**Issues List: All Zoning Issues Collected during Public Outreach**

| Number | Subject | Comment or Explanation of Issue | How issue will be addressed |
|---|---|---|---|
| **1** | Appeal by City Council | Legal issue with City Council appeals of Planning Commission decisions. Recent case law (Woodys Group, Inc. v. City of Newport Beach). Also, public input was received from local stakeholder group regarding negative public perception created by City Council appealing Planning Commission decisions. | See Issues and Options #18 |
| **2** | Automatic Denials | Applicants occasionally fail to submit complete applications and/or fail to pay off a deficit account. Under current regulations, staff is required to present these applications to the Planning Commission or City Council for a denial, often creating a greater account deficit. | Add provision to enable automatic denials without a public hearing for applications that do no resubmit complete information or do not maintain a positive developer deposit account for more than a specified amount |
| **3** | Decision making matrix | Establish the level of review of each type of decision maker. Administrative decisions by staff, decisions by Planning Commission and City Council. Establish the limits and leave no room for interpretation. | Include a matrix in the code that specifies thresholds for review |
| **4** | Fee references | Specific fee references do not belong in code | Delete all specific fee references and replace with requirement to pay fees consistent with adopted fee schedule |
| **5** | Modification of approved permit | It is typical for an owner/applicant to request a modification to an approved design. The code lacks guidance on the review process. A condition of approval requires significant changes to design permits to return to Planning Commission. Open to interpretation | See Issues and Options #10. New substantial Conformance Process |
| **6** | Permit Extensions | Permits may be extended for one year. Public input requesting increase in extensions to 2 years. Some concerns that there is no maximum limit for extensions. | Increase extensions to 2 years with maximum of 2 extensions per permit application. Add use and reliance standards. |
| **7** | User guide | Suggested a user guide to direct applicant through code | Create a user guide |
| **8** | AR (Automatic Review) | Everything is reviewed so why have an Automatic Review overlay. | Issues and Options #14. |
| **9** | Arch and Site review | Reconsider the function and make up of the Arch and Site Committee | Issues and Options #11 |
| **10** | Neighborhood Character | i. Identify neighborhood priorities specified in the general plan.<br>ii. Guide design elements including placement of buildings, form, and massing.<br>iii. Define the public realm – streets, sidewalks, bike lanes, crosswalks, curb and gutter, trees/landscape, bus stops, benches, and trails.<br>iv. Review should be neighborhood specific and include how we manage the automobile (width of streets, on street parking, off street parking)<br>v. Acknowledge that within the definition of Capitola exists an eclectic mix of design.<br>vi. Add criteria to review compatibility and context within neighborhood | Issues and Options #1 and #12 |
| **11** | Neighborhood Character | Require streetscapes with Design Permit applications to evaluate compatibility of projects. | Issues and Options #12 |
| **12** | Neighborhood Character | Massing – More articulation should be required and prevent two story homes with no change in wall plane between first and second story, applicable to all sides. | Issues and Options #12 |
| **13** | Neighborhood Character | Exterior finishes.<br>1. Multiple exterior finishes should be required to add more interest. Stucco only should not be allowed.<br>2. Regulate types of exterior finishes that are allowed. No vinyl.<br>3. Require trim and of substantial profile. | Issues and Options #12 |

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| **14** | Neighborhood Character | Privacy for adjacent neighbors should be maintained when reviewing second story additions, including new second story decks and second story window locations | Issues and Options #12 |
| **15** | Threshold for Residential Design Permit | Public Input that 1st floor additions and detached structures that meet development standards should be exempt from Design Review | Issues and Options #12 |
| **16** | Threshold for Residential Design Permit | Public Input: Consider 2nd floor additions to go through administrative review with adjacent neighbors noticed and have 10 day appeal to Planning Commission if objector have concerns | Issues and Options #12 |
| **17** | Threshold for Residential Design Permit | Single story additions that meet all requirements of zoning should not require Planning Commission review | Issues and Options #12 |
| **18** | Threshold for Commercial Design Permit | It is unclear in the current code when a design permit is needed for a façade upgrade. | Issues and Options #12 |
| **19** | Views | Public comment to protect views. Public views are considered within the coastal findings and historic vistas are considered within architecture and site review consideration 17.63.90(J) | Issues and Options #12 |
| **20** | Archaeological/Paleontological Resources (Overlay) | Identify the best way to approach current archaeological/paleontological resources overlay zone. | Issues and Options #14. |
| **21** | Archaeological/Paleontological Resources (Overlay) Report | Report is intensive and not always necessary. Survey report should be required when a specific amount of native soil will be moved | Issues and Options #14. |
| **22** | Conditional Uses in CC (community commercial) | Conditional use list should be expanded in CC | Establish broad categories of land uses that encompass many specific uses |
| **23** | Setbacks | Unclear in the CC Zone | Clarify in updated cc zone |
| **24** | Accessory structures | 17.15.035 allows "additional" accessory structures. 17.15.140 mentions only 1 accessory structure in rear and side yard | Clarify review authority and process as follows: Administrative approval for one accessory structures 80 sf or less, no electrical, no plumbing. CDD approval of additional accessory structures or accessory structure larger than 80 sf. without electric or plumbing. Add exception for pool/hot tub mechanical equipment in enclosed structure with electric/water. Planning Commission approval conditional use permit for accessory structure with electric or plumbing. |
| **25** | Accessory Structures | Unclear and disorganized. The standards should be in the general regulations and applicable to all accessory structures throughout town. | Create clear standards and organize within correct section of new code. |
| **26** | Animal regulations | Outdated regulations in 17.81.060. Add setbacks for chicken coops. | Maintain existing limits for animal regulations. Update section to specify that accessory structures, such as chicken coop, must comply with standards for accessory structures. |
| **27** | Fence | Arbors and trellis are not included in the fence regulations. They are all over town and are typically 8 feet high. | Create allowance for arbors or trellis in front yard above walkway entrance. |
| **28** | Fence | Regulations are for residential. No commercial standards | Add fence standards for commercial zones |
| **29** | Fence | Treatment of fence in public right-of-way is unclear. | Clarify that a fence in the public right-of-way requires a major revocable encroachment permit approved by the Planning Commission - Consistent with 12.56.060(B) of Municipal Code. |
| **30** | Fence | Corner lots. Existing 5 foot inset creates issues for property owners and strange fence lines. | Remove required inset for corner lots when it can be demonstrated that adequate sight distance exists and add height restriction that is consistent with the public works requirement. |
| **31** | Fence height | Measurement from both sides of property line in situations with uneven grades. | update regulation to address uneven grade |

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| **32** | Fence permit | Currently replacement fences and fences that conform with the code require a permit. Too much oversight of fences | Update code to allow fence replacements. Include fence regulations and ability for the Planning Commission to approve alternative location, heights, and materials for special circumstances. |
| **33** | Fence and retaining walls | No rules for height of retaining walls and separation | Include retaining walls within fence section. |
| **34** | Fence permit | Retaining walls should be called out within the fence permit sections. Set standard for when engineering and permit is required. | Add standards within fence permit section. Rename section wall and fence permits |
| **35** | Fencing in unique areas | Identify unique circumstances for lots with views of ocean, walkways, or river. In these areas the standards for front, side, and rear yard setbacks, allowed encroachments, and fences should be improved. Prevent high fences on street facing yards where inappropriate. (Prospect Ave). Establish rules for walls and fences within riparian areas | Consider within fence regulation updates |
| **36** | Landscape - water efficient landscape | Chapter 17.97 does not comply with state law | Maintain and improve standards for water-efficient landscaping. Add requirement that landscaping projects subject to the requirements of AB 1881 comply with State State Water Efficient Landscape Ordinance. |
| **37** | Lighting | Lighting in residential areas should be required to be down directed and shielded to not impact adjacent property owners. Night sky ordinance. | Add lighting standards and night sky provisions. |
| **38** | Pathways | Protect public pathways within updated code. Identify what can/cannot occur along pedestrian pathways. Maintain setbacks from pathways to prevent further encroachment of development. Examples: Riverview Pathway, Prospect Avenue, Cliff Drive, Grand Avenue | Create standards for areas along pathways and railroad |
| **39** | Problem sites in need of attention | Create solutions to existing problem sites (Rispin, Village parking, and Village hotel) within the updated code. Set up favorable standards. | Incorporate desirable development standards for identified sites, consider incentives for positive redevelopment opportunities. |
| **40** | Railtrail | Rail – Build in zoning requirements for setbacks/public improvements at intersections of railtrail in anticipation of transit service and public access and parking. | Include new considerations for development near rail access points (41st Avenue, Monterey Avenue, New Brighton, 47th, to include pedestrian and bicycle ease, fence, parking, benches, landscaping etc.. |
| **41** | Solar | Remove permit requirements for non-commercial solar energy facilities | Remove discretionary permit requirements for non-commercial solar energy facilities |
| **42** | Temporary Storage Facilities (PODS) | PODS require an encroachment permit when located on city street. §9.52.010 regulates unenclosed storage but does not list PODs within the exceptions of what may be stored. Therefore, they are illegal if located in the front of the home. Long-term pods are a source of complaints by residents. | Create administrative permit that establishes a 30 day time limit for temporary storage facilities. Require CUP from PC for temporary storage beyond 30 days. |
| **43** | Conditional Uses in CN (Neighborhood Commercial) | Conditional use list should be updated/expanded in CN | Update conditional uses in CN district to include full range of land uses appropriate in the CN district. Note: Staff will update this item with complete list of updated/new conditional uses as code is drafted. |
| **44** | Setbacks in CN | Setbacks are too restrictive for the small lots and prevent development. EXISTING SETBACKS: Front yard: 15 foot landscape strip. Side yard: 10% of lot width. Rear yard: Commercial 10 foot landscape strip OR Residential 20% of lot depth | The CN setback requirements will be updated to remove the term *landscape strip* and require front, rear, and side yard setbacks. Lots between 401 - 431 Capitola Avenue are substandard. These lots will be rezoned to Central Village to allow placement along the street frontage to maintain the existing rhythm of the street. See Attachment A. |
| **45** | Coastal Zone exemptions | This section is very difficult to understand. | Clarify exempt projects in Coastal Zone |
| **46** | Coastal Permit review | Currently the code states review by PC and CC | Clarify review authority is PC |
| **47** | Allowed and Conditional Use - placement in commercial districts | Commercial Uses that collect sales tax and TOT should be allowed along traffic corridors to maintain tax base. Medical has its place in retail but should either have a maximum % limit within an area or designate medical to specific areas. Storage facilities should not be located in commercial districts. | Issues and Options #4 |

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| **48** | Allowed and Conditional Use Land Use and review | Provide more flexibility in allowed uses. Identify those uses the city does want and allow them. | Issues and Options #4 |
| **49** | Allowed and Conditional Use Land Use and required design review | All principle permitted uses require architectural and site review in Community Commercial zoning district. New zoning code should remove required review for tenant modifications for those types of commercial uses the City would like to encourage | Issues and Options #12 |
| **50** | Allowed Use and Tenant modifications | Provide more flexibility in use to allow new businesses to come into existing commercial sites with little or no review if the building is not being modified. Timing and execution are critical for business success. | Issues and Options #12 |
| **51** | Allowed and Conditional Use Land Use categories | Land uses are outdate . Update and categorize uses better. Example: sauerkraut production not allowed. Gym or yoga studio not listed. | Modernize land use classification in code |
| **52** | Commercial land use | Avoid commercial leakage to County. Target example. Figure out what made Target site appealing vs. Home Depot location. Zone to allow what anchor businesses need. Visibility was identified as one reason for commercial leakage. | Issues and Options #4 |
| **53** | Density | Allow density bonus for project that provide congestion relief (ex. Square footage credit for bike parking, transit | Issue and Option #3 |
| **54** | Drive-thru | Allow drive-thru on 41st Avenue. Survey showed support (98.3%) for drive-thru along 41st avenue. | Create conditional use permit review for drive-thrus on 41st. Establish a required setback from residential properties and shielding. |
| **55** | Food establishment with 6 chairs | The zoning code lists "restaurants, including take-out restaurants or adding a take-out window to an existing restaurant use" as a conditional use permit. In the parking section, the # or spaces required for a "Retail use and restaurants/take-out food establishments with six or fewer seats" are treated equal. This allows retail to convert to restaurant with a limit of 6 seats. Applicants are often confused on the limitation of 6 chairs. The 6 seat regulation is problematic to monitor. | Create a new land use category for "to-go" restaurant. Rather than limit seats, limit the area for dining. Update the parking regulations to include the same amount of parking for "to-go" restaurants as retail. This will allow retail to be converted to "to-go" restaurants. It will also eliminate the need the staff to continuously monitor seats. |
| **56** | Outdoor Display - Permanent | 17.21.035 requires a conditional use permit for outdoor display in the CV (Central Village). Many violations exist in the CV. Expand outdoor display to all commercial areas. No standards exists. Need standards placement of display on private property, size of area, upkeep, maintaining pedestrian circulation, etc. Specify that automated dispensers (outdoor soda machines, red box, shipping centers) require a permit. Build integrity into process. Not just quantitative measure but qualitative measures too. | Establish new standards to address outdoor commercial displays on properties in commercial and mixed uses zones. Standards will address location of displays, screening, hours, permitted materials, height, etc. |
| **57** | Outdoor Display/Parking lot sale - Temporary Use | No regulations in code. There is an administrative permit for sales twice a year on weekends. No standards exist. Add administrative permit with standards. | Add a new section to address temporary uses, including temporary parking lot sales associated with a permanent business. |
| **58** | Outdoor Dining | The code currently does not specify outdoor dining as a use. Request to consider utilization of public parking spaces in Village for dining decks. Add conditional use and standards for review of outdoor dining on private or public areas within commercial districts. | Staff will discuss with Coastal Commission possibility of using street parking spaces for dining decks. Zoning Code will contain new standards for sidewalk dining that address hours of operation, required permits, minimum sidewalk clearance, design of dining area, operation standards, and maintenance standards. |
| **59** | Public realm along 41st avenue | Support (71.9%) to improve the design of the public realm with improved pedestrian sidewalks, bicycle lanes, street trees and landscaping, and pocket parks, where appropriate | Issues and Options #3 |
| **60** | Thresholds for design review in CC | New structure vs. front façade change vs. accessory structure vs. new landscaping | Issues and Options #12 |

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| **61** | Top 5 community benefits for increased FAR along 41st Ave | Pedestrian Circulation Improvements (35.6%), Public Realm Improvements (32.2%), Bicycle Circulation (29.7%), Provide funding/support for Regional Trail System (28%), and Automobile circulation and parking improvements (22.9%). | Issues and Options #3 |
| **62** | Transition standards for circulation to decrease Impacts on neighbors | Neighborhood integrity – protect neighborhoods from vehicle cut-through circulation | Include in review criteria for commercial and mixed-use projects. |
| **63** | Transition standards for commercial development adjacent to residential | The code lacks standards to buffer residential uses that are adjacent to commercial. | Add transition standards to commercial and mixed-use projects. |
| **64** | Transition standards for commercial development | Transition areas between Commercial and Residential should have development standards to protect residents | Update code to include transition standards between commercial and residential |
| **65** | Bakeries, Coffee Shop, Take-out, Restaurant | Confusion of why bakeries are allowed uses in CC but take out restaurant is a CUP. Coffee shop is treated as take our restaurant. What is the difference between a bakery, a coffee shop, and a yogurt shop? | Categorize land uses appropriately associated with impacts. Principally permitted or CUP |
| **66** | Density and mixed use | i. Density works with good architecture and designing the public realm. Allow increased density by requiring great architecture and improved public realm.<br>ii. Allow more height in mixed use commercial. Limit with # of stories rather than maximum height. Define stories.<br>iii. 41st Avenue and Capitola Road could be a new Urban Village with mixed use and housing.<br>iv. Sustainability is not stopping development. Shift mindset to allow housing through density with multi-modal transportation. Density and multi-modal transportation have a mutually beneficial relationship and are sustainable. | Issues and Options #2 and #3 |
| **67** | Urban Agriculture/Community Gardens | Include urban agriculture in zoning update | Add definitions, standards, and include in permitted use lists |
| **68** | Commercial standards for different types of commercial areas. | Create different commercial standards (uses, landscaping, signs, and parking) for the different commercial areas. 41st Avenue, Central Village, and Neighborhood Commercial. | Issues and Option #2, #3, #7 |
| **69** | Conceptual Review | Invite the conversation to work toward a desirable outcome rather than being reactive. Keep conceptual review process in code update | Keep conceptual review process in code update. |
| **70** | Conditional Uses in CR (Commercial Residential) District | Conditional use list should be expanded in CR | Expand conditional uses in CR district |
| **71** | Development standards in CR | Development standards are too open ended | Create more specific development standards in the CR |
| **72** | Conditional Use Permit Findings | Findings are lacking | Add specific findings for CUP |
| **73** | Conditional Use Permit Modifications | No reference to required process for modifications to CUPs. | Add process for modification to CUP |
| **74** | Central Village hotel | Zone for hotel in village | Issues and Options #5, #16 |
| **75** | Conversion of commercial to residential in CV | CV states that commercial may not be converted to residential under architectural and site review section. | Reorganize to include requirement under "use" section. |
| **76** | Height | Increase maximum height to 30' to result in better design and more useful space in Village | Issues and Options #16 |
| **77** | Outdoor dining in village | Create opportunities for outdoor dining in the village | Update code to support outdoor dining in village, to the extent adequate parking can be provided. |
| **78** | Transient Rental Overlay | Requires a CUP by Planning Commission. Permits expire annually. Not enforced. | Update code to create administrative permit process. |
| **79** | Uses in Central Village | Use list is lacking diversity | Expand conditional uses in Central Village |
| **80** | Definitions | Personal service establishment - Listed Use, Not defined | Update definitions |

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| **81** | Definitions | Bakeries, Coffee Shop, Take-out, Restaurant. Listed Uses, Unclear what the differences in the uses are. | Update definitions |
| **82** | Definitions | The code utilizes the term "design use". Uses should be tied to land uses not design. | Update definitions |
| **83** | Definitions | Professional Office Use. Not defined. Medical? Real estate? Engineering? Architecture? | Update definitions |
| **84** | Definitions | Lodging Facility, Hotel, Motel, Bed and Breakfast. Many terms used for lodging. | Update definitions |
| **85** | Definitions | Height. Not defined. Unclear how it is measure in different situations (Slope) | Update definitions |
| **86** | Definitions | Lot Area. Define to specify what is/is not included in calculation for FAR. Floor area is based on the size of the lot area. Lot area is not defined. There are unique circumstances in which lots have areas that extend into the ocean, creeks, trails, roads, and alleyways. | Update definitions |
| **87** | Definitions | Yard vs. Landscape Area vs. Landscape strip. Terms utilized within development standards but unclear what the differences are. | Update definitions |
| **88** | Definitions | Demolition. Define for evaluation of non-conforming. Problem with applicant taking down the majority of a structure and replacing in the same spot. | Update definitions |
| **89** | Definitions | Accessory structures, secondary units, kitchen, dwelling unit. Clarify definitions. | Update definitions |
| **90** | FEMA | Outdated regulations within floodplain | update regulations to reflect most recent FEMA regulations |
| **91** | Bluff Erosion | Geological Hazard overly is not consistent with General Plan | Issues and Options #14. |
| **92** | Additional credit for green building techniques | Include credits for alternative transportation, impervious surfaces, walk/bike | This will be addressed in the Climate Action Plan. Note: Staff will update to reflect CAP guidance. |
| **93** | Check list rather than points | Create a check list with boxes rather than quantifying everything | This will be addressed in the Climate Action Plan. Note: Staff will update to reflect CAP guidance. |
| **94** | Duplication in Local and State regs | CAL green covers mandatory state requirements. Eliminate the duplication in process from Federal and State levels | Update and expand the green building program to comply with state mandates for greenhouse gas emission reductions |
| **95** | Points for reutilizing buildings and longevity | Points should be granted for reutilizing existing buildings and longevity | This will be addressed in the Climate Action Plan. Note: Staff will update to reflect CAP guidance. |
| **96** | Solar | Assembly Bill 2188 requires adoption of administrative ordinance for small rooftop solar systems | Update code to comply with state regulation |
| **97** | Demolition of Historic Features | Demolition of Historic Features. No process outlined for demolition of historic structures | Issues and Options #6 |
| **98** | Historic features review | Historic Feature Determination. Criteria in 17.87.030 for identifying historic feature is extremely broad. | Issues and Options #6 |
| **99** | Non-conforming | Non-conforming 80% improvements. Regulations are too restrictive and do not support historic preservation. | Issues and Options #8 |
| **100** | Process for review of potential historic resource | Process for review of potentially historic resources. City has 2005 list of historic structures. This list should be treated as a "potentially historic structure list". Process for modification to a structure on the list is lacking in the code. | Issue and Option #6 |
| **101** | Repairs to Historic Features | Repairs to Historic Features. Code specifies that modifications to historic require a CUP. Does not specify process for replacing damaged exterior materials if they | Update to allow in-kind replacement of damaged historic materials. Administrative review for exact replications of historic material. |
| **102** | Incentives | Incentives for Historic Preservation. Add incentives for historic preservation | Issues and Options #6 |
| **103** | Modification to historic resource | Modification to Historic. No standards in code for review of modifications to historic structures. | Issues and Options #6 |
| **104** | IP (Industrial) | Conditional use list should be updated/expanded. Reconsider fish processing, vinegar operations, etc. | Expand/update conditional uses in IP district to include broad range of uses appropriate for IP district. Note: Staff will update this cell once upon draft of the use table. |

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| **105** | IP (Industrial) | Issue with impacts on neighboring mobile home park. Consider impact to dense population prior to listing as allowed or conditional use | Include consideration for CUPs to assess impacts on neighboring mobile home park. |
| **106** | Capitola Road as connection | Support idea of Capitola Road connecting 41st Avenue and Village. Allow hotels along Capitola Road. | Capitola Road is presently designated as a mixed-use area and is proposed to remain. Commercial uses, including small hotels, are allowed in mixed-use areas |
| **107** | Non-Conforming Structural Alterations | Too many developers get non conforming status then take the majority of the building down and rebuild in nonconforming place. | Issues and Options #8 |
| **108** | Non Conforming | Non-conforming Structures and Non conforming Use must be better defined. The 80% rule is open to interpretation. Process for valuation should be codified. | Issues and Options #8 |
| **109** | Non-Conforming sunset clause | Non-conforming uses/structures: discussion on current sunset clause to end all nonconforming uses by the year 2019.<br>i. Requirement to go away isn't necessary unless the use is a nuisance.<br>ii. City should study the existing conditions and guide the outcome to a better resolution.<br>iii. City should drive re-development of blighted properties.<br>iv. Code should address public nuisance issue if present<br>1. Adequate parking onsite<br>2. Maintain structures so they are updated and look good in the | Issues and Options #8 |
| **110** | Non-conforming homes | Examples of homes being built in same place and having non-conforming status. Plans show walls remaining. In field, walls are removed. If a home is undergoing a full remodel and has non-conforming parking, parking issues should be fixed. Riverview example near north end | Issues and Options #8 |
| **111** | Non-conforming multi-families in R-1 | Many multifamily structures in the north of Capitola Rd 40's are in need of repair and have impact on surrounding neighborhood. Consider assessment district for street improvements for street landscaping, parking, bulb-outs.. Etc to result in mitigation of existing impacts. Consider requiring building to remove carports, plat trees, remove dumpsters, and include design improvements to the front facades. | Issues and Options #8 |
| **112** | Carports | Carports should be discouraged | Issues and Options #5 |
| **113** | Central village parking | Commercial parking in CC Section 17.27.120 should be applied to the Central Village. | Issues and Options #5 |
| **114** | Compact parking spaces | Compact parking spaces are problematic | Maintain existing compact space provisions, which are typical |
| **115** | Electric car recharge | No requirement for electric car recharge in large parking lots | Add requirement for charging stations in larger project, and development and operational standards, clarify it is a permitted accessory use in all zones |
| **116** | Garage size | Garage internal dimension of 10' x 20' minimum is too big | Decrease garage minimum requirements to 18' x 10' |
| **117** | Garages | Often used for storing. Rethink the requirement for covered parking/garage. | See Issues and Options #5 |
| **118** | Location of required parking | The code states: *17.51.120 Space for required off-street parking and loading shall not occupy any part of a required open space for a rear or side yard. On corner or through lots, parking space may not be included as part of required yards lying adjacent to either street.* No allowance for parking in rear or side yard setbacks. Makes parking on corner lot nearly impossible | Modify parking allowances within side yards. There is a 2 foot strip required in the R-1. Maintain the required 2 foot strip for residential properties but allow parking to encroach into the side yard. |

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| **119** | Storage of RV and Boats | RV and Boat storage can displace required onsite parking. This displaces parking from the driveway onto the street. In areas with high street parking demand this is problematic. | Require additional parking for storage of RVs, PODs, boats, etc so required parking is not displaced by storage. |
| **120** | Multi-unit parking | Multi-units. Parking requirement based on # of units not unit size. | See Issues and Options #5 |
| **121** | Parking alternatives | Build into the process an option that an applicant can provide a solution to parking other than onsite. (Bicycle off-sets, multi-modal options in proximity to | See Issues and Options #5 |
| **122** | Parking Issues | Parking<br>i. Capitola is maxed out of on-street parking<br>ii. Shared parking leads to more congestion, more competition for limited on-street parking, and impact to nearby residential neighborhoods. Commercial areas that are adjacent to residential neighborhoods should not be allowed to decrease parking requirement through mixed use. Also need to be cautious to not create additional residential parking problems by creating mid-block pedestrian connections between commercial and residential zones. Make it too easy for retail shoppers and employees to access residential neighborhoods to park during busy seasons like Christmas.<br>iii. Do not allow variances for parking.<br>iv. Avoid parking impacts on adjacent residential neighborhoods resulting for new multi-story mixed use development along the east side (between 41st & 42nd) of the 41st Avenue corridor. Separate dedicated parking for residential and commercial uses (no shared parking) is a key planning consideration.<br>v. be careful in allowing additional commercial space being built on existing mall parking which could very quickly change an "over-parked" condition into an "under-parked" one with inevitable negative impacts on adjacent | See Issues and Options #5 |
| **123** | Parking lot landscaper requirement impact on Solar installations | The current parking lot landscape requirements do not consider solar installations for covered parking. | Update landscape requirements to build flexibility into the requirements for parking lots with solar installations. Possible decrease in required tree planting. |
| **124** | Parking lot design: City's standard specifications | Code does not include City's standard specifications for parking lot design. The public works director has new standards that he would like to see referenced. | Reference city's standard specifications. |
| **125** | Parking reductions | Allow parking reduction in exchange for onsite bicycle parking, mixed use development, and proximity to multi-modal transportation, such as bus stop. | Issues and Options #5 |
| **126** | Required parking for land uses that are not identified in parking section. | No established standards for parking requirements for unlisted uses. | Establish criteria/methodology for parking requirements for non-listed uses. |
| **127** | Required parking spaces | Allow applicants to utilize best available information to comply with parking. (Example: Urban Land Institute parking methods). The zoning code often demands too much parking and is an approximation. There are more accurate tools out there that incorporate other factors such as multi-family, mixed use, proximity to public transit, etc. | Issues and Options #5 |
| **128** | In-lieu parking | In-lieu parking to collect payment for required parking spaces and utilize the funds to develop public parking lots that are in close vicinity to the new or intensified use. Adding an allowance for in-lieu parking creates public/private partnerships creating opportunities for new uses in areas challenged with limited space for onsite parking, such as the Village. | In-lieu parking policy exists for hotels and valet in the village. |
| **129** | 4 acre minimum requirement for PDs | 4 acre minimum is not practical due to scarcity of 4-acre + properties | Issues and Options #13 |

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| **130** | Maintain PD | Keep Planned Development. Infill requires flexibility to result in the best design within an established area. Let architect fix issues through design rather than zoning creating additional hurdles to development. Reminder that the buildings that are most love in Capitola could not be built within today's zoning code. Allow for creativity. | Issues and Options #13 |
| **131** | preliminary view by PC and CC | PD preliminary plan is reviewed only by PC. It would be more reliable to bring CC in at this stage so applicant has perspectives of recommending and approving bodies. | Issues and Options #13 |
| **132** | Remove PD | Eliminate spot zoning that allows parcels in residential neighborhoods to be rezoned as Planned Development | Issues and Options #13 |
| **133** | Professional Office Zone | There is one small area zoned OP (Professional Office) along Capitola Road. It is located between the CN (neighborhood commercial) and CR (Commercial/Residential) zoning districts. | Rezone OP to Neighborhood Commercial. |
| **134** | City Hall and Pac Cove Development Standards | Lack development standards that allow a multi-story parking structure to be reviewed on City Hall parking lot site for the village. The City Hall property will likely be redeveloped in the future. Development standards should be included in update for redevelopment | Create development standards that allow a multi-story parking structure to be reviewed on City Hall parking lot site for the village. Include guidance within the public facilities chapter or within the planned development chapter for future development on property. |
| **135** | FAR calculation | 17.15.100(B)6. Remove decks on second story and garages from calculation. | Issues and Options #17 |
| **136** | Floor Area Ratio | Clarify what is/is not included in FAR | Issues and Options #17 |
| **137** | Floor Area Ratio | Floor area ratio and basements discussion. Although basements do not influence mass and scale, basements should be included in the FAR calculation to prevent additional bedrooms and impacts on parking. | Issues and Options #17 |
| **138** | Floor Area Ratio | Floor Area Ratio. If floor area is to control massing, basement, decks, and stairs should not be included in calculation. | Issues and Options #17 |
| **139** | Floor Area Ratio | Floor Area Ratio should not include the unbuildable portion of the lot. (Example: 1840 Wharf Rd, Riverview Avenue, Depot Hill properties on Bluff) | Floor area is based on the size of the lot area. Lot area is not defined. There are unique circumstances in which lots have areas that extend into the ocean, creeks, trails, roads, and alleyways. The definition of lot area will be updated to specify that lot area does not include areas of lots that are located beyond the cliff edge, or beyond the high water mark of a creek. The update will also include specificity that the trail and open space parcel between Soquel Creek and Riverview is not calculated in the lot area. |
| **140** | Garage conversions | Code is vague on garage conversions to living space when parking requirement is met within driveway. | Specify that garage conversions are allowed if onsite parking requirements are met. |
| **141** | Height | Public Input: Height limit of 25 feet in R-1 is too restrictive for certain types of architectural design. | Issues and Options #16 |
| **142** | Height | Height: Allow flexibility for additional height for design compatibility and unique circumstances (sloped lots). | Issues and Options #16 |
| **143** | Height in Cliffwood Heights | Cliffwood heights has larger lots. Taller homes could be allowed in this area | Issues and Options #16 |
| **144** | Minimum lot size for secondary units is 5000sf. | Lower minimum lot size to allow more secondary units on smaller properties. | Issues and Options #9 |

| Number | Subject | Comment or Explanation of Issue | How issue will be addressed |
|---|---|---|---|
| **145** | Kitchen Limitations and Secondary Dwelling | Code limits 1 kitchen to each dwelling unit. Often times laundry rooms are converted to kitchens and become code issues. Another issue is that outdoor kitchens are not allowed due to single limit. | Update dwelling unit definition to allow for 1 outdoor kitchen and limit each dwelling unit to 1 laundry room. |
| **146** | Minimum lot size | Density in R-1. Do not increase density in R-1. Maintain minimum lot size requirement as is. (5000 sf). | Maintain R-1 minimum lot size of 5,000 sf |
| **147** | Minimum lot size | Many lots are 4000 sf in R-1. (modify minimum lot size to fit the neighborhood the lot is in. (Jewel box example) | Existing lots under 5,000 sf are legal and may remain in perpetuity according to state law. No change proposed. |
| **148** | Multi-family. | Do not downsize multi-family lots. Lock in centralized sites for multi-family with minimum density requirements | No down-zoning of MF lots proposed. |
| **149** | Neighborhood Character | With several types of neighborhoods with different lot sizes and characteristics, it seems logical to introduce a new residential zone. The Riverview and Cliffwood Heights neighborhoods are very different but share the same zoning designation. This requires the need for variances and special considerations. A new zone would be appropriate to keep specific neighborhoods intact. Cliffwood Heights - (large lots), Depot Hill (row is landscaped, front setbacks from property line), Riverview | Issues and Options #1 |
| **150** | Rental Stock | Allow multi-units that are intended to be rented | Multi-family uses are allowed to be rented. No change proposed. |
| **151** | Required separation between buildings (3 feet) is listed in wrong area of code. | Regulation is listed under setback requirements of the R-1 | Reorganize to include required separation within section on garages and accessory structures. |
| **152** | Roof top decks in Single family and CV zones | Suggestion that rooftop decks be prohibited. | Add Design Permit considerations to protect privacy. |
| **153** | Second Dwelling Units | Code requires owner to live in either primary home or secondary unit. Public input that the city should reconsider this requirement and allow both to be rental. | Issues and Options #9 |
| **154** | Second Dwelling Units | Consider excluding secondary dwelling units from FAR calculation. | A lot with a secondary unit is given an increased FAR of 60%. Rather than provide the increase FAR, the new code can exclude secondary dwelling units from the FAR calculation. By allowing the exception, the FAR would never exceed 60% as currently allowed. |
| **155** | Secondary Dwelling Units | Detached units limited to 15 feet high | Issue and Option #9 |
| **156** | Secondary Dwelling Units | Allow on lots with 4,000 sf | Issue and Option #9 |
| **157** | Setbacks in RM | RM setbacks are confusing | Updated code will have standardized tables with limited and specified exceptions. |
| **158** | Setbacks of Detached Structures | Current setback requirement is 8 feet from rear property line. Decrease the setback requirement in rear yard | Decrease to 5' |
| **159** | Setbacks and Encroachments | Setbacks regulations and encroachments are confusing and the exceptions are not consistent | Updated code will have standardized tables with limited and specified exceptions. |
| **160** | Side Yards 15% regulation | *17.15.110E(3) Side yard: for levels above the first floor, set back shall be at least fifteen percent of the side yard* . It seams there was an error in the description of the second story setbacks to be 15% of the lot width as opposed to 15% of the side yard setback. | Updated code will have standardized tables with limited and specified exceptions. |

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|---|---|---|---|
| **161** | Side Yards Second Story | *17.15.110E(3) Side yard: For levels above the first floor, setback shall be at least fifteen percent of the side yard although not more than ten feet shall be required. For half-stories, projected building area under/from the roof (e.g., shed or dormer areas) shall also meet the second floor setback requirements. Up to twenty percent of a second floor wall may be at the same setback as a first floor wall with a setback of at least four feet;* On lots that have substandard widths (less than 40' wide) the required additional setback on the second story is problematic for practical floor plans and space. | Simplify in standardized table with exception for lots with width less than 40' wide. |
| **162** | Transitional and Supportive Housing | State law requires definitions of transitional and supportive housing and requires them to be permitted the same as residential uses in the same zone. | Update under uses as principally permitted |
| **163** | Yard Encroachments | Pools, Jacuzzis, firepits, and air conditioners are not included in encroachments for side and rear setbacks. Requested often. | Include pools in encroachments and establish minimum 5' setback for side and rear yard setbacks |
| **164** | Residential | Healthy neighborhoods: zone for what the City would like to see within the neighborhoods – pedestrian/bicycle connectivity – interactive yards – less emphasis on the car. Example of Santa Cruz county pleasure point community plan | Update development standards to allow engaging front yard encroachments (patios, decks, walkways, raised flower beds, trellis, hardscape furniture (concrete bench). Commercial standards to include interior sidewalks and bike paths in parking lots. |
| **165** | Auto Plaza Drive Signs | Auto plaza Drive lacks visibility with no allowance for a monument sign or other prominent sign along 41st avenue. | Add sign standard to allow prominent sign at the entrance of auto plaza drive |
| **166** | Central Village Pedestal Sign | Central Village Pedestal Signs – remove. Ordinance does not work. Enforcement is an issue. Village should have consistency in rules and enforcement. | Issues and Options #7 |
| **167** | Content regulated within signs | Current code regulates sign content. This is illegal. | Clarify that ordinance cannot regulate sign content |
| **168** | Design of Signs | Allow creativity. | Set standards for size, location on building, logos, brand identification, and types of signs. Allow flexibility in materials, lighting, and color. |
| **169** | Digital Signs | Digital display not allowed | Create clear standards for digital display. |
| **170** | Master Sign Program | Directional signs should be allowed within larger developments. | Update master sign program regulations |
| **171** | Master Sign Program and variety | Not much variation allowed within individual plazas with master sign program. | Allow more variety between sign styles within master sign program. |
| **172** | Monument Signs | Monument signs in code are too limited for large developments such as King Plaza. | Issues and Options #7 |
| **173** | Political Signs | Rules for political signs are unclear | Clarify rules for political signs |
| **174** | Sign materials and quality | Quality of signs influence perception of City overall. There is an impact on retail when quality is sacrificed. High quality provides better perception and more money is spent. | Issues and Options #7 |
| **175** | Signs at large centers | Visibility. Current code does not allow enough visibility from the street. Auto plaza, mall, and large shopping centers are impacted by sign code regulations. | Issues and Options #7 |
| **176** | Signs in different commercial areas (41st, village, neighborhood commercial, and industrial) | Different areas should have different standards. | Issues and Options #7 |

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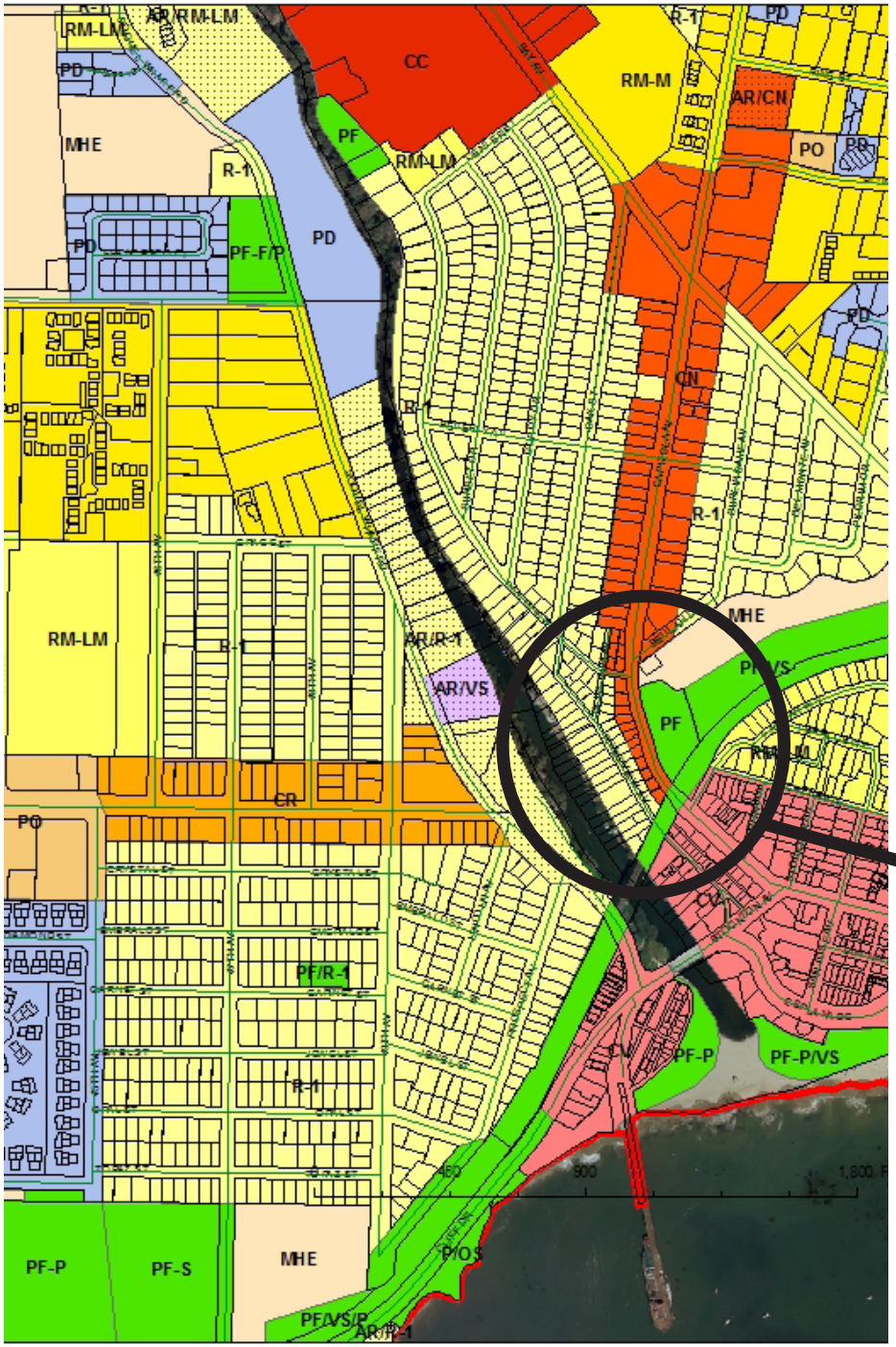
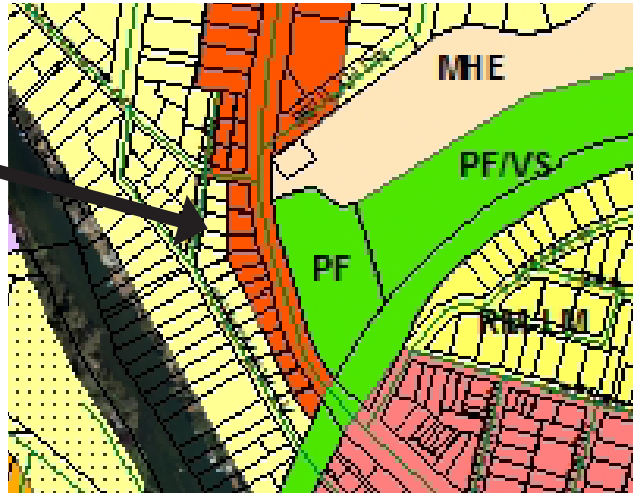
|---|---|---|---|
| **177** | Signs in large centers | No flexibility in # of types of signs. Difficult for large properties to comply and advertise effectively. Provide a maximum allowance for signs and allow businesses/property owners to determine the number and size of individual signs which fit within the maximum allowance (e.g., set a cumulative square-foot maximum signage allowance for a shopping center without limits on the number or size of individual signs) | This can be accomplished through a master sign plan. Code update can provide more transparency in the flexibility of a master sign plan |
| **178** | Threshold for Sign Permit | Sign ordinance requires all new signs to go before Planning Commission. Some signs should be allowed with administrative review | Issues and Options #7 |
| **179** | Community Care Facilities | Standards need to be updated per state law and organized. | Update standards per state law and locate in special land use regulations. |
| **180** | Day care facilities | Standards need to be updated per state law and organized. | Update standards per state law and locate in special land use regulations. |
| **181** | Home Occupations | Home Occupations is defined and then listed as a Conditional Use in various zones (R-1, CV, MHE, RM). The definition describes the limitations. Current noticing requirement is time consuming and an added cost for new businesses. | Create an administrative review process that conditions home occupancy permit to standards. Create contingency that home occupation permit may be revoked when standards are not followed. |
| **182** | Second homes | Second home owner impacts<br>i. Losing families in neighborhoods, losing community, 'dark' homes losing self policing by residents.<br>ii. TOT must be enforced. City needs to enforce online nightly rentals in non-transient neighborhoods. (Air BnB, VRBO) | Ongoing code enforcement issues. Maintain Transient overlay. |
| **183** | Increase Nightly Rental Stock | Expand transient rental zone | Staff heard significant concerns about existing vacation rentals and very little support for expanding the transient rental overlay zone. No changes proposed. |
| **184** | Variance | Variance section is not in conformance with state code | Update to conform with state code |
| **185** | Depot Hill/ VS density | Resident of Depot Hill requested following modifications underlined and italicized. Chapter 17.30 V---S Visitor Serving District 17.30.070 Development standards. The V-S (visitor serving) district may be the only zoning district applicable to a property, but at times it is applied along with other zoning districts to a property, such as "VS/R---1," or "VS/PF" dual zoning. Dual zoning means that the uses and development standards of the V-S district apply, although uses allowed by the other district may also be permitted through approval of a conditional use permit, and the planning commission may apply development standards from the other zoning district in lieu of or as well as the V-S district, as determined through architectural and site review. *All visitor-serving development in the Escalona Gulch/Depot Hill area (that area bounded by Park Avenue and Bay Avenue) shall not exceed eight (8) units per acre.* (Ord. 868 § 1, 2004) | ISSUES and OPTIONS # 15 |
| **186** | Visitor serving uses in depot hill | Visitor Serving Use within Depot Hill. Suggest no increase in density (or intensity) for future projects. Current Hotel Use Permit must be enforced. The list of uses should be narrowed to include only those uses that are compatible with the surrounding single family neighborhood. Amusement Park and Campground are not compatible uses. (City should consider eliminating VS zone in Depot Hill) | ISSUES and OPTIONS #15 |






There are substandard lots in the Neighborhood Commercial Zone along Capitola Avenue that have inadequate depth to comply with front yard and rear yard setback requirements.