

# City of Capitola

## City Council Meeting Agenda

### Thursday, November 10, 2022 – 7:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Sam Storey  
**Vice Mayor:** Margaux Keiser  
**Council Members:** Jacques Bertrand, Yvette Brooks, Kristen Brown

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### **Closed Session – 5:30 PM**

*Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.*

- A.** Conference with Labor Negotiators  
(Gov't Code § 54957.6)  
Negotiator: Chloé Woodmansee, Assistant to the City Manager  
Employee Organization: Police Officers Association
  
- B.** Public Employee Performance Evaluation  
(Gov't Code §54957(b))  
City Attorney Performance Evaluation

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### **Regular Meeting of the Capitola City Council – 7 PM**

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

#### **1. Roll Call and Pledge of Allegiance**

Council Members Jacques Bertrand, Yvette Brooks, Kristen Brown, Margaux Keiser, and Mayor Sam Storey.

#### **2. Additions and Deletions to the Agenda**

#### **3. Report on Closed Session**

#### **4. Additional Materials**

*Additional information submitted to the City after distribution of the agenda packet.*

#### **5. Oral Communications by Members of the Public**

*Please review the Notice of Remote Access for instructions. Oral Communications allows time for members of the Public to address the City Council on any "Consent Item" on tonight's agenda, or on any topic within the jurisdiction of the City that is not on the "General Government/Public Hearings"*

*section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. 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. A maximum of 30 minutes is set aside for Oral Communications.*

## 6. Staff / City Council Comments

*Comments are limited to three minutes.*

## 7. Consent Items

*All items listed as “Consent Items” 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 Council votes on the action unless members of the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government. Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.*

- A.** Consider the minutes from the October 27, 2022, regular City Council meeting  
Recommended Action: Approve minutes.
- B.** Lifeguard Job Descriptions  
Recommended Action: Approve changes to the Beach Lifeguard/Junior Lifeguard Instructor and Lifeguard Lieutenant/Junior Guard Assistant Coordinator job descriptions.
- C.** Update Hourly and Seasonal Salary Schedule  
Recommended Action: Adopt the proposed resolution amending the hourly and seasonal Pay Schedule.
- D.** Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing  
Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

## 8. General Government / Public Hearings

*All items listed in “General Government / Public Hearings” are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.*

- A.** Consider Request to Fly the “Christian Flag” during the month of December, the month of Easter, and on May 1<sup>st</sup>, the National Day of Prayer, in Accordance with Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property  
Recommended Action: Deny request.
- B.** Consider a Cannabis Delivery Ordinance Amendment  
Recommended Action: Introduce, by title only, waiving further reading of the text, an ordinance amending Capitola Municipal Code Sections 5.36 and 9.61 allowing cannabis deliveries within the City of Capitola from any authorized licensed retailers physically located within Santa Cruz County.
- C.** Introduce an Ordinance Amending Chapter 15.04 of the Capitola Municipal Code Pertaining to Building and Fire Code

Recommended Action: Introduce for first reading, by title only, waiving further reading of the text, a proposed ordinance amending Municipal Code Chapter 15.04, pertaining to building and fire codes.

**D.** 2022 Zoning Code Amendments

Recommended Action: 1) Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map, and 2) Adopt the proposed resolution amending the General Plan Land Use Map.

**E.** Consider a Permanent Local Housing Allocation Resolution

Recommended Action: Adopt proposed resolution authorizing the City Manager to execute the Permanent Local Housing Allocation (PLHA) Program Application with 5-year plan, the PLHA Standard Agreement, and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant award.

## 9. Adjournment

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### Notice of In-Person & Remote Access

**Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010**

**Other ways to Watch:**

- Spectrum Cable Television channel 8
- City of Capitola, California YouTube Channel

**To Join Zoom Application or Call in to Zoom:**

- Meeting link:  
<https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAydz09>
- Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**
- Meeting ID: **833 2817 3113**
- Meeting Passcode: **678550**

**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

**Note:** Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes “final.” Please be advised that in most instances the decision become “final” upon the City Council’s announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

**Notice regarding City Council:** The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: [www.cityofcapitola.org](http://www.cityofcapitola.org) and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, 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 City Clerk’s office 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:** City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at [www.cityofcapitola.org](http://www.cityofcapitola.org) by clicking on the Home Page link “**Meeting Agendas/Videos.**” Archived meetings can be viewed from the website at any time.



# Capitola City Council Agenda Report

**Meeting:** November 10, 2022

**From:** City Manager Department

**Subject:** Consider the minutes from the October 27, 2022, regular City Council meeting



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Recommended Action: Approve minutes.

Discussion: Attached for Council review and approval are the draft minutes from the regular City Council meeting on October 27, 2022.

Attachments:

1. October 27 draft

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed/Approved By: Jamie Goldstein, City Manager

# City of Capitola

## City Council Meeting Minutes

### Thursday, October 27, 2022 – 7:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Sam Storey  
**Vice Mayor:** Margaux Keiser  
**Council Members:** Jacques Bertrand, Yvette Brooks, Kristen Brown

#### Regular Meeting of the Capitola City Council – 7 PM

#### 1. Roll Call and Pledge of Allegiance

Council Members Jacques Bertrand, Yvette Brooks, Kristen Brown, Margaux Keiser, and Mayor Sam Storey.

#### 2. Additions and Deletions to the Agenda – none

#### 3. Presentations

- A. Mayor for a Day Essay Contest: Middle School Division Winner Recognition  
Recreation Division Manager Bryant-LeBlond introduced Middle School student Sydney Swanson, who read her winning essay.
- B. Introduction of new Customer Service/Office Coordinator Liliana Carrisoza  
Assistant to the City Manager Woodmansee introduced Liliana, who was welcomed by the Mayor and Council.

#### 4. Additional Materials

- A. Item 8.A – three emailed public comments

#### 5. Oral Communications by Members of the Public – none

#### 6. Staff / City Council Comments

Chief Dally discussed a recent incident at Santa Cruz Highschool. There was an active shooter threat that eventually was revealed to be a hoax. Chief Dally commended Capitola Police and all partner agencies for their immediate and thorough response to what was believed to be an active shooting situation, and said that the teams would be debriefing on how to improve response in the event of a threat.

Council Member Brown commented that the new holiday lights in Capitola Village are lovely. Mayor Storey agreed and thanked the BIA.

#### 7. Consent Items

- A. Consider the minutes from the October 13, 2022, regular City Council meeting  
Recommended Action: Approve minutes.
- B. Development Services Technician Job Description  
Recommended Action: Approve changes to the Development Services Technician job description.

- C. Consider Staffing Changes in the City Manager and Police Departments  
Recommended Action: Approve proposed staffing changes and increase the Human Resources Analyst position to full-time, effective October 30, 2022.
- D. Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing  
Recommended Action: 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

**Motion: Approve Items 7.A, 7.B, 7.C, and 7.D as recommended**

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

**Mover:** Council Member Brown

**Second:** Council Member Brooks

**Yea:** Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown and Mayor Sam Storey

## 8. General Government / Public Hearings

- A. 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 Zoning District

Staff Recommendation: Continue the 3720 Capitola Road and 1610 Bulb Avenue conceptual review application to a date uncertain.

**Motion: Continue item to a date uncertain**

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

**Mover:** Council Member Bertrand

**Second:** Council Member Brooks

**Yea:** Vice Mayor Keiser, Council Member Bertrand, Council Member Brooks, Council Member Brown and Mayor Sam Storey

- B. Permanent Local Housing Allocation Grant

Recommended Action: Accept staff presentation on the 5-year plan for Permanent Local Housing Allocation (PLHA) Funds and provide direction on the proposed allocation of funds.

Community Development Director Herlihy presented a staff report.

Council Member Brooks confirmed that PLHA money is restricted and that the funds do roll over year-to-year, however only during the five-year period. She then asked about the use of PLHA versus Redevelopment Agency (RDA) funds towards fighting homelessness. City Manager Goldstein highlighted that the RDA money must be used within a stricter time frame.

Vice-Mayor Keiser confirmed that the Housing for Health Partnership is a countywide program.

Mayor Storey asked about assisting mobile home park residents in buying out their parks.

**Result: direction given**

- C. Donations Report Full Year 2021-22

Recommended Action: Receive the Annual Donations and Contributions Report.

Finance Director Malberg presented a staff report highlighting donations and grants that the City received in fiscal year 2021-22.

Mayor Storey asked if the City acknowledges individuals that donate. Director Malberg confirmed that museum donations are acknowledged by the Museum Curator.

Council Member Bertrand asked about the Monte Foundation Fireworks show. City Manager Goldstein explained that the Monte Foundation raises money and then donates significantly to the City; explaining that the event itself is not a City fundraiser.

**Result: presentation received**

## 9. Adjournment

The meeting adjourned at 7:44PM to the next regular City Council meeting on November 10, 2022.

**ATTEST:**

\_\_\_\_\_  
Sam Storey, Mayor

\_\_\_\_\_  
Chloé Woodmansee, City Clerk

DRAFT

# Capitola City Council

## Agenda Report



**Meeting:** October 27, 2022

**From:** City Manager Department

**Subject:** Lifeguard Job Descriptions

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**Recommended Action:** Approve changes to the Beach Lifeguard/Junior Lifeguard Instructor and Lifeguard Lieutenant/Junior Guard Assistant Coordinator job descriptions.

**Background:** The City hires seasonal employees to staff various summer programs, including lifeguards to monitor Capitola Beach and provide Junior Guard program instruction. Previously, the City contracted with the City of Santa Cruz for tower lifeguard services. The Beach Lifeguard/Junior Lifeguard Instructor job description was last updated and approved by City Council on March 25, 2021, and the Beach Lifeguard Lieutenant/Junior Lifeguard Coordinator job descriptions was last updated and approved in 2019.

**Discussion:** Staff recommends slight updates to both job descriptions, to emphasize the Open Water Lifeguard duties in addition to the Junior Guard program. As part of the development of the Beach Lifeguard Services program, staff will apply to be a United States Lifesaving Association (USLA) Certified Lifeguard Agency. To do so, City job descriptions need to comply with USLA standards.

**Fiscal Impact:** None.

**Attachments:**

1. Beach Lifeguard/Junior Lifeguard Instructor job description redlined version
2. Lifeguard Lieutenant/Junior Guard Assistant Coordinator job description redlined version

**Report Prepared By:** Chloé Woodmansee, Assistant to the City Manager

**Reviewed By:** Nikki Bryant LeBlond, Recreation Division Manager; Samantha Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager



## Beach Lifeguard/Junior Lifeguard Instructor (part-time/seasonal)

### DUTIES

Under supervision, of the Lifeguard Captain, and Junior Lifeguard Coordinator, Beach Lifeguard/Junior Lifeguard Instructors are responsible for the safety of the beach and water within their jurisdiction, as well as areas adjacent to it. Employees assigned to lifeguard coverage will provide continual surveillance to the ocean-going community, other beach patrons, and any other hazards. He or she should be comfortable working individually or as part of a team. Employees assigned to Junior Guard program will implement and supervise public safety, the Junior Lifeguard program, events, and competitions, including sports, fitness, and swimming activities. The Lifeguard/Instructor is responsible for the safety of the beach and water within their jurisdiction, as well as areas adjacent to it. Instructors will conduct a group of children, ages 6- 17, in his or her care on the beach and in the water. ~~He or she should be comfortable working individually or as part of a team. Employees assigned to lifeguard coverage will provide continual surveillance to the ocean-going community, of swimmer and other beach patrons, and any other hazards. patrons from a tower within as assigned beach area.~~

### REQUIRED QUALIFICATIONS

- Must be 17 years of age by July 1 of the applying year or age 16 for Capitola Junior Guards who have received rank of Captain and recommended for hire by Lifeguard Lieutenant/ Junior Guard Assistant Coordinator.
- Ability to obtain CPR Certification (Pro or healthcare provider).
- Physical ability and stamina to perform the duties of an open water lifeguard.
- The ability to meet and maintain a 500-meter ocean swim time of under 10 minutes.
- Vision 20-40 corrected.
- Criminal history and fingerprint check.
- Successful completion of Lifeguard training program after initial hiring process is completed. Successful completion and maintenance of required medical training certificates.
- Meet the minimum requirements for a USLA open water lifeguard.
- ~~All employees must comply with the City of Capitola COVID-19 Vaccination Policy~~
- Proof of negative tuberculosis test or clear chest X-ray must be presented within 14 days of hire - No exceptions.

### ABILITIES



- Swim in adverse weather conditions for extended periods of time.
- Adopt effective course of action in an emergency situation.
- Maintain constant observation of an assigned area for hazardous conditions and take appropriate action to prevent ~~protect~~ the public from interacting with those hazards.
- Interact in a professional and courteous manner with the public and other emergency service employees.

#### DESIRABLE QUALIFICATIONS

- Possession of a USLA Open Water Lifeguard Training Certificate or written verification from last USLA employer.
- First Aid for Public Safety Personnel (Title 22) Certification.
- Advanced First Aid, First Responder, EMT, or Paramedic Certification.
- Participation in a Junior Lifeguard program.
- Training or experience in working with children and with special needs.
- Red Cross Lifeguard Training, Water Safety Instructor or other aquatics training.
- Experience working as a lifeguard, particularly on the beach.
- A safe driving record as determined by the City's Personnel Department.

#### SCHEDULE

The Beach Lifeguard/Junior Lifeguard Instructor is a Part-Time/Seasonal position from Memorial Day June to Labor Day, not to exceed 960 hours in a calendar year. Candidates for the Beach Lifeguard/Junior Lifeguard Instructor must be available for employment for the summer months (Memorial Day June through Labor Day).

#### SELECTION PROCESS

Applicants are required to submit a City application in addition to resume and any relevant documents. Applicants with corrective lens restrictions must provide a physician's note, dated within 30 days, to verify current vision. Those candidates who most closely meet the requirements of the position will be invited for a swim test and oral interview. Successful candidates must attend mandatory training scheduled in June.

#### TEST

Candidates must complete 200 meter run - 500 meter swim in the ocean in 10 minutes. Wetsuits are permitted, no swim fins.





## Lifeguard Lieutenant / Junior Guard Assistant Coordinator (Seasonal/Part-Time)

### DUTIES

Under the supervision of the Recreation ~~Division Manager Supervisor, the JG Coordinator, and the Lifeguard Captain,~~ the Capitola ~~Junior~~ Lifeguard Lieutenant/ Junior Guard (JG) Assistant Coordinator will assist in the supervision of the beach, and ~~managing planning of daily activities and the Junior Guard~~ operation as well as the Junior Lifeguard Staff and ~~/or the incidents of Tower Lifeguard personnel program.~~

The Lifeguard Lieutenant/JG Assistant Coordinator duties may include:

- In collaboration with Central Fire ~~Protection~~ District, provide leadership during training for Beach Lifeguard / Junior ~~GLifeguard Instructor/Beach Lifeguard~~ Staff
- Assists with program equipment and supplies and communicates any ordering needs for the program.
- Work with Beach Lifeguards/JG Instructors to plan, organize and implement activities; coordinating daily use of the beach; developing a weekly calendar; handling issues as they arise; completing all required paperwork.
- Informs all JG staff of safety hazards and ocean conditions and is proactive in preventing rescue situations.
- Assist Tower Lifeguards, if necessary, in search and rescue operations.
- Promotes workplace employee safety by adhering to established safety protocols and polices.
- Identifies and corrects problems whenever possible and acts through the chain of command if unable to remedy.
- ~~Assumes supervision of the program~~ in the Lifeguard Captain's or JG Coordinator's absence providing safety for the general public and/or Junior Guards.

The Lifeguard Lieutenant / JG Assistant Coordinator ~~/Lifeguard~~ will work closely with the Central Fire ~~Protection~~ District, Recreation Department administration, Santa Cruz Marine Safety Division, and all allied public safety agencies. The Lifeguard Lieutenant/JG Assistant Coordinator ~~/Lifeguard~~ must interact in a professional and courteous manner with the public and other emergency service employees.

### REQUIRED QUALIFICATIONS

- ~~Previous training under an USLA Open Water Lifeguard Certified Agency~~ cate or written verification from last USLA employer.
- 18 years of age
- Must provide a copy of valid CPR Certification (Pro or healthcare provider).
- Physical ability and stamina to perform the duties of an open water lifeguard
- The ability to meet and maintain a 500m ocean swim time of under 10 minutes
- Vision 20-30 corrected.
- Training or experience in working with children
- Criminal history and fingerprint check.
- Applicants must have at least one season as ~~an instructor in a Junior Lifeguard program~~ Beach Lifeguard/JG Instructor.
- Successful completion of required lifeguard training program after initial hiring process is completed. Successful completion and maintenance of required medical training certificates.
- Meet or exceed the minimum requirements for a USLA open water lifeguard.
- ~~All employees must comply with the City of Capitola COVID-19 Vaccination Policy~~
- Proof of negative tuberculosis test or clear chest X-ray must be presented within 14 days of hire - No exceptions.

#### ABILITIES

- Ability to effectively supervise the activities of the Beach Lifeguard Junior GLifeguard Instructor/Beach Lifeguard Staff.
- Ability to effectively coach subordinate personnel.
- Willingness to maintain discipline, confront problems and take appropriate action with staff, public or participants.
- Ability to pursue an effective and prudent course of action in emergency situation.
- Willingness to work weekends and varying irregular shifts.
- Swim in adverse weather conditions for extended periods of time.
- Interact in a professional and courteous manner with the public, JG Parents, and other emergency service personnel; both in person and over radio communication. employees.

#### DESIRABLE QUALIFICATIONS

- Work experience of 1,000 hours at a lifeguard agency which meets the standards of the USLA
- EMT or Paramedic certification
- First Aid for Public Safety Personnel (Title 22) Certification.
- A safe driving record as determined by the City's Personnel Department
- Red Cross Lifeguard Training, Water Safety Instructor or other aquatics training
- Experience in supervising staff and providing feedback

### SCHEDULE

The Lifeguard Lieutenant/JG Assistant Coordinator is a Part-Time/Seasonal position from March-September, not to exceed 960 hours in a calendar year. Candidates for Lifeguard Lieutenant/JG Assistant Coordinator must be available for full-time employment (40 hours per week) from June through August.

### SELECTION PROCESS

Applicants are required to submit a City application in addition to resume and any relevant documents. ~~Applicants with corrective lens restrictions must provide a physician's note, dated within 30 days, to verify current vision.~~ Those candidates who most closely meet the requirements of the position will be invited for a swim test and oral interview. Successful candidates must attend mandatory training scheduled ~~in June~~.

### TEST

Candidates must complete 200-meter run - 500 meter swim in the ocean in 10 minutes. Wetsuits are permitted, no swim fins.

# Capitola City Council

## Agenda Report

**Meeting:** November 10, 2022

**From:** City Manager Department

**Subject:** Update Hourly and Seasonal Salary Schedule



Recommended Action: Adopt the proposed resolution amending the hourly and seasonal Pay Schedule.

Background: The City of Capitola employs hourly and seasonal jobs to help provide services to the community. Most hourly and seasonal positions are within the Recreation Division, however other city departments use hourly and seasonal positions as well. Hourly and seasonal employees work either part-time or on a seasonal basis and are not considered regular employees; these employees are unrepresented by any Union and are not subject to any existing memorandum of understanding (MOUs). For this reason, any wage increases are enacted by City Council action separate from the adoption of MOUs for other City bargaining groups.

Discussion: Council last adjusted the hourly and seasonal employees pay schedule in December 2021, to comply with State minimum wage requirements. At this time staff recommends increasing the pay schedule by 3% to help maintain competitiveness when recruiting to fill positions. There are no classifications being added to the schedule.

Fiscal Impact: The increase to the hourly and seasonal employee pay schedule was anticipated when preparing the Fiscal Year 2022-2023 budget and the adopted budget already accounts for this increase.

Attachments:

1. Proposed resolution

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager

Reviewed By: Jim Malberg, Finance Director; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

**RESOLUTION NO.  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING THE HOURLY/SEASONAL EMPLOYEE PAY SCHEDULES EFFECTIVE  
JANUARY 1, 2023**

**WHEREAS**, the City Council sets the compensation rates for hourly and seasonal employment positions; and

**WHEREAS**, the City Council last amended the Seasonal/Hourly Pay Schedule (Pay Schedule, attached as Exhibit "A") by Resolution No. 4242 on December 9, 2021. That amended Pay Schedule included changes to comply with California minimum wage requirements.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the City Council of the City of Capitola approves as follows:

The Hourly/Seasonal Pay Schedule attached hereto as Exhibit "A," is amended as shown in the Exhibit.

**BE IT FURTHER RESOLVED** that this Resolution becomes effective on January 1, 2023.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 10<sup>th</sup> day of November 2022, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

\_\_\_\_\_  
Sam Storey, Mayor

**ATTEST:**

\_\_\_\_\_  
Chloé Woodmansee, Interim City Clerk

## EXHIBIT A

Updated November 10, 2022 (Minimum wage \$15.50/hour)				
POSITION	0	1	2	3
Intern	\$ 17.04	\$ 17.89	\$ 18.78	\$ 19.72
Junior Lifeguard Instructor	\$ 19.06	\$ 20.01	\$ 21.01	\$ 22.06
Junior Lifeguard Assistant Coordinator	\$ 22.06	\$ 23.16	\$ 24.32	\$ 25.54
Junior Lifeguard Coordinator	\$ 25.54	\$ 26.81	\$ 28.15	\$ 29.56
Recreation Leader I	\$ 16.22	\$ 17.03	\$ 17.89	\$ 18.78
Recreation Leader II	\$ 19.72	\$ 20.70	\$ 21.74	\$ 22.83
Recreation Program Assistant Coordinator	\$ 21.74	\$ 22.83	\$ 23.97	\$ 25.17
Recreation Program Coordinator	\$ 23.97	\$ 25.17	\$ 26.42	\$ 27.75
Recreation Facility Assistant	\$ 15.45	\$ 16.22	\$ 17.03	\$ 17.89
POSITION				
Retired Annuitant Officer	Salary will be equivalent to the position for which the individual is working in However, retired Capitola Police Officers who apply and are accepted as Annuitants will be paid an hourly wage consistent with Step F of the Police Officer salary scale			
Reserve Officer Level I	Automatically adjusts to 20% below the Police Officer Pay Scale			
Reserve Officer Level II	Automatically adjusts to 20% below the Level I Reserve Officer Pay Scale			
Seasonal Recreation Assistant	Salary will be equivalent to the position of Recreation Assistant			
Part-Time Parking Enforcement Officer	Salary will be equivalent to the position of Parking Enforcement Officer			
Art and Cultural Assistant	Salary will be equivalent to the position of Administrative Assistant			
Police Records Technician	Salary will be equivalent to the position of Police Records Technician			

# Capitola City Council

## Agenda Report



**Meeting:** November 10, 2022

**From:** City Manager Department

**Subject:** Consider Adopting Proposed Resolution Allowing for the Continuation of Teleconferencing

**Recommended Action:** 1) Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and there is a need to continue action; and 2) Adopt the proposed resolution authorizing the City Council (along with the Planning Commission and all advisory bodies) to continue to conduct teleconferencing meetings.

**Background:** In December 2019, an outbreak of a respiratory illness linked to the novel coronavirus (COVID-19) was first identified. In March 2020, the State of California, the County of Santa Cruz, and the City of Capitola each declared a state of emergency due to the virus. Also in March 2020, the World Health Organization declared COVID-19 a pandemic. State and local health officers issued health orders to stop the spread of COVID-19; in Santa Cruz County this included March, April, and May 2020 Shelter-In-Place orders that were more restrictive than statewide guidance. Since then, the County Health Officer has incorporated all Orders of the State Public Health Officer, which set baseline statewide restrictions on travel and business activities. Currently (and since February 2022), there are no State required COVID-19 restrictions, other than minimal masking requirements in certain settings. COVID-19 public safety economic restrictions were mostly removed in June 2021 when the state met the criteria to fully reopen the economy and moved beyond the Blueprint for a Safer Economy.

The Governor signed Assembly Bill 361 on September 16, 2021. The Bill allows cities to continue virtual meetings (much as Capitola City Council Meetings function now) as long as the state is under a proclaimed state of emergency; through 2024 when the bill will sunset. The Bill requires legislative bodies to comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate and observe local government meetings. One of the requirements is for Council to adopt findings every thirty days.

Attached is a resolution that makes the following findings:

- 1) Find that current conditions authorize teleconference public meetings, based on the Governor's state of emergency regarding the COVID-19 Pandemic
- 2) Authorize legislative bodies to conduct teleconference meetings, allowing Capitola City Council, Planning Commission, and other advisory bodies to continue to meet using Zoom.

Council will need to adopt resolutions making findings required by AB361 if Hybrid Meetings (with Council Members attending remotely) continue.

**Discussion:** On Monday, October 17, Governor Newsom announced that the COVID-19 State of Emergency will officially end on February 28, 2023. Operating under AB 361 requires that the state be under a proclaimed state of emergency, meaning that teleconferencing meetings permissible with AB 361 will no longer be so beginning February 2023.

Governor Newsom signed Assembly Bill 2449 (AB 2449) in September, and the Bill goes into effect on January 1, 2023. This Bill amends the Brown Act to provide additional teleconference procedures which would allow Council Members (members of a legislative body) to participate remotely in public meetings, however this Bill is much more restrictive than AB 361.



For example, under AB 2449, Capitola Council Members could attend a Council meeting remotely if at least a quorum of Council Members are in-person at the Capitola City Council Chambers and Council also follows the following:

1. The Council must provide either a two-way audiovisual platform or two-way telephonic service and a live webcasting of the meeting to allow the public to remotely hear and visually observe the meeting, and remotely address the legislative body. (Zoom would likely fulfill this requirement.)
2. The agenda must identify and include an opportunity for all persons to attend via a call-in option, internet-based service option, and at the in-person location of the meeting. (Again, Zoom and the Council Chambers would likely fulfill this requirement.)
3. A member of the Council can only participate remotely if:
  1. the member notifies the Council at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for “just cause”; or
  2. the member requests that the Council allow them to participate in the meeting remotely due to "emergency circumstances," and the Council approves the request. The Council must request a general description (generally not exceeding 20 words) of the circumstances relating to the member’s need to appear remotely at the given meeting.
4. “Just cause” is defined as (i) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely; (ii) a contagious illness that prevents a member from attending in person; (iii) a need related to a physical or mental disability as defined by statute; or (iv) travel while on official business of the legislative body or another state or local agency.
5. Members of the Council are prohibited from using AB 2449 to participate in remote meetings for more than three consecutive months or for 20% of the regular meetings in a calendar year.
6. Members of the Council participating remotely must participate using both audio and visual technology (Zoom) and must publicly disclose whether any individual over the age of 18 is present at the remote location.
7. A meeting must be paused when there is any teleconference disruption for the public and no action can be taken if a disruption event prevents the Council from broadcasting the meeting. (This requirement is currently in place for remote or hybrid meetings.)
8. Real-time public comments must be allowed during the meeting.
9. The Council must implement procedures for resolving requests for reasonable accommodations for individuals with disabilities. (This requirement is currently in place for remote or hybrid meetings.)

Council may only conduct hybrid meetings under the current AB 361 rules until February 28, 2023. At that time, the new rules outlined above will take effect. Alternatively, after February 28, 2023, the Council could revert to the standard Brown Act procedures for teleconferencing, which require the City to post the address from which each teleconferencing member will be appearing on the agenda.

Staff is currently working to implement upgraded technology to allow for a smoother “hybrid” option so that members of the public may attend Council meetings either in-person or remotely. The rules outlined above pertain to members of the Council and their ability to participate remotely, and do not apply to the public.

Fiscal Impact: At Council direction, the City has maintained \$385,000 in a resiliency fund to help ensure the City has available resources should the pandemic result in further unforeseen impacts, which remains in the approved FY 2022-23 Budget.

Attachments:

1. Proposed Teleconferencing resolution

Report Prepared By: Chloé Woodmansee, Assistant to the City Manager; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54952(b) AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e)) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS**

**WHEREAS**, the City Council is committed to ensuring public access to observe and participate in local government meetings; and

**WHEREAS**, all meetings of the City Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

**WHEREAS**, the recently adopted AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, and

**WHEREAS**, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID-19) and that State of Emergency is still in effect in the State of California; and

**WHEREAS**, on March 12, 2020, the Capitola City Council proclaimed the existence of a local emergency due to the worldwide spread of the coronavirus with Resolution No. 4168, pursuant to Section 8.08.020 of the Capitola Municipal Code and Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic; and

**WHEREAS**, COVID-19 continues to threaten the health and lives of City residents; and

**WHEREAS**, the SARS-CoV-2 Delta Variant (Delta Variant) is highly transmissible in indoor settings; and

**WHEREAS**, on July 28, 2021, the California Department of Public Health issued guidance calling for the use of face coverings and stating that the Delta Variant is two times as contagious as early COVID-19 variants, leading to increasing infections, the Delta Variant accounts for over 80% of cases sequenced, and cases and hospitalizations of COVID-19 are rising throughout the state; and

**WHEREAS**, the Delta Variant has caused, and will continue to cause, conditions of imminent peril to the health safety of persons within the City; and

**WHEREAS**, on October 14, November 23, and December 9, 2021, January 13, February 10, and February 27, March 10, March 24, April 14, April 28, May 12 and May 26, June 9, June 23, and July 28, 2022, August 25, and September 8, September 22, October 13, and October 27, 2022 the City Council adopted a resolution proclaiming the need to meet by teleconference pursuant to Government Code Section 54953; and

**WHEREAS**, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as "Legislative Bodies"), finds that the current conditions meet the circumstances set forth in

Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Capitola that the City Council does hereby:

- 1. Recitals. The Recitals set forth above are true and correct and are hereby incorporated by this reference.
- 2. Find that Current Conditions Authorize Teleconference Public Meetings of Legislative Bodies. The City Council has reconsidered the circumstances of the state of emergency and finds that based on the California Governor’s continued declaration of a State of Emergency and current conditions, meeting in person would present imminent risks to the health or safety of attendees, such that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
- 3. Authorize Legislative Bodies to Conduct Teleconference Meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.

**I HEREBY CERTIFY** that the foregoing resolution was PASSED and ADOPTED by the City Council of the City of Capitola on the 10<sup>th</sup> day of November 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Sam Storey, Mayor

ATTEST: \_\_\_\_\_  
Chloé Woodmansee, Interim City Clerk

# Capitola City Council

## Agenda Report



**Meeting:** November 10, 2022

**From:** City Manager Department

**Subject:** Consider Request to Fly the “Christian Flag” during the month of December, the month of Easter, and on May 1<sup>st</sup>, the National Day of Prayer, in Accordance with Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property

Recommended Action: Deny request.

Background: On May 27, 2021, City Council adopted Policy V-18: Outdoor Display of Governmental and Non-Governmental Flags on City Property.

Section IV: Non-Governmental Flag Procedure states that: “Any person wishing for the City to display a Non-Governmental flag that is not on the “Approved Non-Governmental Flags List” ... must submit a request to the City Manager’s office. Requests should be submitted at least 60 days in advance of the first date on which the flag is requested to be flown. The request must include a photograph and dimensions of the flag, and the dates on which the flag is requested to be flown. The City Council shall determine whether the request will be granted, denied, or granted in part.”

The full Flag Policy is included as Attachment 1.

Discussion: On September 30, 2022, a member of the public submitted a flag request to the City of Capitola, included as Attachment 2. The request is: 1) to “[add] the Christian flag to the approved list of Non-Governmental Flags per the City Flag Policy Number: V-18”; and 2) to fly the flag at the following times:

- “Christmas - December 1-31 each year as Christians observe the birth of Jesus Christ,
- Easter - Where it falls on the calendar each year respectively as Christians observe the resurrection of Jesus Christ, (e.g. 2023: Easter Sunday is April 9th, Holy Week: April 2-9) and;
- The National Day of Prayer - Thursday of May each year.”

The City’s Flag Policy states that City flagpoles are a forum for expression by the City, not the public. The Policy declares that the flying of flags other than the United States and California flag is “an expression of the City’s official sentiments.” The City is a local government.

The Establishment Clause prohibits governments from communicating religious messages that might signal favoritism of one religion over another, or favoritism of religion versus not holding religious beliefs. Accordingly, staff recommends the City deny this request.

Fiscal Impact: None.

Attachments:

1. Flag policy
2. Christian Flag request

Report Prepared By: Samantha Zutler, City Attorney, Chloé Woodmansee, Assistant to the City Manager

Approved By: Jamie Goldstein, City Manager

## ADMINISTRATIVE PROCEDURE

Number: V-18  
Issued: May 27, 2021  
Jurisdiction: City Council

### Outdoor Display of Governmental and Non-Governmental Flags on City Property

#### I. Purpose

The purpose of this administrative policy is to establish uniform policies to govern the flying of the United States and California flags (“Governmental Flags”) on City-owned flagpoles, and the flying of flags other than the United States and California flag (“Non-Governmental Flags”) as an expression of the City’s official sentiments on City-owned flagpoles. The City’s flagpoles are intended to serve as a forum for expression by the City, and not a forum for expression by the public.

#### II. Applicability

The City shall regularly fly, on official, City-owned flagpoles, the flags of the United States of America and the State of California, and Non-Governmental flags pursuant to this Policy. Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or wearing or carrying a flag. City employees must comply with City policy.

#### III. Half-Staff

National flags and/or the California flag on City-owned property shall be flown at half-staff upon order of the President of the United States, or authorization by the Governor of California or the City Council of the City.

National and/or California flags on City-owned property shall also be flown at half-staff upon the death of:

- A City Councilmember, past or present;
- A current City employee;
- A City retiree having served the City for 25 or more years;
- A public safety officer (police officer, Sheriff’s deputy, or firefighter) killed in the line of duty and employed by an agency in Santa Cruz County, San Mateo County, Santa Clara County, San Benito County or Monterey County; and
- A person whose accomplishments and contributions to the community demonstrated a significant commitment to the Capitola community, as determined by the City Manager and the Mayor.

In most of the above circumstances, flags will ordinarily be flown at half-staff as soon as practicable following the notification of a death, and for an additional 48 hours. For public safety officer line of duty deaths, the flag will fly at half-staff immediately from notification of death to sunset on the day of service/funeral.

#### IV. Non-Governmental Flag Procedure

Any person wishing for the City to display a Non-Governmental flag that is not on the “Approved Non-Governmental Flags List” below must submit a request to the City Manager’s office. Requests should be

submitted at least 60 days in advance of the first date on which the flag is requested to be flown. The request must include a photograph and dimensions of the flag, and the dates on which the flag is requested to be flown. The City Council shall determine whether the request will be granted, denied, or granted in part.

If the request is approved, this policy may be updated to include the approved flag, time when the flag shall be displayed, and approved flag image. If the request is not approved, it shall be deemed to have been denied and shall not be reconsidered for a period of six (6) months. The City Council’s determination shall be final and not subject to appeal.

Unless otherwise noted herein, or approved by the City Council, Non-Governmental flags shall only be flown at City Hall and, when raised, shall replace the flag of the State of California, not the flag of the United States.

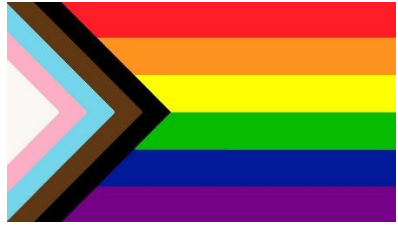
If, while a Non-governmental flag is flying for its approved time, there is reason to fly flags at Half-Staff, the Non-governmental flag shall follow the same protocol as outlined above.

The City will take responsibility for obtaining and paying for any approved Non-Governmental Flags.

Nothing set forth in this Policy is intended to prohibit or curtail individuals from displaying a flag on private property under his or her control or wearing or carrying a flag. City employees must comply with City policy.

**V. Approved Non-Governmental Flag List**

The following flag(s) are approved for the following locations and time periods. The City Council may update this list at its discretion.

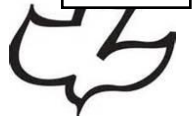
Flag	Location	Time Period	Approved Flag Image
LGBTQ+ Pride “Progress” Flag	City Hall	June 1 – June 30	

APPROVED:

DocuSigned by:  
  
 D05A9A7B5900485

Jamie Goldstein, City Manager

# Calvary Chapel Capitola



David Campbell  
Pastor, Calvary Chapel Capitola  
4575 Capitola Road  
Capitola, CA 95010

September 30, 2022

City of Capitola City Manager  
Capitola City Hall  
420 Capitola Avenue  
Capitola, CA 95010

Dear Mr. Goldstein,

I am writing to formally request the addition of the Christian flag to the approved list of Non-Governmental Flags per the City Flag Policy Number: V-18, issued May 27, 2021.

The Christian flag has a long history in the United States. According to Wikipedia, it was conceived on September 26, 1897, and adopted by the Federal Council of Churches on January 23, 1942. The Christian flag has been in use worldwide, particularly in Europe, Asia, Latin America, Africa and Canada. The Christian flag is designed to be universal, representing all of Christianity without regard to denomination. Christianity is the most prevalent religion in the United States. Estimates from 2021 suggest that about 65% of all adults and 63% of the US population is Christian (about 210 million).

The United States was founded on biblical Christian values, and it is important that we pass these significant values on. Especially in a time when there is so much division in our country. In 1956, the 84<sup>th</sup> congress adopted "In God We Trust" as the National Motto, and recently on January 26, 2011 the 112<sup>th</sup> congress, reaffirmed this National Motto.

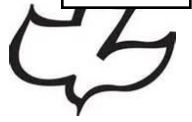


4575 Capitola Road, Capitola CA 95010 (831) 475-7484

[www.calvarychapelcapitola.org](http://www.calvarychapelcapitola.org)



# Calvary Chapel Capitola

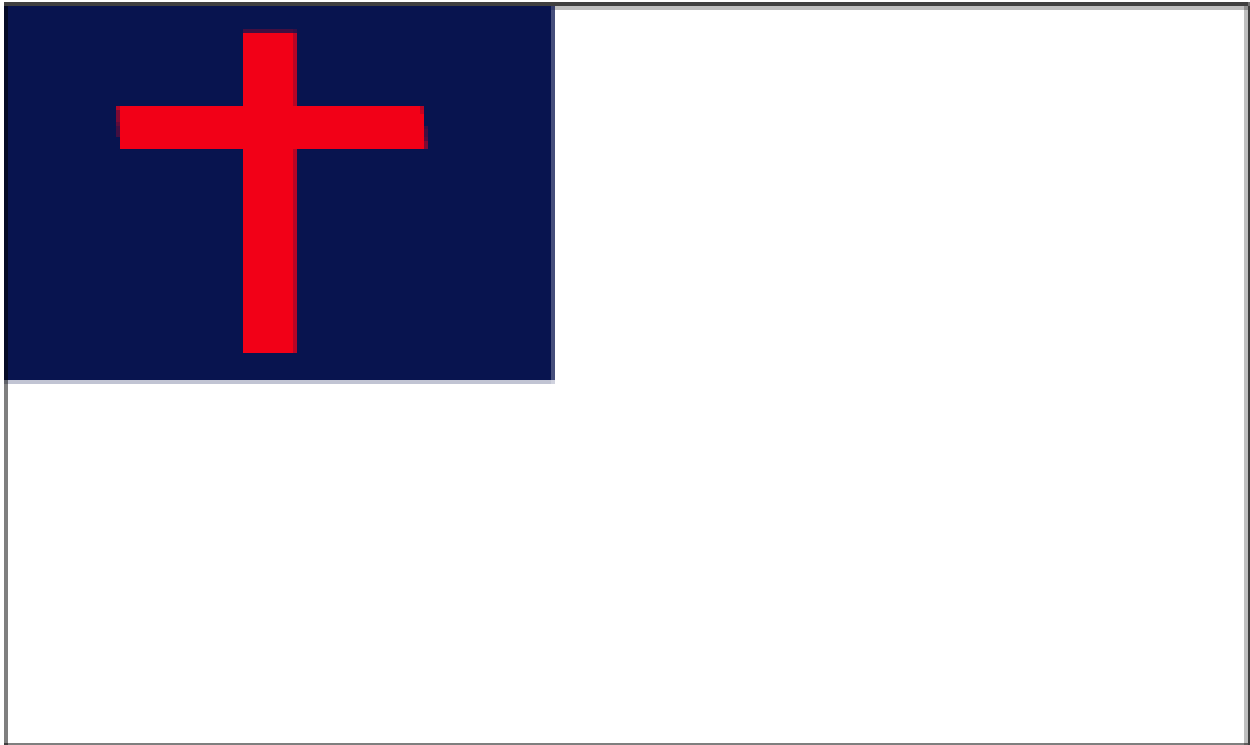


On behalf of Calvary Chapel Capitola, I am requesting the adoption of the Christian flag to be flown over nationally observed Christian holidays, that include

- Christmas-December 1-31 each year as Christians observe the birth of Jesus Christ.
- Easter-Where it falls on the calendar each year respectively as Christians observe the resurrection of Jesus Christ, (e.g. 2023: Easter Sunday is April 9<sup>th</sup>, Holy Week: April 2-9) and;
- The National Day of Prayer-First Thursday of May each year.

Flag Description: A white banner with a red Latin Cross charged upon a blue canton (picture attached).

Dimensions: 4' x 6'



Respectfully,

David Campbell



4575 Capitola Road, Capitola CA 95010 (831) 475-7484

[www.calvarychapelcapitola.org](http://www.calvarychapelcapitola.org)

# Calvary Chapel Capitola



Pastor, Calvary Chapel Capitola



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# Capitola City Council

## Agenda Report

**Meeting:** November 10, 2022

**From:** Police Department

**Subject:** Consider a Cannabis Delivery Ordinance Amendment



**Recommended Action:** Introduce, by title only, waiving further reading of the text, an ordinance amending Capitola Municipal Code Sections 5.36 and 9.61 allowing cannabis deliveries within the City of Capitola from any authorized licensed retailers physically located within Santa Cruz County.

**Background:** In November 2018, Capitola residents passed a ballot measure authorizing a tax on retail cannabis sales. Ordinance 1023 established a cannabis tax that was adopted on December 13, 2018. Capitola Municipal Code 9.61.040 (B) bans all commercial sales of cannabis without a retail cannabis license and a conditional use permit.

In December 2018, the City Council adopted Retail Cannabis Ordinance 1021, adding Capitola Municipal Code 5.36 outlining the regulations and licensing requirements for retail cannabis sales in Capitola. The ordinance allowed for two permits to be issued for two retail locations on 41<sup>st</sup> Avenue. Both authorized cannabis retailers in Capitola are in good standing and have passed annual inspections.

As other local jurisdictions in the County developed their cannabis retail licensing process, they restricted deliveries into their jurisdiction to only their local retail license holders. The purpose behind those regulations was to ensure that deliveries into the jurisdictions were both well-regulated and subject to appropriate taxes. The cities of Santa Cruz and Watsonville and the County all require deliveries come from entities licensed in their jurisdiction.

Recent discussions among the local city managers and the County Administrator have led to a regional plan where staff agreed to propose revisions to their local cannabis regulations to allow delivery from any legal cannabis business located in a Santa Cruz County jurisdiction. This plan would still ensure that deliveries are subject to local regulations and taxes.

The Santa Cruz City Council will be considering a similar ordinance amendment on November 11, 2022. Staff expects the remaining jurisdictions that permit retail cannabis sales will consider similar ordinances this Fall.

**Discussion:** The proposed amendments to Sections 9.61 and 5.36 of the Capitola Municipal Code would explicitly allow recreational cannabis deliveries from any licensed cannabis retailer within the County while prohibiting deliveries from outside the County.

The intent behind this change is to align the retail cannabis delivery requirements for the cities of Capitola, Watsonville and Santa Cruz and the unincorporated areas of Santa Cruz County. This change should simplify enforcement and compliance efforts for all jurisdictions.

The proposed ordinance also includes language that allows delivery of medical cannabis from businesses located anywhere within the State, as required by the newly adopted Senate Bill 1186. Senate Bill 1186 – Medicinal Cannabis Patients' Right of Access Act was signed into law on September 18, 2022. This bill enacts the Medicinal Cannabis Patients' Right of Access Act, which, on and after January 1, 2024, would prohibit local jurisdictions from adopting or enforcing any regulation that prohibits the delivery of medicinal cannabis to medicinal cannabis patients.

Staff contacted our two permitted cannabis retail establishments for feedback on the proposed amendment. Staff heard back from both retailers, and they fully support the proposed ordinance amendment. The retailer stated this amendment would allow the business to now deliver outside of the City of Capitola and that would create new sales opportunities so the proposed amendment would not

disadvantage the local business.

Attachments:

1. Proposed ordinance

Report Prepared By: Andrew Dally, Chief of Police

Reviewed By: Chloé Woodmansee, Assistant to the City Manager; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 9.61.040 OF THE MUNICIPAL CODE TO ALLOW DELIVERY OF CANNABIS FROM ANY BUSINESS LOCATED IN SANTA CRUZ COUNTY AND TO IMPLEMENT BUSINESS AND PROFESSIONS CODE SECTION 26320 RELATED TO MEDICINAL CANNABIS DELIVERY**

**WHEREAS**, the City's current Municipal Code prohibits the delivery of medicinal and recreational cannabis within the City limits; and

**WHEREAS**, Business and Professions Code Section 26200 allows for local jurisdictions to adopt, implement and enforce local ordinances to regulate cannabis businesses; and

**WHEREAS**, allowing delivery of cannabis to residents within Capitola increases access to cannabis for those who may not be mobile; and

**WHEREAS**, allowing delivery of cannabis from businesses located within the County of Santa Cruz supports local businesses, while maintaining local control over cannabis regulations; and

**WHEREAS**, other jurisdictions within Santa Cruz County are considering similar allowances, and aligning the City of Capitola's regulations with other local regulations aids in enforcement; and

**WHEREAS**, SB-1186 (Chapter 395, Statutes of 2022) amended Section 26200 and enacted Chapter 26, commencing with Section 26320, to the Business and Professions Code, effective January 1, 2023; and

**WHEREAS**, these provisions enact the Medicinal Cannabis Patients' Right of Access Act, which, beginning on January 1, 2024, prohibits the City from adopting or enforcing any regulation that prohibits the retail delivery sale within the City of medicinal cannabis to medicinal cannabis patients or their primary caregivers by medicinal cannabis businesses; and

**WHEREAS**, the Medicinal Cannabis Patients' Right of Access Act prohibits local jurisdictions from prohibiting or unreasonable restricting medical cannabis delivery by limited the number of businesses allowed to deliver, the operating hours of such businesses, the number or frequency of medicinal cannabis sales, or the types or quantities of medicinal cannabis allowed to be sold; and

**WHEREAS**, the Medicinal Cannabis Patients' Right of Access Act prohibits local jurisdictions from prohibiting physical medicinal cannabis retail delivery stores to operate within their jurisdiction if the City did not have at least one physical store that was allowed to sell medicinal cannabis as of January 1, 2022; and

**WHEREAS**, the City Council desires to implement regulations on the delivery and sale of both recreational and medicinal cannabis within the City limits.

**BE IT ORDAINED** by the City of Capitola as follows:

**Section 1.** The above findings are adopted and incorporated herein.

**Section 2.** Section 9.61.040 (Prohibited Activities) is amended as follows:

**Subsection D is added as follows:**

D. Notwithstanding the foregoing:

1. Holders of a State retail dispensary license, which are located in any jurisdiction, may deliver medicinal cannabis via mobile delivery to a consumer's premises in the City. Medicinal cannabis delivery businesses located in the City of Capitola shall obtain a City of Capitola business license and have a valid cannabis retailer license.

2. Retail delivery businesses located within any jurisdiction within Santa Cruz County may deliver within the City if they are licensed to do so by the State and the jurisdiction in which they are located. Such businesses may be required to obtain a City of Capitola business license consistent with Chapter 5.04 – Business Licenses and Fees and, if physically located within the City of Capitola, must also have a valid cannabis retailer license consistent with Chapter 5.36 – Retail Cannabis Licenses.

**Section 3.** Section 5.36.030 (Cannabis retail business – license required) is amended as follows:  
**Subsection 15 is added as follows:**

15. Notwithstanding the requirements of this section, recreational and medicinal cannabis delivery shall be permitted in the City as outlined in Section 9.61.040.

**Section 4.** Environmental Review.

The City Council finds and determines that enactment of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378).

**Section 5.** Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

**Section 6.** Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

**Section 7.** Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2022, and was adopted at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2022, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Sam Storey, Mayor

Attest: \_\_\_\_\_  
Chloe Woodmansee, Interim City Clerk



# Capitola City Council

## Agenda Report



**Meeting:** November 10, 2022

**From:** Community Development Department

**Subject:** Introduce an Ordinance Amending Chapter 15.04 of the Capitola Municipal Code Pertaining to Building and Fire Code

**Recommended Action:** Introduce for first reading, by title only, waiving further reading of the text, a proposed ordinance amending Municipal Code Chapter 15.04, pertaining to building and fire codes.

**Background:** The State of California has adopted new editions of the California Building Codes, which take effect throughout the state on January 1, 2023. The proposed Ordinance amends Municipal Code Title 15 to adopt the most current version of the California Building Codes as required by California State Health and Safety Code Section 18541.5.

**Discussion:** The City of Capitola must amend Title 15 of the Capitola Municipal Code approximately every three years to incorporate the most recent editions of State building codes that have been adopted by the California Building Standards Commission. The California Building Standards Commission adopted new model codes which will go into effect on January 1, 2023.

Unlike previous Building Code cycle amendments, there are no significant differences between the 2019 version and the updated 2022 California Building Code. Notable code changes are highlighted below; a detailed list of changes are listed in Attachment 2.

- a. The significant amendment to the Building, Residential, Mechanical and Plumbing Codes, includes keeping the existing code language for permit expiration.
- b. Deletion of Concrete construction standards which had been carried over from previous code adoptions. These construction standards are replaced by current code language.
- c. Adoption of the 2022 California Fire Code as amended and adopted by the Central Fire Protection District.
- d. Swimming Pool Safety Act - This law is mandatory, not optional for local adoption. To align with the CBC, Chapter 31, Appendix AX section numbers were reformatted to reflect the numbering used in HSC 115920 through 115929.

Staff recommends City Council adopt the State Codes as the governing Code for this cycle as the City is obligated to apply State Building and Fire Codes and because the State's standards are tailored to the geographic, climatic, and topographic conditions found in California.

**Fiscal Impact:** None

**Attachments:**

1. Draft Ordinance
2. State of CA 2022 Title 24 Code Changes

**Report Prepared By:** Robin Woodman, Building Official

**Reviewed By:** Chloé Woodmansee, Assistant to the City Manager; Samantha Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager

DRAFT ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING CHAPTER 15.04 OF THE CAPITOLA MUNICIPAL CODE  
PERTAINING TO ADOPTION OF CALIFORNIA BUILDING CODES**

THE CITY COUNCIL OF THE CITY OF CAPITOLA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 15.04 is amended to be titled Building and Fire Codes

SECTION 2. Section 15.04.010 of the Capitola Municipal Code is amended to read as follows:

15.04.010 Adoption of California Building Codes. The City of Capitola adopts the following Codes or designated portions thereof:

- A. The California Building Code and appendices, ~~2019~~ 2022 edition, which edition incorporates the International Building Code, ~~2018~~ 2021 edition as published by the International Code Council and includes the Historic, Existing Building, and International Property Maintenance Codes.
- B. The California Electrical Code, ~~2019~~ 2022 edition, which incorporates the ~~2018~~ 2021 National Electrical Code as published by the National Fire Protection Association, NFPA 70.
- C. The California Mechanical Code, ~~2019~~ 2022 edition, which incorporates the ~~2018~~ 2021 Uniform Mechanical Code as published by the Association of Plumbing and Mechanical Officials.
- D. The California Plumbing Code, ~~2019~~ 2022 edition, which incorporates the ~~2018~~ 2021 edition of the Uniform Plumbing Code.
- E. The California Fire Code, ~~2019~~ 2022 edition as amended by the Central Fire Protection District Fire Code, ~~2018~~ 2021 edition.
- F. The California Residential Code, ~~2019~~ 2022 edition, which incorporates the International Residential Code, ~~2018~~ 2021 edition.
- G. The ~~2019~~ 2022 California Referenced Standards Code.
- H. The California Energy Code, ~~2019~~ 2022 edition.
- I. The California Green Building Standards Code, ~~2019~~ 2022 edition.
- J. The California Administrative Code, ~~2019~~ 2022 edition.
- K. The California Historical Building Code, ~~2019~~ 2022 edition.
- L. The California Existing Building Code, ~~2019~~ 2022 edition, which incorporates the International Existing Building Code, ~~2019~~ 2022 edition.

The International Building Codes may be used as an alternative to the California Codes, when submitted, reviewed, and approved by the City’s Building Official.

SECTION 3. Section 15.04.050 Modifications to the California Building Code.

- A. The following local geologic conditions justify modifications to California Building Standards Code as detailed in subsection B:

Geological – The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the usability of buildings, degraded the life-safety of building occupants, and increased the cost of rehabilitation of the structures.

- B. The following modifications apply to the California Building Code:

Section 105.5.1 [Permit] Expiration

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

- C.

~~1805.3.1. Concrete floors in all residential occupancies shall be protected from moisture penetration by a bed of at least three inches of clean rock, not less than 3/8 inch nor more than 1 inch in diameter. Dam proofing consisting of not less than 10-mil polyethylene with joints lapped not less than 12 inches, a vapor barrier that meets or exceeds ASTM E-1745 Standards, or other approved methods or materials shall be installed beneath the slab. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.~~

Section 1905.1.8. Amends ACI 318 section 22.10.1 of ACI 318 that allows the use of plain concrete in residential structures assigned to seismic design category D, E or F to read:

22.10. Plain concrete in structures assigned to seismic design category C, D, E or F.

22.10.1. Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4

are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

SECTION 4. The following changes and modifications are hereby made to the California Residential Code as referenced below:

(A) CRC R105.5 shall be amended to read:

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

~~R506.2.3. Concrete floors in all residential occupancies shall be protected from moisture penetration by a bed of at least three inches of clean rock, not less than 3/8 inch nor more than 1 inch in diameter. Damp-proofing consisting of not less than 10-mil polyethylene with joints lapped not less than 12 inches, a vapor barrier that meets or exceeds ASTM E-1745 Standards, or other approved methods or materials shall be installed beneath the slab. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.~~

R403.1.3. Seismic reinforcing.

- a) Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2 (1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.
- b) In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.
- c) In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.
- d) In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the “e” footnote notation in the title of Table R602.10., after the four footnotes currently shown, to read:

TABLE R602.10.1.3(3)<sup>a,b,c,d,e</sup>

- e) R602.10.4.4. Limits on methods GB and PCP. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, and D<sub>2</sub>, the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

SECTION 5 The following modification is made to the California Mechanical Code.

(A) Section 104.4.3 is deleted and replaced with the following:

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 104.4.3.1 is Deleted

SECTION 6

(A) The following modification is made to the California Plumbing Code.

Section 104.4.3 is deleted and replaced with the following:

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 104.4.3.1 is Deleted

SECTION 7. This Ordinance shall take effect and be in full force thirty (30) days after its final adoption by the City Council.

This Ordinance was introduced on the 24th day of November, 2019, and was passed and adopted by the City Council of the City of Capitola on the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

APPROVED:

\_\_\_\_\_  
Sam Storey, Mayor

ATTEST:

\_\_\_\_\_, CMC  
Chloe Woodmansee, City Clerk



# 2022 TITLE 24 California Code Changes



July 2022  
1<sup>st</sup> Edition



**C A L I F O R N I A**  
BUILDING STANDARDS COMMISSION

# Acknowledgements

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Secretary of the Government Operations Agency, Amy Ton

Director of the Department of General Services, Ana Lasso

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Chair, Secretary Amy Tong

Vice Chair, Rajesh Patel

Commissioners:

Kent Sasaki

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Elley Klausbruckner

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The California Building Standards Commission is a commission within the Department of General Services

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Please submit comments and suggestions for improvements or additions to this publication to [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov)

or mail to

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Some of CBSC's publications available on the website's [Resources page](#):

Guide to Title 24

Public Guide to the Building

It's Your Building Department

Standards Adoption Process

Guide for Local Amendments of

Frequently Asked Questions

Building Standards

Glossary of Terms



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## INTRODUCTION

During the 2021 Triennial Code Adoption Cycle, California state agencies reviewed the most recent edition of national model codes and standards, and made amendments and additions to most parts of the California Building Standards Code, Title 24 of the California Code of Regulations (Title 24). This publication contains information regarding substantive changes of interest to code users as they familiarize themselves with the 2022 edition of Title 24. For ease of reading, this document uses all normal font style (no italics). When looking at Title 24, it is a good idea to learn about and understand the various margin markings, banners and text styles that will indicate where changes have been made to the code and what amendments are model code changes versus California amendments. An explanation of margin markings can be found in the preface of each part of Title 24.

### **State agency acronyms that may be used in this publication**

BSC – Building Standards Commission  
 CDPH – California Department of Public Health  
 CEC – California Energy Commission  
 DSA – Division of the State Architect  
 DWR – Department of Water Resources  
 HCD – Department of Housing and Community Development  
 OSHPD – Office of Statewide Health Planning and Development (now Department of Health Care Access and Information – HCAI)  
 SFM – State Fire Marshal

For the applications of amendments adopted by the various state agencies, reference Chapter 1 of each part of Title 24.

### **The parts of Title 24 may be abbreviated as follows:**

CBC – California Building Code, Part 2, Volumes 1 and 2  
 CRC – California Residential Code, Part 2.5  
 CMC – California Mechanical Code, Part 4  
 CPC – California Plumbing Code, Part 5  
 CFC – California Fire Code, Part 9  
 CEBC – California Existing Building Code, Part 10  
 CALGreen – California Green Building Standards Code, Part 11  
 CRSC – California Referenced Standards Code, Part 12

To avoid confusion with other acronyms, abbreviations are not used for the California Administrative Code (Part 1), California Electrical Code (Part 3) or California Energy Code (Part 6).

Note that there were no significant updates to the California Historical Building Code, Part 8 of Title 24, and Part 7 is vacant, so those parts are not listed here. There are no changes to Part 8 because the State Historical Building Safety Board adopted the 2022 California Historical Building Code by carrying forward existing provisions from the 2019 edition without further amendment.

**Model code developers:**

Every three years the national model codes and standards are published, and by law California is required to incorporate specific model codes and standards into Title 24. The model code publishers often issue significant code change documents explaining national code updates and the reasons for them. Links to those documents are provide below.

IAPMO – The International Association of Plumbing and Mechanical Officials  
(Parts 4 and 5)

[Uniform Mechanical and Plumbing Code Updates webpage](#)

ICC – The International Code Council (Parts 2, 2.5, 9 and 10)

[Purchase ICC’s 2021 Significant Changes publications](#)

NFPA – National Fire Protection Association (Part 3)

[2020 National Electrical Code updates links](#)

Please watch the California Building Standards Commission’s (CBSC) video [About Title 24](#) to learn about the code’s layout and contributing state agencies. For more in-depth information, visit CBSC’s [Resources webpage](#) to view and download educational publications such as a [Guide to Title 24](#).





## CALIFORNIA ADMINISTRATIVE CODE – PART 1

### Chapter 1 – Building Standards Commission

#### 1-209 Code Advisory Committees

Amended existing section footnote to clarify the requirements of the Fire Official and Local Government Water Efficiency Official positions in the Code Advisory Committees.

#### Sections 1-407, 1-411, 1-415, 1-419

Added document accessibility as a requirement for documents included in state agencies' rulemaking submittals and added reference to Government Code Section 11546.7.(a).

#### 1-507 Fee Collection

Amended existing section to remove information regarding the check-only payment method, added instructions for submitting payment and forms by mail (check) or email (electronic payment platform), and let fee payers know that they may only use the approved electronic payment platform, and that there is information regarding the platform on CBSC's website.

### Chapter 3 – State Fire Marshal

#### Article 3-1 General Provisions and Article 3-2 Definitions

Added sections to Chapter 3 that was reserved for SFM in the 2019 edition. These sections provide clarifying language regarding the SFM fire and life safety authority for state-owned buildings, specified state-occupied buildings, and state institutions.

### Chapter 4 – Division of the State Architect

#### 4-309(c).2.B Reconstruction or alteration projects in excess of \$100,000 in cost

Repealed exception to the section as it is inconsistent with the definition of "rehabilitation" in the regulations. The exception also implied that only the "...elements of the lateral force resisting system" need be evaluated, which led to confusion as DSA's Seismic Performance Requirements per Table 317.5 explicitly require that the evaluation include assessment of non-structural components.

#### 4-330 Time of beginning construction and partial construction

Changed requirements that construction must commence on all school buildings with an approved project within four years instead of one year or else the approval is void. Given this new four-year rule, extensions no longer apply and were repealed. Added an exception permitting DSA to withdraw approval or institute post-approval

requirements as necessary to address life-safety concerns in response to information received after approval of plans and before commencement of construction.

#### **4-335(f)4 Structural tests and special inspections**

Clarified requirements to provide DSA with daily special inspection reports when requested.

#### **Group 3, Article 3 and deletion of Article 4**

Revised procedure regarding submission of landscape plans for modifications, rehabilitations and new construction of landscape areas at public K-12 schools and community colleges.

The revisions include the elimination of a fee for review of landscape plans and revisions to the self-certification form, a provision that periodic site observations during construction will occur to ensure the work is completed in accordance with CALGreen Section 5.304 requirements, and replacement of two previously required self-certification forms with a single form.

## **Chapter 7 – Office of Statewide Health Planning and Development**

### **7-111 Definitions**

Added clarification that the equipment referred to in the definition of “Actual Construction Cost” is construction equipment only.

Added the definition of “Start of Construction” to clarify that the start date of construction may include actual physical work as well as the preparation for construction such as manufacturing components offsite.

### **Sections 7-111, 7-121, 7-130, 7-133 and others**

Combined “Phased Plan Review” and “Collaborative Review and Construction” into a single process called “Integrated Review.” Renamed “Phased Plan Review” to “Integrated Review” so the definition of “Integrated Review” is added, the definition of “Phased Plan Review” is repealed, all references to “Phased Plan Review” and “Collaborative Review and Construction” are removed, and Memorandum of Understanding (MOU) is renamed to Integrated Review Plan (IRP).

### **Sections 7-113, 7-153 and others**

Amended existing language to provide requirements for electronic submittals and field records.

### **7-123 Preliminary plans and specifications**

Amended existing language to remove “outline” from the submittal requirements for specifications during a preliminary review as it has been proven an outline specification is insufficient for most preliminary reviews.

### 7-129 Time limitations

Amended following subsections:

**7-129(b)** to provide revised time limitations based on the cost of a project.

**7-129(d)** to include a description of when a project is considered abandoned.

**7-129(d)** Exception to limit the exception to paragraphs (a) and (b) so they do not apply to managed projects. Manage project time limitations would not apply as the durations are negotiated.

### 7-133 Fees

Amended following subsections:

**7-133(a)** to allow for projects with estimated construction cost of less than \$250,000 to be invoiced at the rate of 2.0 percent of the estimated construction cost.

**7-133(h)** to remove collaborative review and replace phased review with integrated review. The fee of 1.95% is to be applied to integrated review.

### 7-145 Continuous inspection of the work

Clarified the requirement for the Inspector of Record to notify the office in writing when work is started and for the field record report to include the time and date of all correspondence with the contractor regarding incomplete work, potential deficiencies or deviation which require the contractor's attention. Added additional requirements for the reports.

## Chapter 10 – California Energy Commission

Please visit the [California Energy Commission's website](https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/online-resource-center/overview) for updates.

[energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/online-resource-center/overview](https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/online-resource-center/overview)



## CALIFORNIA BUILDING CODE – PART 2

### Tall Wood/Mass Timber provisions in various chapters of Part 2

#### BSC—DSA—HCD—OSHPD—SFM

Sections regarding construction elements of Tall Wood/Mass Timber and Heavy Timber were early adopted by various state agencies as amendments to the 2019 California Building Code (CBC) during the 2019 Intervening Code Adoption Cycle and issued as a supplement with a July 1, 2021, effective date. The amendments are repealed, as they are now included in the adopted 2021 International Building Code (IBC).

Part 2 Chapter	Sections
Chapter 1	110.3.5
Chapter 2	202
Chapter 5	508.4.4.1, 509.4.1.1
Chapter 6	602.4 through 602.4.4.2
Chapter 7	703.6, 703.7, 718.2.1, 722.7 through 722.7.2.2
Chapter 17 - Sections	1705.5.3, 1705.5.5, 1705.11.1, 1705.11.2, 1705.12.2, 1705.12.3, 1705.20, 1705A.4.1, 1705A.5.5, 1705A5.7
Chapter 17 - Tables	1705.5.3, 1705.5.7, 1705A.5.3
Chapter 23	2304.10.1.2, 2304.11.3, 2304.11.4
Chapter 31	3102.3, 3102.6.1.1
Chapter 35	ANSI/APA PRG 320-2019, ASTM D3498-03(2011)

### Chapter 1 – Scope and Administration

#### Building Standards Commission

##### 105.5.1 [Permit] Expiration

New section changed permit expiration from 180 days to 12 months. Includes a provision stipulating that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance. This amendment also allows for permit extensions; the exception being when the work authorized by the permit is determined to have been abandoned. The new code language reflects statutory requirements in Assembly Bill 2913 (Statutes of 2018), which became operative January 1, 2019, and amended Health and Safety Code (HSC) Section 18938.5(b)(2)(B) and added HSC Section 18938.6 to Building Standards Law.

[CBSC Information Bulletin 19-03](#) regarding permit expiration dates was issued May 23, 2019, to local building departments, state agencies and CBSC interested parties.

## Office of Statewide Health Planning and Development

### 1.10.2 OSHPD 2, 2A and 2B

OSHPD added new occupancy classifications to address distinctions between skilled nursing facility and intermediate care facility buildings erected with specific construction materials.

OSHPD 2 has been split into two (2) categories. OSHPD 2A is for skilled nursing facility and intermediate care facility buildings of single-story, wood-frame, or light steel frame construction or buildings of single-story, wood-frame, or light steel frame construction where only skilled nursing or intermediate care services are provided if the building is separated from a building housing other patients of the health facility receiving higher levels of care and must meet model code requirements.

OSHPD 2B skilled nursing facility and intermediate care facility buildings of all other types must meet the requirements designated by the OSHPD 2B banner.

If the only designation is OSHPD 2, the application is for both 2A and 2B.

## State Fire Marshal

### 1.11.1 Specified state-occupied buildings

New definition with 11 criteria has been added in response to Senate Bill 85 (Public resources: omnibus trailer bill. (2019-2020)) that required the State Fire Marshal to provide a more accurate definition.

### 1.11.6 Certificate of Occupancy

Amendment citing a reference to Section 105.2 clarifying work exempt from permit.

## Division of the State Architect, Department of Housing and Community Development, Office of Statewide Health Planning and Development, and State Fire Marshal

### 110.3.12 Types IV-A, IV-B and IV-C connection protection inspection

This amendment was added in the 2019 intervening cycle but is now part of model code language in the 2021 IBC, therefore, this section is repealed to avoid duplication.

## Chapter 2 – Definitions

### California Energy Commission

**CLIMATE ZONE** Amended definition with specific reference to Figure 100.1-1 of the California Energy Code pertaining to the applicability of assigned climatic criteria for geographic regions to distinguish between the International Energy Conservation Code (IECC) and the California Energy Code.

## State Fire Marshal

**CHILD CARE** Added a new defined term for child care that is consistent with the definition in Title 22 (Social Security) of the California Code of Regulations (Title 22).

**DAY-CARE** Amended the defined term day-care to specify the time period for the care of persons is not to exceed 24 hours, and is to be consistent with Title 22.

**INFLATABLE AMUSEMENT DEVICE** New defined term to specify characteristics of inflatable structures that need to be properly constructed and anchored.

**PHOTOVOLTAIC (PV) PANEL SYSTEM, GROUND-MOUNTED** New defined term to be consistent with references in CBC Chapters 16 and 31, CRC Chapter 3 and CFC Chapter 12.

**PHOTOVOLTAIC (PV) SUPPORT STRUCTURE, ELEVATED** New defined term for an elevated PV support structure designed with space underneath intended for secondary use such as providing shade for motor vehicle parking. Requirements for installation are addressed in Chapters 15 and 16.

**TODDLER** New defined term to align with the legal definition of toddlers from Health and Safety Code Section 1596.55. By distinguishing age differences, officials will be able to classify the related occupancies based on social services' classifications used for licensing.

## Chapter 3 – Occupancy Classification and Use

### State Fire Marshal

#### **304.1 Business Group B and 304.4 Higher education laboratories**

Removed new model code language about higher education laboratories from Section 304.1 and deleted new model code Section 304.4 since model code language for higher education laboratories is not used in California and conflicts with California's Group L occupancy classification.

#### **305.2 Group E, Child care facilities**

Amendments clarifying child care regarding emergency situations applying to Groups I, E and R Occupancies.

#### **310.3 Residential Group R-2**

Amended the definition for Group R-2 to meet requirements of SB 234 (Chapter 244, Statutes of 2019): Small and large family child care in apartment houses can operate in R-2 occupancies when they comply with the regulations and with Health and Safety Code Section 1597.46.

## Chapter 4 – Special Detailed Requirements

### State Fire Marshal

#### 455 Large Family Day-Care Homes

**455.2.** Amendment to meet requirements of SB 234 (Chapter 244, Statutes of 2019): Small and large family child care in apartment houses can operate in R-2 occupancies when they comply with the regulations and with Health and Safety Code Sections 1597.45 and 1597.46 (reprinted in this section).

#### 455.6 Compliance

Repealed an amendment regarding the enforcement of Health and Safety Code Sections 13145 and 13146 to align with Section 455.2.

## Chapter 5 – General Building Heights and Areas

### State Fire Marshal

#### 508 Mixed Use and Occupancy

##### 508.2.4 Separation of occupancies

Amendment permitting the consideration of some uses as accessory occupancies. Among other requirements, the amendment revises **Section 508.2.4 Exception** and limits permitted, unseparated accessory covered entrances to those required by **Section 11B-206.4.10** for weather protection at entrances to medical care and long-term care facilities or **Section 1224.33.2.1**, emergency medical service exterior entrances. The amendment eliminates a conflict with provisions enforced by Centers for Medicare-Medicaid Services (CMS).

##### Table 508.4 Required separation of occupancies (hours), Footnote J

Amendment to the footnotes in Table 508.4 that reduces the fire-resistive separation criteria for covered vehicle entrances required by other provisions of the California Building Code associated with Group I-2 occupancies from 2-hour to 1-hour fire-resistance-rated construction.

## Chapter 7A – Materials and Construction Methods

### State Fire Marshal

Extensive amendments to Chapter 7A Wildland-Urban Interface (WUI) regulations. The amendments were developed through the Office of the State Fire Marshal WUI task group and collaboration with local fire departments, other state agencies, building industry, testing labs, and stakeholders.

Other amendments have been made to be consistent with newly defined terms and to clarify established guidelines in WUI regulations that address different fire severity areas and agency responsibilities that are outlined in Chapter 49 of the CFC.



## 702A Definitions

**FIRE PROTECTION PLAN** Amended this defined term to align with the same defined term in Section 4903 of the CFC.

**FIRE-RESISTANT VEGETATION** New definition of plants less likely to ignite, contribute heat or spread flame. Also provides a list of resources for more information about these types of plants.

**704A IGNITION-RESISTANT CONSTRUCTION** Added testing standard for wood structural panels in Subsection **704A.3.1 Fire testing of wood structural panels**. Additional amendments in Section 704A are consistent with previous amendments made in Chapter 23 regarding fire-retardant-treated-wood and pressure treated materials.

## 710A Accessory Buildings and Miscellaneous Structures

**710A.1 General** Clarifies that Group U Occupancy accessory buildings shall conform to this section.

**710A.3 Where required** Amendment and subsections that are organized by uniform categories of distances from applicable buildings, and mandate enforcement for buildings greater than 120 square feet, and leave discretion to local Authority Having Jurisdiction (AHJ) for buildings less than 120 square feet.

**710A.4 Roof construction** Amendment that for an accessory building required to be constructed of noncombustible or ignition resistant materials, its roof must meet Class A fire rating.

## Chapter 9 – Fire Protection Systems

### State Fire Marshal

#### 903.3.1.1.3 Solar photovoltaic power systems

Amendment to delete a requirement for the installation of smoke detectors in outdoor locations as a substitute for sprinkler protection.

### Department of Housing and Community Development

#### 915 Carbon monoxide detection

Modified to reference NFPA 72 National Fire Alarm and Signaling Code.

## Chapter 10 – Means of Egress

### State Fire Marshal

#### 1032.2.1.2 Maintenance and 1032.2.1.3 Examination

Adjustments and revisions to CFC Sections 1104.16.7 and 1104.16.5.1 regarding the maintenance requirements for fire escapes have been relocated to **Section 1032**.



## Chapter 11B – Accessibility to Public Buildings

### Division of the State Architect – Access Compliance

#### 11B-108 Maintenance of Accessible Features

Added requirements to include facilities regulated in Chapter 11B, including public and commercial buildings, as well as public housing in addition to public accommodations.

## Chapter 12 – Interior Environment

### California Energy Commission

#### User Note

Modified to properly reference the California Energy Code.

#### 1202.3.1 California Energy Code and International Energy Conservation Code (IECC) Climate Zones and Table 1202.3.1 IECC vs California Energy Code Climate Zone Comparison

Added section and table to prevent confusion between climate zones identified in ICC model codes and climate zones identified in the California Energy Code by explaining the relationship between the two codes and adding Table 1202.3.1 to represent these differences.

### Department of Housing and Community Development

#### 1202.2.1 Ventilated attics and rafter spaces and 1202.3 Unvented attic and unvented enclosed rafter assemblies

Repealed reference to Climate Zones 14 and 16 and California Energy Code Figure 100.1-A since the California Energy Commission adopted a new Table 1202.3.1 from the International Energy Conservation Code.

#### Table 1202.3 Insulation for condensation control

Repealed reference to specific climate zones from the table since the California Energy Commission adopted a new Table 1202.3.1 from the International Energy Conservation Code.

### Office of Statewide Health Planning and Development

#### 1224.3 Definitions

**HANDWASHING STATION** Amended existing language to clarify that hands-free operation is required at the door and not at the handwashing fixture.

**INVASIVE PROCEDURE** New definition to be used to determine the classification of the imaging room or procedure room required.

**LOCATION TERMINOLOGY** Terms for relationship to an area or room.

**READILY ACCESSIBLE** Amended existing language to avoid ambiguity by removing the requirement that the area or room also be “directly accessible.” New language added to include option for locating readily accessible areas or rooms to within 200 feet of department or space served to accommodate space orientation or security concerns.

**PROCEDURE ROOM** New definition specifically designates the procedure room as the intermediate level room for procedures that do not require a full surgical environment.

**RESTRICTED AREA** Amended existing language to better align with Facilities Guidelines Institute (FGI), which stipulates that a restricted area is a designated space contained within the semi-restricted area and accessible only through a semi-restricted area. This definition is required to determine the level of procedure room to be used and the requirements therein.

**SEMI-RESTRICTED AREA** New defined term per request of CDPH. This area applies to intermediate level procedures and imaging as well as peripheral areas that support surgical services.

**START OF CONSTRUCTION** OSHPD added the definition to Part 1, California Administrative Code. The banner note added to this definition avoids ambiguity and clarifies that the term is not adopted by OSHPD.

**UNRESTRICTED AREA** New defined term per CDPH request. This area applies to any area of the department that is not defined as semi-restricted or restricted. This definition is required to determine the level of control outside a surgical area or within a medical department.

**1224.4.4.1 Examination, treatment, and procedure rooms**

Amended existing language to add “procedure room” to the heading.

**1224.4.4.1.2 Treatment room**

OSHPD has coordinated with CDPH to add a requirement for providing a new service space for exercise stress testing. This space can be in several locations within a hospital and not assigned to any one service. Amended language allows for exercise stress testing in a treatment room due to the need for space for a crash cart and possible resuscitation.

**1224.4.4.1.4 Procedure room**

Added new language to align with Facilities Guidelines Institute (FGI) requirements and renumbered following sections.

**1224.4.4.4.1 Medication preparation room**

Per CDPH request, amended existing language to remove the requirement that a medication preparation room be directly accessible from the nursing station.

**Table 1224.4.6.1**

Line 6 has been identified specifically for “Intensive Care” to avoid confusion with the similarly named room on Line 3.

**Table 1224.4.6.5**

Added Note 1 to the line for Patient Toilet Room under column 1226. Current language is confusing and is often misinterpreted that a nurse call station is required in all clinic patient toilets under column 1226. The note clarifies that a nurse call station is not required for Primary Care, Chronic Dialysis or Psychology Clinic patient toilet rooms.

**1224.4.11 and 1224.4.11.4.1 Interior Finishes**

Added a pointer to the new table for different levels of procedure and imaging rooms. Includes new **Table 1224.4.11.4a** which identifies the different levels of exam/procedure rooms as well as the different classes of imaging rooms, including the room type, the uses in each type of room, if the room is unrestricted, semi-restricted or restricted, how it is accessed, and the level of finishes required.

**1224.14.2 Support areas**

Amended existing language to allow for support areas that service nursing units to be shared if there is direct access, including nurses’ office, a clean utility/workroom, soiled workroom or soiled holding room, nourishment area and equipment storage room.

**1224.14.2.15 Special bathing facilities**

Amended existing language for special bathing facilities to be optional. Per review with CDPH, special bathing facilities for roll-in gurneys should not be a requirement as there are several other methods of bathing or cleaning bedridden patients.

**1224.15.1 General**

Amended existing language to clarify that a sterile core where clean equipment is stored prior to bringing into an operating room is required to be in a restricted area.

**1224.15.2.2 Procedure room(s)**

Added a pointer to the requirements for a procedure room. The following section 1224.15.2.2.1 was renumbered.

**1224.16.3 Recovery and Post-Anesthesia Care Unit (PACU)**

Amended existing language to clarify the clearances required between beds and the access aisle at the foot of a bed.

**1224.18 Radiological/diagnostic imaging service space**

Amended existing language to provide direction for applying the new classes of imaging rooms. To alleviate confusion, pointers are provided to **Table 1224.4.11.4a** and to address more acute-level procedures using imaging systems in hybrid operating rooms.

**1224.18.1 Minimum requirements**

Amended existing language to allow a CT scanner to be used as the primary imaging modality once Title 22 is revised. Existing language was also amended to allow the space used for processing images to also be used exclusively for viewing, as processing technology is no longer required on newer equipment. Requirements for handwashing stations were added to provide direction for applying the new classes of imaging rooms.

**1224.18.1.1 Radiation protection**

Added requirements for radiation protection in the new classes of imaging rooms.

**1224.18.1.2 Multiple-modality devices**

Added new language to clarify that when two or more modalities are integrated into one device, the requirements of both must be met. This would apply to space requirements, radiation protection and any differences in the requirements.

**1224.18.4 Magnetic resonance imaging (MRI)**

Added new language to provide safety zones for MRIs. Existing language for the imaging equipment room was amended to align with other imaging equipment room annotation.

**1224.18.5 Ultrasound**

Amended existing language to properly identify an ultrasound exam room. An exception is added to not require a directly accessible toilet if only specific exams are conducted. Language is added for the requirements of a processing room if it is to be provided as a support service.

**1224.19.7 Support areas for staff**

Amended existing language to align with Title 22 and Board of Pharmacy regulations that pharmacy staff lounge, lockers and toilet may be readily accessible in lieu of immediately accessible.

**1224.20.3 Outside service**

Amended existing language to clarify that if a temporary mobile kitchen is approved by CDPH for use during construction, a separate warming kitchen is not needed internally.

**1224.22 Central sterile supply**

Per a request from CDPH, amended existing language to clarify that a central sterile supply process includes distinct spaces within one or more rooms.

**1224.25 Employee dressing rooms and lockers**

Amended existing language to clarify that the lockers must be separate from the toilet room and not within it.

**1224.28.2.1 Procedure room and 1224.28.2.3 Equipment space**

Amended existing language to update “x-ray” to “imaging” equipment.

**1224.28.4.8 Imaging equipment room**

Amended existing language for the imaging equipment room to align with other imaging equipment room annotations.

**1224.28.4.12 Staff changing areas**

Amended existing language to clarify that both male and female staff changing areas are required as interventional procedures are equivalent to surgery and have the same changing requirements.

**1224.28.5.2 Control room**

Added new language to allow cameras to be used for patient observation in hybrid operating rooms as the configuration of the rooms may prevent full patient visibility within the equipment bore from within the control room.

**1224.28.5.5.2 iMRI**

Corrected reference pointer in Item 3 of 1224.28.5.5.2 to indicate that the anteroom must comply with Section 1224.18.4.2, Item 2.

**1224.28.5.5.3 Vascular imaging**

Corrected reference pointer to indicate that hybrid operating rooms with vascular imaging systems *must comply with Section 1224.18.4.*

**1224.29.1.12 Medication station**

Added to existing language to clarify that refrigerated storage is required for the medication station in an ICU.

**1224.29.1.13 Airborne infection isolation room**

Amended existing language to clarify that ICU units that are protected environments do not require airborne infection isolation rooms as all rooms are already negative pressure.

**1224.29.2 Newborn intensive care units (NICU)**

Amended existing language to clarify that the headwall in a NICU does not need to be 13 feet long as in an ICU. This would force the NICU bed spaces to be much larger than needed.

**1224.30 Pediatric and Adolescent Unit**

Amended existing language to align with Title 22 language for pediatric and adolescent units, and clarified that both an exam room and a treatment room are required in or adjacent to the pediatric unit.

**1224.31.1.1 General**

Amended existing language to clarify that the requirements for a psychiatric nursing unit in Section 1224 is for a psychiatric medical unit and Section 1228 is for a psychiatric ambulatory unit.

**1224.31.1.10 Occupational therapy**

Amended existing language to remove the requirement for an area for teaching daily living activities.

**1224.31.1.17 Administrative center(s) or nurse stations(s)**

Added new language to state that a nurse station can be no further than 90 linear feet from the furthest patient room doorway. This is a Title 22 requirement for a medical psychiatric unit which was not currently in the building code.

**Chapter 14 – Exterior Walls****California Energy Commission****1404.3.3 California Energy Code and International Energy Conservation Code Climate Zones**

Amendment added to prevent confusion between climate zones identified in ICC model codes and climate zones identified in the California Energy Code and to cross-reference Table 1202.3.1, which describes the differences between these codes.

**Chapter 16 – Structural Design****Office of Statewide Health Planning and Development****1605.2 (Formerly 1605.3.2) Alternative allowable stress design load combinations**

Added variable load requirement for the alternative allowable stress design load combinations for OSHPD 1R, 2B and 5.

**Table 1613.2.3(1) and Table 1613.2.3(2)**

Amendment language for Site Class E (Table 1613.2.3(1) only) and Footnote C to be consistent with ASCE 7-16 Supplement 3 as amended in CBC Chapter 35.

**Division of the State Architect****1617.3.2 Alternative allowable stress design load combinations**

Added variable load requirement where the alternative allowable stress design load combinations of Section 1605.2 are used.

**Chapter 16A – Structural Design****Division of the State Architect and  
Office of Statewide Health Planning and Development**

Updates, clarifications and revisions to ASCE 7 standards: Seismic ground motion values, response modification coefficient; Two-Stage Analysis Procedure; Horizontal and Vertical Irregularities for Seismic Design Categories; Foundation connections; Wall, Roof or Floor Hung Equipment; Provisions for piping and tubing systems.

### **1605A.2 Alternative allowable stress design load combinations**

Added a variable load requirement for the alternative allowable stress design load combinations.

### **Table 1613A.2.3(1) and Table 1613A.2.3(2)**

Amendment language in Site Class E (Table 1613.2.3(1) only) and footnote C to be consistent with ASCE 7-16 Supplement 3 as amended in CBC Chapter 35.

### **1617A.1.3 ASCE 7, Section 11.4**

Modifications to ASCE 7 including an amendment added to adopt ASCE 7-16 Supplement 3 which updates various subsections in ASCE 7-16 Section 11.4 to the seismic ground motions values.

### **1617A.1.5 ASCE 7, Section 12.2.3, 12.2.3.1, and 12.2.3.2**

Amended to incorporate the ballot change proposals related to combining of different lateral force resisting systems and the Two Stage Analysis Procedures that passed main committee ballot of ASCE 7-22. Some of these amendments will need to be deleted when ASCE 7-22 is adopted to avoid duplication.

### **1617A.1.10 ASCE 7, Section 12.3.3.1**

Exception 2 added to address structures having a horizontal structural irregularity Type 1b of Table 12.3-1.

### **1617A.1.16 ASCE 7, Section 12.13.9.2**

Clarification added that lateral building response including seismic load combinations do not need to be considered concurrently with differential settlements for shallow foundations on liquefiable sites, and to clarify that force demands due to differential settlements are not required to be additive to the seismic earthquake demands.

### **1617A.1.18 ASCE 7, Section 13.1.4**

This section applying to different types of equipment is now being co-adopted by DSA with varying weight requirements. Wall, Roof or Floor Hung Equipment requirements added by both DSA and OSHPD.

### **1617A.1.27 and 1617A.1.28**

Clarification added that minimum horizontal acceleration requirement is an allowable stress design load.

## **Chapter 17 – Special Inspections and Tests**

### **Office of Statewide Health Planning and Development**

#### **1705.3.9 (formerly 1705.19) Shotcrete and 1705.3.9.1 (formerly 1705.19.1) Visual examination for structural soundness of in-place shotcrete**

Existing amendments about shotcrete inspections and tests relocated to Section 1705.3 that addresses concrete construction.

**1705.3.9.2 Preconstruction tests**

ICC deleted requirements for shotcrete from the model code Section 1908 as they are now incorporated in referenced standard ACI 318-19, so OSHPD added new section 1705.3.9.1 to incorporate requirements previously located in an amendment to Section 1908A.10.2 and model code Sections 1908.4.1 and 1908.5.

**Chapter 17A – Special Inspections and Tests**

**Division of the State Architect and  
Office of Statewide Health Planning and Development**

**1705A.3.9 (formerly 1705A.19) Shotcrete and 1705A.3.9.1 (former 1705A.19.1)  
Visual examination for structural soundness of in-place shotcrete**

Existing amendments about shotcrete inspections and tests relocated to Section 1705.3 that addresses concrete construction.

**1705A.3.9.2 Preconstruction tests**

ICC deleted requirements for shotcrete from the model code Section 1908 as they are now incorporated in referenced standard ACI 318-19, so OSHPD added new section 1705.3.9.1 to incorporate requirements previously located in amendment to Section 1908A.10.2 and model code Sections 1908.4.1 and 1908.5.

**1705A.8.1 Micropile tests and 1705A.9.1 Helical pile tests**

Added preproduction and production load tests requirements.

**1705A.13.5.2 Structural sealant glazing and 1705A.14.2.1 Structural sealant  
glazing testing**

Added testing, manufacturer's certification, and special inspection requirements.

**Chapters 18 and 18A – Soils and Foundations**

**Division of the State Architect and  
Office of Statewide Health Planning and Development**

Amendments regarding construction documentation, seismic designs of precast concrete piles and corrosion protection throughout Chapters 18 (OSHPD only) and 18A (OSHPD and DSA) are to correspond with revisions and updated references in model code regarding OSHPD and DSA occupancies and compliance to ACI 318 and ASCE 7.

**Chapter 19 – Concrete**

**Office of Statewide Health Planning and Development**

**1901.3.4 Tests for post-installed anchors in concrete and 1901.3.4.3 Test  
frequency**

OSHPD 2A excluded from the scope of Section 1901.3.4. Exception added for OSHPD 2B to clarify that for in-state detention and correctional facilities, tension



testing is not required for post-installed anchors used for attaching nonstructural components under certain circumstances.

#### **1905.1.7 ACI 318, Section 14.1.4**

Amendment to ACI 318 has been revised to not permit plain concrete in place of required longitudinal reinforcing of footings in Seismic Design Categories D, E and F.

#### **1908 Shotcrete**

The model code has repealed all shotcrete requirements in favor of those contained in the new version of the adopted material standard ACI 318-19, so some amendments have been relocated to Section 1905 or 1705 and amendments were added to coordinate with the updated standards.

### **Division of the State Architect**

#### **1909.2.8 Flat wall insulating concrete form (ICF)**

Amendment to facilitate the enforcement of code and industry standards where appropriate based on unique aspects of ICF construction.

#### **1909.3 Modifications to ACI 318 and 1909.4 Shotcrete**

Existing amendments revised as necessary to coordinate with the new version of the adopted material standard ACI 318-19. The 2021 IBC repealed shotcrete requirements in deference to requirements contained in the adopted material standard ACI 318-19, so continued DSA amendments associated with the repealed model code language are relocated to amend the applicable sections.

## **Chapter 19A – Concrete**

### **Division of the State Architect and**

### **Office of Statewide Health Planning and Development**

#### **1903A.4 Flat wall insulating concrete form (ICF) systems**

Amendment to facilitate the enforcement of code and industry standards where appropriate based on unique aspects of ICF construction (DSA only).

#### **1905A.1.3 ACI 318, Section 9.6.1.3**

Amendment to allow the minimum steel reinforcement limit given in the adopted material standard ACI 318-19 to apply to foundation members resisting seismic loads designed for load combinations, including the overstrength factor.

#### **Sections 1905A.1.15, 1905A.1.16, 1908A**

The 2021 IBC has repealed shotcrete requirements in deference to requirements contained in the adopted material standard ACI 318-19 so continued DSA amendments associated with the repealed model code language are relocated to amend the applicable sections.

### **1910A.5.3 Test frequency**

Exception added for OSHPD 4 to clarify that in state detention and correctional facilities, tension testing is not required for post-installed anchors used for attaching nonstructural components under certain circumstances (OSHPD only).

## **Chapter 21 – Masonry**

### **California Energy Commission**

#### **2109.2.4.8.2 Vapor permeance**

Amendment added with specific reference to Table 1202.3.1 to distinguish between climate zones identified in ICC model codes and climate zones identified in the California Energy Code.

### **Division of the State Architect**

#### **2115 Additional requirements for community colleges**

Existing amendments in sections 2115.5, 2115.6, 2115.7 and 2115.9 revised as necessary to align with changes DSA and OSHPD made in sections 2104A.3, 2105A.2 and 2106A.1, and changes OSHPD made in 2104.2, 2105.2 and 2106.1. All the above-mentioned amendments in Chapters 21 and 21A have been made to provide better clarity and alignment with TMS 402/602.

### **Office of Statewide Health Planning and Development**

#### **Sections 2101, 2103, 2104, 2105, 2106, 2107 and 2108**

Added a new occupancy classification OSHPD 2B to address skilled nursing and intermediate care facilities to distinguish application to care facilities other than OSHPD 2A regarding grout pours, approved masonry admixtures and quality assurance measures. Revisions also made to the existing amendments to provide better clarity and alignment with TMS 402/602.

#### **2103.4 Metal reinforcement and accessories**

Amendment added clarifying that unidentified reinforcement also includes bar reinforcement without mill certification.

#### **2103.5 Air entrainment**

Amendment repealing the use of air-entraining materials or air-entraining admixtures in masonry grout.

## **Chapter 21A – Masonry**

### **Division of the State Architect and**

### **Office of Statewide Health Planning and Development**

#### **2103A.4 Metal reinforcement and accessories**

Amendment added clarifying that unidentified reinforcement also includes bar reinforcement without mill certification.

**2103A.5 Air entrainment**

Amendment repealing the use of air-entraining materials or air-entraining admixtures in masonry grout.

**2104A Construction, 2105A Quality assurance, 2106A Seismic design, 2107A Allowable stress design and 2108A Strength design of masonry**

Revisions to existing amendments including relocation to other sections that modify associated sections in TMS 402 and 602 and adding amendments to provide better clarity and alignment with the referenced standards.

**California Energy Commission**

**2109.2.4.8.2 Vapor permeance. Exception**

Amendment to distinguish between climate zones identified in ICC model codes and climate zones identified in the California Energy Code, and to cross-reference Table 1202.3.1 that describes the differences between these codes.

**Chapter 24 – Glass and Glazing**

**Division of the State Architect and  
Office of Statewide Health Planning and Development**

**2410 Structural sealant glazing (SSG)**

OSHPD 2A facilities excluded from the scope of Section 2410.

**2410.1.2 Testing and inspection**

In Item 1, the reference to ASCE 7 Section 13.5.9.2 is removed for clarity, as the language contradicts the requirements of Item 1 by allowing engineering analysis in lieu of testing. DSA added an exception to reduce testing requirements for Risk Category I, II, and III buildings within DSA-SS and DSA-SS/CC authority where the prevention of glass fallout is not dependent on the structural sealant in two-sided configurations.

**Chapter 25 – Gypsum Board, Gypsum Panel Products and Plaster**

**California Energy Commission**

**2510.6.3 California Energy Code and International Energy Conservation Code  
Climate Zones**

Amendment with reference to Table 1202.3.1 pertaining water-resistive barriers and applicability of climate zone criteria to distinguish between climate zones identified in ICC model codes and climate zones identified in the California Energy Code.

## Chapter 27 – Electrical

### State Fire Marshal

#### Section 2702 Emergency and Standby Power Systems

##### [F] 2702.1.2 Fuel-line piping protection

Added new Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access to the section.

## Chapter 31 – Special Construction

### California Building Standards Commission

#### 3109.2 California swimming pool safety act (statewide)

Amended to reflect Senate Bill 1078, Statutes of 2018.

### Department of Housing and Community Development

#### 3115 Intermodal Shipping Containers, Exception 5

Adopted IBC Section 3115 and added an amendment to clarify that the use of shipping containers constructed or converted off-site that qualify as Factory-built Housing pursuant to HSC Section 19971 or Commercial Modular(s) pursuant to HSC Section 18001.8, must be approved by HCD.

### State Fire Marshal

#### 3111.3.5 Elevated photovoltaic (PV) support structures and 3111.3.5.1 PV panels installed over open grid framing or non-combustible deck

Amendment establishing appropriate fire testing and listing criteria for overhead photovoltaic (PV) support structures that could have people or vehicles in the space beneath them.

### Division of the State Architect

#### 3115 Intermodal shipping containers

Added regulations regarding the use of shipping containers.

## Chapter 31B – Public Swimming Pools

### Department of Housing and Community Development

#### Chapter 31B Public swimming pools

Adopted as applicable to swimming pools which are permanent accessory structures in Mobilehome Parks (MHP) and Special Occupancy Parks (SOP). The adoption provides health and safety standards similar to those for public pools outside of MHPs and SOPs.

## Chapter 35 – Referenced Standards

### Division of the State Architect and Office of Statewide Health Planning and Development

Amendments to update the edition of various referenced standards including but not limited to AAMA 501.4, AAMA 501.6, ACI 355.2 and ACI 355.4. Add amendment to adopt Supplements 2 and 3, in addition to Supplement 1 of ASCE/SEI 7-16. Add amendments to adopt 506.4R-94 and 506.6T-17 for facilities within OSHPD authority.

### State Fire Marshal

#### **ASTM F2374 Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices**

Added provisions for inflatable amusement devices.

Several updates to **NFPA referenced standards** including **NFPA 10-21, 13-22, 13D-22, 13R-22, 24-19, 37-18, 54-18, 72-22, 111-19, 130-20, 289-19, 502-20** to follow 2021 IBC model code revisions and to align with state laws and regulations based on California specific topographical, climatic and geological issues.

#### **NFPA 13-22 Installation of Sprinkler Systems**

Corrections made to the referenced standard to resolve conflicts in requirements for positive alarm features and pre-signaling devices in I-2 and R2.1 occupancies affected by CBC Section 1008.3.2 regarding signaling delay issues and emergency power and egress illumination.

**NFPA 45-19** is deleted since it conflicts with CFC regulations.

#### **NFPA 72-22 National Fire Alarm and Signaling Code**

Corrections made to the referenced standard to resolve conflicts in requirements for positive alarm features and pre-signaling devices in I-2 and R2.1 occupancies affected by CBC Section 1008.3.2 regarding signaling delay issues and emergency power and egress illumination.



## CALIFORNIA RESIDENTIAL CODE – PART 2.5

### Chapter 1 – Scope and Application

#### Building Standards Commission

##### **R105.5.1 [Permit] Expiration**

New section changed permit expiration from 180 days to 12 months. Includes a provision stipulating that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance. This amendment also allows for permit extensions; the exception being when the work authorized by the permit is determined to have been abandoned. The new code language reflects statutory requirements in Assembly Bill 2913 (Statutes of 2018), which became operative January 1, 2019 and amended Health and Safety Code (HSC) Section 18938.5(b)(2)(B) and added HSC Section 18938.6 to Building Standards Law.

[CBSC Information Bulletin 19-03](#) regarding permit expiration dates was issued May 23, 2019 to local building departments, state agencies and CBSC interested parties.

#### State Fire Marshal

##### **1.11.1 Specified State-occupied Buildings**

New definition with 11 criteria has been added in response to Senate Bill 85 (Chapter 31, Statutes of 2019) that required the State Fire Marshal to provide a more accurate definition.

### Chapter 2 – Definitions

#### State Fire Marshal

Added new **DEFINITIONS** to support 2022 code changes: Child Care; Exterior Wall Assembly; Exterior Wall Covering; Inflatable Amusement Device; Photovoltaic (PV) Panel System, Ground Mounted; Photovoltaic (PV) Support Structure, Elevated; Toddler; Wildland-Urban Interface (WUI).

### Chapter 3 – Building Planning

#### Department of Housing and Community Development

##### **R301.2.2.10 Anchorage of water heaters**

Repealed model code language about seismic design categories and replace references to IRC sections not adopted in California with reference to CPC.

##### **R320.2 Live/work units**

Amendment to correct references to CBC Chapters 11A and 11B for accessibility requirements.

**R327 Aging-in-place design and fall prevention**

Added new section that replaces IRC Section 327, Swimming Pools, Spas and Hot Tubs. Added to address specific aging-in-place design elements in new residential construction to facilitate access to operational features and to allow people to stay longer in their homes as they age.

**State Fire Marshal****R310.1 Emergency escape and rescue opening required**

Repealed language that conflicts with the CFC and California Code of Regulations, Title 19, Public Safety.

**R313.3.2 Sprinklers**

Amended existing California amendment to add dry pipe sprinkler.

**R324.8 Elevated photovoltaic (PV) support structures, R324.8.1 and R324.8.2**

Added new sections to establish appropriate fire testing and listing criteria for overhead photovoltaic (PV) support structures that could have people or vehicles in the space beneath them.

**Figure R328.8.1 ESS vehicle impact protection**

Added to illustrate the zones in which a typical residential garage Energy Storage System (ESS) installation would trigger the need for impact protection.

**R328.8.2 Other locations subject to vehicle impact**

Added to address other-than-garage locations that may also have vehicle access, such as residential driveways, and allows some flexibility to the AHJ and installer for larger, non-typical, or custom residential garages where the normal path of vehicle travel falls outside of the area defined in R328.8.1.

**R328.8.3 Impact protection options**

Added to define an impact protection area and set the expectation that the barriers are intended to deflect, resist or visually deter an impact. This language matches Section 312.3 in the IFC.

**R336.2. Health and Safety Code Section 1597.46**

Amendment to comply with changes made to the California Health and Safety Code (HSC) by Senate Bill 234 (Chapter 244, Statutes of 2019) regarding large family day-care homes. The revised HSC Section 1597.46 is printed in this section.

**R336.6 Compliance**

The paragraph regarding enforcement of HSC Sections 13145 and 13146 is repealed to comply with SB 234 (Chapter 244, Statutes of 2019).

**R337.2 Definitions**

**APPLICABLE BUILDING** Added to define an applicable building relative to the regulations of Chapter 7A.



**EXTERIOR WALL ASSEMBLY and EXTERIOR WALL COVERING** Added to distinguish between different exterior wall products in Section 707 of the California Building Code.

**FIRE PROTECTION PLAN** Modified existing definition to provide a reference pointer to CFC Chapter 49 for Wildland-Urban Interface (WUI) Fire Area requirements.

**FIRE-RESISTANT VEGETATION** Add new definition of plants less likely to ignite, contribute heat or spread flame. Also provides a list of resources for more information about these types of plants.

**IGNITION-RESISTANT MATERIAL** Revised because SFM Standard 12-7A-5 has been repealed and rendered obsolete.

**LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE** Repealed existing definition.

#### **R337.6.2.1 Off ridge and ridge vents**

Repealed language regarding vents mounted on a vertical surface that has been incorporated into CBC Section 706A.2 requirements. The new language in R337.6.2.1 allows for a compliance path for off ridge and ridge vents to be used in the wildland urban interface, with protections against ember intrusion.

#### **R337.7.3 Exterior wall coverings and R337.7.3.1 Exterior wall assembly**

Separated into two sections.

#### **R337.7.4 Exterior wall assemblies and R337.7.4.1 Conditions of acceptance when tested in accordance with ASTM E2707**

Revised language to clarify that the fire resistance rating for the newly defined “exterior wall assemblies” is consistent with exterior wall coverings in Section R337.7.3.

#### **R337.10.4 Roof construction**

Revised language to clarify that when an accessory building is required to be constructed of noncombustible materials or of ignition-resistant materials, its roof must meet Class A fire rating.

## **Chapter 4 – Foundations**

### **Department of Housing and Community Development**

#### **R408.3 Unvented crawl space**

Repealed amendment regarding crawl space perimeter wall insulation and reference to the California Energy Code.



## California Energy Commission

### **R408.8 Under-floor vapor retarder**

New Note with a specific reference to Table R702.7(5) in this section regarding the applicability of vapor retarders and insulation with respect to the difference between climate zones identified in ICC model codes and climate zones identified in the California Energy Code.

## Chapter 7 – Wall Covering

### Department of Housing and Community Development

#### **R702.7.1 Class III vapor retarders**

Repealed amendments pertaining to the California Climate Zones relative to vapor retarders for interior wall coverings. The California Energy Commission amended sections specific to climate zones in CRC Chapters 4, 7, 8, and Appendix AS and in the California Energy Code.

### California Energy Commission

#### **R702.7.2 California Energy Code and International Energy Conservation Code Climate Zones.**

New section with a specific reference to Table R702.7(5) pertaining to the use spray foam plastic insulation and the difference between the applicability of climate zones identified in ICC model codes and the climate zones identified in the California Energy Code.

#### **Table R702.7(5) IECC vs. California Energy Code Climate Zone Comparison**

New Table depicting specific differences between climate zones identified in ICC model codes and climate zones identified in the California Energy Code.

## Chapter 8 – Roof-Ceiling Construction

### California Energy Commission

#### **R806 Roof Ventilation, Note**

Informational Note added to the section with specific reference to Table R702.7(5) regarding the applicability of energy efficiency measures and to reinforce the difference between climate zones identified in ICC model codes and climate zones identified in the California Energy Code.

### State Fire Marshal

#### **R806.1.1 Vents in the Wildland Urban Interface (WUI)**

Amended to ensure that where vents are provided in WUI areas, they are required to be protected from the intrusion of burning embers and flame.

## Chapter 9 – Roof Assemblies

### State Fire Marshal

#### **R902.1.2 Roof coverings within state responsibility areas**

This existing amendment is repealed to correlate with CBC Chapters 7A and 15 for roof coverings in WUI areas.

## Chapter 44 – Referenced Standards

### State Fire Marshal

#### **ASTM F2374**

Added to address safety requirements for inflatable amusement devices also known as “bounce houses,” and to correlate with the type of devices covered by IFC requirements.

#### **UL 9540-2020**

Modifies the existing standard. The second edition of UL 9540 has new requirements that limit the maximum energy capacity of individual nonresidential electrochemical Energy Storage Systems (ESS) to 50 kWh with certain exceptions.

#### **UL 9540A-Edition 4 2019**

Modified the existing California amendment to correlate with other updates and new regulations regarding battery ESS.

## Appendix AS – Strawbale Construction

### California Energy Commission

#### **Appendix AS – Strawbale Construction**

Informational Note added to the appendix title heading with specific reference to Table R702.7(5) regarding the applicability of energy efficiency measures and to reinforce the difference between climate zones identified in ICC model codes and climate zones identified in the California Energy Code.

### Department of Housing and Community Development

Amended this appendix to repeal references to climate zones and the California Energy Code.

## Appendix AX

### Building Standards Commission

#### Swimming Pool Safety Act

Amended the note under the title to reflect this law is mandatory, not optional for local adoption. To align with the CBC, Chapter 31, Appendix AX section numbers were reformatted to reflect the numbering used in HSC 115920 through 115929.



## CALIFORNIA ELECTRICAL CODE – PART 3

### California Energy Commission

Sections of the California Electrical Code were amended by CEC to assist code users by identifying additional applicable energy efficiency-based electrical requirements in the California Energy Code that are applicable to the following systems:

- Electrical power distribution systems.
- Panelboards in single-family and multifamily buildings
- Heat pump water heaters, electric cooktops, electric clothes dryers and their electric readiness in single-family and multifamily buildings
- Electrical requirements for energy storage systems (ESS) and their electric readiness in multifamily buildings

Part 3 Chapter	Sections
Chapter 1	89.101.8.2
Chapter 4	408.2(A), 408.2(B), 422.3(A), 422.3(B), 440.3(E), 440.3(F)
Chapter 7	706.10

### Housing and Community Development

#### 90.2 Scope

New amendment to avoid conflict with text in Section 89.101.3.3 regarding installations in ships, watercraft other than floating dwelling units, railway rolling stock, aircraft, automotive vehicles, commercial coaches, mobile homes and recreational vehicles.

### State Fire Marshal

#### 620.71 Guarding Equipment

Repealed California amendment that prohibited the installation of an elevator motor controller and/or motion controller in the hoistway.

### Office of Statewide Health Planning and Development

#### 110.2 Approval

Defined new requirements for equipment that must be satisfied in order to be approved by OSHPD for use.

#### 110.26 Spaces About Electrical Equipment. (C) Entrance to and Egress from Working Space. (3) Personnel Doors

Amendment to reference the CBC for additional exit door requirements for electrical equipment room rated 800-amperes or more.

**404.4 Damp or Wet Locations. (C) Switches in Tub or Shower Spaces**

Amendment to reduce the restriction distance for the installation of receptacles from five feet to three feet horizontally. This aligns with model code language in Section 406.9(C).

**517.30 Sources of Power. (B) Types of Power Sources. (3) Battery Systems**

Amendment to allow battery systems to be used as an alternate power source.

**517.32 Branches Requiring Automatic Connection. (A) Life Safety and Critical Branch Used in a Type 1 EES**

Restore the 10-second restoration time for Type 1 life safety and critical branches.

**517.34 Critical Branch. (A) Task Illumination, Fixed Equipment, and Selected Receptacles**

Amendment for imaging equipment used for diagnostic services of emergency/trauma patients to be powered by the critical branch or equipment branch.

**517.44 Connection to Equipment Branch. (B) Delayed Automatic or Manual Connection to the Equipment Branch. 517.44.1 [OSHPD 2, 4 & 5] Connection to Equipment Branch**

Amendment to restore the requirement that Type 2 EES equipment branch load listed in Section 517.44(A) must automatically restore to operation at appropriate time-lag intervals following the energization of the life safety branch.

**517.123 [OSHPD 1, 2, 3, 4 & 5] Call Systems**

**(A) General.** Added references to the CBC's applicable sections for nurse call systems.

**(C) Bath Stations.** Changed the mounting height requirements for nurse call system "bath station" devices located at the patient toilets.

**700.12 General Requirements. (C) Storage Battery**

Amendment to require a storage battery system used as an alternate power source to have the equivalent capacity and operating duration as an equivalent generator set operating on an on-site fuel supply.



## CALIFORNIA MECHANICAL CODE – PART 4

### Chapter 1 – Scope and Application

#### Building Standards Commission

##### 104.4.3.1 Expiration

New section changed permit expiration from 180 days to 12 months. Includes a provision stipulating that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance. This amendment also allows for permit extensions; the exception being when the work authorized by the permit is determined to have been abandoned. The new code language reflects statutory requirements in Assembly Bill 2913 (Chapter 655, Statutes of 2018), which became operative January 1, 2019 and amended Health and Safety Code (HSC) Section 18938.5(b)(2)(B) and added HSC Section 18938.6 to Building Standards Law.

[CBSC Information Bulletin 19-03](#) regarding permit expiration dates was issued May 23, 2019 to local building departments, state agencies and CBSC interested parties.

#### State Fire Marshal

##### 1.11.4.4 Fire Clearance Preinspection and 1.11.4.5 Care Facilities

Updated to meet Health and Safety Code Section 13244 and to align with other parts of Title 24 regarding fee structures for Fire Clearance Pre-inspection and Care Facilities.

##### 1.11.6 Certificate of Occupancy

Updated to correlate with the requirements for certificate of occupancy in the CBC.

#### California Energy Commission

##### Section 1.1.8 California Energy Code Requirements for Locally Adopted Energy Standards

Amendment clarifies that “local jurisdictions that adopt changes to energy conservation or insulation standards (including energy efficiency measures) may not enforce such changes until the California Energy Commission has made the findings required by Public Resources Code Section 25402.1(h)(2), following the process specified in Section 10-106 of the California Administrative Code.”

## Chapter 2 – Definitions

### Office of Statewide Health Planning and Development

#### 228.0 Z

#### ZONE [OSHPD 1, 2, 3, 4 & 5]

New code section has been added. OSHPD has added the definition of Zone to OSHPD 1, 2, 3, 4 & 5 to specify the meaning of this term within Part 4 and reduce confusion.

## Chapter 3 – General Regulations

### Department of Housing and Community Development

#### 311.2 Air Filters

Repealed amendment in the exceptions referencing the California Energy Code, since the California Energy Commission included this amendment in their rulemaking.

### California Energy Commission

#### Section 311.5 California Energy Code Requirements for Residential Air Filtration

New code section added pointers specifying requirements for outdoor air delivery to occupied spaces where specified in California Energy Code Sections 150.0(m)12 and 160.2(b).

## Chapter 4 – Ventilation Air

### Building Standards Commission

#### 402.1 Occupiable Spaces

Repealed amendment in the exceptions referencing the California Energy Code, since the California Energy Commission included this amendment in their rulemaking.

### Department of Housing and Community Development

#### 405.3 Bathroom Exhaust

Amendment providing a reference pointer to CALGreen (Part 11 of Title 24), Division 4.5, Environmental Quality.

### Office of Statewide Health Planning and Development

#### 407.5.1.3 Variable Air Volume

Amendment clarifies that spaces with pressure requirements per Table 4-A shall utilize an automatic modulating damper in the return or exhaust air for each space and that the damper will modulate from full open to minimum position in conjunction with the supply air VAV terminal equipment.

**407.6 Economizers**

New code section requires that systems with economizers shall include modulating relief and/or return fans to ensure compliance with the pressure requirements of spaces listed in Table 4-A.

**420.0 Air Distribution Devices [OSHPD 1, 2, 3, 4 & 5]**

New code section requires all air distribution devices and supply air outlets meet ASHRAE 170-2013, Section 6.7.2 and Table 6.7.2. This is consistent with other regulations that address prevention measures to abate disease-causing microorganisms within mechanical systems.

**Chapter 6 – Duct systems****Department of Housing and Community Development****601.2 Sizing Requirements**

Repealed amendment in the exceptions referencing the California Energy Code, since the California Energy Commission included this amendment in their rulemaking

**603.10.1.1 Duct Leakage Tests for Residential Buildings**

Repealed amendment in the exceptions referencing the California Energy Code, since the California Energy Commission included this amendment in their rulemaking.

**California Energy Commission****Section 601.2.1 California Energy Code Residential Return Duct Sizing Requirements**

New code section applicable to new construction and alterations with pointers to California Energy Code Tables 150.0-B and 150.0-C to specify return duct sizing requirements for single return and multiple return duct systems, respectively.

**603.9.2.1 Duct Leakage Tests for Buildings that Meet Air Distribution System Duct Leakage Sealing Criteria in Title 24, Part 6**

New code section with pointers to the California Energy Code applicable to single-family and multifamily buildings, hotels/motels and nonresidential buildings.

**Chapter 9 – Installation of Specific Appliances****Department of Housing and Community Development****911.2.2 In Manufactured Homes and 912.1.1 Prohibited Installations and Exception**

HCD does not adopt model code sections 911.2.2 and 912.1.1 to avoid possible conflict and to properly align with CCR, Title 25, and HSC Section 18025 regarding references and standards incorporated by reference for construction of manufactured homes, including decorative gas appliances for installation in fireplaces. HCD has reserved these sections accordingly.



## Chapter 11 – Refrigeration

### State Fire Marshal

#### **1104.6 Applications for Human Comfort and for Nonindustrial Occupancies**

Exceptions 1 and 2 added to allow the use of A2L refrigerant in specific self-contained factory sealed air conditioning units.

## Chapter 12 – Hydronics

### Department of Housing and Community Development

#### **1217.5.2 Insulation, 1217.7 Wall and Ceiling Panels and 1220.4.5 Insulation**

HCD repealed amendments in the exceptions referencing the California Energy Code, since the California Energy Commission included this amendment in their rulemaking for insulation requirements for concrete radiant flooring heated slabs, pipe insulation, and concrete snow melt heated slab floors.

### California Energy Commission

#### **1217.7.1 California Energy Code Pipe Insulation Requirements**

New code section to reference the California Energy Code Sections 150.0(j)2 and 120.3(c) for pipe insulation requirements based on fluid temperature and pipe diameter. Also, where California Energy Code Table 120.3-A specifies insulation greater than R-12, the higher value is required.

#### **1220.4.5.1 California Energy Code Insulation Requirements for Heated Slab Floors**

New code section to reference the California Energy Code Section 110.8(g) and Table 110.8-A for additional insulation requirements for heated slab floors. Also, a higher level of insulation is required for Climate Zone 16, and more detailed requirements for installing insulation are specified in all climate zones.



## CALIFORNIA PLUMBING CODE – PART 5

### Chapter 1 – Scope and Application

#### Building Standards Commission

##### **R105.5.1 [Permit] Expiration**

New section changed permit expiration from 180 days to 12 months. Includes a provision stipulating that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance. This amendment also allows for permit extensions; the exception being when the work authorized by the permit is determined to have been abandoned. The new code language reflects statutory requirements in Assembly Bill 2913 (Chapter 655, Statutes of 2018), which became operative January 1, 2019 and amended Health and Safety Code (HSC) Section 18938.5(b)(2)(B) and added HSC Section 18938.6 to Building Standards Law.

[CBSC Information Bulletin 19-03](#) regarding permit expiration dates was issued May 23, 2019 to local building departments, state agencies and CBSC interested parties

### Chapter 4 – Plumbing Fixtures and Fixture Fittings

#### Building Standards Commission

##### **412.1.4.1 Nonwater Urinals with Drain Cleansing Action**

Changed the term from “Urinals, Hybrid.”

#### Building Standards Commission and Division of the State Architect

##### **Table 4-1 Occupant Load Factor**

Co-adopted with BSC, who made the changes during the 2019 Intervening Code Adoption Cycle.

##### **422.1 Fixture count and Table 422.1**

Co-adopted with BSC to permit an alternate Table 4-1 (replaced Table A) as an exception which can be used if the jurisdiction has adopted it. In the 2019 edition of the CPC, DSA inadvertently omitted the language. DSA co-adopted the BSC amendment in the statement at the top of Table 422.1 to allow usage of Table 4-1 as an alternate for calculations.

##### **Table A/Table 4-1**

Table A is superseded by Table 4-1 which incorporates numerous additions, deletions and revisions for determining plumbing fixture count minimums.

## California Energy Commission

### 401 General

Amended to prevent confusion regarding the interaction between standards for plumbing fixtures and fittings subject to regulation as water-using appliances, and standards for plumbing systems specified in adopted model code language.

## Chapters 5 and 6 – Water Heaters and Water Supply and Distribution

### California Energy Commission

#### 501 General and 609.12 Residential Fire Sprinkler Systems

Amended to assist readers of the CPC by identifying additional energy efficiency requirements applicable to water heating systems and pipe insulation.

## Chapter 6 – Water Supply and Distribution

### State Fire Marshal

#### 612.2 through 612.7.2 Water Supply and Distribution

Removed residential fire sprinkler systems from California Plumbing Code, and comply with California Residential Code and California Fire Code.

## Chapter 13 – Health Care Facilities and Medical Gas and Vacuum Systems

### Office of Statewide Health Planning and Development

#### 1304.1.1 [OSHPD 1, 1R, 2, 3, 4 & 5]

Added a reference to the California Fire Code Chapter 80.

#### 1304.1.2 [OSHPD 1, 1R, 2, 3, 4 & 5]

New exception that a medical gas source system serving only an OSHPD 1R or 3 building may be located within it.

## Chapter 15 – Alternate Water Sources for Nonpotable Applications

### Department of Water Resources

#### 1505.1 General

Amended this section to clarify the applicability of Section 1505 to landscape irrigation systems using recycled water.

#### 1505.4 Connections to Potable or Recycled Water Supply Systems – Exception (4)

Added an exception for the use of a swivel ell or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.

## Chapter 17 – Referenced Standards

### Office of Statewide Health Planning and Development

#### Table 1701.1

Added ANSI/AAMI reference standard for water treatment equipment for hemodialysis applications.



## CALIFORNIA ENERGY CODE – PART 6

Please visit the [California Energy Commission's website](https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/online-resource-center/overview) for Part 6 updates.

[energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/online-resource-center/overview](https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/online-resource-center/overview)



## CALIFORNIA FIRE CODE – PART 9

### Overview

#### State Fire Marshal

The Office of the State Fire Marshal (SFM) has authority for the building standards in the California Fire Code (CFC). Unless otherwise noted, all updates noted in this section were made by SFM.

The bulk of amendments regarding Energy Storage Systems (ESS) occur in Chapters 1, 2, 9, 12 and Chapter 80, Referenced Standards. SFM repealed California ESS Intervening Code Adoption Cycle amendments and definitions that were early adopted ICC provisions in the 2019 Intervening Code Adoption Cycle, then adopted and replaced with unamended 2021 International Code Council (ICC) model code provisions in several chapters.

The bulk of amendments regarding Type IV construction—tall wood/mass timber and cross-laminated timber—occur in Chapter 7 Section 701.6, Chapter 9 Section 914.3.1.2, and Chapter 33 Section 3303.5, based on changes in model code. SFM repealed California tall wood/mass timber amendments that were early-adopted ICC provisions in the 2019 Intervening Code Cycle, then adopted and replaced with unamended 2021 ICC model code provisions.

Part 9 Chapter	Sections
Chapter 2	202 Definitions MASS TIMBER (CA amended defined term remains)
Chapter 7	Section 701 General 701.6 Owners responsibility (Updated model code references)
Chapter 9	Section 914 Fire Protection Based on Special Detailed Requirements of Use and Occupancy 914.3.1.2 Water supply to required fire pumps. (CA amendment remains)
Chapter 33	Section 3303 Owners Responsibility for Fire Protection. 3303.5 (Adopted model code section and repealed California Section 3308.9)

### Chapter 1 – Scope and Application

#### Building Standards Commission

##### R105.5.1 [Permit] Expiration

New section changed permit expiration from 180 days to 12 months. Includes a provision stipulating that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance. This



amendment also allows for permit extensions; the exception being when the work authorized by the permit is determined to have been abandoned. The new code language reflects statutory requirements in Assembly Bill 2913 (Chapter 655, Statutes of 2018), which became operative January 1, 2019 and amended Health and Safety Code (HSC) Section 18938.5(b)(2)(B) and added HSC Section 18938.6 to Building Standards Law.

[CBSC Information Bulletin 19-03](#) regarding permit expiration dates was issued May 23, 2019 to local building departments, state agencies and CBSC interested parties.

## State Fire Marshal

### 1.11.1 Scope Specified state-occupied buildings

New definition with 11 criteria has been added in response to Senate Bill 85 (Chapter 31, Statutes of 2019) that required the State Fire Marshal to provide a more accurate definition.

### 1.11.6 Certificate of Occupancy

Amendment referencing CBC Section 105.2 to clarify work exempt from permitting requirements.

### 105.6.53 Lithium batteries

Amendment to require an operational permit for an accumulation of more than 15 cubic feet of lithium-ion and lithium metal batteries and storage shall comply with new amendments in CFC Section 322.

## Chapter 2 – Definitions

**CHILD CARE** Added a new defined term for child care that is consistent with Title 22 (Social Security) of the California Code of Regulations.

**DAY-CARE** Amended the defined term day-care to specify the time period for the care of persons is not to exceed 24 hours, and is to be consistent with Title 22.

**INFLATABLE AMUSEMENT DEVICE** New defined term to specify characteristics of inflatable structures that need to be properly constructed and anchored.

**MOBILE FOOD PREPARATION VEHICLES** Repealed this term to align with California Code of Regulations Title 25, Housing and Community Development. See Chapter 3 changes below.

**PHOTOVOLTAIC (PV) PANEL SYSTEM, GROUND-MOUNTED** New defined term to be consistent with references in CBC Chapters 16 and 31, CRC Chapter 3 and CFC Chapter 12.

**PHOTOVOLTAIC (PV) SUPPORT STRUCTURE, ELEVATED** New defined term for an elevated PV support structure designed with useable space underneath intended for secondary use such as providing shade for motor vehicle parking. Requirements for installation are addressed in CBC Chapters 15 and 16.

**TODDLER** New defined term to align with the legal definition of toddlers from Health and Safety Code Section 1596.55. By distinguishing age differences, officials will be able to classify the related occupancies based on social services' classifications used for licensing.

## Chapter 3 – General Regulations

### **User Note, Section 301.2 Permits and Section 319 Mobile Food Preparation Vehicles**

Repealed model code and references to mobile food vehicles throughout the code to address concerns regarding conflicting jurisdiction requirements between Title 25 and the CFC.

### **Section 322 Storage of Lithium-ion and Lithium Metal Batteries**

Adopted new section to address safety requirements, as well as associated sections in Chapter 4 below.

## Chapter 4 – Emergency Planning and Preparedness

### **403.10.6 Lithium-ion and lithium metal batteries and 403.10.6.1 Mitigation planning**

Amendments in these sections address fire safety and emergency action regarding battery storage and mitigation planning in the event of thermal runaway.

## Chapter 9 – Fire Protection and Life Safety Systems

Amendments in this chapter address nearly every subsection regarding every occupancy and SFM application.

SFM repealed several California amendments and adopted 2021 IFC model code language for automatic sprinkler systems, energy storage systems, explosion control, venting, and gas detection systems.

Major amendments were made to requirements for compliance with updated NFPA 72 standards in model code regarding solar photovoltaic power systems, portable fire extinguishers and gas detection systems.

### **907.2.6.4 Group I-4**

New section to include the intent of the smoke detection requirements for Group I-4 occupancies with a reference to Section 436.1.

### **907.2.11.8 Specific location requirements**

Modified to address the references based on changes to both the NFPA 72 Standard 29.11.3.4, and the model code regarding smoke alarms and smoke detection systems.



### **913.1 General**

Amend the exception for automatic sprinkler pumps to correlate with the California Residential Code section R313.

## **Chapter 10 – Means of Egress**

### **1032.2.1.2 Maintenance and 1032.2.1.3 Examination**

Adjustments and revisions to address maintenance requirements for fire escapes that have been relocated to Section 1032.

## **Chapter 12 – Energy Systems**

### **Sections 1202, 1203, 1204, 1205, 1206 and 1207**

Repealed, renumbered, amended and carried forward existing amendments in Chapter 12 to adopt updated 2021 IFC model code language.

### **1207.11.7 through 1207.11.7.3**

#### **Section 1207.11.7**

Amendments regarding specific appliances, ESS equipment and devices that need protection from impact in a clearly defined area in residential garages and carports.

#### **Figure 1207.11.7.1**

Added to illustrate the zones in which a typical residential garage ESS installation would trigger the need for impact protection, following prescriptive barrier and post designs.

## **Chapter 31 – Tents, Temporary Special Event Structures and Other Membrane Structures**

### **3101.1 Scope**

Carried forward existing amendments and added new amendment regarding temporary structures, water filled vessels and inflatable amusement devices.

### **3103.8.2 Location**

Repealed the reference to Title 19 regulations regarding vehicle parking near tents.

### **3103.9.1 Water Filled Vessels**

Amendment requiring the tent manufacturer to provide the documentation permitting use of water filled vessels for anchoring and securing their tents.

### **Section 3106 Inflatable Amusement Devices**

Amendment requiring basic design and safety criterion in accordance with ASTM F2374 for inflatable amusement devices also known as “bounce houses.”

## **Chapter 38 – Higher Education Laboratories**

IFC Chapter 38 is omitted in its entirety to correlate with the California Building Code and amendments regarding the Group L occupancy.

## Chapter 49 – Requirements for Wildland-Urban Interface (WUI) Fire Areas

The WUI amendments to the CFC were developed through the Office of the State Fire Marshal WUI task group and collaboration with local fire departments, state agencies, building industry, testing labs, and stakeholders.

The user note under the Chapter 49 title is added to give the code user a general understanding and background information on the development process of the regulations and their application.

### 4902 Definitions

**FIRE-RESISTANT VEGETATION** New definition of plants less likely to ignite, contribute heat or spread flame. Also provides a list of resources for more information about these types of plants.

**LOCAL RESPONSIBILITY AREA (LRA)** Amended to be consistent with language used in rest of the WUI regulations.

### 4903 Plans

Added to grant authority to local fire officials to require building owners to provide a fire protection plan to mitigate the wildfire hazards that may exist based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, and climatic and fire history.

The fire protection plan shall address fire department access, egress, road and address signage, water supply, fuel reduction and defensible space requirements in accordance with the California Public Resources Code.

### 4904.3 Local Agency Requirements

New amendment establishes requirements for local agencies to provide information to the public regarding the identification of very high fire hazard severity zones (VHFHSZ) within a 30-day period. Other new requirements in this subsection address local agency responsibilities and duties to develop fire severity zone maps accessible to the general public, as well as requirements to designate by ordinance VHFHSZ.

### Section 4906 Vegetation Management

New amendments in this section include additional requirements for the development, identification and maintenance of the vegetation management zones adjacent to structures, as well as design criteria for specific types of fire-resistant and non-fire-resistant vegetation.

### 4908 Fire Safe Development Regulations & Section 4909 Subdivision Review Survey

New code sections added to comply with AB 2911 (Chapter 641, Statutes of 2018) which requires a survey of local governments every five years to identify existing subdivisions in the state responsibility area (SRA) or VHFHSZ without a secondary egress route. Subsections authorize the Board of Forestry and SFM-specified local

government bodies to make recommendations to include creating secondary access or access road improvements, among other options.

**4910 General Plan Safety Element**

Added to comply with AB 2911 (Chapter 641, Statutes of 2018) which requires cities and counties to adopt a comprehensive general plan with various elements including a safety element for protection of the community from unreasonable risks associated with various hazards, including wildfires.

**Chapter 80 – Referenced Standards**

Amended several referenced standards to correlate with model code revisions and new California amendments.

**ASTM F2374**

Added regarding provisions for inflatable amusement devices.

**Appendix P – Community Wildland-Urban Interface (WUI) Fire Hazard Evaluation Framework**

Although SFM does not adopt Appendix P statewide in the California Fire Code, when adopted by local jurisdictions and fire districts, this appendix is meant to be a tool to enable communities to collect, assemble and represent the associated risks within a WUI fire area.



## CALIFORNIA EXISTING BUILDING CODE – PART 10

### Chapter 1 – Scope and Application

#### Building Standards Commission

##### **R105.5.1 [Permit] Expiration**

New section changed permit expiration from 180 days to 12 months. Includes a provision stipulating that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance. This amendment also allows for permit extensions; the exception being when the work authorized by the permit is determined to have been abandoned. The new code language reflects statutory requirements in Assembly Bill 2913 (Chapter 655, Statutes of 2018), which became operative January 1, 2019 and amended Health and Safety Code (HSC) Section 18938.5(b)(2)(B) and added HSC Section 18938.6 to Building Standards Law.

[CBSC Information Bulletin 19-03](#) regarding permit expiration dates was issued May 23, 2019 to local building departments, state agencies and CBSC interested parties.

#### Division of the State Architect

##### **1.9.2.1.4 Reference to other chapters and 1.9.2.2.4 Reference to other chapters**

Added to redirect references for public schools and community colleges to the applicable “A” chapters of the CBC.

#### State Fire Marshal

##### **1.11.1 SFM—Office of the State Fire Marshal**

Added a definition of Specified State-occupied Building.

##### **1.11.4.4 Fire clearance preinspection and 1.11.4.5 Care facilities**

Update the fees that are charged for inspections to meet the requirements of Health and Safety Code Section 13244.

##### **1.11.6 Certificate of Occupancy**

Correlated the requirements for certificate of occupancy with the regulations in the California Building Code.

### Chapter 2 – Definitions

#### Building Standards Commission and Division of the State Architect

##### **202 General Definitions**

Relocated existing definitions for BUILDING OFFICIAL and ENFORCEMENT AGENCY from Section 318.1 to Section 202.

## **Division of the State Architect**

### **201 General**

Adopted Section 201 (it was not adopted in 2019 CEBC).

### **201.3 Terms defined in other codes**

Amended to reference applicable sections of the California Administrative Code (Part 1 of Title 24) where the definitions contained therein govern.

## **Chapter 3 – Provisions for All Compliance Methods**

### **Building Standards Commission and Division of the State Architect**

#### **Table 317.5 Minimum seismic design performance levels for structural and nonstructural components**

Revised table footnote #2 and added footnote #3 to clarify that there are two alternate compliance paths in addition to the criteria presented in the table.

#### **317.8 ASCE 41 Chapter 14**

Coordinated with the latest version of referenced standard ASCE 41.

#### **319.7 Prescriptive selection of the design method**

Revised Subsection 319.7.2 to clarify the condition triggering Method B approach based on building irregularities.

#### **319.10 Structural observation, testing and inspection**

Revised the language to coordinate with associated regulations in Chapter 17 of the California Building Code and repeal redundant and/or contradictory regulations.

### **Building Standards Commission**

#### **318 Definitions**

Relocated BUILDING OFFICIAL and ENFORCEMENT AGENCY definitions to Chapter 2 and repealed the rest of the definitions from Section 318.1 except ADDITION, ALTERATION, and REPAIR.

### **Division of the State Architect**

#### **318 Definitions**

Relocated BUILDING OFFICIAL and ENFORCEMENT AGENCY definitions to Chapter 2 and repealed the rest of the definitions from Section 318.1 except for REPAIR. Added reference to applicable sections of California Administrative Code (Part 1), where the definitions contained therein govern.

#### **319.1 Basis for evaluation and design**

Revised Exception 2 to restore original intent and update for compatibility with current code adoption cycle. As originally authored, Exception 2 was intended to apply to the conversion of a nonconforming building to use as a school building in accordance with Section 4-307 of Part 1. It was not intended to apply to the rehabilitation of an

existing school building when required by Section 4-309(c) of Part 1. Restored the phrase “as it was adopted by the governing jurisdiction” to make clear that the previous code is permitted to be used as originally applied rather than requiring compliance with its DSA-SS or DSA-SS/CC amendments (e.g., the “A” chapters).

### **321.2.3 Peer review**

Added language to align with the current practice of review and approval by the California Geological Survey. This updates regulations to reflect the current requirements for seismic ground motion records used in time history analysis.

## **Office of Statewide Health Planning and Development**

Because several sections were added to the IEBC, OSHPD sections in Chapters 3 and 3A were relocated and renumbered.

### **312.3.3.2 (formerly 309.3.3.2) Psychiatric nursing service**

Amended existing language to replace 1224.31 with Section 1228 for psychiatric nursing service. Section 1224.31 applies to medical psychiatric services and is not acceptable for an OSHPD 1R building.

### **304A.3.4.5 (formerly 303A.3.4.5) SPC-4D using ASCE 41**

Replaced entire section on seismic separations in ASCE 41-13 to be more consistent with the initial intent of the change and current inventory of SPC-3 and higher buildings, at the same time ensuring adequate level of safety from collapse of the adjacent building due to potential pounding impacts.

### **304A.3.5.9 ASCE 41 Section 8.4.2.3.2.1**

Added new section for foundations modeled as a fixed base or a flexible base.

### **304A.3.5.13 ASCE 41 Section 10.12.3**

Added new section to modify ASCE 41 Section 10.12.3 and provide a new exception to this section.

## **Chapter 5 – Prescriptive Compliance Method**

### **Building Standards Commission**

#### **502.1 General**

Repealed the language requiring Sections 502.4 and 503.3 be replaced by the requirements of Sections 317 through 322. Sections 502.4 and 503.3 have been adopted by BSC since 2016.

## **Chapter 16 – Referenced Standards**

### **State Fire Marshal**

Added amendments to the adopted and referenced NFPA 13R and NFPA 72 standards from the California Fire Code, so the same information is found in both codes.

### **Division of the State Architect**

Adopted Supplement 3 of ASCE 7 in addition to Supplement 1, which is already adopted by the model code.

### **Office of Statewide Health Planning and Development**

Adopted ASCE 7-16 Supplement 3 for **OSHPD 1, 1R, 2, 4 and 5**. Adopt ASCE 41-17 Supplement 1 for **OSHPD 1R, 2, 4 and 5**.

### **Department of Housing and Community Development**

HCD proposed editorial changes only with no intended change in regulatory effect, such as moving existing amendments following model code changes. Example: carbon monoxide alarm requirements were moved from Chapter 5 to Chapter 3.





## CALIFORNIA GREEN BUILDING STANDARDS CODE – PART 11

### Chapter 2 – Definitions

**Building Standards Commission (BSC), Division of the State Architect (DSA), Department of Housing and Community Development (HCD)**

**AUTOMATIC LOAD MANAGEMENT SYSTEMS – ALMS** (BSC, DSA, HCD) Added to clarify the term as used within CALGreen and in the EV charging industry and refers to ALMS which is allowed for use by the California Electrical Code.

**ELECTRIC VEHICLE (EV) CAPABLE SPACE** (BSC, HCD, DSA) Added to clarify the term as used within CALGreen and in the EV charging industry and refers to a space which has capability or infrastructure to facilitate future EV charging.

**ELECTRIC VEHICLE (EV) READY SPACE** (HCD) Added to clarify the term as used within CALGreen and in the EV charging industry and refers to a space which is ready for EV charging and equipped with a receptacle or charger.

**LEVEL 2 ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)** (HCD) Added to residential sections of CALGreen and clarifies that the new term as used within Sections 4.106.4.2. and A4.106.8.2.1 refers a Level 2 EV charger and supporting electrical equipment.

**LOW-POWER LEVEL 2 ELECTRIC VEHICLE (EV) CHARGING RECEPTACLE** (HCD) Added to residential sections of CALGreen to clarify the electrical requirements for this type of receptacle as required in Sections 4.106.4.2.1 and 4.106.4.2.2.

**ZERO-EMITTING AND HIGH-EFFICIENT VEHICLES** (BSC, DSA) Amended from “Low-Emitting and Fuel-Efficient Vehicles” to “Zero-emitting and High-efficient Vehicles.”

**OFF-STREET LOADING SPACES** (BSC, DSA) Added to align with the new code language for EV charging for medium-duty and heavy-duty vehicles.

**NONWATER URINAL WITH DRAIN CLEANSING ACTION** (BSC, HCD, DSA) Amended from “Urinal, Hybrid” to “Nonwater Urinal with Drain Cleansing Action” to align terminology with the California Plumbing Code; no change in regulatory effect.

### Chapter 4 – Residential Mandatory Measures

**Department of Housing and Community Development**

HCD repealed various existing code sections and provisions to reformat, modify, and adopt new sections addressing EV charging for multifamily buildings, and hotels and motels.



#### **4.106.4 and subsections. EV charging for new construction**

Expanded EV charging requirements to installation of EV charging receptacles and EV chargers (EVSE).

- Modified Exception 1 to address situations in which there is no local utility power supply or when the local utility is unable to supply adequate power.
- Repealed references to specific dollar amounts for exceptions due to variations in utility costs based upon locations.
- Included an exception related to adverse impact to construction cost of a project, similar to the provision for nonresidential EV charging.

#### **4.106.4.2 New multifamily dwellings, hotels and motels and new residential parking facilities**

New regulation to clarify that calculations for EV spaces are to be rounded up to the nearest whole number and EV spaces to be counted as parking spaces only for the purposes of meeting parking space requirements at the local level (Vehicle Code Section 22511.2).

##### **4.106.4.2.1 Multifamily development projects with less than 20 dwelling units; and hotels and motels with less than 20 sleeping units or guest rooms**

New regulation requiring that ten percent of the total number of parking spaces on a building site support future Level 2 EVSE, the installation of EV ready spaces for twenty-five percent (25%) of the total number of parking spaces equipped with low power Level 2 EV charging receptacles, and clarification that no more than one receptacle must be installed per dwelling unit.

##### **4.106.4.2.2 Multifamily development projects with 20 or more dwelling units, hotels and motels with 20 or more sleeping units or guest rooms**

New regulations requiring that ten percent (10%) of the total number of parking spaces on site support future Level 2 EVSE; the installation of EV-ready spaces for twenty-five percent (25%) of the total number of parking spaces equipped with low power Level 2 EV charging receptacles; and five percent (5%) of the total number of parking spaces shall be equipped with Level 2 EVSE. The use of an ALMS is allowed when low-power Level 2 EV charging receptacles or Level 2 EVSE are installed beyond the minimum required.

##### **4.106.4.2.2.1 Electric vehicle charging stations (EVCS)**

Added requirements for space location and dimensions, with a reference to the California Building Code to address accessibility.

##### **4.106.4.2.3 EV space requirements**

Amended requirements for single and multiple EV spaces, and added a requirement for EV-ready space signage.

#### **4.106.4.3 Electric vehicle charging for additions and alterations of parking facilities serving existing multifamily buildings**

Expanded EV charging infrastructure for additions and alterations triggered when new parking facilities are added, or electrical systems or lighting of existing parking facilities are added or altered, and the work requires a building permit. The new regulation requires that 10 percent (10%) of the total number of parking spaces being added or altered be EV capable to support future Level 2 EVSE.

#### **4.410.1 Operation and maintenance manual**

Amended existing Item 11 to add Department of Forestry and Fire Protection, and added a new Item 12 to require that the operation and maintenance manual contain information and/or drawings identifying the location of grab bar reinforcements.

## **Chapter 5 – Nonresidential Mandatory Measures**

### **Building Standards Commission and Division of the State Architect**

#### **5.106.5.2 Designated parking for clean air vehicles**

Repealed the mandatory requirement for designated parking for clean air vehicles.

#### **5.106.5.3 Electric vehicle (EV) charging and subsections**

Amended to increase the EV capable space percentages and add a new requirement for installed Level 2 or DCFC chargers.

#### **5.504.4.7 Thermal insulation**

Relocated thermal insulation from voluntary to mandatory and added verification of compliance.

#### **5.504.4.8 Acoustical ceilings and wall panels**

Relocated acoustical ceilings and wall panels from voluntary to mandatory along with verification of compliance.

### **Building Standards Commission**

#### **5.106.5.4 Electric vehicle (EV) charging: medium-duty and heavy-duty and subsections**

Added new regulations for electric vehicle charging readiness requirements for new construction of warehouses, grocery stores and retail stores with planned off-street loading spaces.

### **Division of the State Architect – Structural Safety**

#### **5.506.3 Carbon dioxide (CO<sub>2</sub>) monitoring in classrooms**

Added new requirement for carbon dioxide monitors in classrooms only in new building construction, and not alterations and additions.

**5.106.12 Shade trees and subsections**

Amended exceptions for surface parking and hardscape areas to provide clarity that excepted play areas for organized sports activities, such as basketball courts, are removed from the total area calculation of the hardscape areas on the campus.

**Chapter A4 – Residential Voluntary Measures**

**California Energy Commission**

**A4.2 Energy efficiency**

**A4.201.1 Scope**

Updated and provided a new web link to the CEC website.

**A4.203.1.1 Hourly source energy design rating (EDR1) and Table A4.203.1.1**

Updated for EDR1 margins for climate zones.

**A4.203.1.2.3 HERS – Verified compact hot water distribution system and**

**A4.203.1.2.4 HERS – Verified drain water heat recovery**

Amended to add details for compliance.

**A4.203.1.2.5 High performance vertical fenestration, A4.203.1.2.6 Heat pump water heater demand management, A4.203.1.2.7 Battery storage system controls and A4.203.1.2.8 Heat pump space and water heating**

Added as prerequisite options to standardize phrasing to remove unneeded references to HERS verification and to apply a broader range of equipment types and construction performance approaches to meet the overall requirements.

**A4.203.1.3 Performance standard (repealed), A4.203.1.3.1 Tier 1 (repealed), A4.203.1.3.2 Tier 2. (repealed) and A4.203.1.3 Consultation with local electric service provider (renumbered)**

Sections repealed and amended to remove reference to CALGreen tiers and to recommend consultation with a local electric service provider for jurisdictions considering reducing the Energy Design Rating (EDR) target when using solar PV systems larger than required by the California Energy Code.

**Chapter A5 – Nonresidential Voluntary Measures**

**Building Standards Commission**

**A5.106.5.1.1, A5.106.5.1.2, Table A5.106.5.1.1 and Table A5.106.5.1.2 Designated parking for clean air vehicles**

Amended the Tier 1 and Tier 2 voluntary requirements and repealed Tables A5.106.5.1.1 and A5.106.5.1.2.

**A5.106.5.3.1 and A5.106.5.3.2 Electric vehicle charging**

Increased voluntary EV capable space percentages.

**A5.303.4.1 Nonwater urinal with drain cleansing action**

Amended to align with the new definition and California Plumbing Code.

**A5.504.4.8 Thermal insulation**

Amended to move Tier 2 requirements to Tier 1 (Tier 1 moved to mandatory) and verification of compliance was renumbered to A5.504.8.1.

**A5.6 Voluntary Tiers and CALGreen Verification Guidelines**

Amend checklists affected by proposed mandatory and voluntary updates.

**California Energy Commission**

**A5.201.1 Scope**

Updated and provided a new web link to the CEC website.



## CALIFORNIA REFERENCED STANDARDS – PART 12

### Building Standards Commission

#### Cross Reference Table

Amended the chapter titles and associated sections in Title 24. This table serves as a non-regulatory aid to the code user.

### State Fire Marshal

#### Chapter 12-7A, Materials and Construction Methods for Exterior Wildfire Exposure

Repealed ignition-resistant material SFM Standard 12-7A-5.



# Capitola City Council

## Agenda Report



**Meeting:** November 10, 2022  
**From:** Community Development Department  
**Subject:** 2022 Zoning Code Amendments

**Recommended Action:** 1) Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map, and 2) Adopt the proposed resolution amending the General Plan Land Use Map.

**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 in the coastal zone.

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

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

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

The proposed ordinance is Attachment 1. A summary table of the proposed amendments is included as Attachment 2. 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.

On October 20, 2022, and November 3, 2022, the Planning Commission held public hearings for the zoning code amendments.

**Discussion:** During the Planning Commission meetings, the Commission accepted most of the changes proposed by staff.

The table on the next page outlines the 11 topics of discussion and the Commission's direction:

Topic	Proposed Edit	Planning Commission Direction
Second Story Decks and Balconies	<ul style="list-style-type: none"> <li>○ Count toward FAR</li> <li>○ Cannot face side yard</li> <li>○ Increased front, side, and rear setbacks</li> <li>○ Cannot project more than 6 feet from wall</li> </ul>	<ul style="list-style-type: none"> <li>○ 150 SF exception to FAR</li> <li>○ Cannot face side yard</li> <li>○ Increased front, side, and rear setbacks</li> <li>○ Cannot project more than 6 feet from wall</li> <li>○ Require screening for rear deck on sides</li> </ul>
Roof Decks	<ul style="list-style-type: none"> <li>○ Prohibit in R-1 and adjacent to R-1</li> <li>○ 5-foot setback from building wall closest to property line</li> <li>○ Allow railings to project above maximum zone height</li> </ul>	Accepted with one modification to also prohibit in the Mixed-Use Village.
Large Retail Use	Required CUP for new retail over 20,000 sf in size.	Accepted
Cannabis Retail Sign	<ul style="list-style-type: none"> <li>○ Remove limits for one sign.</li> <li>○ Remove limit to 15 sf.</li> </ul>	Directed staff to remove all limits related to cannabis signs
Pergolas, Arbors, Trellis	Add definitions and update encroachments for each type of structure	Accepted
Accessory Dwelling Use	<ul style="list-style-type: none"> <li>○ Update for consistency with state law.</li> <li>○ Update limited standard ADU to allow flexibility in use of 150 sf on first story.</li> </ul>	Accepted
Parking in R-1 Front Setback	Expand allowed maximum width of parking space in front yard from 14 feet to 18 feet with required standards for permeable surface area.	Change not accepted. Prefer existing code language to require Planning Commission review for an exception to 14 feet max.
Electric Vehicle Charging Stations	<ul style="list-style-type: none"> <li>○ Mirror state law for # of EV ready spaces</li> <li>○ Prohibit digital advertising</li> <li>○ Digital screen 2 sf max</li> <li>○ Require landscape screening</li> </ul>	Accepted
Generator	<ul style="list-style-type: none"> <li>○ Only allow in rear yard</li> <li>○ Limit testing 8 am to 8 pm</li> <li>○ Prohibit Use for RV or trailers in residential zones</li> </ul>	Accepted with addition: <ul style="list-style-type: none"> <li>○ 65 dBL max or sound proof</li> <li>○ Limit use to power outage or emergency</li> <li>○ Clarify setback</li> </ul>
Minor Modifications	Allow Community Dev. Director to issue minor mods on administrative permits	Only all CDD to issue minor modifications for parking dimensions
Monarch Cove Inn	Rezone to VS/R-1  Include conditions that residential use be in conjunction with view easement or vacation rental	Accepted

The Planning Commission's recommendation has been incorporated into the draft ordinance (Attachment 1). The original analysis of the 11 discussion topics from the October 20, 2022, Planning Commission meeting is included as Attachment 3. Attachment 4 is analysis for the rezoning of the Monarch Cove Inn.

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

Fiscal Impact: None.

Attachments:

1. Proposed draft Ordinance & Exhibit
2. Summary table of amendments
3. Analysis on Planning Commission discussion topics
4. Monarch Cove Inn analysis
5. Proposed resolution & land use map (Monarch Cove)

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Chloé Woodmansee, Assistant to the City Manager

Approved By: Jamie Goldstein, City Manager



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF CAPITOLA TO ADOPT AMENDMENTS TO MUNICIPAL CODE TITLE 17 (ZONING)**

**WHEREAS**, on October 12, 2020 the City of Capitola adopted a comprehensive Zoning Code update that applied to areas outside of the coastal zone; and

**WHEREAS**, on April 15, 2021 the Coastal Commission certified the Zoning Code resulting in the updated code applying throughout the city, including in the coastal zone; and

**WHEREAS**, on April 15, 2021 the Coastal Commission did not certify proposed amendments to the Zoning Code and Zoning Map to change the Monarch Cove Inn property from a Visitor Serving base zone to R-1 Single-Family Residential base zone with a Visitor Serving overlay zone;

**WHEREAS**, on April 15, 2021 the Coastal Commission advised the Monarch Cove Inn owner and the City of Capitola to bring the proposed Monarch Cove Inn amendments back before the Coastal Commission as a separate item for consideration;

**WHEREAS**, since the updated Zoning Code was adopted and certified by the Coastal Commission, City staff has identified a number of needed amendments to the Zoning Code to correct drafting errors, resolve ambiguities, improve code organization, and address new issues that have arisen since the updated code was adopted; and

**WHEREAS**, at duly notice public hearings on October 20 and November 3, 2022, the Planning Commission reviewed the proposed Zoning Code amendments, including the proposed Monarch Cove amendments; and

**WHEREAS**, on November 3, 2022, the Planning Commission recommended to the City Council adoption of the proposed Zoning Code amendment; and

**WHEREAS**, the City Council adopted Resolution No. \_\_ - 2022 to amend the General Plan Land Use Map to change the Monarch Cove Inn land use designation from Visitor Serving to Single-Family Residential with Visitor Serving Overlay.

**BE IT ORDAINED** by the City of Capitola as follows:

**Section 1:** The above findings are adopted and incorporated herein.

**Section 2:** Title 17 (Zoning) of the Capitola Municipal Code is amended as set forth in Attachment 1, attached hereto and incorporated herein by this reference.

**Section 3:** The official Zoning Map of the City of Capitola is amended as set forth in Attachment 2.

**Section 4:** Environmental Review.

The City Council finds and determines that enactment of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act ("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.

**Section 5:** Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption except that it will not take effect within the coastal zone until certified by the California Coastal Commission. This Ordinance shall be transmitted to the California Coastal Commission and shall take effect in the coastal zone immediately upon certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the Ordinance adopted by the City is legally adequate.

**Section 6:** Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

**Section 7:** Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2022, and was adopted at a regular meeting of the City Council \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Sam Storey, Mayor

Attest: \_\_\_\_\_  
Chloe Woodmansee, Interim City Clerk

**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	
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
-	Use not allowed				
Elderly and Long-Term Care		-	C	-	
Group Housing		-	P	-	
Mobile Home Parks		-	C	P [1]	Chapter 17.100
Multifamily Dwellings		-	P	-	
Residential Care Facilities, Small		P	P	C [2]	
Residential Care Facilities, Large		C	C	C [2]	Section 17.96.080
Accessory Dwelling Units		<del>A/C</del>	<del>A/C</del> [4]	-	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	
<del>Home Day Care, Large</del>		<del>M</del>	<del>M</del>	<del>M</del>	<del>Section 17.96.070</del>
Home Day Care, <del>Small</del>		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.
- ~~[4] Permitted only when there is one single family dwelling on the parcel.~~

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

**17.16.030 Development standards.**

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

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

	R-1	RM	Additional Standards
<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>			

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

Notes:

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

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

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

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

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

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

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

**Figure 17.16-1: Riverview Terrace**





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



4. Garage Setbacks.

a. Attached garages shall be set back a minimum of five feet behind the front or street side building wall of the primary structure. The planning commission may reduce this minimum setback to three feet in sidewalk exempt areas.

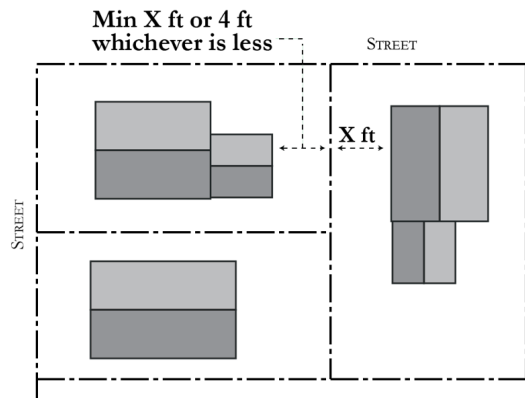
b. Required setbacks for detached garages are identified in Chapter 17.52 (Accessory Structures and Uses).

5. Corner Lots.

a. The minimum rear setback for reverse corner lots shall be the minimum interior side yard of the adjacent property, but no less than four feet. See Figure 17.16-2.

b. On a corner lot, the front line of the lot is ordinarily construed as the least dimension of the parcel facing the street. The community development director has the discretion to determine the location of the front yard based on existing conditions and functions.

**Figure 17.16-2: Reverse Corner Lot Rear Setback**

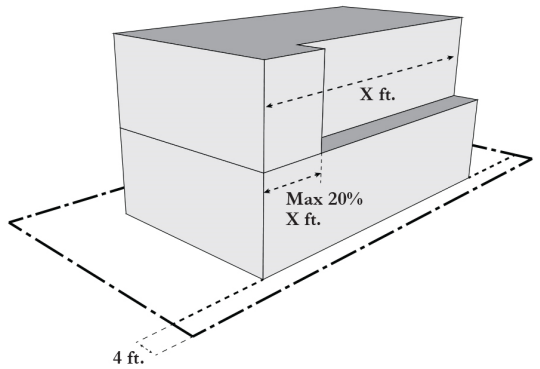


6. Second-Story Setback Exceptions. Second-story additions must comply with increased setback requirements in Table 17.16-2, except in the following cases:

a. For lots thirty feet wide or less, the minimum interior side setback for a second story is the same as the ground floor.

b. Up to twenty percent of the length of an upper-story wall may be constructed at the same setback as the first-floor wall if the first-floor wall is at least four feet from the side property line. See Figure 17.16-3.

**Figure 17.16-3: Second-Story Setback Exception**



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

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

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

9. Mini-Bar/Convenience Areas.

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

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

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

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

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

b. Electric service may not be 220 volts.

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

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

11. Second Story Decks and Balconies.

a. An upper floor deck in excess of 150 square feet is included in the floor area ratio calculation.

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

c. 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 and street side: 10 feet

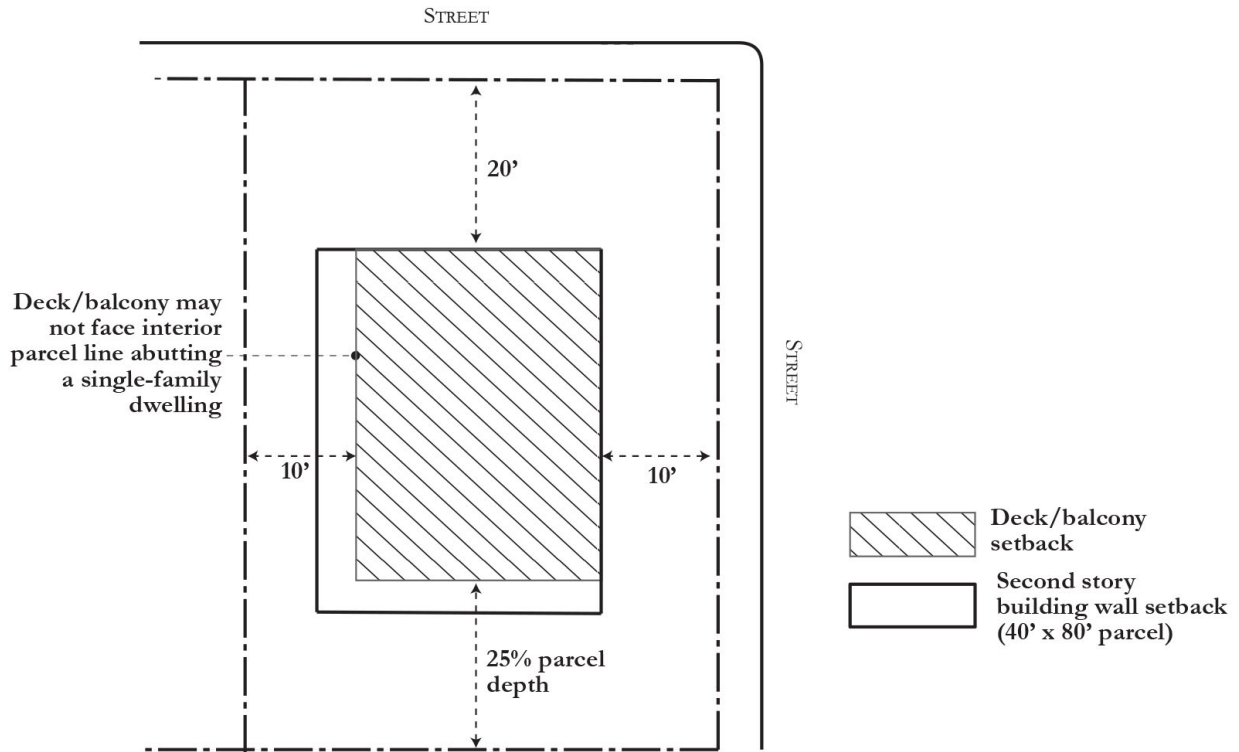
d. A permanent privacy screen (e.g., opaque glass) is required for rear deck along the railing parallel to the interior side property line facing a single-family dwelling

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

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

g. 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.

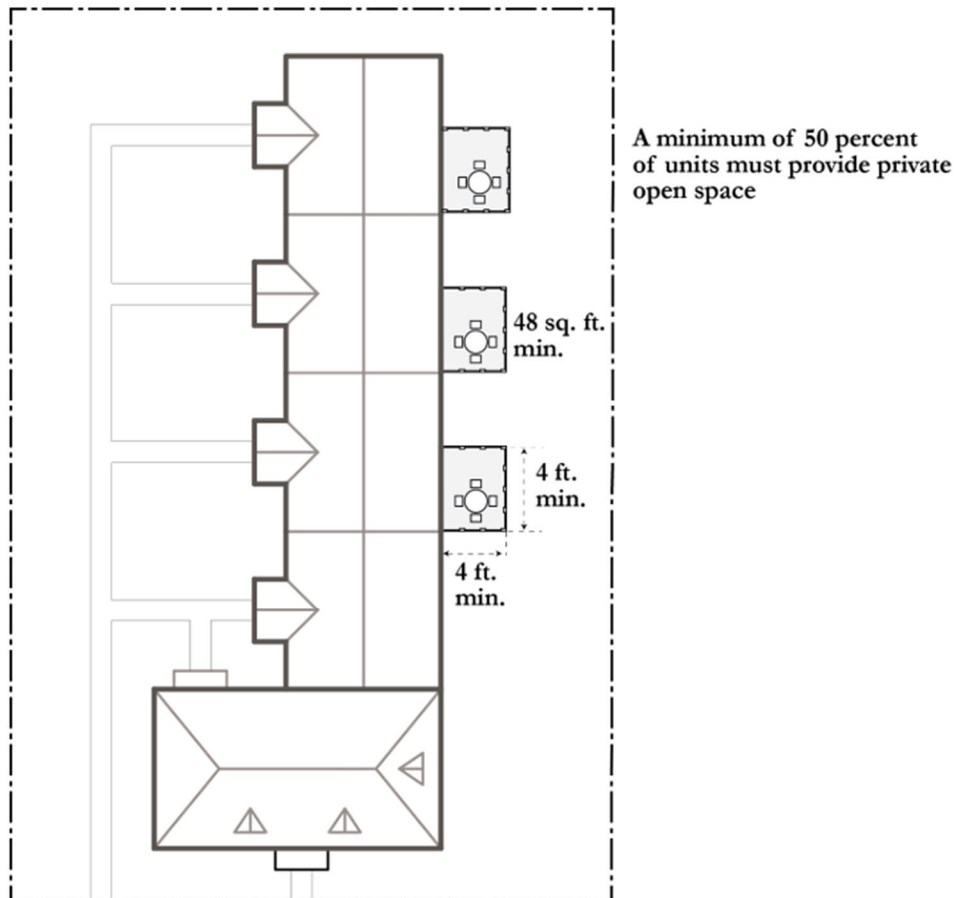
**Table 17.16-4: Usable Open Space in RM Zoning District**

<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] ~~Roof terraces and roof gardens may provide up to fifty percent of the required common open space area if the planning commission finds that roof terraces and roof gardens provide quality open space for residents and minimize noise, privacy and other potential impacts on neighboring properties. See Section 17.16.030.C.4 for requirements that apply to rooftop decks used as common open space.~~
- [3] The planning commission may allow reduced common open space to a minimum of ten percent for projects less than one acre in size or for projects that provide additional private open space equal to or greater than the amount of reduced common open space.
- [4] Private open space may include screened terraces, decks, balconies, and other similar areas.

**Figure 17.16-4: Private Open Space**



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

4. Upper-Level Decks and Balconies.

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

b. Roof decks must comply with the following standards:

- i. Roof decks are not permitted on parcels that abut the R-1 zoning district.
- ii. Roof decks require a Design Permit.

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

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

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

v. Other than as needed to provide for roof access, no permanent structure that has a solid roof and/or is enclosed on two or more sides may be placed on or attached to a roof deck. Fully transparent glass wind barriers are allowed.

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

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

**Table 17.16-5: MH Zoning District Development Standards**

		<b>Additional Standards</b>
<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	
P	Permitted Use			
A	Administrative Permit required			
M	Minor Use Permit required			
C	Conditional Use Permit required			
-	Use not allowed			
Elderly and Long-Term Care		C [2] [6]	C	
Group Housing		C [2] [6]	C	
Multifamily Dwellings		-/P [1] [6]	C	
Residential Care Facilities, Small and Large		See Section 17.20.020(F)		
Residential Care Facilities, Large		C [2] [6]	C	Section 17.96.080
Residential Mixed Use		See Sections 17.20.020(D) and (E) [6]	C	
Accessory Dwelling Units		<del>A</del> -	A/ <del>C</del>	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]	
<del>Home Day Care, Large</del>		<del>M</del>	<del>M</del>	<del>Section 17.96.070</del>
<del>Home Day Care, Small</del>		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	



Key		Zoning District		Additional Regulations
		MU-V	MU-N	
P	Permitted Use			
A	Administrative Permit required			
M	Minor Use Permit required			
C	Conditional Use Permit required			
-	Use not allowed			
Take-Out Food and Beverage		M	M	
Gas and Service Stations		-	-	
<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

	MU-V	Additional Standards
Accessory Structures	See Chapter 17.52	

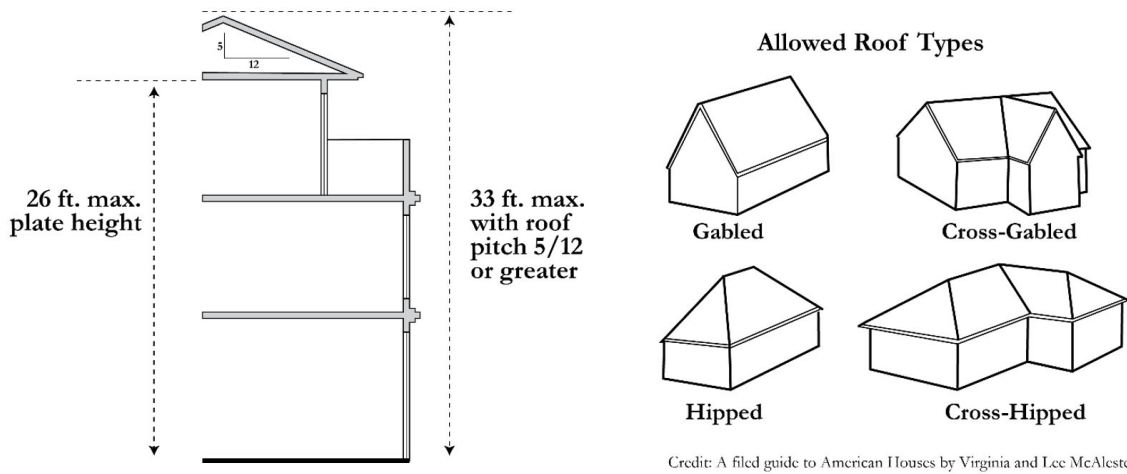
Note:

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

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

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

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



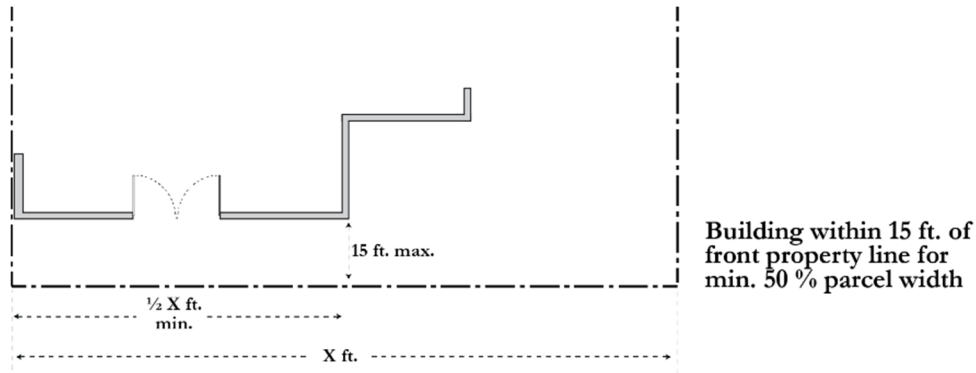
Credit: A filed guide to American Houses by Virginia and Lee McAlester

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**



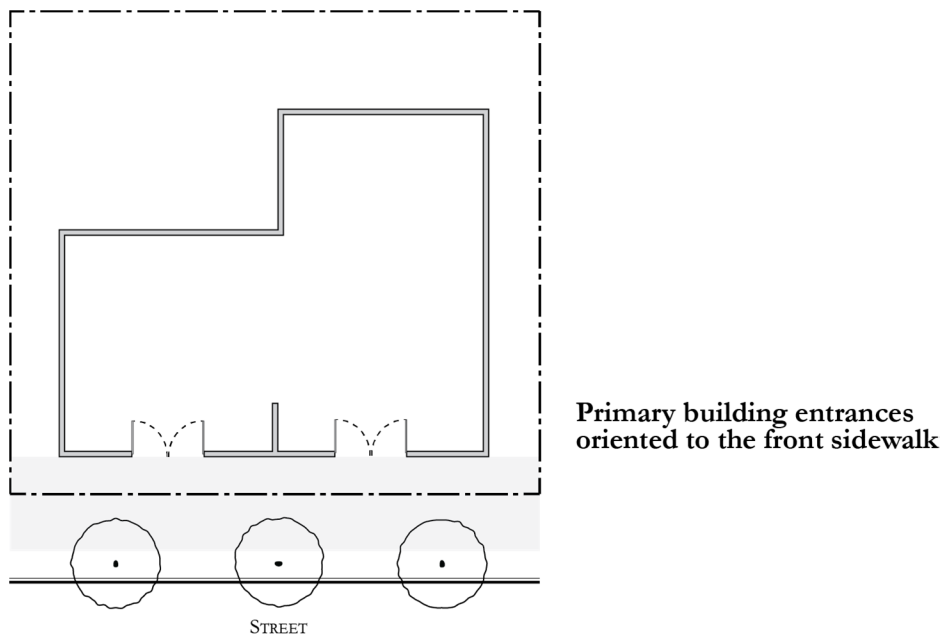
2. Front setback areas shall be pedestrian oriented and contain semi-public amenities such as courtyards or outdoor seating areas.

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**

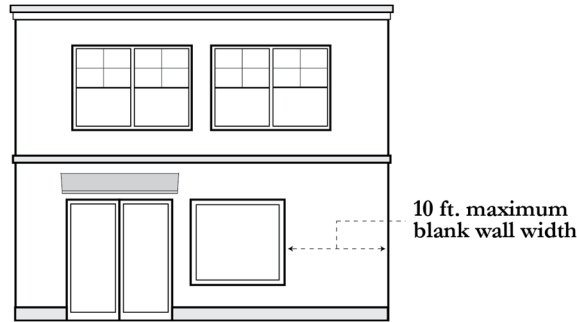


2. Blank Walls. The maximum length of an unarticulated/blank building wall fronting a public street shall be ten feet. See Figure 17.20-4. Building articulation may be provided by:

- 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**



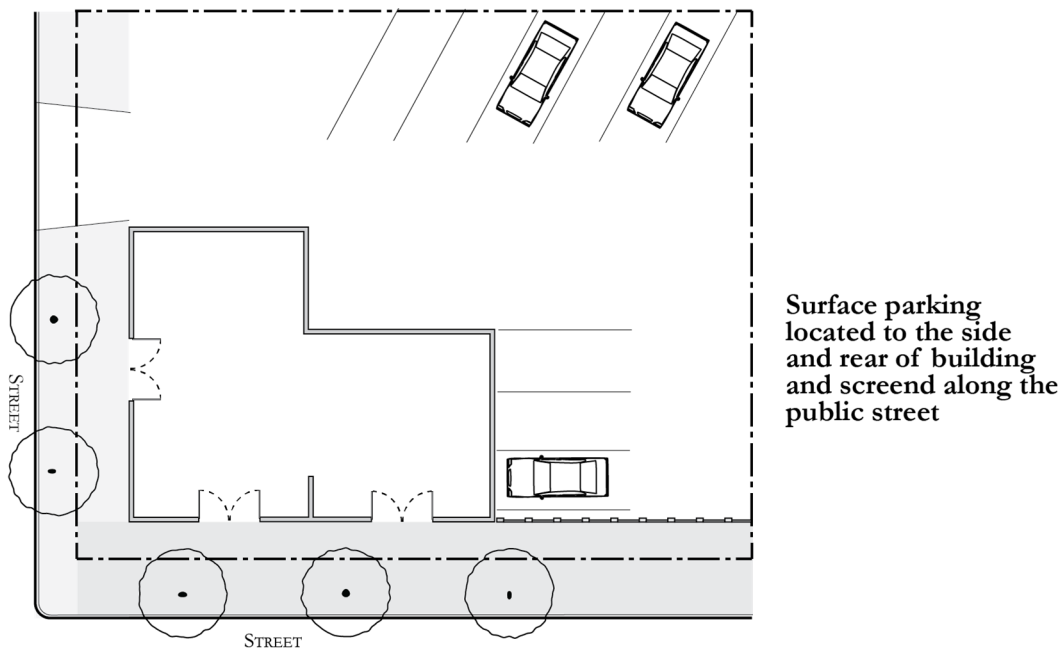
b. Exceptions to this transparency requirement may be allowed with a design permit if the planning commission finds that:

- 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. Roof decks are prohibited in the MU-V zoning district.

**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		
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)

	Zoning District	Additional Standards
	MU-N	
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.**

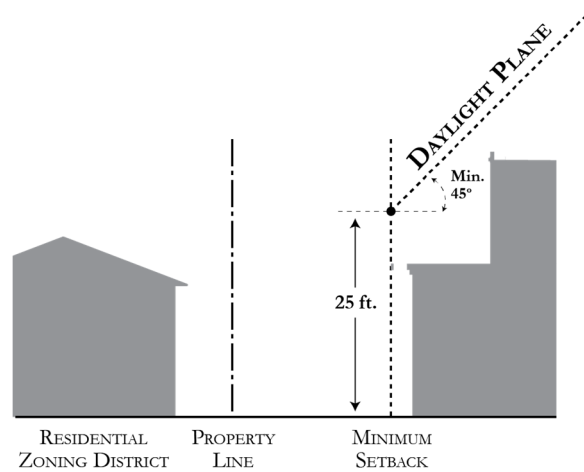
1. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk.
2. The planning commission may grant an exception to the requirement in subsection (B)(1) of this section upon finding that unique conditions on the 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.

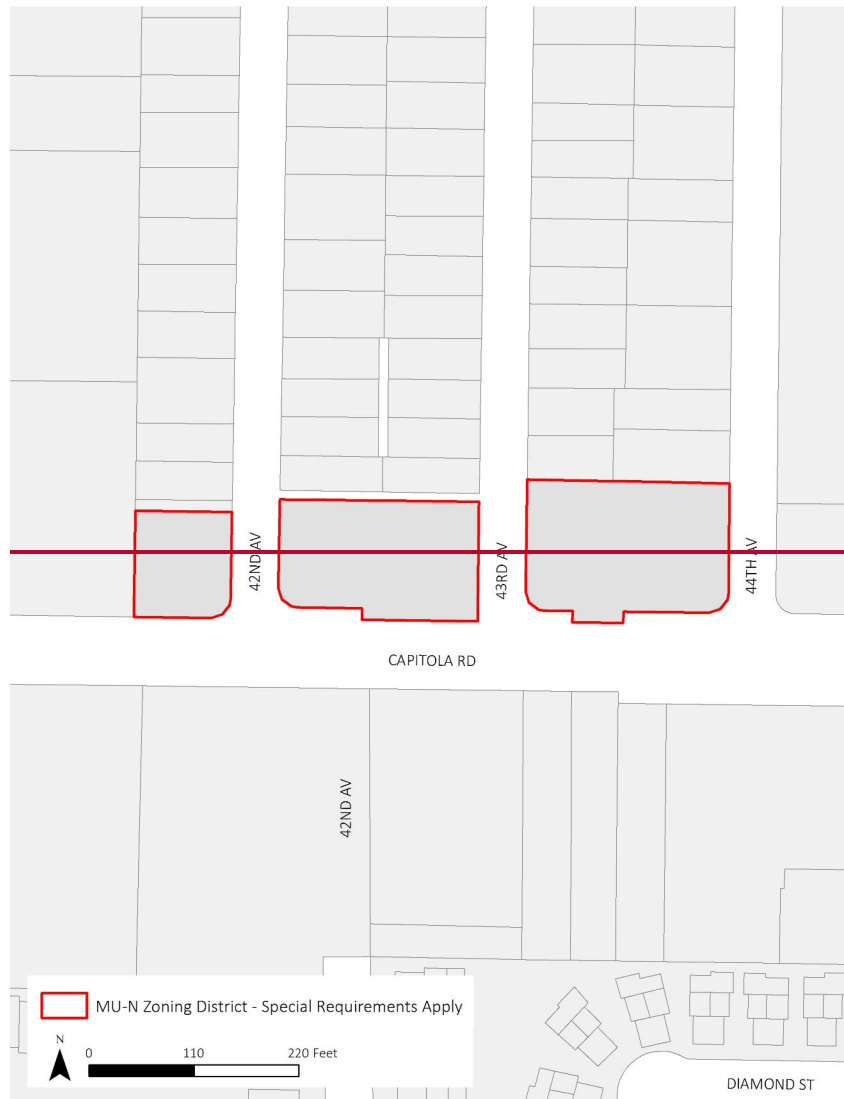
G. Landscaping. See Section 17.72.050(B).

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>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				
-	Use not allowed				
Residential Mixed Use		C	C [7]	-	Section 17.24.040
<u>Accessory Dwelling Unit</u>		<u>A</u>	<u>A</u>	<u>:-</u>	<u>Chapter 17.74</u>
<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	
<u>Home Day Care</u>		<u>P</u>	<u>P</u>	<u>P</u>	
Medical Offices and Clinics		See 17.24.020(C)		-	
Public Paths and Coastal Accessways		C	C	C	
Public Safety Facilities		C	C	C	
<b>Commercial Uses</b>					
Alcoholic Beverage Sales		C	C	C	
Banks		P [2]	P [2]	-	
<u>Car Wash</u>		<u>C</u>	<u>C</u>	<u>:-</u>	
Financial Institutions		P [2]	P [2]	-	Section 17.24.020(C)
Business Services		P [2]	P [2]	P	
Commercial Entertainment and Recreation		M	M	-	
Drive-Through Facilities		-	C [4]	-	
Eating and Drinking Establishments					
Bars and Lounges		C	C	C	
Mobile Food Vendors		-	A [6]/C	A [6]/C	
Restaurants and Cafes		M [2]	M [2]	C	
Take-Out Food and Beverage		M [2]	M [2]	-	
-Food Preparation		M [2]	-	P	

Key		Zoning District			
<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				
-	Use not allowed				
Gas and Service Stations		C	C	-	
Liquor Stores		C	C	-	
Lodging					
Bed and Breakfast		C	-	-	
Hotel		C	C	-	
Maintenance and Repair Services		M	C	P	
Personal Services		P [1]	P [1]	-	
Professional Offices		See 17.24.020(C)		P	
Salvage and Wrecking		-	-	P	
Self-Storage		C	-	C	Section 17.96.140
Retail		P [11]	P [11]	-	
Retail Cannabis Establishment			C [10]		Section 17.24.020(D)
Vehicle Repair		C	C	P	
Vehicle Sales and Rental		C [5]	C [5]	-	
Vehicle Sales Display Room [8]		P	P	-	
Wholesaling		-	M [3]	P	
<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>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				
–	Use not allowed				
Accessory Uses		See Chapter 17.52			
Home Occupations		A	A	–	Section 17.96.040
Permanent Outdoor Display		C	C	C	Section 17.96.100
Temporary Uses		See Section 17.96.180			
Urban Agriculture					
Home Garden		P	P	–	
Community Garden		M	M	–	
Urban Farm		C	C	–	

Notes:

- [1] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires minor use permit.
- [2] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires conditional use permit.
- [3] Without stock. Storage of merchandise limited to samples only.
- [4] Prohibited within one hundred feet of a residential zoning district or residential use including residential properties outside the city limits. Distance is measured from any site feature designed and/or used to provide drive-through service (e.g., vehicle aisle, menu board, lighting) to the property of the residential district or use.
- [5] Majority of vehicles for sale must be new.
- [6] Mobile food vendors in one location ~~two~~ four times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an administrative permit in accordance with Chapter 9.36. Mobile food vendors in one location more than two times per year require a conditional use permit.
- [7] Residential uses are prohibited on the first story.
- [8] Maximum five thousand square feet.
- [9] Allowed only as a part of a mixed use project integrated with commercial structures located on the same development site.
- [10] Requires cannabis retail license (Chapter 9.61) and compliance with subsection D of this section.
- [11] A retail use 20,000 square feet or more requires a Conditional Use Permit.

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

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

1. **New Office Uses.** In the C-C and C-R zoning districts, permits required for new office uses and conversions of nonoffice space to office use are shown in Table 17.24-2. Offices include professional, medical, financial institutions and governmental offices.
2. **Existing Office Uses.** Within office buildings utilized exclusively for office uses as of June 9, 2021, office uses may continue to occupy ground-floor tenant spaces. Within such office buildings, a new tenant is not subject to the permit requirements in Table 17.24-2 until such time that the building is redeveloped or all office space in the ground-floor level is converted to a nonoffice use.

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

Key			
P	Permitted Use		
A	Administrative Permit required		
M	Minor Use Permit required		
C	Conditional Use Permit required		
–	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.

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



~~establishment in compliance with the following standards:~~

- ~~(A) Sign may include only the name of business and one green cross.~~
- ~~(B) Sign area maximum of fifteen square feet, or one square foot per linear frontage of the business; whichever is less.~~
- ~~(C) Sign may not have any reference, through symbols or language, to cannabis with the exception of one green cross.~~
- ~~(D) Sign shall not be directly illuminated except during operating hours.~~
- ~~(E) Sign shall otherwise be subject to planning commission review through a sign permit application in accordance with Chapter 17.132.~~

**17.24.030 Development standards.**

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

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

	C-C	C-R	I	Additional Standards
<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**



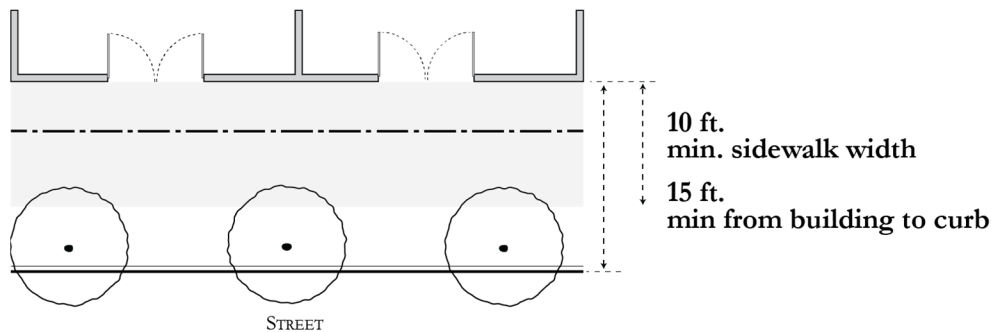
- ii. Before planning commission and city council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
  - iii. When reviewed by the planning commission and city council, the applicant shall demonstrate how the project design addresses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

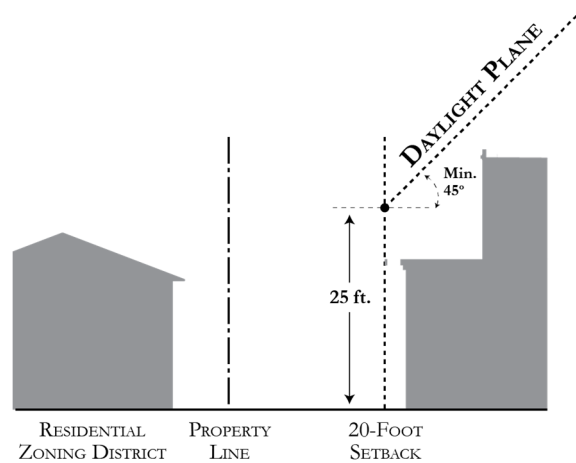


D. Increased Floor Area and Height in C-C and C-R Zoning Districts. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These 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**



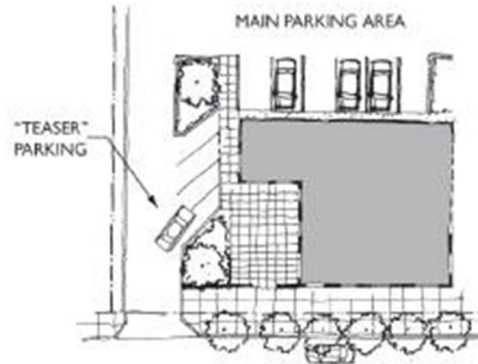
7. Retail Depth. Ground-floor commercial space shall have a depth of at least forty-five feet or two-thirds of the parcel depth, whichever is less. Where possible, sixty-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The planning commission may grant an exception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

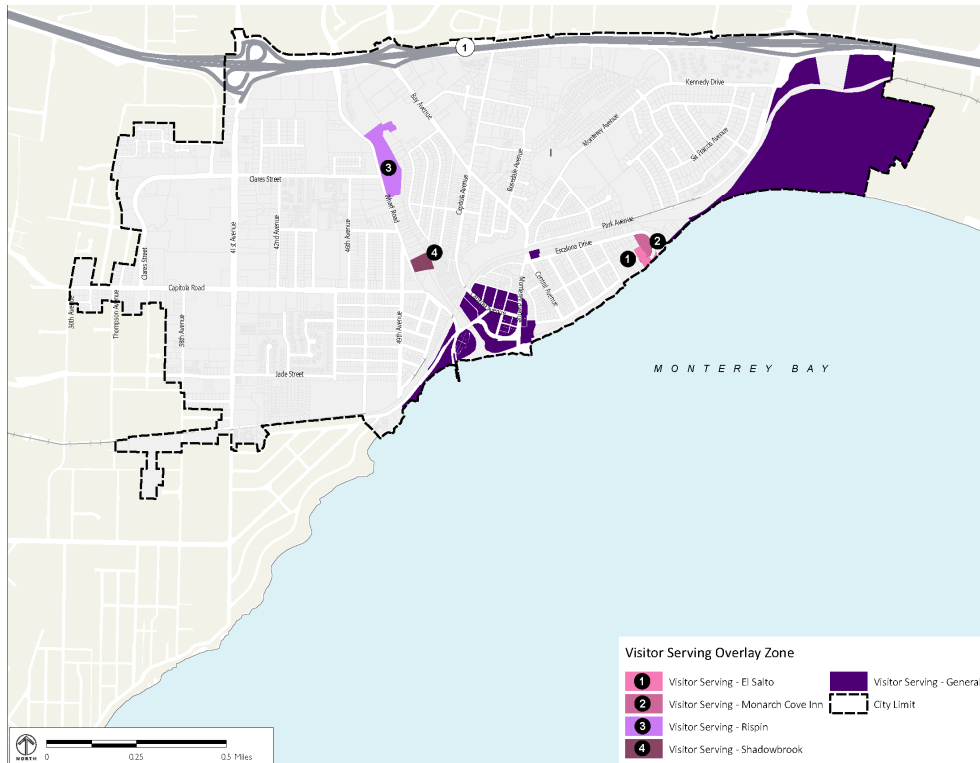
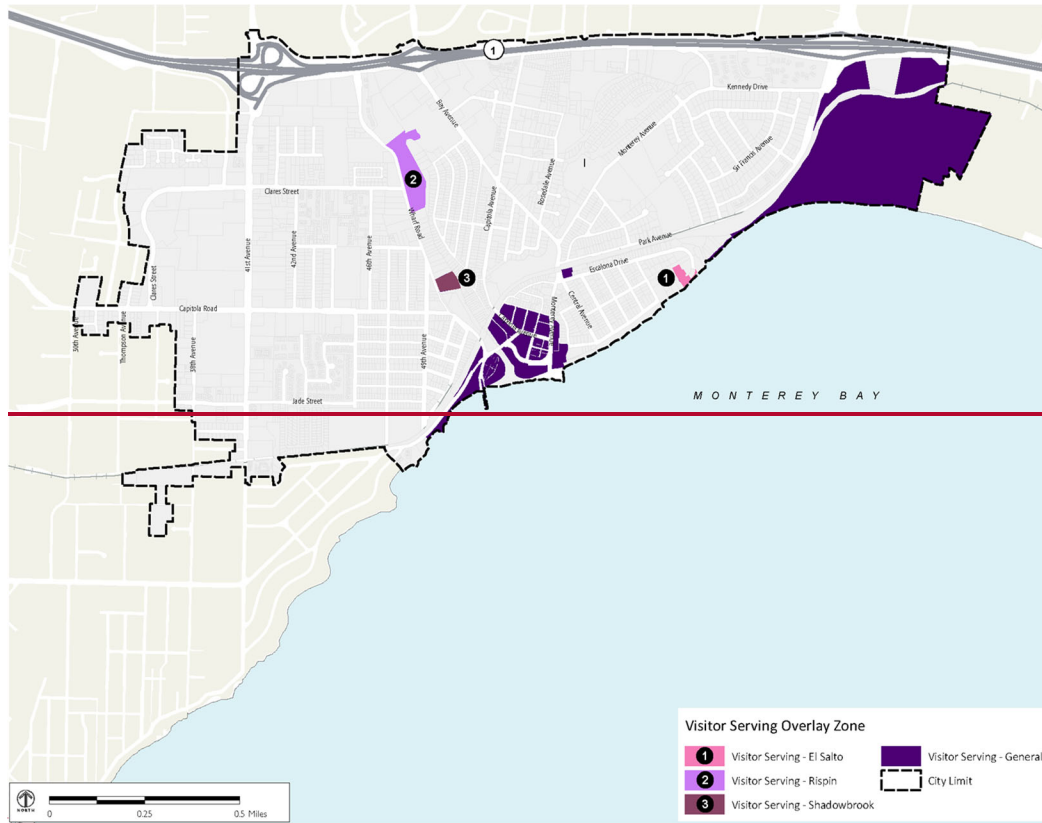
#### **17.28.010 Purpose of the visitor serving overlay zone.**

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 - Monarch Cove Inn (VS-MC). Applies to the Monarch Cove Inn site (APN 036-143-31 & 036-142-27) and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels.
- ~~43.~~ Visitor Serving – El Salto (VS-ES). Applies to the El Salto site (APN 036-143-35).
54. 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 P Permitted Use M Minor Use Permit required C Conditional Use Permit required – Use not allowed	-VS Subzones					Additional Regulations
	VS-G	VS-R	VS-SB	VS-MC	VS-ES	
<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	C	
Single-Family Dwellings	C [3][11]	–	–	C [3][12]	C [3]	
<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	C	–	
Parks and Recreational Facilities	C	C	–	=	–	
Public Parking Lots	C	C	–	=	–	
Public Paths and Coastal Accessways	C	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	C	–	
Restaurants						
Full Service	C [5]	C [5]	C [5]	=	–	
Lodging						
Hotels, Inns, Bed and Breakfast, and Hostels	C	C	–	C	C	
Campgrounds [6]	C	–	–	=	–	

Recreational Vehicle Parks	C	-	-	=	-	
Vacation Rentals	-	-	-	<u>C</u>	-	
Utilities, Major	C	C	C	<u>C</u>	C	
Utilities, Minor	P	P	P	<u>P</u>	P	
Wireless Communications Facilities	See Chapter 17.104					
<b>Other Uses</b>						
Access Roadways	C	C	C	<u>C</u>	C	
Accessory Structures and Uses, New	C [7]	C	C	<u>C</u>	C	
Accessory Structures and Uses Established Prior to Primary Use or Structure	C	C	-	<u>C</u>	-	
Change of Visitor Serving Commercial Uses within a Structure	C [8]	-	-	=	-	
Food Service Accessory to a Lodging Use [9]	C	C	-	<u>C</u>	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	<u>C</u>	-	
Parking Areas to Serve the Primary Use	C	C	C	<u>C</u>	C	
Retail Accessory to a Visitor Serving Use	C	C	-	<u>C</u>	-	
Temporary Assemblages of People, such as Festivals, Fairs, and Community Events	C [10]	C [10]	C [10]	<u>C [13]</u>	-	
Weddings	C	C	C	<u>C</u>	-	

Notes:

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

[11] Prohibited on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) and the Inn at Depot Hill (APNs 036-121-38 and 036-121-33).

[12] Allowed in conjunction with overnight accommodation use (at least one on property) or grant of public access to a viewpoint.  
[13] Limited to a single two-day or less event per year.

B. Civic Uses in the VS-R Overlay Subzone. The planning commission may allow additional civic uses in the VS-R overlay subzone beyond those specifically identified in Table 17.28-1 if the planning commission finds the additional civic use to be consistent with the purpose of the VS-R overlay subzone and compatible with existing uses present on the site. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

**17.28.030 Development standards.**

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

**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, <b>VS-MC</b> and VS-ES: 50% [1] VS-G: No maximum	
Floor Area Ratio, Maximum	0.25	
Setbacks, Minimum	See Section 17.28.030(B)	
Height, Maximum	30 ft.	Section 17.28.030(C)

Note:

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

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

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

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

1. The proposed development and design is compatible with existing land uses in surrounding areas, the general plan, and the LCP.

2. Streets and thoroughfares are suitable and adequate to serve the proposed development.
3. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings, or open space.
4. Major public views of the shoreline, as identified in Capitola's local coastal program, are not blocked by the proposed development.

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

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

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

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

### Chapter 17.30

#### VISITOR SERVING DISTRICT – MONARCH COVE INN

Sections:

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

**17.30.010 Applicability.**

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

**17.30.020 Purpose.**

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

**17.30.030 Architectural and site approval.**

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

**17.30.040 Conditionally permitted uses – Monarch Cove Inn.**

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

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

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

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

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

O. Access roadway;

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

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

**17.30.050 Accessory uses.**

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

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

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

**17.30.060 Height.**

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

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

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

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

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

**17.30.070 Lot area.**

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

**17.30.080 Lot coverage.**

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

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

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

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

**17.30.090 Yards.**

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

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

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

**17.30.100 Parking.**

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

**17.30.110 Loading areas.**

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

**17.30.120 Landscaping and lighting.**

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

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

**17.30.130 Lighting**

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

Chapter 17.30

VISITOR SERVING DISTRICT – MONARCH COVE INN

Sections:

17.30.010 – Applicability:

17.30.020 – Purpose:

17.30.030 – Architectural and site approval:

17.30.040 – Conditionally permitted uses – Monarch Cove Inn:

17.30.050 – Accessory uses:

17.30.060 – Height:

17.30.070 – Lot area:

17.30.080 – Lot coverage:

17.30.090 – Yards:

17.30.100 – Parking:

17.30.110 – Loading areas:

17.30.120 – Landscaping and lighting:

17.30.010 – Applicability:

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

17.30.020 – Purpose:

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

17.30.030 – Architectural and site approval:

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

17.30.040 – Conditionally permitted uses – Monarch Cove Inn:

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

A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;

B. Hotels, motels, hostels, inns; bed and breakfast lodging;

C. Food service related to lodging;

D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;

E. Accessory structures and uses established prior to establishment of main use or structure;

F. Habitat restoration; habitat interpretive facility;

G. Live entertainment;

H. Public paths;

I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;

J. Weddings;

K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;



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

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

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

~~O. Access roadway;~~

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

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

**17.30.050 — Accessory uses.**

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

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

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

**17.30.060 — Height.**

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

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

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

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

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

**17.30.070 — Lot area.**

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

**17.30.080 — Lot coverage.**

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

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

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

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

**17.30.090 — Yards.**

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

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

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

~~**17.30.100 — Parking:**~~

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

~~**17.30.110 — Loading areas:**~~

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

~~**17.30.120 — Landscaping and lighting:**~~

~~A minimum of five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. For the visitor serving Monarch Cove Inn parcels, fifty percent of the parcels shall consist of landscaped or open space areas. The planting of invasive plant species is prohibited. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use. (Res. 4223, 2021)~~

## Chapter 17.48

### 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.

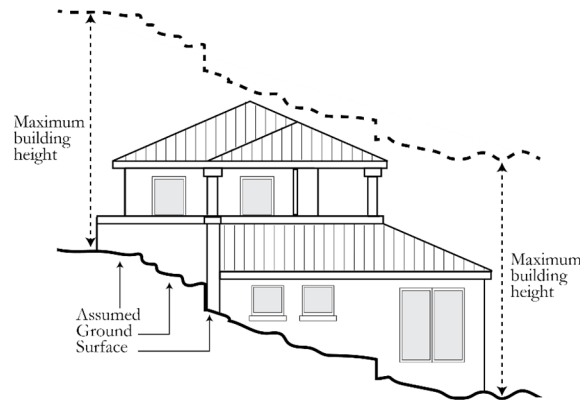
This chapter establishes rules for the measurement of height, setbacks, and floor area, and permitted exceptions to height and setback requirements.

#### 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.

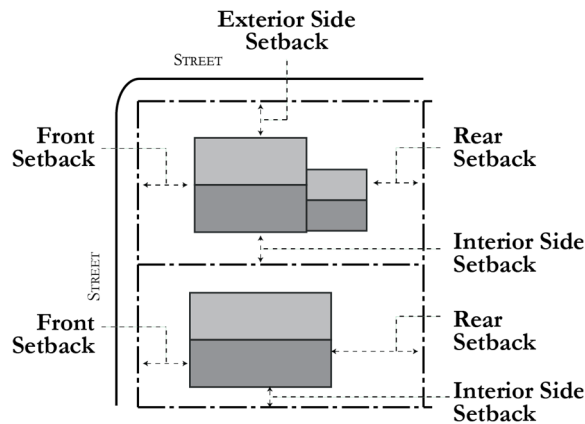
**Table 17.48-1: Allowed Projections Above Height Limits**

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
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, <del>balconies</del> , sills, fireplaces, chimneys, and similar wall projections [1]	2 ft.	2 ft.	2 ft.	2 ft.	All: 3 ft.
<u>Outdoor showers, including privacy screens</u>	<u>0 ft.</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>0 ft.</u>	<u>Interior Side and Rear: 3 ft.</u>
<u>Basement light wells</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>All: 3 ft.</u>
<u>Pergolas attached to a building wall</u>	<u>5 ft.</u>	<u>No max</u>	<u>No max</u>	<u>4 ft.</u>	<u>Front: 10 ft.</u> <u>Exterior Side and Rear: 5 ft.</u> <u>Interior Side: 3 ft.</u>
<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 <u>and Yard</u>				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>Decorative Site Features</b>					
Trellis structure up to 10 ft. in height <del>open on all sides</del> ; 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 <del>open on at least 3 sides, and the walls of the structure are at least 50 percent transparent</del>	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.
<del>Pergolas up to 10 ft. in height and open on all sides</del>	<del>Not allowed</del>	<del>No max</del>	<del>No max</del>	<del>Not allowed</del>	<del>Rear and Interior Side: 3 ft. Front and Exterior Side: Not allowed</del>
<del>Outdoor kitchens. The kitchen may include gas, electric and plumbing, except electric service may not be 220 volts and drain size may not exceed that allowed for a mini bar. Includes pizza ovens.</del>	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
<del>Backup electricity generators</del>	<del>Not allowed</del>	<del>5 ft.</del>	<del>Not allowed</del>	<del>Not Allowed</del>	<del>Rear: No min</del>
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.

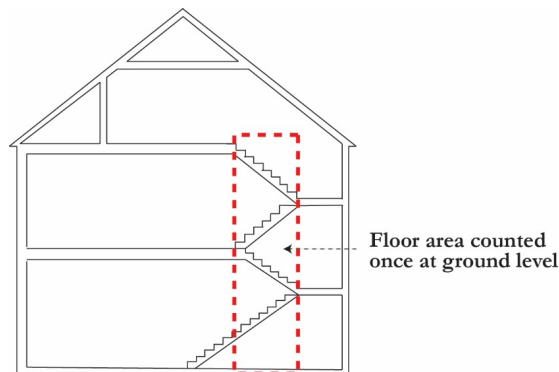
**17.48.040 Floor area and floor area ratio.**

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. Upper floor decks in excess of 150 square feet.
6. For all uses, the following features are excluded from the floor area calculation:

- a. Covered or uncovered first-story decks and patios.
- b. TrellisesPergolas, 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. Upper floor decks 150 square feet or less.
- 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**

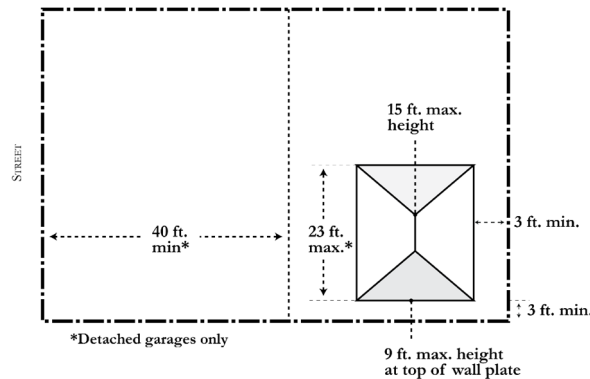
	Single-Family Residential Zoning Districts	Multifamily Residential Zoning Districts	Additional Standards
Height, Maximum			
Structure	15 ft. [1]	15 ft.	Section 17.52.020(B)(2)
Top of Wall Plate	9 ft.	9 ft.	
Width, Maximum	23 ft. for detached garages; None for other accessory structures	None	

	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.

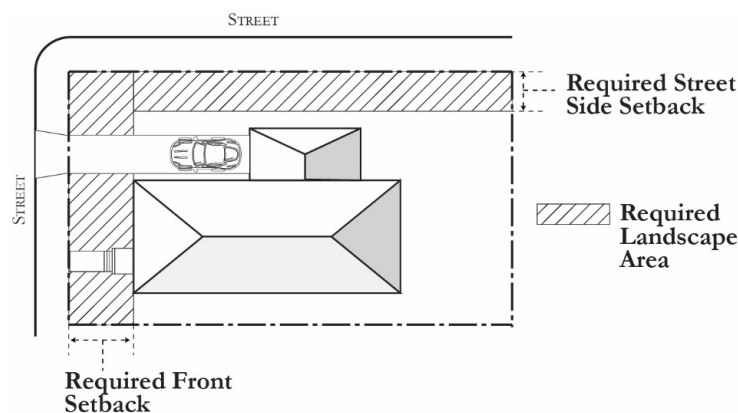
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.
2. The community development director may approve minor modifications to a landscape plan previously approved by the planning commission. Minor modifications are 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 ~~certain~~ visitor serving properties are shown in Table 17.72-2. Minimum landscaping requirements are intended to ensure harmony with adjacent development in accordance with architectural and site approval standards.

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

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

**17.72.055 Parking Lot Landscaping**

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

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

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

Table 17.76-5: Minimum Required Parking Lot Landscaping

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

D. Shade Trees.

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

E. Concrete Curbs.

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

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

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

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

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

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

**17.72.060 Landscape standards.**

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

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

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

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

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

4. Turf Lawns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

**17.72.070 Landscape maintenance.**

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

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

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

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

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

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

## Chapter 17.74

### ACCESSORY DWELLING UNITS

Sections:

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

#### 17.74.010 Purpose.

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 ~~C~~city shall either approve or deny ~~act on~~ an application to create an accessory dwelling unit within sixty days from the date the city receives a completed application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay.

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

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

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

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

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

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

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

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

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

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

1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or
2. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures as the separate construction.

E. Within Coastal Zone.

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

F. Historic Resources.

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

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

H. Unpermitted Accessory Dwelling Units.

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

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

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

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

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

**17.74.040 General requirements.**

The following requirements apply to all accessory dwelling units:

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

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

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

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

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

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

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

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

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

I. Converting and Replacing Existing Structures.

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

J. Manufactured Homes and Mobile Units.

1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant to California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:

- a. Provide a minimum of three hundred twenty square feet of floor area;
- b. Be built on a permanent chassis;
- c. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and
- d. Include the plumbing, heating, air conditioning, and electrical systems contained within the home.

2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are

prohibited as accessory dwelling units.

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

K. Junior Accessory Dwelling Units.

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

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

3. Sanitation Facilities.

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

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

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

a. A cooking facility with appliances; and

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

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

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

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

**17.74.050 Units subject to limited standards.**

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

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

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

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

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

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

B. One-Story Detached Accessory Dwelling Units Eight Hundred Square Feet or Less. One detached ~~new~~

~~construction~~, accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection A of this section (Internal Accessory Dwelling Units). The accessory dwelling unit must comply with the following:

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

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

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

D. Detached Accessory Dwelling Units on Multifamily Parcels.

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

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

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

**17.74.060 Units subject to full review standards.**

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

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

**17.74.070 Units requiring a design permit.**

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

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

**17.74.080 Development standards.**

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

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



**Table 17.74-1: Development Standards**

ADU Type/Location	Standard
<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. <del>Height of primary residence</del> or maximum permitted in zoning district, whichever is less
<del>One-story Detached ADU, one-story on lot with existing or proposed single-family dwelling</del>	16 ft.
<del>One-story detached ADU on lot with existing or proposed multi-family and multi-story dwelling</del>	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.

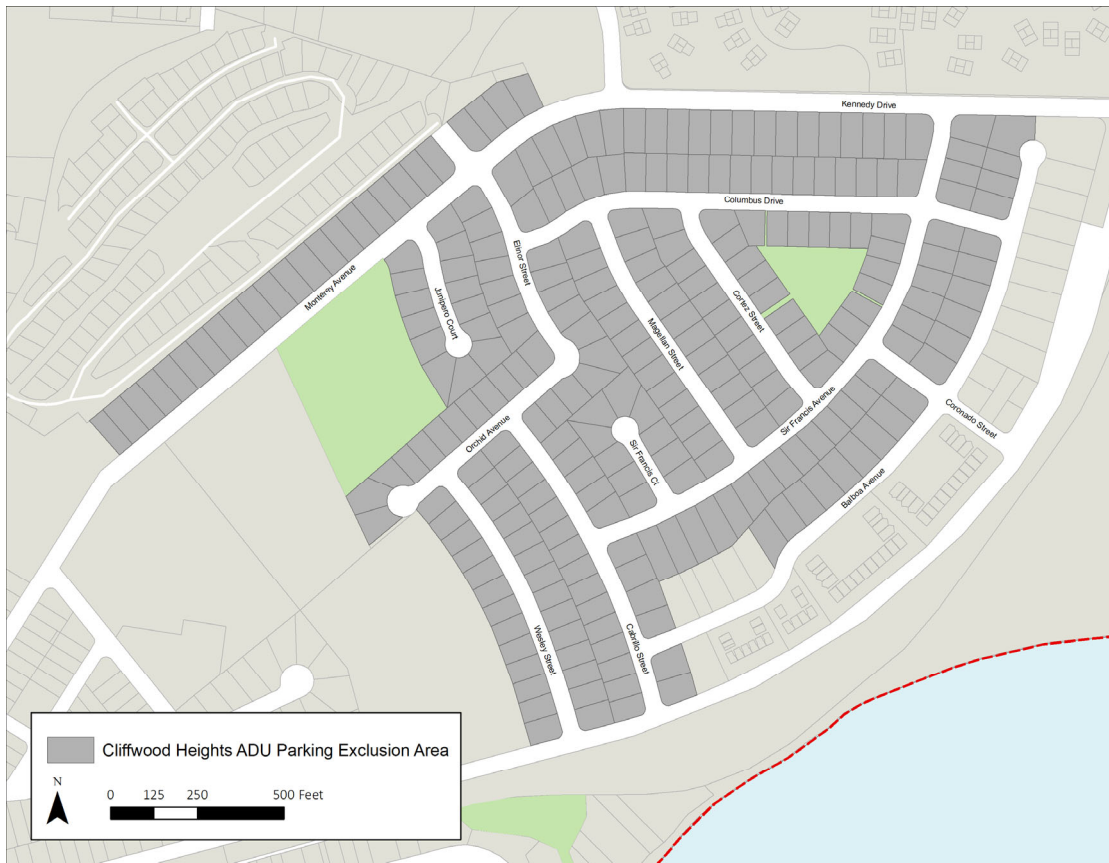
- d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction

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 <del>and other nonresidential areas</del>
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 <del>and other nonresidential areas</del>
Residential Care Facilities, Large	0.5 per bed plus 1 per 300 sq. ft. of office <del>and other nonresidential areas</del>
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.

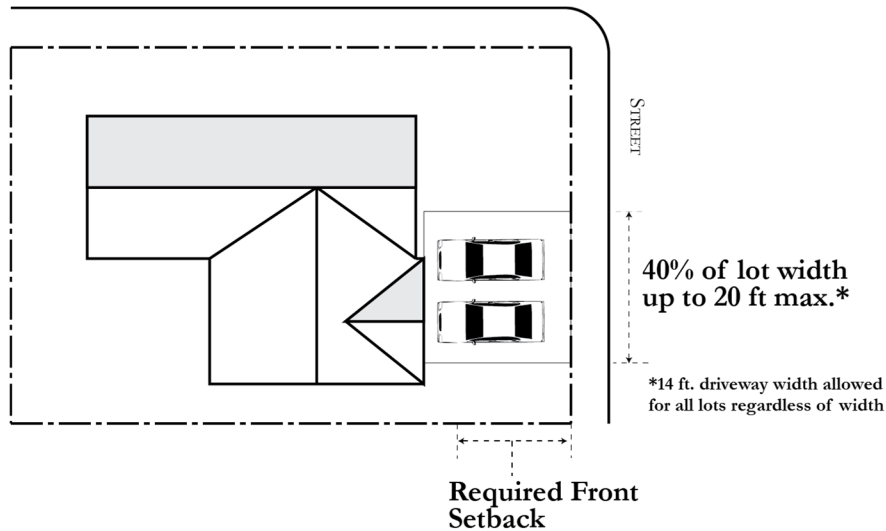
3. A conditional use permit is required to designate parking spaces for exclusive use by an individual tenant within an integrated commercial complex.

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:

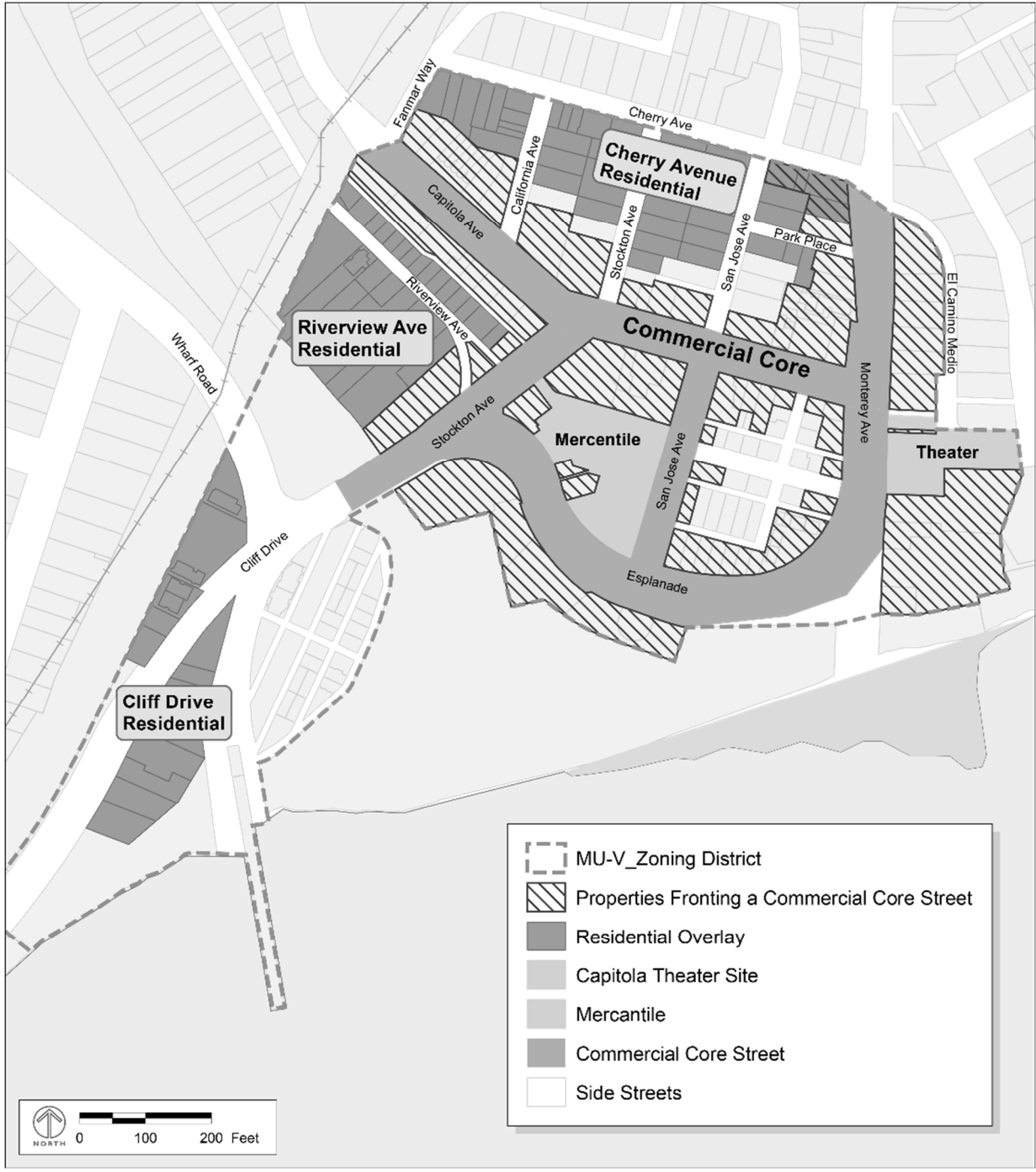
i. For property fronting a Commercial Core street shown in Figure 17.76-2, on-site parking is allowed if access to parking is from a side street, alleyway, or existing driveway cut. New driveway cuts are prohibited along a Commercial Core street frontage.

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.

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

~~a. For new structures or uses required to provide at least twenty-five parking spaces; and~~

~~b. Additions or remodels that increase an existing parking lot of fifty or more spaces by ten percent or more.~~

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

~~a. Twenty-five to forty-nine parking spaces: one charging station.~~

~~b. Fifty to one hundred parking spaces: two charging stations, plus one for each additional fifty parking spaces.~~

~~c. For the purpose of calculating required number of charging stations, parking spaces shall include existing and proposed spaces.~~

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

3. Digital Operation Screens.

a. Digital operation screens are defined for the purposes of this section as interactive digital displays used solely for the operation and required for the functionality of the electric vehicle charging station.

b. Digital operation screens are permitted and are limited to a maximum screen size of 2 square feet. The Community Development Director may allow for a larger screen size of up to of 4 square feet upon determining that the larger screen is necessary for the functionality of the charging 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

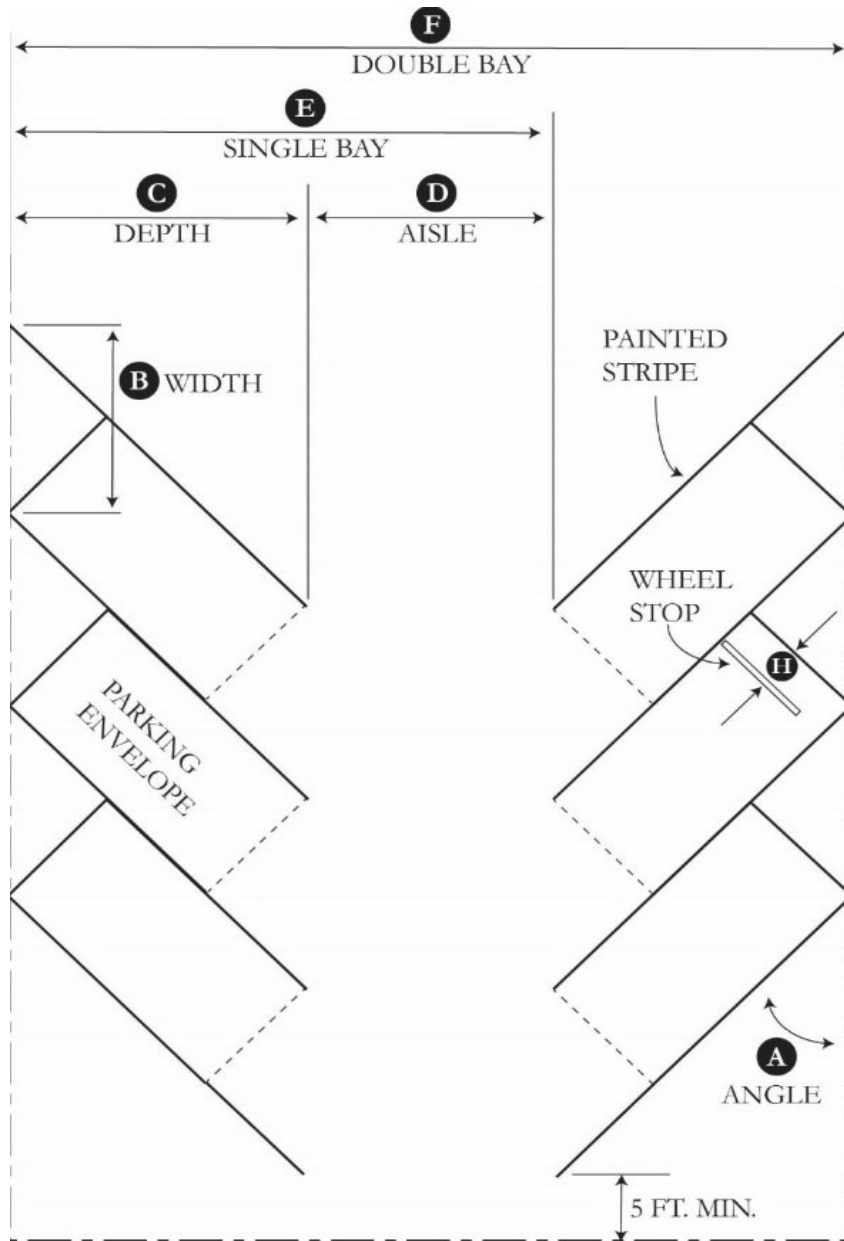


Table 17.76-4: Standard Parking Lot Dimensions

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

D. Surfacing.

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

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

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

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

G. Lighting.

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

H. Pedestrian Access.

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

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

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

2. Height.

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

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

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

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

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

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

**17.76.070 Parking lot landscaping.**

See 17.72.055 (Parking Lot Landscaping).

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

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

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

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

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

~~D. Shade Trees.~~

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

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

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

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

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

~~E. Concrete Curbs.~~

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

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

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

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

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

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

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

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

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

**17.76.080 Bicycle parking.**

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

B. Types of Bicycle Parking.

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

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

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

**Table 17.76-6: Required Bicycle Parking Spaces**

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

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

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

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

F. Parking Space Dimensions.

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

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

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

**17.76.090 Visitor serving parking.**

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

B. Public Parking in the Coastal Zone.

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



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

**17.76.100 On-site loading.**

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

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

**Table 17.76-7: Required Loading Spaces**

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

C. Location.

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

D. Dimensions.

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

E. Design and Configuration.

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

## Chapter 17.80

### SIGNS

Sections:

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

**17.80.010 Purpose and applicability.**

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

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

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

**17.80.020 Definitions.**

The following definitions apply to this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**17.80.030 Permit requirements.**

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

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

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

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

an administrative sign permit.

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

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

D. Message Neutrality.

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

E. Message Substitution.

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

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

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

H. Signs in the Coastal Zone.

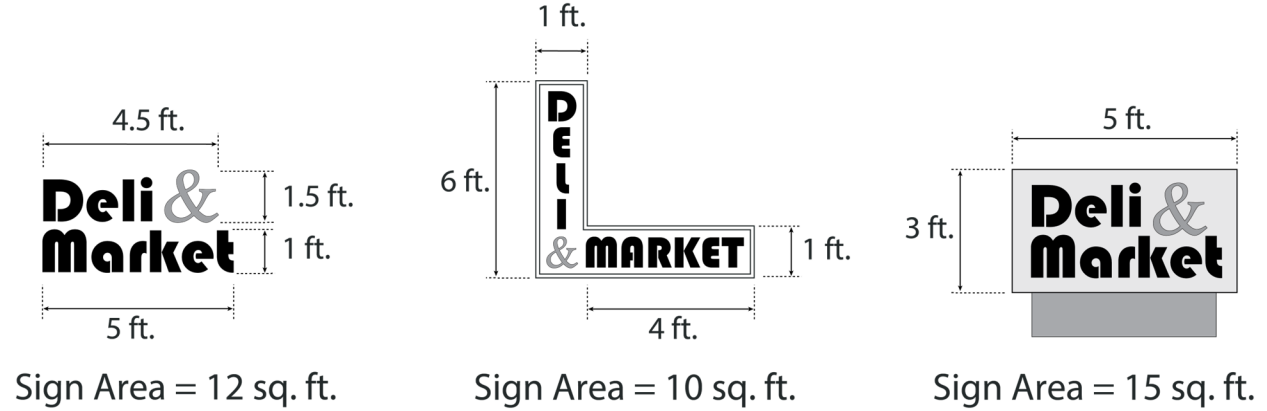
1. If a proposed sign is located in the coastal zone, it may require a coastal development permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval).
2. Notwithstanding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

**17.80.040 Rules of measurement.**

A. Calculation of Sign Area.

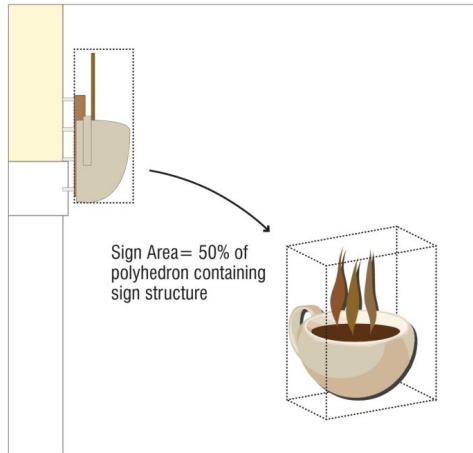
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17.80-1.

Figure 17.80-1: Measurement of Sign Area



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

Figure 17.80-2: Nonplanar Sign Area



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

**17.80.050 Signs allowed without permits.**

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

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

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

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

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

**17.80.060 Prohibited signs.**

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

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

**B. Prohibited Sign Content.**

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



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

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

**17.80.070 General sign standards.**

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

**Table 17.80-1: Sign Area Standards**

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

Note:

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

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

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

D. Illumination.

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

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

E. Materials and Design.

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

F. Location and Placement.

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

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

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

**17.80.080 Standards for specific types of signs.**

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

A. Auto Dealership Signs.

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

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

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

**B. Awning Signs.**

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

**Table 17.80-2: Awning Sign Standards**

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

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

**C. Monument Signs.**

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

**Table 17.80-3: Monument Sign Standards**

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

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

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

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

D. Center Identification Signs.

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

**Table 17.80-4: Center Identification Sign Standards**

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

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

E. Directory Signs.

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

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

**Table 17.80-5: Directory Sign Standards**

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

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

**F. Wall Signs.**

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

**Table 17.80-6: Wall Sign Standards**

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

Notes:

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

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

**G. Projecting Signs.**

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

**Table 17.80-7: Projecting Sign Standards**

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

Note:

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

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

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

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

J. Window Signs.

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

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

**Table 17.80-8: Window Sign Standards**

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

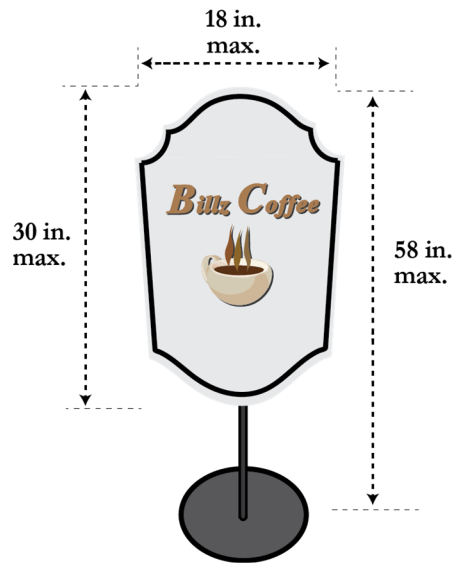
Note:

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

**K. Sidewalk Signs.**

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

**Figure 17.80-3: Sidewalk Sign Standards and Design Concepts**



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

**Table 17.80-9: Sidewalk Sign Standards**

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

Note:

[1] Measured from sidewalk to top of sign.

4. Number of Signs.

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

5. Materials and Design.

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

6. Sidewalk Clearance.

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

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

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

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

10. Other Business Signage.

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



**17.80.090 Design standards.**

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

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

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

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

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

**17.80.100 Residential signs – Multi-unit properties.**

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

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

C. A master sign for a multi-unit property requires an administrative sign permit.

**17.80.110 Temporary signs.**

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

**Table 17.80-10: Temporary Sign Standards**

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

**17.80.120 Adjustment to sign standards.**

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

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

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

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

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

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

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

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

E. Low Visibility Commercial Properties.

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

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

**17.80.130 Master sign program.**

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

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

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

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

E. Master Sign Program Contents. All master sign programs shall identify the materials, color, size, type, placement and general design of signs located on a project or property.

F. Design Standards.

1. Master sign programs shall feature a unified and coordinated approach to the materials, size, type, placement and general design of signs proposed for a project or property. Master sign programs may allow for variety in the design of individual signs.
2. A master sign program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign. A master sign program may not allow prohibited signs as identified in Section 17.80.060 (Prohibited signs).

G. Effect of Master Sign Program.

1. All subsequent signs proposed for a development or property subject to an approved master sign program shall comply with the standards and specifications included in the master sign program.
2. Signs consistent with an approved master sign program are allowed with an administrative sign permit.
3. Approval of a master sign program shall supersede the regulations of this chapter. Any aspect of the proposed signs not addressed by the master sign program shall be in compliance with this chapter.

**17.80.140 Nonconforming signs.**

This section applies to all legally established signs that do not conform to current requirements in this chapter.

A. Continuation.

1. Except as required by subsection (A)(2) of this section, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time it was established. It is the applicant's responsibility to demonstrate that the sign was legally established.
2. At time of review of a design permit application for a property with a nonconforming sign on the site, the planning commission shall review the existing nonconforming sign in conjunction with the design permit. The planning commission may allow the continuation of the nonconforming sign only upon finding the sign is compatible with the design character and scale of the surrounding area and does not adversely impact the public health, safety, or general welfare.

B. Allowed Changes.

1. Changes to sign copy/face and repainting of legal nonconforming signs are permitted as long as there is no alteration to the physical structure or support elements of the sign.
2. A legal nonconforming sign that sustains less than fifty percent damage to its structure may be repaired to its original pre-damaged condition; provided, that such repair is completed within one hundred eighty days after the date of the damage.

C. Required Compliance. A legal nonconforming sign shall be removed or brought into compliance with this chapter in the following situations:

1. The use advertised by the sign has ceased to function for a period of ninety days or more.
2. The sign has sustained at least fifty percent damage to its structure.
3. The sign is located on a remodeled building facade.
4. The sign is relocated to a different lot or building.

**17.80.150 Violations and enforcement.**

A. Illegal Signs. It is unlawful for any person to install, place, construct, repair, maintain, alter or move a sign in a manner that does not comply with the requirements of this chapter.

B. Removal of Illegal Signs.

1. The city may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.
2. For illegal signs that do not place the public in immediate peril and are located on private property, the city shall serve the business owner, property owner, or person responsible for the sign a written certified notice that:
  - a. Describes the physical characteristics of the subject sign.
  - b. Explains the nature of the violation.
  - c. States that the sign shall be removed or brought into compliance with this chapter within a specified number of days after the notice is received.
  - d. States that the city will remove the sign if the business owner or person responsible for the sign does not correct the violation within the specified number of days after the notice is received.
  - e. States that the city may destroy the illegal sign if it is not retrieved within twenty days of removal by the city.
  - f. States that the business owner or person responsible for the sign is liable for all costs associated with the removal, storage, and destruction of the sign.
3. If an illegal sign is not removed or brought into compliance within the specified number of days after a notice is received, the city may issue a citation to the business owner or person responsible for the sign as provided in Title 4 (General Municipal Code Enforcement) and may remove or cause the removal of the sign.
4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.
5. A sign removed by the city shall be stored for a minimum of twenty days. If the sign is not retrieved by the business owner or person responsible for the sign within this twenty-day period, the city may destroy the sign.

**Chapter 17.96**  
**SUPPLEMENTAL STANDARDS**

Sections:

- 17.96.010 Purpose.
- 17.96.020 Animal keeping.
- 17.96.030 Emergency shelters.
- 17.96.040 Home occupations.
- 17.96.050 Intersection sight distance.
- 17.96.060 Large commercial land uses.
- 17.96.070 Large home day care.
- 17.96.080 Large residential care facilities.
- 17.96.090 Offshore oil development support facilities.
- 17.96.100 Permanent outdoor displays.
- 17.96.110 Outdoor lighting.
- 17.96.120 Placement of underground utilities.
- 17.96.130 Recycling collection facilities.
- 17.96.140 Self-storage facilities.
- 17.96.150 Solar energy systems.
- 17.96.160 Soquel Creek Riverview Pedestrian Pathway.
- 17.96.170 Temporary outdoor dining.
- 17.96.180 Temporary uses and structures.

**17.96.010 Purpose.**

This chapter establishes supplemental standards for land uses, activities, and development that apply in all zoning districts.

**17.96.020 Animal keeping.**

A. General Standards. The following standards apply to the keeping of all animals in Capitola:

1. Public Health and Safety. It shall be unlawful and shall constitute a nuisance to keep any animal that poses a threat to public health or safety.
2. Animal Noise. In addition to the standards in Chapter 9.12 (Noises), no animal may disturb neighbors with its noise between sunset and one-half hour after sunrise.
3. Sanitation. It shall be unlawful and shall constitute a nuisance for any person to keep animals in an unsanitary manner or produce obnoxious odors. All debris, refuse, manure, urine, food waste, or other animal byproduct shall be removed from all the premises every day or more often as necessary.
4. Property Confinement. Animals other than household pets, where allowed, shall be confined to the property within a fenced yard.

B. Household Pets.

1. Compliance with General Standards. The keeping of dogs, cats, domesticated birds, rabbits, rodents, reptiles and amphibians, potbelly pigs less than one hundred fifty pounds, and other household pets is permitted provided they comply with subsection A of this section.
2. Maximum Number. A maximum of four of each type of household pet with a maximum of eight pets total is permitted in a single dwelling unit.

C. Chickens.

1. Permitted Location. Keeping of chickens is permitted only on properties of five thousand square feet or more

occupied by a single-family dwelling.

2. Prohibitions on Roosters. Only hens are permitted pursuant to this chapter. Roosters are prohibited.
3. Number of Chickens. A maximum of four chickens is permitted on a single property.
4. Enclosure Requirement. Chickens shall be kept in a coop which is sufficient to contain chickens. When outside of a coop, chickens shall be confined to the property within a fenced yard.
5. Location of Coops.
  - a. Chicken coops must be located behind the primary structure on the lot.
  - b. Chicken coops may not be located within a required front and side setback area or closer than twenty feet to dwelling units on adjacent properties.

D. Honeybees.

1. Permitted Location. Keeping of beehives is permitted only on properties occupied by a single-family dwelling.
2. Minimum Lot Size and Number of Hives. A maximum of one beehive is permitted on properties of at least five thousand square feet.
3. Location of Beehives. Beehives shall be located behind the primary structure on the property. Beehives shall not be located closer than twenty feet to dwellings on adjacent properties or five feet from a property line.

E. Prohibited Animals. Keeping the following animals is prohibited:

1. Roosters, fowl other than chickens and ducks, goats, pigs other than potbelly pigs, and other livestock.
2. Wild animals as defined in Section 2118 of the California Fish and Game Code, except when authorized by the State Department of Fish and Game under Fish and Game Code Section 2150 et seq.

**17.96.030 Emergency shelters.**

Emergency shelters will comply with the following standards:

- A. Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- B. Physical Characteristics. Emergency shelters shall comply with applicable state and local housing, building, and fire code requirements.
- C. Security. Facilities shall have on-site security during hours of operation. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
- D. Laundry Facilities. Facilities shall provide laundry facilities or services adequate for the number of residents.
- E. Common Facilities. Facilities shall contain amenities appropriate to the population to be served to include the following:
  1. Central cooking and dining room.
  2. Recreation room.
  3. Counseling services.
  4. Child care facilities.



5. Other support services.

F. Outdoor Activity. For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.

G. Refuse. Emergency shelters shall provide a refuse storage area that is in accordance with city requirements for accessory refuse structures. The storage area shall accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the community development director. The refuse enclosure shall be accessible to refuse collection vehicles.

H. Emergency Shelter Provider. The agency or organization operating the emergency shelter shall comply with the following requirements:

1. Temporary shelter shall be available to residents for no more than six months.
2. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
3. The provider shall have a written management plan including, as applicable, provisions for staff training, good neighbor policies, security, transportation, client supervision, food services, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents. Such plan shall be submitted to and approved by the planning, inspections, and permitting department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrated compliance with the physical standards. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. The city council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.

I. Limited Terms of Stay. The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.

J. Transportation Plan. A transportation plan is required.

K. Parking. The emergency shelter shall provide on-site parking at a rate of one space per staff member plus one space per six occupants allowed at the maximum capacity.

L. Bicycle Parking. The shelter shall provide secure bicycle parking at a rate of one space per occupant.

M. Development Standards. An emergency shelter must comply with all development standards in the industrial (I) zoning district.

**17.96.040 Home occupations.**

A. Required Permit. An administrative permit is required to establish or operate a home occupation.

B. Standards. All home occupations shall comply with the following standards:

1. Size. Home occupations may not occupy more than twenty-five percent of the floor area of the dwelling unit or four hundred square feet, whichever is less.
2. Sales and Displays. Products may not be sold on site directly to customers within a home occupation. Home occupations may not establish window displays of products to attract customers.
3. Advertising. No newspaper, radio, or television service shall be used to advertise the location of business; however, contact information, including phone numbers and email address, are allowed on advertisements.
4. Signs. One single, nonilluminated, wall-mounted outdoor sign of not more than one square foot in area is permitted.
5. Vehicle Traffic. A home occupation may not generate vehicle traffic greater than normally associated with a

residential use. No excessive pedestrian, automobile, or truck traffic may be introduced to the neighborhood as a result of the home occupation.

6. Deliveries. Deliveries and pick-ups for home occupations may not interfere with vehicle circulation, and shall occur only between eight a.m. and eight p.m., Monday through Saturday.

7. Mechanical Equipment. Mechanical equipment that is not normally associated with a residential use is prohibited.

8. Performance Standards. Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line.

9. Hazardous Materials Prohibited. The storage of flammable, combustible, or explosive materials is prohibited.

10. Employees. Employees of a home occupation shall be limited to the persons residing in the dwelling unit.

11. On-Site Client Contact. No more than one client/customer at the property at one time. Customer or client visits are limited to three per day, or six per day for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring).

12. Outdoor Storage Prohibited. Goods, equipment, and materials associated with a home occupation shall be stored within an enclosed structure or in a manner that is not visible from the property line.

C. Permit Revocation. An administrative permit for a home occupation that violates any of the standards in subsection B of this section (Standards) may be revoked consistent with Section 17.156.110 (Permit revocation).

**17.96.050 Intersection sight distance.**

A. Vision Triangle Required. In zoning districts which require a front and street side setback for primary structures, all corner parcels shall provide and maintain a clear vision triangle at the intersection of the streets' right-of-way and adjacent to driveways for the purpose of traffic safety.

B. Vision Triangle Defined.

1. Intersections. The intersection vision triangle shall be the area formed by measuring thirty feet along the major street front property line and twenty feet along the minor street property line from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

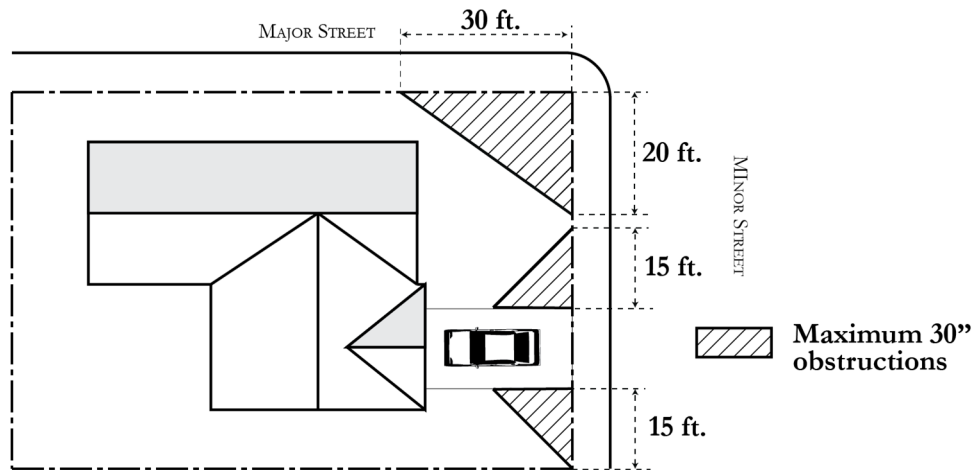
2. Driveways. The driveway vision triangle is the area formed by measuring fifteen feet along the driveway and the street from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

C. Maintenance of Sight Lines.

1. No structure, vehicle, object, or landscaping over thirty inches in height may be placed within a vision triangle, except as allowed by subsection (C)(2) of this section.

2. Trees pruned at least eight feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a vision triangle.

Figure 17.96-1: Vision Triangles



**17.96.060 Large commercial land uses.**

A. Purpose and Applicability. This section establishes special findings that the planning commission must make to approve a conditional use permit for commercial land uses with more than twelve thousand square feet of floor area within one or more buildings. This requirement applies to all proposed new commercial land uses except for:

1. Uses already specifically approved in an applicable master conditional use permit pursuant to Section 17.124.100 (Master use and tenant use permits); and
2. Uses within a shopping center or mall with a floor area of three hundred thousand square feet or more.

B. Findings. To approve a conditional use permit for a commercial land use with twelve thousand square feet or more of floor area, the planning commission shall make the following findings in addition to the findings in Section 17.124.070 (Findings for approval):

1. Vehicle traffic and parking demand created by the proposed use will not have substantial adverse impacts on properties within the vicinity of the subject property.
2. The structure occupied with the proposed use is compatible with the scale and character of existing structures in the surrounding area.
3. The proposed use is compatible with existing land uses in the surrounding area.
4. The size of the proposed use is similar to the average size of similar uses located in the surrounding area.
5. The use will support the surrounding local economy and attract visitors to the commercial area.

C. Purpose of Findings. The purpose of additional findings for large commercial uses is to enable the planning commission to ensure that all new uses and development are consistent with the general plan and compatible with the character of existing neighborhoods and districts. These findings are not intended to involve the city in the normal competition that arises between similar businesses in Capitola.

**17.96.070 Deleted. Large home day care.**

~~As allowed by Health and Safety Code Section 1597.465 et seq., the city shall approve a large home day care if it complies with the following standards:~~

~~A. Care Provider Occupancy. The single family home in which the large home day care is located shall be the principal residence of the care provider. The day care use shall be clearly residential in character and shall be accessory to the use of the property as a residence.~~

~~B. License. The care provider shall obtain and maintain a license from the State of California Department of Social Services.~~

~~C. Separation. A large home day care facility within a residential zoning district may not be located within five hundred feet of another large home day care.~~

~~D. Yard Requirement. A large home day care shall either be located within the R-1 zoning district with outdoor play space or shall have seventy-five square feet of outdoor activity space for each child. A large home day care outside the R-1 shall have an outdoor area owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. The city may waive this space requirement if the applicant can demonstrate that there is a public park or other public open area that is in close proximity to the large home day care.~~

~~E. Screening. A fence or wall shall be located on all property lines or around all outdoor activity areas. The fence or wall shall comply with all applicable standards in Chapter 17.60 (Fences and Walls).~~

~~F. Noise. Outdoor activities may not occur before seven a.m. or after eight p.m. when the site is located within or adjacent to a residential zoning district.~~

~~G. Parking. Off street parking shall be provided as required by Chapter 17.76 (Parking and Loading).~~

~~H. Garage. The garage shall be utilized for the parking of the property owner's vehicles. Use of the garage for the day care home function, such as for a play area, is not allowed.~~

~~I. Safety Compliance. The applicant is required to have the home inspected and submit a letter of compliance from the following:~~

~~1. City Building Division. The home shall be inspected and brought into compliance with the building codes relative to the proposed use.~~

~~2. Fire Marshal. The home shall be inspected and brought into compliance with the California Health and Safety Code and fire code relative to the proposed use.~~

~~J. Pick Up and Drop Off Plan. The community development director shall approve a plan for the pick up and drop off of children. The plan shall demonstrate that adequate parking and loading areas are available to minimize congestion and conflict on public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:~~

~~1. A scheduled time for pick up and drop off with allowances for emergencies; and~~

~~2. Prohibitions of double parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.~~

**17.96.080 Large residential care facilities.**

Large residential care facilities shall comply with the following standards:

A. Separation. A large residential care facility in a residential zoning district shall not be located within five hundred feet of another large residential care facility.

B. Screening and Landscaping. A wall or fence shall be provided for purposes of screening and securing outdoor recreational areas in compliance with Chapter 17.60 (Fences and Walls).

C. License. The care provider shall obtain and maintain a license from the State of California Department of Social Services. Large residential care facilities shall be operated according to all applicable state and local regulations.

D. Safety Compliance. The applicant is required to have the facility inspected and submit a letter of compliance from the following:

1. City Building Department. The facility shall be inspected and brought into compliance with the building codes relative to the proposed use.

2. Fire Marshal. The facility shall be inspected and brought into compliance with the California Health and Safety Code and fire code relative to the proposed use.

**17.96.090 Offshore oil development support facilities.**

A. Prohibition. There shall be no construction, reconstruction, operation, or maintenance of any commercial or industrial offshore oil development support facility within the city of Capitola.

B. Facilities and Activities Included in Prohibition. Prohibited facilities and activities include, but are not limited to:

1. Oil or gas storage facilities, pipe and drilling materials, or equipment repair or storage facilities, which operate directly in support of any offshore oil or gas exploration, development, drilling, pumping or production.
2. Construction, reconstruction, or operation of facilities to process any oil or natural gas taken or removed from any offshore oil or gas drilling or pumping operations.

**17.96.100 Permanent outdoor displays.**

A. Permitted Displays. A single permanent outdoor display of retail goods that complies with this section is permitted as an accessory use to a primary commercial use in the mixed use, commercial, and industrial zoning districts, except in the MU-V zoning district, where permanent outdoor displays are prohibited.

B. Permits Required. Permanent outdoor displays require planning commission approval of a conditional use permit.

C. Standards.

1. Height. Displayed items shall not exceed six feet in height.
2. Size. Display areas are limited to six feet wide or ten percent of the width of the front building elevation. A display area may extend a maximum of three feet from the front building wall.
3. Goods Permitted. Displayed items shall be of the same type that are lawfully displayed and sold inside the building occupied by the primary commercial use. Only the business or entity occupying the building may sell merchandise in an outdoor display area.
4. Hours. Items shall be displayed only during the operating hours of the primary commercial use. Items shall be removed from display and moved into a permanently enclosed structure upon close of business.
5. Screening. If outdoor display areas are proposed as part of a project subject to discretionary review (e.g., conditional use or design permit) and approval by the city, the review authority may require that display areas be screened from view from neighboring properties with a solid wall, fence, or landscaped berm.
6. Vending Machines. Vending machines are not permitted as part of an outdoor display. Vending machines are considered an accessory use requiring planning commission approval of a conditional use permit.
7. Design Standards.
  - a. Outdoor displays shall be designed to enhance the shopping environment. The outdoor display shall be designed to complement the architecture of the building and public realm.
  - b. Outdoor displays shall be self-supporting, stable, and constructed to withstand wind or contact. The display shall not be permanently affixed to any object, structure or the ground including utility poles, light poles, and trees.
  - c. Outdoor displays may not contain any information which would routinely be placed on a business sign located on the building such as the name or type of business, hours of business operation, business logo, brand name information, etc. The outdoor display may include a sign which indicates the price of the display items or simply indicates a "sale" on the items limited in size to four square inches.
  - d. Outdoor displays shall be continuously maintained in a state of order, security, safety and repair. The display surface shall be kept clean, neatly painted, and free of rust, corrosion, protruding tacks, nails and/or wires.

8. Location.

- a. All outdoor display areas shall be located on the same parcel as the primary commercial use.
- b. Outdoor display areas may not be placed within any permanent landscaped area, required parking space, or loading area.

- c. No items may be displayed within the public right-of-way, including public sidewalks.
- d. Outdoor display areas may not be placed in a location that would cause a safety hazard, obstruct the entrance to a building, encroach upon driveways, or otherwise create hazards for pedestrian or vehicle traffic.

D. Exceptions to Standards. The planning commission may grant exceptions to the standards in subsection C of this section with a conditional use permit upon finding that the exception is necessary and that the outdoor display with the exception will comply with the basic intent of the standards.

**17.96.110 Outdoor lighting.**

A. Purpose. This section establishes standards for outdoor lighting to minimize light pollution, maintain enjoyment of the night sky, and reduce light impacts on adjacent properties.

B. Applicability. The standards in this section apply to all outdoor lighting in Capitola except for:

- 1. Lighting installed and maintained by the city of Capitola or other public agency;
- 2. Athletic field lights used within a school campus or public or private park;
- 3. Temporary construction and emergency lighting; and
- 4. Seasonal lighting displays related to cultural or religious celebrations.

C. Maximum Height. Lighting standards shall not exceed the maximum heights specified in Table 17.96-1.

**Table 17.96-1: Maximum Light Standard Height**

Zoning District	Maximum Height
Residential Zoning Districts	16 ft.
Mixed Use and Commercial Zoning Districts	16 ft. within 100 ft. of any street frontage or residential property line; 20 ft. in any other location
Industrial Zoning Districts	16 ft. within 100 ft. of any street frontage or residential property line; 25 ft. in any other location
Community Facility and Parks/Open Space Zoning Districts	25 ft., or as necessary for safety and security

D. Prohibited Lighting. The following types of exterior lighting are prohibited:

- 1. Exposed bulbs and/or lenses;
- 2. Mercury vapor lights; and
- 3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.

E. Fixture Types. All lighting fixtures shall be shielded so the lighting source is not directly visible from the public right-of-way or adjoining properties. All fixtures shall meet the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light (“dark sky compliant”).

F. Light Trespass. Lights shall be placed to direct downward and deflect light away from adjacent lots and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.

- 1. Direct or sky-reflected glare from floodlights shall not be directed into any other parcel or street, or onto any beach.
- 2. No light or activity may cast light exceeding one foot-candle onto a public street, with the illumination level

measured at the centerline of the street.

3. No light or activity may cast light exceeding one-half foot-candle onto a residentially zoned parcel or any parcel containing residential uses.

G. Required Documentation. Prior to issuance of building permits, project applicants shall submit to the city photometric data from lighting manufacturers demonstrating compliance with the requirements of this section.

H. Coastal Development Permit. In the coastal zone, and notwithstanding the other provisions of this section, all lighting shall be sited and designed to limit lighting to the minimum necessary to provide for adequate public safety. All lighting shall be sited and designed so that it limits the amount of light or glare visible from public viewing areas (including but not limited to the beach and other such natural areas) to the maximum extent feasible (including through uses of lowest luminosity possible, directing lighting downward, directing lighting away from natural areas, etc.). In addition, exterior lighting adjacent to habitat areas shall be wildlife-friendly and shall use lamps that minimize the blue end of the spectrum. All lighting that requires a CDP shall also be subject to a CDP finding that such lighting does not adversely impact significant public views.

**17.96.120 Placement of underground utilities.**

New construction or additions that increase existing floor area by twenty-five percent or more shall place existing overhead utility lines underground to the nearest utility pole. Establishing an accessory dwelling unit in conformance with Chapter 17.74 (Accessory Dwelling Units) does not require placing existing overhead utility lines underground.

**17.96.130 Recycling collection facilities.**

All recycling collection facilities where permitted shall comply with the standards in this section.

A. Accessory Use. Recycling collection facilities may be established only as an accessory use in conjunction with an existing commercial or industrial use which complies with the zoning code and the Capitola building and fire codes.

B. Permit Required. Where allowed by Part 2 of this title (Zoning Districts and Overlay Zones), a recycling collection facility requires planning commission approval of a conditional use permit.

C. Attendant Required. Facilities may accept materials for recycling only when an attendant is present on site.

D. Maximum Size. Recycling collection facilities may occupy no more than five thousand square feet of area on a property.

E. Parking Areas.

1. Recycling collection facilities shall provide parking for removal of the materials and for customers depositing the materials.

2. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use, unless a study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site.

F. Accepted Items. Recycling collection facilities may accept only glass, metal or plastic containers, papers and reusable items. Used motor oil may be accepted with a permit from the Santa Cruz County environmental health department and the Hazardous Materials Advisory Commission.

G. Power-Driven Processing Equipment. Except for reverse vending machines, recycling collection facilities may not use power-driven processing equipment.

H. Location.

1. Mobile vending facilities shall be located in a designated area without eliminating the required parking or landscaping.

2. Facilities shall be at least one hundred feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

I. Maintenance. The site shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

J. Noise. Facilities shall not exceed noise levels of sixty dBA as measured from the property line of a residentially zoned property or a residential use. Facilities shall not exceed noise levels of seventy dBA measured from all other property lines.

K. Hours of Operation. Facilities shall operate only between the hours of nine a.m. and seven p.m.

L. Facility Information and Display.

1. Containers shall be clearly marked to identify the type of materials which may be deposited.

2. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

M. Signs. Signs may be provided as follows:

1. Recycling facilities may have identification signs with a maximum of ten square feet, in addition to informational signs required by subsection L of this section.

N. Landscaping. The facility shall comply with all landscaping standards required by Chapter 17.72 (Landscaping) and other city ordinances.

**17.96.140 Self-storage facilities.**

A. Purpose and Applicability. This section establishes special findings for the planning commission to approve self-storage facilities in the community commercial (C-C) zoning district. These findings are intended to ensure that new self-storage facilities will not adversely impact the economic vitality of Capitola's commercial districts.

B. Required Findings. In addition to the findings in Chapter 17.124 (Use Permits), the planning commission must make the following findings to approve a self-storage facility in the community commercial (C-C) zoning district:

1. The location of the proposed self-storage facility is conducive/better suited as self-storage rather than traditional retail due to limited access to or poor visibility from the street.

2. The proposed self-storage facility would be compatible with existing land uses in the surrounding area.

3. Streets and other means of egress are adequate to serve the proposed self-storage facility.

**17.96.150 Solar energy systems.**

A. Required Permits.

1. Rooftop Systems. Rooftop solar energy systems and solar water heaters are permitted by right in all zoning districts. No permit or approval is required other than a building permit and fire department review.

2. Other Systems. Solar energy systems that are not located on the rooftop of a primary structure require a conditional use permit.

B. Height Exceptions. Rooftop solar energy systems may project up to four feet above the maximum permitted structure height in the applicable zoning district. This exception is applicable to the solar energy system only, not the structure on which it is located.

C. Mixed Use Village Zoning District. Rooftop solar facilities in the mixed use village zoning district shall be



located and designed to minimize visibility from a street or other public place to the greatest extent possible.

D. Building Permit Review and Approval. Building permit applications for rooftop solar energy systems shall be reviewed and approved in compliance with Chapter 15.10 (Expedited Solar Permitting Ordinance).

E. Coastal Development Permit. A proposed solar energy system may require a coastal development permit as specified by Chapter 17.44 (Coastal Overlay Zone) if any part of the site is located in the coastal zone and the proposed development shall conform with the coastal development permit findings for approval as specified in Section 17.44.130 (Findings for approval).

**17.96.160 Soquel Creek Riverview Pedestrian Pathway.**

The following standards apply to the Soquel Creek Riverview Pedestrian Pathway, which extends from the Stockton Avenue Bridge along the eastern side of Soquel Creek, under the Railroad Trestle, to 427 Riverview Avenue, where it follows a drainage easement to Riverview Avenue. As used in this section, “pathway” means the area within which the pedestrian walking surface (comprised of brick, decomposed granite and other surface materials) and any related public amenities are located.

A. The pathway shall be maintained at a minimum of either the existing pathway width shown in the March 2005 survey maintained by the city of Capitola, or four feet, whichever is greater.

B. The pathway shall have a minimum overhead clearance of eight feet.

C. Structures east of the pathway shall be set back a minimum of five feet from the edge of the pathway.

D. Development, including decks, fencing, landscaping and other improvements, shall not encroach into the pathway.

E. Property owners shall trim and maintain landscaping so that it does not encroach into the pathway.

F. Permeable surface variations (i.e., brick, decomposed granite and other surfaces) are permitted.

G. Deck handrails may not exceed forty-two inches in height. The space between the deck and the handrails may not be filled in to create a solid appearance.

H. Signage indicating that the pathway is open to the public is allowed.

I. All bulkheads shall be constructed in a rustic manner and finished in wood.

J. A maximum of two freestanding lights are allowed for each deck to a maximum height of eight feet.

**17.96.170 Temporary outdoor dining.**

This section establishes requirements for temporary outdoor dining areas located on a public sidewalk or other area within the public right-of-way.

A. Required Permits. Temporary outdoor dining within the public right-of-way requires an administrative permit and an encroachment permit. Temporary outdoor dining may require a coastal development permit as specified by Chapter 17.44 (Coastal Overlay Zone) if any part of the site is located in the coastal zone and the proposed development shall conform with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval).

B. Permitted Zoning Districts. Temporary outdoor dining within the public right-of-way is allowed in the commercial community (C-C), commercial regional (C-R), and mixed use neighborhood (MU-N) zoning districts. Temporary outdoor dining within the public right-of-way is not permitted in the mixed use village (MU-V) zoning district.

C. Standards. Temporary sidewalk dining shall comply with the following standards:

1. Location. Outside dining is permitted on the public sidewalk:

- a. When incidental to and part of a restaurant; and
  - b. Along the restaurant's frontage.
2. Number of Dining Areas. An indoor restaurant may operate only one outside dining area confined to a single location.
3. Safe Passage.
  - a. Temporary sidewalk dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the outside dining area.
  - b. The sidewalk immediately adjacent to the restaurant shall have adequate space to accommodate tables and chairs and shall provide adequate safe passage along the sidewalk for pedestrian and wheelchair users of the sidewalk. Safe and adequate passage of at least four feet in width shall be provided along the sidewalk and from the curb to the sidewalk. No tables or chairs or any other objects shall be placed or allowed to remain on any sidewalk that inhibit such passage.
4. Furniture and Signage Location.
  - a. Tables and chairs in a sidewalk dining area shall be set back at least two feet from any curb and from any sidewalk or street barrier, including a bollard, and at least eight feet from a bus stop.
  - b. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable.
  - c. All temporary improvements to separate the outdoor dining area from the sidewalk, such as a railing, shall relate to the architectural design of the primary restaurant structure in color, materials, and scale.
  - d. Umbrellas shall be secured with a minimum base of not less than sixty pounds.
  - e. All signs are subject to Chapter 17.80.
5. Food and Beverages. The service of alcoholic beverages within the sidewalk dining area requires a conditional use permit, and shall comply with the following requirements:
  - a. The outside dining area shall be situated immediately adjacent to and abutting the indoor restaurant which provides it with food and beverage service.
  - b. The outside dining area shall be clearly separate and delineated from the areas of the sidewalk which remain open to pedestrian traffic.
  - c. One or more signs shall be posted during hours of operation stating that alcohol is prohibited outside of the dining area.
  - d. The outside dining area shall receive all licenses required for on-site consumption of alcoholic beverages from state authorities.
6. Trash and Maintenance.
  - a. Storage of trash is prohibited within or adjacent to the sidewalk dining area. All trash and litter shall be removed as it accumulates or otherwise becomes a public nuisance.
  - b. The sidewalk dining area, including the sidewalk surface and furniture, shall be maintained in a clean and safe condition.
7. Hours of Operation. Sidewalk dining may occur between seven a.m. and ten p.m. seven days a week. Tables, chairs, other outdoor dining furniture, and all other structures and materials associated with the outdoor dining area shall be removed from the sidewalk and stored indoors at night and when the sidewalk dining area is not in

operation.

**17.96.180 Temporary uses and structures.**

A. Purpose. This section establishes requirements for the establishment and operation of temporary uses and structures. These requirements allow for temporary uses and structures in Capitola while limiting impacts on neighboring properties and the general public.

B. Temporary Uses Allowed by Right. The following temporary uses are permitted by right. No permits or approvals from the community development department are required.

1. Garage Sales. Garage sales for individual residences limited to three, one- to two-day events per calendar year. One block or neighborhood sale per calendar year is allowed in addition to individual sales.
2. Storage Containers. Storage containers delivered to a home, loaded at the residence, and delivered to another location, for a maximum of two weeks on private property. Storage containers on a residential property for more than two weeks may be approved by the planning commission with a conditional use permit.
3. Outdoor Fund Raising Events. Outdoor fund raising events on commercial sites when sponsored by a nonprofit organization directly engaged in civic or charitable efforts. Outdoor fund raising events are limited to two days each month for each sponsoring organization.
4. On-Site Construction Yards. Temporary construction yards and office trailers that are located on site, less than one acre in size, and established in conjunction with an approved project. The construction yard and trailer shall be immediately removed within ten days of completion of the construction project or expiration of the building permit.

C. Temporary Uses Requiring a Permit. An administrative permit is required for the following temporary uses:

1. Seasonal Sales. Seasonal sales (e.g., Christmas trees, pumpkins) for a maximum of forty-five calendar days, no more than four times per year on a single property. Seasonal sales are prohibited on residentially zoned property.
2. Temporary Outdoor Displays of Merchandise and Parking Lot Sales. Temporary outdoor displays of merchandise and parking lot sales on private property for a maximum of three days no more than two times per year on a single property. Following the completion of the temporary display, all signs, stands, poles, electrical wiring, or any other fixtures, appurtenances or equipment associated with the display shall be removed from the premises.
3. Farmers' Markets. Farmers' markets for a maximum of one day per week in a nonresidential zoning district. Farmers' markets for more than one day per week in a nonresidential zoning district are permitted with a conditional use permit. Farmers' markets in a residential zoning district are permitted with a conditional use permit.
4. Off-Site Construction Yards. Construction yards located off site in conjunction with an approved project. The construction yard shall be immediately removed within ten days of completion of the construction project or expiration of the building permit.
5. Employee Trailers. Trailer or commercial modular units used as a work site for employees of a business displaced during construction, for a maximum of twelve months. The community development director may grant up to two twelve-month extensions for ongoing construction activity requiring more than twelve months to complete.
6. Mobile Food Vendors. Mobile food vendors in one location four times or less per year in accordance with Chapter 9.36. Mobile food vendors in one location more than four times per year require a conditional use permit.
7. Real Estate Offices. Real estate offices used exclusively for the sale of homes or other real estate units located within an approved multi-unit development project for a maximum of three years or within thirty days

of when the last home is sold, whichever comes first.

8. Other Similar Activities. Similar temporary activities determined by the community development director to be compatible with the applicable zoning district and surrounding uses.

D. Temporary, Publicly Attended Activities/Events. Temporary, publicly attended activities such as festivals, outdoor entertainment, and other similar events may be permitted pursuant to Chapter 9.36 (Temporary, Publicly Attended Activities). If in the coastal zone, see Section 17.44.080(H) (Temporary Events) to determine if a temporary event requires a coastal development permit.

E. Conditions of Approval. Upon the approval of a permit for a temporary use, the city may attach the following conditions when necessary in connection with the temporary use:

1. Hours of operation.
2. Maintenance of accessibility for the disabled.
3. Protection of fire lanes and access.
4. Preservation of adequate on-site circulation.
5. Preservation of adequate on-site parking or a parking management plan to temporarily park off site.
6. Cleanup of the location or premises.
7. Use of lights or lighting or other means of illumination.
8. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

#### **17.96.190 Generators**

Home generators to provide backup electricity in case of a power outage must comply with the following:

A Noise. Generators may not exceed noise levels of 65 dBA as measured from the property line of a residentially zoned property or a residential use.

B. Allowed Use. Other than periodic testing as required by the manufacture, a generator may be operated only in case of a power outage or emergency.

C. Testing Hours. A generator may be tested only during the hours of eight a.m. and 8 p.m.

D. 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.

E. Recreational Vehicle Use Prohibited. 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 <del>is visible from a public street and</del> does not exceed 15 ft. in height, except for exempt additions (Section 17.120.030(B))	Minor Design Permit
Accessory structures greater than 10 ft. in height and/or 120 sq. ft. to 300 sq. ft.	Minor Design Permit
Accessory structures greater than 300 sq. ft.	Design Permit
Upper-floor decks and balconies on the side or rear of a home that are not adjacent to public open space	Design Permit
All rooftop decks	Design Permit
Upper-floor additions to an existing single-family home	Design Permit
New single-family homes	Design Permit
<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	Design Permit

Type of Project	Type of Permit
space	
All rooftop decks	Design Permit
Accessory structures including garbage and recycling enclosures	Minor Design Permit
Ground-floor additions 15% of total floor area or more to an existing multifamily structure	Design Permit
Upper-floor additions to an existing multifamily structure	Design Permit
New multifamily residential structures	Design Permit
<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 takes action on minor modification applications for:

1. Requested deviations to dimensional standards and setbacks for parking spaces, driveways, garages, parking lots, and loading areas; and

2. Where the application is not filed for concurrent review with an application for discretionary review by the planning commission or city council.

B. Planning Commission. The Planning Commission takes action on all other minor modification applications.

~~The planning commission takes action on minor modification applications.~~

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 ~~habitable~~ floor area of a building.
6. "Adjacent" means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.
7. "Alcoholic beverage sales" means the sale of alcoholic beverages for on-site consumption at a restaurant, bar, nightclub or other establishment, or the retail sale of alcoholic beverages for off-site consumption.
8. Alteration. See "Modification."
9. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks city permits and approvals.
10. "Arbor" means a freestanding unenclosed structure with vertical latticework on two sides for climbing plants and cross beams or lattice forming a covering connecting the sides. The space between the vertical latticework may be open or contain a bench for sitting.
11. "Assumed ground surface" means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade.

121. “Average slope” means the average slope of a parcel calculated using the formula:  $S = 100(I)(L)/A$ , where:

- a. S = Average slope (in percent);
- b. I = Contour interval (in feet);
- c. L = Total length of all contour lines on the parcel (in feet); and
- d. A = Area of subject parcel (in square feet).

B. “B” Terms.

1. “Balcony” means a platform that projects from the wall of a building thirty inches or more above grade that is accessible from the building’s interior, is not accessible from the ground and is not enclosed by walls on more than two sides.
2. “Banks” means a commercial establishment providing retail banking services. Includes only establishments serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.
3. “Base zoning district” means the primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the zoning map.
4. “Basement” means that portion of a building between floor and ceiling, which is partly or all below grade, and where more than the vertical distance from grade to ceiling is below the average ground contact level of the exterior walls of the building.
5. “Bay window” means a window or series of windows serving as an important element of the building’s architecture, forming an alcove in a room and projecting outward from the wall in a rectangular, polygonal, or curved form.
6. “Block” means the property abutting on one side of a street and lying between the two nearest intersecting streets.
7. “Bluff” or “cliff” means the scarp or steep face of rock, decomposed rocks, sediment or soil resulting from erosion, faulting, folding or excavation of land mass and exceeding ten feet in height, and includes what are commonly known as “cliffs.” See also the definition of “coastal bluff” in Section 17.44.030.
8. “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
9. “Building coverage” means the land area covered by all buildings and accessory structures on a parcel.
10. “Building face” means and includes the general outer surface of a main exterior wall of a building. For example, a building with a rectangular plan has four main exterior walls and four building faces.
11. “Building height” means the vertical distance measured from the assumed ground surface of the building to the highest point of the roof, ridge, or parapet wall.
12. “Business services” means an establishment that provides services to other businesses on a fee or contract basis. Includes computer rental and repair, catering, printing and duplicating services, outdoor advertising services, package delivery services, equipment rental and leasing, and other similar land uses.
13. “By right” means permitted without any form of discretionary approval.

C. “C” Terms.

1. “California Environmental Quality Act (CEQA)” means California state law (Public Resources Code Section

2100 et seq.) requiring government agencies to consider the environmental consequences of their actions before taking action on a proposed project.

2. “Capitola Village” means the central core of Capitola generally bounded by the Monterey Bay shoreline to the south, the railroad trestle to the north and west, and Cliff Avenue and Depot Hill to the east.

3. “Caretaker quarters” means a residence that is accessory to a nonresidential primary use of the site, where needed for security, or twenty-four-hour care or supervision.

4. “Carport” means an accessory building to a residential structure, open on two, three or four sides and attached to, or detached from, a dwelling and established for the loading or unloading of passengers or the storage of an automobile.

5. “Car wash” means a commercial facility for the washing, waxing, or cleaning of automobiles or similar light vehicles

65. “Coastal zone” means the area of land and water extending from the state’s outer seaward limit of jurisdiction inland to the boundary as shown in Capitola’s local coastal program (LCP) as certified by the California Coastal Commission.

76. “Colleges and trade schools” means institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.

87. “Community assembly” means a facility that provides space for public or private meetings or gatherings. Includes places of worship, community centers, meeting space for clubs and other membership organizations, social halls, union halls, banquet centers, and other similar facilities.

98. “Community benefit” means a public amenity offered by a project applicant that advances general plan goals but is not required by the zoning code or any other provision of local, state, or federal law.

109. “Commercial entertainment and recreation” means an establishment that provides entertainment or recreation activities or services for a fee or admission charge. Includes bowling alleys, electronic game arcades, billiard halls, pool halls, sports clubs, commercial gymnasiums, dancehalls, and movie theaters.

110. “Community development director” means the community development director of the city of Capitola or his or her designee.

121. “Construction and material yards” means storage of construction materials or equipment on a site other than a construction site. Includes public utility buildings and service yards used by a governmental agency.

132. “Cultural institution” means a public or nonprofit institution that engages in cultural, scientific, and/or educational enrichment. Includes libraries, museums, performing art centers, aquariums, environmental education centers, nonprofit art centers and galleries, botanical gardens, and other similar uses.

143. “Curb-side service” or “drive-up service” means service provided by a commercial establishment while a customer remains waiting within a vehicle.

154. Custom Manufacturing. See “Manufacturing, custom.”

D. “D” Terms.

1. “Dark sky compliant” means a lighting fixture that meets the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light.

2. “Day care center” means a facility that provides nonmedical care and supervision of minors for periods of less than twenty-four hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and similar uses.

3. “Daylight plane” means the imaginary line beginning at a height of twenty feet at the setback from a property line and extending into the parcel at an angle of forty-five degrees.
4. “Deck” means an outdoor platform, either freestanding or attached to a building, which is supported by pillars or posts.
5. Demolition, Substantial. “Substantial demolition” means the removal or replacement of either fifty percent or more of the lineal footage of existing interior and exterior walls or fifty percent or more of the area of existing floor, ceilings, and roof structures.
6. “Density” means the number of dwelling units per acre of land, excluding street rights-of-way, public easements, public open space, land under water, and certified wetlands and floodplains.
7. “Design review” means that process for the city to review and act on a design permit application.
8. Designated Historic Resource. See Section 17.84.020(A) (Designated Historic Resources).
9. “Development” means any human-caused change to the land or a structure that requires a permit or approval from the city, including construction, rehabilitation, and reconstruction. See Section 17.44.030 for the definition of “development” that applies in the coastal zone.
10. “Development standards” means regulations in the zoning code that limit the size, bulk, or placement of structures or other improvements and modifications to a site.
11. “Discretionary approval” means an action by the city by which individual judgment is used as a basis to approve or deny a proposed project.
12. “Drive-through facility” means a facility where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle. Includes drive-through restaurants, coffee shops, pharmacies, banks, automatic car washes, drive-up windows, and other similar land uses and services.
13. “Duplex home” means a residential structure that contains two dwelling units, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
14. “Dwelling unit” means a building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.

E. “E” Terms.

1. “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.
  - a. “Bars and lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses. Also includes tasting rooms with more than 160 square feet of floor area accessible to the public.
  - b. “Restaurants and cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full service restaurants, fast-food restaurants, coffee shops, cafes, and other similar eating and drinking establishments.
  - c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a

storefront retail component and tasting rooms with 160 square feet or less of floor area accessible to the public.

2. “Elderly and long-term care” means establishments that provide twenty-four-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and are licensed as a skilled nursing facility by the state of California, including but not limited to rest homes and convalescent hospitals, but not residential care, hospitals, or clinics.

3. “Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, as defined in Section 50801 of the California Health and Safety Code.

F. “F” Terms.

1. “Farmers’ market” means a market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items but excludes second-hand goods. Food and beverages dispensed from booths located on site is permitted as an accessory use.

2. “Financial institution” means a professional office conducting businesses within the financial industry. Excludes commercial establishments providing retail banking services to walk-in customers or clients (see “Banks”).

3. “Fence” means a structure connected by boards, masonry, rails, panels, or other similar permanent building material for the purpose of enclosing space or separating parcels of land. This definition includes gates but excludes hedges and other living plants.

4. “Floor area” means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls as described in Section 17.48.040 (Floor area and floor area ratio).

5. “Floor area ratio” means the gross floor area of all of the buildings on the parcel divided by the net parcel area.

6. “Food preparation” means businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Includes catering kitchens, and small-scale specialty food production.

7. “Frontage” means that portion of all property abutting a street.

G. “G” Terms.

1. “Garage” means an enclosed structure or a part of a building designed or used for the storage of automobiles and other motor vehicles.

2. “Garage sale” means a temporary sale for the purpose of selling, trading or otherwise disposing of household furnishings, personal goods or other tangible properties of a resident of the premises on which the sale is conducted.

3. “Gas and service stations” means a retail business establishment supplying gasoline and oil and minor accessories for automobiles. Included in this definition are incidental food and beverage and car wash facilities.

4. “Group housing” means shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes rooming and boarding houses, single-room occupancy housing, dormitories, and other types of organizational housing, and extended stay hotels intended for long-term occupancy (thirty days or more). Excludes hotels, motels, bed and breakfasts, and residential care facilities.

5. “Geological hazard” means a threat to life, property or public safety caused by geological or hydrological



processes such as faulting and secondary seismic effects, including but not limited to: liquefaction, landsliding, erosion, flooding, tsunami or storm wave inundation.

6. “Government offices” means a place of employment occupied by governmental agencies and their employees. Includes offices for administrative, clerical, and public contact functions but excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

7. “Grading” means any and all activities involving earthwork, including placement of fill and/or excavation.

8. “Ground floor” means the first floor of a building other than a cellar or basement that is closest to finished grade.

H. “H” Terms.

1. “Habitable space” means an area within a building that is conditioned (heated or cooled) with a finished floor and a ceiling height of at least seven feet six inches. Excludes unfinished attics, cellars, crawl spaces, and other similar utility areas.

2. Height. See “Building height.” For structures other than buildings, “height” means the vertical distance from grade to the highest point of the structure directly above.

3. “Home day care” means a facility providing daytime supervision and care for up to 14 adults, children, or elderly located in the provider’s own home. Includes both small and large home day care facilities as defined in the California Health and Safety Code Sections 1597.44 and 1597.465

~~a. “Home day care facilities, large” means a day care home facility supervising nine to fourteen persons.~~

~~b. “Home day care facilities, small” means a day care home facility supervising eight persons or less.~~

4. “Historic resource” means either a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources).

5. “Historic alteration permit” means the city permit required to alter the exterior of a historic resource in accordance with Section 17.84.070 (Historic alteration permit).

6. “Home occupation” means the conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.

I. “I” Terms.

1. “Impervious surface” means any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces.

J. “J” Terms. None.

K. “K” Terms.

1. “Kitchen” means any room or part of a room used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit, and distinct from a “mini-bar/convenience area” which is intended as a supplemental food preparation area within a single-family home.

L. “L” Terms.

1. “Land use” means an activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied, or maintained. The meaning of the term “use” is identical to “land use.”

2. “Landscaping” means the planting and maintenance of living plant material, including the installation, use,

and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

3. “Liquor store” means a business selling alcoholic beverages for off-site consumption with the sale of alcoholic beverages constituting its primary source of revenue.

4. “Local coastal program (LCP)” means the city’s land use plan and implementation plan which includes portions of the municipal code, portions of the zoning code, zoning map (as more specifically identified in Chapter 17.44 (Coastal Overlay Zone) and actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

5. Light Manufacturing. See “Manufacturing, light.”

6. “Lodging” means an establishment providing overnight accommodations to transient patrons for payment for periods of less than thirty consecutive days.

a. “Bed and breakfast” means a residential structure that is in residential use with one or more bedrooms rented for overnight lodging and where meals may be provided.

b. “Hotel” means an establishment providing overnight lodging to transient patrons. Hotels and motels may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. Includes motor lodges, motels, extended-stay hotels, and tourist courts, but does not include group housing or bed and breakfast establishments, which are separately defined and regulated.

7. Lot. See “Parcel.”

M. “M” Terms.

1. “Maintenance and repair services” means businesses which provide construction, maintenance and repair services off site, but which store equipment and materials or perform fabrication or similar work on site. Includes off-site plumbing shops, general contractors, contractor’s storage yards, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping, septic tank service, and other similar uses.

2. “Manufacturing, custom” means establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers.

3. “Manufacturing, light” means the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

4. “Material change” means any significant alteration, by private or public action, in the external appearance or surface of an improvement, landscape or vista. This shall not include ordinary maintenance which does not require a permit.

5. “Ministerial action” means a city decision on a planning permit which involves only the use of fixed standards or objective measurements and does not require the exercise of discretion.

6. “Mini-bar/convenience area” means a supplemental food preparation area within a single-family home subject to the standards in Section 17.16.030(B)(9) (Mini-Bar/Convenience Areas).

7. “Medical offices and clinics” means a facility where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, and optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics

offered exclusively on an out-patient basis. Hospitals are excluded from this definition.

8. “Mixed use” means two or more different land uses located in one structure or on one parcel or development site.

9. “Mobile food vendors” means businesses selling food or drinks from temporary and semi-permanent structures or mobile equipment such as food trucks or pushcarts.

10. Mobile Home Park. See Section 17.100.030 (Definitions).

11. “Modification” means any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

12. “Multifamily dwelling” means a building that contains three or more dwelling units, with each unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

N. “N” Terms.

1. “Nonconforming parcel” means a parcel that was lawfully established but that no longer conforms with the parcel size or dimension standards of the zoning district in which it is located.

2. “Nonconforming structure” means a structure which does not meet the current development standards for the district in which the structure is located. Development standards include, but are not limited to, setbacks, height or lot coverage regulations of the zoning district, but do not include standards contained in the uniform codes, such as the building code.

3. “Nonconforming use” means a use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the zoning district in which it is located.

O. “O” Terms.

1. “Open space, private” means open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

2. “Open space, common” means areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit.

3. “Outdoor kitchen” means an outdoor space used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit subject to the standards in Section 17.16.030.B.10. Outdoor pizza ovens are included in the definition of an outdoor kitchen.

3. “Overlay zone” means an additional zoning district as shown on the zoning map that prescribes special regulations to a parcel in combination with the base zoning district.

P. “P” Terms.

1. “Parcel” means a lot, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the county of Santa Cruz, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. The meaning of “lot” is identical to “parcel.”

2. Parcel Area, Gross. “Gross parcel area” means the total horizontal area included within the parcel lines of the parcel, including one-half the width of any alley or portion thereof abutting a parcel line.

3. Parcel Area, Net. “Net parcel area” means the gross parcel area excluding: (a) any recorded easements to

allow others to use the surface of the property for necessary access to an adjacent property or other similar use such as a shared driveway or public access agreement (excludes utility easements), and (b) any area under the high water mark that extends into a waterway.

4. Parcel, Corner. “Corner parcel” means a parcel situated at the junction of two or more intersecting streets, with a parcel line bordering on each of the two or more streets.

5. “Parcel depth” means the average distance from the front parcel line to the rear parcel line, measured in the general direction of the side parcel lines.

6. “Parcel line” means the lines bounding a parcel.

7. Parcel Line, Front. “Front parcel line” means that dimension of a parcel or portion of a parcel, abutting on a street except the side of a corner parcel. On a corner parcel the narrowest street frontage is considered the front parcel line. The community development director ~~may designate the front parcel line for irregularly shaped parcels with unusual development patterns~~ has the authority to determine and designate the front parcel line based on existing conditions and function of the lot.

8. Parcel Line, Rear. “Rear parcel line” means, ordinarily, the line of a parcel which is generally opposite the front parcel line of said parcel. The community development director has the authority to determine and designate the front parcel line based on existing conditions and function of the lot. ~~may designate the rear parcel line for irregularly shaped parcels with unusual development patterns.~~

9. Parcel Line, Interior Side. “Interior side parcel line” means any boundary line not a front line or a rear line shared with another parcel.

10. Parcel Line, Exterior Side. “Exterior side parcel line” means any boundary line not a front line or a rear line adjacent to a street.

11. Parcel, Reversed Corner. “Reversed corner parcel” means a corner parcel, the side street line of which is substantially a continuation of the front line of the parcel upon which it rears.

12. “Parcel width” means the average distance between the side parcel lines, measured at right angles to the parcel depth.

13. “Parking lot” means an open area of land, a yard or other open space on a parcel other than a street or alley, used for or designed for temporary parking for more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

14. “Parking space” means land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used for temporary parking or storage of standard motor vehicles.

15. “Parks and recreational facilities” means noncommercial public facilities that provide open space and/or recreational opportunities. Includes parks, community gardens, community centers, passive and active open space, wildlife preserves, playing fields, tennis courts, swimming pools, gymnasiums, and other similar facilities.

16. “Pergola” means an unenclosed structure with vertical posts or pillars that supports cross beams and/or an open lattice. A pergola may be freestanding or attached to a building.

16. “Personal services” means an establishment that provides services to individuals and that may provide accessory retail sales of products related to the services provided. Includes barber shops and beauty salons, nail salons, dry cleaning establishments, self-service laundromats, tailors, tanning salons, state-licensed massage therapists, fitness studios, yoga studios, dance studios, pet grooming services, veterinary clinics, and other similar land uses. Also includes establishments that primarily offer specialized classes in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This does not include professional offices that offer classes in addition to the professional office spaces.

17. “Planning permit” means any permit or approval required by the zoning code authorizing an applicant to undertake certain land use activities.

18. Potential Historic Resource. See Section 17.84.020(B) (Potential Historic Resource).

19. “Primary use” means the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

20. “Primary structure” means a structure that accommodates the primary use of the site.

21. “Professional office” means a place of employment occupied by businesses providing professional, executive, management, or administrative services. Includes offices for accountants, architects, advertising agencies, insurance agents, attorneys, commercial art and design services, nonretail financial institutions, real estate agents, news services, photographers, engineers, employment agencies, and other similar professions. Also includes research and development facilities that engage in research, testing, and development of commercial products or services in technology-intensive fields.

22. “Public safety facility” means a facility operated by a governmental agency for the purpose of protecting public safety. Includes fire stations and other fire-fighting facilities, police stations, public ambulance dispatch facilities, and other similar land uses.

Q. “Q” Terms. None.

R. “R” Terms.

1. “Recreational vehicle (RV)” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

- a. Contains less than three hundred twenty square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
- b. Contains four hundred square feet or less of gross area measured at maximum horizontal projections;
- c. Is built on a single chassis; and
- d. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

2. “Recycling collection facility” means a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

3. “Remodel” means a change or alteration in a building that does not increase the building’s net square footage.

4. “Residential care facility” means a state-licensed residential facility providing social and personal care for residents. Includes children’s homes, homes for the elderly, orphanages, self-help group homes, and transitional housing for the homeless. Excludes facilities where medical care is a core service provided to residents, such as nursing and convalescent homes.

- a. “Residential care facility, large” means a residential care facility for seven or more persons.
- b. “Residential care facility, small” means a residential care facility for six or fewer persons.

5. “Residential mixed use” means one or more structures on a single parcel that contains both dwelling units and nonresidential uses such as retail, restaurants, offices, or other commercial uses. Different land uses may be within a single structure (vertical mixed use) or in separate structures on a single parcel (horizontal mixed use).

6. “Residential use” means any legal use of a property as a place of residence, including but not limited to dwelling units, group housing, and the residential component of a mixed-use residential building.

76. “Retail” means stores and shops selling merchandise to the general public. Includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, grocery stores and other similar retail establishments.

87. “Review authority” means the city official or city body that is responsible, under the provisions of the zoning code, for approving or denying a permit application or other request for official city approval.

9. “Roof deck” means a walkable exterior floor system located above and supported by the roof of a building.

S. “S” Terms.

1. “Salvage and wrecking” means storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

2. “Schools, public or private” means public or private facilities for education, including elementary, junior high, and high schools, providing instruction and study required in public schools by the California Education Code.

3. “Setback” means the minimum allowable distance from a given point or line of reference such as a property line to the nearest vertical wall or other element of a building or structure as defined in this chapter, or from a natural feature such as a bluff edge or an environmentally sensitive habitat area. Setbacks for buildings or structures shall be measured at right angles from the nearest property line establishing a setback area line parallel to that parcel line. Where a property line is located within a street, the setback shall be measured from the edge of the right-of-way containing the street.

4. Sign. See Chapter 17.80 (Signs).

5. “Single-family dwelling” means a residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

6. “Single-room occupancy” means housing consisting of a single-room dwelling unit that is the primary residence of its occupants. A single-room occupancy must include either food preparation or sanitary facilities (or both) and must be four hundred square feet or less.

7. “Site” means a parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.

8. “Site area” means the total area included within the boundaries of a site.

9. “Self-storage” means a structure or group of structures with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers’ goods.

10. “Split zoning” means a parcel on which two or more zoning districts apply due to zoning district boundaries crossing or otherwise not following the parcel boundaries.

11. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade as defined in this chapter for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined in this chapter at any point, such basement, cellar or unused under-floor space shall be considered as a story.

12. Story, Half. “Half story” means a partial story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls and which are not more than four feet above the floor plate of the second floor, and may include shed or dormer projections from those walls. Dormers may constitute not more than one-third of the length of the wall upon which they are located, whether as a single unit or multiple dormers.

13. “Street” means a public way more than twenty feet in width which affords a primary or principal means of access to abutting property. “Streets” includes private roads and highways.

14. “Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof rafters, or change in roof exterior lines which would prolong the life of the supporting members of a building.

15. “Structure” means anything constructed or erected that requires attachment to the ground, or attachment to something located on the ground. Pipelines, poles, wires, and similar installations erected or installed by public utility districts or companies are not included in the definition of “structure.” In the coastal zone, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

T. “T” Terms.

1. “Tandem parking” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

2. “Tasting Room” means a room or rooms, open to the general public, primarily used for the retail marketing of winery, brewery, distillery, and/or food products

2. “Temporary structure” means a structure that is erected for a limited period of time, typically no longer than one hundred eighty days, and that does not permanently alter the character or physical facilities of a property.

3. “Temporary use” means a short-term activity that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time, typically less than twelve months and does not permanently alter the character or physical facilities of a property.

4. “Trellis” means a structure made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal made to support and display climbing plants. A trellis may be freestanding or attached to a building wall or other structure.

U. “U” Terms.

1. “Upper floor” means any story of a building above the ground floor.

2. “Urban agriculture” means activities involving the raising, cultivation, processing, marketing, and distribution of food in urban areas.

a. “Home garden” means the property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.

b. “Community garden” means privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

c. “Urban farm” means privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by an individual, organization, or business with the primary purpose of growing food for sale.

3. Use. See “Land use.”

4. "Utilities, major" means generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

5. "Utilities, minor" means infrastructure facilities that are necessary to serve development within the immediate vicinity such as electrical distribution lines and underground water and sewer lines.

V. "V" Terms.

1. "Vacation rental" means the occupancy for hire of residential property or a portion thereof for a period of less than thirty consecutive calendar days. See Section 17.40.030 (Vacation rental use (-VRU) overlay zone). "For hire," for purposes of this section, does not include:

a. The owner or long-term lessee of the property, without consideration, allowing family or friends to use the property;

b. An arrangement whereby the owner or long-term lessee of the property agrees to a short-term trade with another property owner or long-term lessee whereby the sole consideration is each concurrently using the other's property.

2. "Valet parking service" means a parking service provided to accommodate patrons of one or more businesses that is accessory and incidental to the business and by which an attendant on behalf of the business takes temporary custody of a patron's motor vehicle and moves, parks, stores or retrieves the vehicle for the patron's convenience.

3. "Vehicle repair" means an establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Repair shops that are incidental to a vehicle sales or rental establishment on the same site are excluded from this definition.

4. "Vehicle sales and rental" means an establishment for the retail sales or rental of new or used vehicles. Includes the sale of vehicle parts and vehicle repair; provided, that these activities are incidental to the sale of vehicles.

5. "Vehicle sales display room" means an establishment for the retail sales of new vehicles conducted entirely within an enclosed building. Outdoor storage and display of vehicles are not permitted.

W. "W" Terms.

1. "Wall" means a permanent upright linear structure made of stone, concrete, masonry, or other similar material.

2. "Warehousing and distribution" means an establishment used primarily for the storage and/or distributing of goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. Includes vehicle storage, moving services, general delivery services, refrigerated locker storage facilities, and other similar land uses.

3. "Wholesaling" means indoor storage and sale of goods to other firms for resale. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. Wholesalers normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

4. "Wireless communications facility" means a facility that transmits or receives electromagnetic signals for the purpose of transmitting voice or data communications. See Chapter 17.104 (Wireless Communications Facilities).

X. "X" Terms. None.



Y. "Y" Terms.

1. "Yard" means an open space, other than a court, on the same parcel with a building, unoccupied and unobstructed from the ground upward, except for such encroachments allowed by the zoning code.
2. Yard, Front. "Front yard" means a yard extending across the full width of the parcel, the depth of which is the minimum horizontal distance between the front line of the parcel and the nearest line of the main building or enclosed or covered porch. On a corner parcel the front line of the parcel is ordinarily construed as the least dimension of the parcel fronting on a street.
3. Yard, Rear. "Rear yard" means a yard extending across the full width of the parcel, and measured between the rear line of the main building or enclosed or covered porch nearest the rear line of the parcel; the depth of the required rear yard shall be measured horizontally.
4. Yard, Side. "Side yard" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the parcel and the nearest part of the main building or enclosed or covered porch.

## 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

## Summary of Ten Zoning Code Amendments

### Discussion Topics

#### Second Story Decks and Balconies

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

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

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

#### Roof Decks

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

#### Large Retail Uses

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

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

#### Cannabis Retail Signs

Section 17.24.020.D.1.b.iv contains sign standards for cannabis retail establishments. The existing standards are more restrictive for cannabis with a limit of one sign per business location

of up to fifteen square feet or one square foot per linear frontage of business which ever is less. Also, content is limited to the name of business and one green cross, no additional references to cannabis through symbols or language, and limit illumination to operating hours. Staff has received a request from the Apothecarium to modify the standards for cannabis to remove the single sign limit and the 15 feet sign area to allow increased visibility. Ultimately, the cannabis retailer would prefer to be subject to the sign limitation of the sign code within Chapter 17.132.

**Pergolas**

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

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

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

**Accessory Dwelling Units**

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

**Parking in R-1 Front Setback Area**

Section 17.76.040.B.1 contains standards limiting parking in the required front and exterior side setback area in the R-1 zoning district. Currently, parking spaces in these setback areas are limited a maximum of 40 percent of lot width up to maximum of 20 feet, except that all lots may



have a parking space of up to 14 feet in width regardless of lot width. The Planning Commission may allow a larger parking area within the setback areas with a design permit if the larger parking area incorporates design features, such as impervious materials and enhanced landscaping, which minimize visual impacts to the neighborhood.

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

### **Electric Vehicle Charging Stations**

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

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

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

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

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

State law requires cities and counties to approve electric vehicle charging stations ministerially with a building permit. The proposed amendments require the City to review and act on electric vehicle charging station applications as provided in Government Code Section 65850.7 and 65850.71. An alternative approach is to codify a specific application review process as other

jurisdictions have done. Staff recommends referencing the Government Code sections rather than codifying a specific process to avoid future code amendments if state law changes.

### **Generators**

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

### **Minor Modifications**

A minor modification is a type of approval that allows for small deviations from specific development standards, including dimensions and setbacks for parking spaces, driveways, garages, parking lots, and loading areas; minimum and maximum setbacks from property lines; and other similar dimensional standards as determined by the community development director. As stated in Section 17.136,010, the purpose of the minor modification is to accommodate projects which meet the needs of property owners and do not negatively impact neighboring properties or the community at large. A minor modification allows up to a ten percent deviation to a physical dimensional standard (e.g., setbacks). A deviation to a dimensional standard greater than ten percent, or an adjustment to any other type of standard, requires a variance.

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

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

# Capitola Planning Commission

## Agenda Report

**Meeting:** October 20, 2022  
**From:** Community Development Department  
**Subject:** **Monarch Cove Inn**



**Project Number:** #21-0267

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

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

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

**Background:** In 2020, the City of Capitola adopted a comprehensive Zoning Code update that applied to the subject Monarch Cove Inn properties within the coastal zone. In April 2021, the Coastal Commission certified the Zoning Code resulting in the updated code applying throughout the city, including in the coastal zone but specifically excluded all sections relating to the Monarch Cove Inn properties.

At the April 15, 2021, Coastal Commission meeting, the Coastal Commission staff did not recommend support for the proposed policy changes to the Monarch Cove Inn property. The Monarch Cove Inn subtopic generated extended and specific discussion. During discussion, several Coastal Commissioners were receptive to the request to change the zoning, and no Commissioners declared opposition. The Coastal staff maintained their position and noted loss of Visitor Serving resources, iconic views, and lack of replacement resources as justification for maintaining the property as Visitor Serving. Ultimately, discussion concluded in advising the Monarch Cove Inn owner and the City of Capitola to bring the proposal back before the Coastal Commission as a separate item for consideration.

Link to April 15, 2021, Coastal Commission meeting (Item 11.c.):

[https://cal-span.org/meeting/cc\\_20210415/](https://cal-span.org/meeting/cc_20210415/)

Following the Coastal Commission meeting, Coastal staff further advised that the city should contract with a third-party consultant to assess the Monarch Cove Inn's profitability and real estate value. The Inn's owner had stated during the April 15, 2021, Coastal Commission meeting that they were operating at a sustained loss and had tried unsuccessfully in the past to reposition, upgrade and expand the property to reestablish financial stability. Permit history shows that the owner made major development proposals in 2001 and 2014 to add buildings, guest rooms, guest facilities, and amenities in effort to upgrade and modernize the property. Both proposals were met with significant opposition by the surrounding neighborhood and the 2014 project was ultimately withdrawn. The city has contracted with Kosmont Companies to prepare a Feasibility Study and Broker Assessment of Value to evaluate the owner's statements regarding profitability and financial positioning (Attachments #3 and #4).

**Discussion:** The city's Planning Commission and City Council previously supported the proposed Zoning Code text, Zoning Map, and General Plan Map amendments in 2021. The owner has stated a need to transition the property to R-1 (single-family) to eventually close the Monarch Cove Inn and return the

property to a single-family use in their retirement and for flexibility in estate management. The property is not currently permitted to be used as an R-1 use, due to the base zone being Visitor Serving. The proposed change to R-1 with a Visitor Serving overlay would allow the owner to close the existing Monarch Cove Inn on their own timeline and maintains the possibility that the estate or a future owner could reestablish a permitted Visitor Serving use.

#### Property Overview

The 620 El Salto Drive property is located at the end of a narrow private road. It was developed as a single-family estate in the late 1890's with the construction of an approximate 4,000 square foot main house. The property had been operated over the years as an inn, bed and breakfast, and family compound but formally became a visitor serving facility called the Monarch Cove Inn in 1991. The property has 11 guest rooms within three structures but performs better financially as a venue for outdoor weddings and special events.

The property is surrounded by single family residences and is located at the dead end of a residential street. Over the years, neighborhood density increased, and the property became increasingly less compatible with the quiet neighborhood around it. Due to adjacent neighbor complaints about noise and parking on city streets, the property now operates under a Conditional Use Permit (CUP) since 2001. The CUP restricts special events to no more than two per week and six per month. Events during the week (M-F) are limited to 40 people, during weekends they are limited to 75 people and all events must end by 6 P.M., which negatively impacts revenue from weddings substantially.

In 2014, the owner applied to the city for an expansion of the facility into a 41-room hotel complex that would retain the historic Victorian Inn, demolish and replace the two cottages, replace the garage area with a subterranean garage for 56 cars, meeting rooms and kitchen facilities. The owner had incurred a significant soft cost investment in progressing the project to a point that a full Environmental Impact Report was prepared, but the project application was ultimately withdrawn by the owner due to substantial community opposition.

#### Feasibility Study

Kosmont's analysis of the Monarch Cove Inn property concludes that the hospitality operations currently yield an inadequate return on investment of less than 4% annually and do not justify continued operations as a hospitality venue. In consideration of the long-term capital investment required, continued hotel use of the property is not financially feasible.

The report concludes that in combination with current resident sentiment being generally opposed to expansion of hospitality uses, no financially feasible or impactful upgrades to the property can be expected to be approved by the city.

#### Broker Opinion of Value

The Broker Opinion of Value considers the property's zoning, allowable uses, current market conditions, and other relevant information to evaluate the range of fair market value of the property.

For the hotel use, Kosmont estimated stabilized long term net operating income and used market cap rates to estimate the "As Is" value of continued hotel operations. This analysis does not include mortgage interest or other financing costs. The value of the property as a hotel use is \$3.1 million.

For the residential use, Kosmont compiled per acre land sale comp data and made adjustments as appropriate given the Property's allowable density and location to estimate the value of the Property for residential redevelopment and as a single-family residence, which was its original use. The average value for those two residential scenarios is \$4.25 million (\$3.9 million and \$4.6 million).

### Proposed General Plan and Zoning Map Amendments

The only necessary General Plan and Zoning Map amendments are to change the Zoning Map and General Plan Land Use Map designations from Visitor Serving to R-1 Single Family Residential with a Visitor Serving Overlay (attachments #2 and #3).

### Proposed Zoning Text Amendments

The proposed zoning text amendments include adding the Monarch Cove Inn property to Chapter 17.28 Visitor Serving Overlay Zone, deleting Chapter 17.30, which only applies to the Monarch Cove Inn Visitor Serving District, and minor edits to Chapter 17.72 Landscaping where Visitor Serving properties are referenced. The proposed text in Chapter 17.28 Visitor Serving Overlay Zone is the same text that was proposed for Coastal Commission certification on April 15, 2021. During the 2021 updated, the land use table (Table 17.21-1), was updated to add single-family dwelling as a Conditional Use on the Monarch Cove property subject to the requirements of notes 3 and 12, as follows:

[3] Single-family dwellings shall comply with development standards in the single-family residential (R-1) zoning district.

[12] Allowed in conjunction with overnight accommodation use (at least one on property) or grant of public access to a viewpoint.

Staff is not suggesting additional changes to the previously supported notes at this time. However, the Planning Commission may recommend additional revisions to the City Council.

**CEQA:** The Zoning Code and General Plan Land Use Map Amendments are exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), the commonsense exception that CEQA applies only to projects which have the potential for causing a significant effect on the environment and 15183, projects consistent with a community plan, general plan or zoning.

**Recommendation:** Accept presentation on the Zoning Code, Zoning Map, and General Plan Map Amendments and consider forwarding a positive recommendation to the City Council.

**Next Steps:** The Planning Commission's recommendation will be forwarded to the City Council for consideration. If the City Council adopts some or all the proposed amendments, the City of Capitola and the owner will jointly file an application for Coastal Commission review of the amendments.

### **Attachments:**

1. Proposed Zoning Code Amendments in underline and strikeout format
2. Proposed Zoning Map Amendment
3. Proposed General Plan Land Use Map Amendment
4. Feasibility Analysis, August 29, 2022 – Prepared by Kosmont Companies
5. Broker Opinion of Value, August 29, 2022 – Prepared by Kosmont Companies

Report prepared by: Brian Froelich, Senior Planner

## Chapter 17.28

### VISITOR SERVING OVERLAY ZONE

#### Sections:

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

#### **17.28.010 Purpose of the visitor serving overlay zone.**

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

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

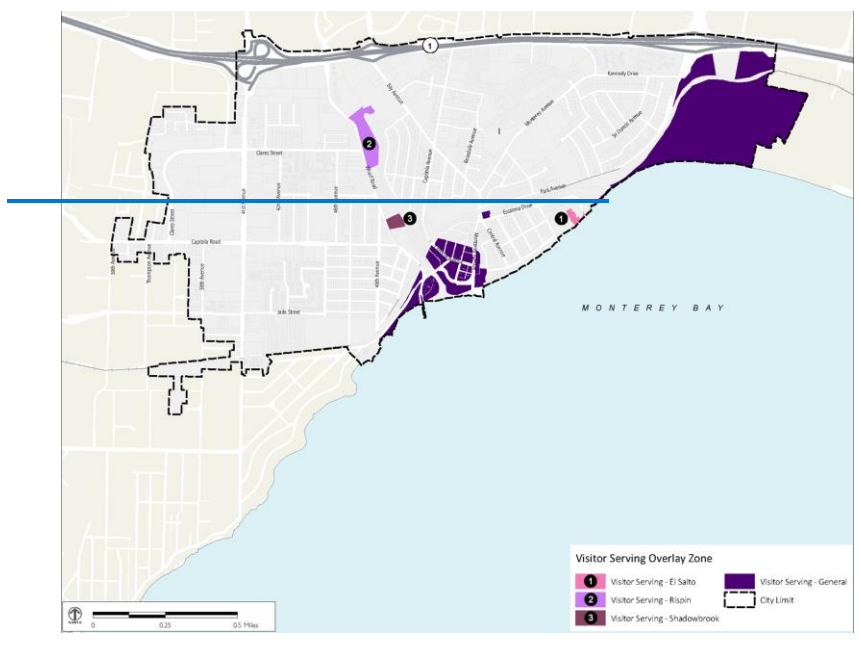
1. Visitor Serving – Rispin (VS-R). Applies to the Rispin site (APNs 035-371-01 and 035-371-02).
2. Visitor Serving – Shadowbrook (VS-SB). Applies to the Shadowbrook site (APN 035-111-04).

[3. Visitor Serving - Monarch Cove Inn \(VS-MC\). Applies to the Monarch Cove Inn site \(APN 036-143-31 & 036-142-27\) and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels.](#)

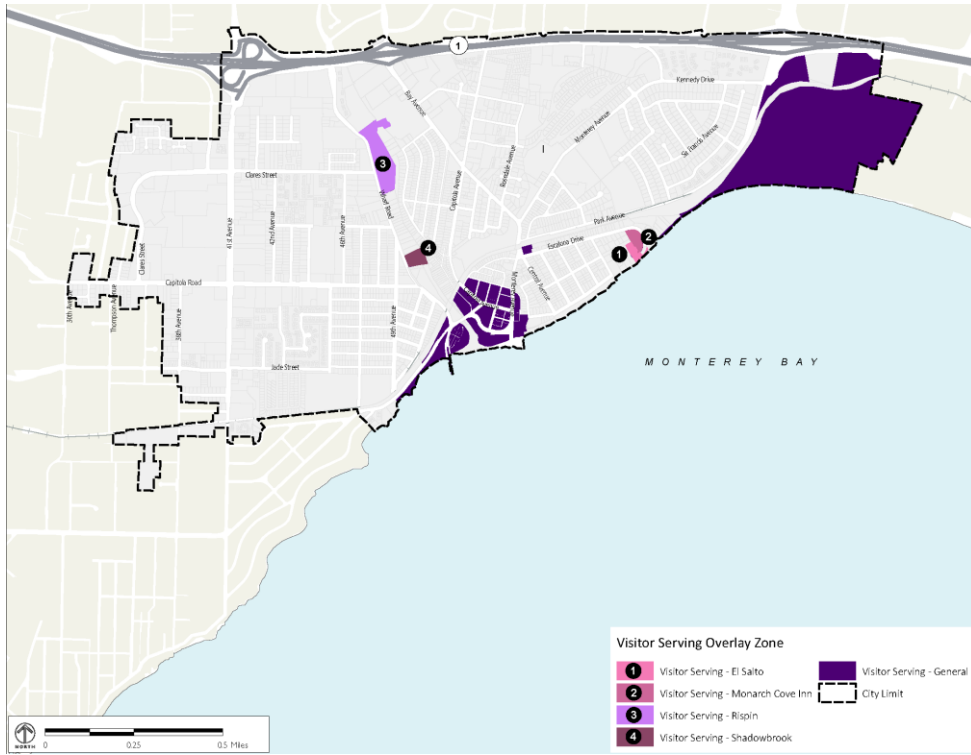
[34. Visitor Serving – El Salto \(VS-ES\). Applies to the El Salto site \(APN 036-143-35\).](#)

[45. Visitor Serving – General \(VS-G\). Applies to all other parcels with a visitor serving subzone overlay designation. The -VS zoning overlay designation on the Inn at Depot Hill site \(APNs 036-121-38 and 036-121-33\) acts as both the base zoning district and an overlay district \(i.e., the permitted land uses identified in Table 17.28-1 are the only permitted land uses allowable on the site and the applicable land use regulations and development standards are limited to those identified in this chapter\).](#)

Figure 17.28-1: Visitor Serving Districts



The Capitola Municipal Code is current through Ordinance 1051, passed April 28, 2022.



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

**17.28.020 Land use regulations.**

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

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

Key	Permitted Use	-VS Subzones				Additional Regulations
		VS-G	VS-R	VS-SB	VS-ES	
P	Permitted Use					
A	Administrative Permit required					
M	Minor Use Permit required					
C	Conditional Use Permit required					
-	Use not allowed					

The Capitola Municipal Code is current through Ordinance 1051, passed April 28, 2022.



Key P Permitted Use M Minor Use Permit required C Conditional Use Permit required - Use not allowed	-VS Subzones					Additional Regulations
	VS-G	VS-R	VS-SB	VS-MC	VS-ES	
<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]	-	-	☒ [3][12]	C [3]	
<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	

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Wireless Communications Facilities	See Chapter 17.104					
<b>Other Uses</b>						
Access Roadways	C	C	C	C	C	
Accessory Structures and Uses, New	C [7]	C	C	C	C	
Accessory Structures and Uses Established Prior to Primary Use or Structure	C	C	-	C	-	
Change of Visitor Serving Commercial Uses within a Structure	C [8]	-	-	C	-	
Food Service Accessory to a Lodging Use [9]	C	C	-	C	C	
Home Occupations	C	-	-	C	-	Section 17.96.040
Expansion of a Legal Nonconforming Use within an Existing Structure	C	-	-	C	-	
Legal Nonconforming Use Changed to a Use of a Similar or More Restricted Nature	C	-	-	C	-	
Live Entertainment	C	C	C	C	-	
Offices Accessory to Visitor Serving Use	C	C	C	C	-	
Parking Areas to Serve the Primary Use	C	C	C	C	C	
Retail Accessory to a Visitor Serving Use	C	C	-	C	-	
Temporary Assemblages of People, such as Festivals, Fairs, and Community Events	C [10]	C [10]	C [10]	C [11]	-	
Weddings	C	C	C	C	-	

Notes:

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

B. Civic Uses in the VS-R Overlay Subzone. The planning commission may allow additional civic uses in the VS-R overlay subzone beyond those specifically identified in Table 17.28-1 if the planning commission finds the additional civic use to be consistent with the purpose of the VS-R overlay subzone and compatible with existing uses present on the site. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

**17.28.030 Development standards.**

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

The Capitola Municipal Code is current through Ordinance 1051, passed April 28, 2022.

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

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

Note:

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

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

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

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

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

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

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

1. All exterior lighting shall be minimized, unobtrusive, down-directed and shielded using the best available dark skies technology, harmonious with the local area, and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled and that light spill, sky glow and glare impacts are minimized.

2. Lighting of natural areas (such as creeks, riparian areas, the beach, etc.) shall be prohibited past the minimum amount that might be necessary for public safety purposes, except when temporarily permitted in conjunction with a temporary event.

3. The location, type and wattage of exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use.

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

**Chapter 17.30**

**VISITOR SERVING DISTRICT – MONARCH COVE INN**

Sections:

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

**~~17.30.010 — Applicability.~~**

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

**~~17.30.020 — Purpose.~~**

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

**~~17.30.030 — Architectural and site approval.~~**

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

**~~17.30.040 — Conditionally permitted uses — Monarch Cove Inn.~~**

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

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

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

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

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

~~O. Access roadway;~~

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

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

**17.30.050 — Accessory uses.**

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

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

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

**17.30.060 — Height.**

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

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

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

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

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

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**17.30.070 — Lot area.**

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

**17.30.080 — Lot coverage.**

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

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

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

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

**17.30.090 — Yards.**

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

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

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

~~**17.30.100 — Parking.**~~

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

~~**17.30.110 — Loading areas.**~~

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

~~**17.30.120 — Landscaping and lighting.**~~

~~A minimum of five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. For the visitor serving Monarch Cove Inn parcels, fifty percent of the parcels shall consist of landscaped or open space areas. The planting of invasive plant species is prohibited. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use. (Res. 4223, 2021)~~

**Chapter 17.72**  
**LANDSCAPING**

Sections:

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

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

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

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

B. Single-Family Residential Projects.

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

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

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

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

- B. Required Contents. Landscape plans shall include the following features and information:
- 1. Site boundaries.
  - 2. Existing conditions on the property, including contours and existing structures.



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

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

D. Changes to Approved Landscape Plans.

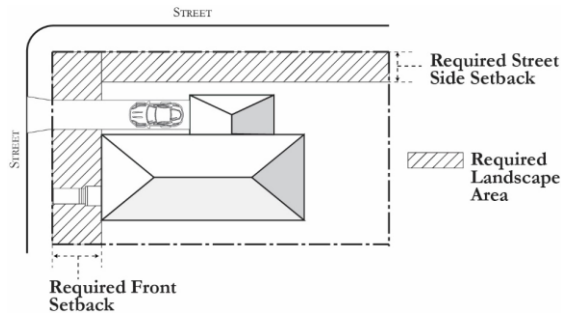
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.
2. The community development director may approve minor modifications to a landscape plan previously approved by the planning commission. Minor modifications are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

**17.72.050 Required landscape areas.**

A. Residential Zoning Districts.

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

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



**B. Nonresidential Zoning Districts.**

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

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

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

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

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

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

**17.72.060 Landscape standards.**

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

1. Plant Selection. A minimum of ninety percent of plants and trees shall be drought-tolerant as defined by the Water Use Classification of Landscape Species (WUCOLS). Native plants adapted to the local climate are preferred.

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

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

4. Turf Lawns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**17.72.070 Landscape maintenance.**

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

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

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

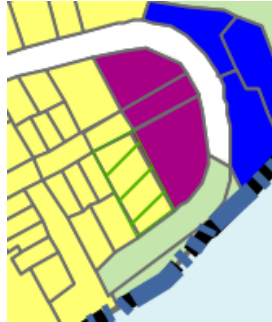
C. Replacement of Dead or Dying Plants. Plants that are dead or severely damaged or diseased shall be replaced by the property owner.

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

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

## Zoning Map/LCP-IP Proposed Modifications for Monarch Cove Inn Parcels

### Existing Land Use: Visitor Serving



### Proposed Land Use: R-1 Single-Family Residential with Visitor Serving Overlay



**Residential Zoning Districts**

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

**Mixed-Use Zoning Districts**

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

**Commercial and Industrial Zoning Districts**

- C-R - Regional Commercial
- C-C - Community Commercial

- I - Industrial

**Other Zoning Districts**

- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development

**Overlay Zones\***

- AHO - Affordable Housing
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

\*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.

### General Plan and Local Coastal Program Land Use Map Proposed Modifications for Monarch Cove Inn Parcels

**Existing Land Use: Visitor Serving**



**Proposed Land Use: Single-Family Residential with Visitor Serving Overlay**



**Residential Designations**

- Single-Family Residential (R-1)
- Multi-Family Residential (R-M)
- Mobile Home (R-MH)

**Mixed-Use Designations**

- Village Mixed-Use (MU-V)
- Neighborhood Mixed-Use (MU-N)

**Other Designations**

- Parks and Open Space (P/OS)
- Public/Quasi-Public (P/QP)
- Visitor Serving (VS)

**Commercial/Industrial Designations**

- Regional Commercial (C-R)
- Community Commercial (C-C)
- Visitor Accommodations (VA)
- Industrial

**Overlays**

- Visitor Serving (VS)





August 29, 2022

Mr. Brian Froelich  
Senior Planner  
City of Capitola  
420 Capitola Ave.  
Capitola, CA 95010

**Re: Monarch Cove Inn Feasibility Analysis**

Dear Mr. Froelich:

Kosmont & Associates, Inc. doing business as Kosmont Companies (“Consultant” or “Kosmont”) is pleased to present our findings relative to the California Coastal Commission request for a feasibility analysis of future hospitality use for the historic Monarch Cove Inn, an 11-room hotel (“Property”) on 1.4-acres owned by the Blodgett family (“Owner”), and located at 620 El Salto Drive in Capitola (“City”).

**BACKGROUND**

In 2020, the City initiated a zoning change for the subject Property from Commercial to R-1. As part of the Local Coastal Plan review, the California Coastal Commission (“CCC”) requested an independent 3<sup>rd</sup> party study to assess the feasibility of the Property to continue as a visitor serving facility. The main house was built in 1886 and has undergone extensive renovations, but overall amenities are lacking compared to competitive facilities limiting achievable room rates.

Due to its small size of 11 rooms and regulations limiting special events (i.e., weddings), the Property has been unable to generate sufficient net operating income to cover the annual debt service. CCC wants to know if there are any modifications that can be made to allow the Property to operate profitably (e.g., additional rooms, restaurant, special event facilities).

To address CCC concerns, the City retained Kosmont Companies to provide an independent assessment of the hotel operations and the financial feasibility of adding new facilities to the Property.

Consultant toured the Property and met with Owner to understand operating challenges, and see the historic financial performance records. Consultant worked with City staff to understand the terms of the existing Conditional Use Permit.



## Hotel Description

The 620 El Salto Drive Property is located at the end of a narrow cul-de-sac street. It was developed as a single family estate in the late 1890's with the construction of a ~4,000 SF main house. The family also owned most of the property along El Salto Drive. Over the years many parcels were sold to other individuals who built single family homes.

In 1991, the family converted the property into a visitor serving facility called the Monarch Cove Inn. While primarily a hospitality facility, the major source of revenue was outdoor weddings and special events prior to CUP restrictions, generating over \$250,000 per year in operating income that often exceeded the hotel room revenue.

The Property is surrounded by single family residences to the north and west and the Pacific Ocean on the south. In the 1880's the property was surrounded by a 60 foot wide Escalona Drive right of way connecting to Grand Ave. The majority of Grand Avenue has been eroded away and right of way is now a pedestrian path.

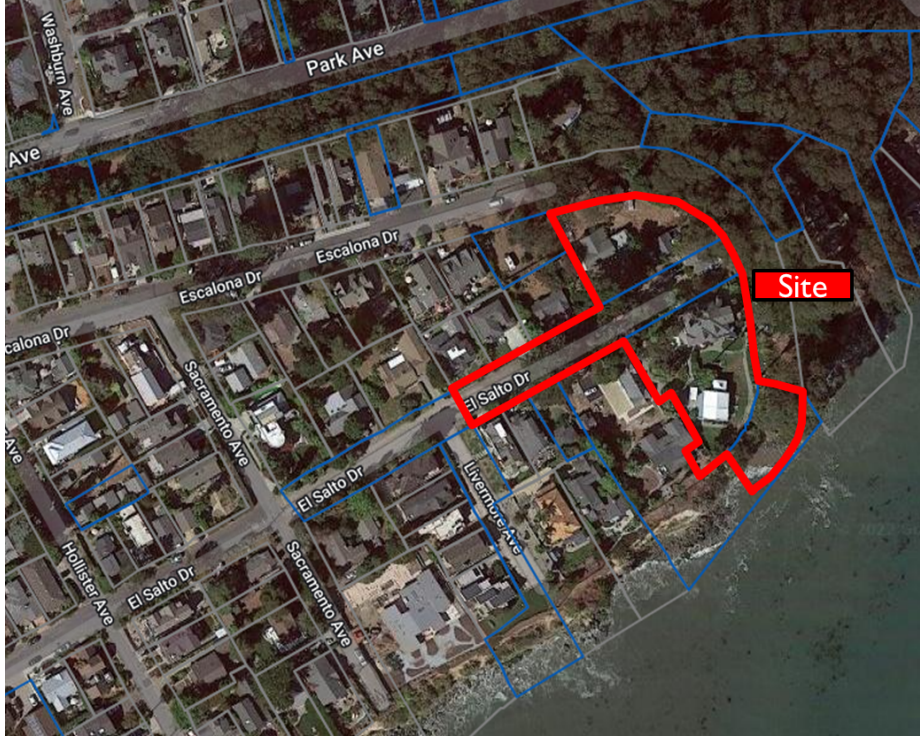
The Property is comprised of 4 parcels. In the 1989 General Plan, the City designated three parcels as Visitor Serving (V-S) with the fourth parcel 036-143-36 zoned Parks and Open Space (P/OS).

Due to adjacent neighbor complaints about noise and parking on city streets, the lodging has been operates under a Conditional Use Permit since 2001, that restricts special events to no more than two per week and six per month. Events during the week (M-F) are limited to 40 people and during weekends they are limited to 75 people, which negatively impacts revenue from wedding substantially.

Another factor that has restricted guest attendance is parking. The subject Property currently has approximately a dozen parking spaces on site. Guests used to be able to park on offsite lots and drives that were privately owned. As those parcels were sold and developed, parking became an problem for the community. Property now must arrange for offsite parking and shuttle systems to bring guests at significant cost.



### Subject Property





## Hotel Operations

Kosmont gathered hotel market data for the Santa Cruz/Capitola submarket from Smith Travel Research (STR) to understand the competitive hotel market room rates and occupancy rates for the time frame pre-Covid up to the current year.

The Property has extraordinary maintenance needs with an acre of gardens and three Victorian buildings requiring a full time handyman and full time gardener. Engineering assessments have also identified the need for a new foundation and a seismic retrofit that would cost approximately \$800,000.

Table 1 shows that despite increasing hotel operating revenues, expenses have climbed faster resulting in lower net operating income and cash flow during the past 8 years.

**Table 1**

Monarch Cove Inn Financial Performance									
	2014	2015	2016	2017	2018	2019	2020	2021	
Occupancy Rate	47%	72%	78%	81%	79%	64%	55%	82%	
Average Daily Rate	\$ 193	\$ 178	\$ 176	\$ 171	\$ 178	\$ 200	\$ 173	\$ 193	
Room Revenue (net of TOT)	\$ 364,000	\$ 516,000	\$ 552,000	\$ 557,000	\$ 564,000	\$ 515,000	\$ 382,000	\$ 634,000	
Other Revenue	82,000	97,000	54,000	46,000	58,000	42,000	14,000	29,000	
Total Revenue	\$ 446,000	\$ 613,000	\$ 606,000	\$ 603,000	\$ 622,000	\$ 557,000	\$ 396,000	\$ 663,000	
Operating Costs	\$ 317,000	\$ 355,100	\$ 433,000	\$ 463,200	\$ 463,000	\$ 387,000	\$ 357,400	\$ 523,400	
Net Operating Income	\$ 129,000	\$ 257,900	\$ 173,000	\$ 139,800	\$ 159,000	\$ 170,000	\$ 38,600	\$ 139,600	
Return on Investment /1	3.2%	6.4%	4.3%	3.5%	4.0%	4.3%	1.0%	3.5%	
Less: Debt Service /2	\$ 114,000	\$ 125,900	\$ 105,000	\$ 128,800	\$ 105,000	\$ 123,000	\$ 116,000	\$ 105,000	
Net Cash Flow	\$ 15,000	\$ 132,000	\$ 68,000	\$ 11,000	\$ 54,000	\$ 47,000	\$ (77,400)	\$ 34,600	
Source: Monarch Cove Inn									
/1 \$4 million estimated debt and equity investment									
/2 Excludes deferred interest on \$2 million loan									

As shown above, the Monarch Cove Inn has struggled for years to achieve breakeven operations, despite high room rates and strong occupancy. Wedding and other event revenues have continued their significant decline. With a return on investment of less than 4%, Owner is not able to invest in long term improvements needed to maintain a hospitality use.

## Hotel Market

The Santa Cruz / Capitola hotel market contains over 3,000 hotel rooms plus over one hundred nearby camping spaces at New Brighton State Beach and over 60 RV camp sites at Seacliff State Beach Campground.

The potential loss of 11 rooms at Monarch Cove represents less than 0.3% of the dedicated hospitality inventory, *not counting* the hundreds of single family homes renting rooms via Airbnb.com and similar websites.

Table 2 illustrates the major hotel properties in Santa Cruz/Capitola that have been historically surveyed by STR as to room rates and occupancy.

**Table 2**

<b>Competitive Set Hotel Properties in Capitola and Santa Cruz</b>						
<b>Miles from Site</b>	<b>Property Name</b>	<b>Property Address</b>	<b>City</b>	<b>Hotel Class</b>	<b>Rooms</b>	<b>Year Built / Renovated</b>
0.7	Quality Inn & Suites Capitola By The Sea	822 Bay Ave	Capitola	Midscale	55	1980
1.2	Best Western Plus	1435 41st Ave	Capitola	Upper Midscale	58	2000
1.2	Fairfield Inn & Suites Santa Cruz Capitola	1255 41st Ave	Capitola	Upper Midscale	84	2011
1.9	Seacliff Inn Aptos, Tapestry Collection	7500 Old Dominion Ct	Aptos	Upscale	148	1980
4.1	Best Western Plus All Suites Inn	500 Ocean St	Santa Cruz	Upper Midscale	77	1989 / 2022
4.1	Comfort Inn Beach Boardwalk Area	314 Riverside Ave	Santa Cruz	Upper Midscale	28	1996
4.1	Hyatt Place Santa Cruz	407 Broadway	Santa Cruz	Upscale	106	2017
4.2	Autograph Collection Hotel Paradox	611 Ocean St	Santa Cruz	Upper Upscale	170	1969 / 2012
4.3	Holiday Inn Express & Suites Santa Cruz	1410 Ocean St	Santa Cruz	Upper Midscale	100	2009
4.3	Quality Inn Santa Cruz	1101 Ocean St	Santa Cruz	Midscale	42	1972
4.4	Comfort Inn Santa Cruz	110 Plymouth St	Santa Cruz	Upper Midscale	62	1970
4.4	Best Western Inn Santa Cruz	126 Plymouth St	Santa Cruz	Midscale	28	1983
4.4	Hampton Inn Santa Cruz	1505 Ocean St	Santa Cruz	Upper Midscale	46	2000

Source: STR





Market area hotel performance metrics, based on the hotel competitive set identified above, are summarized in the Table 3 below. The data shows that Monarch Cove Inn Property achieved higher room rates (\$193) and occupancy rates(82.2%) than the competitive hotels in 2021.

**Table 3**

Market Hotel Performance: 2014 - 2021							
Year	Avg. Occupancy	ADR	Supply of Room Nights	Demand for Room Nights	Change in Occupied Room Nights	RevPAR	Change in RevPAR
2014	65.8%	\$140.27	328,135	215,790		\$92.25	
2015	70.2%	\$153.69	328,135	230,197	6.7%	\$107.82	16.9%
2016	70.2%	\$160.08	328,135	230,225	0.0%	\$112.31	4.2%
2017	70.6%	\$161.19	344,353	243,264	5.7%	\$113.87	1.4%
2018	74.3%	\$165.26	366,825	272,543	12.0%	\$122.78	7.8%
2019	74.6%	\$165.73	366,825	273,776	0.5%	\$123.69	0.7%
2020	51.8%	\$141.22	366,491	189,670	-30.7%	\$73.09	-40.9%
2021	64.2%	\$175.91	366,460	235,319	24.1%	\$112.96	54.6%
2022*	68.5%	\$157.44				\$107.77	

Source: Costar / STR

Significant seasonality is highlighted by the Capitola/Santa Cruz market’s monthly performance data over the past year as summarized below:

Monthly Hotel Performance: Previous 12-month Period			
Month	Avg. Occupancy	ADR	RevPAR
Jun 21	73.8%	\$207.45	\$153.14
Jul 21	81.5%	\$243.12	\$198.20
Aug 21	71.9%	\$224.87	\$161.61
Sep 21	67.9%	\$208.10	\$141.31
Oct 21	66.1%	\$169.49	\$111.96
Nov 21	65.1%	\$146.87	\$95.58
Dec 21	57.8%	\$129.16	\$74.70
Jan 22	55.9%	\$118.70	\$66.34
Feb 22	66.9%	\$139.95	\$93.66
Mar 22	70.6%	\$148.90	\$105.14
Apr 22	78.3%	\$186.05	\$145.70
May 22	70.7%	\$180.89	\$127.86
Average	68.9%	\$175.30	\$122.93

Source: Costar / STR



### **Limiting Conditions per Conditional Use Permit (“CUP”)**

The various operational constraints imposed by the CUP have had a dramatic impact on the feasibility of continued hospitality operations at the Property.

1. Maximum of two weddings per week and six per month
2. Maximum of 40 guests allowed Monday thru Thursday
3. Maximum of 75 guests will be allowed Friday thru Sunday
4. All events must occur prior to 6:00 pm
5. No event parking may take place in residential neighborhood. City allows remote parking if a shuttle is provided
6. A security guard is required on site during all events

With 80% of weddings occurring between May and October, the limit of 6 weddings per month impacts revenue substantially, eliminating 2-3 weekend event days during peak months (according to Brides.com). The most significant constraint is the limitation of 75 guests on weekends, as pre-pandemic wedding parties averaged 130 guests (theknot.com). The financial data shown above clearly demonstrates the dramatic decline in non-hotel room revenue, a trend that continues today.

### **Feasibility of New Development**

One potential option to improve operating revenues would be an expansion of hotel rooms or addition of restaurant/bar area. In 2014, the Owner Robert Blodgett applied to the City for an expansion of the facility into a 41-room hotel complex that would retain the historic Victorian Inn, demolish and replace the two cottages and garage area with a subterranean garage for 56 cars and two new hotel buildings with 32 guest rooms, meeting rooms and kitchen facilities. The Owner prepared a full Environmental Impact Report, but the Project application was withdrawn by the Owner due to massive community opposition.

With current resident sentiment opposed to hospitality uses, no changes to the commercial uses allowed on the Property can be expected to be approved by the City.

### **Finding**

Kosmont’s analysis of the Monarch Cove Inn Property shows the hospitality operations yield an inadequate return on investment of less than 4% to justify operations as a hospitality venue. Given the long term capital investment required, continued hotel use of the property is not financially feasible.

#### *Disclaimer:*

*The analyses, projections, assumptions presented herein are for illustrative purposes and are not a guarantee of actual and/or future results. Actual results may differ from those expressed in this analysis, as results are difficult to predict as a function of market conditions, natural disasters, pandemics, significant economic impacts, legislation and administrative actions.*



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August 14, 2020

Mr. Brian Froelich, AICP  
Senior Planner  
City of Capitola  
420 Capitola Ave.  
Capitola, CA 95010

**Re: Monarch Cove Inn Property Broker Opinion of Value (BOV)**

Dear Mr. Froelich;

Kosmont Real Estate Services, Inc. ("KRES") dba Kosmont Realty ("KR"), a licensed California brokerage firm (Department of Real Estate License #02058445), is pleased to present this broker opinion of value ("BOV") in connection with the Monarch Cove Inn ("Property") located at 620 El Salto Drive in Depot Hill neighborhood of Capitola ("City"). APNs for the four parcels are 036-142-27, 036-142-28, 036-143-31, 036-143-36.

The BOV considers the Property's zoning/allowable uses, current market and economic conditions, and other relevant data/information to evaluate the range of fair market value of the Property.

### Valuation Summary

For hotel use, KR estimated stabilized long term net operating income and used market cap rates to estimate the "As Is" value of continued hotel operations. This analysis does not include mortgage interest or other financing costs. The value of the property in hotel use is \$3.1 million.

For residential use, KR compiled per acre land sale comp data and made adjustments as appropriate given the Property's allowable density and location to estimate the value of the Property for residential redevelopment and as a single family residence, which was its original use. The average value for those two residential scenarios is \$4.25 million (\$3.9 million and \$4.6 million).

The Property's estimate of value was derived from the Sales Comparison Methodology with supportable adjustments, and Income Capitalization Methodology as shown below.

### Value Summary

	<i>Bldg / Land Area</i>	<i>Estimated Value</i>
Residential Zoned Land	61,000	\$3,900,000
Residential Reuse of Buildings	5,000	\$4,600,000
Hotel Use	5,000	\$3,100,000



## I. BACKGROUND AND OBJECTIVE

In 2020, the City initiated a zoning change for the Property from Commercial to R-1 Residential. As part of the Local Coastal Plan review, the California Coastal Commission (“CCC”) requested an independent 3<sup>rd</sup> party study to assess the feasibility of the Property to continue as a visitor serving facility. The Property was built in 1886 and has undergone many renovations and continues to have extraordinary maintenance needs.

Due to its small size of 11 rooms and regulations limiting special events (i.e., weddings), the Property has been unable to generate sufficient net operating income to cover the annual debt service. CCC has requested an independent evaluation of the Property value in current hotel use, as well as a valuation of the Property with a residential rezoning.

### Property Orientation

KR toured the Property, gathered information on building size and condition and reviewed the parcel data to identify the Property dimensions, as well as gathered info on hotel revenue and operating cost trends. KR also interviewed owners and reviewed financial statements regarding extraordinary maintenance costs associated with the historic building.

### Market Research

KR gathered Santa Cruz/Capitola hotel operating data from CoStar/STR to understand the Property’s competitive position in the local market. KR gathered hotel sales comps to understand per room values and capitalization rates. KR also gathered data on single family homes sales values and undeveloped residential land sale comps in the Capitola area.

### Permitted Uses – Residential & Commercial Zoning

KR gathered information from the City on underlying R-1 residential density (3 single family units), as well as allowable uses on the hotel Property under the current commercial zoning, with the various regulations imposed, as discussed later.

### Market Conditions

It is important to note that residential home values have seen extraordinary appreciation in the past two years across California, especially in suburban areas away from large metropolitan centers, subject to various lockdown constraints. Demand for housing and prices may soften with mortgage rates spiking by over 200 basis points since January 2022.

## II. Property Information

### Location

The Property is located on a beachfront cliff in the Depot Hill neighborhood of the City, which is adjacent to Santa Cruz, about 35 miles southwest of San Jose via SR 17. It is located at the end of a narrow cul-de-sac at 620 El Salto Drive.

A City Location Map, Property Aerial Map, Parcel Maps, and Property Photos are provided as Exhibits A, B, C, and D, respectively.



### Existing Conditions

The Property is comprised of 4 parcels. In the 1989 General Plan the City designated three parcels as Visitor Serving (V-S) with the fourth parcel 036-143-36, zoned Parks and Open Space (P/OS).

The Property is a 61,000 SF irregular shaped lot. The Property contains a 4,000 square foot 120-year old Victorian building, that currently has 9 guest rooms. The Property also has two guest houses, a garage, and an outdoor event pavilion. Due to adjacent neighbor complaints about noise and parking on the street, the lodging now operates under a Conditional Use Permit (“CUP”) that restricts special events to no more than two per week and six per month. Events during the week (M-F) are limited to 40 people and during weekends limited to 75 people.







### *History*

The Monarch Cove Inn was originally developed as a single-family estate in the late 1880's with the construction of a ~4,000 SF main house. The family also owned most of the property along the El Salto Drive. Over the years, many parcels were sold to other individuals who built single family homes.

In 1991, the family converted the Property into a visitor serving facility called the Monarch Cove Inn. While primarily a hospitality facility, the major source of revenue was outdoor weddings and special events prior to CUP restrictions.

The Property is surrounded by single family residences to the north and west and the Pacific Ocean on the south. In the 1880's, the Property was surrounded by a 60-foot wide Escalona Drive right of way connecting to Grand Ave. The majority of Grand Avenue has been eroded away and right of way is now a pedestrian path.

### **III. Valuation Methodology**

Standard methods for the valuation of real estate include replacement cost methodology, income capitalization methodology, and the sales comparison methodology.

#### ***Replacement Cost Methodology***

The replacement cost methodology was not considered to be an accurate determinate of value because the current building improvements are an historic structure.

#### ***Income Capitalization Methodology***

KR utilized the income capitalization methodology to value the Property in current hotel use.

#### ***Sales Comparison Methodology***

KR utilized the sales comparison methodology for both the hotel use and for residential use based on recent comparable property sales in the immediate area.

### **IV. a. Valuation Analysis - Residential**

To estimate the value of the Property as residential use, KR used the Sales Comparison Method and surveyed comparable vacant land sales over the last three years in Capitola/Santa Cruz. Finding comparable sales is difficult due to the unique character of the subject Property (120-year old Victorian on 4 parcels with cliffside ocean views).

As shown in the table below, four (4) comparable homes were recently evaluated on a price per square-foot of building basis:



### Home Sales Comparables

Address	Location	Sale Date	Home Size SF	Sales Price	\$/PSF	Use
<b><u>SUBJECT PROPERTY</u></b>						
620 El Salto Drive	Capitola	N.A.	5,000	n.a.	n.a.	Hospitality
<b><u>SALE COMPARABLE</u></b>						
709 El Salto Drive	Capitola	4/29/22	1,467	\$1,630,000	\$1,111	Single Family
30 Moran Way	Santa Cruz	Listed	2,160	\$2,699,000	\$1,250	Single Family
602 El Salto Drive	Capitola	8/27/21	2,760	\$2,900,000	\$1,050	Single Family
501 El Salto Drive	Capitola	9/28/20	2,630	\$2,090,000	\$ 795	Single Family
<b>Average Sales Price/PSF</b>					<b>\$1,050</b>	

Source: Redfin, Homes.com, Zillow

Based on the above comparable sales transacted between 2020 and 2022, home values range from approximately ~\$800 PSF to ~\$1,200 PSF with an average of \$1,050 PSF. Due to significant appreciation in home values in past two years, the first two sales listed are most comparable to the subject Property, despite being new construction, and would indicate a value of \$1,200 PSF for equivalent condition.

#### Adjustments

In order to determine a fair value for the subject Property in residential use, KR made the following adjustments for the 4,000 SF Victorian building foundation repair/earthquake retrofit and conversion of hospitality to single family use:

Preliminary Value	5,000 SF x \$1,200 =	\$6,000,000
Less: Foundation Repair (\$200/SF) /1		(800,000)
Less: Conversion from Hospitality (\$150/SF) /2		<u>(600,000)</u>
Adjusted Value in Residential Reuse		<u>\$4,600,000</u>

/1 Foundation cost estimate provided by engineering firm hired during the 2014 redevelopment planning

/2 Conversion cost estimates per KR, based on discussions with Owner.



**Residential Zoned Land**

KR examined land sales for residentially zoned land in the Capitola/Santa Cruz area. Due to limited development and sales transaction activity because of negative market factors/conditions caused by the Covid-19 pandemic (e.g. rise in construction costs), there were few land sales for residential development. Therefore, KR utilized sales comparables dating back to 2019, as shown in the table below.

**Residential Land Sales**

Address	Location	Sale Date	Lot Acres	Sales Price	\$/Acre	Use
<b><u>SUBJECT PROPERTY</u></b>						
620 El Salto Drive	Capitola	N.A.	1.4	n.a.	n.a.	Hospitality
<b><u>SALE COMPARABLE</u></b>						
1260 7 <sup>th</sup> Ave	Santa Cruz	12/13/19	0.95	\$1,580,000	\$1,600,000	Vacant Land
217 Protrero St	Santa Cruz	10/9/19	0.21	\$ 600,000	\$3,000,000	Single Family
961 Beach St	Santa Cruz	1/25/19	0.50	\$1,135,000	\$2,270,000	Vacant Land
<b>Average Sale Price/Acre</b>					<b>\$1,400,000</b>	

Source: CoStar

The sales comparables shown in the table above represent a wide range of values due to location and allowable density with an average of \$1.4 million per acre. The last two sales are most comparable to the subject Property, but allow for much higher density. With a lower density allowed on Subject, KR estimates the value of subject Property with residential zoning for 3 units to be \$2.8 million per acre or \$3.9 million.

**IV. b. Valuation Analysis – Hotel**

To estimate the value of the Property for continued hotel use, KR used the Income Capitalization Method and projected net operating income and market capitalization rates. Table 1 on the following page shows that the net operating income has ranged from \$140,000 to \$170,000 with an average of \$150,000, excluding the significant negative impact Covid-19 had on the hotel’s 2020 operations.



Table 1

Monarch Cove Inn Financial Performance					
	2017	2018	2019	2020	2021
Occupancy Rate	81%	79%	64%	55%	82%
Average Daily Rate	\$ 171	\$ 178	\$ 200	\$ 173	\$ 193
Room Revenue (net of TOT)	\$ 557,000	\$ 564,000	\$ 515,000	\$ 382,000	\$ 634,000
Other Revenue	46,000	58,000	42,000	14,000	29,000
Total Revenue	\$ 603,000	\$ 622,000	\$ 557,000	\$ 396,000	\$ 663,000
Operating Costs	\$ 463,200	\$ 463,000	\$ 387,000	\$ 357,400	\$ 523,400
Net Operating Income	\$ 139,800	\$ 159,000	\$ 170,000	\$ 38,600	\$ 139,600

Source: Monarch Cove Inn

**Capitalized Value**

Hotel capitalization rates are typically higher than those for industrial, retail and apartments as the risk level is greater. KR’s survey of hotel sales in the San Jose / Santa Cruz area indicates market capitalization rates from 5% to 7%, with a 9-room Victorian Inn listed (listed in July 2022) at 6.2% cap rate. KR believes a 5.5% capitalization rate is appropriate for the Property. With average net operating income of \$150,000, the supportable sales value is estimated at \$2.7 million.

**Hotel Sales Comparables**

KR researched hotel sales in the Capitola / Santa Cruz area since 2018. Several properties were found with a wide range of size, location and type of construction.

Hotel Sales						
Address	Location	Sale Date	Bldg SF	Sales Price	\$/PSF	Use
<b><u>SUBJECT PROPERTY</u></b>						
620 El Salto Drive	Capitola	N.A.	5,000	n.a.	n.a.	Hospitality
<b><u>SALE COMPARABLE</u></b>						
Beach St Inn	Santa Cruz	10/20/21	20,000	\$14.1 million	\$700	Hospitality
118 1 <sup>st</sup> St	Santa Cruz	9/22/21	3,100	\$1.93 million	\$615	Hospitality
Darling House 314 W. Cliff	Santa Cruz	8/30/19	7,870	\$5.0 million	\$1,160	Hospitality
Capitola Hotel 210 Esplanade	Capitola	6/20/18	3,400	\$3.0 million	\$890	Hospitality
<b><u>Average Sales Price/PSF</u></b>					<b>\$900</b>	

Source: CoStar



The last two sales represent properties located in commercial area by the water with ocean views. The 118 1<sup>st</sup> St. property is a 9-room Victorian property being rehabbed and converted into a Bed and Breakfast. It is located two blocks from the beach, but with limited ocean views and represents a strong comparable given the need for major renovation. Considering the Property’s premium views and the need for renovation, KR estimates the fair value of subject Property based on Sales Comparison Methodology to be \$700 PSF or \$3.5 million.

Reconciling the Income Approach and Sales Comparison Approach for Hotel use results in an average value of \$3.1 million.

**V. Conclusion – Broker Opinion Value**

Based on the Sales Comparison Methodology with supportable adjustments, and Income Capitalization Methodology, KR estimates the value of the Property under two alternative residential scenarios (average of \$4.25 million) and as hotel (\$3.1 million) as shown below.

<b>Value Summary</b>		
<b>Costar</b>	<b>Bldg / Land Area</b>	<b>Estimated Value</b>
Residential Zoned Land	61,000	\$3,900,000
Residential Reuse of Buildings	5,000	\$4,600,000
Hotel Use	5,000	\$3,100,000

*Note: This evaluation is a Broker Opinion of Value (“BOV”). It is not an appraisal, which generally provides a more detailed evaluation of value and related property characteristics. BOV based on typical market conditions, which do not reflect extraordinary events that can impact supply/demand market characteristics which in turn impact property valuation.*

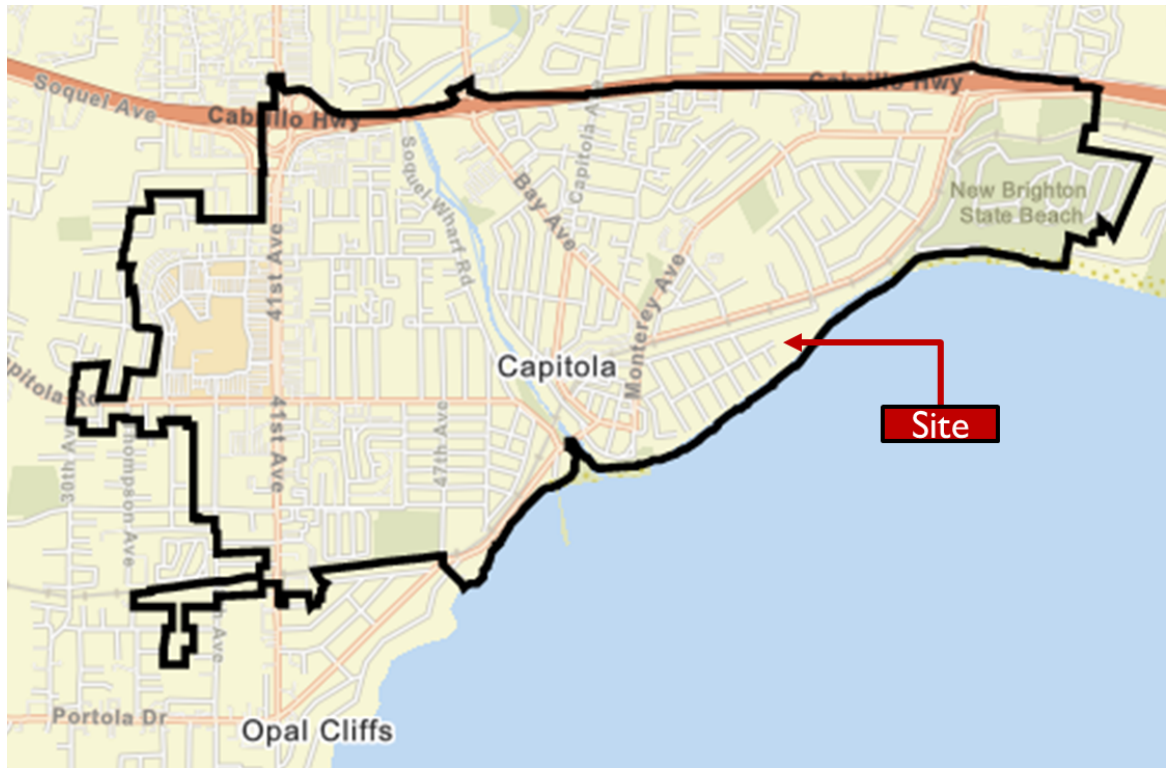
Respectfully Submitted:

**Kosmont Real Estate Services  
doing business as “Kosmont Realty”**

Larry J. Kosmont, CRE®  
Chairman & CEO

### Exhibit A1 – City Location Map





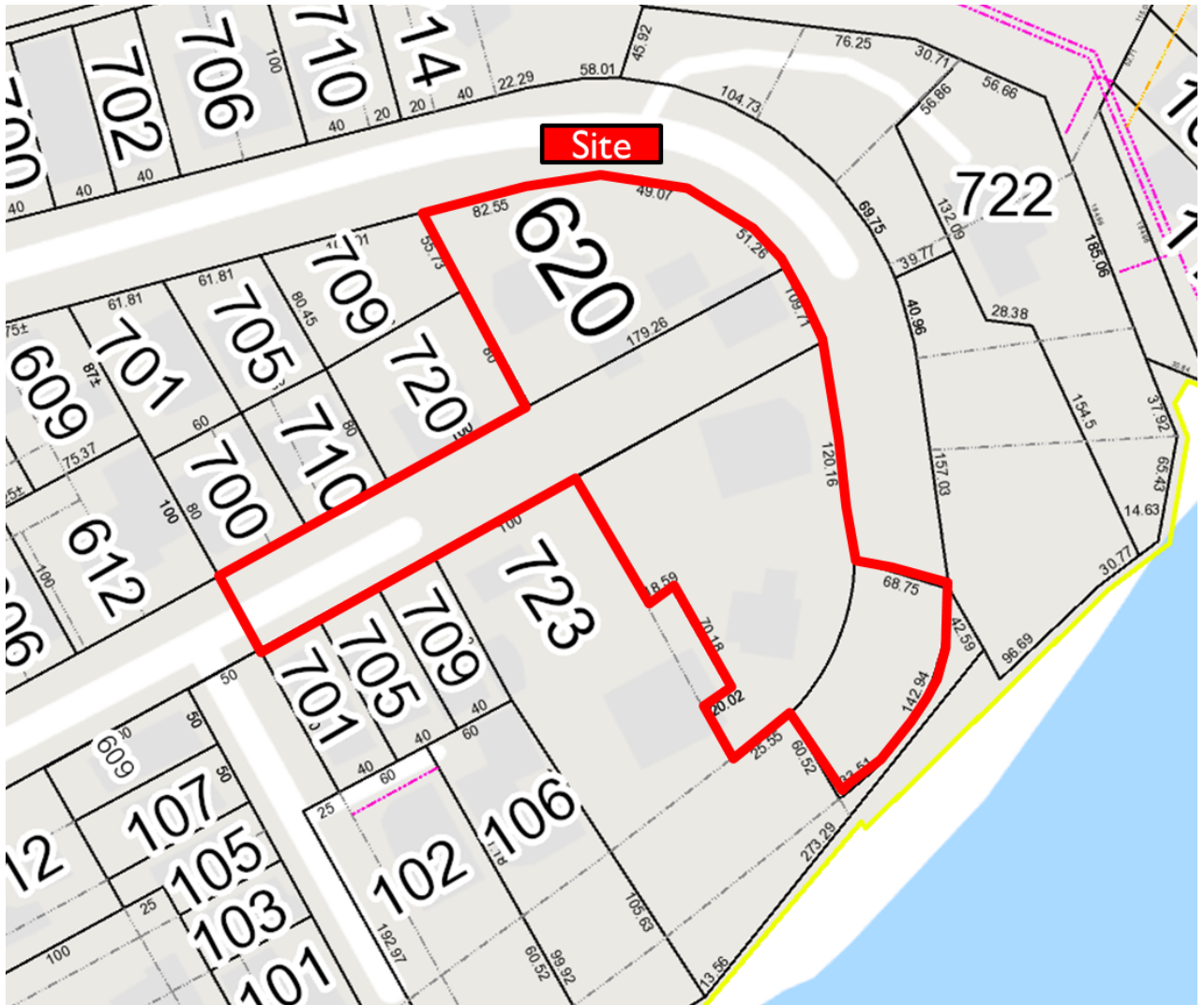
**Exhibit B – Property Aerial**





**Exhibit C – Assessor Parcel Map**





## Exhibit D – Property Photos

### Main House





**Event Pavilion**



**Entrance on El Salto Drive**





**Ocean View from backyard**



**Guest House**



**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF THE CITY OF CAPITOLA APPROVING AMENDMENTS TO THE GENERAL PLAN LAND USE MAP TO CHANGE THE MONARCH COVE INN PROPERTY FROM A VISITOR SERVING BASE ZONE TO R-1 SINGLE-FAMILY RESIDENTIAL BASE ZONE WITH A VISITOR SERVING OVERLAY ZONE**

WHEREAS, on October 12, 2020 the City of Capitola adopted a General Plan Land Use Map amendment to change the Monarch Cove Inn property (620 El Salto Drive, Parcel Numbers 036-143-31, 036-142-27, and 036-142-28) from a Visitor Serving base zone to R-1 Single-Family Residential base zone with a Visitor Serving overlay zone;

WHEREAS, the Monarch Cove Land Use Map Amendment requires certification by the California Coastal Commission as the property is located within the Coastal Zone; and

WHEREAS, on April 15, 2021 the Coastal Commission did not certify the Monarch Cove Land Use Map Amendment and associated Zoning Code and Zoning Map amendments;

WHEREAS, on April 15, 2021 the Coastal Commission advised the Monarch Cove Inn owner and the City of Capitola to bring the proposed Monarch Cove Inn amendments back before the Coastal Commission as a separate item for consideration;

WHEREAS, at duly notice public hearings on October 20 and November 3, 2022, the Planning Commission reviewed the Monarch Cove General Plan Land Use Map Amendments and associated Zoning Code and Zoning Map amendments; and

WHEREAS, on November 3, 2022, the Planning Commission recommended to the City Council adoption of the proposed Monarch Cove General Plan Land Use Map Amendments and associated Zoning Code and Zoning Map amendments.

**BE IT ORDAINED** by the City of Capitola as follows:

**Section 1: General Plan Land Use Map Amendment**

The General Plan Land Use Map is amended to change the Monarch Cove Inn property (620 El Salto Drive, Parcel Numbers 036-143-31, 036-142-27, and 036-142-28) from a Visitor Serving base zone to R-1 Single-Family Residential base zone with a Visitor Serving overlay zone as shown in Attachment 1, attached hereto and incorporated herein by this reference.

**Section 2: Environmental Review.**

The City Council finds and determines that the General Plan Land Use Map Amendment is statutorily exempt from the provisions of the California Environmental Quality Act

("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.

PASSED AND ADOPTED by the City Council of the City of Capitola at a regular meeting held on \_\_\_\_\_, 2022 by the following vote:

AYES:

NOES:

ABSENT:

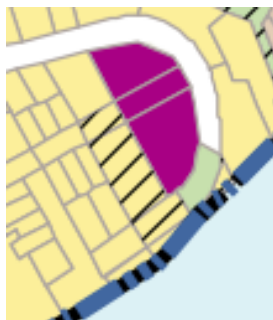
ABSTAIN:

\_\_\_\_\_  
Sam Storey, Mayor

Attest: \_\_\_\_\_  
Chloe Woodmansee, City Clerk

### General Plan and Local Coastal Program Land Use Map Proposed Modifications for 620 El Salto Parcels

#### Existing Land Use: Visitor Serving



#### Proposed Land Use: Single-Family Residential with Visitor Serving Overlay



#### Residential Designations

- Single-Family Residential (R-1)
- Multi-Family Residential (R-M)
- Mobile Home (R-MH)

#### Mixed-Use Designations

- Village Mixed-Use (MU-V)
- Neighborhood Mixed-Use (MU-N)

#### Other Designations

- Parks and Open Space (P/OS)
- Public/Quasi-Public (P/QP)
- Visitor Serving (VS)

#### Commercial/Industrial Designations

- Regional Commercial (C-R)
- Community Commercial (C-C)
- Visitor Accommodations (VA)
- Industrial

#### Overlays

- Visitor Serving (VS)





# Capitola City Council Agenda Report



**Meeting:** November 10, 2022  
**From:** Community Development Department  
**Subject:** Consider a Permanent Local Housing Allocation Resolution

**Recommended Action:** Adopt proposed resolution authorizing the City Manager to execute the Permanent Local Housing Allocation (PLHA) Program Application with 5-year plan, the PLHA Standard Agreement, and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant award.

**Background:** In 2017, Governor Brown signed a 15-bill housing package aimed at addressing California’s housing shortage and high housing costs. Specifically, it included the Building Homes and Jobs Act, known as Senate Bill 2 (SB 2) to increase the supply of affordable homes in California. The Bill established a \$75 recording fee on real estate documents and created the Permanent Local Housing Allocation Fund (PLHA). Beginning in 2019, the Bill authorized the California Department of Housing and Community Development (HCD) to allocate 70 percent of PLHA fund moneys to local governments for eligible housing and homelessness activities. The intent of the bill is to provide a permanent, on-going source of funding to local governments for housing-related projects and programs that address the unmet housing needs of their local communities.

The California Department of Housing and Community Development (HCD) issued the first Notice of Funding Availability (“NOFA”) under the PLHA program making affordable housing funding available statewide. HCD calculates and publishes the PLHA allocation annually. The following table includes Capitola’s funding for 2020 – 2022 and estimated funding for 2023 and 2024.

Year	PLHA NOFA Allocation
2020	\$105,092
2021	\$180,868
2022	\$195,772
2023	\$74,713
2024	\$74,712
<b>Total</b>	<b>\$630,557</b>

The state estimates a total of \$630,557 in funding for Capitola over the five-year funding cycle. To apply for the funding, the City must submit a signed resolution with a 5-year plan explaining which eligible activities the funding will be applied toward.

On October 27, 2022, the City Council received a presentation on the PLHA program and provided direction on the 5-year plan, as further summarized in the analysis section of this report.

**Analysis:** The PLHA funding must be used for the following eligible activities:

1. The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary operating subsidies



2. The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120-percent of AMI, or 150-percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days
3. Matching portions of funds placed into Local or Regional Housing Trust Funds
4. Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176
5. Capitalized Reserves for Services connected to the preservation and creation of new permanent supportive housing
6. Assisting persons who are experiencing or at risk of homelessness
7. Accessibility modifications in lower-income owner-occupied housing
8. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments
9. Homeownership opportunities, including, but not limited to, down payment assistance
10. Fiscal incentives made by a county to a city to incentivize approval of one or more affordable housing projects, or matching funds invested by a county in an affordable housing development project in a city within the county

Of the ten eligible activities listed above, the City Council directed staff to allocate funding to the following two items:

*Activity 1: The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary operating subsidies.*

The City is in the initial phase of updating its housing element to accommodate the 1,363 new units allocated to the City through the Regional Housing Needs Assessment (RHNA). Thus, the City could utilize funding to partner with local non-profits and developers to assist with future affordable housing projects. Designating PLHA funds for predevelopment, development, acquisition, rehabilitation, and preservation of affordable housing rental units would provide an opportunity for future collaboration on an affordable housing project. Staff recommends most of the funds be dedicated toward this first Item to ensure the City can contribute to affordable housing production.

*Activity 6. Assisting persons who are experiencing homelessness*

Annually, the City of Capitola contributes approximately \$31,000 toward the Housing for Health Partnership (H4HP) program administered by the County of Santa Cruz. The H4HP utilizes jurisdictional contributions to support year-round emergency shelter operations, including the Salvation Army in Watsonville and Housing Matters in the City of Santa Cruz. Staff proposes funding the H4HP in 2023 and 2024 up to \$35,000 per year with PLHA funds.

In summary, the City Council recommended the PLHA 5-Year Plan for allocation be as follows:

Year	PLHA NOFA Allocation	Allocation
2020	\$105,092	Activity 1: Affordable Rental Project
2021	\$180,868	
2022	\$195,772	
2023	\$74,713	Activity 1: Affordable Rental Project \$39,713 Activity 6: Homeless Shelter \$35,000
2024	\$74,712	Activity 1: Affordable Rental Project \$39,712 Activity 6: Homeless Shelter \$35,000

**Fiscal Impact:** Submitting a resolution for PLHA funding will provide \$630,557 of additional affordable housing funds for the City of Capitola in the next 5-years.

Attachments:

1. Proposed resolution

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Chloé Woodmansee, Assistant to the City Manager, Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

Resolution No: \_\_\_\_\_

**City of Capitola**

**AUTHORIZING RESOLUTION OF THE CITY MANAGER  
AUTHORIZING THE APPLICATION AND ADOPTING THE PLHA PLAN FOR THE  
PERMANENT LOCAL HOUSING ALLOCATION PROGRAM**

A majority of the City Council Members of the City of Capitola hereby consents to, adopts, and ratifies the following resolution:

- A. WHEREAS, the Department is authorized to provide up to \$335 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)).
- B. WHEREAS the State of California (the “State”), Department of Housing and Community Development (“Department”) issued a Notice of Funding Availability (“NOFA”) dated 8/17/2022 under the Permanent Local Housing Allocation (PLHA) Program;
- C. WHEREAS, the City of Capitola is an eligible Local government who has applied for program funds to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation.
- D. WHEREAS the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement, and other contracts between the Department and PLHA grant recipients;

NOW THEREFORE BE IT RESOLVED THAT:

1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.
2. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA \$630,557.00 in accordance with all applicable rules and laws.
3. Applicant hereby agrees to use the PLHA funds for eligible activities as approved by the Department and in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the Standard

Agreement and other contracts between the Applicant and the Department. 4.

**Pursuant to Section 302(c)(4) of the Guidelines, Applicant's PLHA Plan for the 2019-2023 Allocations is attached to this resolution, and Applicant hereby adopts this PLHA Plan and certifies compliance with all public notice, public comment, and public hearing requirements in accordance with the Guidelines.**

5. **If applicable:** Applicant certifies that it was delegated by City Council to submit an application on its behalf and administer the PLHA grant award for the formula allocation of PLHA funds, pursuant to Guidelines Section 300(c) and 300(d), and the legally binding agreement between the recipient of the PLHA funds and the Applicant is submitted with the PLHA application.
6. **If applicable:** Applicant certifies that it has or will subgrant some or all of its PLHA funds to another entity or entities. Pursuant to Guidelines Section 302(c)(3), "entity" means a housing developer or program operator, but does not mean an administering Local government to whom a Local government may delegate its PLHA allocation.
7. **If applicable:** Applicant certifies that its selection process of these subgrantees was or will be accessible to the public and avoided or shall avoid any conflicts of interest.
8. **If applicable:** Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.
9. **If applicable:** Applicant certifies that, if funds are used for the acquisition, construction or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A),(B) and (C).
10. **If applicable:** Applicant certifies that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with a Local government-approved underwriting of the Project for a term of at least 55 years.
11. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department.
12. The City Manager is/are authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED at a regular meeting of the City Council this 10<sup>th</sup> day of, November 2022, by the following vote:

AYES:\_\_\_\_\_ ABSTENTIONS:\_\_\_\_\_ NOES:\_\_\_\_\_ ABSENT: \_\_\_\_\_

Signature of Approving Officer: \_

\_\_\_\_\_  
Mayor Sam Storey

*INSTRUCTION: The attesting officer cannot be the person identified in the resolution as the authorized signor*

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, Officer of City of Capitola does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the Capitola City Council which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST:

\_\_\_\_\_  
Signature of Attesting Officer  
Chloe Woodmansee, City Clerk