levels of soluble salt are safely low.

The soil fertility analysis shows low nitrogen for this soil at this time. The concentrations of all other nutrients are in satisfactory to high ranges.

The sodium and chloride levels are low and will not cause toxicity problems. The low SAR and ESP value shows the sodium that is present will not cause a hazard to the soil structure. The cation exchange capacity of this soil indicates it has satisfactory nutrient holding properties.

The organic matter content is high at this time. The free lime content in this soil is safely low. The mechanical analysis indicates this is a loamy sand textured soil. A loamy sand soil generally has a satisfactory infiltration rate of 2.0 inches per hour.

Preplanting will require the following per 1000 sq ft of bed area:

- Tiger 90 Soil Sulfur (90% S) 20.0 lbs
- Feather meal (12-0-0) 25.0 lbs

The above materials should be incorporated into the upper 6-8" of the soil profile.

The post planting fertilizer program should include an application of Feather Meal applied 6 months after planting at a rate of 10.0 lbs per 1000 sq ft of bed area.

If you have any questions, please give me a call.

Respectfully submitted,

Clifford B. Low, M.S.

PLANTING NOTES

- All existing trees, shrubs and ground covers to remain shall be protected. Any damage caused by Contractor's work shall be repaired or replaced at the Contractor's expense and be approved by the Landscape Architect.
- Pre-planting should consist of adding the following fertilizer materials per 1000 sq ft of planting bed area:  
Feather meal (12-0-0) 20 lbs.  
Tiger 90 Soil Sulfur (90% S) 25 lbs.  
The above amendments should be thoroughly incorporated into the upper 6-8" of the soil profile.
- After amending soil, grade all areas smooth with no localized depressions exceeding .5 inch. All areas shall surface drain with 1.5 percent minimum slope away from all buildings, paving or other structures.
- Quantities are for aiding in bidding only. Contractor shall verify all quantities.
- Contractor shall lay out plant material as per plan and receive approval from Landscape Architect prior to installation.
- No plants shall be planted with root balls or new pits in a dry condition.
- Plant all plants as per planting details in square pits with sides and bottoms thoroughly scarified. Do not amend backfill mix beyond initial topsoil amending unless noted.
- All newly planted material shall be watered by deep soaking within 3 hours of planting.
- All planting areas shall receive 3 inches of mini grind bark chip top dressing (mulch).
- Contractor shall be responsible for irrigating all new plant material until the entire project as been approved and accepted by Owner.
- Thirty days after planting Contractor shall re-stake and straighten all trees as necessary to be approved by Landscape Architect.

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REVISIONS

DETAILS, SOILS  
REPORT &  
PLANTING NOTES

JOB NO. 202205

SCALE as noted

DRAWN MA SHEET

CHECK

DATE 9.19.2022 L-2.1

PERRY LABORATORY  
HORTICULTURAL ADVISING AND TESTING  
Michael Arnone  
3370 Samuel Place  
Santa Cruz, CA 95062

424 AIRPORT BOULEVARD  
WATSONVILLE, CA 95076  
Telephone 831/722-7606  
Fax 831/722-5693  
March 31, 2022

Soil Analyses

Chemical analyses on samples received:

March 23, 2022

Sample Identification	pH	Electrical Conductivity (µmhos/cm)	Ammonium Nitrogen (ppm)	Phosphorus (ppm)	Potassium (ppm)	Calcium (ppm)	Magnesium (ppm)	Sulfur (ppm)	Sodium (ppm)	Chloride (ppm)	Copper (ppm)	Manganese (ppm)	Zinc (ppm)	Iron (ppm)	Barium (ppm)	Strontium (ppm)	Vanadium (ppm)	Selenium (ppm)	Other		
General Guidelines: South African, Australian & California Native Plants	6.5 - 8.5	1.0 - 3.0	15 - 35	5 - 10	100 - 300	2000 - 4000	300 - 500	25 - 100	1.5 - 5.0	1.0 - 3.0	10 - 20	50 - 100	10 - 20	10 - 20	10 - 20	10 - 20	10 - 20	10 - 20	<0.5		
Kelly, Capitola	7.5	1.4	4	13	52	325	3834	471	140	0.3	7.2	2.8	3.1	6.3	8.9	7.2	3.1	1.9	1.0	1.1	4.3

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www.perrylaboratory.com

## Design Permit Design Review Criteria

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 contribute 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 is 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 structure. New structures and additions to non-historic 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 minimizes privacy impacts on adjacent properties and provides 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.



# Capitola Planning Commission Agenda Report



**Meeting:** November 3, 2022  
**From:** Community Development Department  
**Topic:** 401 Capitola Avenue

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**Permit Number: #22-0282**

**APN: 035-131-11**

Conditional Use Permit and Parking Variance to establish a bar and lounge (pour room) serving beer and wine with no onsite parking in the MU-N (Mixed Use Neighborhood) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption 15301

Property Owner: Amy Cheng

Representative: Richard Emigh Filed: 07.06.2022

**Recommendation:** Continue the item to be noticed for a future Planning Commission meeting.

# Capitola Planning Commission

## Agenda Report



**Meeting:** November 3, 2022  
**From:** Community Development Department  
**Topic:** 935 Balboa Avenue

**Permit Number: #22-0397**

**APN: 036-232-13**

Appeal of an administrative denial of a tree removal permit to remove one mature eucalyptus tree, located within the RM-L (Multi-Family Residential, Low Density) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Joe Stokley

Appellant: Moe Hassan and Tony Sharifi, Filed: 09.19.22

### **Proposal:**

The appeal is of an administrative denial of a Tree Removal Permit for a eucalyptus tree located at 935 Balboa Avenue in the RM-L (Multi-Family Residential, Low Density) zoning district. The eucalyptus tree is situated on a property line between the properties of 935 Balboa Avenue and 1001 Balboa Avenue. Joe Stokley, hereafter also 'owner', owns the property at 935 Balboa Avenue. Moe Hassan and Tony Sharifi, hereafter also 'appellant', own the property at 1001 Balboa Avenue.

### **Background:**

In September 2020, the City inspected the eucalyptus tree due to an inquiry of the tree being a possible public nuisance. Findings could not be made to declare the tree a public nuisance and hazard.

Between May and June of 2021, the City received an application from Mr. Stokley to remove the eucalyptus. The application included an arborist report prepared without City involvement. The report was dated December 2019 and was paid for by the listing agent, prior to Mr. Stokley purchasing the property. The report recommended tree retention and a follow-up review after 2 years. Staff again inspected the tree and could not find substantial change in condition and could not make necessary findings for the removal of the tree.

On June 29, 2021, staff notified the owners of 935 Balboa Avenue and 1001 Balboa Avenue that findings could not be made by staff. The determination included the option for a follow-up review by a city-contracted arborist to look at the tree, as 18 months had passed since the previous review.

On March 2, 2022, the property owner submitted payment for a review by a city-contracted arborist.

On May 19, 2022, the arborist submitted a written report (Attachment #3), recommending that the eucalyptus be preserved with mitigations. The owner requested the application be placed on hold

so a contractor could inspect the site for possible root-related damage not detected by staff or the arborists. Subsequently, no additional information was provided and the applicant requested staff issue a determination letter.

On September 2, 2022, staff sent letters to the applicant and adjacent property owner (appellant), administratively denying the tree removal for the eucalyptus because the required findings to approve a removal could not be made. The letter included the suggestion to implement the mitigation measures prescribed in the latest arborist report.

On September 9, 2022, the owner of 1001 Balboa Avenue submitted an appeal of the denial (Attachment #1), pursuant to CMC 12.12.180(F).

### **Discussion:**

The appellant is requesting to remove one mature eucalyptus tree located in the rear yards of both 935 Balboa Avenue and 1001 Balboa Avenue. The tree is approximately 135 feet tall and five feet in diameter at 54-inches above grade. The tree has a significant canopy presence, some of which extends over the duplexes at 935 and 1001 Balboa Avenue. The tree is not located in an environmentally sensitive habitat area. The appellant outlined the reasons for the removal request relating to safety considerations, tree encroachment, and property damage.

### Community Tree and Forest Ordinance

Under the City's Community Tree and Forest Management Ordinance, Municipal Code Section 12.12.180(C) allows Public Works staff to approve the removal of a non-heritage tree if it can make all the findings in subsections (C)(1) through (C)(4). If, after conducting the complimentary inspection, public works staff cannot make the required findings, the application is reviewed by planning staff and the city may require the applicant to pay for an arborist, under contract to the city, to prepare an arborist report. The Community Development Director reviews the report and determines whether or not the tree removal should be approved based on the report and if all the required findings can be made. The applicant, or interested party, may appeal staff's determination to the Planning Commission.

### Staff Review

The Planning Commission may approve the permit based on the findings of Section 12.12.180(C)(1) through (C)(4), as listed below.

1. The tree removal is in the public interest based on one of the following:
  - (a). Because of the health or condition of the tree, with respect to disease infestation, or danger of falling.  
Staff Analysis: The tree is in a good state of health and growth. The tree has a fair structural condition because it has codominant stems but with attachment twelve feet above ground. There is no evidence of fungal or disease-related decay. There is a low likelihood of total tree failure.
  - (b). The tree poses a safety concern without mitigating action.  
Staff Analysis: There is some deadwood within the canopy. Deadwood larger than 1-inch in diameter could pose a safety concern if they are not removed. The arborist suggests mitigation through removal of deadwood and selective weight reduction on larger limbs and consideration of a support cable between the codominant stems.
  - (c). In situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services.

Staff Analysis: Deadwood has the potential to cause some level of property damage without removal. Currently, the likelihood of live branches causing property damage appears low. Concrete flatwork in the backyard of both properties show some evidence of cracking which does not appear to be due to root uplift.

2. All possible and feasible alternatives to tree removal have been evaluated, including, but not limited to undergrounding of utilities, selective root cutting, trimming and relocation.

Staff Analysis: There are feasible hazard reduction alternatives to removal. The arborist recommends removal of deadwood and selective weight reduction on larger limbs and consideration of a support cable between the codominant stems. Removal is the only way to entirely eliminate risk, but that risk can be effectively mitigated with tree management and periodic inspection.

3. The type, size and schedule for planting replacement trees is specified and shall be concurrent with the tree removal or prior to it, in accordance with Section 12.12.190(F) and (G).

Staff Analysis: The property has a deep lot which extends into the grove of eucalyptus trees along Park Avenue. Staff evaluated the site and expects a post-removal tree canopy coverage of approximately thirty percent will be secured with existing trees.

4. The removal of the tree would not be contrary to the purposes of this chapter and Chapter 17.95.

Staff Analysis: The property is not located within an environmentally sensitive habitat area but is contrary to the purposes of the Community Tree and Forest Management ordinance as there are feasible alternative mitigations are recommended by the arborist over removal.

### Appeal

The appellant is requesting the Planning Commission reverse the denial for the removal of one eucalyptus tree. In the appeal, they outlined their concerns, including:

1. Safety with respect to the possibility falling branches or of total tree failure.
2. Existing property damage from roots.
3. Future property damage from failing branches or of total tree failure.
4. Concerns as to the nature of property rights and encroachments. The appeal makes references to court cases involving fences.

### Planning Commission Review

During the appeal hearing, the Planning Commission may take action on any aspect of the appealed project as the review is de novo. In reviewing the standards for tree removal established in Section 12.12.180(C) of the Capitola Municipal Code, the Planning Commission may deny the appeal and uphold staff denial for removal, as outlined in the findings and conditions. If the Planning Commission can make the findings for tree removal, they may uphold the appeal and reverse the administrative denial and provide staff with findings to support the decision.

### **CEQA:**

Section 15304 of CEQA Guidelines exempts minor alterations to land. The project involves the removal of one eucalyptus tree within the RM-L (Multi-Family Residential) zoning district. The subject tree is healthy and mature but is not scenic. No adverse environmental impacts were discovered during review of the appeal.

### **Recommendation:**

Staff recommends the Planning Commission deny the appeal and uphold the Community Development Director's decision to deny the tree removal and implement the arborist's recommended mitigation measures.

**Attachments:**

1. 1001 Balboa Avenue – Appellant Letters and Photos
2. 935 Balboa Avenue – Arborist Report #1 – 12.17.2019
3. 935 Balboa Avenue – Arborist Report #2 – 05.19.2022

**Conditions:**

1. The tree removal is denied. Tree maintenance measures including pruning, removal of dead wood, and cabling as prescribed within the arborist reports by Kurt Fouts or Nigel Belton, are approved.
2. Tree work beyond or outside the scope of the aforementioned arborist reports is subject to Community Development Director determination and may require additional arborist services at applicant cost.

**Findings:**

**A. The removal of the tree is in the public interest with respect to the condition of the tree.**

The tree is in a good state of health and growth. The tree has a fair structural condition because it has codominant stems but with attachment twelve feet above ground. There is no evidence of fungal or disease-related decay. There is a low likelihood of total tree failure.

**B. The tree poses a safety concern without mitigation.**

There is some deadwood within the canopy. Deadwood larger than 1-inch in diameter could pose a safety concern if they are not removed. Removal of the deadwood is recommended as a mitigation measure.

**C. The removal of the tree is in the public interest with respect to unreasonable existing and potential property damage.**

Deadwood has the potential to cause some level of property damage without removal. Currently, the likelihood of live branches causing property damage appears low. Concrete flatwork in the backyard of both properties show some evidence of cracking which does not appear to be due to root uplift.

**D. There are no feasible alternatives to tree removal that secure the purposes of the Community Tree and Forest Management Ordinance.**

The arborist identified feasible alternatives to removal. The arborist recommended removal of deadwood and selective weight reduction on larger limbs and consideration of a support cable between the codominant stems.

**E. The removal of the tree would not be contrary to the purposes of this chapter and Chapter 17.95.**

The property is not located within an environmentally sensitive habitat area but is contrary to the purposes of the Community Tree and Forest Management ordinance as there are feasible alternative mitigations are recommended by the arborist over removal.

## Appeal Application Supplement

Tree Removal Permit Denial – 935 Balboa Ave, Capitola

Owner: Joe Stokley

Appealed by Moe Hassan & Tony Sharifi –

1001 Balboa Ave, Capitola

Sept 19, 2022

The following expands on our reasons for appeal

- 1) The city's denial of the tree removal permit imposes unreasonable danger on the surrounding properties (residents of 935 and 1001 Balboa Ave). Tree's size and trunk has invaded and entered our property. The trunk and roots of the tree are causing damage to the neighboring fence and our back yard and porch at 1001 Balboa Ave.
- 2) In relation to the city's permit code (12.12.180) removal of Non Heritage tree, C 1b, and the tree which is approx. 140 ft. tall imposes unreasonable safety consideration for the residents of 1001 and 935 Balboa Ave and the surrounding neighbor. The tree's 10 story height with dead branches and is impacted by uncertain weather patterns can surely cause huge damage to our property.
- 3) Referring to the city's permit code (12.12.180) C 1c, (In situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services). The tree has caused unreasonable property damage to the fence as mentioned above in #1. In addition, it's continuous growth and trunk expansion continues to damage and encroach on 1001 Balboa yard/property. The tree which is planted on 935 Balboa is imposing and invading 1001 property without permission or allowance. In addition it continues to damage the fence between the two properties.
- 4) The tree has split in two which increases the possibility of injury in the future. The arborist report recognizes the split and offers a solution. However, the solution is very costly and not permanent. It will not resolve the issue of encroachment, hazard and danger the size and volume of the tree imposes on both 935 and 1001 Balboa Ave properties.
- 5) The city of Capitola has conducted a variety of tree cleaning, trimming and cutting operations in the area in the past three years to prevent tree falling on Park Ave and surrounding area. Then why is the city eager to save this tree that imposes direct threat to Capitola residence and owners. Given the current state of climate change, our predictability of weather patterns and possible impact on huge trees is at best very uncertain. As property owner and tax payer, I have a duty to prevent liability and danger to my property residence. In denying the tree removal permit, the city is placing the residence and owners of 935 and 1001 Balboa Ave in grave danger of a possible catastrophe in the future caused by this colossal tree.
- 6) The arborist report does indicate that the tree imposes "moderate" risk which is enough to know there is enough risk to be better prevented sooner than later. The arborist report didn't address the tree encroachment not did it address the tree's roots growing on 1001 Balboa Ave and damage caused to the property and specifically the neighboring fence. It appears

the arborist was not only careless in this matter but ignored one of the main issues of this tree.

- 7) Referring to the city's code (12.12.180) C4, the removal of the tree is not contrary to the 17.64 chapter since not only the city itself has removed trees in the area but also the owner is willing to plant replacement trees as required by the code.
- 8) We have pursued this case since October 2020, first by speaking with the owner Mr. Joe Stokley which has understood the issue and danger of the tree. Mr. Stokley has recognized the tree's encroachment and danger. He agreed to pursue the legal process with the city. He started this process in March 2021 and now almost two years later we are still pursuing the city's permission to remove the tree and protect our properties.
- 9) We believe our rights under the 14<sup>th</sup> Amendment (Equal Protection of the Law) and the 5<sup>th</sup> amendment (right to due process and being deprived of private property) are being violated. A portion of our property and land at 1001 Balboa Ave which we pay property tax on is being infringed and encouraged on by a property (The Tree) belonging to someone else (neighbor, Joe Stokley). Joe Stokley has attempted to remedy this issue by agreeing to remove the tree and asking for the city permit which the city has denied. In effect, the city is violation of our property rights as owners of 1001 Balboa Ave. We believe the city's permit denial is aiding and abetting in depriving us of our full property rights but also in allowing the tree danger and damage to remain on our property and exposes us as owners to unreasonable future liability and risk.
- 10) We hope the planning commission understands our issue and view and help us in mitigating future risk and liability to itself, the residences of Balboa Ave neighborhood and specifically the owners of 935 and 1001 Balboa Ave by reversing the permit denial and allowing Mr. Stokley to hire a reputable firm to remove the tree.
- 11) Photos will be supplied showing tree impact and damage.

## Appeal Application Supplement – Part 2

Tree Removal Permit Denial – 935 Balboa Ave, Capitola

Owner: Joe Stokley

Appealed by Moe Hassan & Tony Sharifi –

1001 Balboa Ave, Capitola

September 21, 2022

12) Referring to the Pictures document (Pages 2 – 6), the Eucalyptus tree’s encroachment on 1001 Balboa Ave has forced the neighboring fence to move from the property line. This fence was created by the previous owners of both 935 and 1001 Balboa Ave. As owners of 1001 Balboa Ave, we are interested in protecting our property and upholding the property line according to the indication in Santa Cruz County plot map. Therefore, the intrusion/encroachment of the tree’s trunk has caused the fence to move into our yard without our permission. The fence should be a straight line. Currently the approximate area of the encroachment (NOT easement) is 15 ft x 6 ft = 90 ft. We would like to reclaim this area and reestablish a straight line fence. Mr. Joe Stokley of 935 Balboa Ave has agreed to fix the fence to the appropriate property line, however, the tree trunk is in the way and therefore, the encroachment continues.

The tree trunk is causing an “Adverse Possession” on our property at 1001 Balboa Ave illegally. The “Adverse Possession” takes place by denying the rightful owners of the property the right to use the property. There is a 90 ft area that we can’t currently use. See pictures and see how the fence has been built to accommodate the tree. *“Adverse possession” is a means of acquiring full title to property through “open and notorious” continued possession and use of a property for 5 consecutive years and the payment of all taxes thereon.* Though we understand that taxes must be paid and this will not happen by the 935 Balboa Ave owners. This situation can lead to a claim of “perspective easement.” *A prescriptive easement, on the other hand, is merely a means to acquire the right use land, but not the right to own or exclusively possess the land of another. Unlike a claim of adverse possession, a claim of prescriptive easement does not require the party to prove s/he paid all of the real property taxes.* We are not interested or willing to provide any easement to our property. In referring to the court cases below, you will understand that our view on why the tree’s encroachment is a violation of our property rights and why this is another reason why the tree should be removed.

*In 1996 the California courts decided two cases in which the plaintiffs sought an “exclusive” prescriptive easement. In Silacci v. Adamson, 45 Cal.App.4th 558 (1996) and Mehdizadeh v. Mincer, 46 Cal.App.4th 1296 (1996) the courts held that an “exclusive” prescriptive easement really equates to full title and to acquire full title California law requires the plaintiff to prove adverse possession (all of the elements necessary to a prescriptive easement and that they paid all of the real property taxes on the property). These two cases effectively eliminated the ability to acquire an exclusive prescriptive easement over adjoining residential property as the courts reasoned that by enclosing an adjacent landowners property behind a fence and excluding the true owner from using the property, the neighbor was making more*



than a limited right of use – he was exercising the equivalent of full ownership without paying all of the real estate taxes on the property as required by law to gain title to the property via adverse possession.

In the above underlined section, the court supports our claim which is we're being denied to use the space allocated to the tree because of the tree size and encroachment on our property. We cordially ask the planning commission to pay attention to this detail and to protect the rights of all property owners. Therefore, granting Mr. Stokley the permit to remove the tree will enable him to reconstruct the fence at the correct property line and will seize the usage of our property without authorization, easement, or allowance.

**935 Balboa Ave Eucalyptus Tree Encroachment on 1001 Balboa Ave**

**Pictures for Appeal Application**







**Encroachment. Adverse Possession and Prescriptive Easements.**







# PORCH DAMAGE







**Roots encroachment and yard invasion – Adverse Possession**





**Continuous Bark and Branches Falling**





**Cracking Heavy Branches Over Both Properties**





Too Close To Anyone's comfort.

Approx 140 ft tall with dead & cracking branches



Arborist Report  
Evaluation of a Blue Gum Eucalyptus at:  
935-B Balboa Avenue, Capitola, CA

12/17/2019

Prepared for:  
Strock Real Estate  
245 Center Avenue,  
Aptos, CA. 95003

Prepared by:  
Kurt Fouts



ISA Certified Arborist WE-0681A  
ISA Tree Risk Assessment Qualification (TRAQ)



## Table of Contents

<b>SUMMARY</b> .....	1
Assignment .....	1
Limits of the Assignment .....	1
Purpose and use of the report.....	1
Background.....	1
<b>OBSERVATIONS</b> .....	2-8
<b>DISCUSSION</b> .....	9-10
MitigationConsiderations	
<b>CONCLUSION</b> .....	10
<b>RECOMMENDATIONS</b> .....	11

### Attachments: Appendix A-E

- Appendix A - Tree Assessment Chart
- Appendix B - Criteria for Tree Assessment Chart
- Appendix C - Glossary of Terms
- Appendix D - City of Capitola Tree Permit Information
- Appendix E - Assumptions and Limiting Conditions

## SUMMARY

A mature blue gum eucalyptus, growing in the rear yard of a residence was evaluated. The tree meets “protected” criteria according to the City of Capitola Municipal Code. The tree is in good health with a well-developed canopy but has two structural defects. The defects can lead to failure in the blue gum species but are not considered a significant risk at this time. The tree can be retained, with the reasons for this recommendation discussed in more detail below.

### ASSIGNMENT, LIMITS, PURPOSE & USE

- Perform a Level 2: Basic Assessment employing the methods and terminology described in *Best Management Practices: Tree Risk Assessment* (E. T. Smiley, N. Matheny, and S. Lilly., 2017). Assessment to entail a visual inspection of the tree and site conditions from the ground only.
- The assessment is limited to observations made during my site visit on December 11, 2019
- Any tree, whether it has visible weakness or not, will fail if the forces applied exceed the strength of the tree or its parts. This assessment does not imply a guarantee period and is not to be construed as an absolute prediction.
- This assessment does not include a “risk assessment” or the likelihood of a tree or its parts to strike a target along with the determination of the consequences to arrive at a “risk rating”
- No laboratory analysis was performed in completion of this assignment.
- The purpose of this report is to inform the property owner about the likelihood of the tree or its parts to fail. The report is to be used by the property agents and the City of Capitola, to guide decision making regarding management of the tree.

### Background

Ms. Sarah Thorp of Strock Real Estate requested my services, to assess the condition of a “protected” blue gum eucalyptus tree located on the property at 935-B Balboa Avenue, and any risks associated with this tree. Further, to provide a report with my findings and recommendations to meet City of Capitola tree ordinance regulations.

Evaluation of a Blue Gum Eucalyptus  
935 B Balboa Avenue

12/18/2019  
Page 2

## OBSERVATIONS

The blue gum eucalyptus (*Eucalyptus globulus*) tree is in a rear yard of 935-B Balboa. The tree trunk is sited on the fence line about 12 feet from the home. The tree has a 60-inch diameter trunk at 4 feet above grade and is 110 feet tall with a 35-foot diameter spread (Image #1)



Image #1 – blue gum eucalyptus (circled), in back yard of 935-B, as viewed from Balboa Avenue.

Evaluation of a Blue Gum Eucalyptus  
935 B Balboa Avenue

12/18/2019  
Page 3

The mature blue gum has good trunk taper, appears well rooted and has large rooting areas to the north, east and southeast (Image #2).



**Image #2 – Well tapered trunk. Location is on fence line at top of slope with good rooting area below.**

The tree is at the top of a slope that drops to the east.

Wood decay fungi were found growing on the north side of the lower trunk (Image #3)



Image #3 – Wood decay fungi,

The fungus species was not identified. A sounding taken with a rubber mallet around the circumference of the tree did not produce any hollow resonance that would indicate decay.

At eleven feet above grade, the trunk separates into two co-dominant trunks. (Image #4). Included bark\* can be seen between the two trunks.



**Image #4 – Trunk union and separation into two trunks (red arrow), with included bark (green arrow).**

The angle of attachment is steep (narrow). The union area was partially obscured with bark debris and the quality of the attachment point could not be fully assessed.

**\*Included Bark:** Bark remaining between crotches or steep angled trunks, preventing the development of auxiliary wood. The inherent weakness of such attachments increases over time through the pressure of opposing growth and the increasing weight of wood and foliage.

Evaluation of a Blue Gum Eucalyptus  
935 B Balboa Avenue

12/18/2019  
Page 6

One of the two trunks separate into a second co-dominant trunk at 40 feet above grade (Image #5).



**Image #5 – Trunk union (arrow).**

The angle of attachment is steep.



**Image #6 – Close up of second union (arrow), shown in image #5. Two pruning cuts can be seen.**

The union is obscured by bark debris and the quality of the attachment point cannot be fully assessed.

Two limbs were recently pruned, as indicated by the light-colored wood cut, adjacent to the union (Image #6).



The limb architecture in the main canopy is balanced, limbs are evenly spaced, and the main scaffold limbs are well attached. (Image #7).



Image #7 – Well developed canopy of blue gum (circled).

The tree has developed a rounded canopy often seen in mature blue gum specimens.

Canopy density and vigor (new growth), is normal for the species.

On a scale of good, fair, poor, the structure of this tree is rated fair with the two sets of co-dominant trunks being the only structural defects.

On a scale of good, fair, poor, the health of the tree is rated good.

**A summary assessment of tree data and condition is outlined in the attached Tree Assessment Chart, Appendix A.**

## DISCUSSION

The most notable structural characteristic of this blue gum are the two sets of co-dominant trunks. The steep angle of attachment of the two trunks with included bark, contribute to a poor structural connection.

This defect is common in blue gum and does not by itself, indicate the tree is likely to fail. However, co-dominant trunks are a failure point on trees and the blue gum species show a pattern of failure at this point.

The trunk base is well flared, and the two trunks have good taper making for a well anchored and stable tree.

The tree structure in the main canopy is balanced, limbs are evenly spaced, and the main scaffold limbs are well attached. The limb length is good (no overextended limbs), with no significant mechanical stress due to limb length.

The large rooting area allows the tree to meet its water requirement which is responsible for the well-developed canopy. The tree appears vigorous and in good health.

The fungi found in the lower trunk area are not causing any significant wood decay, as indicated by a mallet sounding, but should be monitored periodically, to determine if decay develops.

The tree is located less than six feet from a concrete patio that shows some cracking. It is possible that this cracking is caused by root diameter expansion of surface roots from the blue gum.

Since the trunk straddles the fence line, if the fence line is also the property line, this tree is a 'boundary' tree and is co-owned by both property owners.

### Risk Considerations

The most likely tree part to fail is one of the secondary branches in the main canopy. If one of these limbs was to fail, depending on its location on the tree, it could strike the home(s) at 935 Balboa.

Failure at the attachment point of one of the co-dominant trunks is also a possibility. Targets in the event of a trunk failure include at least 3 units to the south including units 935 A/B and 927 A/B. At least 3 units to the north, including units 1001 A/B and 1003 A/B could be impacted by failure of one of the co-dominant trunks.

Based on the trees structural defects, the load on those defects, the size of some tree parts and the likelihood of striking a home if failure were to occur, I would consider the tree as a *medium* risk, on a scale of low, medium, or high.

Most tree failures occur during wind events. Wind events in our region typically occur during winter storms with winds coming from the south or southeast. Since there is a large grove of eucalyptus trees to the south and east of this tree, its canopy is partially buffered from winter storm winds, with damaging wind effects being at least partially reduced.

### Mitigation Considerations

A cable installed two thirds of the distance up from the base of the tree, between the two co-dominant trunks would reduce movement of the trunks during wind events. If installed, cable systems must be maintained with the tension periodically adjusted. No pruning is recommended for this tree.

### CONCLUSION

The blue gum inspected is in good health, with a well-developed branch structure and canopy formation. The most likely tree part to fail is a secondary branch. The tree has two sets of co-dominant trunks, which are structural defects that can cause trunk failure in the blue gum species. Cabling between the two co-dominant trunks is a mitigation method that can reduce the likelihood of failure.

Trees that receive mitigation treatments will retain some residual risk. Removal is the only way to mitigate all risk. Wherever trees are present, people, property and activities are potentially at risk of injury, damage or disruption.

Evaluation of a Blue Gum Eucalyptus  
935 B Balboa Avenue

12/18/2019  
Page 11

## RECOMMENDATIONS

1. Have the tree inspected by a Certified Arborist every two years.

Respectfully submitted,

*Kurt Fouts*

Kurt Fouts ISA Certified Arborist WE0681A



935 Balboa Avenue, Capitola  
Tree Assessment Chart - Appendix A

**Suitability for Preservation Ratings:**

**Good:** Trees in good health and structural condition with potential for longevity on the site

**Fair:** Trees in fair health and/or with structural defects that may be reduced with treatment procedures

**Poor:** Trees in poor health and/or with poor structure that cannot be effectively abated with treatment

**Retention or Removal Code:**

**RT:** Retain Tree


**RI:** Remove Due to Construction Impacts

**IM:** Impacts Can Be Mitigated With Pre-Construction Treatments

**RC:** Removal Due to Condition

**Protected Tree City of Capitola**

Any tree 6 inches or greater in diameter measured at 4 feet above grade.

Tree #	Species	Trunk Diameter @ 4' above grade	# of Trunks	Crown Height & Diameter Spread	Health Rating	Structural Rating	Suitability for Preservation (Based Upon Condition)	Tree Protection Zone (in feet)	Construction Impacts (Rating & Description)	Retention or Removal Code	Comments
T1	blue gum eucalyptus ( <i>Eucalyptus globulus</i> )	60"	2	110'X35'	Good	Fair	Good	N/A	N/A	RT	Has two structural defects: co-dominant (two) trunks, with included bark, at 11'+A1 above grade and a second set of co-dominant trunks at 40' above grade.
							Page 1 of 1	12/17/2019			

## APPENDIX B – CRITERIA FOR TREE ASSESSMENT CHART

Following is an explanation of the data used in the tree evaluations. The data is incorporated in the *Tree Assessment Chart, Appendix A*.

### Trunk Diameter and Number of Trunks:

Trunk diameter as measured at 4.5 feet above grade. The number of trunks refers to a single or multiple trunked tree. Multiple trunks are measured at 4.5 feet above grade.

### Health Ratings:

Good: A healthy, vigorous tree, reasonably free of signs and symptoms of disease

Fair: Moderate vigor, moderate twig and small branch dieback, crown may be thinning and leaf color may be poor

Poor: Tree in severe decline, dieback of scaffold branches and/or trunk, most of foliage from epicormics

### Structure Ratings:

Good: No significant structural defects. Growth habit and form typical of the species

Fair: Moderate structural defects that might be mitigated with regular care

Poor: Extensive structural defects that cannot be abated.

### Suitability for Preservation Ratings:

#### Rating factors:

Tree Health: Healthy vigorous trees are more tolerant of construction impacts such as root loss, grading and soil compaction, then are less vigorous specimens.

Structural integrity: Preserved trees should be structurally sound and absent of defects or have defects that can be effectively reduced, especially near structures or high use areas.

Tree Age: Over mature trees have a reduced ability to tolerate construction impacts, generate new tissue and adjust to an altered environment. Young to maturing specimens are better able to respond to change.

Species response: There is a wide variation in the tolerance of individual tree species to construction impacts.

**Rating Scale:**

- Good: Trees in good health and structural condition with potential for longevity on the site
- Fair: Trees in fair health and/or with structural defects that may be reduced with treatment procedures.
- Poor: Trees in poor health and/or with poor structure that cannot be effectively abated with treatment. Trees can be expected to decline or fail regardless of construction impacts or management . The species or individual may possess characteristics that are incompatible or undesirable in landscape settings or unsuited for the intended use of the site.

**Construction Impacts:**

**Rating Scale:**

- High: Development elements proposed that are located within the Tree Protection Zone that would severely impact the health and /or stability of the tree. The tree impacts cannot be mitigated without design changes. The tree may be located within the building footprint.
- Moderate: Development elements proposed that are located within the Tree Protection Zone that will impact the health and/or stability of the tree and can be mitigated with tree protection treatments.
- Low: Development elements proposed that are located within or near the Tree Protection Zone that will have a minor impact on the health of the tree and can be mitigated with tree protection treatments.
- None: Development elements will have no impact on the health and stability of the Tree.

**Tree Protection Zone (TPZ):**

Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, particularly during construction or development.

# Glossary of Terms

**Basal rot:** decay of the lower trunk, trunk flare, or buttress roots.

**Canker:** Localized diseased area on stems, roots and branches. Often sunken and discolored.

**Critical Root Zone (CRZ):** Area of soil around a tree where a minimum number of roots considered critical to the structural stability or health of the tree are located. CRZ determination is sometimes based on the drip line or a multiple of the DBH, but because root growth can be asymmetric due to site conditions, on-site investigation may be required.

**Codominant branches/stems:** Forked branches (or trunks), nearly the same size in diameter, arising from a common junction and lacking a normal branch union, may have included bark.

**Crown:** Upper part of a tree, measured from the lowest branch, including all branches and foliage.

**Defect:** An imperfection, weakness, or lack of something necessary. In trees defects are injuries, growth patterns, decay, or other conditions that reduce the tree's structural strength.

**Diameter at breast height (DBH):** Measurement of trunk diameter at 4.5 feet above grade.

**Frass:** Fecal material and/or wood shavings produced by insects.

**Included Bark Attachments (crotches):** Branch/limb or limb /trunk, or codominant trunks originating at acute angles from each other. Bark remains between such crotches, preventing the development of axillary wood. The inherent weakness of such attachments increases with time, through the pressure of opposing growth and increasing weight of wood and foliage, often resulting in failure.

**Live Crown Ratio (LCR):** Ratio of the height of the crown containing live foliage to overall height of the tree.

**Scaffold branches:** Permanent or structural branches that form the scaffold architecture or structure of a tree.

**Suppressed:** Trees that have been overtopped and occupy an understory position within a group or grove of trees. Suppressed trees often have poor structure.

**Tree Protection Zones (TPZ):** Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

**Trunk flare:** Transition zone from trunk to roots where the trunk expands into the buttress or structural roots.

This Glossary of Terms was adapted from the *Glossary of Arboricultural Terms* (ISA, 2015)





# CITY OF CAPITOLA

## TREE PERMIT INFORMATION

CITY OF CAPITOLA COMMUNITY DEVELOPMENT DEPARTMENT  
420 CAPITOLA AVENUE, CAPITOLA, CA 95010  
831-475-7300 WWW.CITYOFCAPITOLA.ORG

### Tree Permit Overview

A Tree Permit is required to remove most trees on private property. The purpose of the Tree Permit process is to protect and enhance the City’s existing tree cover for the benefit of aesthetics, community character, air quality, and habitat for birds and wildlife. A Tree Permit is a ministerial Permit which is typically issued by the Community Development Director.

### Tree Permit Applicability

Capitola [Municipal Code](#) section 12.12 establishes the criteria for when a Tree Permit is required. A Tree Permit is required to remove any tree which has a diameter of 6-inches or more at 48-inches above grade. The only exceptions are fruit-bearing trees, which do not require a permit to remove.

### Tree Trimming and Pruning

A property owner may trim and prune trees without a permit if it does not remove more than 25% of the tree’s height or its volume of foliage and branches.

### Tree Permit Findings

In order to issue a permit to remove a tree, the following findings must be made:

1. The tree removal is in the public interest based on one of the following:
  - a. Because of the health or condition of the tree, with respect to disease infestation, or danger of falling;
  - b. Safety considerations; or
2. A tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services.
3. All possible and feasible alternatives to tree removal have been evaluated, including, but not limited to undergrounding of utilities,

selective root cutting, trimming and relocation.

4. Replacement trees in a ratio of 2:1 to ensure a canopy coverage of at least fifteen percent will result, and/or as a last resort, in-lieu fees have been paid. Replacement trees and/or in-lieu fees are not required if post-removal tree canopy coverage on the site or parcel will be 30% or more.

### Application Requirements

Applicants must submit a [Tree Permit Application](#) and submit necessary fees as established in the City’s adopted [Fee Schedule](#). An arborist report may also be needed to evaluate the condition of a tree. A security deposit is also required to ensure replacement trees (as applicable) are installed in a timely and proper manner.

### Time and Cost

Tree Permits typically require 5-30 days to process. The cost for Tree Permits are as follows:

- Tree Removal (Staff Review) - \$123 fee
- Tree Removal (PC Review) - \$1,026 fee
- Tree Removal (3 or more) - \$263 fee
- Install Deposit - \$500 refundable fee
- Arborist Report – actual cost + 21%

### Tree Permit Process

Once a complete Tree Permit application has been submitted, City staff will evaluate the request, inspect the tree to be removed, and post a notice on the property for a minimum of period of 10 working days prior to tree removal. If findings can be made to allow removal, the property owner will be required to submit a fully refundable deposit to ensure replacement trees will be planted. A permit will then be issued over-the-counter. Tree permits do not require a public hearing, unless the tree is located in an environmentally sensitive area and within the coastal zone.

ASSUMPTIONS AND LIMITING CONDITIONS

1. Any legal description provided by the appraiser/consultant is assumed to be correct. No responsibility is assumed for matters legal in character nor is any opinion rendered as the quality of any title.
2. The appraiser/consultant can neither guarantee nor be responsible for accuracy of information provided by others.
3. The appraiser/consultant shall not be required to give testimony or to attend court by reason of this appraisal unless subsequent written arrangements are made, including payment of an additional fee for services.
4. Loss or removal of any part of this report invalidates the entire appraisal/evaluation.
5. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person(s) to whom it is addressed without written consent of this appraiser/consultant.
6. This report and the values expressed herein represent the opinion of the appraiser/consultant, and the appraiser/consultant's fee is in no way contingent upon the reporting of a specified value nor upon any finding to be reported.
7. Sketches. Diagrams. Graphs. Photos. Etc., in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys.
8. This report has been made in conformity with acceptable appraisal/evaluation/diagnostic reporting techniques and procedures, as recommended by the International Society of Arboriculture.
9. When applying any pesticide, fungicide, or herbicide, always follow label instructions.
10. No tree described in this report was climbed, unless otherwise stated. We cannot take responsibility for any defects which could only have been discovered by climbing. A full root collar inspection, consisting of excavating around the tree to uncover the root collar and major buttress roots, was not performed, unless otherwise stated. We cannot take responsibility for any root defects which could only have been discovered by such an inspection.

CONSULTING ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce risk of living near trees, Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like medicine, cannot be guaranteed.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.



**Subject:** [PDF] A SUMMARY OF OBSERVATIONS & RECOMMENDATIONS CONCERNING THE BLUE GUM EUCALYPTUS TREE LOCATED BEHIND THE RESIDENCES AT 935 & 1001 BALBOA AVENUE, CAPITOLA - SITE VISIT ON APRIL 21, 2022:

May 19, 2022

Please find my analysis of this tree.

The tree of concern is a mature Blue Gum Eucalyptus (*Eucalyptus globulus*). The trunk of this tree transects the boundary between these residential properties.

Observations:

- This tree has a 60-inch diameter trunk, measured at 54-inches above ground and it is approximately 135-feet tall. The tree exhibit's good health and vitality, as evidenced by its good foliage condition.
- I determined that this tree has a fair structural condition, because it has a codominant growth pattern (two codominant stems attached to the trunk at about 12-feet above ground) and because there is some dead wood within its canopy.
- I inspected the base of the trunk at ground level and observed that it has a good root flare with no defects evident in this area. The trunk appeared to be sound, with no evidence of defects or fungal decay in it.
- I observed that this tree has two codominant stems (secondary trunks), attached to the trunk at about 12-feet above ground. The area of attachment in between the codominant stems appears to be strong, despite being narrow.
- I observed that this tree has developed a symmetrical canopy shape, having grown out in the open. The limb structure does not appear to be overly heavy or overextended in length. The attachment areas of these limbs to the codominant stems appeared to be strong when observed from the ground.
- I observed a number of dead branches within the tree's canopy that are over 1.5-inches in diameter.

Tree Risk Assessment:

I undertook an ISA Level-Two Risk Assessment by walking around the trunk and observing this tree from all sides.

I utilized the ISA Basic Tree Risk Assessment Form and made the following determinations based upon the likelihood of tree failure occurring within a three year period (see the attached form):

- I determined the likelihood of the tree falling or living branches falling within 3-years, to be improbable. I concluded that this tree represents a low risk regarding these concerns.
- I determined the likelihood of dead branches falling within 3-years to be possible. I concluded that this tree represents a moderate risk concerning the likelihood of the dead branches falling onto the properties below.
- I determined that the dead wood that is larger than 1-inch diameter needs to be removed at this time.
- I determined that this tree is inspected by a Certified Arborist every three-years.

Recommendations:

I recommend that this tree is pruned by a State Licensed Tree Service. This work must be done under the supervision of an ISA Certified Arborist (see the attached list of recommended tree service providers).

- I recommend that all dead branches over 1-inch diameter be removed.
- I also recommend that some of the heavier limbs be thinned in their ends in order to reduce their weight and the possibility of them failing in the future. This is skilled work and it must be done by a competent tree service provider, utilizing thinning cuts, not stub cuts or heading cuts.
- I recommend that consideration is given to installing a support cable in between the two codominant stems at this time, even though I determined the likelihood of them failing to be improbable within a period of three years. The installation of a cable will serve to reduce the chance of them failing the future. Tree support cables must consist of EHS-Grade galvanized cable attached to through rods or approved cable end-stops. I recommend that cables are periodically inspected by an arborist to ensure that they are in good condition.
- I recommend that this tree is inspected by a Certified Arborist every three years.

Please contact me if you have any questions.

Respectfully submitted

Nigel Belton

ISA - Tree Risk Assessment Qualification

Attachments:

- Assumptions & Limiting Conditions
- Basic ISA Tree Risk Assessment Form
- Photograph of the subject tree

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Nigel Belton - Consulting Arborist  
ISA Certified Arborist WE-0410A

### **Assumptions and limiting Conditions**

1. Any legal description given by the appraiser/consultant is assumed to be correct. No responsibility is assumed for matters legal in character nor is any opinion rendered as to the quality of any title.
2. The appraiser /consultant can neither guarantee nor be responsible for accuracy of information provided by others.
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Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

Nigel Belton  
ISA Certified Arborist – WE 410A

# ISA Basic Tree Risk Assessment Form

Item 5 A.

Client City of Capitola Date 4/21/22 Time \_\_\_\_\_  
 Address/Tree location 935 + 1001 Balboa Ave, Capitola Tree no. \_\_\_\_\_ Sheet \_\_\_\_\_ of \_\_\_\_\_  
 Tree species Blue Gum Eucalyptus dbh 60" Height 135' Crown spread dia. \_\_\_\_\_  
 Assessor(s) Nigel Betton Tools used Nikon Range Finder Time frame 3-Years

## Target Assessment

Target number	Target description	Target protection	Target zone			Occupancy rate 1-rare 2-occasional 3-frequent 4-constant	Practical to move target?	Restriction practical?
			Target within drip line	Target within 1x Ht.	Target within 1.5x Ht.			
1	935 Balboa Ave - Residence + yard	None	✓			4	No	No
2	1001 " " " " "	"	✓			4	No	No
3								
4								

## Site Factors

History of failures None that I am aware of. Topography Flat  Slope  % Aspect \_\_\_\_\_  
 Site changes None  Grade change  Site clearing  Changed soil hydrology  Root cuts  Describe \_\_\_\_\_  
 Soil conditions Limited volume  Saturated  Shallow  Compacted  Pavement over roots  % Describe \_\_\_\_\_  
 Prevailing wind direction West Common weather Strong winds  Ice  Snow  Heavy rain  Describe Winter Storms

## Tree Health and Species Profile

Vigor Low  Normal  High  Foliage None (seasonal)  None (dead)  Normal \_\_\_\_\_ % Chlorotic \_\_\_\_\_ % Necrotic \_\_\_\_\_ %  
 Pests/Biotic \_\_\_\_\_ Abiotic \_\_\_\_\_  
 Species failure profile Branches  Trunk  Roots  Describe Low

## Load Factors

Wind exposure Protected  Partial  Full  Wind funneling  From West Relative crown size Small  Medium  Large   
 Crown density Sparse  Normal  Dense  Interior branches Few  Normal  Dense  Vines/Mistletoe/Moss   
 Recent or expected change in load factors None

## Tree Defects and Conditions Affecting the Likelihood of Failure

### — Crown and Branches —

Unbalanced crown  LCR 75%  
 Dead twigs/branches  55% overall Max. dia. 3"  
 Broken/Hangers Number \_\_\_\_\_ Max. dia. \_\_\_\_\_  
 Over-extended branches   
 Pruning history  
 Crown cleaned  Thinned  Raised   
 Reduced  Topped  Lion-tailed   
 Flush cuts  Other \_\_\_\_\_  
 Cracks  Lightning damage   
 Codominant  Included bark   
 Weak attachments  Cavity/Nest hole \_\_\_\_\_ % circ.  
 Previous branch failures  Similar branches present   
 Dead/Missing bark  Cankers/Galls/Burls  Sapwood damage/decay   
 Conks  Heartwood decay   
 Response growth \_\_\_\_\_  
No significant defects but dead wood requires to be removed Condition(s) of concern \_\_\_\_\_  
 Part Size 3" diameter Fall Distance 75'  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent   
In high winds

### — Trunk —

Dead/Missing bark  Abnormal bark texture/color   
 Codominant stems  Included bark  Cracks   
 Sapwood damage/decay  Cankers/Galls/Burls  Sap ooze   
 Lightning damage  Heartwood decay  Conks/Mushrooms   
 Cavity/Nest hole \_\_\_\_\_ % circ. Depth \_\_\_\_\_ Poor taper   
 Lean \_\_\_\_\_ ° Corrected? \_\_\_\_\_  
 Response growth \_\_\_\_\_  
 Condition(s) of concern Codominant stems not a significant defect  
 Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

### — Roots and Root Collar —

Collar buried/Not visible  Depth \_\_\_\_\_ Stem girdling   
 Dead  Decay  Conks/Mushrooms   
 Ooze  Cavity  \_\_\_\_\_ % circ.  
 Cracks  Cut/Damaged roots  Distance from trunk \_\_\_\_\_  
 Root plate lifting  Soil weakness   
 Response growth \_\_\_\_\_  
 Condition(s) of concern No defects seen  
 Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

Risk Categorization

Item 5 A.

Target (Target number or description)	Tree part	Condition(s) of concern	Likelihood											Consequences				Risk rating (from Matrix 2)			
			Failure				Impact				Failure & Impact (from Matrix 1)										
			Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely	Very likely	Negligible	Minor	Significant		Severe		
1-935 Balboa 2-1001 Balboa	Trunk & living branches	No significant defects	<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>								<input checked="" type="checkbox"/>				Low
	dead branches	dead		<input checked="" type="checkbox"/>							<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>				Moderate

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Notes, explanations, descriptions

Likelihood of tree falling is improbable = Low risk  
 Likelihood of living branches falling is improbable = Low Risk  
 Likelihood of dead wood falling is possible = Moderate Risk  
 Overall Risk Rating for this tree is Moderate

North  
 within a  
 3-year  
 Time  
 Frame

Mitigation options

1. Remove the dead branches Residual risk \_\_\_\_\_
2. \_\_\_\_\_ Residual risk \_\_\_\_\_
3. \_\_\_\_\_ Residual risk \_\_\_\_\_
4. \_\_\_\_\_ Residual risk \_\_\_\_\_

Overall tree risk rating    Low     Moderate     High     Extreme

Overall residual risk    None     Low     Moderate     High     Extreme     Recommended inspection interval every 3 years

Data  Final     Preliminary    Advanced assessment needed  No     Yes-Type/Reason \_\_\_\_\_

Inspection limitations  None     Visibility     Access     Vines     Root collar buried    Describe None





# Nigel Belton

## Consulting Arborist

### Recommended Tree Services and Pest and Disease Specialists:

**Page 1**

Please find below a list of recommended tree service providers. Note that all tree service providers must be State Licensed Contractors and should have an ISA Certified Arborist on staff concerning any tree pruning and maintenance work. I recommended that prospective contractors provide proof of current General Liability and Workman's Compensation Insurance coverage for your own protection.

### Recommended Companies for Tree Pruning and Support Cable Installation Work:

- Lewis Tree Service (Crew with Tito) – 831 476 1200
- Nature First Tree Service – (now Davey Residential) - 831 462 8233
- Peter Quintanilla – 831 760 0160 (small tree specialist in Monterey & Santa Cruz Counties)
- Area Custom Tree Service – 650 969 7076
- Smith Tree Service 831 649 4343 (Monterey Peninsula Area)
- Quality Arborcare 831 423 6441
- Arborwell (888) 969 8733

### Recommended Companies for Tree Removal Work:

- Lewis Tree Service – 831 476 1200
- Community Tree Service – 831 763 2391
- Christianson Tree Experts – 831 425 0801
- Quality Arborcare – 831 423 6441
- La Selva Tree Service (831) 708 8733
- Econo Tree Service – 650 367 4900
- Professional Tree Care Co. – 888 335 8733
- Atlas Tree Surgery 707 523 4399 (Santa Rosa)



Ph / Fax (831) 688-1239

P.O. Box 1744 ~ Aptos, CA 95001 ~

~ beltonnigel@gmail.com

**Recommended Tree Services and Pest and Disease Specialists:**

Page 2

**Recommended Pest and Disease Control People:**

- Geno Vitale – Vitale Tree Care - (831) 234 3520
- Don Cox – [drtreelove@gmail.com](mailto:drtreelove@gmail.com)
- West Valley Spray Company – 408 378 8530
- Peninsula Pest Management (Monterey County) - 831 753 2847
- Smith's Pest Management – 408 514 5703

**Fruit Tree Pruning and Orchard Management:**

- Terence Welch – 831 435 8733
- Orchard Keepers – 831 854 7811

**Olive Tree Specialist:**

John Hadley – (707) 887-0240 – From Santa Rosa – Comes down to existing clients in this area periodically.

**Referred by:**

**Nigel Belton – Consulting Arborist – ISA Certified Arborist WE-0410A  
831 688 1239 – beltonnigel@gmail.com**

# Capitola Planning Commission

## Agenda Report



**Meeting:** November 3, 2022  
**From:** Community Development Department  
**Topic:** 216 Central Avenue

**Permit Number: #20-0103**

**APN: 036-122-22**

Design Permit, Historic Alteration Permit, Minor Modification for the required parking space dimensions, and Variance for the nonconforming calculation to construct first- and second-story additions to a historic single-family residence located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Lorraine Krilanovich and Lynn Jackson

Representative: Scott Mitchell, Filed: 06.09.22

### **Applicant Proposal:**

The applicant is proposing 768-square-feet of first- and second-story additions to an existing 1,166-square-foot, one-story, single-family residence located at 216 Central Avenue within the R-1 (Single-Family Residential) zoning district.

### **Background:**

On January 6, 2000, the Planning Commission approved permit #99-106, which included a minor land division, Coastal Development Permit, and architectural and site review to allow the relocation of a single-family residence and detached garage from 112 Central Avenue to a new lot at 216 Central Avenue. The project included the approval of variances for the minimum allowable lot size of 5,000 square feet, reduced side and rear yard setbacks for the detached garage, and the onsite parking requirements.

On June 1, 2000, the Planning Commission approved permit #00-40, which included a 120-square-foot addition to the rear of the existing residence. On December 6, 2001, the Planning Commission approved a modification to the permit which included the removal of the picket fence requirement and addition of an arbor in the front yard.

On April 28, 2021, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: informed the applicant they would need to submit a site drainage plan and a site plan showing all pervious and impervious surfaces with respective square footage prior to Planning Commission review of the project. Mrs. Uharriet also informed the applicant that several standard public works conditions of approval and a condition of approval requiring the existing landscaped area at the corner of Central Avenue and Escalona Drive to be maintained as a clear site

distance triangle with 20 feet along each street frontage would be added to the conditions of approval for the project.

Building Official, Robin Woodman: had no comments.

Local Historian, Carolyn Swift: commented that she was pleased that the building was recognized as having a historic status and that she was impressed by analysis by PAST consultants. Ms. Swift stated that she was concerned with the massing of the proposed addition despite the consultant finding the project in compliance with the Secretary of Interior's Standards. Ms. Swift felt the structure would be less impactful by reducing the total height to 25-feet rather than the proposed 27 feet.

Associate Planner, Matt Orbach: informed the applicant that staff could not support the variance request to provide only two parking because the required findings could not be made. Mr. Orbach presented several onsite parking alternatives that could provide the onsite parking without requiring a variance. Mr. Orbach also reviewed the request for a height exception and pointed out that, if the additional two feet of floor height that were included in the second story to maximize the second-story view were removed, a height exception would not be needed to accommodate the hipped/mansard roof that complements the existing roof pitch on the historic structure.

On June 9, 2022, the application was formally submitted for full review under the updated zoning code. The submittal included a landscape plan, revised designs that reduced total structure height from 27 feet to 25 feet, the inclusion of a third parking space, and a minor modification request for sub-standard garage space.

#### Development Standards:

The following table outlines the zoning code requirements for development in the R-1 Zoning District. With a variance to the construction cost calculation and a minor modification to the required parking dimensions, the project complies with all development standards of the R-1 zoning district.

Development Standards		
Building Height		
R-1 Regulation	Existing	Proposed
25 ft.	18 ft. 2 in.	25 ft.
Floor Area Ratio (FAR)		
	Existing	Proposed
Lot size	4,486 sq. ft.	4,486 sq. ft.
Maximum Floor Area Ratio	52% (Max 2,333 sq. ft.)	52% (Max 2,333 sq. ft.)
First Story Floor Area	1,058 sq. ft.	1,226 sq. ft.
Second Story Floor Area	108 sq. ft.	770 sq. ft.
Detached Garage	333 sq. ft.	333 sq. ft.
<b>Total FAR</b>	33.4% (1,499 sq. ft.)	50.5% (2,267 sq. ft.)

<b>Setbacks</b>				
	<b>R-1 regulation</b>		<b>Existing</b>	<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story</b>	15 ft.		14 ft. 1 in.	14 ft. 1 in. <b>Existing Nonconforming</b>
<b>Front Yard 2<sup>nd</sup> Story</b>	20 ft.		N/A	36 ft. 6 in.
<b>Side Yard 1<sup>st</sup> Story – Interior</b>	10% lot width	Lot width 45 ft. 4 ft. 6 in.	6 ft.	6 ft.
<b>Side Yard 1<sup>st</sup> Story – Exterior Side (Escalona Drive)</b>	10 ft.	10 ft.	11 ft. 6 in.	10 ft. 9 in.
<b>Side Yard 2<sup>nd</sup> Story - Interior</b>	15% of width	Lot width 45 ft. 6 ft. 9 in min.	N/A	6 ft. 9 in.
<b>Side Yard 2<sup>nd</sup> Story – Exterior Side (Escalona Drive)</b>	10 ft.	10 ft.	N/A	10 ft.
<b>Rear Yard 1<sup>st</sup> Story</b>	Neighbor Side Setback	4 ft. 7 in.	40 ft. 3 in.	29 ft. 9 in.
<b>Rear Yard 2<sup>nd</sup> Story</b>	Neighbor Side Setback	4 ft. 7 in.	N/A	29 ft. 9 in.
<b>Detached Garage</b>				
	<b>R-1 Regulation</b>		<b>Existing</b>	<b>Proposed</b>
Height	12 ft.		16 ft. 4 in.	16 ft. 4 in. <b>Existing nonconforming</b>
Front	40 ft.		80 ft. 2 in.	80 ft. 2 in.
Interior Side	3 ft.		2 in.	2 in. <b>Existing nonconforming</b>
Exterior Side	10 ft.		12 ft. 6 in.	12 ft. 6 in.
Rear	3 ft.		3 ft.	3 ft.
<b>Parking</b>				
Residential (1,600 to 2,000 sq. ft.)	<b>Required</b>		<b>Existing</b>	<b>Proposed</b>
	3 spaces total 1 covered 2 uncovered		1 spaces total 1 covered 0 uncovered <b>Existing Nonconforming</b>	3 spaces total 1 covered 2 uncovered <b>Minor Modification Requested</b>
<b>Underground Utilities: Required with 25% increase in area</b>				Required

**Discussion:**

The existing residence at 216 Central Avenue is an historic, one-story, single-family residence with a detached garage that was relocated from 112 Central Avenue in the year 2000. The lot is in the Depot Hill neighborhood and is surrounded by one- and two-story single-family homes,

the historic Casa Blanca Apartments at 219 Central Avenue/240 Monterey Avenue, and the Inn at Depot Hill.

#### Design Permit

The applicant is proposing 768-square-feet of first- and second-story additions (Attachment 1). The proposed additions will replace the second-story loft and prior additions from 2000 and expand the existing 108 square-foot second story to 770 square-feet. Exterior finishes will include six-inch horizontal board siding with three-quarter-inch channels on the first and second story, painted to match the existing single-family residence, with a composition shingle roof to match the existing roof. The second-story addition has a mansard-style roof with a pitch matching the original gables. The siding on the existing historic single-family residence is ten-inch board horizontal siding with one-inch channels. The change in the siding dimensions creates a delineation between the historic home and the new addition. The additions comply with the development standards for the R-1 zoning district.

#### Historical Alteration Permit

The project involves substantial alterations to the existing structure and therefore requires approval of a Historic Alteration Permit by the Planning Commission. Also, historic resources are identified as environmental resources within the California Environmental Quality Act (CEQA). Any modification to a historic resource must comply with the Secretary of Interior Standards to qualify for a CEQA exemption.

The primary residence was constructed in approximately 1891 at 112 Central Avenue. A historic report on the property was completed in 1999 to determine whether the structure was historically significant (Attachment 10). The report found that the structure itself was historic on the local level but not eligible for listing on the state or national registers. The primary residence and the detached garage were approved for relocation to 216 Central Avenue under permit #99-106 in January 2000. The approval included multiple variances related to 216 Central Avenue, which permitted a new lot under permit #99-106. The variances included a substandard lot size of less than 5,000 square feet, no onsite parking, and the location of the detached garage within the required side and rear setbacks. The special circumstance finding applied to the approval of the substandard lot size and parking variances was that "approval of this project will allow for the relocation/preservation of a residence included in the 1986 Capitola Architectural Survey." The Planning Commission used the local historic significance of the structure to justify the variances that allowed the substandard lot to be created and for the house to be relocated without providing the required onsite parking and garage setbacks.

After the structure was relocated to 216 Central Avenue in 2000, it was identified in the 2004 Depot Hill Historic District Feasibility Study and the 2005 Capitola Historic Structures List as a potential contributor to the proposed Depot Hill Historic District. Based on these facts, the Community Development Director determined that a third-party architectural historian should be contracted to provide an updated assessment of the structure in its current location, its significance, and if it is subject to the Secretary of Interior Standards (Standards) pursuant to CEQA.

Architectural Historian Leslie Dill provided a historical status review for the property on July 27, 2020 (Attachment 9). According to Ms. Dill, "the c. 1891 cottage continues to convey contributing associations with the Hihn years of development of the potential Depot Hill Historic District, and with the German immigrant community in the immediate area at the turn of the last century." The review concluded that "the property qualifies as a historic resource" as it would contribute to a feasible historic district within Depot Hill.

Following the determination that the property was a historic resource, architectural historian Seth Bergstein of Past Consultants was contracted by the City to conduct the third-party historic review of the proposed project to determine whether it complied with the Secretary of the Interior's Standards for Preservation (*Standards*). Mr. Bergstein provided a preliminary review letter on September 29, 2020, that recommended reducing the second-story massing, replacing the shed roof with a hipped roof, beginning the second-story addition behind the rear eave line of the original cross gable, in-setting the sidewalls of the rear addition to allow the left- and right-side gable ends of the original cross-gable to be visible, and using different wall cladding to achieve differentiation between the original house and the proposed addition (Attachment 8). Following the preliminary review letter, the applicant revised the plans to include a mansard roof, moved the second-story addition one foot four inches back from the rear eave line of the original cross gable, and included six-inch board horizontal siding which is easily differentiated from the ten-inch board on the historic structure.

Mr. Bergstein provided a final design review letter on December 28, 2020, stating that the current design complies with the Standards (Attachment 7).

#### Non-Conforming Structure

The existing dwelling is located within the required front setback and is therefore considered a non-conforming structure. Pursuant to code section 17.92.070, structural alterations to an existing non-complying structure may not exceed 80 percent of the present fair market value of the structure. The building official has reviewed the existing and proposed values and concluded that the proposed alterations will exceed 80 percent. Bringing the historic home into compliance with setbacks would require either relocation of the structure or removal the front wall, which is the best-preserved elevation of the historic structure and contrary to Secretary of the Interior Standards. All proposed additions comply with setback and height requirements.

#### Variance – Nonconforming Construction Cost Calculation

The applicant is seeking approval of a variance to the construction cost calculation limitations for non-conforming structures. The existing residence is within less than 15 feet from the front property line and therefore considered a non-conforming structure.

Pursuant to §17.128.060, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

**A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: There are unique circumstance applicable to the subject property includes a historic residence which is protected within the municipal code and under CEQA. The nonconforming section portion of the structure is historic and will be preserved in the prominent front elevation.

**B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The proposed modifications complies with all height, setback, and FAR requirements. The strict application of the zoning code requirements for both nonconforming and historic preservation would deprive the subject property of development alternatives typically available such as demolition.

**C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance is necessary to preserve the ability to construction additions in a manner consistent with current development standards and historic preservation.

**D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance will not impose any detrimental impacts on the public health, safety, or welfare, or be injurious to properties or improvements in the vicinity or in the same zone as the subject property. The variance allows additions which comply with the maximum floor area ratio (FAR) with while preserving historically significant portions of the structure.

**E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance does not grant privileges in excess of the objective development standards applicable to all properties in the vicinity and the within the same zone. The variance allows the property to expand a structure without addressing an existing nonconformity due to its historic status. In 2014, a similar variance was granted at 124 Central Avenue for an addition to a nonconforming historic structure. The application at 124 Central Avenue also included alterations greater than 80 percent of the fair market value.

**F. The variance will not have adverse impacts on coastal resources.**

Staff Analysis: The variance will not adversely impact coastal resources.

Minor Modification

Pursuant to CMC §17.76.020(C)(2), if the floor area for a residential use is enlarged by more than ten percent, the full parking requirements must be met. The proposed addition exceeds 50 percent of the existing gross floor area, so parking must be brought into compliance. With the proposed addition, three parking spaces are required, one of which must be covered. The applicant is proposing to keep the existing-nonconforming garage space and add two new uncovered 9-foot by 18-foot tandem parking spaces. The two tandem spaces located in the driveway are in compliance. The applicant is seeking a minor modification for the minimum required parking dimensions for the 9-foot wide by 18-foot, 10-inch deep garage space (Attachment 5). Interior parking spaces are required to be a minimum of 10-feet by 20-feet.

Pursuant to §17.136.060, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a minor modification when it finds:

**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.**

Staff Analysis: The proposed parking arrangement is compatible with neighborhood as it is a single driveway and enables the project to provide to have two uncovered tandem space and one covered space.

**B. The modification will not adversely impact neighboring properties or the community at large.**



Staff Analysis: The proposal increases overall parking opportunities for the site from one space to three spaces. This will not adversely impact neighboring properties.

**C. The modification is necessary due to unique characteristics of the subject property, structure, or use.**

Staff Analysis: Site parking is directly constrained by the historic structure, the existing driveway, and garage. The garage has an existing space that is substandard. By allowing the modification, no changes to the existing garage are necessary.

**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.**

Staff Analysis: The proposed parking arrangement provides the required number of on-site spaces in all respects except parking dimension within the garage. The substandard garage space will accommodate most modern vehicles and allowing the modification is consistent with the purpose of the zoning district, general plan, and LCP.

**E. The modification will not establish a precedent.**

Staff Analysis: The site is subject to irregular shape and dimensions, an existing-nonconforming garage, and a historic structure. The proposed modification has been evaluated on a site- and project- specific basis and will not establish a precedent.

**F. The modification will not adversely impact coastal resources.**

Staff Analysis: The subject property does not contain coastal resources. Additional on-site parking will not adversely impact coastal resources in the area.

**CEQA:**

Section 15332 of CEQA Guidelines exempts in-fill development projects which meet all conditions within the exemption. The project involves additions to an existing single-family residence and subject to the R-1 (single-family residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project. Specifically, the project has been reviewed and found to be consistent with Section 15300.2(f) for modifications to historical resources.

**Recommendation:**

Staff recommends the Planning Commission **approve** the application #20-0103 based on Conditions and Findings for Approval.

**Attachments:**

1. 216 Central Avenue – Full Plan Set
2. 216 Central Avenue – Street Renderings
3. 216 Central Avenue – Color and Material Information
4. 216 Central Avenue – Variance Request
5. 216 Central Avenue – Minor Modification Request
6. 216 Central Avenue – Construction Cost Calculation
7. 216 Central Avenue – Final SOI Standards Review Letter – 12.28.20
8. 216 Central Avenue – Preliminary Review Letter – 09.29.20
9. 216 Central Avenue – Historical Status Review – 07.27.20
10. 112 Central Avenue – Original Historic Report – 11.30.1999
11. 216 Central Avenue – Local Historian Comment Letter – 04.26.21
12. Design Permit Design Review Criteria

**Conditions of Approval:**

1. The project approval consists of 770 square-foot of first- and second-story additions to a historic, nonconforming residence. The maximum Floor Area Ratio for the 4,486 square foot property is 52% (2,333 square feet). The total FAR of the project is 50.5% with a total of 2,267 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 3, 2022, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition work of scope statement and a demolition plan clearly identifying all areas of walls and floors to be demolished. The City may require a letter from a structural engineer. Any modifications to the demolition plans, including modifications to the scope of work, means and methods of demolition/construction, or changes to the framing, windows, or any other exterior elements shall be submitted to the Building Department for review and approval prior to proceeding with demolition and/or construction. In the course of construction, the City may require additional plans as they deem necessary.
5. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
8. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
9. Prior to issuance of building permit, all Planning fees associated with permit #20-0103 shall be paid in full.

10. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.

20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
23. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward.
24. Prior to issuance of a building permits, the applicant shall submit a preservation plan to the satisfaction of the Community Development Department. In addition to Condition #25(a), the plan shall specify differentiation of new horizontal boards from the existing horizontal board width.
25. Secretary of the Interior's Standards and Guidelines for preservation, rehabilitation, restoration, or reconstruction shall be followed.
  - a. Prior to the remodel of the historic residence, the applicant shall catalog all existing details of the structure. Once the existing structure is ready to be remodeled, the applicant is required to have an inspection by the City Planner and Building Inspector to ensure all existing materials are documented in accordance with the preservation plan. Existing materials must be stored in a weatherproof area.
  - b. Any removal of existing building materials or features on historic buildings shall be approved by the Community Development Department prior to removal.
  - c. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.

#### **Design Permit 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.**

Community Development Staff and the Planning Commission have reviewed the proposed additions to an existing residence. With the granting of a variance to the side setback of the primary residence, the project secures the purpose of the General Plan, and Local Coastal Program, and 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.**

Community Development Staff and the Planning Commission have reviewed the application for additions to an existing residence and new attached garage. With the

granting of a variance to the side setback of the primary residence, the 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).**

Section 15332 of CEQA Guidelines exempts in-fill development projects which meet all conditions within the exemption. The project involves additions to an existing single-family residence and subject to the R-1 (Single-Family Residential) zoning district. With approval of a variance for the nonconforming construction calculation and minor modification for the minimum required parking dimensions, the project meets all applicable general plan policies and zoning regulations; the project site does not have any identified habitat value; the project will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is and can be adequately served by all required utilities and public services. The project has also been found to be consistent with Section 15300.2(f) for modifications to historical resources.

**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.**

The proposed project 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).**

The Community Development Staff and the Planning Commission have reviewed the application. With the granting of a variance to the side setback of the primary residence, the proposed complies with all applicable design review criteria in Section 17.120.070.

**F. The proposed project maintains the character, scale, and development pattern of the neighborhood.**

Community Development Staff and the Planning Commission have all reviewed the application. The remodeled design preserves the original front elevation of the historic structure and focuses new massing towards the rear of the building. The project will maintain the character, scale, and development pattern of the neighborhood.

**Historic Alteration Findings:**

**A. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.**

Community Development Staff and the Planning Commission have reviewed the proposed remodel of the historic structure and determined the additions are located such that they limit publicly visible alterations that would impact the historic character and the structure will retain the character-defining features identified by the architectural historian.

**B. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.**

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that distinctive design will be preserved by retaining the distinctive cross-gable roof, shed-roofed entry porch, horizontal wood siding, and wood window surrounds.

- C. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.**

Community Development Staff and the Planning Commission have reviewed the proposed additions to the structure and determined that they are focused to the rear of the structure and non-primary elevation. The second story addition has been located behind the existing cross-gable ridgeline to create spatial separation. Use of exterior materials matches the original sections but will be differentiated with different board and detail widths.

- D. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.**

Community Development Staff and the Planning Commission have reviewed the proposed project and determined that historic features will be preserved, reused, and repaired to the extent possible. The additions are located such that the remove and replace non-original sections of the structure and removal of original materials and features will be limited.

- E. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.**

Community Development Staff and the Planning Commission have reviewed the proposed involves additions to an existing residence will not impact archeological resources.

#### Variance Findings:

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: There are unique circumstance applicable to the subject property includes a historic residence which is protected within the municipal code and under CEQA. The nonconforming section portion of the structure is also the best-preserved and most visible front elevation.

- B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The proposed modifications complies with all height, setback, and FAR requirements. The strict application of the zoning code requirements for both nonconforming and historic preservation would deprive the subject property of development alternatives typically available such as demolition.

- C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance is necessary to preserve the ability to construction additions in a manner consistent with current development standards and historic preservation.

- D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance will not impose any detrimental impacts on the public health, safety, or welfare, or be injurious to properties or improvements in the vicinity or in the same zone as the subject property. The variance allows additions which comply with the maximum floor area ratio (FAR) with while preserving historically significant portions of the structure.

**E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.**

Staff Analysis: The variance does not grant privileges in excess of the objective development standards applicable to all properties in the vicinity and the within the same zone. The variance allows the property to expand a structure without addressing an existing nonconformity due to its historic status. In 2014, a similar variance was granted at 124 Central Avenue for an addition to a nonconforming historic structure. The application at 124 Central Avenue also included alterations greater than 80 percent of the fair market value.

**F. The variance will not have adverse impacts on coastal resources**

Staff Analysis: The variance will not adversely impact coastal resources.

**Minor Modification 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.**

Staff Analysis: The proposed parking arrangement enables the project to provide the required number of onsite parking spaces, including the covered parking requirement.

**B. The modification will not adversely impact neighboring properties or the community at large.**

Staff Analysis: The proposal increases overall parking opportunities for the site and, indirectly, the neighborhood. Although the garage space is considered substandard it meets the minimum dimensions of a 9-foot wide by 18-foot deep tandem space.

**C. The modification is necessary due to unique characteristics of the subject property, structure, or use.**

Staff Analysis: Site parking is directly constrained by the historic structure, the existing driveway and garage, and the narrowing of the lot. Capitola lots typically have a minimum depth of at least 70 feet. On corner lots where parking may be arranged on the exterior side, lots typically have a minimum depth of at least 40 feet, which would allow for two compliant uncovered spaces. The driveway area has a lot depth (width) that tapers to less than 34 feet. The unique shape of this lot prevents the ability to arrange tandem parking spaces with straight approaches. Expanding the existing forward garage would limit accessibility and siting of the two uncovered spaces.

**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.**

Staff Analysis: The proposed parking arrangement provides the required number of on-site spaces, the required number of covered spaces and has been designed to comply with parking requirements in all respects except parking dimension. The substandard garage space will accommodate most modern vehicles.

**E. The modification will not establish a precedent.**

Staff Analysis: The site is subject to irregular shape and dimensions, an existing-nonconforming garage, and a historic structure. The proposed modification has been evaluated on a site- and project- specific basis and will not establish a precedent.

**F. The modification will not adversely impact coastal resources.**

Staff Analysis: The subject property does not contain coastal resources. Additional on-site parking will not adversely impact coastal resources in the area.

**Coastal Development Permit Findings:**

**A. The project is consistent with the LCP land use plan, and the LCP implementation program.**

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

**B. The project maintains or enhances public views.**

The proposed project is located on private property at 216 Central Avenue. The project will not negatively impact public landmarks and/or public views.

**C. The project maintains or enhances vegetation, natural habitats and natural resources.**

The proposed project is located at 216 Central Avenue. The proposed project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

**D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project involves residential additions on private property and will not negatively impact coastal resources.

**G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

With the granting of a variance for the nonconforming construction calculation and a minor modification for the parking dimensions of the covered space, the proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

**H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves additions to an historic residence on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.





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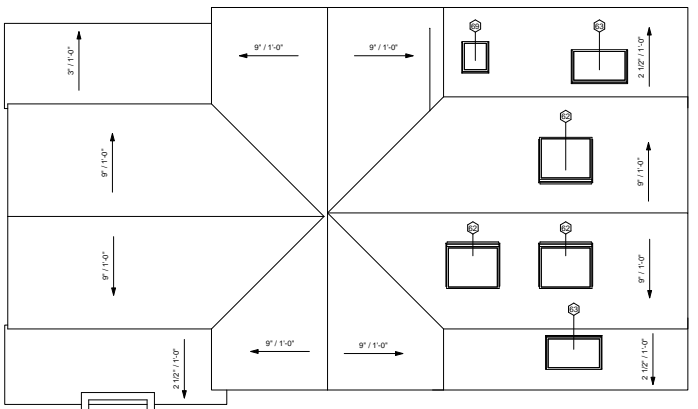
CLIENT  
LYNN JACKSON

OWNER  
LYNN JACKSON  
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95010

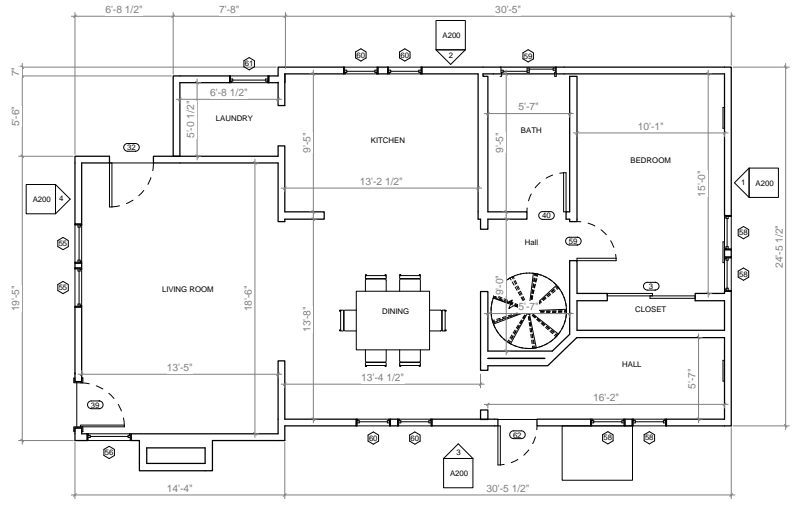
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SURVEYOR  
N/A

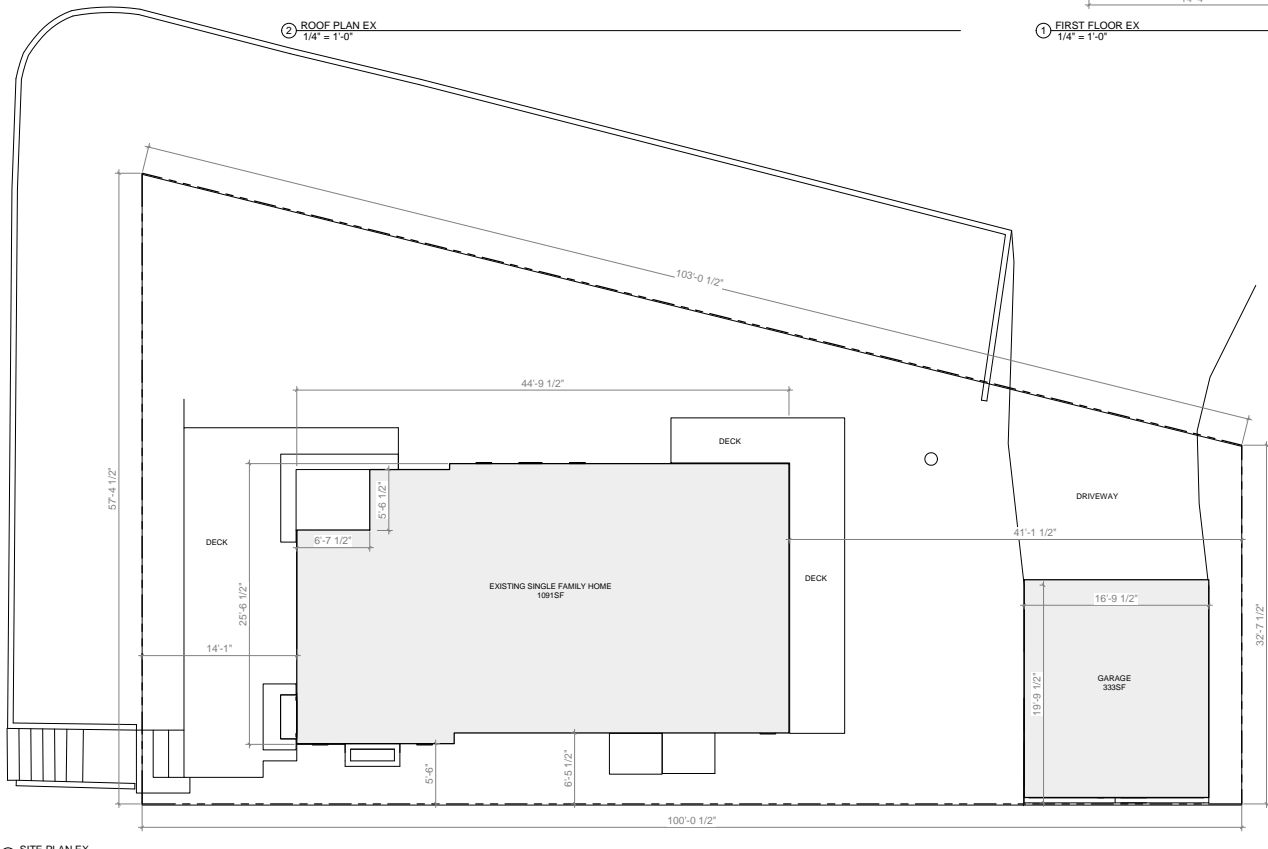
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LIC#



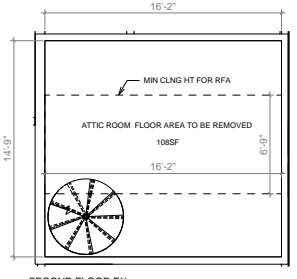
2 ROOF PLAN EX  
1/4" = 1'-0"



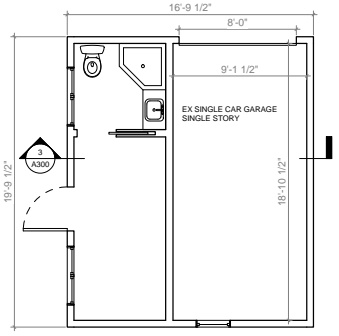
1 FIRST FLOOR EX  
1/4" = 1'-0"



4 SITE PLAN EX  
3/16" = 1'-0"



3 SECOND FLOOR EX  
1/4" = 1'-0"



5 GARAGE FLOOR  
1/4" = 1'-0"

**LEGEND**

(E) TO REMAIN

(R) DEMO / TO BE REMOVED (TBR)

(N) CONSTRUCTION

(B) NOT IN CONTRACT (INC)

NO.	ISSUE	DATE

PROJECT  
CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

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SHEET TITLE

EX PLANS

SHEET NUMBER  
A100

gigante AG

2/26/2024 4:01:38 PM

**LEGEND**

(E) TO REMAIN
(D) DEMO / TO BE REMOVED (TBR)
(N) CONSTRUCTION
(E) NOT IN CONTRACT (INC)

NO.	ISSUE	DATE
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**PROJECT**

CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

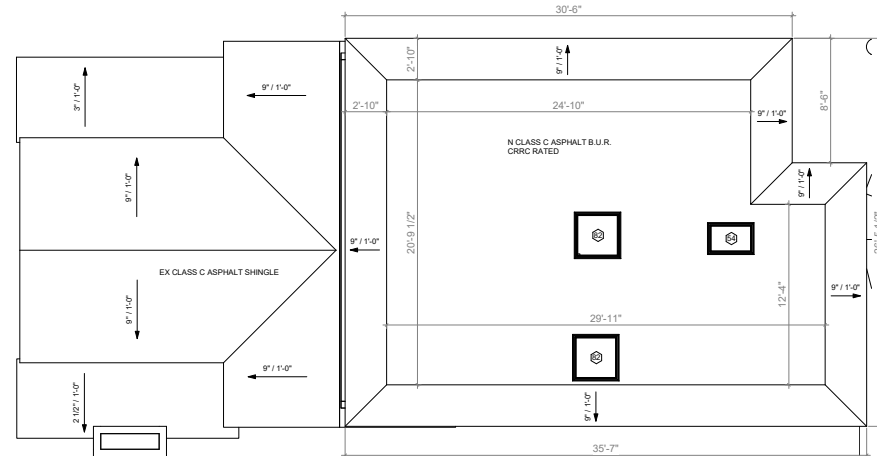
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**SHEET TITLE**

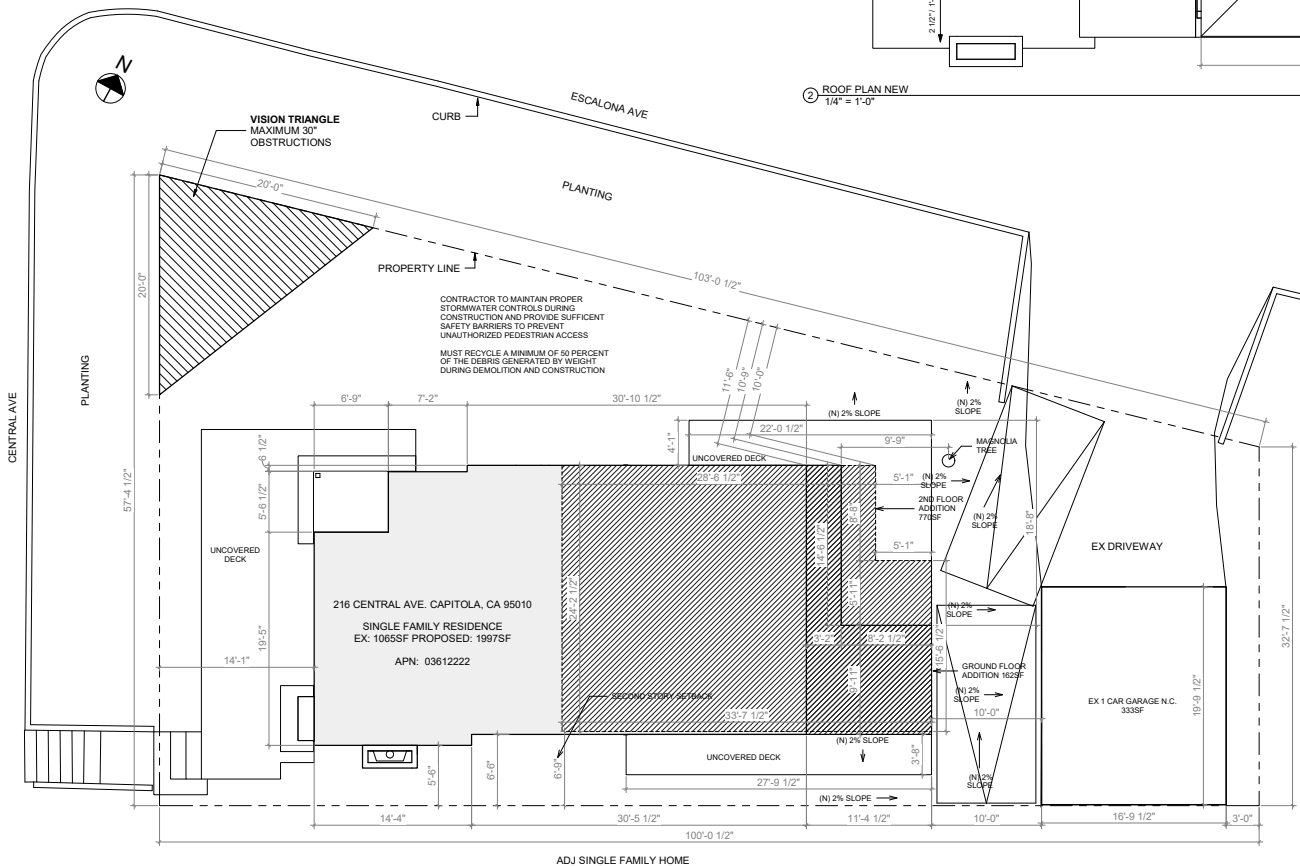
SITE/ROOF PLAN

**SHEET NUMBER**

A101



2 ROOF PLAN NEW  
1/4" = 1'-0"



1 SITE PLAN NEW  
3/16" = 1'-0"

ADJ SINGLE FAMILY HOME

ADJ SINGLE FAMILY HOME

CONTRACTOR TO MAINTAIN PROPER STORMWATER CONTROLS DURING CONSTRUCTION AND PROVIDE SUFFICIENT SAFETY BARRIERS TO PREVENT UNAUTHORIZED PEDESTRIAN ACCESS. MUST RECYCLE A MINIMUM OF 50 PERCENT OF THE DEBRIS GENERATED BY WEIGHT DURING DEMOLITION AND CONSTRUCTION.

216 CENTRAL AVE. CAPITOLA, CA 95010  
SINGLE FAMILY RESIDENCE  
EX: 10655SF PROPOSED: 19975SF  
APN: 03612222

**LEGEND**

(E) TO REMAIN
(D) DEMO / TO BE REMOVED (TBR)
(N) CONSTRUCTION
(B) NOT IN CONTRACT (INC)

NO.	ISSUE	DATE
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PROJECT  
CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

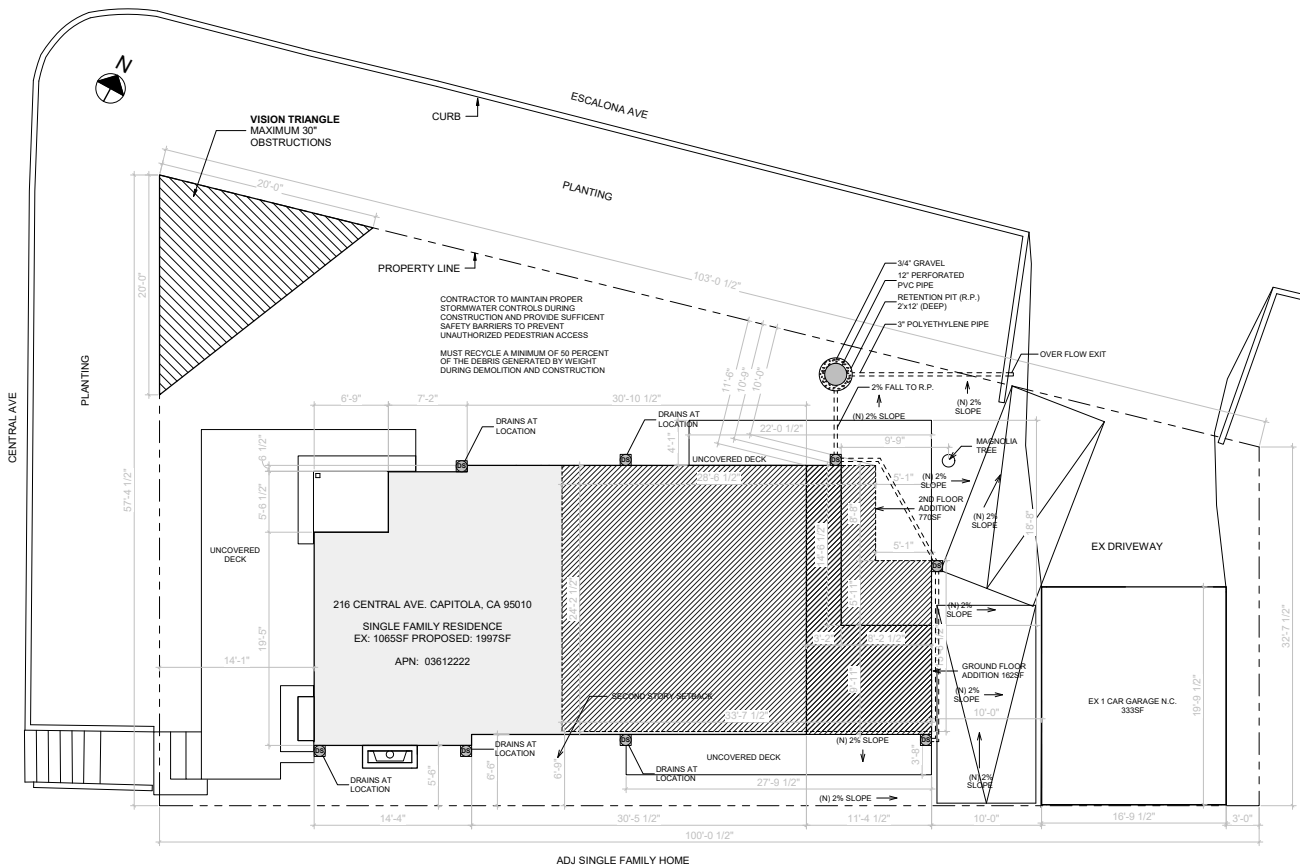
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SHEET TITLE  
**DRAINAGE PLAN**

SHEET NUMBER

**A102**

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DRAINAGE PLAN  
3/16" = 1'-0"

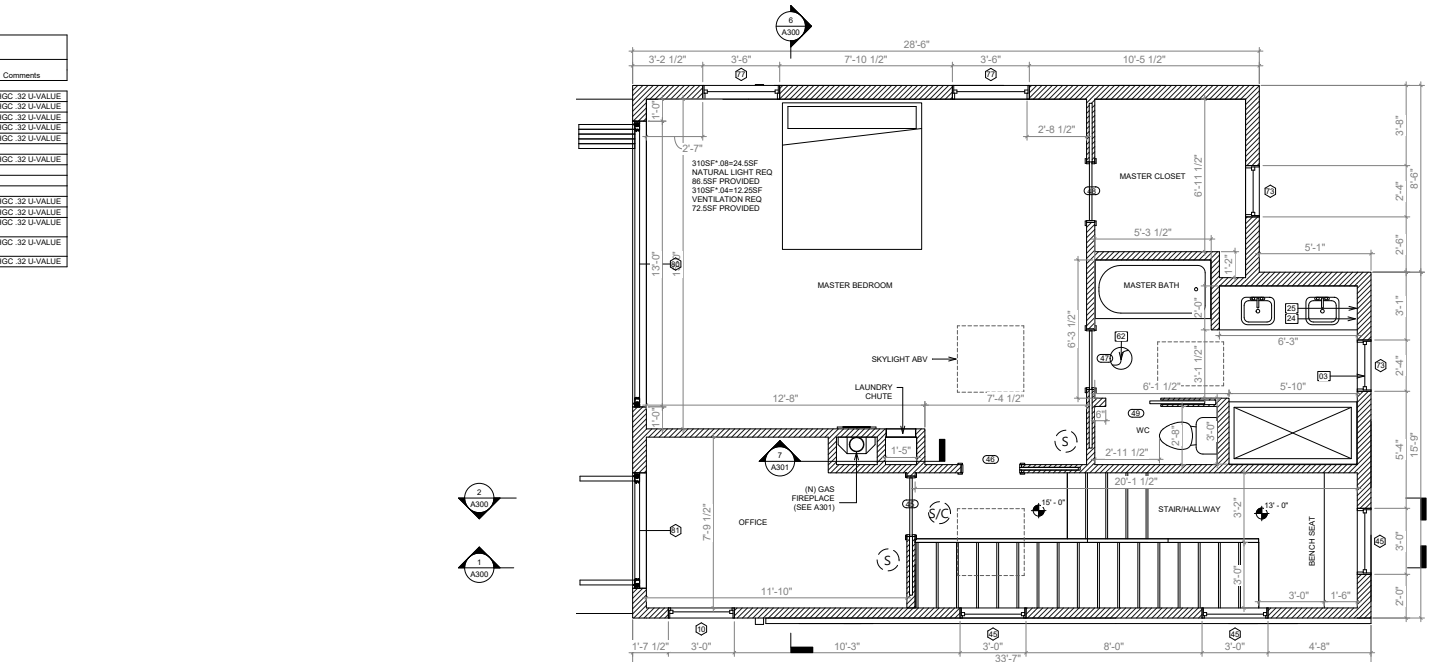
- (E) TO REMAIN
- (D) DEMO TO BE REMOVED (TBR)
- (N) CONSTRUCTION
- (B) NOT IN CONTRACT (INC)

NEW WINDOW SCHEDULE								
Type Mark	Count	Operation	Rough Opening Width	Rough Opening Height	Head SS	Phase Created	Phase Demolished	Comments
10	1	DEB HUNG	3'-0"	4'-0"	6'-10 1/2" x 10"	New Construction	None	25 SHGC 32 U-VALUE
10	2	DEB HUNG	3'-0"	4'-0"	7'-0" x 9'-0"	New Construction	None	25 SHGC 32 U-VALUE
45	1	DEB HUNG	3'-0"	4'-6"	5'-0" x 9'-0"	New Construction	None	25 SHGC 32 U-VALUE
43	1	DEB HUNG	3'-0"	4'-6"	7'-6" x 9'-0"	New Construction	None	25 SHGC 32 U-VALUE
54	1	SKYLIGHT	2'-0"	3'-0"		New Construction	None	25 SHGC 32 U-VALUE
58	4	DEB HUNG	2'-4"	3'-8"	6'-8" x 3'-0"	Existing	New Construction	
58	2	DEB HUNG	2'-4"	3'-8"	7'-8" x 4'-0"	New Construction	None	25 SHGC 32 U-VALUE
62	3	SKYLIGHT	3'-6"	3'-6"		Existing	New Construction	
63	2	SKYLIGHT	3'-8"	2'-2"		Existing	New Construction	
63	1	SKYLIGHT	8'-0"	4'-0"		Existing	New Construction	
73	2	DEB HUNG	2'-4"	3'-4"	6'-8" x 3'-4"	New Construction	None	25 SHGC 32 U-VALUE
77	2	DEB HUNG	3'-6"	4'-0"	6'-10 1/2" x 2'-10"	New Construction	None	25 SHGC 32 U-VALUE
80	1	FOLDING WALL	13'-0"	4'-0"	6'-10 1/2" x 2'-10"	New Construction	None	25 SHGC 32 U-VALUE
81	1	FOLDING WALL	5'-3"	4'-0"	6'-10 1/2" x 2'-10"	New Construction	None	25 SHGC 32 U-VALUE
82	2	SKYLIGHT	3'-0"	3'-0"		New Construction	None	25 SHGC 32 U-VALUE

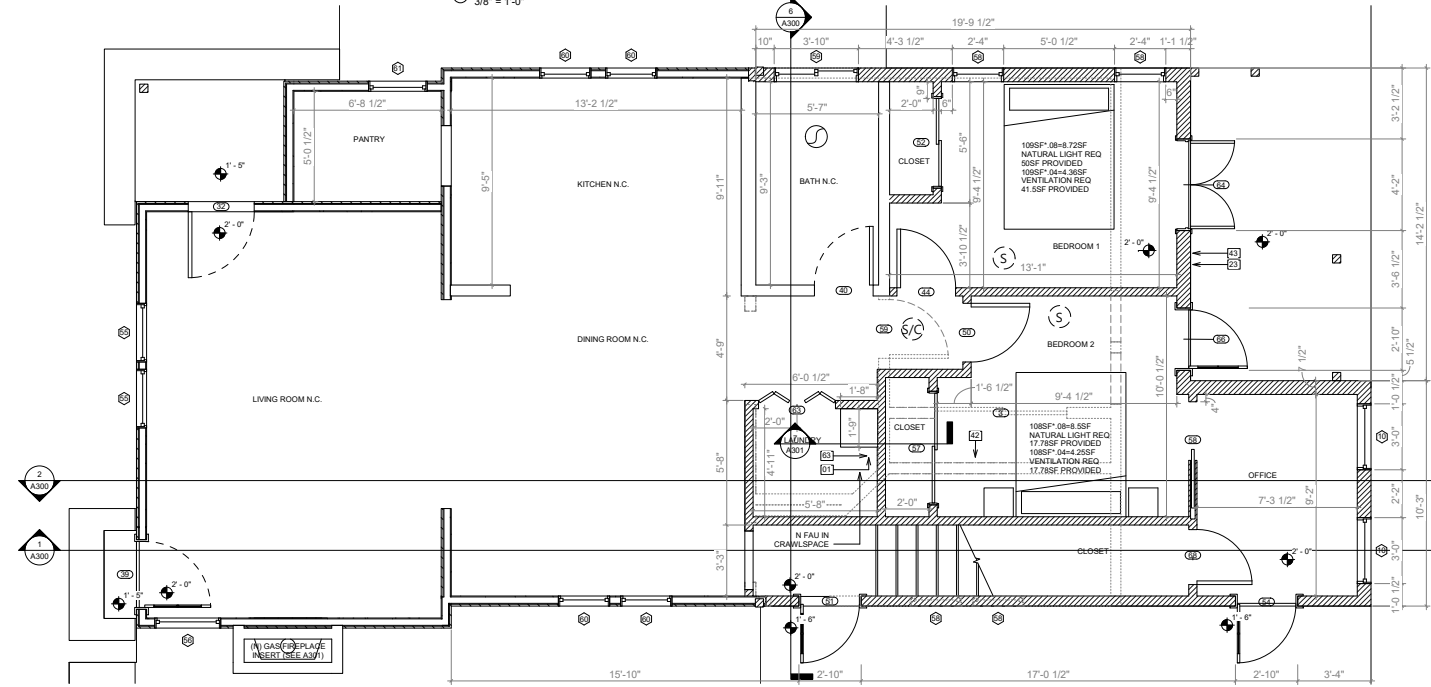
NEW DOOR SCHEDULE					
Door Number	Operation	Height	Width	Phase Created	Phase Demolished
3	CLOSED SLIDING	6'-8"	6'-0"	Existing	New Construction
44	INT SWING	6'-8"	2'-8"	New Construction	None
45	INT POCKET	6'-8"	2'-8"	New Construction	None
47	INT POCKET	6'-8"	2'-8"	New Construction	None
48	INT POCKET	6'-8"	2'-8"	New Construction	None
49	INT POCKET	6'-8"	2'-8"	New Construction	None
50	INT SWING	6'-8"	2'-8"	New Construction	None
51	EXT SWING GLASS	6'-8"	2'-8"	New Construction	None
52	CLOSED SLIDING	6'-8"	4'-0"	New Construction	None
54	EXT SWING GLASS	6'-8"	2'-8"	New Construction	None
57	CLOSED SLIDING	6'-8"	5'-0"	New Construction	None
58	INT POCKET	6'-8"	2'-8"	New Construction	None
59	INT SWING	6'-8"	2'-8"	Existing	New Construction
62	EXT SWING GLASS	6'-8"	2'-8"	Existing	New Construction
63	INT BIFOLD 4 PANEL	6'-8"	3'-6"	New Construction	None
64	EXT BIFOLD SWING	6'-8"	4'-10"	New Construction	None
66	EXT SWING GLASS	6'-8"	2'-8"	New Construction	None
68		6'-8"	2'-8"	New Construction	None

KEYNOTE LEGEND	
Key Value	Keynote Text

- 01 18" x 24" Under floor access and 30"x30" attic access above
- 03 Glazing in bathrooms shall be tempered
- 23 Where branch-circuit wiring is modified, replaced or extended in areas specified in CEC 210.12(A), the branch circuit shall be protected by either a listed combination-type AFCI located at the origin of the branch circuit or a listed outlet branch-circuit type AFCI located at the first receptacle of the existing branch circuit.
- 24 All non-locking type 125-volt, 15 and 20 ampere receptacles in a dwelling unit shall be listed tamperresistant receptacles. (Exceptions: (1) receptacles more than 5'-6" above the floor, (2) receptacles part of a luminaire or appliance, (3) a single receptacle or a duplex receptacle for two appliances that are not easily moved and located within dedicated space and are chord-and-plug connected as per CEC 400.7, and (4) non-grounding receptacles used for replacements as permitted in CEC 406.4 (D) (2) (a).)
- 25 GFCI Power in wet locations
- 42 Permanently installed luminaires in rooms other than kitchens, bathrooms, garages, laundry rooms, and utility rooms are to be high efficacy, or controlled by a dimmer switch, or controlled by an occupancy sensor that does not turn on automatically or have an always-on option.
- 43 Exterior lighting is to be high efficacy or must be controlled by a motion sensor. Also, the lighting must by one of the following methods: i) Photoclock not having an override or bypass switch that disables the photoclock, or ii) Astronomical time clock not having an override or bypass switch that disables the photoclock, or iii) Energy management control system which meets all of the following requirements. At a minimum provides the functionality of an astronomical time clock in accordance with Section 110.9 of the standards; meets the Installation Certification requirements in Section 130.4 of the standards; meets the requirements for an EMCS in Section 130.5 of the standards; does not have an override or bypass switch that allows the luminaire to be always ON; and, is programmed to automatically turn the outdoor lighting OFF during daylight hours.
- 62 If fans shall be ENERGY STAR compliant and be ducted to terminate to the outside of the building. ii Fans, not functioning as a component of a whole house ventilation system, must be controlled by a humidity control.
- 63 Heater shall be capable of maintaining a minimum room temperature of 68°F at a point 3 feet above the floor and 2 feet from exterior walls in all habitable rooms at the design temperature. (R303.9)



2 SECOND FLOOR NEW  
3/8" = 1'-0"



1 FIRST FLOOR NEW  
3/8" = 1'-0"

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CLIENT

LYNN JACKSON

OWNER

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95010

ENGINEER

STREETER GROUP, INC.  
2371 Main Street, Suite C  
Soquel, CA 95073 (831) 477-1781

SURVEYOR

N/A

GENERAL CONTRACTOR

LIC#

**LEGEND**

(E) TO REMAIN

(D) DEMO / TO BE REMOVED (TBR)

(N) NOT IN CONTRACT (NIC)

(C) CONSTRUCTION

(X) NOT IN CONTRACT (NIC)

NO.	ISSUE	DATE

PROJECT

CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

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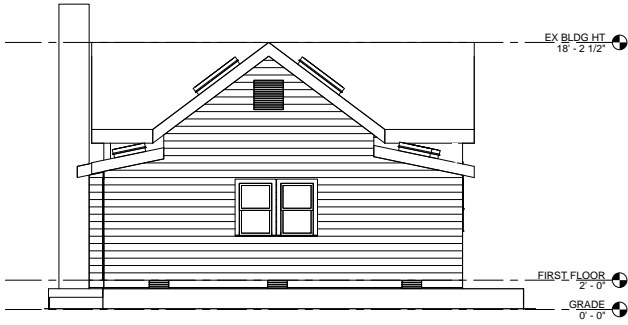
SHEET TITLE

**EX ELEVATIONS**

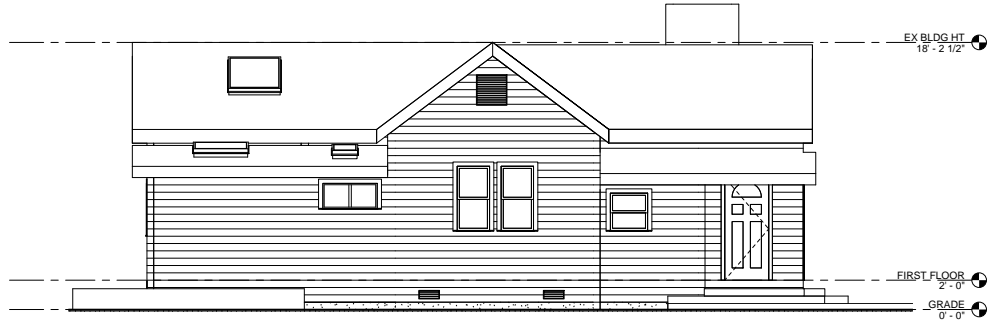
SHEET NUMBER

**A200**

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① EAST EL EX  
1/4" = 1'-0"



② NORTH EL EX  
1/4" = 1'-0"



④ WEST EL EX  
1/4" = 1'-0"



③ SOUTH EL EX  
1/4" = 1'-0"

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LOS ANGELES, CA 90031

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F 323 276 0988

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OWNER  
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95010

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2571 Main Street, Suite C  
Soquel, CA 95073 (831)477-1781

SURVEYOR  
N/A

GENERAL CONTRACTOR  
LICH

**LEGEND**

(E) TO REMAIN

(C) DEMO TO BE REMOVED (TBR)

(N) CONSTRUCTION

(B) NOT IN CONTRACT (INC)

(X) X X X X X X X X X X

NO.	ISSUE	DATE
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**PROJECT**

CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

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**SHEET TITLE**

N ELEVATIONS

**SHEET NUMBER**

A201

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**CRAWLSPACE VENTILATION**  
1213SF / 150 = 8SF  
MIN QTY 12, .667SF VENTS = 8SF



1 WEST EL  
1/4" = 1'-0"



2 SOUTH EL  
1/4" = 1'-0"



3 EAST EL  
1/4" = 1'-0"



4 NORTH EL  
1/4" = 1'-0"

**LEGEND**

(E) TO REMAIN
(D) DEMO / TO BE REMOVED (TBR)
(I) IN CONSTRUCTION
(N) NOT IN CONTRACT (NIC)

NO.	ISSUE	DATE
-----	-------	------

PROJECT  
CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

THESE DOCUMENTS ARE INSTRUMENTS OF SERVICE AND AS SUCH REMAIN THE INTELLECTUAL AND PHYSICAL PROPERTY OF GIGANTE AG. THESE DOCUMENTS ARE NOT TO BE USED BY THE OWNER OR OTHERS ON OTHER PROJECTS. FOR ADDITIONS TO THIS PROJECT OR FOR THE COMPLETION OF THIS PROJECT BY OTHERS, ALL DOCUMENTS ARE INTENDED AS GUIDELINES FOR IMPLEMENTATION. NOTATED DIMENSIONS SHALL ALWAYS TAKE PRECEDENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED IN THE FIELD. ANY DISCREPANCY SHALL BE BROUGHT TO THE ATTENTION OF GIGANTE AG PRIOR TO THE COMMENCEMENT OF WORK. ALL EXCEPTIONS TO THE ABOVE STATEMENTS ARE ONLY ACCEPTABLE BY WRITTEN AGREEMENT WITH GIGANTE AG.

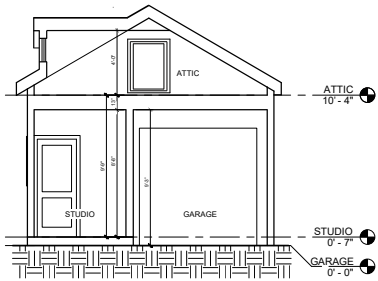
SHEET TITLE

SECTIONS

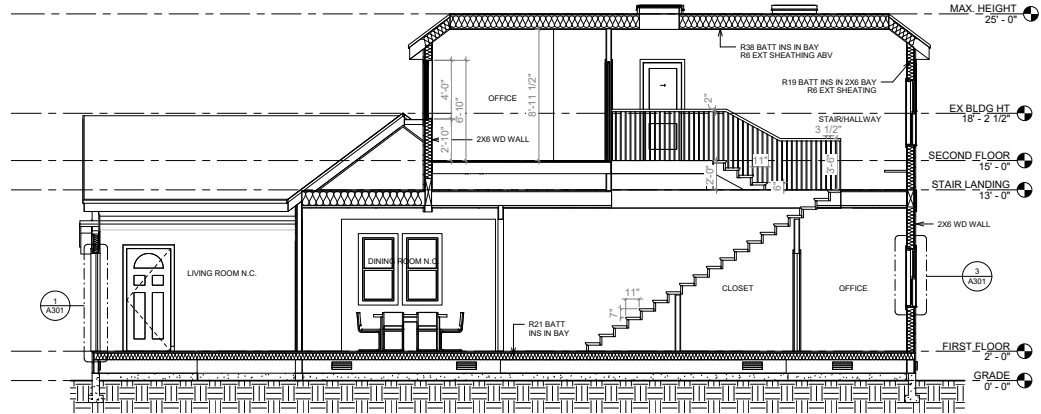
SHEET NUMBER

A300

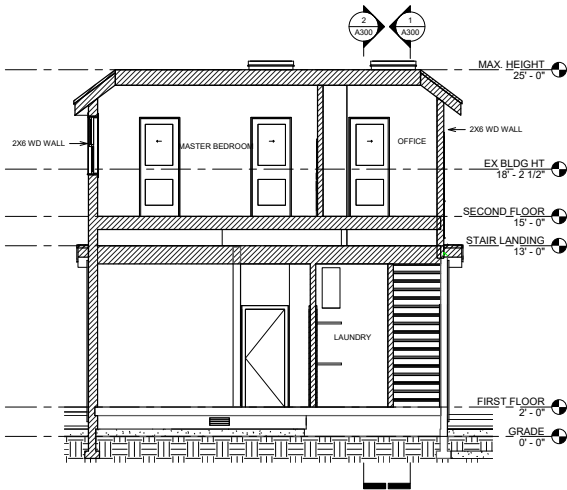
©gigante AG 2013



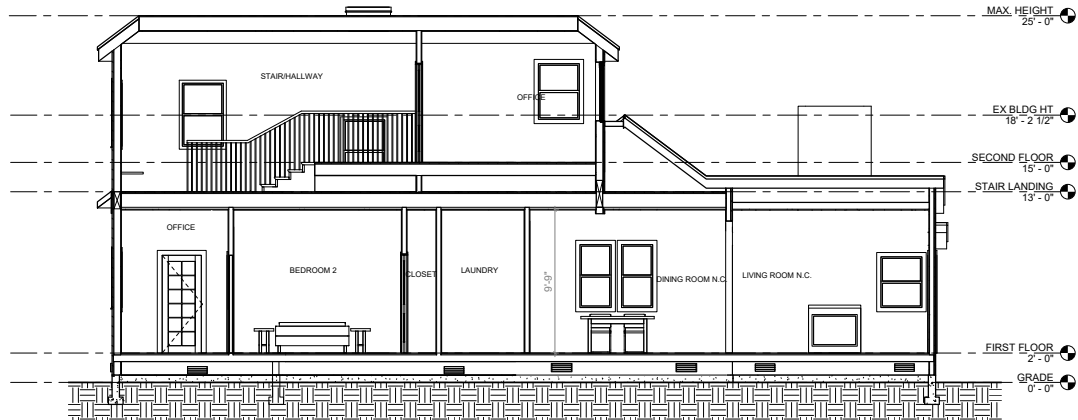
3 GARAGE SECTION  
1/4" = 1'-0"



1 LONG SECTION FACING NORTH  
1/4" = 1'-0"



6 SHORT SECTION FACING EAST  
1/4" = 1'-0"



2 LONG SECTION FACING SOUTH  
1/4" = 1'-0"



**LEGEND**

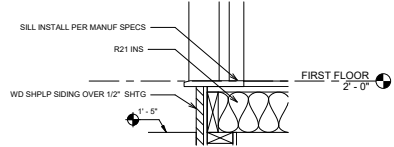
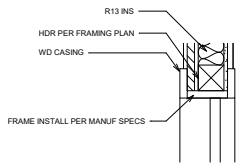
(E) TO REMAIN

(D) DEMO / TO BE REMOVED (TBR)

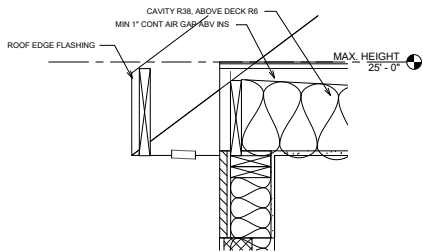
(N) CONSTRUCTION

(I) NOT IN CONTRACT (INC)

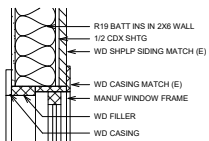
NO.	ISSUE	DATE



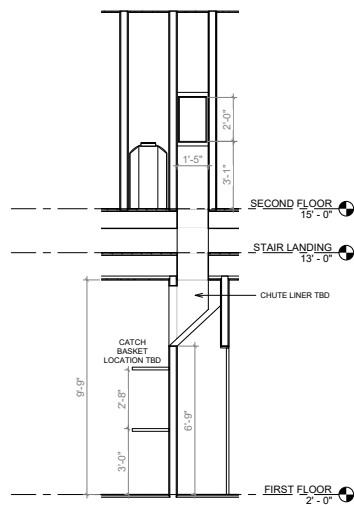
1 DOOR HEAD/SILL DETAIL  
1 1/2" = 1'-0"



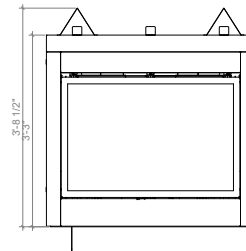
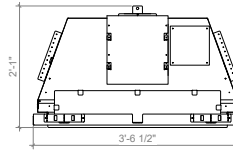
2 ROOF VENTILATION DETAIL  
1 1/2" = 1'-0"



3 WINDOW HEAD/SILL DETAIL  
1 1/2" = 1'-0"

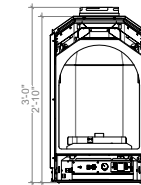
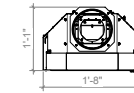


7 LAUNDRY CHUTE LOCATION  
3/8" = 1'-0"

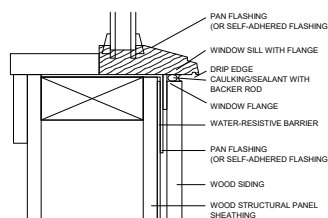
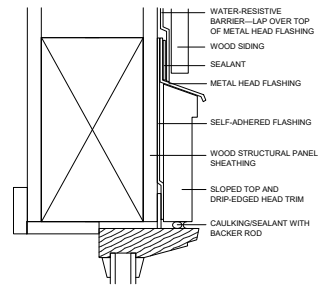


Model 564 Space Saver Clean Face GSR2 (SEE A800)

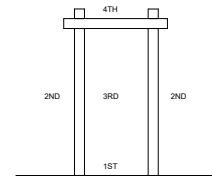
4 FIREPLACE DETAILS  
1" = 1'-0"



Model Bed and Breakfast GSR2 (SEE A800)

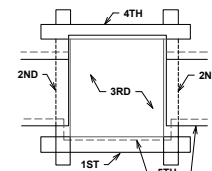


6 WINDOW FLASHING (TYP)  
N.T.S.



S.A.S.M. = SELF ADHESIVE SHEET MEMBRANE  
NOTE:  
PROVIDE SOLID BACKING TO SUPPORT S.A.S.M.  
STAPLE PERIMETER OF S.A.S.M. TO FRAMING  
MEMBERS 1" FROM OUTSIDE EDGE TO  
PREVENT WIND DAMAGE.

TYPICAL DOOR FLASHING



MATERIALS SPECIFIED:  
S.A.S.M. = SELF ADHESIVE SHEET MEMBRANE  
"SUPER JUMBO TEK" 60 MINUTE PAPER  
MANUFACTURED BY FORTIFIBER CORPORATION  
PORTLAND, OREGON  
SHEET METAL SHALL BE INSTALLED PER  
SMACNA RECOMMENDED SPECIFICATIONS  
PROVIDE SOLID BACKING TO SUPPORT S.A.S.M.  
STAPLE PERIMETER OF S.A.S.M. TO FRAMING  
MEMBERS 1" FROM OUTSIDE EDGE TO PREVENT  
WIND DAMAGE.

TYPICAL WINDOW FLASHING

6 WINDOW/DOOR FLASHING (TYP)  
N.T.S.

PROJECT

CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

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SHEET TITLE

DETAILS

SHEET NUMBER

A301

© gigante AG 2013

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:

Calculation Date/Time: 2020-03-05T21:21:31-08:00  
Input File Name: CENTRAL\_AVE\_03.05.20.rbd19

C191-PRF-01E  
(Page 1 of 14)

Table with 11 columns: 01-11. Rows include Project Name, Run Title, City, Zip code, Climate Zone, Building Type, Project Scope, Addition Cond. Floor Area, Existing Cond. Floor Area, Total Cond. Floor Area, ADU Bedroom Count, and Natural Gas Availability.

Table with 3 columns: 01-03. Rows include Building Complies with Computer Performance, Field testing and/or verification by a certified HERS rater, and Building incorporates one or more Special Features.

Table with 5 columns: Energy Use [kBtu/ft²-yr], Standard Design, Proposed Design, Compliance Margin, Percent Improvement. Rows include Space Heating, Space Cooling, IAQ Ventilation, Water Heating, and Solar Utilization Credit.

Registration Number: 420-P010027159A-000-000-000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.108  
Schema Version: rev 20200301

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:

Calculation Date/Time: 2020-03-05T21:21:31-08:00  
Input File Name: CENTRAL\_AVE\_03.05.20.rbd19

C191-PRF-01E  
(Page 2 of 14)

Table with 12 columns: 01-12. Rows include DC System Size (kW), Exception, Module Type, Array Type, Power Electronics, CRI, Azimuth (deg), Tilt Input, Array Angle (deg), Tilt (x in 12), Inverter Eff. (%), and Annual Solar Hours (hr).

Table with 12 columns: 01-12. Rows include Zonal heating controls, Cool roof, Floor has high level of insulation, Window overhangs and/or fins, No cooling system included, and Ducts in crawl space.

Table with 12 columns: 01-12. Rows include Heating System Verifications, Heating System Verifications, Heating System Verifications, Heating System Verifications, Heating System Verifications, Heating System Verifications, Heating System Verifications, Heating System Verifications, Heating System Verifications, Heating System Verifications, Heating System Verifications, Heating System Verifications.

Registration Number: 420-P010027159A-000-000-000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.108  
Schema Version: rev 20200301

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:

Calculation Date/Time: 2020-03-05T21:21:31-08:00  
Input File Name: CENTRAL\_AVE\_03.05.20.rbd19

C191-PRF-01E  
(Page 3 of 14)

Table with 7 columns: 01-07. Rows include Project Name, Conditioned Floor Area, Number of Dwelling Units, Number of Bedrooms, Number of Zones, Number of Ventilation Cooling Systems, and Number of Water Heating Systems.

Table with 7 columns: 01-07. Rows include Zone Name, Zone Type, HVAC System Name, Zone Floor Area, Avg. Ceiling Height, Water Heating System 1, and Water Heating System 2. Includes zones for Living Room, Pantry, Kitchen, Bath, Laundry, Bed 1, Bed 2, Office 1, M Bed, M Bath, M Office, and Star/Hallway.

Registration Number: 420-P010027159A-000-000-000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.108  
Schema Version: rev 20200301

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:

Calculation Date/Time: 2020-03-05T21:21:31-08:00  
Input File Name: CENTRAL\_AVE\_03.05.20.rbd19

C191-PRF-01E  
(Page 4 of 14)

Table with 11 columns: 01-11. Rows include Name, Zone, Construction, Azimuth, Orientation, Gross Area, Window and Door Area, TIR, Wall Exceptions, Status, and Verified Existing Condition. Includes areas like Living Room, Kitchen, Bath, Pantry, Bed, Office, and Star/Hallway.

Registration Number: 420-P010027159A-000-000-000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.108  
Schema Version: rev 20200301

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:

Calculation Date/Time: 2020-03-05T21:21:31-08:00  
Input File Name: CENTRAL\_AVE\_03.05.20.rbd19

C191-PRF-01E  
(Page 5 of 14)

Table with 11 columns: 01-11. Rows include Name, Zone, Construction, Azimuth, Orientation, Gross Area, Window and Door Area, TIR, Wall Exceptions, Status, and Verified Existing Condition. Includes areas like Living Room, Kitchen, Bath, Pantry, Bed, Office, and Star/Hallway.

Registration Number: 420-P010027159A-000-000-000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.108  
Schema Version: rev 20200301

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:

Calculation Date/Time: 2020-03-05T21:21:31-08:00  
Input File Name: CENTRAL\_AVE\_03.05.20.rbd19

C191-PRF-01E  
(Page 6 of 14)

Table with 14 columns: 01-14. Rows include Name, Zone, Construction, Azimuth, Orientation, Gross Area, Skylight Area, Roof Slope, Roof Reflectance, Roof Emittance, Cool Roof, Status, Verified Existing Condition, and Existing Construction. Includes areas like Cathedral Ceiling, M Bed, M Bath, M Office, and Star/Hallway.

Table with 10 columns: 01-10. Rows include Name, Construction, Type, Roof Rise, Roof Reflectance, Roof Emittance, Radiant Barrier, Cool Roof, Status, and Verified Existing Condition. Includes area for Attic.

Registration Number: 420-P010027159A-000-000-000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.108  
Schema Version: rev 20200301

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176B N SAN FERNANDO ROAD  
LOS ANGELES, CA 90031  
T 323 843 2201  
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CLIENT  
LYNN JACKSON

OWNER  
LYNN JACKSON  
216 CENTRAL AVE. CAPITOLA, CA  
95100

ENGINEER  
STREETER GROUP, INC.  
2574 Main Street, Suite C  
Soquel, CA 95073 (831) 477-1781

SURVEYOR  
N/A

GENERAL CONTRACTOR  
LIC#

LEGEND

(E) TO REMAIN

(D) DEMO / TO BE REMOVED (TBR)

(E) NOT IN CONTRACT (INC)

(N) CONSTRUCTION

(X) CONSTRUCTION

NO. ISSUE DATE

PROJECT  
CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95100

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SHEET TITLE

CEC

SHEET NUMBER

A700.1

gigante AG 2013

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:  
Calculation Date/Time: 2020-03-05T21:31:08-00  
Input File Name: CENTRAL\_AVE\_03\_05\_20-r0d39

CF1R-PHF-01E

(Page 7 of 14)

Table with 16 columns (01-16) for Penetration/Glazing. Columns include Name, Type, Surface, Orientation, Admittance, U-factor, SHGC, Exterior Shading, Status, and Verified Existing Condition.

Registration Number: 420-P010027159A-000-000-0000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.106  
Schema Version: rev 20200101

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:  
Calculation Date/Time: 2020-03-05T21:31:08-00  
Input File Name: CENTRAL\_AVE\_03\_05\_20-r0d39

CF1R-PHF-01E

(Page 10 of 14)

Table with 8 columns (01-08) for Onique Surface Constructions. Columns include Construction Name, Surface Type, Construction Type, Framing, Total Cavity R-value, Interior/Exterior Condensance R-value, U-factor, and Assembly Layers.

Table with 4 columns (01-04) for Building Envelope - HERS Verification. Columns include Quality Insulation Installation (DI), Quality Insulation of Spray Foam Insulation, Building Envelope Air Leakage, and CFM50.

Registration Number: 420-P010027159A-000-000-0000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.106  
Schema Version: rev 20200101

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:  
Calculation Date/Time: 2020-03-05T21:31:08-00  
Input File Name: CENTRAL\_AVE\_03\_05\_20-r0d39

CF1R-PHF-01E

(Page 8 of 14)

Table with 16 columns (01-16) for Penetration/Glazing. Columns include Name, Type, Surface, Orientation, Admittance, U-factor, SHGC, Exterior Shading, Status, and Verified Existing Condition.

Registration Number: 420-P010027159A-000-000-0000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.106  
Schema Version: rev 20200101

CERTIFICATE OF COMPLIANCE

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Calculation Date/Time: 2020-03-05T21:31:08-00  
Input File Name: CENTRAL\_AVE\_03\_05\_20-r0d39

CF1R-PHF-01E

(Page 11 of 14)

Table with 10 columns (01-10) for Water Heating Systems. Columns include Name, System Type, Distribution Type, Water Heater Name (H), Solar Heating System, Compact Distribution, HERS Verification, Status, Verified Existing Condition, and Existing Water Heating System.

Table with 14 columns (01-14) for Water Heaters. Columns include Name, Heating Element Type, Tank Type, Tank Volume (gall), Energy Factor or Efficiency, Input Rating or Flow (gpm), Tank Size or Recovery (min), Tank Location or Ambient Condition, NEA Heat Pump Brand or Model, Tank Location or Ambient Condition, Status, and Verified Existing Condition.

Table with 8 columns (01-08) for Water Heating - HERS Verification. Columns include Name, Pipe Insulation, Parallel Piping, Compact Distribution, Compact Distribution Type, Recirculation Control, Central OHW Distribution, and Shower Drain Water Recovery.

Table with 11 columns (01-11) for Space Conditioning Systems. Columns include Name, System Type, Heating Unit Name, Cooling Unit Name, Fan Name, Distribution Name, Required Thermostat Type, Status, Verified Existing Condition, Heating Equipment Count, and Cooling Equipment Count.

Registration Number: 420-P010027159A-000-000-0000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.106  
Schema Version: rev 20200101

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:  
Calculation Date/Time: 2020-03-05T21:31:08-00  
Input File Name: CENTRAL\_AVE\_03\_05\_20-r0d39

CF1R-PHF-01E

(Page 9 of 14)

Table with 6 columns (01-06) for Onique Doors. Columns include Name, Side of Building, Area (sq ft), U-factor, Status, and Verified Existing Condition.

Table with 8 columns (01-08) for Onique Surface Constructions. Columns include Construction Name, Surface Type, Construction Type, Framing, Total Cavity R-value, Interior/Exterior Condensance R-value, U-factor, and Assembly Layers.

Registration Number: 420-P010027159A-000-000-0000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.106  
Schema Version: rev 20200101

CERTIFICATE OF COMPLIANCE

Project Name: CENTRAL AVE  
Calculation Description:  
Calculation Date/Time: 2020-03-05T21:31:08-00  
Input File Name: CENTRAL\_AVE\_03\_05\_20-r0d39

CF1R-PHF-01E

(Page 12 of 14)

Table with 4 columns (01-04) for HVAC - Heating Unit Types. Columns include Name, System Type, Number of Units, and Heating Efficiency.

Table with 8 columns (01-08) for HVAC - Cooling Unit Types. Columns include Name, System Type, Number of Units, Efficiency EER, Efficiency SEER, Zonally Controlled, Multi-speed Compressor, and HERS Verification.

Table with 16 columns (01-16) for HVAC - Distribution Systems. Columns include Name, Type, Design Type, Duct Ins. R-value, Duct Location, Surface Area, Supply Return, Repeat Duct, Duct Leakage, HERS Verification, Status, Verified Existing Condition, Heating Distribution System, and New Ducts 40 ft.

Table with 9 columns (01-09) for HVAC Distribution - HERS Verification. Columns include Name, Duct Leakage Verification, Duct Leakage Target (%), Verified Duct Location, Verified Duct Design, Buried Ducts, Deeply Buried Ducts, Low-leakage Air Handler, and Low Leakage Ducts Exposed to Conditioned Space.

Registration Number: 420-P010027159A-000-000-0000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance  
Report Version: 2019.1.106  
Schema Version: rev 20200101

R. SCOTT MITCHELL

1768 N SAN FERNANDO ROAD  
LOS ANGELES, CA 90031

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CLIENT

LYNN JACKSON

OWNER

LYNN JACKSON  
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95010

ENGINEER

STREETER GROUP, INC.  
2371 Main Street, Suite C  
Soquel, CA 95073 (831) 477-1781

SURVEYOR

N/A

GENERAL CONTRACTOR

LIC#

LEGEND

(E) TO REMAIN

(D) DEMO / TO BE REMOVED (TBR)

(N) CONSTRUCTION

(I) NOT IN CONTRACT (INC)

NO.	ISSUE	DATE

PROJECT

CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

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SHEET TITLE

CEC

SHEET NUMBER

A700.2

gigante AG 2013

**CERTIFICATE OF COMPLIANCE**

Project Name: CENTRAL AVE  
Calculation Description:

Calculation Date/Time: 2020-03-05T21:21:31-08:00  
Input File Name: CENTRAL\_AVE\_03.05.20.rbd19

**CF1R-PRF-01E**

(Page 13 of 14)

01	02	03	04
Name	Type	Fan Power (Watts/CFM)	Name
HVAC Fan System 1	HVAC Fan	0.45	n/a

01	02	03	04	05	06
Dwelling Unit	IAQ CFM	IAQ Watts/CFM	IAQ Fan Type	IAQ Recovery Effectiveness (%)	IAQ Recovery Effectiveness - SRE
1st Flr IAQventHtz	85	0.25	Default	0	n/a



Registration Number: 420-P010027158A-000-000-0000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance

Registration Date/Time: 03/05/2020 21:30  
Report Version: 2019.1.108  
Schema Version: rev 20200101

HERS Provider: Cal Energy  
Report Generated: 2020-03-05 21:26:05

**CERTIFICATE OF COMPLIANCE**

Project Name: CENTRAL AVE  
Calculation Description:

Calculation Date/Time: 2020-03-05T21:21:31-08:00  
Input File Name: CENTRAL\_AVE\_03.05.20.rbd19

**CF1R-PRF-01E**

(Page 14 of 14)

**DOCUMENTATION AUTHOR'S DECLARATION STATEMENT**

I, I certify that this Certificate of Compliance documentation is accurate and complete.

Documentation Author Name: Scott John Davis  
Documentation Author Signature: *Scott John Davis*  
Company: AT3STUDIO  
Registration Date: 03/05/2020  
Address: PO Box 31017  
City/State/Zip: Los Angeles, CA 90031  
Phone: (962) 715-1535  
SEA/HERS Certification Identification (if applicable):

**RESPONSIBLE PERSON'S DECLARATION STATEMENT**

I certify the following under penalty of perjury, under the laws of the State of California:

- I am eligible under Division 1 of the Business and Professions Code to accept responsibility for the building project identified on this Certificate of Compliance.
- I certify that the energy features and performance specifications identified on this Certificate of Compliance conform to the requirements of Title 24, Part 1 and Part 6 of the California Code of Regulations.
- The building design features or system design features identified on this Certificate of Compliance are consistent with the information provided on other applicable compliance documents, worksheets, calculations, plans and specifications submitted to the enforcement agency for approval with this building permit application.

Responsible Designer Name: Scott John Davis  
Responsible Designer Signature: *Scott John Davis*  
Company: AT3STUDIO  
Registration Date: 03/05/2020  
Address: PO Box 31017  
City/State/Zip: Los Angeles, CA 90031  
Phone: (962) 715-1535

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Registration Number: 420-P010027158A-000-000-0000000-0000  
CA Building Energy Efficiency Standards - 2019 Residential Compliance

Registration Date/Time: 03/05/2020 21:30  
Report Version: 2019.1.108  
Schema Version: rev 20200101

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2019 Low-Rise Residential Mandatory Measures Summary



NOTE: Low-rise residential buildings subject to the Energy Standards must comply with all applicable mandatory measures, regardless of the compliance approach used. Review the respective section for more information. \*Exceptions may apply. (01/2020)

Table with 2 columns: Measure ID and Measure Description. Includes sections for Building Envelope Measures, Mechanical and Plumbing System Measures, and Pool and Spa Systems and Equipment Measures.

2019 Low-Rise Residential Mandatory Measures Summary



Table with 2 columns: Measure ID and Measure Description. Includes sections for Requirements for Ventilation and Indoor Air Quality, Lighting Measures, and Pool and Spa Systems and Equipment Measures.

2019 Low-Rise Residential Mandatory Measures Summary



Table with 2 columns: Measure ID and Measure Description. Includes sections for Mechanical and Plumbing System Measures, Electrical System Measures, and Pool and Spa Systems and Equipment Measures.



**FIREPLACE XTRODINAIR**  
SECTION 10 31 16  
MANUFACTURED FIREPLACES  
Display hidden notes to specifier. (Don't know how? [Click Here](#))  
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**PART 1 GENERAL**

- 1.1 SECTION INCLUDES
  - A. Manufactured Gas Fireplaces.
- 1.2 RELATED SECTIONS
  - A. Section 04 22 00.16 - Surface-Bonded Concrete Unit Masonry.
  - B. Section 06 10 00 - Rough Carpentry.
  - C. Section 09 29 00 - Gypsum Board.
  - D. Section 22 10 00 - Plumbing Piping.
  - E. Section 26 05 00 - Common Work Results for Electrical
- 1.3 REFERENCES
  - A. ANSI Z21.44 - Gas-Fired Gravity and Fan Type Direct Vent Wall Furnaces.
  - B. ANSI Z21.88 - Vented Gas Fireplace Heaters.
  - C. Z21.50b - Vented Gas Fireplaces.
  - D. ANSI Z223.1 - National Fuel Gas Code.
  - E. CSA 2.22b - Vented Gas Fireplaces.
  - F. CSA 2.33 - Vented Gas Fireplace Heaters.
  - G. CAN/ULC S610 - Factory-Built Fireplaces.
  - H. UL 127 - Standard for Factory-Built Fireplaces.
  - I. UL 907 - Standard for Fireplace Accessories
  - J. UL 1482 - Standard for Safety for Solid-Fuel Type Room Heaters.
- 1.4 SUBMITTALS
  - A. Submit under provisions of Section 01 30 00 - Administrative Requirements.

10 31 00-1

- B. Product Data: Manufacturer's data sheets on each product to be used, including:
  1. Preparation instructions and recommendations.
  2. Storage and handling requirements and recommendations.
  3. Installation methods.

- 1.5 DELIVERY, STORAGE, AND HANDLING
  - A. Store products in manufacturer's unopened packaging until ready for installation.
  - B. Store products in covered area, well protected from weather.

**PART 2 PRODUCTS**

- 2.1 MANUFACTURERS
  - A. Acceptable Manufacturer: Fireplace X - a division of Travis Industries; 12521 Harbour Reach Drive, Mukilteo, WA 98275. ASD. Tel. Toll Free: (800) 654-1177. Tel: (425) 609-2500. Fax: (425) 609-2781. Email: request info (stoveinfo@travis-inc.com). Web: www.travisindustries.com.
  - B. Requests for substitutions will be considered in accordance with provisions of Section 01 60 00 - Product Requirements.
- 2.2 GAS BURNING MANUFACTURED FIREPLACES
  - A. General: Travis Industries Fireplace Xtrodinair gas burning manufactured fireplaces.
    1. Comply with applicable building codes.
    2. Comply with ANSI Z21.88/CSA 2.33 or Z21.50b/CSA 2.22b.
    3. WHI listed.
  - B. Model Bed and Breakfast GSR2: Top or Rear vent, portrait style gas fireplace. Ideal for small tight locations such as bedrooms and baths. No. 98500236.
    1. Framing Dimensions: 20-1/4 inches (514 mm) wide by 34-1/4 inches (869 mm) high by 12-3/4 inches (324 mm) deep when installed as a Rear Vent and 13-1/2 inches (335 mm) deep when installed as a Top Vent.
    2. Vent: 8 inches (203 mm) outer diameter. Use Simpson Dura-Vent only.
    3. Provided Ember: Flyre burner.
    4. Heater Input: Up to 16,500 BTU/hr with natural gas or propane.
    5. Faces, Bed & Breakfast:
      - a. Artisan, Charcoal No. 95700169.
    6. Interiors:
      - a. Brick Beehive No. 98500669.
    7. Accessories:
      - a. Vent, 21RV No. 98900166.
  - C. Model 564 Space Saver Clean Face GSR2: Direct Vent. No. 98500251.
    1. Framing Dimensions: 38-1/4 inches (972 mm) wide by 36-3/4 inches (934 mm) high by 19-1/8 inches (486 mm) deep.
    2. Vent: 8 inches (203 mm) outer diameter. Use Simpson Dura-Vent with horizontal or vertical Duravent terminations only.
    3. Provide Two Stage Pan Burner.
    4. Heater Input: Up to 20,500 BTU/hr with natural gas or propane.
    5. Tile Trim:
      - a. Flat, 2 inch, Black No. 95900370.
    6. Interior Style:
      - a. Fireback - Black Enamel No. 96100203.
    7. Accessories:

10 31 00-2

- a. Flue Adapter, DV No. 98900165.
- b. GS Remote Control No. 99300690 (NG).

**PART 3 EXECUTION**

- 3.1 EXAMINATION
  - A. Do not begin installation until substrates have been properly prepared.
  - B. If substrate preparation is the responsibility of another installer, notify Architect of unsatisfactory preparation before proceeding.
  - C. Verify proper power supply and fuel source are available.
- 3.2 PREPARATION
  - A. Clean surfaces thoroughly prior to installation.
  - B. Prepare surfaces using the methods recommended by the manufacturer for achieving the best result for the substrate under the project conditions.
- 3.3 INSTALLATION
  - A. Install in accordance with manufacturer's instructions, ANSI Z21.44 and the requirements of authorities having jurisdiction.
  - B. Use manufacturer's guidelines for minimum clearances to combustibles, walls, and finishes.
  - C. Anchor all components firmly in position for long life under hard use.
  - D. Upon completion of installation, visually inspect all exposed surfaces. Touch up scratches and abrasions with touch up paint recommended by the manufacturer; make imperfections invisible to the unaided eye from a distance of 5 feet (1.5 m).
- 3.4 PROTECTION
  - A. Protect installed products until completion of project.
  - B. Touch-up, repair or replace damaged products before Substantial Completion.

END OF SECTION

10 31 00-3

Item 5 B.

**gigante AG**

R. SCOTT MITCHELL

1768 N SAN FERNANDO ROAD  
LOS ANGELES, CA 90031

T 323 843 2201  
F 323 276 0988

CLIENT

LYNN JACKSON

OWNER

LYNN JACKSON  
216 CENTRAL AVE. CAPITOLA, CA  
95010

ENGINEER

STREETEER GROUP, INC.  
2371 Main Street, Suite C  
Soquel, CA 95073 (831) 477-1781

SURVEYOR

N/A

GENERAL CONTRACTOR

LIC#

**LEGEND**

(E) TO REMAIN

(D) DEMO TO BE REMOVED (TBR)

(N) CONSTRUCTION

(I) NOT IN CONTRACT (INC)

NO. ISSUE DATE

PROJECT

CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

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SHEET TITLE

PRODUCT SPECS

SHEET NUMBER

A800

gigante AG 2013



R. SCOTT MITCHELL

176B N SAN FERNANDO ROAD  
LOS ANGELES, CA 90031  
T 323 843 2201  
F 323 276 0988

CLIENT  
LYNN JACKSON

OWNER  
LYNN JACKSON  
216 CENTRAL AVE. CAPITOLA, CA  
95010

ENGINEER  
STREETER GROUP, INC.  
2571 Main Street, Suite C,  
Soquel, CA 95073 (831) 477-1781

SURVEYOR  
N/A

GENERAL CONTRACTOR  
LIC#

**LEGEND**

(E) TO REMAIN
(E) DEMO / TO BE REMOVED (TBR)
(N) CONSTRUCTION
(E) NOT IN CONTRACT (N/C)

NO.	ISSUE	DATE
-----	-------	------

PROJECT  
CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

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SHEET TITLE

LANDSCAPE PLAN

SHEET NUMBER

L100

© gigante AG 2013

**Trees**

- 1 Malus domestica 'Gala'
- 2 Persea americana 'Gwen'
- 3 Accacia cognata
- 4 Brugmansia x can
- 5 Brachycton populensis
- 6 Cercis canadensis 'F.P.'
- 7 Cornus capitata 'Mountain Moon'
- 8 Crataegus Lae.
- 9 Eucalyptus cinerea
- 10 Euonymus europ.
- 11 Fagus sylvan. 'Purple fountain'
- 12 Jacaranda mimosifolia
- 13 Leptosperum 'Dark Shadows'
- 14 Magnolia grandifolia
- 15 Magnolia 'Butterflies'
- 16 Melaleuca sp.
- 17 Paulownia tomentosa
- 18 Prunus salicina 'Santa Rosa'
- 19 Prunus salicina 'Shiro'
- 20 Persimmon fuyu
- 21 Pyrus calleryana
- 22 Pinus sp.

**Small Plants**

- 1 Acanthus spin.
- 2 Alstroemeria sp.
- 3 Dicliptera ser.
- 4 Eryngium sp.

**Bulbs**

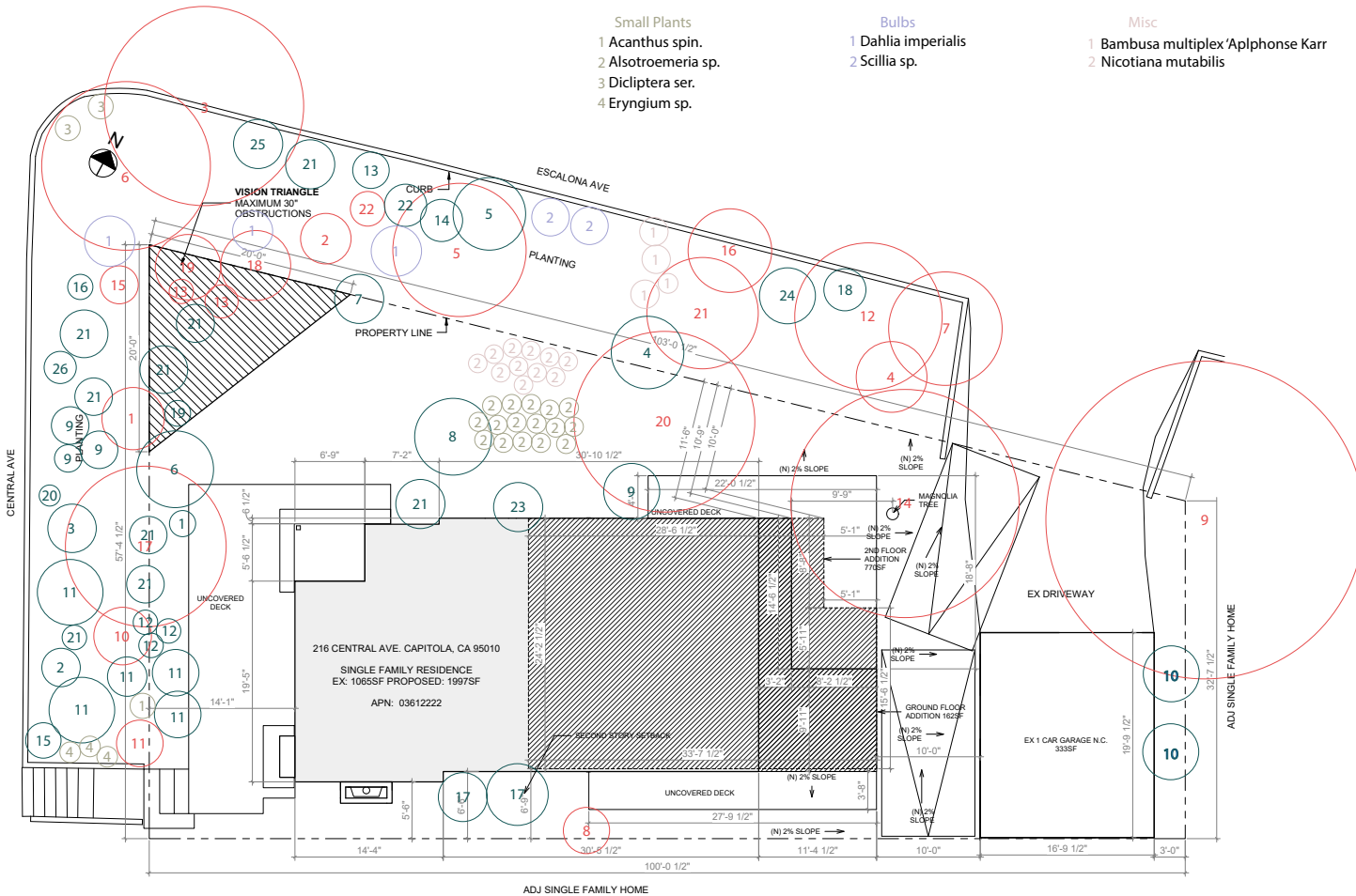
- 1 Dahlia imperialis
- 2 Scilla sp.

**Misc**

- 1 Bambusa multiplex 'Aplphonse Karr
- 2 Nicotiana mutabilis

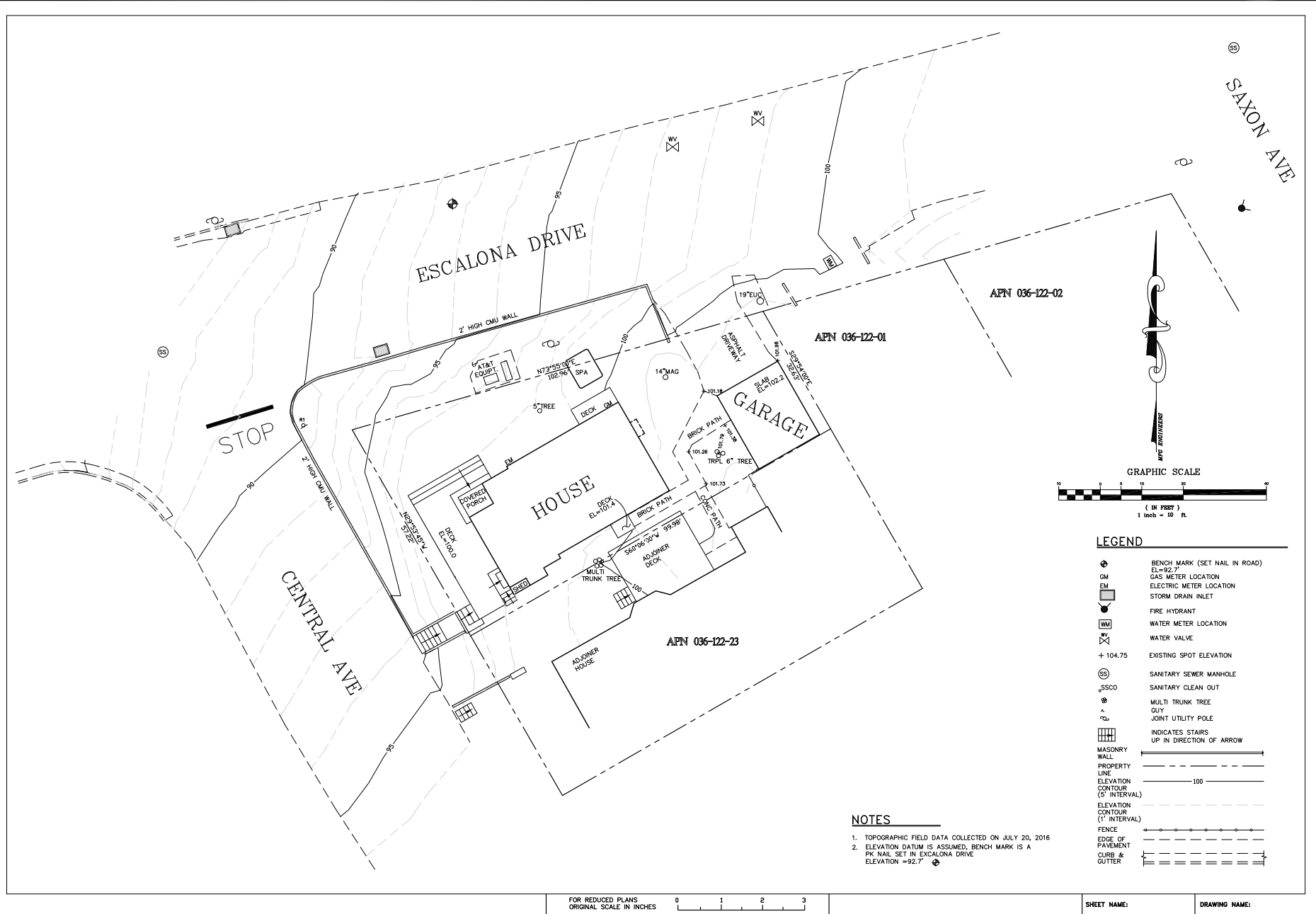
**Shrubs**

- 1 Azellia sp
- 2 Banksia sp.
- 3 Cantua bux.
- 4 Cestrum auran.
- 5 Citrus calamondin
- 6 Citrus cara cara
- 7 Citrus meyer lemon
- 8 Citrus trovolia
- 9 Fuchsia sp
- 10 Fuchsia paniculata
- 11 Garrya elliptica
- 12 Guava chilienese
- 13 Hebe sp
- 14 Hypernicum fon. 'Hidicote'
- 15 Leucodendron sp
- 16 Leucaperum sp
- 17 Hibiscus syr.
- 18 Pittosporum ovalifolia
- 19 Paeonia Itoh sp
- 20 Pittosporum crass. var
- 21 Rosa sp.
- 22 Senecio past.
- 23 Sarcococca con.
- 24 Spiraea x van.
- 25 Viburnum opulus
- 26 Heptacodium miconioides



1 SITE PLAN NEW  
3/16" = 1'-0"

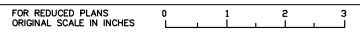




- NOTES**
1. TOPOGRAPHIC FIELD DATA COLLECTED ON JULY 20, 2016
  2. ELEVATION DATUM IS ASSUMED, BENCH MARK IS A PK NAIL SET IN ESCALONA DRIVE ELEVATION = 92.7

**LEGEND**

	BENCH MARK (SET NAIL IN ROAD) EL=92.7
	GAS METER LOCATION
	ELECTRIC METER LOCATION
	STORM DRAIN INLET
	FIRE HYDRANT
	WATER METER LOCATION
	WATER VALVE
	+ 104.75 EXISTING SPOT ELEVATION
	SS SANITARY SEWER MANHOLE
	SSCO SANITARY CLEAN OUT
	⊗ MULTI TRUNK TREE
	⋈ GUY
	⊕ JOINT UTILITY POLE
	▤ INDICATES STAIRS UP IN DIRECTION OF ARROW
	MASONRY WALL
	PROPERTY LINE
	ELEVATION CONTOUR (5' INTERVAL)
	ELEVATION CONTOUR (1' INTERVAL)
	FENCE
	EDGE OF PAVEMENT
	CURB & GUTTER



SHEET NAME: DRAWING NAME:

BY	
REVISION	
DATE	
PROJECT ENGINEER	MFG Engineers, Inc. PO BOX 1914 APTOS, CA. 95003   763-1661 CEL (837) 601-9519
APN 036-122-22	
TOPOGRAPHIC MAP	
216 CENTRAL AV, CAPITOLA, CA	
DRAWN: MFG	
CHECKED: MFG	
DATE: 7/2016	
SCALE: 1"=10'	
JOB NO.	
SHEET	
1 of 1	



Proposed View 1

216 Central

View from Curb at Central Ave



Proposed View 2

216 Central

View from intersection at Central Ave and Escalona Dr



Proposed View 3

216 Central

View from across Central Ave



Proposed View 4

216 Central

Adjacent View across Central Ave

R. SCOTT MITCHELL

6581 ELDER STREET  
LOS ANGELES, CA 90042

T 323 843 2201  
F 323 276 0988

CLIENT

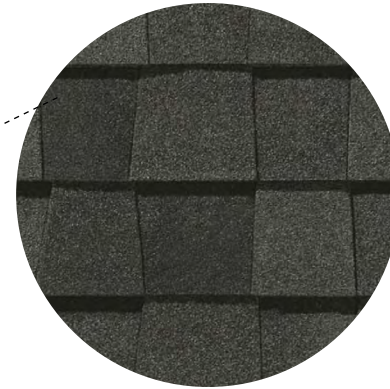
LYNN JACKSON

OWNER

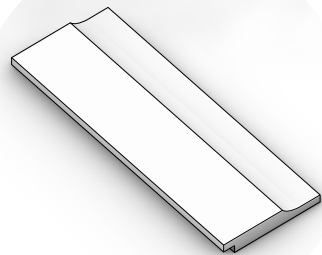
LYNN JACKSON  
216 CENTRAL AVE. CAPITOLA, CA  
95010

ENGINEER

STREETER GROUP, INC.  
2571 Main Street, Suite C,  
Soquel, CA 95073 (831) 477-1781



ROOF COMPOSITION - COLOR  
CertainTeed Landmark PRO Shingle  
Moire Black



DROP LAP SIDING  
Paint-grade clear pine  
Benjamin Moore - Tundra (White)  
2133-70

ALL EXTERIOR TRIM  
Benjamin Moore Ultra White CC-10

PROJECT

CENTRAL  
216 CENTRAL AVE. CAPITOLA, CA  
95010

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SHEET TITLE

COLOR AND  
INFORMATION  
BOARD

142



# City of Capitola Variance Application Form

## Variance Summary

Please explain your Variance request and the development standard(s) which you would like to modify.

We are requesting a variance allowing us to exceed 80% of the estimated value of the home in the renovation/ addition of the residence at 216 Central Avenue in Capitola. Our current renovation, based on the construction cost breakdown spreadsheet, is 89%.

## Required Findings

Please provide the reasons you believe the following findings can be made to support your Variance request. Note any special circumstances related to your property, including lot size, dimensions, shape, structure, topography, and/or a historic structure. Attach additional pages as necessary.

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.

The request for 216 Central Ave pertains directly to the variances granted during the relocation, and renovation of the house, in 2001. The circumstances in question relate to the agreement between the current owners and the City of Capitola during the original relocation of the house in 2001. The corner lot in question was created by the split of a long-held family parcel in order to accommodate a house that could not be moved off Depot Hill due to physical constraints. The move was made in good faith agreement with the city to prevent demolition, and preserve a historically contributing home. The restrictions created by the newly created corner parcel demanded that several variances, be granted. While agreement has worked for almost 20 years, it has hobbled renovation plans in that any workable addition will void the original variances that allowed for the preservation of the house.

- B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

The original owners, and life-long Capitola residents, are asking for a construction valuation variance to be granted. This is necessary to make an addition to the one-bedroom structure to accommodate their changing lifestyle and expanding family. They have worked closely with the planning department and a historical preservation consultant to make sure that the home is in alignment with neighboring properties.

- C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

The denial of the variance creates an undue burden on the live-in owners who want the option to make moderate changes to their property. They simply want to be able to make fair, and reasonable, improvements in relation to what they perceive as the ongoing gentrification, and mansionization, of Depot Hill.

- D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zone as the subject property.

We have been especially conscious of any impact on the Depot Hill Neighborhood. Our guidelines in the design process were to establish precedents with adjacent properties and limit visibly heavy massing. By creating multiple site-line studies, and landscape plans we were able to minimize our visual impact and maintain the historic tone of the home.

- E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

The granting of the variance is an equitable solution for the owners and the neighborhood. They are only asking for an accommodation based on good faith.

- F. The variance will not have adverse impacts on coastal resources.

The Community Development Department has determined that this project is exempt from further environmental analysis pursuant to CEQA Section 15332.





# City of Capitola

## Minor Modification Application Form

### Minor Modification Summary

Please explain your Minor Modification request and the development standard(s) which you would like to modify.

We are requesting a modification based on an existing historic garage. Our renovation / addition plan will require off-street parking for 3 vehicles. We wish to retain the current functional garage, which is not in the scope of work, as the third parking space.

### Required Findings

Please provide the reasons you believe the following findings can be made to support your Minor Modification request. Note any special circumstances related to your property, including lot size, dimensions, shape, structure, topography, and/or a historic structure. Attach additional pages as necessary.

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.

On the guidance of the Capitola Planning department we are requesting this minor modification based on the recently updated code. The garage is original, yet non-conforming with the current required parking depth. The two new spaces will be fully compliant.

B. The modification will not adversely impact neighboring properties or the community at large.

The modification will have no adverse impact on the neighboring properties. It will, in effect, decrease the on-street parking load for Depot Hill.

C. The modification is necessary due to unique characteristics of the subject property, structure, or use.

This modification is necessary due to the home's historic survey status, and the original parking variance granted when the home was moved to the current site. This variance will be rescinded upon approval of the new addition allowing the owners to improve off street parking.

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.

This modification is fully consistent with all listed above.

---

---

---

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.

This modification is fully consistent with all listed above.

---

---

---

F. The modification will not establish a precedent.

The value in maintaining the unique configuration and history of the existing site and structures is the single reason for this minor modification request. We can not conceive of any other future development proposals that would be able to use this approved request as precedent.

---

---

G. The modification will not adversely impact coastal resources.

This modification will in no way impact coastal resources.

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**CONSTRUCTION COST BREAKDOWN PER Section 17.92.070**

<b><u>Existing Building Costs:</u></b>	<b>STAFF</b>			
Existing Residence:	1173	square feet	=	\$ 234,600.00
	\$ 200.00	square foot		
Existing Garage:	0	square feet	=	\$ -
	\$ 90.00	square foot		
Existing Deck:	448	square feet	=	\$ 11,200.00
	\$ 25.00	square foot		
<u>Total Existing Value:</u>				<u>\$ 245,800.00</u>
<b>80% of Total Existing Value</b>				<b>\$ 196,640.00</b>
<b><u>New Construction Costs:</u></b>				
New Conditioned Space:	824	square feet	=	\$ 164,800.00
	\$ 200.00	square foot		
New Garage:	0	square feet	=	\$ -
	\$ 90.00	square foot		
New deck/porch:	72.23	square feet	=	\$ 1,805.75
	\$ 25.00	square foot		
<u>Total New Construction Value:</u>				<u>\$ 166,605.75</u>
<b><u>Remodel Costs: (50% of "new construction" costs)</u></b>				
Remodel Conditioned Space:	461	square feet	=	\$ 46,100.00
	\$ 100.00	square foot		
Remodel Garage:	0	square feet	=	\$ -
	\$ 45.00	square foot		
Remodel Deck:	0	square feet	=	\$ -
	\$ 12.50	square foot		
<u>Total Remodel Value:</u>				<u>\$ 46,100.00</u>
<b><u>Total Construction/Remodel Cost</u></b>				<b><u>\$ 212,705.75</u></b>
<b>% of Existing Value</b>				<b>86.5%</b>

P A S T  
CONSULTANTS LLC

Seth A. Bergstein  
415.515.6224  
seth@pastconsultants.com

---

December 28, 2020

Matt Orbach, Associate Planner  
City of Capitola Planning Department  
420 Capitola Ave.  
Capitola, CA 95010

Re: 216 Central Ave., Capitola, CA – Final Design Review Letter  
APN. 036-122-22

Dear Mr. Orbach:

This letter evaluates the proposed alterations to the property located at 216 Central Avenue, in Capitola, California. The subject property contains a relocated and altered single-story house (circa-1891) constructed in the Vernacular Cottage style and a circa-1920s garage.

### **Project Methodology**

On September 17, 2020 PAST Consultants, LLC (PAST) visited the subject property with you to view the existing conditions of the buildings and discuss the proposed building alterations. Design drawings by R. Scott Mitchell of Gigante AG and dated 6/4/2020 were discussed as the first iteration of the proposed building alterations. The initial design called for a two-story rear addition with a shed roof located at the ridgeline of the original house.

On September 29, 2020, PAST submitted a preliminary review letter of the proposed drawings for conformance with the *Secretary of the Interior's Standards for Rehabilitation* (the *Standards*). This letter concluded that the proposed two-story addition was not in scale with the original, modest Vernacular-styled cottage, the shed-roofed upper story was not set back far enough from the original house and the proposed design did not differentiate from the original building mass.

PAST discussed these recommendations with you, the architect and the Client in our remote meeting held on October 14, 2020. The design team agreed to modify the design to address some of the preliminary concerns and to design a project that would meet the *Standards*. Project drawings of the modified design were submitted to the City of Capitola on December 15, 2020. The following letter report evaluates the proposed design as presented on the architectural drawings by R. Scott Mitchell of Gigante AG, dated 12/15/2020.

---

P.O. Box 721  
Pacific Grove, CA 93950  
www.pastconsultants.com

### Existing Site Conditions

The site contains a modified house (circa-1891) constructed in the Vernacular Cottage style and a circa-1920s garage. Both buildings were moved from 112 Central Avenue to the subject property's present location in 2000 (**Figures 1 and 2**).



**Figures 1 and 2.** Left image shows the front (west) elevation, as viewed from the street. Right image shows the left side (north) elevation.

Following the property's relocation to the subject address at 216 Central Avenue, a rear, gable roofed addition was constructed, removing the post-1915 rear addition (**Figure 3**). The garage was relocated and placed behind the house (**Figure 4**).



**Figures 3 and 4.** Left image shows the rear (east) elevation, with arrows indicating the circa-2000 addition installed behind the cross-gable roof. Right image shows the relocated garage.

Previous reports by others indicate that the subject property was constructed circa-1891 with a T-shape plan with gable roofs, a shed-roofed porch on the left side elevation, an open rear porch, Novelty wood siding and one-over-one, double-hung sash windows. After 1915, the front elevation

received a small shed-roofed addition with an exterior masonry chimney and a rear shed-roofed addition that removed the original rear porch.<sup>1</sup>

### Construction Chronology

Based on permits obtained from the City of Capitola Planning Department and the previous historical reports, the following is the building chronology:

- Circa-1891. Construct original house at 112 Central Avenue, with T-shaped plan and open porch.
- Circa-1915. Construct front, shed-roofed addition and chimney to right side elevation. Remove original rear open porch and construct rear addition.
- 2000. Relocate house and garage to present address. Remove circa-1915 rear addition and construct 120-sf, gable-roofed rear addition and deck. Replace wood sash with vinyl-clad sash in original and new openings. Apply wood siding to brick chimney.

### Remaining Character Defining Features

The remaining character-defining features are:

- Moderately pitched gable roofs with boxed eaves and wide wood fascia boards.
- Original T-shaped plan with street-facing gable end placed in front of a cross-gable mass.
- Shed-roofed entry porch on left side of front elevation (rails and supports replaced).
- Novelty (Channel) horizontal Redwood siding with corner boards.
- Original wood window surrounds (all original window sash replaced).

### The Secretary of the Interior's Standards

The *Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards)* provides the framework for evaluating the impacts of additions and alterations to historic buildings. The *Standards* describe four treatment approaches: preservation, rehabilitation, restoration and reconstruction. The *Standards* require that the treatment approach be determined first, as a different set of standards apply to each approach. For the proposed project, the treatment approach is rehabilitation. The *Standards* describe rehabilitation as:

In *Rehabilitation*, historic building materials and character-defining features are protected and maintained as they are in the treatment Preservation; however, an assumption is made prior to work that existing historic fabric has become damaged or deteriorated over time and, as a result, more repair and replacement will be required. Thus, latitude is given in the

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<sup>1</sup> Charlene Duval and Franklin Maggi for Dill Design, *Historic Report for an Existing Residential Building Located at 112 Central Avenue, Capitola, California*, 1999; and Archives and Architecture, *Historical Status Review – 216 Central Avenue, Capitola, California*, 7/27/2020.

Standards for Rehabilitation and Guidelines for Rehabilitation to replace extensively deteriorated, damaged, or missing features using either traditional or substitute materials. Of the four treatments, only Rehabilitation includes an opportunity to make possible an efficient contemporary use through alterations and additions.<sup>2</sup>

The ten *Standards* for rehabilitation are:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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<sup>2</sup> *The Secretary of the Interior's Standards for the Treatment of Historic Properties*: Kay D. Weeks and Anne E. Grimmer, U.S. Department of the Interior, National Park Service, 1995, 62.

## Summary of Proposed Alterations

Design Drawings by Gigante, AG and dated December 15, 2020, were the design drawings reviewed for this historic evaluation. Proposed alterations affecting the building exterior include:

- Based on recommendations from October 14, 2020 design review meeting, set back wall of second-story addition behind the cross-gable ridgeline of the original house.
- Prioritize the appearance of the original T-shaped, cross-gable plan by allowing the cross gables to read on the side elevations.
- Differentiate between the original house and the proposed two-story addition.

## Evaluation of Proposed Alterations

For the proposed alterations to the subject building, the following lists the ten *Standards* for rehabilitation, with an evaluation given below each standard.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The proposed alterations will allow the building to continue its residential building use, while retaining the existing character defining features that remain on the building, in keeping with this *Standard*.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The proposed building alterations do not remove any distinctive materials that characterize the property. The proposed rear addition removes the circa-2000 rear addition and does not impact the exterior of the original T-shaped plan, with the exception of the rear-building wall, which was altered previously in 2000.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The proposed rehabilitation design does not add conjectural features or elements from other historic properties that would confuse the remaining character-defining features of the existing building, in keeping with this *Standard*.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The circa-1915 additions to the front elevation will be retained, in support of this *Standard*.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*



The proposed alterations maintain distinctive materials, features and finishes that characterize the property, including the wood window surrounds and wood siding, in keeping with this *Standard*.

- 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

The proposed alterations will repair the remaining character defining features listed above. Severely deteriorated features, such as decayed wood window surrounds and wood wall cladding will be repaired, rather than replaced, using established rehabilitation techniques for a given substrate.

- 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Physical treatments to repair deteriorated woodwork, including the removal of paint, will be undertaken using methods that will not further damage the historic wood, in keeping with this *Standard*.

- 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

This *Standard* does not apply, as archaeological features are not identified at the site.

- 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

The proposed additions are on the rear and non-primary elevation of the building as recommended by this *Standard*. Following our preliminary review and design meeting with the Client's design team, the current rehabilitation design has placed the proposed two-story rear addition further back from the street, allowing the ridgeline of the cross gable to be apparent. A flattened hipped roof has been chosen on the two-story rear addition to reduce the bulk of the upper story as seen from the street. The addition will be differentiated from the original house by using wood siding boards of a different width than the original house. For these reasons, the proposed rehabilitation design meets this *Standard*.

- 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

If desired, the proposed additions could be removed and the building reversed to its original configuration, as the remaining elevations are not being impacted by the proposed rehabilitation design. Since the remaining character defining features of the subject house will be maintained, the property will maintain adequate historic integrity and satisfy this *Standard*.

## Conclusion

In conclusion, the proposed design alterations to 216 Central Avenue, Capitola, meet the *Secretary of the Interior's Standards for Rehabilitation*. The proposed changes do not impact the remaining character-defining features or overall historic integrity of the building. Because the proposed alterations to the building meet the *Standards*, the alterations are considered as mitigated to a level of less than a significant impact on the historic resource and do not constitute a substantial adverse change to the historic resource, thus conforming to the requirements of the California Environmental Quality Act (CEQA).

Please contact me with any questions regarding this preliminary review letter.

Sincerely,



Seth A. Bergstein  
Principal

P A S T  
CONSULTANTS LLC

Seth A. Bergstein  
415.515.6224  
seth@pastconsultants.com

September 29, 2020

Matt Orbach, Associate Planner  
City of Capitola Planning Department  
420 Capitola Ave.  
Capitola, CA 95010

Re: 216 Central Ave., Capitola, CA – Preliminary Design Review Letter  
APN. 036-122-22

Dear Mr. Orbach:

This letter summarizes the findings of our site visit and provides preliminary recommendations to the subject project’s design drawings for conformance with the Secretary of the Interior’s Standards for Rehabilitation.

**Existing Site Conditions**

On September 17, 2020 PAST Consultants, LLC (PAST) visited the subject property, located at 216 Central Avenue in Capitola, California, to view the existing conditions of the buildings. The site contains a modified house (circa-1891) constructed in the Vernacular Cottage style and a circa-1920s garage (**Figures 1 – 4**).



**Figures 1 and 2.** Left image shows the front (west) elevation, as viewed from the street. Right image shows the left side (north) elevation.

Both buildings were moved to the subject property's location in 2000. Prior to relocation, the original structures were located at 112 Central Avenue, in Capitola, California. Previous reports by others indicate that the subject property was constructed circa-1891 with a T-shape plan with gable roofs, a shed-roofed porch on the left side elevation, an open rear porch, Novelty wood siding and one-over-one, double-hung sash windows. After 1915, the front elevation received a small shed-roofed addition with an exterior masonry chimney and a rear shed-roofed addition that removed the original porch.<sup>1</sup>

Following the property's relocation to the subject address at 216 Central Avenue, a large rear, gable roofed addition was constructed, removing the post-1915 rear addition (**Figure 3**). The garage was relocated and placed behind the house (**Figure 4**).



**Figures 3 and 4.** Left image shows the rear (east) elevation, with arrows indicating the large, circa-2000 addition installed behind the side gable roof. Right image shows the relocated garage.

### Construction Chronology

Based on permits obtained from the City of Capitola Planning Department and the previous historical reports, the following is the building chronology:

- Circa-1891. Construct original house at 112 Central Avenue, with T-shaped plan and open porch.
- Circa-1915. Construct front, shed-roofed and chimney addition to right side elevation. Remove original rear open porch and construct rear addition.
- 2000. Relocate house and garage to present address. Construct 120-sf, gable-roofed rear addition and deck. Replace wood sash with vinyl-clad sash in original and new openings. Apply wood siding to brick chimney.

<sup>1</sup> Charlene Duval and Franklin Maggi for Dill Design, *Historic Report for an Existing Residential Building Located at 112 Central Avenue, Capitola, California*, 1999; and Archives and Architecture, *Historical Status Review – 216 Central Avenue, Capitola, California*, 7/27/2020.

## Remaining Character Defining Features

The remaining character-defining features are:

- Moderately-pitched gable roofs with boxed eaves and wide wood fascia boards.
- Original T-shaped plan with street-facing gable end placed in front of a cross-gable mass.
- Shed-roofed entry porch on left side of front elevation (rails and supports replaced).
- Novelty (Channel) horizontal Redwood siding with corner boards.
- Original wood window surrounds (all original window sash replaced).

## The Secretary of the Interior's Standards

Two publications provide both the standards and guidelines for analyzing new additions to historic buildings for conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*:

- *The Secretary of the Interior's Standards for the Treatment of Historic Properties*: Kay D. Weeks and Anne E. Grimmer, U.S. Department of the Interior, National Park Service, 1995, 1998; and
- *Preservation Brief 14, New Exterior Additions to Historic Buildings: Preservation Concerns*: Kay D. Weeks and Anne E. Grimmer, U.S. Department of the Interior, National Park Service, Technical Preservation Services, August 2010.

The *Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards)* provides the framework for evaluating the impacts of additions and alterations to historic buildings. The *Standards* describe four treatment approaches: preservation, rehabilitation, restoration and reconstruction. The *Standards* require that the treatment approach be determined first, as a different set of standards apply to each approach. For the proposed project, the treatment approach is rehabilitation. The *Standards* describe rehabilitation as:

In *Rehabilitation*, historic building materials and character-defining features are protected and maintained as they are in the treatment Preservation; however, an assumption is made prior to work that existing historic fabric has become damaged or deteriorated over time and, as a result, more repair and replacement will be required. Thus, latitude is given in the *Standards for Rehabilitation and Guidelines for Rehabilitation* to replace extensively deteriorated, damaged, or missing features using either traditional or substitute materials. Of the four treatments, only Rehabilitation includes an opportunity to make possible an efficient contemporary use through alterations and additions.<sup>2</sup>

The ten *Standards* for rehabilitation are:

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<sup>2</sup> *The Secretary of the Interior's Standards for the Treatment of Historic Properties*: Kay D. Weeks and Anne E. Grimmer, U.S. Department of the Interior, National Park Service, 1995, 62.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## Preliminary Design Review

*Preservation Brief 14, New Exterior Additions to Historic Buildings: Preservation Concerns* summarizes the goals of designing additions to buildings that would conform to the *Secretary of the Interior's Standards for Rehabilitation*:

A new addition to a historic building should preserve the building's historic character. To accomplish this and meet the *Secretary of the Interior's Standards for Rehabilitation*, a new addition should:

- Preserve significant historic materials, features and form;
- Be compatible; and
- Be differentiated from the historic building.<sup>3</sup>

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<sup>3</sup> Kay D. Weeks and Anne E. Grimmer, *Preservation Brief 14, New Exterior Additions to Historic Buildings: Preservation Concerns*, 2.

The subject house's remaining character defining features are minimal and include the original T-shaped plan and Vernacular Victorian-style wood details, including the roof fascia boards and corner boards, window surrounds and wood siding. These elements should be highlighted in the proposed rehabilitation design.

To maintain these features, the following recommendations to the submitted conceptual alteration drawings by Gigante AG, dated 6/4/2020. The primary *Standards* that apply to this project are *Standards 2, 5 and 9*. *Standards 2 and 5* seek to maintain the character defining features of the property, in order for it to maintain its historic integrity. The proposed two-story addition is large compared to the original square footage of the house. The street facing shed roof design and combined rear addition wrap around the corners of the original cross-gable mass, which obscures the T-shaped massing of the original house.

*Standard 9* states: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."


The proposed two-story addition is large and not in scale with the original, modest Vernacular-styled cottage. In addition, the proposed design does not differentiate from the original building mass and appears to utilize the same wood siding as the existing building.

The following general recommendations refer to the proposed design:

1. Consider reducing the square footage of the combined two-story/rear addition.
2. The shed-roofed form of the second-story addition is out of character with the forms of the surrounding Depot Hill neighborhood. Please consider a rear addition consisting of a hipped roof, second-story mass. A shed-roofed dormer could be placed on the west elevation to obtain the view of Capitola.
3. Begin the second story addition behind the rear eave line of the original house's cross gable, to allow the original cross gable to be evident in the new design.
4. Similar to Number 3 above, inset the sidewalls of the rear addition to allow the left- and right-side gable ends of the original cross gable to be visible.
5. Use different wall cladding to achieve differentiation between the original house and the proposed addition.

Please contact me with any questions regarding this preliminary review letter.

Sincerely,



Seth A. Bergstein  
Principal



ARCHIVES  
ARCHITECTURE

PO BOX 1332  
SAN JOSE CA 95109

July 27, 2020

Attn: Matt Orbach, Associate Planner  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010  
(Via email)

RE: Historical Status Review – 216 Central Avenue, Capitola, CA  
APN# 036-12-222

Dear Matt:

This letter constitutes a brief review of the historical evaluation status for the residential property located in the City of Capitola, County of Santa Cruz, at 216 Central Avenue.

#### **EXECUTIVE SUMMARY**

It is the conclusion of this brief review that the property can be found qualified as a historic resource in the City of Capitola. This status would be based on its listing on the 2005 *City of Capitola Historic Structures List* as a contributor to the potential Depot Hill Historic District, although the property is listed with an incorrect address.

The residential property at assessor parcel number 036-12-222, currently addressed as 216 Central Avenue, includes a house that was identified on the City's 1986 survey when it was located at a nearby property (112 Central Ave.). A 1999 evaluation of that property indicated that the house on the 112 Central Avenue parcel would not qualify as an individual resource on a state or national level; however, at that time and at that address, the house and property was not evaluated for potential as a contributor to a historic district, as a district study had not yet been undertaken. In 2004, after the house had been relocated to the subject property, a historic district feasibility study, in concert with the citywide Historic Context Statement, identified the potential Depot Hill Historic District. The feasibility study identified the subject property, with its known-as-relocated historic house, as a contributing property to the potential district. The study erroneously listed the subject property as 220 Central Avenue, but it the study makes clear that it is the subject parcel that is identified as a contributor. Based on this study, an entry was included on the 2005 *City of Capitola Historic Structures List*, so the property is officially listed as a Historic Resource, even with the address error.

The property's historical significance is based on the house's status as a contributor to an identified historic district. Although relocated, the c. 1891 cottage continues to convey contributing associations with the Hihn years of development of the potential Depot Hill Historic District, and with the German immigrant community in the immediate area at the turn of the last century.



**Policy and Regulatory Background**

The City’s historic preservation policies recognize older buildings for their historical and architectural significance as well as their contributions to the identity, diversity, and economic welfare of communities. The historic buildings of Capitola highlight the City’s unique heritage and enable residents to better understand its identity through these links with the past. When a project has the potential to affect a historic resource which is either listed, or eligible for listing, on the California Register of Historical Resources, or is eligible for designation as a Historic Feature under City of Capitola’s criteria, the City considers the impact of the project on this significance. Each of these listing or designation processes is based on specific historic evaluation criteria.

Contributing properties within districts or identified potential districts should prompt a review for specific findings the City of Capitola municipal code. Any proposed project should be expected to undergo design review conducted in accordance with the character of the Depot Hill neighborhood, based on preserving the significance and historic integrity of the property within its surrounding contributing buildings and structures, including preserving the setting, feeling, and associations.

**Proposed Project**

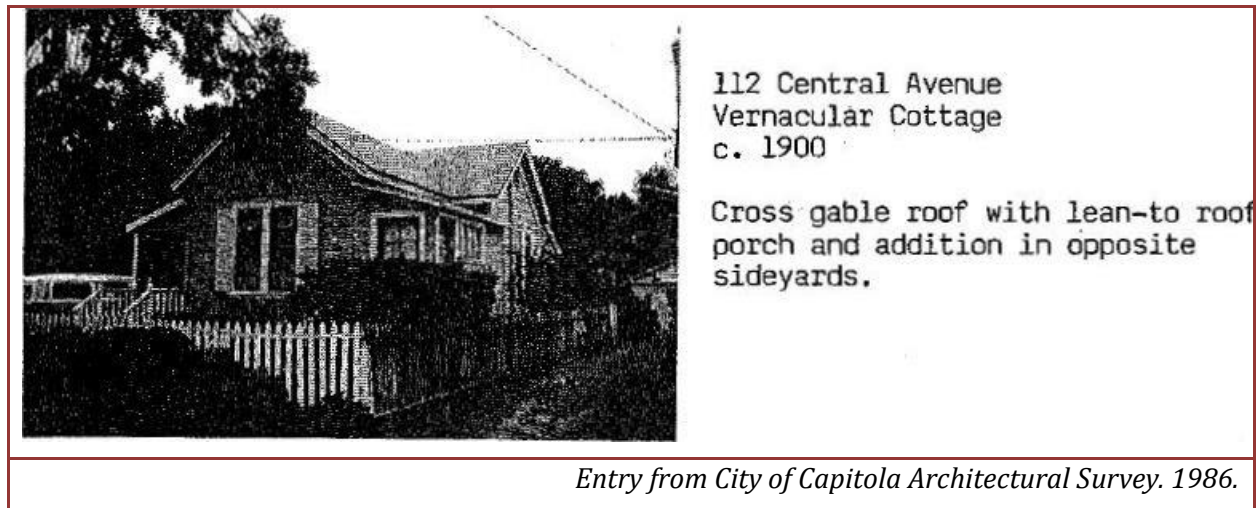
There is a proposed remodeling and addition project at the property. The design of the future project is not reviewed in this review.

**PROPERTY EVALUATION STATUS**

The status of the subject address is associated with two properties in the recent past. The current property is addressed as 216 Central Avenue; this parcel includes a house that was relocated from 112 Central Avenue in about 2000. As necessary, the status of both parcels is identified in this status review.

**1986 – City of Capitola Architectural Survey**

Both properties were surveyed as a part of the 1986 City of Capitola Architectural Survey, a reconnaissance-level survey by Sara Boutelle, Roger Hatheway and Charles Rowe of Rowe & Associates. Per that document, “The objectives of the survey were to conduct an inventory of Capitola’s architectural resources for community planning use and cultural appreciation, and to determine the feasibility of establishing an historic district.” Within the neighborhood, 62 properties were identified in the report as significant. The subject parcel was not identified as a significant resource at that time; however, the subject house was listed on the 1986 survey at its former address of 112 Central Avenue. It is identified as “Vernacular Cottage c. 1900” with “Cross gable roof with lean-to roof porch and addition in opposite sideyards [sic].”



**1999 – Historic Report: For an Existing Residential Building Located at 112 Central Avenue, Capitola California**

In November 1999, the property at 112 Central Avenue was the subject of an intensive-level survey by Charlene Duval and Franklin Maggi with Dill Design Group for Clyde Dyrdaahl, the owner at that time. The report found that the property was not individually eligible for listing on the California or National Registers, as follows:

*The building was evaluated for significance based on age, integrity, and architectural value. While the building meets the 50 year-old threshold of both the national and California registers, and enough integrity remains of the original structure on the exterior to meet minimum requirements for eligibility. The building itself lacks distinctive characteristics or high artistic values that represents a significant or distinguishable entity in the community. The building therefore does not meet the minimum eligibility requirements to qualify for the national or California registers as an individual building of merit.*



*Primary Photograph from Historic Report: For an Existing Residential Building Located at 112 Central Avenue, Capitola California. Photo by F. Maggi. 1999.*

The report did not evaluate the property—or its house—as a contributor to a potential historic district. The report describes that potential as follows:

***Potential for Neighborhood Historic District***

*The potential exists that Depot Hill may qualify as an historic district that meets the minimum eligibility requirements for listing on the National and California registers. The early development of this neighborhood included a number of well-known community leaders of San José and Santa Clara. Many*

*of these early property owners were of German descent and were associated with San José's Germania Verein and Turn Verein. It cannot be determined within the scope of this report if this subgroup constituted a primary ethnic group associated with the Depot Hill neighborhood, or if this ethnic group was more a contributing factor to the development of a larger community of summer homes.*

*The determination of the eligibility of the neighborhood for the national or California registers is beyond the scope of this report, and would require extensive definition and evaluation of the boundaries, historical context, period of significance, and integrity of the area. Whether or not the subject building would be a contributor to this potential district would be speculative at this time.*

The report also did not evaluate the property using City of Capitola Historic Feature criteria, for reasons that are now unknown.

### **2000 – Relocation**

The cottage formerly identified at 112 Central Avenue was relocated to the subject parcel, at the southeast corner of Central Avenue and Escalona Drive.

### **2004 – Historic Context Statement for the City of Capitola**

Per the June 2004 Draft *Historic Context Statement of the City of Capitola* (Context Statement) by Carolyn Swift, the Depot Hill neighborhood is associated with the Frederick A. Hihn resort-development years, identified as part of the Phase I Residential Period of Significance of Economic Development of Capitola, dating from 1884 to 1913. Per the Context Statement:

*Capitola has always been a residential community, whether its inhabitants were summer visitors or lived in Capitola full time. A substantial number of the city's residential properties were developed prior to World War II and constitute the bulk of the historically significant resources in the city. The earliest were simple vernacular style, like the small houses on Stockton, San Jose, and California Avenues in the earliest subdivision; Lawn Way in the central village; farmhouses on Hill and Pine Streets; cottages in the Riverview Avenue tract and **on Central Avenue on Depot Hill** [emphasis added], and Camp Fairview houses in the Jewel Box...*

The property at 112 Central had been identified in the 1999 report as associated with Herman and Louisa Hannemann; they purchased the property in 1891. That family is mentioned specifically in the Context Statement for significant associations with the Germania Verein in the Depot Hill neighborhood.

The Context Statement defines Significance as follows: "Properties associated with the context of architectural development include single-family homes, apartments, vacation cottages and cabins..." The Context Statement notes that "Significance of single-family residences are those directly related to Capitola's architectural chronology as described above." The relocated cottage is associated with the 1881-1895 development of cottages on "...Depot Hill built by German immigrants, members of the Turn Verien."

### **2004 – Depot Hill: Historic District Feasibility Study**

Also in June 2004, Archives & Architecture: Heritage Resource Partners outlined the potential significance of the Depot Hill neighborhood in a feasibility study for the City of Capitola Community Development Department. As noted above, by that time, the house identified in the 1986 City Survey and 1999 Property Survey had been relocated from 112 Central Avenue to the subject

parcel. Because the feasibility study was developed at the same time as the City of Capitola context statement, the Depot Hill report states that it would not “...include research and preparation of a historic context statement for the neighborhood, but rather [focus] on identifying the visual sense of place.”

In the feasibility report, the policy framework notes that, “It has been a goal of the City of Capitola to promote a greater sense of historic awareness and community identity and to enhance the quality of urban living through preservation of historically significant structures and site.” The study reviewed the area for its fulfillment of two primary criteria:

1. the proposed historic district is a geographically definable area of urban or rural character, and
2. possesses a significant concentration or continuity of site, buildings, structures or objects unified by past events and/or aesthetically by plan or physical development.

In that report, maps clearly illustrate that the property is within the proposed boundaries of the potential historic district and identify the property as a potential contributor; however, the listing within the study confused the address. In the study, the property is identified as 220 Central Ave. and also implies that the property might have an address on Escalona Drive. It is clear that 216 Central Ave. is the referenced property because the listing refers to the relocation of the house from 112 Central Ave.

The house relocated to 216 Central Avenue was originally built during the Period of Significance of the potential district from 1884 to 1919 (the Hihn years). The house is originally owned by a German immigrant family, a significance also historically associated with the neighborhood.



*Maps from the Depot Hill: Historic District Feasibility Study. Subject Property circled. (Left map: illustrates the identified district boundaries. Right map: identifies the contributors in gray). 2004.*

Ref. No.	Address	Est. Date	Architectural Style	Within district	Comments (* indicates in 1986 survey)
CAP0127	210 Central Ave.	c1890s	Eastlake Pyramid Cottage	yes	* New windows. Plywood. Clipped pyramidal roof. Shed additions.
CAP0128	211 Central Ave.		Contemporary beach house	no	Two stories.
CAP0129	212 Central Ave.		Minimal Traditional	yes	Contemporary, one story.
CAP0130	214 Central Ave.	c1890s	Queen Anne	yes	* Deck and stairs added to front.
CAP0131	219 Central Ave.	Post 1933	Spanish Revival Motel	no	One story.
CAP0132	220 Central Ave.	1892	Folk Victorian	yes	Relocated from 112 Central Ave. Now addressed on Escalona.

*Detail of the Listing of Identified Contributors from the Depot Hill: Historic District Feasibility Study. Note incorrect address. 2004.*

### 2005 City of Capitola Historic Structures List

The property is listed in the 2005 *City of Capitola Historic Structures List*. It continued to be identified by the wrong address—220 Central Avenue, an address that does not exist in the City. This document indicates that the property is listed for its associations with the Capitola Architectural Survey of 1986 and the Depot Hill Feasibility Study of 2004 (indicated by the designations “D and E” on the Historic Structures List). It is identified as 7N; this designation, according the State of California Historical Resource Status Codes, indicates that the property “needs to be reevaluated.” Per the City of Capitola Municipal Code:

*A potential historic resource is a site, structure, or feature that has previously been identified by the city as potentially historic and is included on a list of potentially historic resources as maintained by the community development department consistent with Section 17.84.050 (Maintenance of potential historic resource list). The purpose of the list of potential historic resources is to maintain an inventory of properties that are potentially historic for use by city staff when reviewing development project applications. (Ord. 1017 § 2 (Exh. A) (part), 2018)*

### SUMMARY AND CONCLUSION

The residential property at assessor parcel number 036-12-222, currently addressed as 216 Central Avenue includes a house that was identified on the City’s 1986 survey when it was located at a nearby property (112 Central Ave.). That property was intensively surveyed in 1999, prior to the publication of the Depot Hill Feasibility Study and the City of Capitola Context Statement. The property was not found to be individually significant on a state or national level at that time; however, the report included a disclaimer that it had not been evaluated for its potential significance as a contributor to a potential historic neighborhood. The house was relocated to the subject property around the year 2000.

In 2004, the Depot Hill Feasibility Study evaluated the neighborhood for potential significance as a historic district, and the City of Capitola Context Statement identified the historic significance of the surrounding area. In the Depot Hill Feasibility Study, the property was identified and listed as a contributor, but it was listed with an incorrect address. In 2005, the property was listed on *City of Capitola Historic Structures List*, without a correction of the address.

The property is within the identified boundaries of the Depot Hill Historic District, the house is identified as a contributor to the potential historic district, and the property is listed within the 2005 City of Capitola Historic Structures List (with an incorrect address).

### **Conclusion**

It is the conclusion of this brief review that the property qualifies as a historic resource. The property's historical significance is based on the house's status as a contributor to an identified historic district. Although relocated, the c.1891 cottage continues to convey contributing associations with the Hihn years of development of Depot Hill, and with the German immigrant community in the immediate area at the turn of the last century.

### **QUALIFICATIONS and REFERENCES**

Archives & Architecture, LLC, is a cultural resource management firm located in San Jose, California. Leslie Dill, partner in the firm and the author of this letter, meets the Secretary of the Interior's qualifications within the fields of historic architecture and architectural history to perform identification, evaluation, registration, and treatment activities in compliance with state and federal environmental laws, and is listed with the California Historical Resource Information System (CHRIS). The standards for listing are outlined in 36 CFR Part 61.

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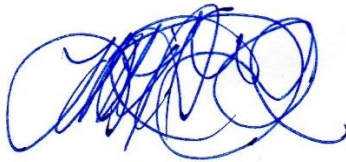
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Sincerely:



Leslie A.G. Dill, Architectural Historian and Historic Architect  
Archives & Architecture, LLC

## **HISTORIC REPORT**

For an Existing Residential Building  
Located at 112 Central Avenue  
Capitola, California

For  
Clyde Dyrdaahl  
465 Mundell Way  
Los Altos, CA 94022

prepared by:

### **DILL DESIGN**

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Written by:  
**Charlene Duval**  
**Franklin Maggi**

November 30, 1999

## TABLE OF CONTENTS

INTRODUCTION .....	3
HISTORICAL BACKGROUND.....	4
Historical Background of Capitola .....	4
Location Map.....	4
Development of Depot Hill.....	6
112 Central Avenue .....	6
DESCRIPTION.....	8
EVALUATION FOR SIGNIFICANCE.....	10
California Register of Historic Resources .....	10
National Register of Historic Places.....	10
Potential for Neighborhood Historic District.....	11
Impacts of Proposed Project .....	11
LITERATURE CITED AND CONSULTED.....	13
APPENDIX	
Sanborn Fire Insurance Map / 1915.....	16
State Historic Resources Evaluation Forms (DPR 523 A&B).....	17



## INTRODUCTION

Architectural and historical research and evaluation for the property located at 112 Central in Capitola was conducted in November of 1999 by the firm of Dill Design and Charlene Duval, historian. Clyde Dyrdaahl, owner of the subject property, requested a report for submittal to the City of Capitola. Mr. Dyrdaahl is considering a project including construction of a new residence on the property.

Leslie A. G. Dill has a Master of Architecture with a certificate in Historic Preservation from the University of Virginia, and is licensed in California as an Architect. Franklin Maggi, an Architectural Historian with Ms. Dill's firm, has a Bachelor of Architecture with an area of concentration of Architectural History from the University of California, Berkeley. Charlene Duval has a Master of Social Science from San José State University and has been conducting historic research in the area for over 20 years. Leslie A. G. Dill and Franklin Maggi are listed with the Northwest Information Center as meeting the requirements to perform identification, evaluation, registration, and treatment activities within the professions of Historic Architect and Architectural Historian in compliance with state and federal environmental laws.

Franklin Maggi and Charlene Duval conducted a field survey of the subject property in November of 1999. The building and site were examined. Notes on the architecture, characteristic features of the buildings, and the neighborhood context were made. Photographs were taken of both the interior and exterior of the residence. The architectural descriptions within this report were written based on these notes and photographs. Additional research was undertaken that included visits to major repositories of local historic source material. These included the Capitola Historical Museum, the Santa Cruz County Recorder's Office, the Santa Cruz Public Library, and the California Room of the Martin Luther King Main Library in San José.

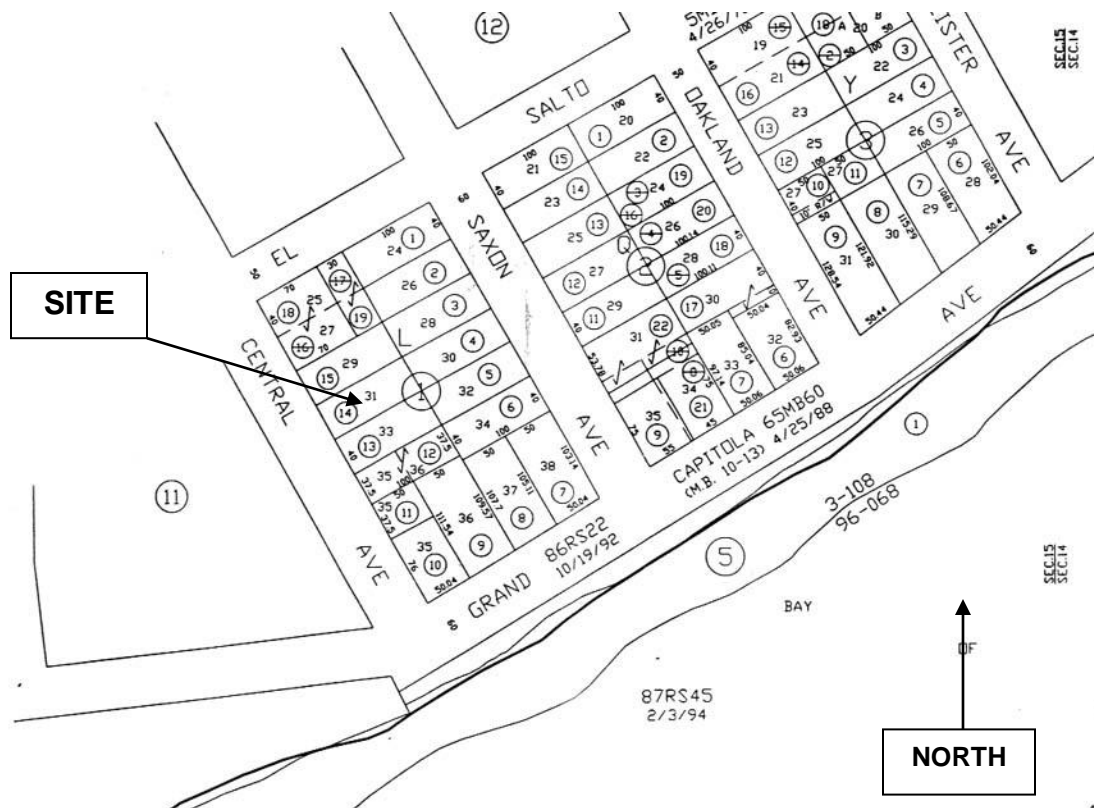
The building is currently listed on the Capitola's Historic Resources Inventory. It is not individually listed on the National Register of Historic Places or the California Register of Historic Resources.

While the first inhabitants of this region were Native Americans of the Ohlone or Costanoan language group, this report is not intended nor should be used to address pre-historic issues. A qualified archeologist should undertake pre-historic investigation. The historic overview involving the area's Spanish and Mexican periods is provided to determine the potential for historical resources related to this era.

The consultant disclaims any knowledge of asbestos at the project site, and has not undertaken nor intends to undertake or report on any conditions relating to asbestos or other safety hazards that might or might not exist at the site and building.

## HISTORIC BACKGROUND

Understanding the historical context of a neighborhood and region is the first step in the evaluation of properties of potential historical, architectural, and/or cultural significance. The property that is the subject of this report is located in a neighborhood known as Depot Hill in the city of Capitola. The following historic background is intended to place the development of this neighborhood within the context of the city and region.



Location Map (from Santa Cruz County Assessor)

### Historic Background of Capitola

Camp Capitola was founded in 1869 by Frederick Hihn on a sheltered beach that had formerly been an Indian village and known during the Mexican era as *La Playa de Soquel* (the Beach of Soquel). Capitola Village was located on the *Rancho Soquel*, 1,668 acres granted to Martina Castro (Lodge) in 1834. In 1844, Martina Castro requested and was granted the *Rancho Soquel Augmentacion*, an additional 32,702 acres, that included the vast redwood forests of what is today the Nisene Marks State Forest. Martina Castro was the granddaughter of Joaquin Isidro Castro Martina Botillér, who came to California with his family as part of the Anza colony in 1776. In 1833, her father, José Joaquin Castro, was granted the *Rancho San Andres*, two square leagues that included what later became the town of Watsonville (Rowland 1980; Laffey 1998).

In 1850, Martina Castro divided her vast holdings among her eight children. A wharf was constructed at the mouth of Soquel Creek in the early 1850s. This locale was known as Lodges Beach and also as Soquel Landing. In 1857, Frederick A. Hihn contracted to build a new wharf, which was over 400 feet long and twenty-four feet wide. Now known as the Capitola Wharf, this wharf has been damaged and rebuilt many times through its long history. Soquel Landing was the shipping point for potatoes grown near Soquel and for lumber from the Soquel watershed. By 1865, Frederick A. Hihn had acquired much of the Soquel ranchos from the heirs of Martina Castro (Rowland 1980; Laffey 1998).

Frederick Hihn was one of the most influential men in the development of Santa Cruz County during the last half of the nineteenth century. A native of Germany, Hihn came to California in 1849. He settled in Santa Cruz in 1851 where he opened a grocery store. Among the long list of his many political and economic activities are included the development of the Santa Cruz and Soquel water systems in 1856 and construction of the road from Soquel to join the road from the Santa Clara Valley in 1858. He was one of the organizers of the San Lorenzo Valley Railroad in 1861, the California Coast Railroad in 1867 and the Santa Cruz & Watsonville Railroad in 1872. He was the president of the Santa Cruz Railroad from 1873-1881. He owned sawmills at Aptos, Valencia, Glenwood, Gold Gulch, Laurel, Boulder Creek and Kings Creek. He was the assemblyman from Santa Cruz from 1870 to 1872, served as a County Supervisor in the 1890s, and was a Santa Cruz school trustee. In 1902, he was appointed as one of the first five trustees for the new California State Polytechnic College in San Luis Obispo. (Lydon and Swift 1978; Clark 1986; Laffey 1998).

In 1869, Frederick Hihn leased the land near Soquel Landing to S. P. Hall, a former contractor and builder of Soquel's Congregational Church. At the suggestion of Hall's daughter Lulu, a tent camp was set up along the beach and visitors began arriving in 1870. The Halls operated their tent camp for five years on the beach at Camp Capitola, the resort having been named, also at Lulu Hall's suggestion, after the heroine of popular novel *Capitola's Peril* by E.D.E.N. Southworth (Swift 1998a; Swift 1999b). Tourists arrived in Capitola by way of Hihn's Santa Cruz-Watsonville Railroad, which had been completed in 1876 (Lydon and Swift 1978). In 1880 the South Pacific Coast Railroad was completed from San José, making a shorter faster access to Capitola from San José and points north (MacGregor 1968).

Frederick Hihn had little involvement in Camp Capitola until 1882 when he forced out leases of the camp. The first subdivision maps were drawn in 1882; and by 1884, the seaside resort included a dance hall, shooting gallery, bowling alley and skating rink. Much of the beach and southern bluff had also been subdivided for home sites. In 1883, the narrow gauge railroad had been broad-gauged, facilitating the arrival of tourists and new homeowners, especially from the Santa Clara Valley, to the seaside resort (Swift 1998b; Swift 1999).

Hihn opened the large, three-story, Capitola Hotel in 1895. Capitola was called one of the most popular seaside resorts in California. In 1904, Fred Swanton's Santa Cruz Capitola and Watsonville Railway brought electric rail service to Capitola, which made the resort even more accessible and popular with tourists (Lydon and Swift 1978; McCaleb 1995).

In 1913, F. A. Hihn died at the age of 84, leaving his Capitola property to his daughter Katherine Henderson. In 1919, she sold Hihn's interests to Henry Allen Rispin who immediately made plans to further develop Capitola as a year-round resort. Rispin's plan was to sell lots to wealthy and influential businessmen who would be attracted by exclusive clubs, concrete hotels, and beautifully landscaped golf

courses. His plans ended with his bankruptcy in 1929. Fires during these years also changed the landscape of Capitola, the Hotel Capitola burned in 1929 and most of the commercial district burned in 1933. The village was rebuilt and in 1949 was incorporated into the City of Capitola (Swift and Lydon 1978; Laffey 1998; Swift 1998c).

### **Development of Depot Hill**

In the early 1880s the area now known as Depot Hill was subdivided into lots as part of F. A. Hihn's Camp Capitola survey, adopted in May 1884. R. D. Berry of Soquel and E. J. Delaney of San José were identified as contact persons for the purchase of lots (Map Book 2:23). Delaney's primary occupation was that of an orchardist, owning ten acres on Lincoln Avenue in the Willow Glen area near San José (Foote 1888). Hihn focused on Santa Clara Valley for buyers in the early years of the marketing of the subdivision. The first lots developed on Depot Hill in the mid-1880s were owned by well-known community leaders of San José and Santa Clara, including Adolph Pfiester, Daniel J. Porter, John Pieper, J. E. Rucker, A. Steiger, Jacob Lenzen, A. R. Woodhams, and Charles and A. T. Herrmann (Swift 1999). Many of these new property owners were of German descent. They were associated with the San José Germania Verein, a German social club, organized in 1856 by Adolph Pfiester and others. In 1868, the San José Turn Verein was established (Duval 1996; Garboske 1996; Munro-Fraser 1881). During the nineteenth century, German-American social organizations were founded to maintain contacts with the old way of life and in the case of the Turners, to promote physical exercise. These clubs fostered cooperation among older and newer German residents (Adams et al 1990; Brand 1998). The summer migration of these San José residents via the train to their summer homes was extensive, and many of their homes continue to be owned by descendants of the original builders. Depot Hill was also the destination of families from the central valley beginning in the 1890s. Most notable were the "English cottages" of the Robertsons and Rawlins of Hanford. Their estate later became known as *El Salto*, owned by Lewis E. Hanchett of San Francisco, later San José's "transit tycoon" and developer of the still-fashionable Hanchett Park on The Alameda (Lydon and Swift 1978; McCaleb 1881; Arbuckle 1985).

### **112 Central Avenue**

Lot 31 of Block L of Hihn's Camp Capitola subdivision was purchased on November 3, 1891 by Herman and Louisa Hannemann (Deeds 79:432; Map Book 5:63). Hannemann, a native of Germany, was naturalized in Indiana in 1874 and was living in San José by 1876 (Santa Clara County Voter Registration 1892). A carriage maker by trade, Hannemann conducted his occupation at various locations in downtown San José until about 1893 when his name was no longer listed in San José City Directories. It appears that about this time, he took up residence at his cottage in Capitola. In the 1904-05 directory of Santa Cruz County, Hannemann was listed as living on Central Avenue in Capitola and his occupation was a fisherman. On July 10, 1905, the Hannemann's sold their Depot Hill cottage to Harvey Swickard (Deeds 176:96). In the 1914, voter registration, however, Hannemann was still living in Capitola and identified as "retired." On February 14, 1920, he died at the age of 74, leaving his wife Louisa. His obituary stated that he had lived in Capitola for thirty years (*Santa Cruz Evening News* 2/16/1920). Based on the sketchy historical records that are available for Capitola during this period, it is not possible to determine exactly where Hannemann was living during his entire residency. It is possible that after selling to Swickard, he relocated to another location in Capitola. He may also have stayed on in the house for a period of time.

Harvey Swickard came to California via Panama from Ohio with his parents in 1852 when he was nine years old. His father Andrew, who had hoped to regain his health in California, died in 1861. Harvey served in the State Militia during the Civil War and then settled on a 323-acre farm in the Edenvale area of Santa Clara County with his mother Susannah and his wife Isabel. Here, they had a successful wheat farm, which was highlighted in a book done by the San José Mercury in 1896, and raised their eight children: Andrew W., James B., John H., Olive (Thornberg), Emma B. (Hellyer), Charlotte (Stuart Grant), Ella (Dawson), and Sue (Boyce) (Thompson & West 1876; San José Mercury 1896; *Santa Cruz News* 4/1/1931). In 1908, Harvey and Isabel retired to their Capitola cottage where they lived together until 1920 when Isabella passed away (*Santa Cruz Evening News* 8/5/1920). She had been a member of the First Congregational Church of Santa Cruz from January 1908 until her death (Genealogical Society 1990). Harvey maintained ownership of the Capitola house, where he was living at his death on April 1, 1931 at the age of 87 (*San José Mercury Herald* 4/2/1931; Bernal Files). Ownership of Lot 31 then passed to his children on January 15, 1932 (Declaration of Distribution 218:238). At some point the family acquired the adjacent lot to the north, Lot 29, as on February 17, 1936, Lots 29 and 31 were sold by the heirs to their sisters Emma Hellyer (Mrs. George T.) and Lottie (Charlotte) Stuart (Official Records 302:288). The two sisters owned the two lots until February 4, 1941 when they sold them to Clifford C. Weidemann (Official Records 395:274). This sale concluded thirty-six years of Swickard family ownership. Between 1938 and 1945, five (John, James, Andrew, Olive, and Emma) of the Swickard children passed away. Ella died in 1968 at the age of 93 (Bernal Files).

The Swickards appear to have owned two houses by 1922, the other built on Lot 29 (114 Central Avenue) after 1905 (Bowman 1922). That lot was empty on the 1905 Sanborn, which shows this portion of Depot Hill. It is also possible that the Swickards occupied one of these houses at least on and off by 1908, the year Mrs. Swickard joined the church. The Hannemanns may have continued to occupy one of these cottages. Unfortunately, the records either do not exist or have not been located that can confirm this hypothesis.

Clifford Wiedemann owned the house at 112 Central Avenue and the adjacent house and lot for about nine years, then selling to Robert D. and Edna McClure on May 11, 1950 (Official Records 772:182). The McLures sold 112 Central to Duncan and Mary McIntyre on November 22, 1955 (Official Records 1048:213). There have been several subsequent owners since the McIntyre's ownership (Pollack 1999). Clyde Dyrdaahl currently owns the property.

## DESCRIPTION

This one-story, wood-framed, single-family residential structure sits on a moderately sized lot among similarly sized parcels in the Depot Hill area near downtown Capitola. Also located on the lot is a second building, one and one-half stories in height, at the left rear corner. This ancillary building is of recent construction.

The residence sits at the end of a row of four cottages of similar scale. The cottages are set back from the coastline behind a modern residence located at the corner of Grand Avenue and Central Avenue. Residences across the street and to the northwest of the subject property are a mix of designs from the turn of the century, and include recent residential infill buildings.

According to historic record, the original residence appears to have been built in the early to mid 1890s. This time frame is consistent with the vernacular style of the cottage. The details and general character of the building stem from local Victorian design adaptations. The defining features include semi-steep gabled roofs, boxed eaves, large flat trim, doubled vertically shaped windows, and an asymmetrical layout.



F. Maggi / Nov. 1999 / View from street

The original building was T-shaped with a rear wooden porch. This porch was originally open or screened. Along the driveway side of the building, the original wooden front entry porch is set into the T-shape of the building. The front entry door at this porch faces the side property line, and the rear portion of the original porch has been enclosed as interior closet space. The porch structure has been replaced and new railings installed that are in character with the original age of the building. The front entry door has six panels of glass and appears to be original to the building.

The roof has two side gables and one front facing gable, and is covered with composition shingles. The projecting eaves are boxed underneath and are terminated with metal gutters.

Sometime after 1915, the building was expanded to include a small living room addition on the side opposite the front porch, a rear addition incorporating a bath and expanded kitchen space, and a recent chimney on the southeast side of the building. The sidewall of the front room was removed to open the space between this room and its addition. The additions, constructed as sheds attached to the main cottage shape, were sheathed and trimmed with dissimilar materials. A 10-lite glass front door was added with the front addition, as well as a two-over-two double hung window. The addition to the rear has a mix of siding styles and recycled windows. The original windows of the main part of the structure have been replaced with double glazed double hung windows.



F. Maggi / Nov. 1999 / Rear view

The original structure is covered with channel rustic redwood siding. This siding type was common in the region from the mid 1860s to the end of the century. The siding is trimmed with wide flat boards.

The additions are sheathed in v-groove horizontal lap siding, which first came into use in the late 1880s and was used well into the twentieth century, including a revival in the 1940s and 1950s during the evolution of ranch house designs. The chimney is sheathed in plywood. False shutters frame the front windows, an embellishment not historic to the building.

The interior contains three rooms with a kitchen and bath area at the rear. The interior walls have been covered with textured sheetrock in the main rooms, and the rear kitchen area is finished in knotty pine. The only remnant of the original interior is a v-groove panel ceiling in one of the rooms. The original floors are not visible under the various flooring materials installed throughout the house.

The flooring is uneven throughout the structure due to settlement. Various attempts have been made to shore the building with small concrete piers along the perimeter.

A white picket fence frames the front yard and the remaining site has been landscaped and been well maintained. While generally in good condition, the building and site have lost some of their original design integrity due to the additions and the interior modifications. The scale of the structure, however, is consistent with the neighborhood character.

## EVALUATION FOR SIGNIFICANCE

Two sets of criteria were utilized in evaluating the potential of the structure at 112 Central Avenue to be considered a historic resource as defined in the California Environmental Quality Act. The first set of criteria is defined within that of the National Register of Historic Places, which was established by the National Park Service. The California State Historic Resources Commission developed the second set of criteria for the California Register.

### National Register of Historic Places

To meet the criteria of the National Register of Historic Places, a building, site, or object must have architectural and historical integrity, and satisfy at least one of the following conditions:

- Criteria A it is associated with events that have made a significant contribution to the broad patterns of our history; or
- Criteria B it is associated with the lives of persons significant in our past; or
- Criteria C it embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- Criteria D it has yielded, or may be likely to yield, information important in prehistory or history.

### California Register of Historic Resources

In order for a resource to be eligible for the California Register of Historic Resources, a building, site or object must meet three standards of review:

1. A property must be significant at the local, state or national level, under one or more of the following criteria:
  - It is associated with events or patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California and the United States.
  - It is associated with the lives of persons important to the nation or California's past.
  - It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
  - It has yielded, or may be likely to yield, information important to the prehistory or history of the State or the Nation.
2. The resource must retain enough of its historic character or appearance to be recognizable as a historic property, and to convey the reason for its significance; and
3. It is fifty years old or older (except for rare cases of structures of exceptional significance).



Resources already listed, or determined eligible for the National Register, or California Historic Landmarks #770 or higher are also, by definition, eligible for the California Register. A property is automatically eligible for the register if it has been listed under any state, national or local historic resource criteria, unless the preponderance of evidence indicates otherwise.

The property at 112 Central Avenue is not associated with individuals who would qualify the building for either the National or California Registers. It appears that Herman and Louisa Hannemann constructed the building. Herman Hannemann was a carriage maker in San José. In the 1890s Hannemann relocated to Capitola. He was a fisherman. Hannemann is not known to have made a significant contribution to the broad patterns of history, at either the local, state or national levels.

The subsequent owners, Harvey and Isabel Swickard and their heirs also are not known to have made significant contributions to the broad patterns of history. Harvey Swichard was a farmer in Santa Clara Valley who retired to 112 Central Avenue in the early twentieth century. The family owned the property for thirty-six years.

The building was evaluated for significance based on age, integrity, and architectural value. While the building meets the 50 year-old threshold of both the national and California registers, and enough integrity remains of the original structure on the exterior to meet minimum requirements for eligibility. The building itself lacks distinctive characteristics or high artistic values that represents a significant or distinguishable entity in the community. The building therefore does not meet the minimum eligibility requirements to qualify for the national or California registers as an individual building of merit.

### **Potential for Neighborhood Historic District**

The potential exists that Depot Hill may qualify as an historic district that meets the minimum eligibility requirements for listing on the National and California registers. The early development of this neighborhood included a number of well-known community leaders of San José and Santa Clara. Many of these early property owners were of German descent and were associated with San José's Germania Verein and Turn Verein. It cannot be determined within the scope of this report if this subgroup constituted a primary ethnic group associated with the Depot Hill neighborhood, or if this ethnic group was more a contributing factor to the development of a larger community of summer homes.

The determination of the eligibility of the neighborhood for the national or California registers is beyond the scope of this report, and would require extensive definition and evaluation of the boundaries, historical context, period of significance, and integrity of the area. Whether or not the subject building would be a contributor to this potential district would be speculative at this time.

### **Impacts of the Proposed Project**

Under the California Environmental Quality Act, a "project that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment". In this context, a historic resource is one that is listed in or determined to be eligible for listing in the California Register of Historic Resources.

The proposed project includes the possible demolition or relocation of the building at 112 Central Avenue in order to accommodate the construction of a new residence. The California Environmental Quality Acts identifies demolition of historic structures as a significant impact on the environment. In defining historic, the structure must be on or be eligible for the National Register of Historic Places, a California State Landmark above #770, a California Point of Historic Interest or be listed or eligible for listing on a local register. The threshold for significance, for listing on a local register to be eligible for the California Register, must be established through a public process and can be quantitative or qualitative. Because the building at 112 Central Avenue would not qualify for the National or California Registers based on the stated criteria for eligibility, and because there is no established criteria for inclusion of this site in an historic district, it does not appear that demolition or relocation of the building will have a significant impact on the environment in the context of historic resources as defined by the California Environmental Quality Act.

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1870-  
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Santa Cruz County

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Santa Cruz County

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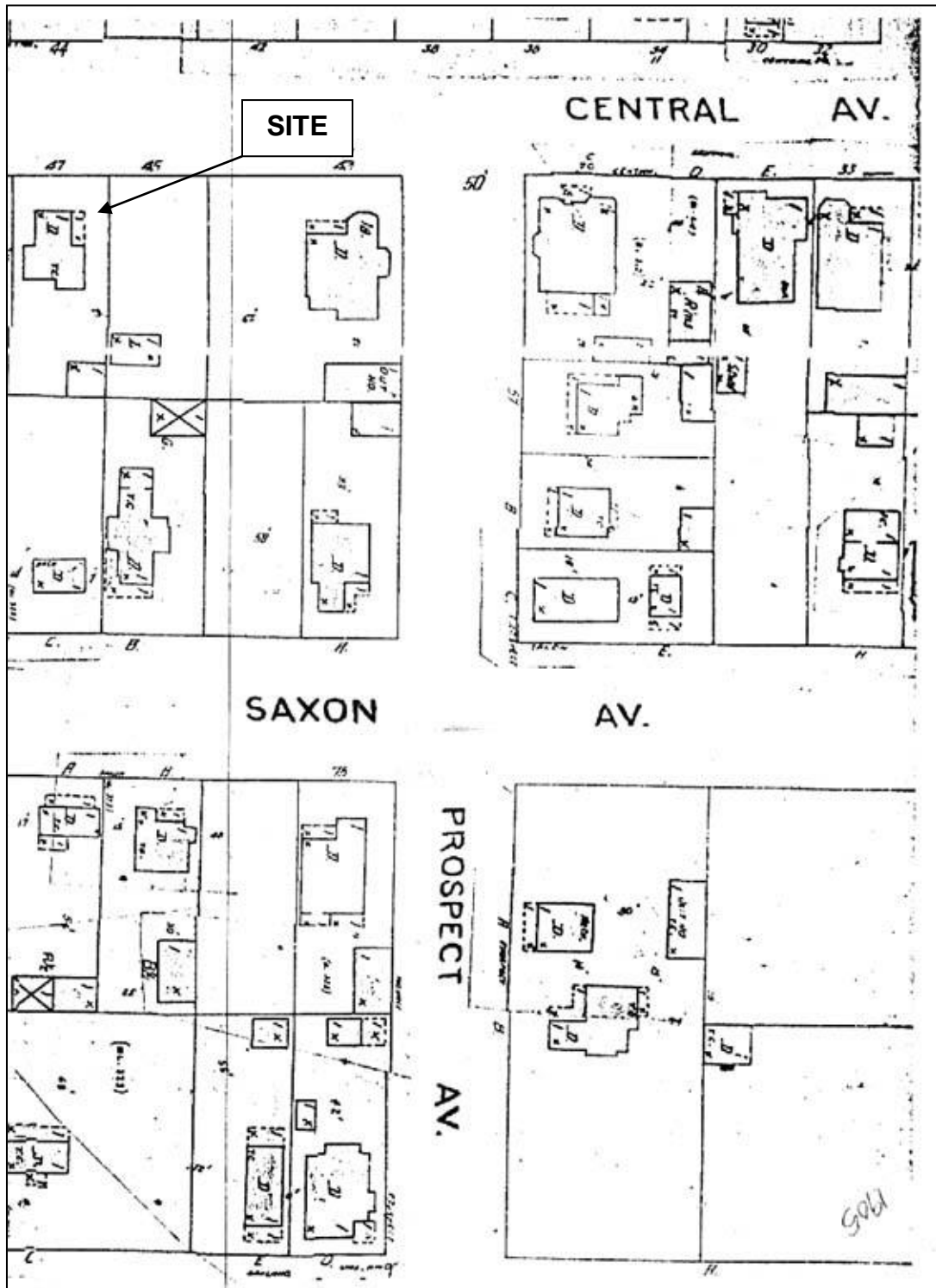
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1915 Sanborn Fire Insurance Map

State of California – The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_

HRI # \_\_\_\_\_

Trinomial \_\_\_\_\_

NRHP Status Code \_\_\_\_\_

Other Listings \_\_\_\_\_

Review Code \_\_\_\_\_

Reviewer \_\_\_\_\_

Date \_\_\_\_\_

Page 1 of 2 Resource Name or #: (Assigned by recorder) 112 Central Avenue

P1. Other Identifier: none

P2. Location:  Not for Publication  Unrestricted a. County Santa Cruz  
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad Soquel Date Revised 1994 T 11.S ; R 1.W ; Unsectioned ; Mt. Diablo B.M.

c. Address 112 Central Avenue City Capitola Zip \_\_\_\_\_

d. UTM: (Give more than one for large and/or linear resources) Zone \_\_\_\_\_ ; mE/ \_\_\_\_\_ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Assessor's Parcel Number: 36-13-014,

Northeast side of Central Avenue between El Salto Avenue and Grand Avenue

P3a Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting and boundaries)

This one story, wood-framed, single family residential structure sits on a moderately sized lot among similarly sized-parcels in the Depot Hill area near downtown Capitola. A one and one-half story garage/cottage of recent construction is located at the rear of the site. Located among other similarly scaled cottages built around the turn of the century, it is a vernacular Victorian era building. Features include semi-steep gabled roof, boxed eaves, large flat trim, vertically shaped windows and an asymmetrical layout. The original building was T-shaped with a rear wooden porch. Additions have occurred on both sides of the building and at the rear porch. A chimney is of recent construction.

The original building is sheathed in channel rustic redwood lap siding, and the additions were sheathed with various other siding materials. The front door is original, a new door added to the side addition, and all the original windows have been replaced with double insulated glazing or salvaged windows. Most of the interior finishes have been replaced.

P3b. Resource Attributes: (List attributes and codes) HP2. Single Family Property

P4 Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (isolates, etc.)

P5b. Description of Photo: (View, date, accession #)

View from street / 11/1999

P6. Date Constructed/Age and Sources:

 Historic  Prehistoric  Both  
Circa 1892

P7. Owner and Address:

Clyde Dyrdaahl  
465 Mundell Way  
Los Altos, CA 94022

P8. Recorded by: (Name, affiliation, and address)

Franklin Maggi  
Leslie A.G. Dill, Architect  
110 N Santa Cruz Ave  
Los Gatos CA 95030

P9. Date Recorded: 11/30/1999

P10. Survey Type: (Describe)

Intensive

P11. Report Citation: (Cite survey report and other sources, or enter "none".)

Dill Design / Historic Report for Single Family residence at 112 Central Ave, Capitola, CA for Clyde Dyrdaahl, November 30, 1999.

Attachments: NONE  Location  Map  Sketch Map  Continuation Sheet  Building, Structure and Object Record  Archaeological Record  
 District Record  Linear Feature Record  Milling State Record  Rock Art Record  Artifact Record  Photograph Record  Other (

**BUILDING, STRUCTURE AND OBJECT RECORD**

Page 2 of 2

\*NRHP Status Code None

Resource Name or #: (Assigned by recorder) 112 Central Avenue

B1. Historic Name: N/A

B2. Common Name: N/A

B3. Original use: Single family residential

B4. Present Use: Single family residential

\*B5. Architectural Style:

Vernacular Folk Victorian.

\*B6. Construction History: (Construction date, alterations, and date of alterations)

\*B7. Moved?  No  Yes  Unknown Date: Original Location: n/a

\*B8. Related Features: Recent vintage garage/cottage constructed at rear of site.

B9a Architect: Not known

b. Builder: Not known

\*B10. Significance: Theme early summer cottages development Area Capitola coast

Period of Significance 1890s - 1920s Property Type Single family residential Applicable Criteria n/a

(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also, address integrity.)

The Depot Hill area began development in the 1880s when subdivided into lots as part of F. A. Hihn's Camp Capitola survey, adopted in May 1884. The first lots were owned by well-known community leaders from San Jose and Santa Clara, many of German descent. The summer migration to this area by these San Jose residents via the train was extensive and many of the homes continue to be owned by descendants of the builders. Herman and Louisa Hannemann purchased the property at 112 Central Avenue in 1891. Herman was a native of Germany who had been a carriage maker in San Jose until he moved to this location. While in Capitola, he continued work as a fisherman. The house was sold to Harvey Swichard in 1905. Swichard had been a farmer in the Edenvale area of Santa Clara County and retired to this cottage where he lived with his wife until 1920. The Swichard family owned the property for 38 years, and following their ownership it has passed through a number of different owners.

B11. Additional Resource Attributes: (List attributes and codes) HP2. Single Family Property

\*B12. References:

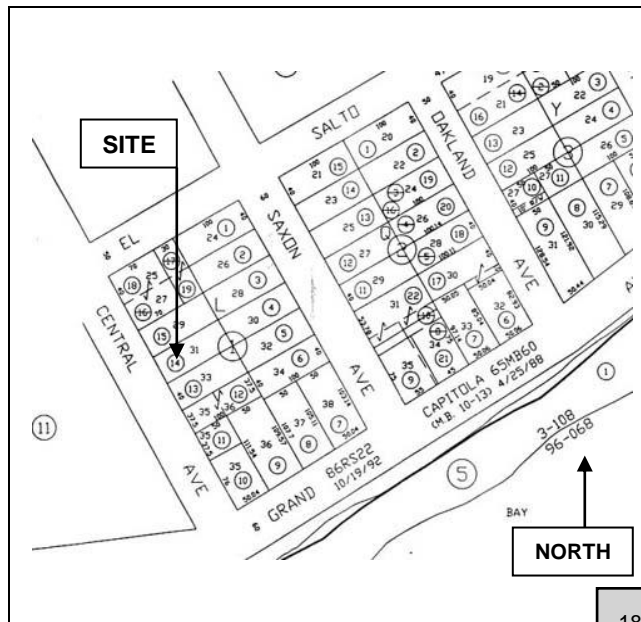
- Bernal files. California Room / San Jose Public Library.
- Harrison, E.S. *History of Santa Cruz County*. 1892.
- Koch, M. *Santa Cruz County: Parade of the Past*. 1973.
- Sanborn Fire Insurance Map / 1915.
- San Jose Mercury. Santa Clara Cnty & Its Resources. 1896.
- Santa Cruz Directories. 1904-1920.
- Verado, J. D. & D. Verado. *Santa Cruz Cnty: Restless Paradise: An Illustrated History*. 1987.

B13. Remarks: Proposed removal from site

\*B14. Evaluator: Franklin Maggi

\*Date of Evaluation: Nov. 30, 1999

(This space reserved for official comments.)





## 216 Central Avenue

Carolyn Swift <carolyn.swift@gmail.com>

Mon 4/26/2021 5:13 PM

To: Orbach, Matthew (morbach@ci.capitola.ca.us) <morbach@ci.capitola.ca.us>

Hi Matt,

Sorry to take so long to respond. I spent some time going over the report from PAST Consultants and was impressed by its thoroughness. I have only a few comments.

Chiefly, even though proposed changes to 216 Central Avenue have been found by PAST Consultants to meet the Secretary of Interior's Standards, I remain concerned whether or not the proposed two-story addition has been brought into scale with the small original house. The bulk of the rear portion with the flattened hipped roof appears too large.

Further, the intersection of Escalona and Central is an entryway into the potential Depot Hill historic district that architectural consultant Franklin Maggi identified twenty years ago. The Germania Verein neighborhood of Depot Hill grew steadily once subdivided by Capitola's owner, Frederick Hihn, in 1884. Many of the first homes on the hill were built by successful German immigrants who had been friends or business associates of the Hihn family. This today is the only surviving residential neighborhood from the founding era of Camp Capitola that can tell the story of how and why the resort was founded. The City recognizes the feasibility of a Depot Hill district and is carefully evaluating the proposed changes to original structures. Historic buildings leading into the district therefore have a focused role in introducing characteristics of the entire neighborhood. And, even though the 112 Central Avenue house was moved to 216 Central Avenue, it remains within the original envelope of the Germania Verein summer community. The estimated year of construction, 1891, identifies the vernacular house as one of the earliest. It is historic.

Real estate and tourism websites, magazine articles, and newspapers commonly depict Capitola as a "beach town with a distinctly European feel." Variations often include the words "quaint," "timeless," and "eclectic." It's clear Depot Hill's historic appearance contributes to the City's sense of place. Since out-of-scale alterations to houses leading into the district are liable to diminish community character, I'm uneasy about the impact of this project.

## Design Permit Design Review Criteria

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 contribute 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 is 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 structure. New structures and additions to non-historic 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 minimizes privacy impacts on adjacent properties and provides 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.

# Capitola Planning Commission

## Agenda Report

**Meeting:** November 3, 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

On October 20, 2022, the Planning Commission began the review of the proposed amendments. The Commission provided directions on approximately six of the 11 substantive changes, as follows:

1. Large Retail Uses. Accepted amendments as proposed.
2. Cannabis Retail Signs. Remove all cannabis-specific sign standards
3. Pergolas. Accepted amendments as proposed.
4. Accessory Dwelling Units. Accepted amendments as proposed plus new statement about conformance with changing state law.
5. Parking in R-1 Front Setback Area. Do not change existing language.
6. Outdoor Showers. Revise Table 17.4-2 to clarify rule for outdoor showers.

**Discussion:** All of originally proposed amendments are included in the summary table of amendments. (Attachment 1) 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. The Planning Commission recommendations for the items discussed at the October 20 meeting are included in the attached draft ordinance. (Attachment 2)

The following is a discussion of the remaining 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).

### **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 2022 Zoning Code Amendments
2. Draft Ordinance Adopting the 2022 Zoning Code 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 <sup>th</sup> 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

# GUIDE

## Electric Vehicle Infrastructure Requirements in CALGreen Building Code

Item 5 C.

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?



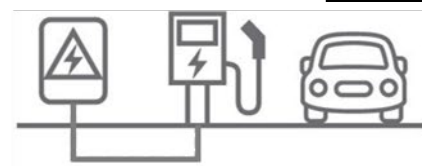
### EV Capable

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

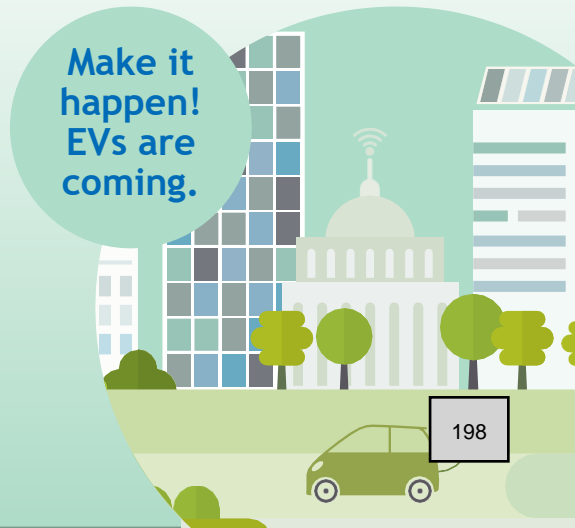
### Parking Lot

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](http://cityofsacramento.org/ev)



**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				
<b>Residential Uses</b>					
	Duplex Homes	-	P	-	

Key		Zoning District			Additional Regulations
		R-1	RM	MH	
<b>P</b>	Permitted Use				
<b>A</b>	Administrative Permit required				
<b>M</b>	Minor Use Permit required				
<b>C</b>	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	A	–	Chapter 17.74
Single-Family Dwellings		P	P	C [2]	
<b>Public and Quasi-Public Uses</b>					
Community Assembly		C	C	C	
Day Care Centers		C	C	C	
Home Day Care		P	P	P	
Parks and Recreational Facilities		–	C	C	
Public Pathways and Coastal Accessways		C	C	C	
Schools, Public or Private		–	C	C	
<b>Commercial Uses</b>					
Bed and Breakfast		C	C	–	
Vacation Rentals		See Section 17.40.030			
<b>Transportation, Communication, and Utility Uses</b>					
Utilities, Major		C	C	C	
Utilities, Minor		P	P	P	
Wireless Communications Facilities		See Chapter 17.104			
<b>Other Uses</b>					
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.

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
<b>Site Requirements</b>			
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		
<b>Structure Requirements</b>			
Setbacks, Minimum			Sections 17.48.030(B)(2) through (6)

	<b>R-1</b>	<b>RM</b>	<b>Additional Standards</b>
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] 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:

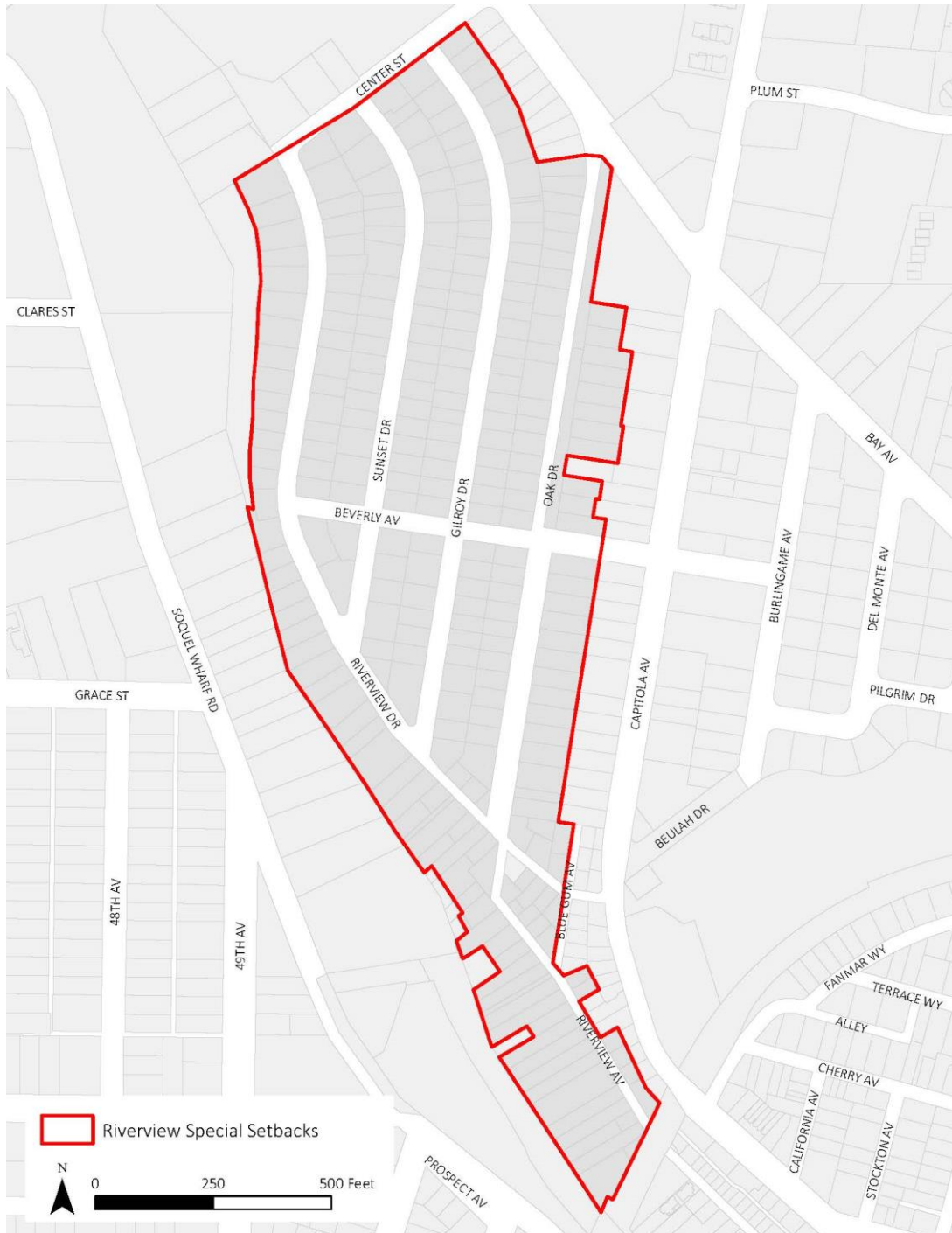
1. Floor Area Ratio. Table 17.16-3 identifies the maximum permitted floor area ratio (FAR) in the R-1 zoning district. See Section 17.48.040(B) for floor area calculations.

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

<b>Lot Size</b>	<b>Maximum FAR</b>
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.

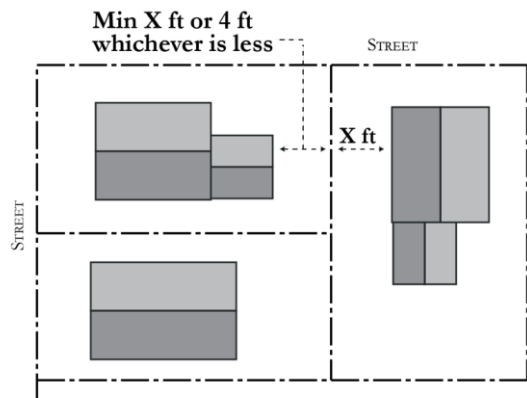
b. Required setbacks for detached garages are identified in Chapter 17.52 (Accessory Structures and Uses).

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**

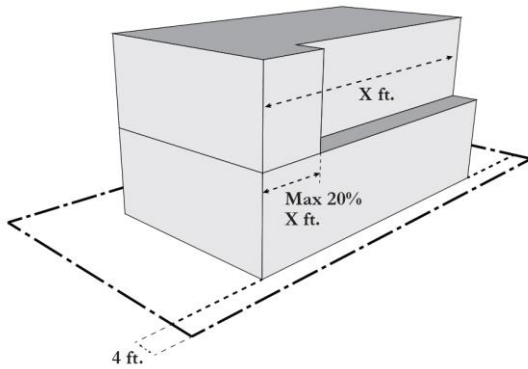


6. Second-Story Setback Exceptions. Second-story additions must comply with increased setback requirements in Table 17.16-2, except in the following cases:

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 inside or outside of the home. If located 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:

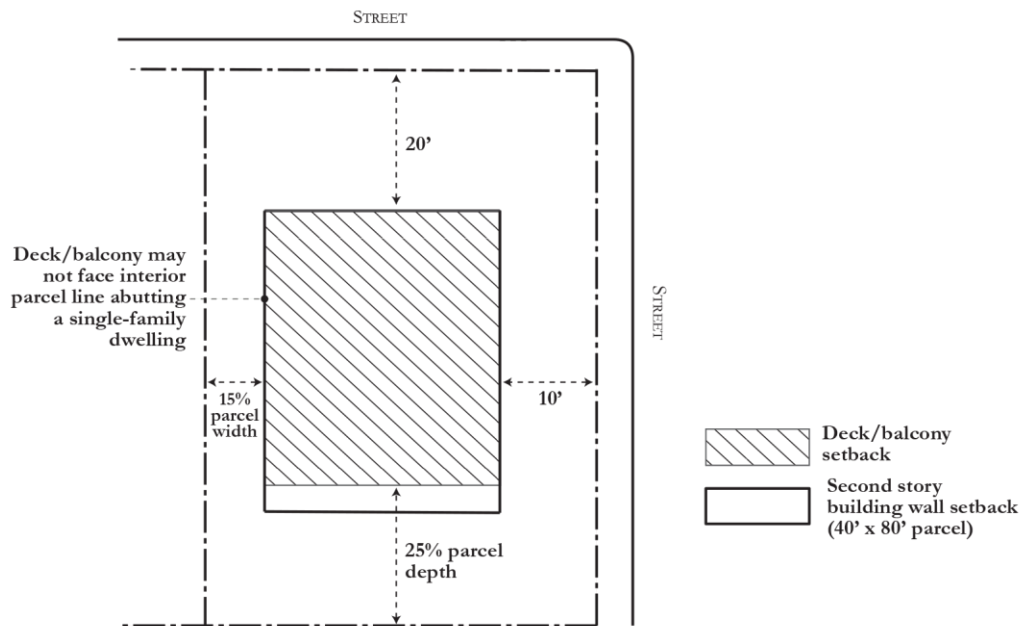
- a. The kitchen may include gas, electric and plumbing.
- b. Electric service may not be 220 volts.

- 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.

11. 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**

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

Notes:

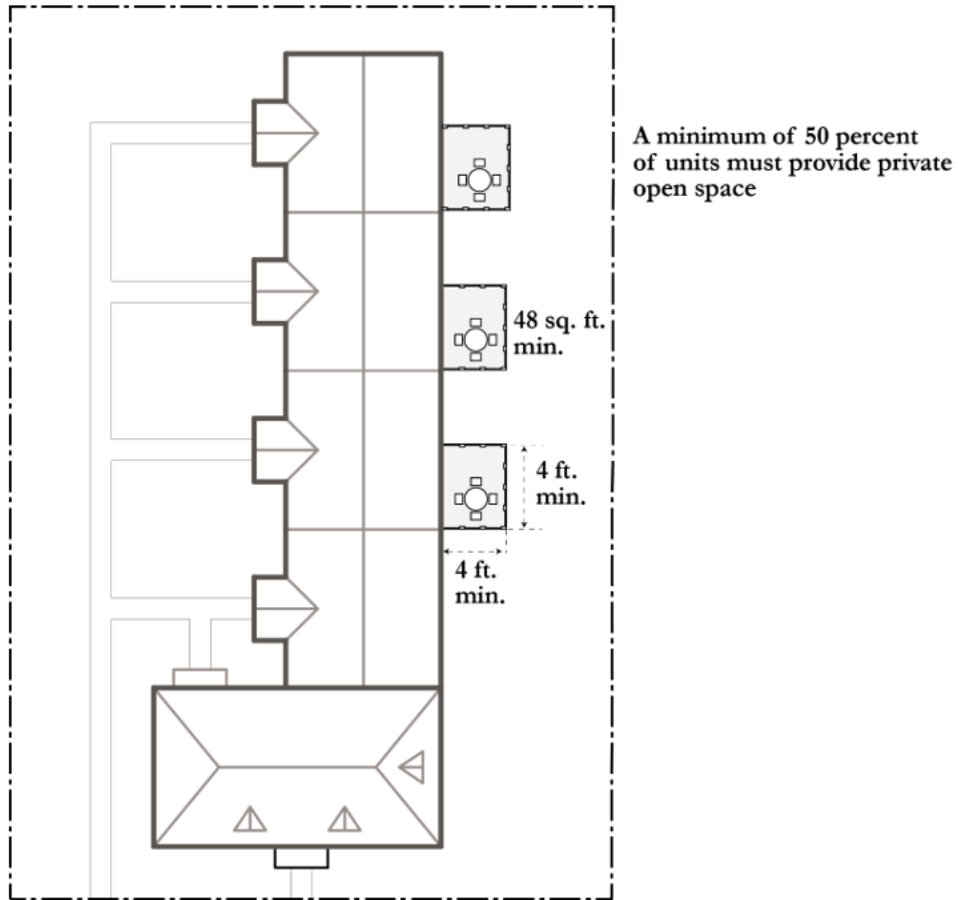
[1] Common open space shall be fully landscaped and accessible to all residents.

[2] 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
<b>Site Area [1]</b>	5 acres [2]	
<b>Residential Density, Maximum</b>	20 units per acre	
<b>Setbacks [3]</b>		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			
<b>Residential Uses</b>				Section 17.20.020(B), (C) and (E)
	Duplex Homes	–/P [1]	P	

Key		Zoning District		Additional Regulations
		MU-V	MU-N	
<b>P</b>	Permitted Use			
<b>A</b>	Administrative Permit required			
<b>M</b>	Minor Use Permit required			
<b>C</b>	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	Chapter 17.74
Single-Family Dwellings		-/P [1]	P	
<b>Public and Quasi-Public Uses</b>				
Community Assembly		C	C	
Cultural Institutions		C	C	
Day Care Centers		M	M	
Government Offices		P/C [4]	M [5]	
Home Day Care		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	
<b>Commercial Uses</b>				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	
<b>Eating and Drinking Places</b>				
Bars and Lounges		C	C	
Restaurants and Cafes		C	C	
Take-Out Food and Beverage		M	M	

Key	Permitted Use	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			
Gas and Service Stations		-	-	
<b>Lodging</b>				
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		
<b>Transportation, Communication, and Utility Uses</b>				
Utilities, Major		C	C	
Utilities, Minor		P	P	
Wireless Communications Facilities		See Chapter 17.104		
<b>Other Uses</b>				
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		
<b>Urban Agriculture</b>				
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
<b>Site Requirements</b>		
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	
<b>Structure Requirements</b>		
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
Accessory Structures	See Chapter 17.52	

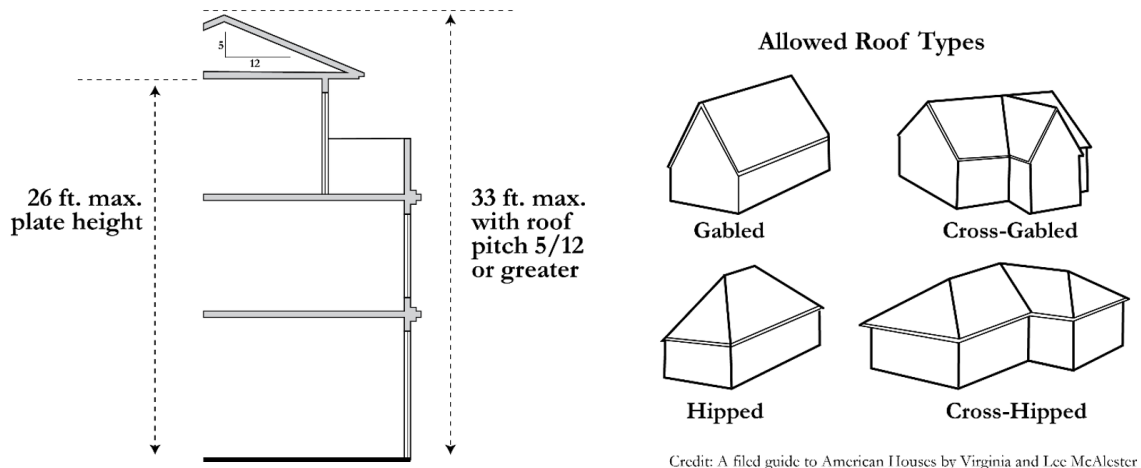
Note:

[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**

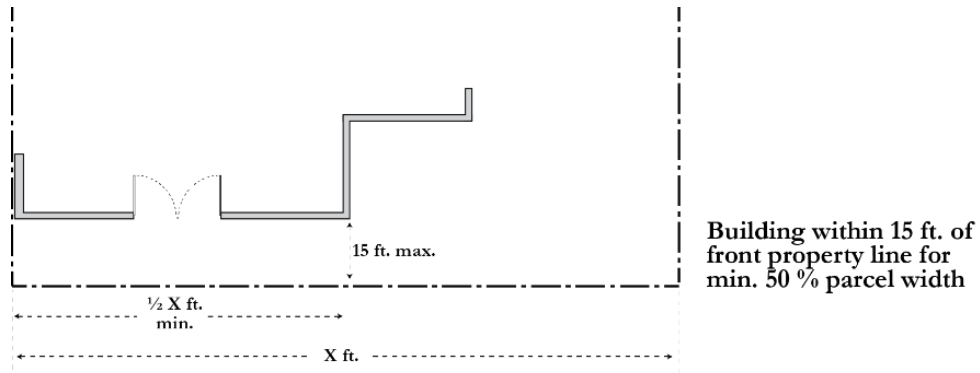


C. Increased Floor Area and Height for the Capitola Theater Site. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.20-2 for the Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, 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**



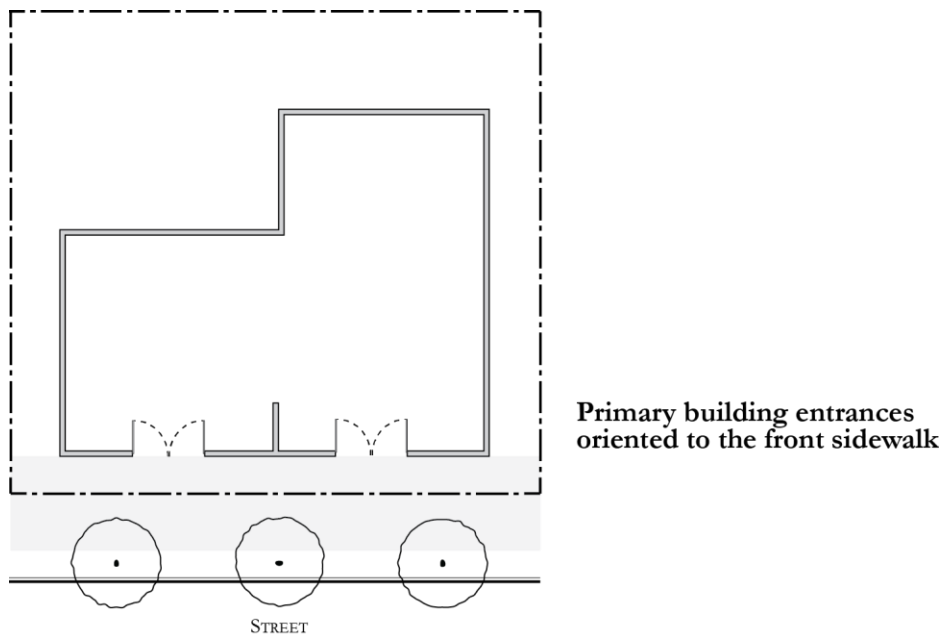
2. Front setback areas shall be pedestrian oriented and contain semi-public amenities such as courtyards or outdoor seating areas.

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**

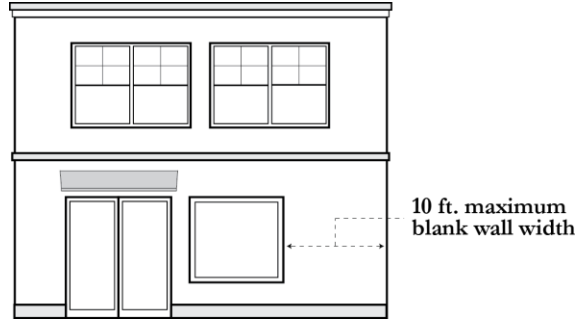


2. Blank Walls. The maximum length of an unarticulated/blank building wall fronting a public street shall be ten feet. See Figure 17.20-4. Building articulation may be provided by:

- 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**





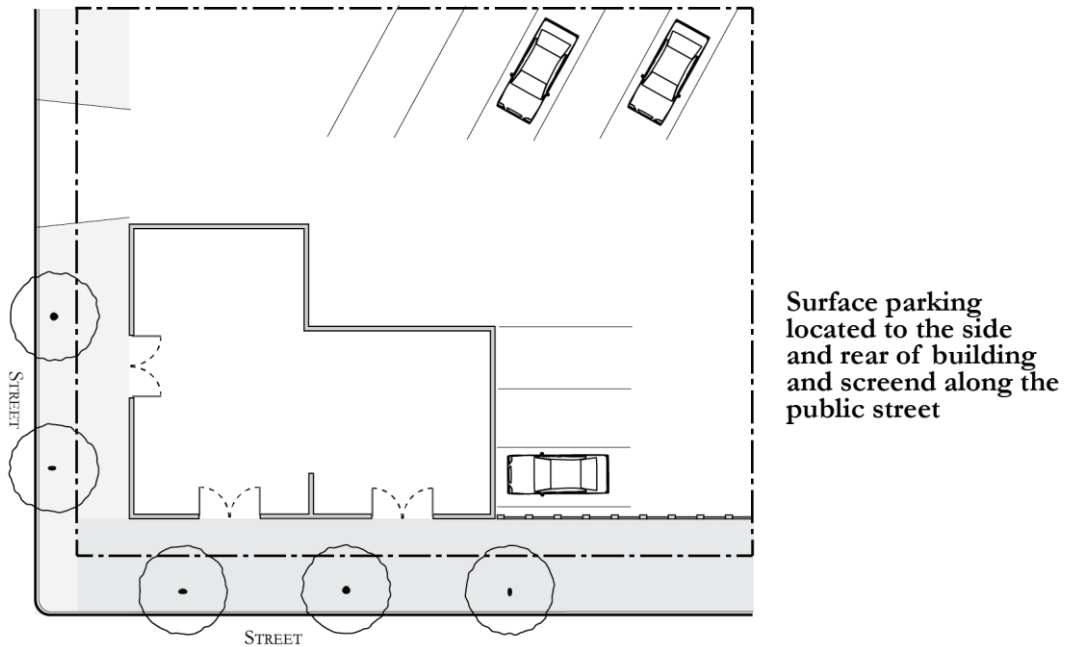
b. Exceptions to this transparency requirement may be allowed with a design permit if the planning commission finds that:

- 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	
<b>Site Requirements</b>		
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	
<b>Structure Requirements</b>		
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.

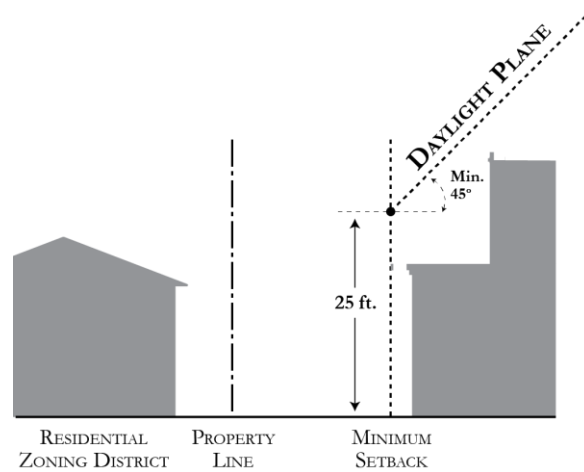
**B. Building Orientation.**

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			
<b>P</b>	Permitted Use	<b>C-C</b>	<b>C-R</b>	<b>I</b>	<b>Additional Requirements</b>
<b>A</b>	Administrative Permit required				
<b>M</b>	Minor Use Permit required				
<b>C</b>	Conditional Use Permit required				
<b>-</b>	Use not allowed				
<b>Residential Uses</b>					
Single-Family Dwellings		-	-	-	
Multifamily Dwellings		C [9]	C [9]	-	

Key		Zoning District			
<b>P</b>	Permitted Use				
<b>A</b>	Administrative Permit required				
<b>M</b>	Minor Use Permit required				
<b>C</b>	Conditional Use Permit required				
-	Use not allowed	<b>C-C</b>	<b>C-R</b>	<b>I</b>	<b>Additional Requirements</b>
Residential Mixed Use		C	C [7]	-	Section 17.24.040
Accessory Dwelling Unit		A	A	-	Chapter 17.74
<b>Public and Quasi-Public Uses</b>					
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	
Home Day Care		P	P	P	
Medical Offices and Clinics		See 17.24.020(C)		-	
Public Paths and Coastal Accessways		C	C	C	
Public Safety Facilities		C	C	C	
<b>Commercial Uses</b>					
Alcoholic Beverage Sales		C	C	C	
Banks		P [2]	P [2]	-	
Car Wash		C	C	-	
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			
<b>P</b>	Permitted Use				
<b>A</b>	Administrative Permit required				
<b>M</b>	Minor Use Permit required				
<b>C</b>	Conditional Use Permit required				
–	Use not allowed	<b>C-C</b>	<b>C-R</b>	<b>I</b>	<b>Additional Requirements</b>
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	
<b>Heavy Commercial and Industrial Uses</b>					
Construction and Material Yards		–	–	P	
Custom Manufacturing		M	M	P	
Light Manufacturing		–	–	P	
Warehousing and Distribution		–	–	P	
<b>Transportation, Communication, and Utility Uses</b>					
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			
<b>Other Uses</b>					



Key		Zoning District			
<b>P</b>	Permitted Use				
<b>A</b>	Administrative Permit required				
<b>M</b>	Minor Use Permit required				
<b>C</b>	Conditional Use Permit required				
–	Use not allowed	<b>C-C</b>	<b>C-R</b>	<b>I</b>	<b>Additional Requirements</b>
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 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**

<b>Key</b>			
<b>P</b>	Permitted Use		
<b>A</b>	Administrative Permit required		
<b>M</b>	Minor Use Permit required		
<b>C</b>	Conditional Use Permit required		
<b>–</b>	Use not allowed	<b>C-C Zoning District</b>	<b>C-R Zoning District</b>
<b>Location and Size of Office Use</b>			
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.

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**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
<b>Site Requirements</b>				
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
<b>Structure Requirements</b>				
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**

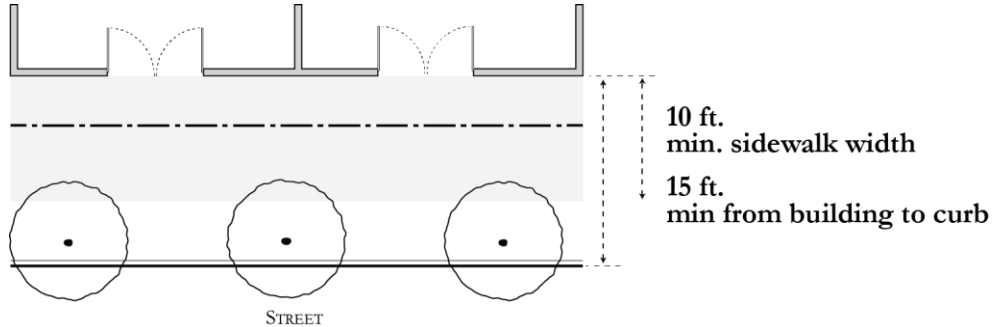


- ii. Before planning commission and city council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
  - iii. When reviewed by the planning commission and city council, the applicant shall demonstrate how the project design addresses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

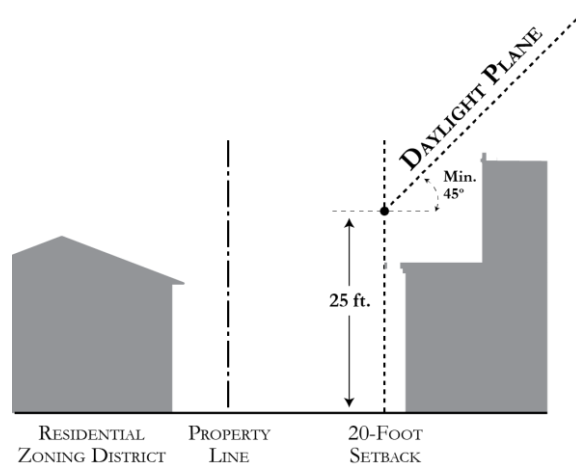


D. Increased Floor Area and Height in C-C and C-R Zoning Districts. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These 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**



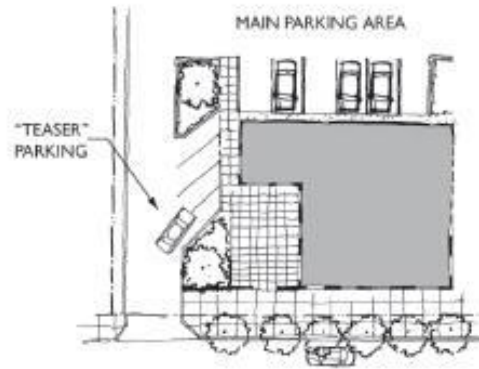
7. Retail Depth. Ground-floor commercial space shall have a depth of at least forty-five feet or two-thirds of the parcel depth, whichever is less. Where possible, sixty-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The planning commission may grant an exception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

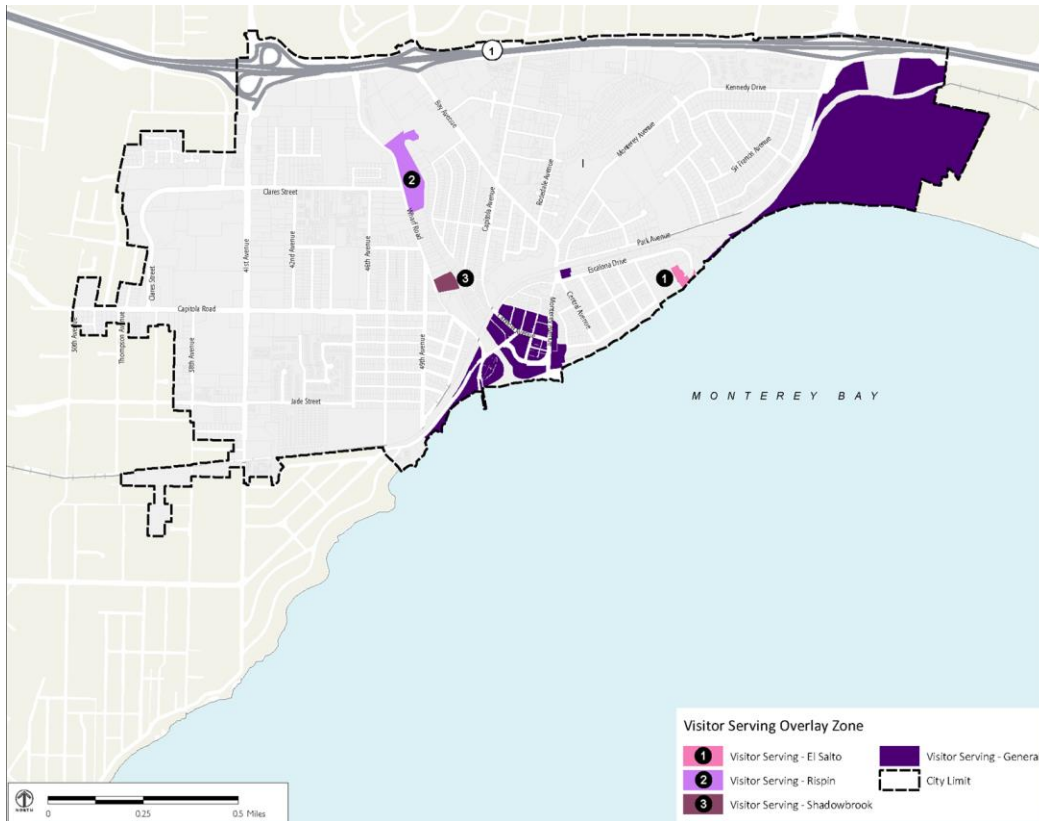
**17.28.010 Purpose of the visitor serving overlay zone.**

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					
<b>Residential Uses</b>						
	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	Permitted Use	-VS Subzones				Additional Regulations
		VS-G	VS-R	VS-SB	VS-ES	
<b>P</b>	Permitted Use					
<b>A</b>	Administrative Permit required					
<b>M</b>	Minor Use Permit required					
<b>C</b>	Conditional Use Permit required					
<b>-</b>	Use not allowed					
<b>Public and Quasi-Public Uses</b>						
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		-	-	-	-	
<b>Commercial Uses</b>						
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				
<b>Other Uses</b>						
Access Roadways		C	C	C	C	
Accessory Structures and Uses, New		C [7]	C	C	C	

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					
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**

	<b>-VS Overlay Zone</b>	<b>Additional Standards</b>
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.**

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

**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.**

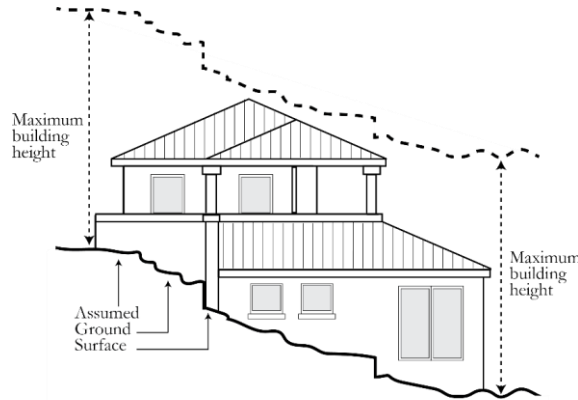
This chapter establishes rules for the measurement of height, setbacks, and floor area, and permitted exceptions to height and setback requirements.

**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**

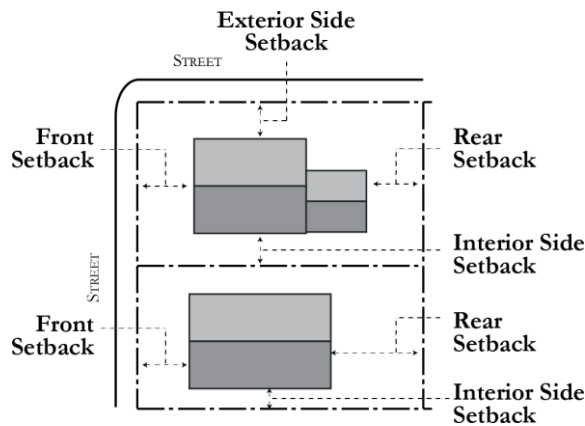
Structures Allowed Above Height Limit	Maximum Coverage	Maximum Projection Above Height Limit
Nonhabitable decorative features including spires, belfries, cupolas, domes and other similar architectural elements	10% of roof area	3 ft. in the R-1 zoning district; 6 ft. elsewhere

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	
<b>Roof Projections</b>					
Cornices, eaves, canopies, and similar roof projections	4 ft.	4 ft.	2 ft.	2 ft.	All: 3 ft.
<b>Building Wall Projections</b>					
Bay windows, sills, fireplaces, chimneys, and similar wall projections [1]	2 ft.	2 ft.	2 ft.	2 ft.	All: 3 ft.
Outdoor showers, including privacy screens	0 ft.	4 ft.	4 ft.	0 ft.	Interior Side and Rear: 3 ft.
Basement light wells	3 ft.	3 ft.	3 ft.	3 ft.	All: 3 ft.
Pergolas attached to a building wall	5 ft.	No max	No max	4 ft.	Front: 10 ft. Exterior Side and Rear: 5 ft. Interior Side: 3 ft.
<b>Entry Features</b>					
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 and yards. The following accessory structures and site improvements may project into required setback areas and yards as shown in Table 17.48-3, subject to the requirements of the building code. See Section 17.160.020.Y for definition of “yards” as used in this section. New encroachments into setbacks and yards 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 and Yard				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>Decorative Site Features</b>					
Trellis structure up to 10 ft. in height; arbors with a minimum of 2 open sides utilized over a walkway	No max	No max	No max	No max	All: No min
Trellis structure up to 10 ft. in height	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
<b>Entertainment Features</b>					
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.
Pergolas up to 10 ft. in height and open on all sides	Not allowed	No max	No max	Not allowed	Rear and Interior Side: 3 ft. Front and Exterior Side: Not allowed
Outdoor kitchens.	Not allowed	No max	Not allowed	Not allowed	Rear: 5 ft.
<b>Other Structures and Equipment</b>					
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.

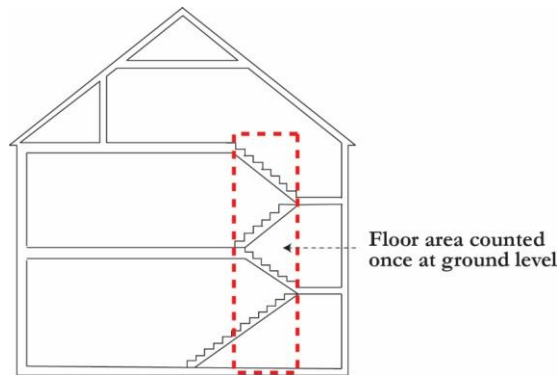
**17.48.040 Floor area and floor area ratio.**

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. 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.
- e. Up to two hundred fifty square feet of an enclosed garage on a lot two thousand five hundred eighty-six square feet or less.
- f. 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.
- g. Underground parking garages not visible from a public street.
- h. 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 17.52**  
**ACCESSORY STRUCTURES AND USES**

Sections:

- 17.52.010 Purpose and applicability.
- 17.52.020 Accessory structures.
- 17.52.030 Accessory uses.

**17.52.010 Purpose and applicability.**

This chapter establishes requirements for accessory structures and uses in residential and nonresidential zoning districts. These requirements do not apply to accessory dwelling units, including two-story accessory dwelling units above a detached garage, which are addressed in Chapter 17.74 (Accessory Dwelling Units). (Ord. 1043 § 2 (Att. 2), 2020)

**17.52.020 Accessory structures.**

A. All Accessory Structures. The following requirements apply to accessory structures in all zoning districts:

1. Accessory structures shall be clearly incidental and subordinate to the primary structure on the same lot.
2. Accessory structures may not be located on a separate lot from the primary use to which it is incidental and subordinate.
3. A minor design permit is required for garages, sheds and other enclosed buildings with one or more of the following characteristics: an enclosed area of over one hundred twenty square feet, a height of over ten feet, or plumbing fixtures per Section 17.120.030(A).
4. Accessory structures attached to a primary structure are considered a part of the primary structure and shall comply with all standards applicable to the primary structure.
5. Accessory structures may not be designed or used as a bedroom, sleeping area, and/or kitchen, except for accessory dwelling units consistent with Chapter 17.74 (Accessory Dwelling Units) and outdoor kitchens.
6. In the coastal zone, accessory structures shall be sited and designed so that they do not extend into setbacks associated with coastal resource issues (e.g., ESHA setbacks and coastal hazard setbacks). A proposed accessory structure 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 17.44.130 (Findings for approval).

B. Accessory Structures in Residential Zoning Districts.

1. Development Standards. Accessory structures in residential zoning districts shall comply with the development standards in Table 17.52-1 and in Figure 17.52-1.

**Table 17.52-1: Accessory Structure Standards in Residential Zoning Districts**

	Single-Family Residential Zoning Districts	Multifamily Residential Zoning Districts	Additional Standards
Height, Maximum			
Structure	15 ft. [1]	15 ft.	Section 17.52.020(B)(2)
Top of Wall Plate	9 ft.	9 ft.	
Width, Maximum	23 ft. for detached garages; None for other accessory structures	None	

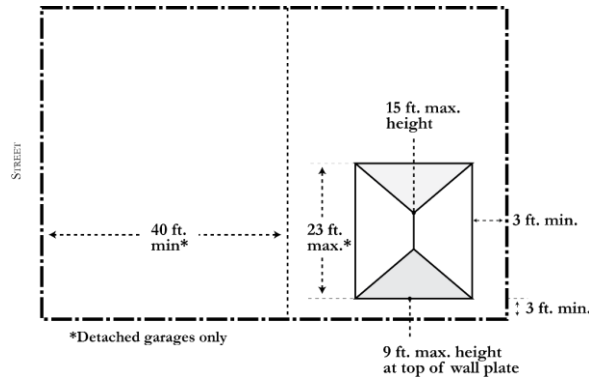


	Single-Family Residential Zoning Districts	Multifamily Residential Zoning Districts	Additional Standards
Setbacks, Minimum			Section 17.52.020(B)(3)
Front	40 ft. for detached garages; Same as primary structure for other accessory structures	Same as primary structure	
Interior Side	3 ft.	3 ft.	
Street Side	Same as primary structure	3 ft.	
Rear	3 ft.	3 ft.	

Note:

[1] Accessory structures less than eight feet from a rear or interior side property line may not exceed twelve feet in height.

**Figure 17.52-1: Detached Garage Standards in Residential Zoning Districts**



2. Height Exception. The planning commission may approve an exception to allow additional height of an accessory structure if necessary to match the architectural style of the existing primary structure.
3. Setback Exceptions. One accessory structure permanently attached to the ground is allowed in required side and rear setback areas if the structure is less than ten feet in height, has one hundred twenty square feet or less of enclosed area, and has no plumbing. One additional accessory structure is allowed in required side and rear setback areas with an administrative permit.
4. Driveway Standards. The placement of detached garages shall allow for the design and location of driveways consistent with Chapter 17.76 (Parking and Loading).
5. Nonconforming Garages. An existing detached garage in a residential single-family zoning district that does not comply with development standards in Table 17.52-1 is legal nonconforming and may be repaired, renovated, or replaced; provided, that the nonconformity is not increased or exacerbated.
6. Yards. An accessory structure may not be located within a front or exterior side yard except as specified in 17.48.030.E (Allowed Encroachment in Setback Areas and Yards).

C. Accessory Structures in Nonresidential Zones. Accessory structures in nonresidential zoning districts are subject to the same development standards (e.g., height and setbacks) as primary structures in the applicable zoning district. Accessory structures should be located to the side or rear of buildings and screened from public view. (Ord. 1043 § 2 (Att. 2), 2020)

**17.52.030 Accessory uses.**

A. Residential Accessory Uses. The following requirements apply to accessory uses in residential zoning districts:

1. Accessory uses shall be located on the same parcel as a residence and shall be clearly incidental and subordinate to the residence.
2. Accessory uses shall not change the character of the residential use. Examples of permitted accessory uses include home occupations and personal property sales (i.e., garage or yard sales).

B. Nonresidential Accessory Uses. The following requirements apply to accessory uses in nonresidential zoning districts:

1. Accessory uses shall be a part of and clearly incidental and subordinate to the primary use to which it relates.
2. Accessory uses shall be located on the same parcel as the primary use to which it is incidental and subordinate, within the structure.
3. Accessory uses shall be customarily associated with the primary use to which it is incidental and subordinate. Examples of common nonresidential accessory uses include ATMs, vending machines, newsstands, and personal service establishments (e.g., child day care, food services) intended to serve employees or customers and that are not visible from public streets.
4. All exterior vending machines require a conditional use permit.
5. Accessory uses may not necessitate an increase in required number of parking spaces. (Ord. 1043 § 2 (Att. 2), 2020)

**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.

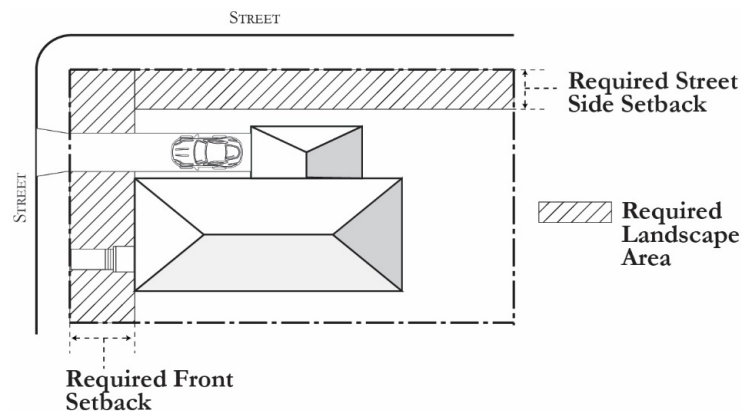
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.
2. The community development director may approve minor modifications to a landscape plan previously approved by the planning commission. Minor modifications are 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 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
All other visitor serving properties	5%

**17.72.055 Parking Lot Landscaping**

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**

Number of Required Parking Spaces	Percent of Surface Parking Area to Be Landscaped
16 to 30	10%

Number of Required Parking Spaces	Percent of Surface Parking Area to Be Landscaped
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.

**17.72.060 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.**

A. 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.

B. It is the City's intent for the chapter to be consistent with state law as it is amendment from time to time. In case of conflict between this chapter and state law, state law governs unless local variation is permitted.

#### **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 City shall either approve or deny 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.
4. 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 approving or denying the accessory dwelling unit application until the city 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 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 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:
  - a. Maximum height: eighteen feet.
  - b. 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**

<b>ADU Type/Location</b>	<b>Standard</b>
<b>Unit Size, Maximum</b>	
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.
<b>Floor Area Ratio, Maximum [1]</b>	As required by zoning district [2]
<b>Setbacks, Minimum [3,4]</b>	
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.
<b>Building Coverage, Maximum</b>	
R-M zoning district	40% [2]
All other zoning districts	No maximum
<b>Height, Maximum [3]</b>	
Attached ADU	25 ft. or maximum permitted in zoning district, whichever is less
One-story detached ADU 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.
<b>Private Open Space, Minimum [7]</b>	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

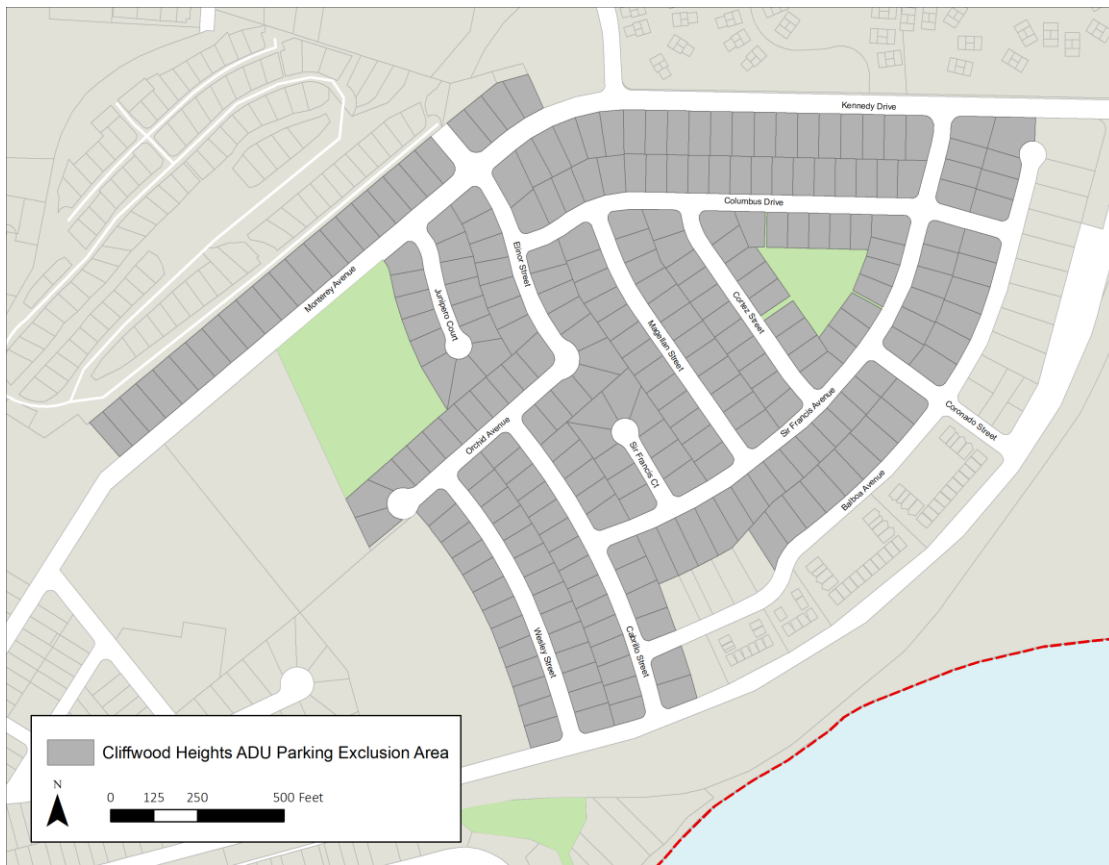


of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.

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
<b>Residential Land Uses</b>	

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
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
Residential Care Facilities, Large	0.5 per bed plus 1 per 300 sq. ft. of office
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
<b>Public and Quasi-Public Land Uses</b>	
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
<b>Commercial Land Uses</b>	
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.
<b>Heavy Commercial and Industrial Land Uses</b>	
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.
<b>Transportation, Communication, and Utility Uses</b>	
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
<b>Other Uses</b>	
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.

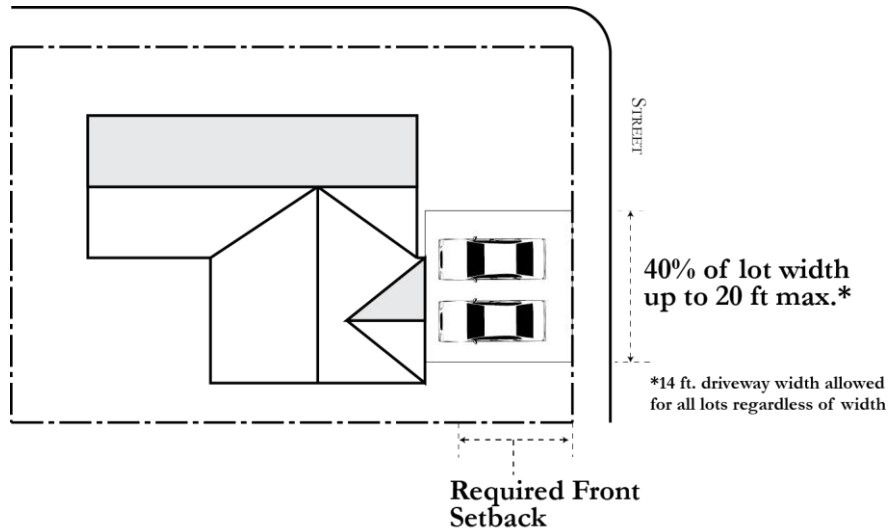
3. A conditional use permit is required to designate parking spaces for exclusive use by an individual tenant within an integrated commercial complex.

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

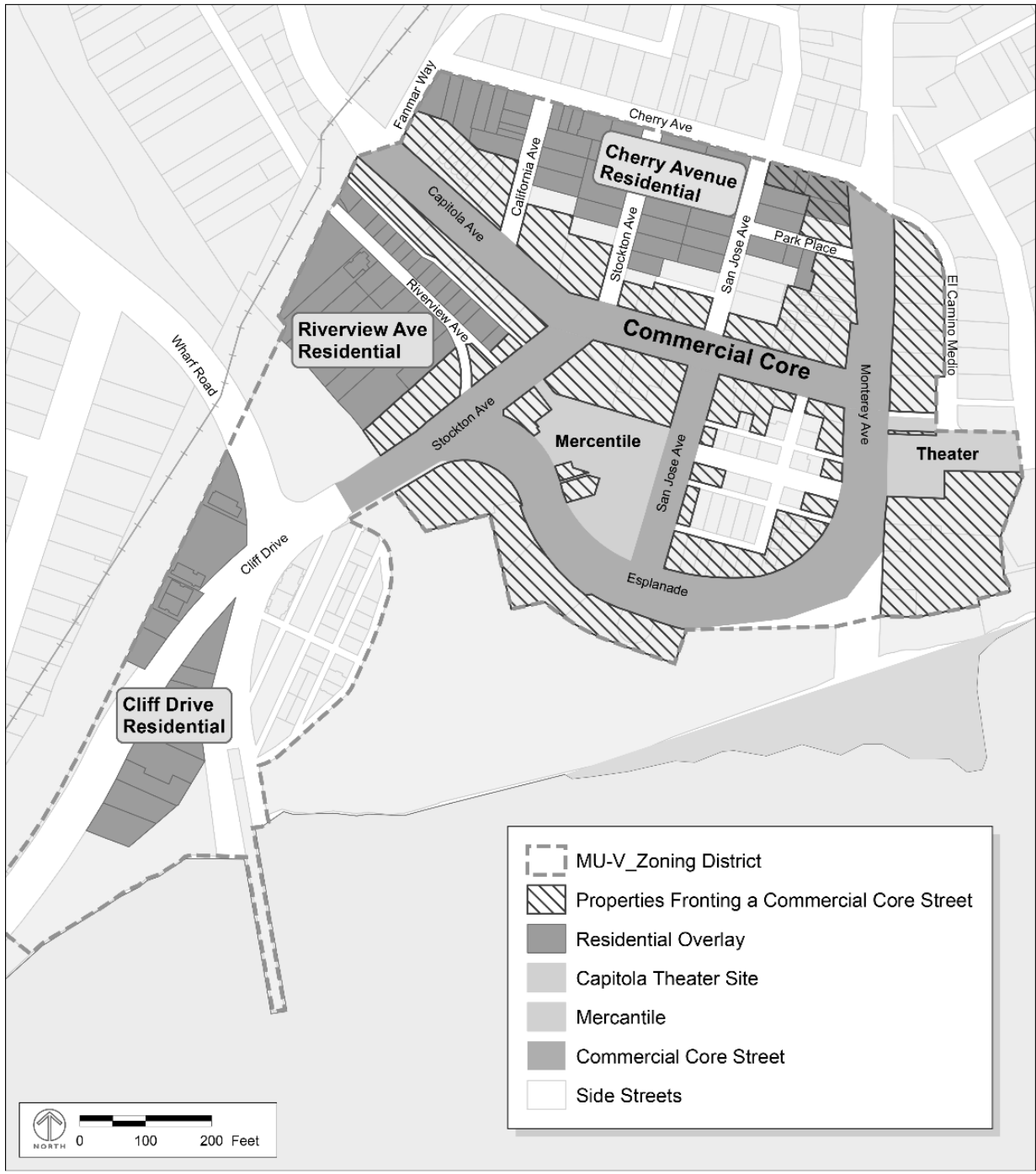
- a. In all zoning districts other than the R-1 zoning district, required parking spaces may not be located within required front or exterior side setback areas.
- b. In the mixed use village zoning district, parking may be located adjacent to the street-facing property line in accordance with Section 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.
2. Use of Space Signage. Signage shall be installed designating electric vehicle charging spaces 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 4 square feet upon determining that the larger screen is necessary for the functionality of the charging station.
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.
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.

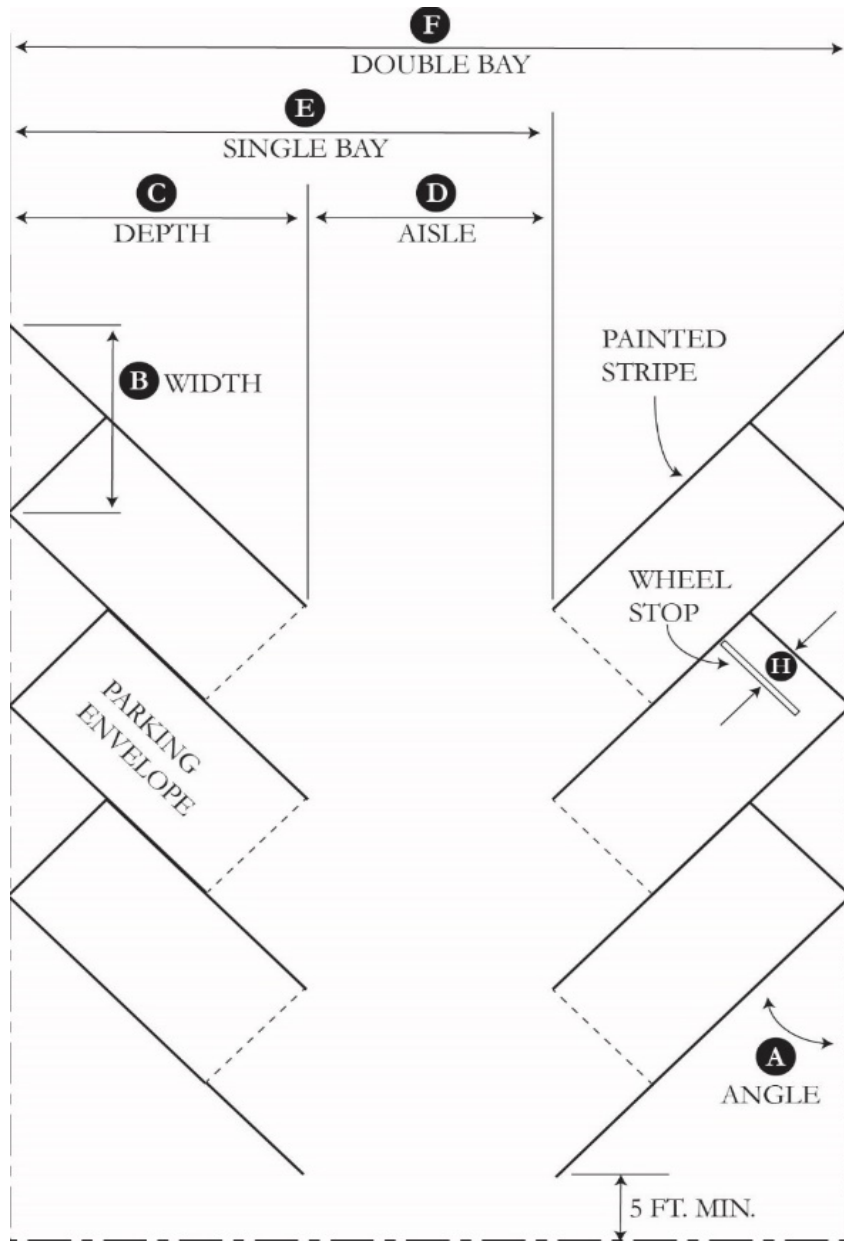
[2] See subsection (E)(3) of this section (Tandem Parking Spaces).

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**

<b>A</b> Parking Angle	<b>B</b> Width		<b>C</b> Depth		<b>D</b> Aisle			<b>E</b> Single Bay			<b>F</b> 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).


**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.

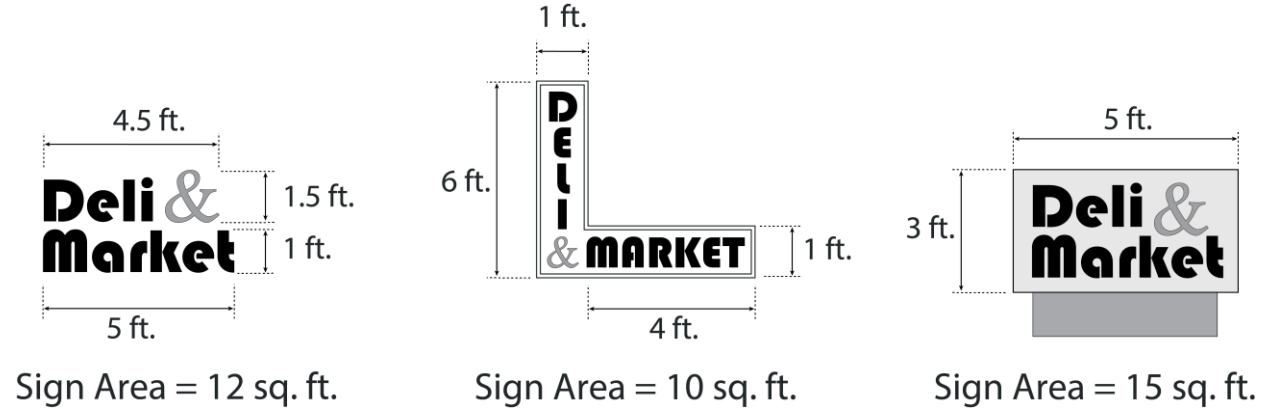
1. If a proposed sign is located in the coastal zone, it may require a coastal development permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval).
2. Notwithstanding 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.

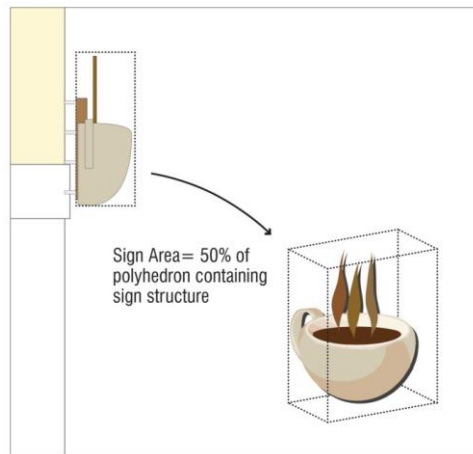
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17.80-1.

**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

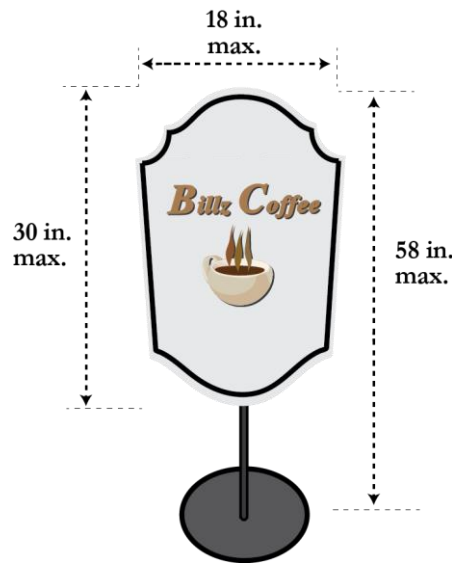
Note:

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**

<b>Sign Type</b>	<b>Permit Required</b>	<b>Use Restriction</b>	<b>Maximum Number</b>	<b>Maximum Area/Size</b>	<b>Maximum Duration</b>
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.

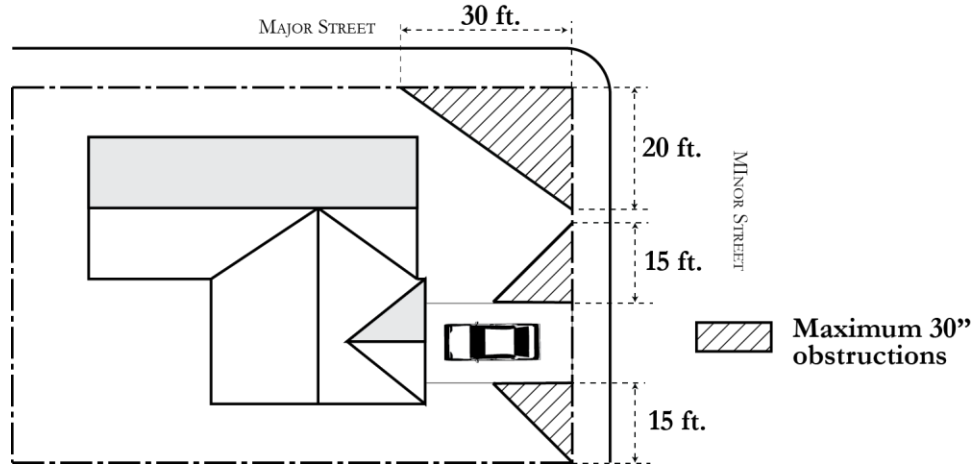
2. Driveways. The driveway vision triangle is the area formed by measuring fifteen feet along the driveway and the street from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

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.**

**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
<b>Single-Family Residential Projects</b>	
Ground-floor additions to existing single-family homes where the addition 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

Type of Project	Type of Permit
Upper-floor additions to an existing single-family home	Design Permit
New single-family homes	Design Permit
<b>Multifamily Residential Projects</b>	
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 space	Design Permit
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
<b>Nonresidential Projects (Including Mixed Use)</b>	
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.**

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. Includes garages, sheds, hot tub, pergolas, and other similar structures.
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 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.



12. "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
6. “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.
7. “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.
8. “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.
9. “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.
10. “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.
11. “Community development director” means the community development director of the city of Capitola or his or her designee.
12. “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.
13. “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.
14. “Curb-side service” or “drive-up service” means service provided by a commercial establishment while a customer remains waiting within a vehicle.
15. 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 children 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

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 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.

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.

7. “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.

8. “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.