



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, September 1, 2016 – 6:00 PM

Chairperson T.J. Welch
Commissioners Ed Newman
 Gayle Ortiz
 Linda Smith
 Susan Westman

- 1. ROLL CALL AND PLEDGE OF ALLEGIANCE**
- 2. ORAL COMMUNICATIONS**
 - A. Additions and Deletions to Agenda**
- 3. APPROVAL OF MINUTES**
 - A. Planning Commission - Special Meeting - Jul 21, 2016 6:00 PM**
 - B. Planning Commission - Special Meeting - Aug 4, 2016 6:00 PM**

4. PUBLIC HEARINGS

Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.

- A. Zoning Code Update All Properties within Capitola**

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17)
The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and therefore must be certified by the Coastal Commission.
Environmental Determination: Addendum to the General Plan Update EIR
Property: The Zoning Code update affects all properties within the City of Capitola.
Representative: Katie Cattan, Senior Planner, City of Capitola

5. ADJOURNMENT

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a one hundred forty two dollar (\$142.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

Notice regarding Planning Commission meetings: The Planning Commission meets regularly on the 1st Thursday of each month at 7:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. Agendas are also available at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the Community Development Department at (831) 475-7300.

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

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

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



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION
SPECIAL MEETING
THURSDAY, JULY 21, 2016
6 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

**1. ROLL CALL
AND PLEDGE OF ALLEGIANCE**

Commissioner Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Present, Chairperson TJ Welch: Present, Commissioner Susan Westman: Absent.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

None

3. APPROVAL OF MINUTES

A. Planning Commission Minutes of the Special Meeting of June 13, 2016

Commissioner Ortiz asked to strike the comment about removing the chapter and keep only the portion encouraging City Council to include funding for updating the historic resources list next year.

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOVER:	Linda Smith, Commissioner
SECONDER:	Gayle Ortiz, Commissioner
AYES:	Smith, Ortiz, Newman, Welch,
ABSENT:	Westman

B. Planning Commission Minutes of the Special Meeting of June 27, 2016

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Edward Newman, Commissioner
SECONDER:	TJ Welch, Chairperson
AYES:	Newman, Welch
ABSTAIN:	Ortiz, Smith
ABSENT:	Westman

4. PUBLIC HEARINGS

A. Zoning Code Update All Properties within Capitola

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Environmental Determination: Addendum to the General Plan Update EIR

Property: The Zoning Code update affects all properties within the City of Capitola.

Representative: Katie Cattan, Senior Planner, City of Capitola

Minutes Acceptance: Minutes of Jul 21, 2016 6:00 PM (Approval of Minutes)

Senior Planner Katie Cattan walked the commission through a review of redlines of several sections and noted minor changes, clarifications, and corrections. A few topics raised policy discussions.

The Planning Commission made the following modifications to the proposed redlines:

Section 17.76.020.B.1.a Replacing Existing Uses

Direction: Remove redline to add “restaurants” to B.1.a requiring restaurant to provide for the full amount of parking.

Section 17.76.030. A Required Parking Spaces in Mixed Use Village.

Policy discussion: For mixed use village parking, Commissioner Newman reiterated his concern that most properties cannot meet on-site requirements and rely on public parking. Although existing buildings and uses are legal non-conforming, he said that status may cause a difficulty for future financing. Chairperson Welch said that section B1 in practice does not allow any new restaurants, which ties the hands of the business community. Upon further discussion, the commissioners requested changes to how parking is managed in the Village. Rather than have different parking standards for the individual uses within the village (as outlined in Table 17.76-1), commissioners requested a new zoning standard establishing a special village parking district that would allow uses to change in existing buildings utilizing public parking rather than providing new parking. Possibility of opening up in-lieu option for all types of businesses was also discussed. Staff will bring the Village Parking policy discussion to the City Council.

Section 17.76.040.B.1 Figure 17.60-1 Typo

Direction: Figure 17.60-1 should be Figure 17.76-1

Section 17.76.040.B.1. R-1 Zoning District

Directions: Reword second half of paragraph to allow larger parking areas that incorporate design features with impervious materials and enhanced landscaping that fit into the landscape and do no impact the neighborhood.

Section 17.76.090 and 17.76.100

Direction: Move On-Site Parking to the end of the Chapter.

Section 17.76.050.F. Valet Parking.

Direction: Add The PC may allow up to 25 percent of the required on-site parking spaces to be “on- or off-site” valet spaces.

Section 17.76.080. Bicycle Parking Cover

Direction: Reword to suggest “if bicycle parking spaces are covered...” Also, add allowance for creative design solutions such as vertical wall mounted bicycle racks. Reword 17.76.080 applicability to add commercial “uses served by” parking lots...

The special meeting was recessed at 7 p.m. to hold the regular meeting, and resumed at 7:30 p.m.

Commissioner Smith asked for clarification regarding interior neon signs and when they would be considered part of the window signage allowance. The commission agreed that

previously approved language applied to outdoor neon uses and established that any signage within one foot of a window counts toward window coverage.

The commission added rabbits to the list of allowed animals kept as pets.

Planner Cattan presented several issues that have arisen in discussions with the California Coastal Commission, which must approve the Local Coastal Program. Much of the City falls within the coastal zone, and as staff has previously reported, some feedback from the Coastal Commission staff represents a significant change to current code and procedures, and could severely limit future development in large swaths of the City.

Commissioners agreed that while some issues could be addressed relatively easily, they do not support spending significant additional time and money on discussions until the large issues have been resolved. These include language that limits development solely to restoration and resource protection, new setbacks for environmentally sensitive habitat areas, new geologic hazard setbacks for bluff and shoreline erosion and coastal flooding, and requirements to determine a 50 percent alteration threshold for affected properties over the life of the Coastal Act.

Additionally, consultant Ben Noble said much of the suggested language does not meet the goals of the update for a streamlined, user friendly approach.

Commissioners were unanimous in recommending that the City Council take an active lead in contacting other coastal jurisdictions that may be similarly impacted by these changes to the Coastal Commission's standards. They would like to see a united effort by the League of California Cities or state legislators from coastal areas.

RESULT:	CONTINUED [UNANIMOUS]	Next: 8/4/2016 6:00 PM
MOVER:	Gayle Ortiz, Commissioner	
SECONDER:	Linda Smith, Commissioner	
AYES:	Smith, Ortiz, Newman, Welch,	
ABSENT:	Westman	

5. ADJOURNMENT

Approved by the Planning Commission at the special meeting of September 1, 2016.

Linda Fridy, Minutes Clerk



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION
SPECIAL MEETING
THURSDAY, AUGUST 4, 2016
6 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

**1. ROLL CALL
AND PLEDGE OF ALLEGIANCE**

Commissioner Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Present, Chairperson TJ Welch: Present, Commissioner Susan Westman: Present.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

None

B. Public Comments

Daniel Gomez addressed the Transient Occupancy Overlay (TRO) and noted that while most properties along Capitola Avenue above the trestle to Blue Gum Avenue are not in the TRO, both 409 and 411 are in the TRO. He asked for consistency. Senior Planner Katie Cattan said that previous discussions have not generated specific direction and asked if the commission would like to discuss the issue further. Commissioner Westman and Chairperson Welch supported bringing it back with ample noticing for neighboring properties.

C. Commission Comments

None

D. Staff Comments

None

3. PUBLIC HEARINGS

A. Zoning Code Update All Properties within Capitola

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Consultant Ben Noble presented options for section 17.76 Village Parking in response to recent direction to change the approach from site-based land uses, given that most parking is public rather than on-site. Currently Village requirements for retail, restaurants and personal services are higher than other areas of the City. He reviewed input from previous discussions that was reflected in the July 21 redlines. The existing in-lieu program is limited to new hotels. Village parking is an item of interest to the California Coastal Commission and reviewed as part of the Local Coastal Program, in which the Land Use Plan policy ties increases in land use intensity limited to parking availability. He noted the City has added a shuttle service since the current LCP was adopted.

Minutes Acceptance: Minutes of Aug 4, 2016 6:00 PM (Approval of Minutes)

Draft code has four topics: Parking ratios, replacing existing uses, expanding/enlarging existing uses, and new structures.

Options for ratios include 1. Require more parking than other zoning districts, 2. Require the same parking as other zoning districts, or 3. Require less parking than other zoning districts based on walking to multiple businesses/uses.

Options for replacing uses: 1) Require incremental intensification except residential /commercial conversion, 2) Require incremental intensification of all new non-residential uses, and 3) allow or require in-lieu for incremental intensification of visitor and resident-serving uses, 4) in lieu payment for full parking, or 5) do not require additional parking.

Options for internal expansion: 1) require parking for expanded area with 20 percent expansion for restaurant, 2) require parking for all expanded area with 20% allowance for visitor serving and resident serving use expansion, 3) Require no addition parking for internal expansions.

Options for addition: 1) allow or require in-lieu for expansion of visitor and resident serving uses, 2) allow or require in lieu for full parking requirement of expanded visitor and resident – serving uses, and 3) require no parking for any expansion or enlargement of visitor and resident-serving uses.

Options for New structures: 1) current provide on-site, 2) some or part of parking off-site, and 3) allow in-lieu fees.

Nels Westman provided public comment. He asked the commission to step back from establishing policy that has not adequately involved affected stakeholders. He noted the Traffic and Parking Commissioner has sought to balance needs for the mix of beach, business, restaurants and residents both in the Village and adjacent residents. He does not want a policy that allows the village to become a "food court" and questioned the existence of any additional parking availability. He asked for thoughtful analysis of impact.

Commissioner Newman asked what would improve parking and Pacific Cove. Mr. Westman responded 6 acres is an inefficient way to park cars. It is inevitable the decision that needs to be made is are we going to put the cars in the air (parking structure).

Chairperson Welch noted that the Traffic and Parking (T&P) Commission should review before much specific discussion. Commissioner Smith said she did not favor or had not heard of giving parking spaces to employees and simply wanted a broader approach to total parking than parcel by parcel. Chairperson Welch noted T&P is hoping to develop a program that would encourage employees to use parking lots, but not necessarily a free program. Commissioner Ortiz said there are other ways to control growth of restaurants and especially bars than through parking. She believes restaurants support retail. Commissioner Westman noted there is a residential overlay district in the mix. She would support a fresh approach but agrees that stakeholders should participate. Commissioner Newman supported an open process but said the status quo is failing. The City needs to expand an offsite parking solution. Chairperson Welch said the success of an individual business rather than the type drives the parking demand, which is hard to quantify.

Planner Cattan said T&P did not support changes to the parking policy, so she would like to have a specific suggestion or two to offer. Commissioner Westman suggested community discussion prior to committee discussion. Also a study needs to be done to understand impacts and inform the community about options. Director Grunow concurred that dealing with it as part of City Council's Zoning Update review was unlikely to be successful. Commissioner Newman suggested if the commission is not going to do major review, keep code the same and deal with it separately later. Consultant Noble can use draft redlines which did not have substantial changes.

RESULT:	CONTINUED [UNANIMOUS]	Next: 9/1/2016 6:00 PM
MOVER:	Gayle Ortiz,, Commissioner	
SECONDER:	Susan Westman, Commissioner	
AYES:	Smith, Ortiz, Newman, Welch, Westman	

4. ADJOURNMENT

Approved by the Planning Commission at the Special Meeting of September 1, 2016.

Linda Fridy, Minutes Clerk

Minutes Acceptance: Minutes of Aug 4, 2016 6:00 PM (Approval of Minutes)



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: SEPTEMBER 1, 2016

SUBJECT: **Zoning Code Update All Properties within Capitola**

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17)

The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and therefore must be certified by the Coastal Commission.

Environmental Determination: Addendum to the General Plan Update EIR

Property: The Zoning Code update affects all properties within the City of Capitola.

Representative: Katie Cattan, Senior Planner, City of Capitola

BACKGROUND: The draft zoning code was released on February 4, 2016, for an extended public review and comment period. The Planning Commission began the review of the draft zoning code on March 3 and held subsequent meetings on March 17, April 18, April 21, May 5, May 16, May 19, June 13, June 27 July 21, and August 4. The draft code, zoning map, and previous staff reports with attachments are available online at:

<http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>.

DISCUSSION: The draft zoning code has been reviewed sequentially from beginning to end. The remaining chapters to be reviewed are 17.84 Historic Preservation, 17.148 Public Notice and Hearings, 17.160 Glossary, and 17.104 Wireless. The wireless chapter is currently under review by the City Attorney and will be presented at a later date. The Planning Commission also requested review of the boundary of the Transient Rental Overlay, specifically for those properties along Capitola Avenue between the trestle and Blue Gum Avenue.

The Planning Commission has reviewed their requested modification within a redlined draft of Parts 1, 2, 3, and 4 less the sections previously mentioned. These final redlines are not under review by the City Council.

It is anticipated that the following sections will be discussed during the future Special meetings:

Meeting Date	Sections to Be Reviewed
September 1	17.84 Historic Preservation 17.148 Public Notice and Hearings 17.160 Glossary
September 19	17.104 Wireless Transient Rental Overlay on Zoning Map

Staff has scheduled an additional Special Planning Commission meeting on Monday, September 19th at 6 pm. During this special meeting, the Planning Commission will review the wireless chapter and any other chapters not finalized at the September 1, 2016 meeting.

CEQA: An Addendum to the General Plan Update Environmental Impact Report has been prepared.

RECOMMENDATION: Accept the staff presentation, discuss the draft zoning sections presented, identify desired code revisions, and continue the public hearing to the September 19, 2016 meeting.

ATTACHMENTS:

1. 17.84_Historic Preservation
2. 17.148 Public notice
3. 17.160 Glossary

Prepared By: Katie Cattan
Senior Planner

Chapter 17.84 – HISTORIC PRESERVATION

Sections:

- 17.84.010 Purpose
- 17.84.020 Types of Historic Resources
- 17.84.030 Adding or Removing ~~Historic—Landmark~~Designated Historic Resource Designation
- 17.84.040 Maintenance of ~~Historic Structures List~~Potential Historic Resource
- 17.84.050 Criteria for Designating Historic Resources
- 17.84.060 ~~Certificate of Appropriateness~~Historic alteration permit
- 17.84.070 ~~Historic Preservation Incentives~~Demolition of Historic Resources
- 17.84.080 ~~Demolition of Historic Resources~~Historic Preservation Incentives



Note: This chapter is new to codify current practices and establish clear procedures to approve modifications to historic resources.

17.84.010 Purpose

This chapter establishes procedures for the ~~designation~~classification of historic resources and requirements for alterations to these resources. These provisions are intended to preserve and enhance Capitola's historic character while maintaining the ability of property owners to reasonably improve and modify historic homes and structures in Capitola.

17.84.020 Types of Historic Resources

The Zoning Code establishes two types of historic resources: ~~Historic Landmark~~Designated Historic Resources and ~~properties included in the Historic Structures List~~Potential Historic Resources. The City intends for both types of historic resources to be comprised primarily of structures from the pre-World War II era of Capitola's history.

A. ~~Historic Landmark~~Designated Historic Resources. ~~Historic landmark~~Designated Historic Resources include the following:

1. Resources listed on the National Register of Historic Places or determined by the State Historical Resources Commission to be eligible for listing on the National Register of Historic Places.
2. Resources listed on the California Register of Historical Resources or determined by the State Historical Resources Commission to be eligible for listing on the California Register of Historical Resources.
3. A contributing structure within a National Register Historic District (Venetian Court, Six Sisters, Lawn Way, and Old Riverview Districts).
4. Other resources officially designated by the City Council as a ~~local historic~~landmarkDesignated Historic Resource based on the criteria in Section 17.84.050 (Criteria for Designating Historic Resources).

- B. ~~Historic Structures List~~Potential Historic Resource.** ~~The A Historic Structures List~~Potential Historic Resources is a site, structure, or feature that has previously been identified by the City as potentially historic and is included on a list of potentially historic resources as ~~is the 2005 City of Capitola Historic Structures List as~~ maintained by the Community Development Department consistent with Section 17.84.040 (Maintenance of ~~Historic Structures List~~Potential Historic Resource). The purpose of the ~~list of Historic Structures List~~Potential Historic Resources is to maintain an inventory of properties that are potentially historic for use by City staff when reviewing development project applications.

17.84.030 Adding or Removing ~~Historic Landmark~~Designated Historic Resource Designation Status

- A. Initiation.** The City Council, Planning Commission, or property owner may request designating a property as a ~~Historic Landmark~~Designated Historic Resource or removing such ~~designation~~classification from a property.
- B. Application Contents.** An application by a property owner shall be on a form designated by the Community Development Department and shall include the following information:
1. **Photographs – Subject Property, & Context.**
 - a. Photographs of each exterior elevation of all buildings and structures on the site, including retaining walls and fences.
 - b. Photographs of exterior details (façade materials, porches, columns, cornices, window trim, wall materials, and fence materials).
 - c. Historic photographs of original structure if available.
 2. **Physical Condition – Written and Graphic.** A detailed written description on the physical condition of the structure with supporting photographs.
 3. **Property History.** A description of the history of the property, if known.
 4. **Requests to Remove ~~Designation~~Classification.** For requests to remove ~~a Historic Landmark~~Designated Historic Resource ~~designation~~status, a description and photo documentation of the lack of historic significance and major alterations made to the property.
 5. **Additional Information.** Any additional information requested by the Community Development Director necessary to process and evaluate the application.
- C. Application Review.** The Community Development Director shall review applications for adequacy and completeness under the requirements of this section. The application shall be reviewed by ~~the City-contracted~~a State Certified Architectural Historian to assess whether the property exhibits characteristics for ~~designation~~classification as a ~~Historic Landmark~~Designated Historic Resource described in Section 17.84.050 (Criteria for Designating Historic Resources). If the property exhibits characteristics for

classification, the City-contracted State Certified Architectural Historian will complete a DPR523 for the City's records. A staff report with a recommendation on the approval, approval with conditions, or denial of the application based upon the evaluation of the proposed historic resource ~~designation~~classification shall be prepared by the Community Development Department for Planning Commission consideration.

- D. Planning Commission Recommendation.** The Planning Commission shall review a ~~Historic Landmark~~Designated Historic Resource application at a noticed public hearing in compliance with Chapter 17.120 (Public Notice and Hearings) and provide a recommendation to approve, conditionally approve, or deny the application.
- E. City Council Action.** The City Council shall approve, conditionally approve, or deny the application by resolution. The action of the City Council is final.
- F. Effect of ~~Designation~~Classification.** The ~~designation~~classification of a ~~Historic Landmark~~Designated Historic Resource shall run with the land and be binding to subsequent owners of the property. Upon ~~designation~~classification, the City shall record with the County Recorder a Notice of ~~Historic Landmark~~Designated Historic Resource Designation.

17.84.040 Maintenance of ~~Historic Structures List~~Potential Historic Resource

- A. Authority to Maintain.** The Community Development Director shall be responsible for maintaining the list of ~~Historic Structures List~~Potential Historic Resources. The Director may add or remove structures from the list based on input from the City-contracted a State Certified Architectural Historian ~~and the City Historian~~.
- B. Additions to List.** Any structure added to the ~~Historic Structures List~~Potential Historic Resource list shall meet one or more of the criteria in Section 17.84.050.B (~~Historic Structures List~~Potential Historic Resource). The property owner shall be notified in writing of a decision to add a property to the list. Decisions of the Community Development Director to add a property to the list may be appealed to the Planning Commission.
- C. Removal of Listed Structures.** A property owner may request the removal of a property from the list Historic Structure List by submitting to the Community Development Department a written request accompanied by a description with photograph documentation explaining the property's lack of historic significance of the property. Decisions of the Community Development Director to maintain a structure on the list despite a request for its removal by the property owner may be appealed to the Planning Commission.

17.84.050 Criteria for Designating Historic Resources

- A. ~~Historic Landmark~~Designated Historic ResourcesDesignation.** Designated Historic Resources represent particularly noteworthy community resources that exemplify the City's unique historic identify, primarily from the pre-World War II era of

Capitola's history. Designated Historic Resources possess iconic landmark status that contribute to Capitola's unique sense of place due to physical characteristics of the resource visible from a public place. The City Council may ~~designate~~ classify a property as a ~~Historic Landmark~~ Designated Historic Resource if it meets any of the following criteria:

1. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural or natural history.
- ~~2. It is identified with persons or events significant in local, State or national history.~~
- ~~3-2.~~ 3. It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the uses of indigenous materials or craftsmanship.
- ~~4. It is representative of the work of a notable builder, designer or architect.~~
3. It is an example of a type of building once common in Capitola but now rare.
- ~~5-4.~~ 4. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related groupings of properties which contribute to each other and are united aesthetically by plan or physical development.

B. ~~Historic Structures List~~ Potential Historic Resource. Based on a recommendation from ~~the City-contracted~~ a State Certified Architectural Historian ~~and the City Historian,~~ the Community Development Director may add a structure to the ~~Historic Structures List~~ Potential Historic Resource list if it meets any of the above criteria for ~~designating~~ classifying a ~~Historic Landmark~~ Designated Historic Resource or any of the following criteria:

1. It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, district, or the city.
2. It embodies elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation.
3. It is similar to other distinctive properties, sites, areas or objects based on an historic, cultural or architectural motif.
4. It is one of the few remaining examples in the City, region, State or nation possessing distinguishing characteristics of an architectural or historic type or specimen.

17.84.060 Certificate of Appropriateness Historic Alteration Permit

A. Purpose. A ~~certificate of appropriateness~~ historic alteration permit is an approval required to alter the exterior of a historic resource.

- B. When Required - ~~Historic Landmark~~ Designated Historic Resources.** A ~~certificate of appropriateness~~ historic alteration permit is required for any exterior alteration to a ~~Historic Landmark~~ Designated Historic Resource as defined in Section 17.84.020 (Types of Historic Resources).
- C. When Required - ~~Historic Structures List~~ Potential Historic Resource.** A ~~certificate of appropriateness~~ historic alteration permit is required for an alteration to a ~~property included in the City of Capitola Historic Structures List~~ Potential Historic Resource if:
1. The project requires a discretionary approval (e.g., Design Permit); and
 2. The Community Development Director determines that the project may result in a significant adverse impact of a historic resource as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. A structure found not to be historically significant through a historic evaluation does not require a ~~certificate of appropriateness~~ historic alteration permit.
- D. Assessment and Consultation - ~~Historic Structures List~~ Potential Historic Resource.**
1. A proposed alteration to a property on the Historic Structures List that requires a discretionary permit will be reviewed by ~~the City-contracted~~ a State Certified Architectural Historian to assess if the project may result in a significant adverse impact of a historic resource. The Community Development Director shall use this assessment to determine if a ~~certificate of appropriateness~~ historic alteration permit is required for the proposed project.
 2. ~~The Community Development Director shall consult with the City Historian on all discretionary applications involving an alteration to a property included in the Historic Structures List.~~
- E. Alteration Defined.** As used in this chapter, “alteration” means any exterior change or modification to a structure, cutting or removal of trees and other natural features, disturbance of archeological sites or areas, and the placement or removal of any accessory structures affecting the exterior visual qualities of the property. Painting is not considered an alteration unless painted features are designated as significant or characteristic of a historic resource.
- F. Exception for In-Kind Minor Replacements.** A ~~certificate of appropriateness~~ historic alteration permit is not required for minor replacements due to damage to windows, doors, trim, or other similar building elements. The replacement shall be in-kind, matching the original design in size, detail, materials, and function. To qualify for this exception, the applicant must provide evidence of original design and details of the in-kind replacement.
- G. Review Authority.** The Planning Commission shall take action on all applications for a ~~certificate of appropriateness~~ historic alteration permit.

- H. Application Requirements.** Applications for a ~~certificate of appropriateness~~historic alteration permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department together with all required application fees.
- I. Public Notice and Hearing.** The Planning Commission shall consider applications for a ~~certificate of appropriateness~~historic alteration permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- J. Findings for Approval.** The Planning Commission may approve a ~~certificate of appropriateness~~historic alteration permit only if all of the following findings can be made:
1. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.
 2. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.
 3. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.
 4. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.
 - ~~5. Chemical or physical treatments are undertaken using the gentlest means possible. Treatments that cause damage to historic materials are not used.~~
 - ~~6.5.~~ Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.
 - ~~7.6.~~ The proposed project is consistent with the General Plan, any applicable Specific Plan, and the Zoning Code, and the California Environmental Quality Act (CEQA).
- K. Conditions of Approval.** The Planning Commission may attach conditions of approval to a ~~certificate of appropriateness~~historic alteration 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.
- L. Appeals.** Decisions on ~~certificate of appropriateness~~historic alteration permit may be appealed as described in Chapter 17.152 (Appeals).

17.84.070 — Historic Preservation Incentives

- A. Mills Act Agreement.** ~~Upon request of the owner of a Historic Landmark Designated Historic Resource, the City Council may elect to enter into a Mills Act Agreement with the owner. See Government Code Section 50280 et seq. The Mills Act Agreement shall run with the land and be binding upon subsequent owners of the Historic Landmark Designated Historic Resource. If the City Council elects to enter into a Mills Act Agreement, the City shall file the Mills Act Agreement for recording with the County Recorder.~~
- B. California Historical Building Code.** ~~The California Historical Building Code (Title 24, Part 8) shall apply to all properties designated as Historic Landmark Designated Historic Resources to facilitate the preservation and continuing use of the building while providing reasonable safety for the building's occupants and access for persons with disabilities.~~
- C. Grant or Loan Priority.** ~~The City shall give the highest priority to Historic Landmark Designated Historic Resources when distributing grants or loans whose purpose is historic preservation.~~
- D. Permitting Fees.** ~~The City Council may shall waive application and review fees for any permit required for development projects that preserve, retain, and rehabilitate involving the substantial preservation or rehabilitation of a historic resource structure. Permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes that would not substantially advance the City's historic preservation goals.~~
- E. Modifications to Development Standards.** ~~The City Council may approve modifications to development standards in the applicable zoning district, such as parking and setbacks, if the modification is necessary to allow for the preservation, rehabilitation, or restoration of a historic resource.~~

~~17.84.080~~ 17.84.070 Demolition of Historic Resources

- A. Permit Required.** The demolition of a historic resource requires approval of a Historic Resource Demolition Permit.
- B. Review Authority.**
1. The City Council takes action on Historic Resource Demolition Permits applications to demolish a Historic Landmark Designated Historic Resource.
 2. The Planning Commission takes action on Historic Resource Demolition Permit applications to demolish a structure on the Historic Structures List Potential Historic Resource.
- C. Application Submittal and Review.** Applications for a Historic Resource Demolition Permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials

required by the Community Development Department together with all required application fees to the satisfaction of the CDD or Planning Commission. The City may require third-party review of these materials at the applicant's expense. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.84.060.5 (Findings for Approval).

- D. Planning Commission Recommendation.** For Historic Resource Demolition Permit applications to demolish a ~~Historic Landmark~~ Designated Historic Resource, the Planning Commission shall provide a recommendation to the City Council on a Historic Resource Demolition Permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The Planning Commission shall base its recommendation on the findings specified in Paragraph F (Findings for approval) below.
- E. Public Notice and Hearing.** The review authority shall review and act on a Historic Resource Demolition Permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- F. Findings for Approval.** To approve a Historic Resource Demolition Permit, the review authority shall make one or more of the following findings:
1. The structure must be demolished because it presents an imminent hazard to public health and safety as determined by a licensed structural engineer.
 2. The structure proposed for demolition is not structurally sound despite evidence of the applicant's efforts to rehabilitate and properly maintain the structure.
 3. The rehabilitation or reuse of the structure is economically infeasible. Economic infeasibility shall be demonstrated by preparing actual project costs and by comparing the estimated market value of the property in its current condition, after rehabilitation and after demolition.
 4. There exist no feasible alternative use of the structure that can earn a reasonable economic return.
- G. Limitations on Findings of Economic Hardship.** The review authority may not approve a Historic Resource Demolition Permit if an economic hardship was caused by any of the following:
1. Willful or negligent acts by the applicant.
 2. Purchasing the property for substantially more than market value.
 3. Failure to perform normal maintenance and repairs.
 4. Failure to diligently solicit and retain tenants.
 5. Failure to prescribe a rental amount which is reasonable for the current market.
 6. Failure to provide normal tenant improvements.

H. Post-Decision Procedures. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to Historic Resource Demolition Permit.

17.84.080 Historic Preservation Incentives

- A. Mills Act Agreement.** Upon request of the owner of a Designated Historic Resource, the City Council may elect to enter into a Mills Act Agreement with the owner. See Government Code Section 50280 et seq. The Mills Act Agreement shall run with the land and be binding upon subsequent owners of the Designated Historic Resource. If the City Council elects to enter into a Mills Act Agreement, the City shall file the Mills Act Agreement for recording with the County Recorder.
- B. California Historical Building Code.** The California Historical Building Code (Title 24, Part 8) shall apply to all Designated Historic Resources to facilitate the preservation and continuing use of the building while providing reasonable safety for the building's occupants and access for persons with disabilities.
- C. Grant or Loan Priority.** The City shall give the highest priority to Designated Historic Resources when distributing grants or loans whose purpose is historic preservation.
- D. Permitting Fees.** The City Council shall waive application and review fees for permit required for development projects that preserve, retain, and rehabilitate a historic structure. Permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes that would not substantially advance the City's historic preservation goals.
- E. Modifications to Development Standards.** The City Council may approve modifications to development standards in the applicable zoning district, such as parking and setbacks, if the modification is necessary to allow for the preservation, rehabilitation, or restoration of a historic resource.

Chapter 17.148 – PUBLIC NOTICE AND HEARINGS

Sections:

- 17.148.010 Purpose
- 17.148.020 Notice of Hearing
- 17.148.030 Notice of Pending Action
- 17.148.040 Scheduling of Hearing
- 17.148.050 Hearing Procedure
- 17.148.060 Recommendations
- 17.148.070 Decision and Notice

17.148.010 Purpose

This chapter establishes procedures for public notices and hearings required by the Zoning Code.

17.148.020 Notice of Hearing

When the Zoning Code requires a noticed public hearing, the City shall provide notice of the hearing as required by this section: ~~and any applicable sections of by the California Government Code.~~

- A. Content of Notice.** Notice of a public hearing shall include all of the following information, as applicable.
1. **Hearing Information.** The date, time, and place of the hearing; the name of the hearing body; and the phone number, email address, and street address of the Community Development Department where an interested person could call or visit to obtain additional information.
 2. **Project Information.** The name of the applicant, the City's file number assigned to the application, a general explanation of the matter to be considered, a general description of the location of the subject property, and any recommendation from a prior hearing body.
 3. **Statement on Environmental Document.** A statement that the proposed project is determined to be exempt from the California Environmental Quality Act (CEQA), or that a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project. The hearing notice shall state that the hearing body will consider approval of the CEQA determination or document prepared for the proposed project.
 4. **Zoning Map Amendments (Rezoning).** Public notices posted onsite for proposed Zoning Map Amendments (rezoning) shall consist of the words "Notice of Proposed Change of Zone" printed in plain type with letters not less than 1½ inches in height.

B. Method of Notice Distribution. Notice of a public hearing required by the Zoning Code shall be given at least ~~10~~^{ten} calendar ~~10~~ days before the hearing date in compliance with Sections 1 through 5 below and as summarized in Table 17.148-1.

TABLE 17.148-1: METHOD OF NOTICE DISTRIBUTION

Type of Permit <u>or Approval</u> Hearing	Mailed notice required at least 10 days prior	Printed notice posted at site	Notice published in newspaper of record at least 10 days prior
Conceptual Review Design Permit & Appeal Major Revocable Encroachment Permit & Appeal Minor Modifications <u>& Appeal</u> Minor Design Permit Appeal Minor Use Permit Appeal Sign Permit <u>& Appeal</u> Historic <u>Alteration Resource</u> Permit Historic Resource Demolition Permit Tenant Use Permit Appeal	Yes 300-foot radius for adjacent property owners	Yes	No
Development Agreement General Plan Amendment Change in Zoning Designation/Zoning Map Code Amendment & Appeal Variance & Appeal Conditional Use Permit & Appeal Master Use Permit, Amendment, -& Appeal Condominium Conversion & Appeal Subdivision & Appeal Preliminary Development Plans (PD Zones)	Yes 300-foot radius for adjacent property owners	Yes	Yes
Coastal Development Permit & Appeal	Yes 100-foot radius for adjacent property owners	Yes	Yes
Notice of Administrative Review for Minor Design Permit and Minor Use Permit	Yes 100-foot radius	Yes	No

Attachment: 17.148 Public notice (1586 : Zoning Code Update)

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1. **Newspaper Publication.** ~~Where required by Table 17.148-1, For Zoning Code Amendments, Zoning Changes, Variances, Conditional Use Permits, Coastal Development Permits, Master Use Permits, Subdivisions, Condominium Conversions and appeals thereof,~~ notice of public hearing shall be published in at least one newspaper of general circulation at least ~~10~~ten calendar days before the hearing.
2. **Mailing.** Where required by Table 17.148-1, notice shall be mailed at least ten calendar days before the scheduled hearing to the following recipients:
 - a. **Project Site Owners and the Applicant.** The owners of the subject property or the owner’s authorized agent, and the applicant.
 - b. **Adjacent Property Owners.** For all hearings before the Planning Commission and appeals thereof with the exception of solely Coastal Development Permits, ~~t~~The owners of the real property located within a radius of 300 feet from the exterior boundaries of the subject property.
 - ~~b.c.~~ **California Coastal Commission.** For applications including a Coastal Development Permit, a notice shall be mailed to the California Coastal Commission Central Coast office.
 - ~~e.d.~~ **Local Agencies.** Each local agency expected to provide roads, schools, sewerage, streets, water, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected.
 - ~~e.~~ **Persons Requesting Notice.** Any person who has filed a written request for notice with the Community Development Department.
 - ~~e.f.~~ **Blind, Aged, and Disabled Communities.** Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, notice procedures shall incorporate the blind, aged, and disabled communities in order to facilitate their participation.
 - ~~e.g.~~ **Other Persons.** Any other person, whose property, in the judgment of the Community Development Department, might be affected by the proposed project.
3. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection 2 above is more than 1,000, the Community Development Department may choose to provide notice by placing a display advertisement of at least one-eighth page in one or more local newspapers of general circulation at least ten days prior to the hearing.

Attachment: 17.148 Public notice (1586 : Zoning Code Update)

- ~~4. **Publication and Posting.** A printed notice shall be posted at the project site at least ten calendar days prior to the hearing. If notice is mailed or delivered as described in Subsection 2, above, the notice shall also either be:~~
- ~~4. **Published at least once in a newspaper of general circulation in Capitola at least ten days before the scheduled hearing;** or~~
4. **Posted at least ten days before the scheduled hearing in at least three public places within Capitola, including one public place in the area affected by the proceeding.**
5. **Additional Notice.** In addition to the types of notice required above, the Community Development Department may provide additional notice as determined necessary or desirable.
6. **Failure to Receive Notice.** The validity of the hearing shall not be affected by the failure of any resident, property owner, or community member to receive a mailed notice.

17.148.030 Notice of Pending Action

- A. For Minor Use Permit, and Administrative Design Review applications, public notice of a pending action shall be mailed to the owners of the real property located within a radius of ~~31~~100 feet from the exterior boundaries of the subject property.
- B. In addition to information required by Section 17.148.020.A, the notice of a pending action shall state that the City is considering the application and that the Community Development Director will hold a public hearing for the application only upon receiving by a specified date written request for a hearing.
- C. If the City receives a request for a public hearing by the specified date, the Community Development Director shall hold a noticed public hearing on the application consistent with this chapter. Public notice of the requested public hearing will be mailed to the owners of real property located within a radius of 100 feet from the exterior boundaries of the subject property.
- D. If no request for a public hearing is received by the specified date, the Community Development Director shall act on the application without a public hearing.

17.148.040 Scheduling of Hearing

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), and a Community Development Department staff report, a matter requiring a public hearing shall be scheduled on the next available agenda reserved for public hearings, but no sooner than any minimum time period established by State law.

17.148.050 Hearing Procedure

- A. General.** Hearings shall be conducted in a manner consistent with the procedures adopted or endorsed by the hearing body and consistent with the open meeting requirements of the Ralph M. Brown Act.
- B. Time and Place of Hearing.** A hearing shall be held at the date, time, and place for which notice was given, unless the required quorum of hearing body members is not present.
- C. Continued Hearing.** Any hearing may be continued ~~from time to time~~ without further public notice, provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- D. Motion of Intent.** The hearing body may announce a tentative decision, and defer action on a final decision until appropriate findings and conditions of approval have been prepared.

17.148.060 Recommendations

After a public hearing resulting in a recommendation to another hearing body, the recommendation shall be forwarded to the other hearing body. A copy of the staff report to other ~~other~~ hearing body with the recommendation shall be provided to applicant.

17.148.070 Decision and Notice

- A. Date of Action.** ~~With the exception of appeals to the City Council, t~~The hearing body shall take action on the matter being considered following the close of the public hearing. The hearing body shall also take action on projects within the following timeframe as required by the California Environment Quality Act (CEQA):
1. Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been adopted for project approval, the City shall take action on the accompanying discretionary project.
 2. Within 180 days from the date the decision-making authority certifies a final Environmental Impact Report (EIR), the City shall take action on the accompanying discretionary project.
- B. Decision.**
1. The hearing body may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or make a motion of intent and continue the matter to a later meeting agenda.
 2. At the conclusion of a hearing conducted by the Community Development Director, the Community Development Director may choose to refer the matter to the Planning Commission for review and final decision. Referral to the Planning

Commission may be chosen in cases of unusual public sensitivity, controversy, or complexity relating to the requested approval.

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C. Notice of Decision.

~~0.1. If the review authority denies a permit, notice shall be mailed to the applicant and property owner the next day and shall include ~~include~~ procedures for appeal, if applicable.~~

~~1.2. Following a final decision granting a permit and conclusion of the appeal period as described in Ssection 17. 152, the Community Development Department shall provide notice of the final action to the applicant and to any person who specifically requested notice of the final action.~~

~~a. Notice of an approved final action shall contain applicable findings, conditions of approval, reporting and monitoring requirements, and ~~the procedure for appeal of the decision.~~ the expiration date of the permit.~~

~~a.b. Notice of final actions that include a Coastal Development Permit that may be appealed to the California Coastal Commission will include notice that they are subject to an additional ~~40~~ten working day appeal period.~~

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. **Abandon.** “Abandon” means to cease or discontinue a use or activity, excluding temporary or short-term interruptions during periods of remodeling, maintenance, emergency repairs, or during normal periods of vacation or seasonal closure.
2. **Abutting.** “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.
- ~~3.~~ **Accessory Structure.** “Accessory structure” means a structure that is incidental and subordinate to a primary structure or use located on the same parcel.
- ~~2.~~ **Accessory Use.** “Accessory use” means a land use which is incidental and subordinate to a primary land use located on the same parcel.
- ~~3.~~ **Addition.** “Addition” means any development or construction activity that expands the footprint or increases the habitable floor area of a building.
6. **Adjacent.** “Adjacent” means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.
- ~~4.~~ **Alcoholic Beverage Sales.** “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.
- ~~5.~~ **Alteration.** See “Modification.”
- ~~6.~~ **Applicant.** “Applicant” means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks City permits and approvals.

7-10. Assumed Ground Surface. “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.

8-11. Average Slope. “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).

9-12. Automobile Dealership. “Automobile dealership” means a use primarily engaged in the sale or lease of new and used automobiles. Other accessory services incidental to auto sales include auto repair and servicing, auto body repair, car wash, auto rentals, and similar services.

B. “B” Terms.

1. Balcony. “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.”

4-2. Banks and Financial Institutions. “Banks and financial institutions” means a financial institutions providing retail banking services. Includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.

2-3. Base Zoning District. “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. “Basement” means that portion of a building between floor and ceiling, which is partly or all below ~~and partly above~~ grade, and where more but located so that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling is below the average ground contact level of the exterior walls of the building.

~~1.—~~

2-5. Block. “Block” means the property abutting on one side of a street and lying between the two nearest intersecting streets.”

3-6. Bluff or Cliff. “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.”

- 4.7. Building.** “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
- 5.8. Building Coverage.** “Building coverage” means the land area covered by all buildings and accessory structures on a parcel.
- 6.9. Building Face.** “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.
- 7.10. Building Height.** “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.
- 11. Business Services.** “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.
- 8.12. Business or Trade School.** “Business or trade school” means a use, except a college or university, providing education or training in business, commerce, language, or other similar vocational activity, and not otherwise defined as a home occupation or private educational facility.
- 9.13. By-Right.** “By-right” means permitted without any form of discretionary approval.

C. “C” Terms.

1. **Capitola Village.** “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.
2. **Caretaker Quarters.** “Caretaker quarters” means a residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.
3. **Carport.** “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.
- 3.4. Change of Use.** “Change of use” means the replacement of an existing use to a new use, or a change in the intensity or nature of an existing use, not including a change in ownership, tenancy, or management where the previous use remains the same.
- 4.5. Coastal Zone.** “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.

- 5-6. Colleges and Trade Schools.** “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.
- 6-7. Community Assembly.** “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.
- 7-8. Community Benefit.** “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.
- 8-9. Commercial Entertainment and Recreation.** “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 theatres.
- 9-10. Community Development Director.** “Community Development Director” means the Community Development Director of the City of Capitola or his or her designee.
- 10-11. Construction and Material Yards.** “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.
- 12. Cultural Institution.** “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, non-profit art centers and galleries, botanical gardens, and other similar uses.
- 14-13. Custom Manufacturing.** See “Manufacturing, Custom.”

D. “D” Terms

1. **Day Care Center.** “Day care center” means a facility that provides non-medical care and supervision of minors for periods of less than 24 hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and similar uses.
2. **Daylight Plane.** “Daylight plane” means the imaginary line beginning at a height of 20 feet at the setback from a property line and extending into the parcel at an angle of 45 degrees.
3. **Deck.** “Deck” means an outdoor a platform, either freestanding or attached to a building, that is supported by pillars or posts.

- ~~3.4.~~ **Density.** “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.
- ~~5.~~ **Design Review.** “Design Review” means that process for the City to review and act on a Design Permit application.
- ~~4.6.~~ **Designated Historic Resource.** See Section 17.84.020.A (Designated Historic Resources).
- ~~5.7.~~ **Development.** “Development” means any human-caused change to land that requires a permit or approval from the City.
- ~~6.8.~~ **Development Standards.** “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.
- ~~7.9.~~ **Discretionary Approval.** “Discretionary approval” means an action by the City by which individual judgment is used as a basis to approve or deny a proposed project.
- ~~10.~~ **Drive-Through Facility.** “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, and other similar land uses.
- ~~8.11.~~ **Driveway.** “Driveway” means an accessway that provides vehicular access between a street and the parking or loading facilities of a property.
- ~~9.12.~~ **Duplex Home.** “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.
- ~~10.13.~~ **Dwelling Unit.** “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.** “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.
 - 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 160 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 160 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.
2. **Easement.** “Easement” means a portion of land created by grant or agreement for specific purposes. An easement provides a property right, privilege, interest, or restriction over a property in favor of the easement holder.
 3. **Elderly and Long-Term Care.** “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 is 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
 4. **Emergency Shelter.** 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. **Façade.** A “façade” means the face of the exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eave and horizontally across the entire width of the building elevation.
- ~~1.2.~~ **Farmers’ Market.** “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.
- ~~2.3.~~ **Fence.** “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. **Fitness Centers and Gyms, Large.** “Fitness centers and gyms, large” means a commercial establishment 2,500 square feet or more which houses exercise equipment, sports facilities, and/or provides group classes for the purpose of physical exercise. This definition excludes yoga studios, dance studios, martial arts

studios, and small fitness centers less than 2,500 square feet which are included within the “personal services” definition.

- ~~3-5.~~ **Floor Area.** “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).
- ~~4-6.~~ **Floor Area Ratio.** “Floor area ratio” means the gross floor area of all of the buildings on the parcel divided by the net parcel area.
- ~~5-7.~~ **Food Preparation.** “Food Preparation” means a 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.
- ~~6-8.~~ **Frontage.** “Frontage” means that portion of all property abutting on a side of a street between two intersecting or terminating streets, or the end of such street if it does not meet another.

G. “G” Terms

- ~~1.~~ **Garage.** “Garage” means an enclosed structure or a part of a building designed or used for the storage of automobiles and other motor vehicles.
- ~~a.~~ **Subterranean Garage.** “Subterranean garage” means a parking area entirely underground, except for openings for ingress and egress.
- ~~1-2.~~ **Garage Sale.** “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.** “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.~~ **Grade.** “Grade” means the location of the ground surface.
- ~~a.~~ ~~Existing Grade.~~ “Existing grade”, or natural grade, means the elevation of the ground at any point on a parcel.
- ~~a.b.~~ ~~Finished Grade.~~ “Finished grade” means the final surface elevation of the ground, paving, lawn, or other improved surface.
- ~~2-5.~~ **Group Housing.** “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 (30 days or more). Excludes hotels, motels, ~~break~~ and breakfasts, and residential care facilities.

~~3-6.~~ **Geological Hazard.** “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.

~~4-7.~~ **Government Offices.** “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

~~5-8.~~ **Grading.** “Grading” means Any and all activities involving earthwork, including placement or fill and/or excavation.

1. **Ground Floor.** “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.~~ **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.

~~4-2.~~ **Home Day Care.** “Home day care” means a facility providing daytime supervision and care for adults, children, or elderly located in the provider’s own home.

a. “Home day care facilities, large” means a day care home facility supervising 9 to 14 ~~8~~ persons ~~or less~~.

b. “Home day care facilities, small” means a day care home facility supervising 8 persons for less ~~9 to 14 persons~~.

~~3.~~ **Historic Resource.** “Historic Resource” means either a Designated Historic Resource as defined in Section 17.84.020 (Types of Historic Resources), a contributing structure to a Designated Historic District, Landmark or a designated non-structural elements such as landscape features or prehistoric sites ~~a structure, site, or landscape feature determined by a State Certified Architectural Historian to meet the City’s historical significance criteria in Section 17.84.050 (Criteria for Designating Historic Resources. Potential Historic Resource structure included in the Historic Structures List as defined in Section 17.84.020 (Types of Historic Resources).~~

~~2-4.~~ **Historic Alteration Permit.** “Historic alteration permit” means the City permit required to alter the exterior of a historic resource in accordance with Section 17.84.060 (Historic Alteration Permit).

~~3-5.~~ **Home Occupation.** “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.** “Impervious surface” means any surface that does not permit the passage of water. Impervious surfaces include buildings, hardscaped parking areas, and all paved surfaces.

J. “J” Terms. None.

K. “K” Terms”

1. **Kitchen.** “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” and outdoor barbeque and bars -which is-are intended as a supplemental food preparation area within a single-family home.

L. “L” Terms.

1. **Land Use.** 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.** “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, fountains, trellises, sculptures, or decorative paving materials).
3. **Liquor Store.** “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. **Loading Space.** “Loading space” means an off-street space or berth on the same parcel with a building for the temporary parking of a vehicle while loading or unloading goods and materials.
- 3.5. **Local Coastal Program (LCP).** “Local Coastal Program” means the City’s land use plan, Zoning Code, Zoning Map and actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
6. **Light Manufacturing.** See “Manufacturing, Light.”
- 4.7. **Lodging.** “Lodging” means an establishment providing overnight accommodations to transient patrons for payment for periods of less than 30 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.

8. Lot. See “Parcel.”

9. Lot Coverage. “Lot coverage” means the total area of a parcel occupied by permanent structures.

5-10. Lot of Record. “Lot of record”, or legal lot, means a parcel which was legally created pursuant to the California Subdivision Map Act.

M. “M” Terms.

1. **Maintenance and Repair Services**. “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**. “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**. “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**. “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. Medical Offices and Clinics. “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.
- 5-6. **Ministerial Action**. “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

~~6.1. **Medical Offices and Clinics.** “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.~~

7. **Mixed Use.** “Mixed use” means two or more different land uses located in one structure or on one parcel or development sites.

8. **Mobile Food Vendors.** “Mobile Food Vendors” means businesses selling food or drinks from temporary and semi-permanent structures or mobile equipment such as food trucks or pushcarts.

8.9. **Mobile Home Park.** See Section 17.100.030 (Definitions) of Chapter 17.100 (Mobile Home Park Conversions).

9.10. **Modification.** “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.

10.11. **Multi-Family Dwelling.** Multi-family 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.** “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.

1.2. **Nonconforming Structure.** “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.

2.3. **Nonconforming Use.** “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.** “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.** “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. **Overlay Zone.** “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.** “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.** “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.
 - a. ~~Parcel Area, Gross.~~ “Parcel Area, Gross” means the total size of a parcel from lot line to lot line.
 - a.b. ~~Parcel Area, Net.~~ “Parcel Area, Net” means the Gross Parcel Area minus the total area occupied by street rights-of-way, access easements, or a creek channel.
- ~~2.3.~~ **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.
- ~~3.4.~~ **Parcel Depth.** “Parcel depth” means the horizontal distance from the street line or front line of the parcel to the rear line, measured in the mean direction of the side lines of the parcel.
- ~~4.5.~~ **Parcel Line.** “Parcel line” means the lines bounding a parcel.
- ~~5.6.~~ **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.
- ~~6.7.~~ **Parcel Line, Rear.** “Rear-parcel line” means ordinarily, the line of a parcel which is generally opposite the line along the frontage of said parcel. In cases in which this definition is not applicable, the Community Development Director shall designate the rear parcel line.
- ~~7.8.~~ **Parcel Line, Interior Side.** “Interior side parcel line” means any boundary line not a front line or a rear line shared with another parcel.
- ~~8.9.~~ **Parcel Line, Exterior Side.** “Exterior side parcel line” means any boundary line not a front line or a rear line adjacent to a street.

- ~~9-10~~. **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.
- ~~10-11~~. **Parcel Width.** “Parcel width” means the horizontal distance between the side parcel lines, measured at right angles to the parcel depth at a point midway between the front and rear parcel lines.
- ~~11-12~~. **Parking Lot.** “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.
- ~~12-13~~. **Parking Space.** “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.
- ~~13-14~~. **Parks and Recreational Facilities.** “Parks and recreational facilities” means non-commercial 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.
- ~~14-15~~. **Personal Services.** “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, small fitness studios less than 2,500 square feet, yoga studios, dance studios, pet grooming services, veterinary clinics, and other similar land uses. Also includes establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. “Fitness Centers and Gyms, Large” are excluded from this definition.
- ~~15-16~~. **Planning Permit.** “Planning permit” means any permit or approval required by the Zoning Code authorizing an applicant to undertake certain land use activities.
17. Potential Historic Resource. See Section 17.84.020.B (Potential Historic Resources).
- ~~16-18~~. **Primary Use.** “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.
- ~~17-19~~. **Primary Structure.** “Primary structure” means a structure that accommodates the primary use of the site.
- ~~18-20~~. **Professional Office.** “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, non-retail financial institutions, real estate agents, news services, photographers, engineers, employment agencies, real-estate agents, and other similar professions. Also includes research and development facilities that engages in research, testing, and development of commercial products or services in technology-intensive fields.

~~19.21.~~ **Public Safety Facility.** “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).** “Recreational vehicle” 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 320 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 400 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.** A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.
3. **Remodel.** “Remodel” means a change or alteration in a building that does not increase the building’s net square footage.
4. **Residential Care Facility.** “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 7 or more persons.
 - b. “Residential care facility, small” means a residential care facility for 6 or fewer persons.
5. **Residential Mixed Use.** “Residential mixed use” means one or more structures on a single parcel that contains both dwelling units and non-residential 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. **Retail.** “Retail” means stores and shops selling merchandise to the general public. Includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, and other similar retail establishments.
7. **Review Authority.** “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.
8. **Right-of-Way.** “Right-of-Way means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, public sidewalk, railroad, utility systems, or other similar uses.
- 7.9. **Roof Deck.** “Roof deck” means a platform located on the flat portion of a roof or setback of a building that is used for outdoor space.

S. “S” Terms.

1. **Salvage and Wrecking.** “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.** “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.
- 2.3. **Screening.** “Screening” means buffering or concealing a building, structure, or activity from neighboring areas of from public vantage points with a wall, fence, landscaping, berm, architectural feature, or other similar means.
- 3.4. **Secondary Dwelling Unit.** “Secondary 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. “Secondary dwelling unit, attached,” means a secondary dwelling unit that shares at least one common wall with the primary residential unit.
 - b. “Secondary dwelling unit, detached,” means a secondary dwelling unit that does not share a common will with the primary residential unit.
- 4.5. **Secretary of the Interior’s Standards for Historic Rehabilitation.** “Secretary of the Interior’s Standards for Historic Rehabilitation” means the Secretary of the United States Department of the Interior’s Standards for Rehabilitation of Historic Buildings, issued by the National Park Service (36 Code of Federal Regulations Part 67), together with the accompanying interpretive Guidelines for Rehabilitating Historic Buildings, as amended.

- 6. Setback.** “Setback” means the minimum allowable horizontal distance from a given point or line of reference such as a street right-of-way to the nearest vertical wall or other element of a building or structure as defined in this chapter.
- 5-7. Shared Parking.** “Shared parking” means the management of parking spaces so they can be used by multiple users. Shared parking may be utilized by multiple users on the same parcel, between multiple users on different parcels, or in dedicated shared parking facilities such as public parking lots.
- 8. Sign.** See Chapter 17.80 (Signs).
- 6-9. Single-Family Dwelling.** “Single-family dwelling” means a residential structure designed for occupancy by one household. A single-family home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- 7-10. Site.** “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.
- 8-11. Site Area.** “Site area” means the total area included within the boundaries of a site.
- 12. Self-Storage.** “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.
- 9-13. Solar Energy System.** “Solar energy system” means any solar collector or other solar energy device, certified pursuant to State law, along with ancillary equipment, used to collect, store, and distribute solar energy for heating, cooling, electricity, and/or water heating.
- 10-14. Split Zoning.** “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.
- 11-15. Story.** “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 6 feet above grade as defined in this chapter for more than 50 percent of the total perimeter or is more than 12 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.
- 12-16. 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.

~~13-17.~~ **Street.** “Street” means a public way more than 20 feet in width which affords a primary or principal means of access to abutting property.

~~14-18.~~ **Structural Alterations.** “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.

19. Structure. “Structure” means anything constructed or erected that requires attachment to the ground, or attachment to something located on the ground. Objects which are temporarily attached to the ground, or which are easily moved, including but not limited to dog houses, picnic tables, patio furniture, and children’s play structures are not considered regulated structures. 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.

~~15-20.~~ **Supportive Housing.** “Supportive housing” means housing with no limit on length of stay and that is occupied by a target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that is linked to on-site or off-site services that assist residents in retaining housing, improving their health status, maximizing their ability to live and, when possible, work in the community. Supportive housing shall be treated as a residential use and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.

T. “T” Terms.

1. Tandem Parking. “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.

~~1-2.~~ **Temporary Structure.** “Temporary structure” means a structure that is erected for a limited period of time, typically no longer than 180 days, and that does not permanently alter the character or physical facilities of a property.

3. Temporary Use. “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 12 months and does not permanently alter the character or physical facilities of a property.

4. Transitional Housing. “Transitional housing” means residential units operated under program requirements that call for: (A) the termination of any assistance to an existing program recipient, and (B) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future

point in time, which shall be no less than six months. Transitional housing may be provided in all residential housing types. In all cases, transitional housing is and shall be treated as a residential use and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.

2.5. Trash Enclosure. “Trash enclosure” means a permanent, immobile structure designed to screen and store trash, recycling, and compost containers.

3.6. Trellis. “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.

U. “U Terms.

1. Upper Floor. “Upper floor” means any story of a building above the ground floor.

4.—Unattended Donation Box. “Unattended donation box” means any unattended container, receptacle, or similar device used for soliciting and collecting donations of clothing or other salvageable personal property. Recycle bins for the collection of recyclable materials are not included in this definition.

2.

2.3. Urban Agriculture. “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.

3.4. Use. See “Land Use.”

4.5. Utilities, Major. “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

5-6. **Utilities, Minor.** “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 Use.** “Vacation rental ~~use~~” means the occupancy for hire of real property or portion thereof for a period of less than 30 consecutive calendar days. “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.** “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.

2-3. **Vehicle Repair.** 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.

3-4. **Vehicle Sales and Rental.** “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.

W. “W” Terms.

1. **Wall.** “Wall” means a permanent upright linear structure made of stone, concrete, masonry, or other similar material.

2. **Warehousing and Distribution.** “Warehousing and distribution” means an establishment used primarily for the storage and/or distributing 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.** “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.

~~3.4. **Wireless Communication Facilities.** See Chapter 17.014 (Wireless Communication Facilities).~~

X. **“X” Terms.** None.

Y. **“Y” Terms.**

1. **Yard.** “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.
5. ~~**Wireless Communications Facility.** “Wireless Communications Facility” means a facility that transmits or receives electromagnetic signals for the purpose of transmitting voice or data communications.~~