



# **AGENDA**

## **CAPITOLA PLANNING COMMISSION**

### **Thursday, January 19, 2017 – 7:00 PM**

Chairperson            T.J. Welch  
Commissioners        Ed Newman  
                                 Susan Westman  
                                 Sam Storey  
                                 Linda Smith

- 1. ROLL CALL AND PLEDGE OF ALLEGIANCE**
- 2. NEW BUSINESS**
  - A. Swearing in of new Planning Commissioners**
  - B. Election of Chair and Vice Chair**
  - C. Commission Appointments**
    1. Art & Culture Commission
    2. Traffic & Parking Commission

#### **3. PRESENTATIONS**

- A. Soquel Creek Water District Presentation**

#### **4. ORAL COMMUNICATIONS**

- A. Additions and Deletions to Agenda**
- B. Public Comments**

*Short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.*

- C. Commission Comments**
- D. Staff Comments**

#### **5. APPROVAL OF MINUTES**

- A. Planning Commission - Regular Meeting - Dec 1, 2016 7:00 PM**

#### **6. CONSENT CALENDAR**

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

**A. 502 Pine Street #16-212 036-022-48**

Subdivision application to convert a duplex apartment into two residential condominium units in the RM-M (Multi-family Residential – Medium Density) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: David Kraemer

Representative: John Swift, filed: 11/18/16

**7. 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. 4530 Garnet Street #16-157 034-034-02**

Design Permit application for a remodel and 557 square foot addition to combine an existing single-family residence and detached secondary dwelling unit with a variance request to the maximum 80% valuation for improvements to a non-conforming structure, located in the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Clark Cochran

Representative: Dennis Norton, filed: 8/15/16

NOTE: Request for Continuance to February 2, 2017 Planning Commission Meeting

**B. 407 El Salto Drive #16-178 APN: 036-133-18**

Major Revocable Encroachment Permit and Fence Permit with a height exception for a new front-yard fence and gate to be located within the public right-of-way of a residence located in the R-1 (Single Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Rebecca Peters

Representative: Rebecca Peters, filed: 9/26/16

**C. 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

**8. DIRECTOR'S REPORT****9. COMMISSION COMMUNICATIONS****10. 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 Design Permit 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 five hundred dollar (\$500) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

**Agenda and Agenda Packet Materials:** The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: [www.cityofcapitola.org](http://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](http://www.cityofcapitola.org).



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, DECEMBER 1, 2016  
7 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**

Mayor Bottorff thanked the Planning Commission for all of their service, particularly his appointee Chairperson Welch.

**C. Commission Comments - None**

**D. Staff Comments - None**

**3. APPROVAL OF MINUTES**

**A. Planning Commission Minutes for the Special Meeting of November 3, 2016**

<b>RESULT:</b>	<b>ACCEPTED [4 TO 0]</b>
<b>MOVER:</b>	Susan Westman, Commissioner
<b>SECONDER:</b>	Edward Newman, Commissioner
<b>AYES:</b>	Ortiz, Newman, Welch, Westman
<b>RECUSED:</b>	Smith

**B. Planning Commission Minutes for the Regular Meeting of November 3, 2016**

<b>RESULT:</b>	<b>ACCEPTED [4 TO 0]</b>
<b>MOVER:</b>	Susan Westman, Commissioner
<b>SECONDER:</b>	Edward Newman, Commissioner
<b>AYES:</b>	Ortiz, Newman, Welch, Westman
<b>RECUSED:</b>	Smith

**4. PUBLIC HEARINGS**

**A. 407 El Salto Drive #16-178 036-133-18**

Major Revocable Encroachment Permit and Fence Permit with a height exception for a new front-yard fence and gate to be located within the public right-of-way of a residence located in the R-1 (Single Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Rebecca Peters

Representative: Rebecca Peters, filed: 9/26/16

Minutes Acceptance: Minutes of Dec 1, 2016 7:00 PM (Approval of Minutes)



<b>RESULT:</b>	<b>CONTINUED [4 TO 0]</b>	<b>Next: 1/19/2017 7:00 PM</b>
<b>MOVER:</b>	Linda Smith, Commissioner	
<b>SECONDER:</b>	Susan Westman, Commissioner	
<b>AYES:</b>	Smith, Ortiz, Newman, Westman	
<b>RECUSED:</b>	Welch	

**B. Wireless Telecommunications Ordinance Update**

Amendment to the City of Capitola Municipal Code Chapter 17.98 Wireless Communication Facilities updating the regulations, development standards, and permit procedures in compliance with state and federal law.

The amended wireless ordinance requires Coastal Commission certification of a Local Coastal Program amendment.

Environmental Determination: Addendum to the General Plan Update EIR

Property: The update to Municipal Code Chapter 17.98 affects all properties within the City of Capitola.

Representative: City of Capitola

This item was heard following item 4.D. Community Development Director Rich Grunow presented the staff report. Deputy City Attorney Heather Lenhardt noted that in response to correspondence from Verizon, minor language changes to make noticing requirements consistent and addressing undergrounding are recommended.

Commissioner Smith clarified that a new facility on a pole within the right-of-way in a residential neighborhood would be Tier 3, not Tier 4 since it is a preferred location, and would not be subject to a full hearing in front of the Planning Commission. Language will be clarified.

MOTION: Recommend that the City Council approve the Environmental Impact Report Addendum and approve the proposed amendment to the Municipal Code Chapter 17.98 with the changes noted.

<b>RESULT:</b>	<b>RECOMMENDED [UNANIMOUS]</b>	<b>Next: 1/12/2017 7:00 PM</b>
<b>MOVER:</b>	Linda Smith, Commissioner	
<b>SECONDER:</b>	Gayle Ortiz, Commissioner	
<b>AYES:</b>	Smith, Ortiz, Newman, Welch, Westman	

**C. 4015 Capitola Road #16-199 APN: 034-261-40**

Conceptual Review application to remodel the existing Sears building and convert the space into three separate tenant spaces for Sears, Petco, and TJ Maxx/Homegoods located in the CC (Community Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Exempt

Property Owner: Seritage Growth Properties

Representative: Chas Fisher, filed 10/28/2016

Senior Planner Katie Cattan presented the staff report. Chas Fisher, applicant, spoke on behalf of the project and asked for guidance based on the four areas identified in the staff report. Blake Carroll, Cypress Equities, shared a letter from mall property owner Merlone Geier.

Minutes Acceptance: Minutes of Dec 1, 2016 7:00 PM (Approval of Minutes)

Jennifer Griffin, regular mall shopper, addressed concerns with Sears stores leaving the area, as well as other anchor stores leaving the mall. She supports continued “brick and mortar” shopping locations.

Commission members provided the following guidance regarding the proposal:

Commissioner Smith supported the direction outlined by staff to phase-in a transition of the mall to a more attractive and pedestrian-friendly destination. She would like collaboration between the Sears property owner and the mall developer.

Commissioner Westman concurred and said if a collaborative project is not possible, she would still like to see significant improvements and possibly more stores along the frontage for the property in question, even if part of a phased approach. She would consider larger signs if part of a major overall improvement.

Commissioner Ortiz encouraged the applicant to work with other property owners to bring forth a project reflecting the General Plan goals for the entire mall area. She would also encourage a public art element within the project.

Commissioner Newman noted he served as chairperson of the recent General Plan update and that defining a vision for the redevelopment of the mall area was a key element. This proposal falls far short of what is outlined in that plan and therefore would not be supported.

Chairperson Welch added that the applicant has enough property to begin the redevelopment as envisioned and lead that process even without a cohesive plan.

**D. 208 Capitola Avenue #16-189 APN: 034-183-20**

Design Permit for an exterior remodel and 195 square-foot addition to the third story and a height variance request for a mixed-use building located in the CV (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Tuan Truong

Representative: Jacquelyn Low, filed 10/18/2016

Commissioner Newman recused himself due to the ownership of nearby property and left the dais. Planner Cattan presented the staff report.

Jacquelyn Low spoke on behalf of the application.

Commissioner Ortiz said the design does not reflect the “flavor” of the Village. While she did not wish to suggest a style, options would be more articulation and design authentic to the first half of the 20<sup>th</sup> Century.

Commissioner Smith agreed that the design is not compatible. She would not support a variance to extend a non-conformity.

Commissioner Westman wants the bathroom and kitchen on the lower floor removed since residential uses are prohibited. She also wants to add a condition that the roof may not be used as a deck. She also could not make findings to support a variance.

Chairperson Welch agreed that the overall impression is too modern, although he does not have concerns about the additional height.

MOTION: Continue the item to such time as the applicant has prepared revised plans.

<b>RESULT:</b>	<b>CONTINUED [4 TO 0]</b>
<b>MOVER:</b>	Susan Westman, Commissioner
<b>SECONDER:</b>	Linda Smith, Commissioner
<b>AYES:</b>	Smith, Ortiz, Welch, Westman
<b>RECUSED:</b>	Newman

## 5. DIRECTOR'S REPORT

Director Grunow reported that the permit approval for 105 Sacramento Ave. has been appealed to City Council.

Linda Fridy has been promoted to City Clerk and will no longer serve as clerk to the commission. As part of that transition, the Planning Commission will convert to action minutes.

A status report on the Zoning Code update will come back in January.

He thanked outgoing Commissioner Ortiz and Chairperson Welch for their service and support.

## 6. COMMISSION COMMUNICATIONS

Chairperson Welch expressed frustration with the ability of a single City Council member to appeal a permit for a single-family home.

## 7. ADJOURNMENT

Approved by the Planning Commission at the regular meeting of January 19, 2017.

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Linda Fridy, Minutes Clerk



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: JANUARY 19, 2017  
 SUBJECT: **502 Pine Street #16-212 036-022-48**

Subdivision application to convert a duplex apartment into two residential condominium units in the RM-M (Multi-family Residential – Medium Density) zoning district.  
 This project is not in the Coastal Zone and does not require a Coastal Development Permit.  
 Environmental Determination: Categorical Exemption  
 Property Owner: David Kraemer  
 Representative: John Swift, filed: 11/18/16

### **APPLICANT PROPOSAL**

The applicant is requesting approval of a tentative parcel map to convert a two-unit apartment into condominiums. The duplex is located at 502 Pine Street in the RM-M (Multi-family, Medium Density) Zoning District.

### **BACKGROUND**

On April 2, 2015, the Planning Commission approved a minor land division and design permit to create two lots of record at 502 Pine Street. The parcel map has been recorded. A duplex was approved on the front lot and a single-family home on the rear lot. Construction of the duplex is almost complete. The owner is requesting approval of a condominium conversion so the units can be sold individually.

### **DISCUSSION**

The applicant is requesting approval of a tentative parcel map to convert the ownership of the duplex from an apartment (single-ownership) to a condominium in which each unit may be owned individually. There have been no major changes to the site planning or design of the duplex since the 2015 design permit was approved. Minor changes to window dimensions and decorative finishes were approved administratively during construction.

The duplex complies with the development standards of the Multi-family Medium Density (RM-M) zoning district.

<b>Development Standards</b>		
	<b>Standard</b>	<b>Proposed</b>
<b>Unit Size</b>	No maximum	1,549 sf/unit + 226 sf garage
<b>Height</b>	30'	27.5'
<b>Lot Coverage</b>	40% (2,555 sf)	1,918 sf
<b>Front yard, First story</b>	15'	15'
<b>Front yard, Garage</b>	20'	20'

<b>Front Yard, Second Story</b>	15' + 2% of lot depth	20'
<b>Side Yard, First story</b>	10% of lot width (9' 2" minimum)	21' south side along Pine Street 10' north side between homes.
<b>Side Yard, Second story</b>	12% of lot width (11' minimum)	Complies

The applicant submitted a tentative parcel map that identifies the individual unit area and exclusive use common area allocations for each unit (Attachment 1). The individual unit area is the internal living space (1,549 square feet) and garage space (226 square feet) that is assigned for each unit. The exclusive use common area is the exterior space around each unit. As the name suggests, this open space will be exclusively utilized by the individual unit. Shared common open space is not proposed within the map. The complex will be set up the same way as most condominium projects, where the individual owners will own the air space of each unit, and the buildings and property are commonly owned by the condominium association.

A condominium conversion is required to comply with the development standards of section 16.68.110 through 16.68.190 of the municipal code. These standards required separate parking, separate meters for utilities, separate electricity panel boards, sound insulation, smoke detectors, fire protections, storage facilities, open space, and a report on the condition of existing equipment and appliances. The parking and open space requirements are in compliance with the original design permit. The remaining standards shall be met during the final construction stages and prior to map recording. Condition of approval #2 states "Prior to recordation of a parcel map, the duplex shall be brought into compliance with the condominium conversion requirements within Capitola Municipal Code section 16.68.120 through 16.68.180."

There are several legal agreements that were required for the original subdivision tied to the parcel for access, stormwater, and utilities. As a condition of the final map, the applicant is required to reference the easement and agreements on the condominium map to the satisfaction of the public works department. Condition of approval #3 states "Prior to recordation of a condominium map, all easements and agreements shall be identified on the map in a configuration which meets the requirements of the utility companies and the City of Capitola Public Works Director."

**CEQA REVIEW**

Section 15315 of the CEQA Guidelines exempts Minor Land Divisions in urbanized areas zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and zoning. This project involves a two-unit condominium conversion that is in compliance with zoning and the General Plan. No adverse environmental impacts were discovered during review of the proposed project.

**RECOMMENDATION**

Staff recommends the Planning Commission **approve** project application #16-212 based on the following Conditions and Findings for Approval.

**CONDITIONS OF APPROVAL**

1. The project consists of a Tentative Parcel Map to allow a condominium conversion of a duplex in the RM-M (Multi-family Medium Density) zoning district at 502 Pine Street. The tentative parcel map creates two condominium units, each with 1,549 square feet of private interior area and 226 square feet of private interior garage area. The map also

splits the exterior open space into exclusive use common area assigned to each unit. There is no shared common space proposed.

2. Prior to recordation of a parcel map, the duplex shall be brought into compliance with the condominium conversion requirements within Capitola Municipal Code section 16.68.120 through 16.68.160.
3. Prior to recordation of a parcel map, all easements and agreements shall be identified on the map in a configuration which meets the requirements of the utility companies and the City of Capitola Public Works Director.
4. Prior to the recordation of a parcel map, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
5. Prior to recordation of a parcel map, all Planning fees associated with permit #16-212 shall be paid in full.
6. The tentative parcel map for the two-unit condominium shall expire 24 months from the date of approval. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160 and the California Subdivision Map Act.

### **FINDINGS**

**A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Department Staff and the Planning Commission have reviewed the project. The tentative parcel map, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance and General Plan. The duplex complies with requirements of the RM-M zoning district.

**B. The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.**

The tentative parcel map was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map is consistent with the General Plan, is physically suited for the proposed type and density of development, will not likely cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, will not cause serious public health problems, and will not conflict with public easements for access through, or use of, property within the proposed condominium conversion.

**C. This project is categorically exempt under Section 15315 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15315 of the CEQA Guidelines exempts minor land divisions in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning.

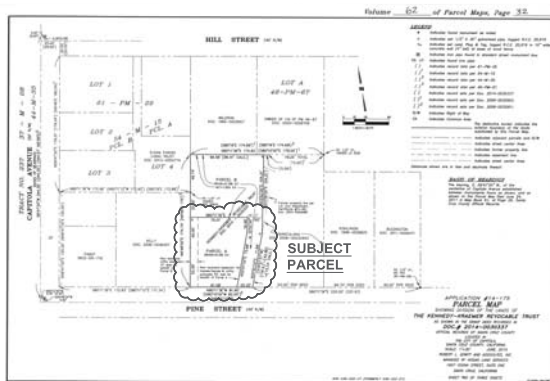
### **ATTACHMENTS:**

1. Condominium Conversion Map

Prepared By: Katie Herlihy

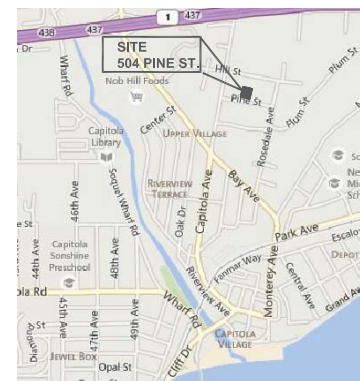
Senior Planner

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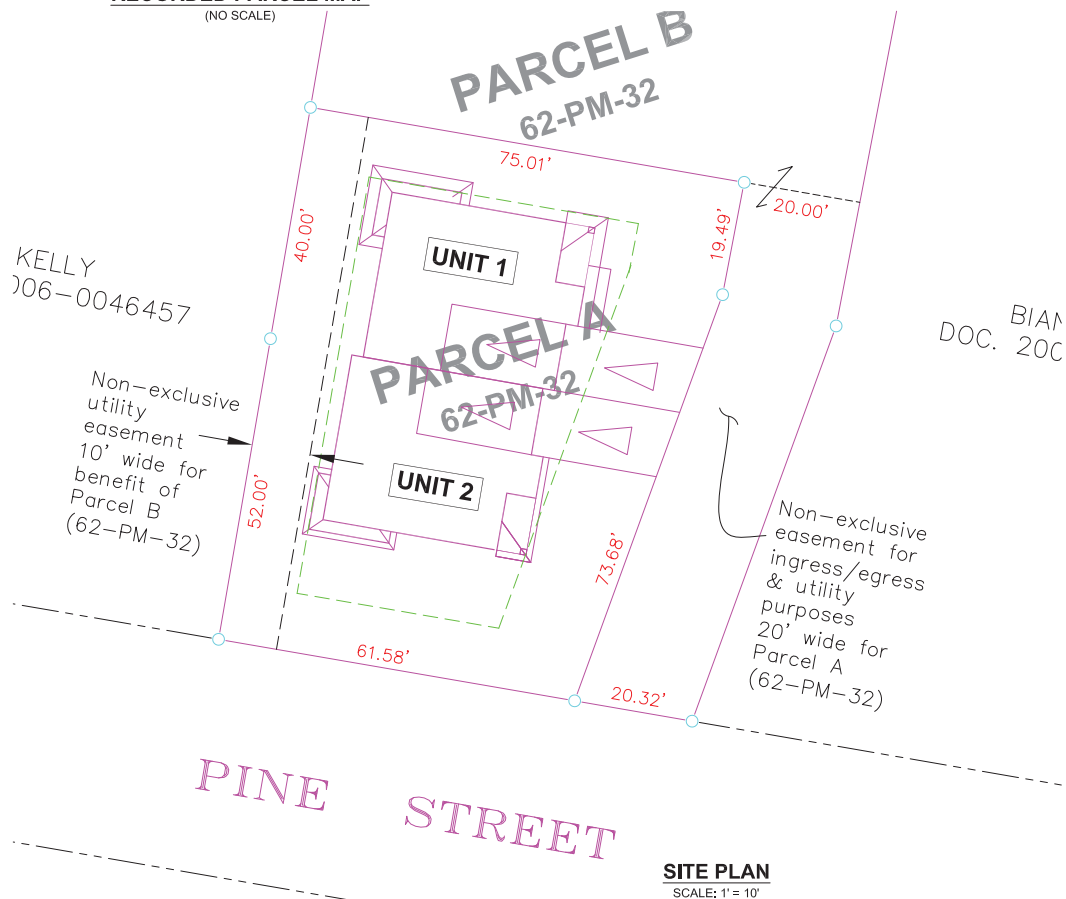


**RECORDED PARCEL MAP**  
(NO SCALE)

**KENNEDY-KRAEMER TRUST CONDOMINIUM**  
504 PINE ST.  
CAPITOLA, CA 95010



**LOCATION MAP**  
(NO SCALE)



**SITE PLAN**  
SCALE: 1" = 10'

**TENTATIVE MAP NOTES:**

1. PROPOSAL TO SUBDIVIDE AN UNFINISHED DUPLEX UNIT CURRENTLY UNDER CONSTRUCTION INTO TWO AIRSPACE CONDOMINIUM UNITS WITH EXCLUSIVE USE COMMON AREAS.
2. OWNER AND APPLICANT:  
KENNEDY-KRAEMER REVOCABLE TRUST  
DAVID KRAEMER  
502 PINE ST.  
CAPITOLA, CA 95010 davidkraemer@gmail.com
3. OWNER'S REPRESENTATIVE:  
SWIFT CONSULTING SERVICE  
JOHN SWIFT  
500 CHESTNUT ST., STE. 100  
SANTA CRUZ, CA 95060 831-459-9992 john@swiftconsultingservice.com
4. OWNER'S ATTORNEY:  
MILES J. DOLINGER, ATTORNEY AT LAW  
314 CAPITOLA AVE.,  
CAPITOLA, CA 95010 831-477-9193 miles@dolingerlaw.com
5. SURVEYOR:  
HOGAN LAND SERVICES, INC.  
802 ESTATES DR., STE. 100-A  
APTOS, CA 95006 831-425-1617 ridewitt@hoganls.com
7. PARCEL DATA:  
THE SUBJECT PARCEL IS **PARCELA** AS SHOWN ON A PARCEL MAP FILED IN VOLUME 62 OF PARCEL MAPS, AT PAGE 32. THE CURRENT ASSESSOR'S PARCEL NUMBER IS 036-022-48. PARCELA CONTAINS 6,398 S.F. GROSS AREA.
8. THIS DUPLEX IS BEING CONSTRUCTED PURSUANT TO BUILDING PERMIT No. 20150268 ISSUED BY THE CITY OF CAPITOLA CONFORMING TO BUILDING REQUIREMENTS FOR CONDOMINIUMS. NO FURTHER CONSTRUCTION BEYOND THAT PERMITTED BY PERMIT No. 2015268 IS REQUIRED TO COMPLETE THE CONDOMINIUM PROCESS.

**TENTATIVE MAP**

**G.A.1**

KENNEDY-KRAEMER TRUST CONDOMINIUM  
504 PINE ST.  
CAPITOLA, CALIF.  
A.P.N. 036-022-48

P-1  
OF  
2

THIS PLAN WAS PREPARED BY ME OR UNDER MY  
DIRECTION AT THE REQUEST OF:  
DAVID KRAEMER

DATE: 12/22/15  
JOB #10009

DRN: RLD  
CHK: RLD  
PK: RLD

www.hoganls.com  
Tel (831) 425-1617  
Fax (831) 425-0224

**HOGAN LAND SERVICES**  
A CALIFORNIA CORPORATION

802 Estates Dr., Ste. 100-A  
Aptos, CA 95003

ISSUE DATE 11-08







## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: JANUARY 19, 2017  
 SUBJECT: **4530 Garnet Street #16-157 034-034-02**

Design Permit application for a remodel and 557 square foot addition to combine an existing single-family residence and detached secondary dwelling unit with a variance request to the maximum 80% valuation for improvements to a non-conforming structure, located in the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption  
 Property Owner: Clark Cochran  
 Representative: Dennis Norton, filed: 8/15/16  
NOTE: Request for Continuance to February 2, 2017 Planning Commission Meeting

### APPLICANT PROPOSAL

The applicant is proposing an addition to an existing residence at 4530 Garnet Street. The property is zoned R-1 (Single-Family Residential).

### DISCUSSION

Staff identified an issue with the application that must be addressed prior to Planning Commission review. The plans are currently being amended to address staff's concern. The owner has requested that the application be continued to the February 2, 2017, Planning Commission meeting.

### RECOMMENDATION

Staff recommends that the Planning Commission **continue** application #16-157 to the February 2, 2017, Planning Commission meeting.

Prepared By: Ryan Safty  
 Assistant Planner



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: JANUARY 19, 2017  
 SUBJECT: **407 El Salto Drive #16-178 APN: 036-133-18**

Major Revocable Encroachment Permit and Fence Permit with a height exception for a new front-yard fence and gate to be located within the public right-of-way of a residence located in the R-1 (Single Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Rebecca Peters

Representative: Rebecca Peters, filed: 9/26/16

### **APPLICANT PROPOSAL**

The application is for a major revocable encroachment permit and fence permit with a height exception located within the public right-of-way in front of 407 El Salto Drive in the R-1 (Single Family) zoning district.

### **BACKGROUND**

On September 26, 2016, the City received a complete application for a major revocable encroachment permit and a fence permit application including a request for a height exception. The application was initially scheduled for the November 3, 2016 Planning Commission hearing, however the item was continued to allowed time to resolve an issue with the application. Plans were amended and resubmitted on December 19, 2016 to address staff's concern.

### **DISCUSSION**

The owner of 407 El Salto is updating the landscaping of the single-family lot including the installation of a new fence along the frontage of the home. The homeowner is proposing to align the fence with the neighboring fence located within the City right-of-way and extend the fence higher than 42-inch maximum front yard fence height allowed by code. The application requires approval of a major revocable encroachment permit and fence height exception by Planning Commission.

The property is located along the southern side of El Salto Drive between Hollister Avenue and Oakland Avenue. There is an eight-foot public right-of-way between the edge of street and the front property line that is currently used as a landscape area and driveway access by the property owner.

The proposed location of the front fence is 2 feet in front of the property line within the public right-of-way. The fence will consist of a two-foot and six-inch cement wall with a one-foot tall rod iron grill on top. Eight four-foot tall stone pillars will be located intermittently throughout the fence. The fence will also include two arced gates for driveway access that are a maximum of four and a half feet tall. The fence also includes a four and a half feet tall gate for pedestrian access. The two pillars next to the pedestrian gate have light fixtures on top of them (Attachment A: Plans).

#### Height Exception

Chapter 17.54 of the Capitola Municipal Code outlines regulations for fence permits. Pursuant to §17.54.020. A.1 the maximum height in the front yard is three-feet six-inches. The pillars and gates along the proposed fence exceed the maximum height by six-inches and one-foot respectively. §17.54. 020.B allows the Planning Commission to approve an alternative height. The applicant is requesting a height exception up to four feet for the pillars and up to four and a half feet for the gate.

#### Revocable Encroachment Permit

Chapter 12.56 of the Capitola Municipal Code outlines the regulations for privately installed improvements on public property or easements. The code defines a *private improvements area* as “that portion of any public street right-of-way in the City which is neither street system area nor shoulder parking area”.

Pursuant to §12.56.060, the City may issue permits to allow certain improvements to be installed and maintained by abutting private property owners, within the private improvements area. Minor permits may be issued by the Public Works Director for mailboxes, fences up to three and a half feet in height, walkways, driveways, and landscaping that comply with specific standards. Major Permits, for improvements beyond those listed under the discretion of the Public Works Director, require approval by the Planning Commission.

The Planning Commission must evaluate the following considerations when deciding whether or not to issue a major permit:

1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening;  
Staff analysis: Within the revocable/hold harmless agreement, the owner must agree that the removal of the fence, when so ordered by the City, shall be at the permittee’s expense and not the expense of the City.
2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;  
Staff analysis: The proposed fence is of exceptional quality and will fit well with the aesthetics of the community. The proposed fence aligns with the neighboring fence at 411 El Salto Drive. The fence at 411 El Salto Dr. is on a slope and ranges from three-feet high on the eastern end to five-feet high on the western end. The western end is adjacent to 407 El Salto Dr.
3. Preservation of views;  
Staff analysis: Public views would not be impacted by the proposed fence.
4. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property. If the benefit to the applicant and community is determined to

exceed the detriment to the community, the permit shall be approved. The planning commission may, by providing reasonable notice to neighboring property owners, develop standards or criteria applicable to the entire block within which the property is located.

Staff analysis: Staff has not identified any potential detriments to the City or community that the proposed fence would create. On-street parking will not be affected by the proposed fence.

### **CEQA REVIEW**

Section 15303 of the CEQA Guidelines exempts accessory structures including fences. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends that the Planning Commission **approve** application #16-178 based on the following Conditions and Findings for Approval.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of a fence permanently affixed to the ground located two feet in front of the property line within the right-of-way at 407 El Salto Drive. A fence permit with a height exception and major revocable encroachment permit have been approved within this application.
2. There shall be no additional permanent structures located within the right of way without the issuance of a major revocable encroachment permit by the Planning Commission.
3. Prior to building permit issuance, a major revocable encroachment permit shall be recorded as issued by the Public Works Department.
4. Compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
5. Prior to issuance of permit, all Planning fees associated with permit #16-178 shall be paid in full.
6. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
7. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

**FINDINGS****A. The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Staff, and the Planning Commission have all reviewed the proposed fence in the public right-of-way. A fence exemption has been granted for the additional height and conditions of approval have been included for the major revocable encroachment permit to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

**B. This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

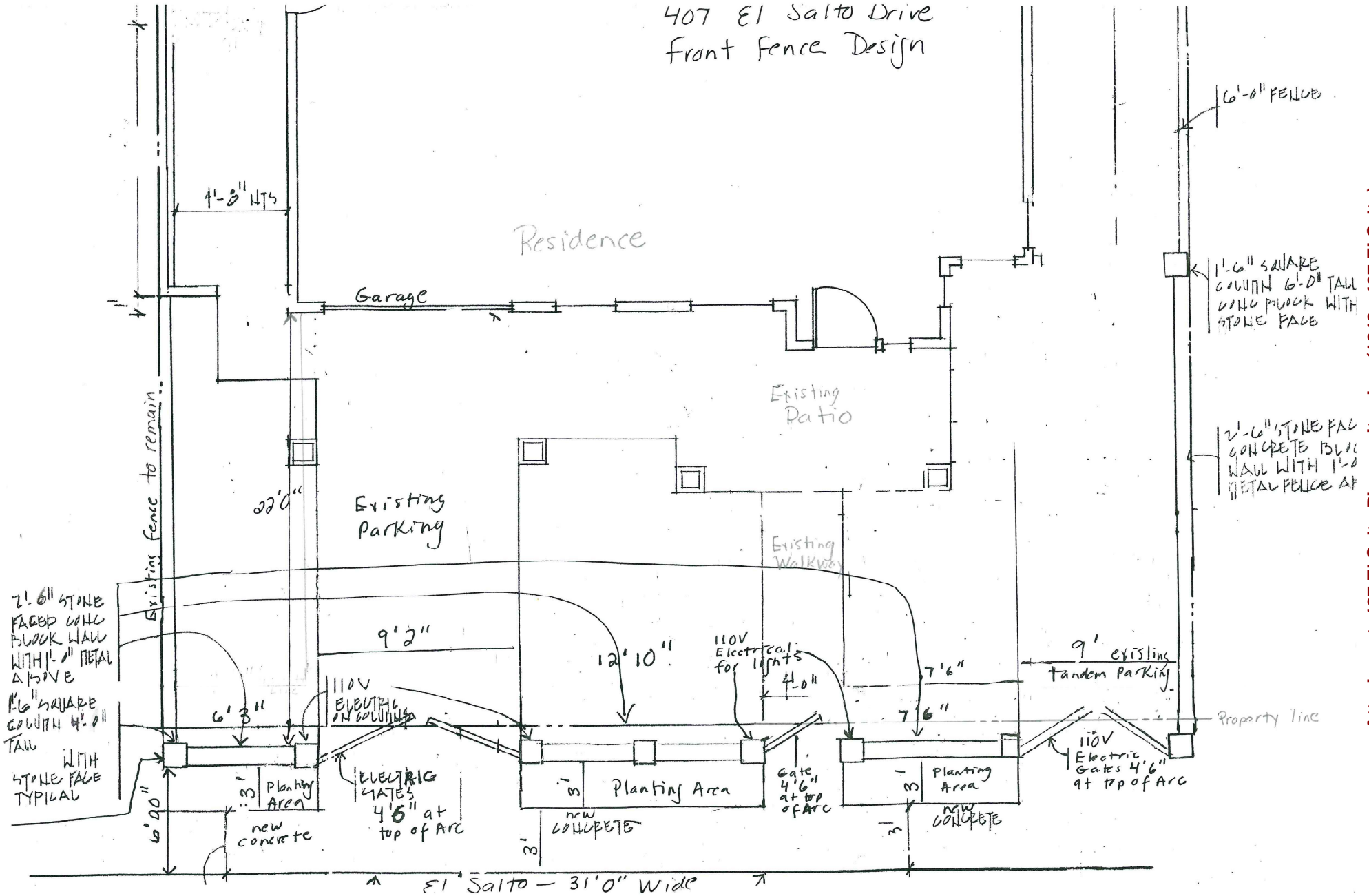
Section 15303 of the CEQA Guidelines accessory structures including fences. No adverse environmental impacts were discovered during review of the proposed project.

**ATTACHMENTS:**

1. 407 El Salto Plans - site plan
2. 407 El Salto Plans - Front View

Prepared By: Katie Herlihy  
Senior Planner

# 407 El Salto Drive Front Fence Design

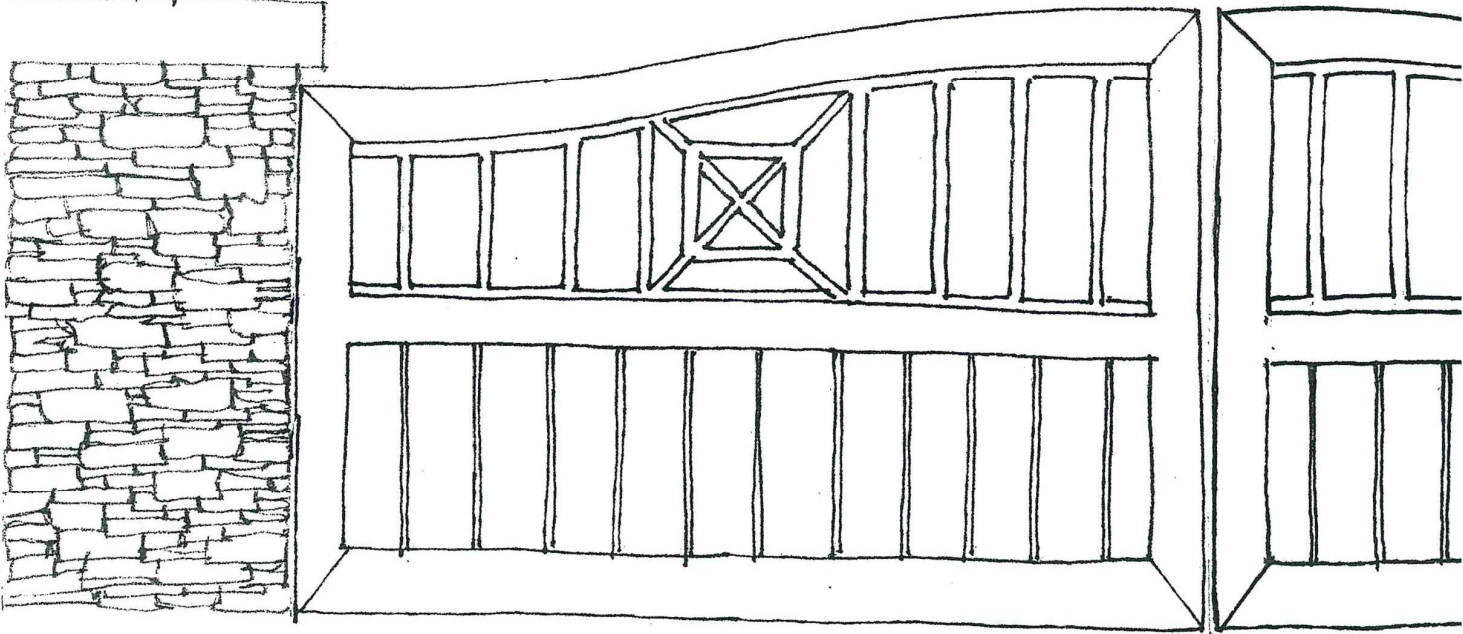


Attachment: 407 El Salto Plans - site plan (1643 : 407 El Salto)



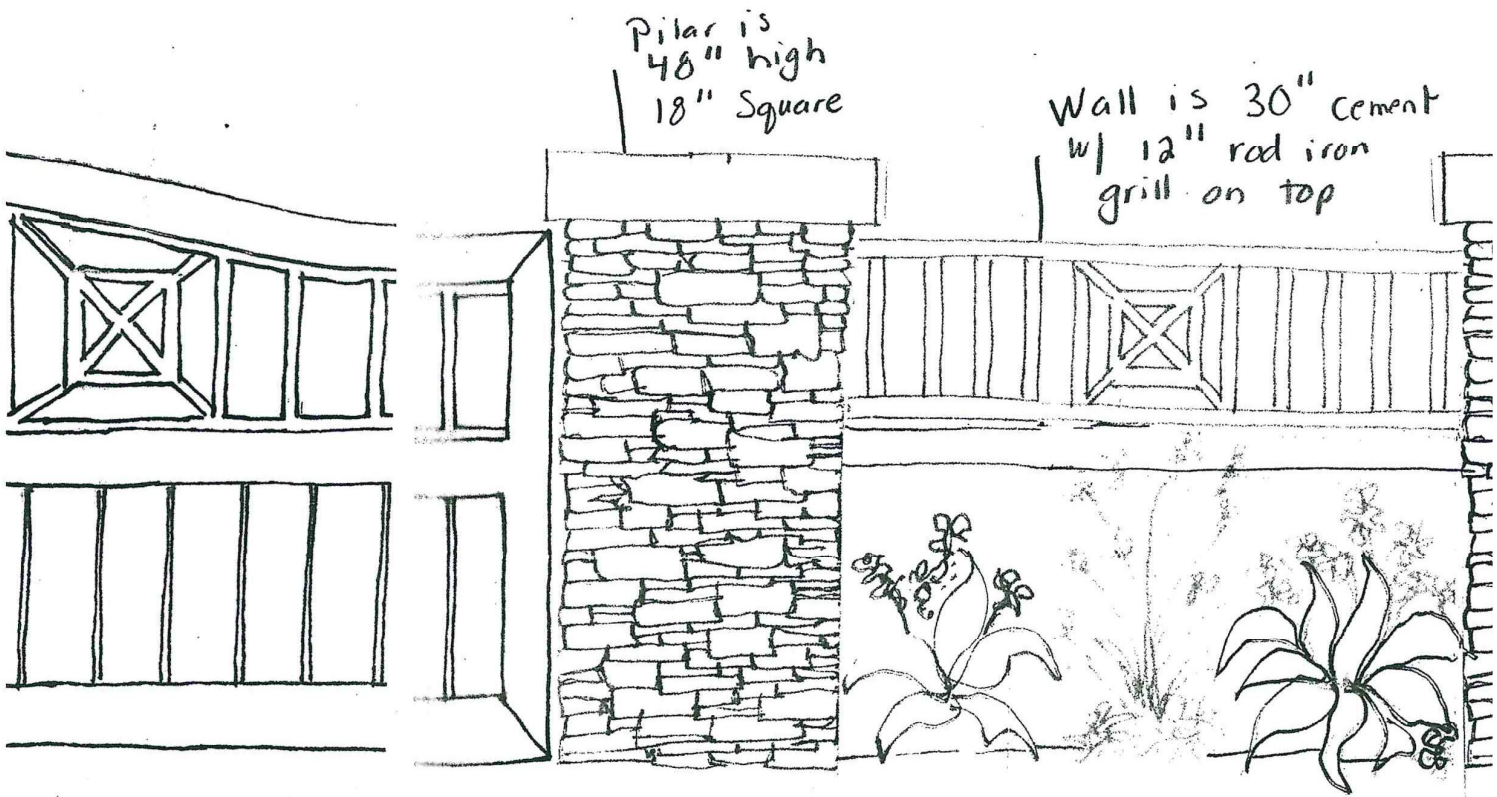
-Pilar is 48" high  
18" Square

Gate is 54"  
at top of arc



Attachment: 407 El Salto Plans - Front View (1643 : 407 El Salto)





Attachment: 407 El Salto Plans - Front View (1643 : 407 El Salto)

12



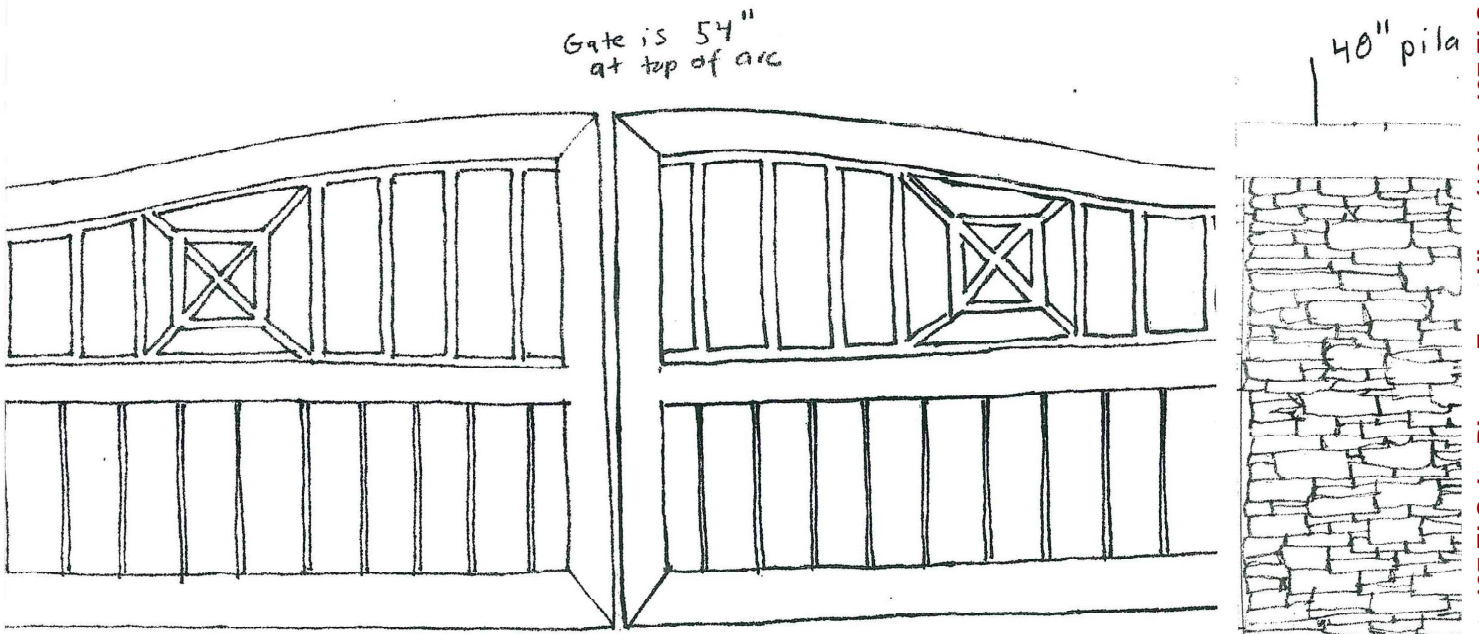


Attachment: 407 El Salto Plans - Front View (1643 : 407 El Salto)



Attachment: 407 El Salto Plans - Front View (1643 : 407 El Salto)





Attachment: 407 El Salto Plans - Front View (1643 : 407 El Salto)

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## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: JANUARY 19, 2017

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:** On January 9, 2017, an updated draft zoning code was published which incorporates all edits received from the Planning Commission and City Council during 2016. The following table summarizes the update process completed to date:

Focus	Begin Date	End Date	Meetings/Public Hearings
Stakeholder Outreach	August 2014	November 2014	7
Issues and Options	March 2015	November 2015	16
Planning Commission – Draft Code Review	February 2016	Ongoing	14
City Council – Draft Code Review	June 2016	Ongoing	7
<b>Total</b>			<b>44</b>

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 purpose of this item is to announce the release of the revised draft zoning code, outline remaining issues which will be discussed in future hearings (Attachment 1), and to determine if the Planning Commission wishes to revisit any additional topics prior to staff preparing a final draft code. Staff is not requesting any additional actions from the Planning Commission at this time.

In addition to edits received from the Planning Commission and City Council, the draft code also includes revisions made by City staff to improve clarity and non-policy revisions requested by Coastal Commission staff. These revisions are shown in blue to distinguish them from City Council edits, which are shown in red. Attachment 2 is a list of staff edits that are quantitative and/or qualitative changes that should be brought to Planning Commission and City Council's attention but do not required additional direction, unless requested.

The current draft zoning code will remain available for public review and comment until a final draft is prepared and released for public review. In accordance with City Council direction, the final draft code will be available for a 60-day public review and comment period prior to initiation of adoption hearings.

Staff recommends that public hearings to review remaining issues and topics resume at a special Planning Commission meeting on Thursday, February 16. Subsequent hearings will be scheduled as necessary for the Planning Commission to complete its review and offer a recommendation to the City Council. Public hearings before the City Council would resume shortly thereafter.

### **Zoning Map**

An updated zoning map is included as Attachment 3. Changes to the map include updating zoning district boundaries to be consistent with the General Plan Land Use Map and errors with the existing Zoning Map corrected. A table of all proposed zoning map changes is included within Item 1 of Attachment 1.

### **Key Zoning Code Changes**

The updated zoning code includes new and revised zoning districts, permit processes, development standards, and procedures which are intended to streamline the development review process while implementing General Plan goals to protect Capitola's coastal village character and to promote design excellence. The following represents some of the key changes in the updated Zoning Code:

#### Legal and Administrative Revisions

- Improved organization and format to improve clarity and usability;
- Revised regulations to comply with federal and state law, including revamped wireless and accessory dwelling unit regulations;
- A new user guide to help citizens access, understand, and apply the zoning code;
- The Floodplain Ordinance and the Green Building Ordinance would be moved from the Zoning Code to the Building Code.

#### Zoning Map Revisions

- Zoning designations changed to align with the General Plan, including:
  - New Mixed Use Neighborhood (MU-N) district to replace the existing the CR and CN districts;
  - The Professional Office (PO) district would be eliminated;
  - The Community Commercial (CC) district north of Capitola Road would be re-designated as Regional Commercial (C-R).
- Consolidated/eliminated 6 overlay zones to simplify the zoning map.

#### Process and Procedure Changes

- Streamlined permitting process for routine permits including signs, design permits, rooftop solar systems, and tenant improvements through new Minor Use Permit and Administrative Permit procedures;
- Improved historic preservation chapter which codifies process to review and modify historic structures and provides incentives and exceptions to promote preservation;

- Simplified Floor Area Ratio calculation;
- Improved guidance on when post-approval changes to a project trigger review by the Planning Commission;
- Modified Design Review process which eliminates the Architecture and Site Review Committee and replaces it with City staff and City commissioned technical experts;
- Incorporates standards from the Village Design Guidelines into the zoning code.

#### Key Regulatory Changes

- New residential height and setback standards tailored to different neighborhood conditions;
- New building form, placement, and character design standards for mixed-use and commercial neighborhoods;
- Prohibition on new ground-floor office uses in the C-R zoning district;
- Simplified legal non-conforming standards which eliminates 80% valuation standard and adds a new replication allowance;
- Revised parking standards for take-out restaurants in the Village to replace the current 6-seat rule with a square-footage allowance;
- New allowance for Village restaurants to expand internally up to 20% of the existing floor area without providing additional parking;
- Revised height standards to allow additional height in the Village and residential zones if a project incorporates a pitched roof or visually attractive architectural elements;
- New Incentives for Community Benefits chapter to implement General Plan policies to allow increased height and intensity in commercial zones for projects that provide substantial community benefits. This section includes new standards for a Village hotel and redevelopment along 41<sup>st</sup> Avenue;
- Planned Developments would no longer be allowed in R-1 zones;
- Better defined community benefits to qualify for a Planned Development or increased floor area ratio allowances;
- New standards for outdoor lighting, temporary sidewalk dining, outdoor displays of merchandise, and temporary uses and structures;
- Incentives to encourage non-conforming multi-family uses in single-family zones to make needed property improvements. Also reduced allowable extensions from 50 to 25 years;
- New minor modification process to allow the Planning Commission to authorize minor deviations to certain development standards which don't meet variance findings;
- New standards to regulate the placement of outdoor decks in residential zones;
- New requirements for large commercial and residential projects to provide bike and electric vehicle parking.

**CEQA:** An Addendum to the General Plan Update Environmental Impact Report (EIR) has been prepared and will be included in the packet during final recommendation to City Council.

**RECOMMENDATION:** Accept the staff presentation and provide direction on the zoning code update public hearing schedule and any additional topics which should be discussed in upcoming hearings.

**ATTACHMENTS:**

1. Remaining Zoning Code Issues
2. Staff Revisions to Draft Zoning Code
3. Zoning Map\_8.5x11\_Updated011117
4. Environmentally Sensitive Areas Map\_Updated011117
5. Geologic Hazard Map\_Updated011117
6. Coastal Map\_Without Permit Jurisdiction\_Updated011117

Prepared By: Katie Herlihy  
Senior Planner



## Remaining Zoning Code Issues

For January 9, 2017 Draft



On January 9, 2017, Capitola published an updated draft zoning map and draft zoning code that incorporated all Planning Commission and City Council recommendations made in 2016. Staff identified 9 remaining issues for discussion that are summarized within this document.

# Remaining Zoning Code Issues | 2017

## Topic 1: Zoning Map and TRO Boundary

**Overview:** The zoning map has been updated to be consistent with the General Plan Land Use Map, reflect existing land uses, and to correct errors within the existing map. Zoning Districts have been updated to match those in the new zoning code. New changes that took place during the Planning Commission and City Council review of the draft map include:

- The Visitor Server zone is now solely an overlay zone with the base zone removed. The map in figure 17.28-1 has been updated to reflect this change. Each property in the VS overlay has a base zone (CC, R-1, etc.) with a green hatch for the VS overlay.
- The TRO boundary was expanded along Capitola Avenue to Riverview Avenue. Additional requests were made by a member of the public to include properties along Capitola Avenue to Bay Avenue and to consider the property at 502 Beulah Drive. **Discussion Requested.**

Staff has identified the proposed modifications to the zoning map in the table below. **Staff is requesting direction on the draft zoning map.**

### Zoning Map Changes from Existing Zoning Map to Draft October 6, 2016 Zoning Map

	Location	Existing Zoning	New Zoning	Comments
1	Entire Map	Automatic Review		Removed AR
2	Capitola Road between 41 <sup>st</sup> and Wharf	Community Residential (CR)	Mixed Use Neighborhood (MU-N)	Removed CR, CN, and PO zones.
3		Neighborhood Commercial (CN) & Professional Office (PO)	Community Commercial (CC)	
4	41 <sup>st</sup> Avenue north of Capitola Road, Clares Street and Autoplaza Drive	Community Commercial (CC)	Regional Commercial (C-R)	General Plan implementation
5	3945 Melton Street	Single-Family (R-1)	Community Commercial (CC)	Informed owner. Supports change
6	519 Capitola Avenue	Single-Family (R-1)	MU-N	Informed owner. Supports change
7	822 Kennedy Drive parcel behind church	P/OS	Single-Family (R-1)	Developed within CUP
8	4800 and 4820 Opal Cliff	Single-Family (R-1)	RM-M	Annexed in 1963 as multi family.
9	3865, 3883, 3895 Brommer Street	Community Commercial (CC)	RM-M	Request from residents to be rezoned.
10	Parcels behind 2078 Wharf Road (Riverview of Capitola Condos)	AR/RM-LM	P/OS	Open Space behind condos.
11	Rispin on Wharf Road	AR/VS/R	VS/P/OS	Previously approved PD never developed.

# Remaining Zoning Code Issues | 2017

12	620 El Salto	VS	R-1 with VS Overlay	Monarch Cove Inn
13	720 El Salto	VS/R-1	Single-Family (R-1)	Removed VS overlay
14	709 Escalona Drive	VS/R-1	Single-Family (R-1)	Removed VS overlay
15	1465 38 <sup>th</sup> Avenue extending to Capitola Road nad 3720 Capitola Road to 38 <sup>th</sup> Avenue	Neighborhood Commercial (CN)	Community Commercial (CC)	General Plan Implementation
16	720 Hill Street – hotel	Multi-family Medium Density (RM-M)	Community Commercial (CC) with AH overlay	Identified as AH site in housing element
17	502 Beulah	Mobile Home (MH)	Single-Family (R-1)	General Plan Implementation
18	405 and 407 Capitola Avenue and 410 Riverview	Neighborhood Commercial (CN)	Community Facility (CF)	Fire Station
19	1911 42 <sup>nd</sup> Avenue	Multi-family Medium Density (RM-M)	Planned Development (PD)	Pearson Ct. Established PD
20	Two parcels in the park at the end of Riverview Drive	Public Facilities (PF)	Public Open Space (P/OS)	Open Space
21	719 Capitola Ave – just north of Bay	Multi-Family Medium Density (RM-M)	Mixed Use Neighborhood (MU-N)	Existing Commercial Donut Station
22	500 Plum Street	Professional Office (PO)	Mixed Use Neighborhood (MU-N)	Removed PO zone.
23	City Owned Parcel behind 401 Monterey Avenue (Noble Gulch Park)	Multi-family Low Density (RM-LM)	Public Open Space (P/OS)	Open Space
24	401 Monterey Avenue	Multi-family Low Density (RM-LM)	Single Family (R-1)	Existing Single-Family home. Lot size does not meet minimum site area per dwelling for more than one unit.
25	3640 Capitola Road	Public Facilities (PF)	Community Commercial (CC)	Privately owned utility.
26	250 Monterey (Inn at Depot Hill)	Visitor Serving (VS)	Single-Family (R-1) V/S overlay	All VS is overlay

Attachment: Remaining Zoning Code Issues (1715 : Zoning Code Update)

**Topic 2: Height Exceptions in the Mixed Use Village (MU-V)**

**Section 17.20.030:** Height Exceptions in the Mixed Use Village.  
**Page:** 20-5

MU-V zone height: 27 Feet

**Overview:** City Council recommended changes to the height exception to allow up to 30 feet with a maximum plate height of 26 feet and no habitable space above the plate line. The ongoing monitoring of interior habitable space would be challenging to enforce. During the City Council discussions, the understood purpose for prohibiting habitable space was to prevent breaks within the roof slope with habitable space design features, such as dormers.

Staff recommends combining Height Exceptions 1 & 3 to identify one height exception limit (30 or 33 ft), require a minimum 5:12 roof pitch to qualify for a height exception, and replace prohibition of habitable space with a prohibition on breaks in the roof slope. **Staff is requesting direction on height exceptions in the central village.**

**Planning Commission Recommendation:**

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

1. Up to 30 feet for habitable space with a roof pitch of at least 5/12. See Figure 17.20-1.
2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C

**City Council Recommendation:**

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

1. Up to 30 feet for a structure with a minimum 5:12 roof pitch. See Figure 17.20-1.  
~~Up to 30 feet for habitable space with a roof pitch of at least 5/12. See Figure 17.20-1.~~

2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C. ~~Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C~~
- ~~2-3.~~ Up to 33 feet for pitched roof with a maximum plate height of 26 feet and no habitable space above the plate line.

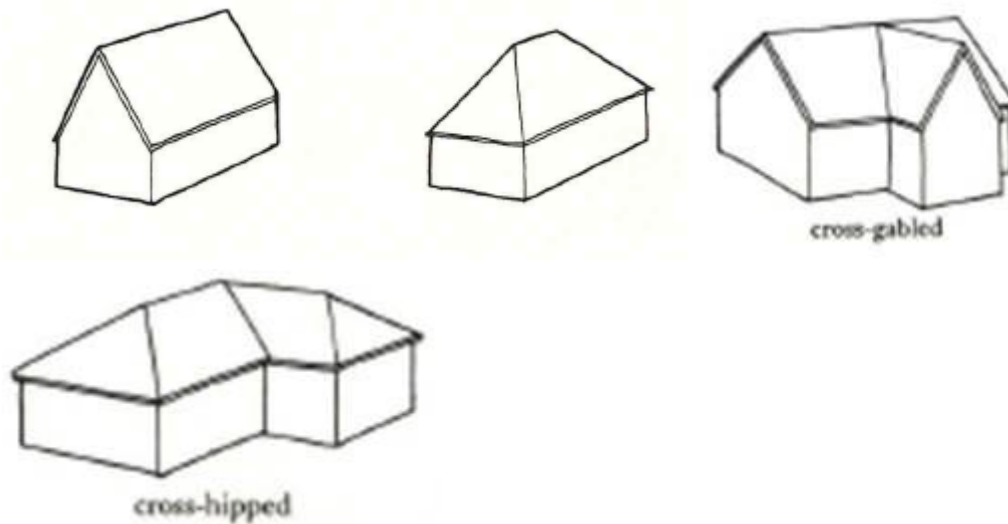
Attachment: Remaining Zoning Code Issues (1715 : Zoning Code Update)

**Staff Recommended Amendment:**

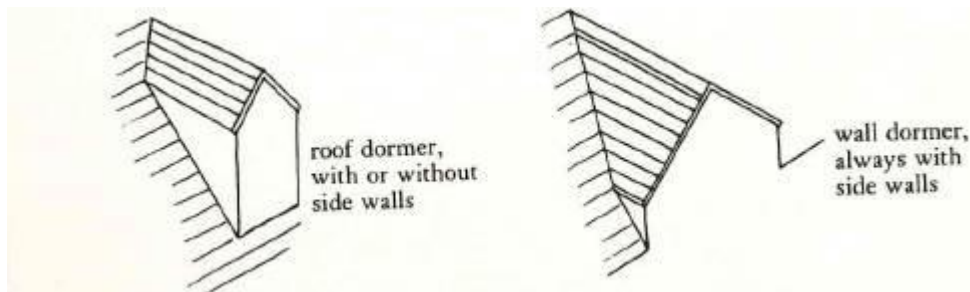
Height Exceptions: The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:

1. Up to 33 feet for gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of 26 feet. There shall be no breaks in the roof slopes for dormers, windows, doors, and decks."
2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.020.C.

Allowable pitched roof designs:



Prohibited within roof slope:



**Topic 3: Zone Height Exceptions and City Wide Height Exceptions****Mixed Use Village Height Exceptions**

Section: 17.20.030

Page: 20-5

**City-Wide Height Exceptions**

Section: 17.48.020.B

Page: 48-2

**Overview:** As discussed in topic 1, there are height exceptions for specific scenarios within the Mixed Use Village. There are also City-wide height exceptions identified in Table 17.48-1 on page 48-2. During the discussion on mixed use village height exceptions, it was not discussed whether or not the city wide exceptions were intended to be in addition to the exceptions to zone height. Staff added a clarifying statement to 17.48.020.B to specify that the city-wide exceptions may not be combined with increased height allowance allowed within specific zoning districts as specified in Part 2. ***Staff is requesting feedback on the edit to ensure the edit reflects the intent of the Planning Commission.***

- B. **Height Exceptions.** Buildings may exceed the maximum permitted height in the applicable zoning district as shown in Table 17.48-1. These exceptions are measured from the maximum permitted zoning district height. They are not measured from the increased height allowed within specific zoning districts as specified in Part 2 (Zoning Districts and Overlay Zones).

**Note:** Height exceptions in Table 17.48-1 below add detail to height exceptions in Section 17.81.070 of the existing Zoning Code.

TABLE 17.48-1: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS

Structures Allowed Above Height Limit	Maximum Coverage	Maximum Projection Above Height Limit
Non-habitable decorative features including spires, belfries, cupolas, domes and other similar architectural elements	10% of roof area	3 ft. in the R-1 zoning district; 6 ft. elsewhere
Skylights	20% of roof area	1 ft.
Chimneys not over 6 feet in width	10% of roof area	3 ft. in R-1 zoning district; 6 ft. elsewhere
Flagpoles not over 8 inches in diameter	N/A	3 ft. in R-1 zoning district; 6 ft. elsewhere
Photovoltaic panels <del>and thermal recovery systems</del>	No restriction	4 ft.
<del>Wind energy systems</del>	<del>No restriction</del>	<del>40 ft.</del>
Building mounted telecommunications facilities	See Chapter 17.104	

# Remaining Zoning Code Issues | 2017

## Topic 4: Land-Use Changes in the Regional Commercial District

**Section:** 17.24.020

**Page:** 24-2

**Overview:** The City Council requested three significant changes be made to this table. First, the City Council requested that single-family dwellings be added to identify that they are prohibited. Second, the Council directed staff to prohibit multi-family dwellings in the regional commercial zone. Lastly, within a residential mixed use development in the regional commercial zone, the Council prohibited residential uses on the first story. The last two changes significant changes that will require all residential development to have commercial on the first story within the regional commercial zoning district. **Staff is requesting feedback on the change to ensure the draft code reflects direction requested.**

**Planning Commission Recommendation:**

Key	Zoning District			Additional Requirements
	C-C	C-R	I	
P Permitted Use				
A Administrative Permit required				
M Minor Use Permit required				
C Conditional Use Permit required				
- Use not allowed				
<b>Residential Uses</b>				
Multi-Family Dwellings	C	C [5]	-	
Residential Mixed Use	C	C	-	17.24.040+40

[5] Permitted only on a mixed use site with the residential use secondary to the primary commercial uses on the site. Residential uses on the site are limited to less than 50 percent of the floor area of buildings on the site. Residential uses shall be located and designed to maintain a primarily commercial character and function on the site.

**City Council Recommendation:**

<b>Residential Uses</b>				
<u>Single-Family Dwellings</u>	=	=	=	
Multi-Family Dwellings	C	<del>C [5]</del>	-	
Residential Mixed Use	C	C [7]	-	Section 17.24.040

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

Attachment: Remaining Zoning Code Issues (1715 : Zoning Code Update)

**Topic 5: Office Uses in the Regional Commercial Zoning District****Table:** 17.24-2**Page:** 24-4

**Overview:** City Council directed staff to prohibit all Office Uses in the ground floor of the Regional Commercial zoning district (C-R). This is a major change that will make numerous existing office uses located in established office buildings legal, non-conforming. As written, a vacant office space within an office building would be subject to Section 17.92.060: Non-conforming Use of Structures. A change in ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status. If the office use is vacant (discontinued) for 90 consecutive days, the use shall not be reestablished and may be replaced only by a conforming use. After 90 days, the vacant space could not be leased with a new office use. Staff recommends that office uses in existing office buildings (utilized exclusively for office space) be allowed to continue until such time that the office building is redeveloped or removed. **Staff request discussion to confirm the City should prohibit all first-floor office spaces on the ground floor in the C-R zoning district.**

**Planning Commission Recommendation:**

**C. Office Uses in the C-C and C-R Zoning Districts.** In the C-C and C-R zoning districts, permits required for office uses, including professional, medical, banks, financial institutions and governmental offices, are shown in Table 17.24-2.

**TABLE 17.24-2: PERMITTED OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS**

Location and Size of Office Use	C-C Zoning District	C-R Zoning District
Conversion of a retail use to an office use	N/A	C
Ground floor, less than 5,000 sq. ft.	P	C
Ground floor, 5,000 sq. ft. or more	C	C
Upper floor above a ground floor	P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	P	P



**City Council Recommendation:****TABLE 17.24-2: PERMITTED OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS**

<u>Key</u>		
<u>P</u> Permitted Use		
<u>A</u> Administrative Permit required		
<u>M</u> Minor Use Permit required		
<u>C</u> Conditional Use Permit required		
<u>-</u> Use not allowed		
<b>Location and Size of Office Use</b>	<b>C-C Zoning District</b>	<b>C-R Zoning District</b>
Conversion of a retail use to an office use	N/A	€
Ground floor, less than 5,000 sq. ft.	P	€
Ground floor, 5,000 sq. ft. or more	C	€
Upper floor above a ground floor	P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	P	₪

**Staff Recommendation**

Staff recommends adding a note to the table that office uses in existing office buildings (used exclusively for office space) be allowed to continue until such time that the office building is redeveloped or removed.

**Topic 6: Pending Review of Coastal Commission edits**

**Overview:** The California Coastal Commission staff reviewed the original Draft Zoning Code and provided preliminary feedback. The feedback ranges from minor edits to larger policy issues. During the initial draft zoning code review in 2016, the Planning Commission did not make a recommendation on the Coastal Overlay chapter to the City Council. Within the 2017 draft zoning code, City staff inserted Coastal Commission edits which do not fundamentally affect policy or which are minor in nature into the draft code. These changes are shown in blue throughout the code. The majority of the Coastal Commission suggested revisions were Chapter 17.44. Staff presented these edits to the City Council on October 13, 2016. The Council directed staff to return to the Planning Commission for a recommendation on the changes. **Staff requests direction on the Coastal Commission edits.**

# Remaining Zoning Code Issues | 2017

## Topic 7: Allowed Projections and Encroachments into Setbacks

**Section:** 17.48.030 C and D

**Page:** 48-2 to 48-4

**Overview:** The draft code includes a variety of setbacks for different projections and encroachments into the setback areas. Staff recommends slight modifications to setbacks to create consistency based on the possible impacts to neighbors. The following tables groups similar features and structures that have similar effects. The draft code standards are in black. **All staff recommended changes are in red.**

**Architectural Design Elements** (bay windows, front porch) that are encouraged with minimal setback.

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>ROOF PROJECTIONS</b>					
Cornices, eaves, canopies, and similar roof projections	4 ft	4 ft	2 ft	2 ft	All: 3 ft
<b>WALL PROJECTIONS</b>					
Bay windows, balconies, sills, fireplaces, chimneys, and similar wall projections	2 ft	2 ft	2 ft	2 ft	All: 3 ft
<b>ENTRIES</b>					
Stairways and fire escapes or similar features	<del>4 ft</del> Not allowed	<del>6 ft</del> 4 ft	<del>½ of required setback</del> No max	<del>4 ft</del> Not allowed	Front: Not allowed Interior side: 3 ft Exterior side: Not allowed Rear: 5 ft
At grade flatwork such as concrete paving and patios	No max	No max	No max	No max	All sides: No minimum
Landing Places, Patios, and Decks 18 inches or less above grade	No max	No max	No max	No max	Front and Exterior Side: 5 ft Interior Side and Rear: 3 ft
Open and unenclosed entry porches and decks 19 to 30 inches above grade.	4 ft	6 ft	½ of required setback	4 ft	Front: 10 ft Exterior side: 5 ft Interior Side: 3 ft Rear: 5 ft
Covered entry porch and decks 19 to 30 inches above grade including roof and roof overhang.	5 ft	Not Applicable	Not Applicable	4 ft	Front: 10 ft Exterior side: 5 ft Interior Side and Rear: Not Applicable
Wheelchair ramps and similar features for the disabled	No max	No max	No max	No max	No minimum

Attachment: Remaining Zoning Code Issues (1715 : Zoning Code Update)

# Remaining Zoning Code Issues | 2017

**Decorative Features** such as a trellis and planter boxes are encouraged with minimal setbacks from property lines. Specificity has been added to trellis structures to ensure that trellis structures in the front yard will not be enclosed to ensure a trellis cannot be utilized as a fence feature well above the fence height allowance of 42 inches. The draft code standards are in black. **All staff recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>DECORATIVE FEATURES</b>					
Trellis Structure up to 10 ft in height that is <b>open on all sides and arbors with a minimum of 2 open sides utilized over a walkway.</b>	No max	No max	No max	No Max	No Minimum Staff Note: Limit trellises in the front yard to no walls. Could be utilized as high fence.
Trellis Structure up to 10 ft in height that is open on at least three sides, and the walls of the structure are 50 percent transparent.	<del>No Max</del> Not Allowed	No max	No max	<del>No Max</del> Not Allowed	Rear and Interior Side: No Minimum  Front and Exterior Side: Not allowed.
Planter boxes and masonry planters with a maximum height of 42 inches.	No max	No max	No max	No Max	No Minimum
Landscape features, <b>such as water fountain or statue</b> , up to a maximum height of 6 ft that does not enclose the perimeter of the property.	No max	No max	No max	No max	All sides: 5 foot minimum

Attachment: Remaining Zoning Code Issues (1715 : Zoning Code Update)

# Remaining Zoning Code Issues | 2017

**Entertainment Features** are typically social and should not be located right on a property line due to possible impacts of noise. They also are not normally allowed within a front setback or side yard setbacks. The draft code standards are in black. **All staff recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>ENTERTAINMENT FEATURES:</b>					
Hot Tubs	Not allowed	No max	Not allowed	Not allowed	Rear: <del>2</del> 5 ft All other: Not allowed
Pools	Not allowed	No max	Not allowed	Not allowed	Rear: 5 ft minimum All other: Not allowed
Fire pits up to 30 inches in height	No max	No max	No max	No Max	All Sides: 5 ft minimum
Outdoor kitchens. The kitchen may include gas, electric and plumbing, except electric connections must be less than 200 volts and drain size may not exceed that allowed for a mini bar. Includes Pizza Ovens.	Not allowed	No max	Not allowed	Not allowed	Rear Yard: <del>2</del> 5 ft minimum All other sides: Not allowed

**Structures and Equipment** not permanently attached to the ground are allowed within setback areas. Rain harvest tanks are encouraged and therefore allowed within side and rear yard setbacks. Mechanical equipment may have noise and visual impacts to a neighbor; therefore, are prohibited from the front and exterior side yard and have required setbacks within the interior side yard and rear yard. The draft code standards are in black. **All staff recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>OTHER STRUCTURES AND EQUIPMENT</b>					
Children's play equipment, movable dog house, movable trach enclosures, and similar moveable objects	No max	No max	No max	No max	All sides: No minimum
Rain harvest tanks that do not exceed 8 ft in height	Not allowed	No max	No max	No max	Front Yard: Not Allowed. All sides: No minimum
Screened mechanical equipment including hot water heaters and HVAC units.	<del>No max</del> Not Allowed	No max	No max	<del>No Max</del> Not Allowed	<del>No minimum</del> Rear and Interior Side Yard: 3 ft

Attachment: Remaining Zoning Code Issues (1715 : Zoning Code Update)

# Remaining Zoning Code Issues | 2017

## Topic 8: Setbacks for Accessory Structures and Accessory Dwelling Units

**Section:** 17.52.020

**Page:** 52- 2

**Section:** 17.74.050 and 060

**Page:** 74 - 5

**Overview:** The zoning code allows accessory structures and accessory dwelling units in setback areas. The setbacks in the draft code are consistent between the two allowed structures, requiring increased setbacks as the accessory structure increases in height. **Staff is not requesting direction on this item. Staff included this item anticipating that questions would arise relative to the setback discussion in Topic 7.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>ACCESSORY STRUCTURES &amp; DETACHED GARAGE 17.52</b>					
Accessory structure less than 8 ft. in height, 80 sf or less, no plumbing	Same as primary	No max	No max	No max	All Sides: No minimum
Accessory Structures 8 to 15 ft. in height in SF zone	Same as primary structure	No max	No max	<del>No max</del> Same as primary structure	Front: Same as primary structure Interior and Exterior Sides: 3 ft. Rear: 3 ft.
Detached Garage	None	No max	No max	No max	Front: 40 ft Interior and Exterior Sides: 3 ft. Rear: 3 ft.
Accessory Structure in MF Residential	None	No max	No max	No max	Front: Same as primary Structure Interior and Exterior Side: 3 ft. Rear: 3 ft.

Attachment: Remaining Zoning Code Issues (1715 : Zoning Code Update)

# Remaining Zoning Code Issues | 2017

	Encroachment into Setback				Minimum Distances from Property Lines [2]
	Front	Rear	Interior Side	Exterior Side	
<b>Accessory Dwelling Units</b>					
Detached Accessory Dwelling Units – One Story (15 ft. Height or less)[1]	None	No Max	No Max	None	Front: Same as required for primary residence Interior Side: 5 ft Exterior Side: Same as required for primary residence Rear: 8 ft
Detached Accessory Dwelling Units (15-22 ft. height)	None	No Max	No Max	None	Front: Same as required for primary residence Interior Side: 5 ft Exterior Side: Same as required for primary residence Rear: 10 ft
Attached Accessory Dwelling Units	Same as primary residence	Same as primary residence	Same as primary residence	Same as primary residence	Front, Rear, Exterior Side and Interior Side: Same as primary residence  Above garage: 5 ft [3]

**Notes:**

- [1] Maximum height of 12 feet when accessory dwelling unit is 10 feet or less from property line.  
 [2] No setback is required for an existing garage that is converted to an accessory dwelling unit.  
 [3] Minimum 5-foot setback for accessory dwelling units constructed above a garage.

**Topic 8: Accessory Dwelling Units (previously Secondary Dwelling Units)****Chapter:** 17.74**Page:** 74-1 through 74-9

**Overview:** This chapter establishes standards for the location and construction of accessory dwelling units consistent with the State of California Government Code Section 65852.2 as amended within AB2299. The chapter has been modified extensively since the original 2016 draft to comply with recent State legislation. Major changes include new terminology, new definitions, new standards for attached, detached, and internal accessory dwelling units, new parking allowances and waivers, and increased minimum size of 1,200 square feet.

**Topic 9: Non-Conforming Structures****Section:** 17.92.080**Page:** 92-6

**Overview:** The City Council requested that staff edit Table 17.92 to clarify the new thresholds. Staff updated the description of the thresholds and added examples for each. **Staff request discussion on the updated table.**

**Planning Commission Recommendation:****TABLE 17.92-1: ALLOWED MODIFICATIONS TO NONCONFORMING STRUCTURES**

Project Affecting a Nonconforming Structure	Permit Required [1]
Nonstructural repairs, maintenance, and interior alterations	None
Structural repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	None
Structural repairs, modifications, and additions that alter or affect the nonconforming aspect of the structure	<del>Conditional Use</del> Design Permit
Structural repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	Variance
Replication of a single-family dwelling per 17.92.070.D	<del>Conditional Use</del> Design Permit
Recreation of an involuntarily damaged or destroyed structure	None

Notes:

[1] The proposed project may require permits and approvals for other reasons not related to its nonconforming status. For example, additions or enlargements to a single-family dwelling often requires a Design Permit.



# Remaining Zoning Code Issues | 2017

**City Council Recommendation:**

**TABLE 17.92-1: ALLOWED MODIFICATIONS TO NONCONFORMING STRUCTURES**

Project Affecting a Nonconforming Structure	Example	Permit Required [1]
<del>Interior Nonstructural</del> repairs, maintenance, and <del>interior</del> -alterations	<u>Interior renovations to a room within a portion of a building located within a required setback area</u>	None
<del>Exterior Structural</del> repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	<u>Adding floor area to a home with an existing roof that exceeds the maximum building height where the addition complies with the maximum building height and all other applicable standards</u>	None
<del>Exterior Structural</del> repairs <del>and</del> modifications <del>and</del> additions that alter or affect the <del>nonconforming</del> aspect of the structure <u>[2]</u>	<u>Rebuilding an existing building wall within a required setback area with no increase in floor area</u>	Design Permit
<del>Exterior Structural</del> repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	<u>Adding floor area to a portion of an existing room within a required setback area</u>	<u>Design Permit and Variance</u>
<del>Replication Reconstruction</del> of a single-family dwelling per <del>17.92.070.D</del>	<u>See 17.92.080.C</u>	Design Permit
Recreation of an involuntarily damaged or destroyed structure	<u>Rebuilding a home destroyed by a fire to match the destroyed home</u>	None

Notes:

[1] The proposed project may require permits and approvals for other reasons not related to its nonconforming status. For example, additions or enlargements to a single-family dwelling often requires a Design Permit.

[2] ~~Repairs and replacement of exterior finishes such as roofs and exterior siding are allowed without a Design Permit.~~

Attachment: Remaining Zoning Code Issues (1715 : Zoning Code Update)

Staff Revisions to Draft Zoning Code (January 9, 2017)

The 2017 Draft Zoning Code includes all staff edits in blue. The majority are minor edits to grammar, spelling, and references. The following list includes edits made by staff that are quantitative and/or qualitative in nature that should be brought to Planning Commission and City Council’s attention but do not required additional direction, unless requested.

- 1. Table 17.24-1. Page 24-3.  
Change: Added Vehicle Sales Display Room with a note that a Vehicle Sales Display Room may not exceed 5,000 square feet in size.

<u>Vehicle Sales Display Room [8]</u>	<u>P</u>	<u>P</u>	<u>=</u>	
<u>[8] Maximum 5,000 square feet.</u>				

- 2. Section: 17.24.030.D.4. Page 24-6.  
Change: Added exception to increased setback standards for narrow lots.

1. Setbacks. The minimum setback from the residential property line shall be 15 feet for interior side yards and 20 feet for rear yards. For lots less than 100 feet wide, the Planning Commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.

- 3. Section: 17.48.040.B.6 Page: 48-5  
Change: The draft code combined deck requirements with trellis requirements including the provision that they be open on three sides. The enclosure of three sides should not have been applied to decks and patios. Staff split the exceptions to separate the decks and patio standards from the trellis and porte-cocheres to avoid confusion.

6. For all uses, the following features are excluded from the floor area calculation:

- a. ~~Covered or uncovered decks, patios, trellises, and similar outdoor spaces which are open on at least three sides, not including carports.~~
- b. Covered or uncovered decks; and patios.
- c. Trellises, porte-cocheres not more than 10 feet in height, and similar outdoor space which are open on at least three sides, not including carports.

- 4. Chapter: 17.52 Page: 52-2  
Change: The building official reviewed the maximum width of a detached garage (21-feet) and suggested that the width should be increased by two feet to accommodate a two car garage

Attachment: Staff Revisions to Draft Zoning Code (1715 : Zoning Code Update)

# Staff Revisions to Draft Zoning Code | 2017

with ample structural supports on both ends. Interior parking spaces are required to be ten feet wide, twenty-foot wide for two spaces.

**TABLE 17.52-1: ACCESSORY STRUCTURE STANDARDS IN RESIDENTIAL ZONING DISTRICTS**

	Single-Family Residential Zoning Districts	Multi-Family Residential Zoning Districts	Additional Standards
<b>Height, Maximum</b>			
Structure	15 ft. [1]	15 ft.	Section 17.52.020.B.2
Top of Wall Plate	9 ft.	9 ft.	
<b>Width, Maximum</b>	<del>23</del> 4 ft. for detached garages; None for other accessory structures	None	

- 5. Section 17.56.030 and 040 Page 56-3

Change: Added grading monitoring requirements for unexpected discovery of archaeological or paleontological resources.

**17.56.030 Grading Monitoring Requirement**

The Community Development Director may require grading monitoring by a qualified archaeologist or paleontologist for any project which involves grading into native soils within an area identified as having a moderate to high potential to support archaeological or paleontological resources. Archaeological and paleontological monitors shall be commissioned by the City and paid for by the project applicant.

**17.56.040 Unexpected Discovery of Archaeological or Paleontological Resources**

If archaeological or paleontological resources are discovered during grading or construction activities, all work must immediately cease and the project applicant or their designated representatives must immediately contact Community Development Department staff to initiate a resource evaluation by a qualified archaeologist or paleontologist, as appropriate. Work shall not resume until the qualified archaeologist or paleontologist determines that no significant resources are present or until appropriate avoidance and/or mitigation measures have been implemented to the satisfaction of the Community Development Director.

- 6. Section 17.60.030 Page 60-2

Change: Added note to see 17.96.050 Intersection sight distance for fences on corner lots.

**Note:**  
[1] See Section 17.96.050 (Intersection Sight Distance) for addition corner lot fence requirements.

Attachment: Staff Revisions to Draft Zoning Code (1715 : Zoning Code Update)

## Staff Revisions to Draft Zoning Code | 2017

## 7. Section 17.60.030.B Page 60-2

Change: The Planning Commission added an exception for fences or walls used as landscape feature to exceed the fence height limit. Staff deleted this from this section and added it to chapter 17.48.030.D: Allowed Encroachments in Setback Areas an allowance for landscape features up to 6 feet in height.

Deleted 17.60.030.B:

~~B. Fences and Walls as Landscape Feature. A fence or wall used as a landscape feature which does not enclose the perimeter of the property may exceed the height limits in side and rear setback areas shown in Figure 17.60-1 up to a maximum of 6 feet.~~

Added to 17.48.030.D.10:

10. Landscape features up to a maximum height of 6 feet which does not enclose the perimeter of the property

## 8. Section: 17.76.020.C.1.b Page: 76-2

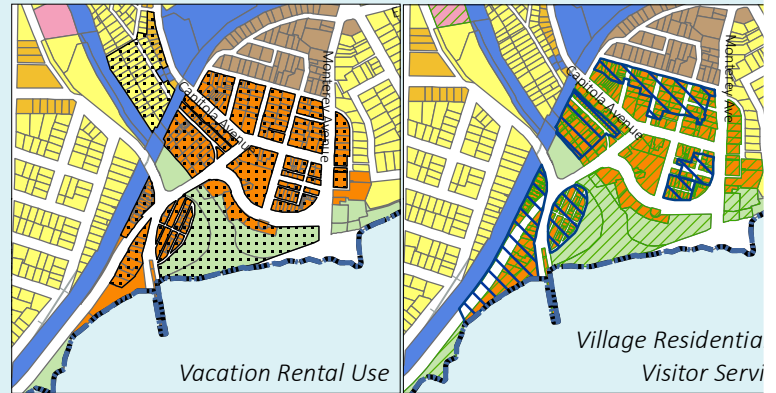
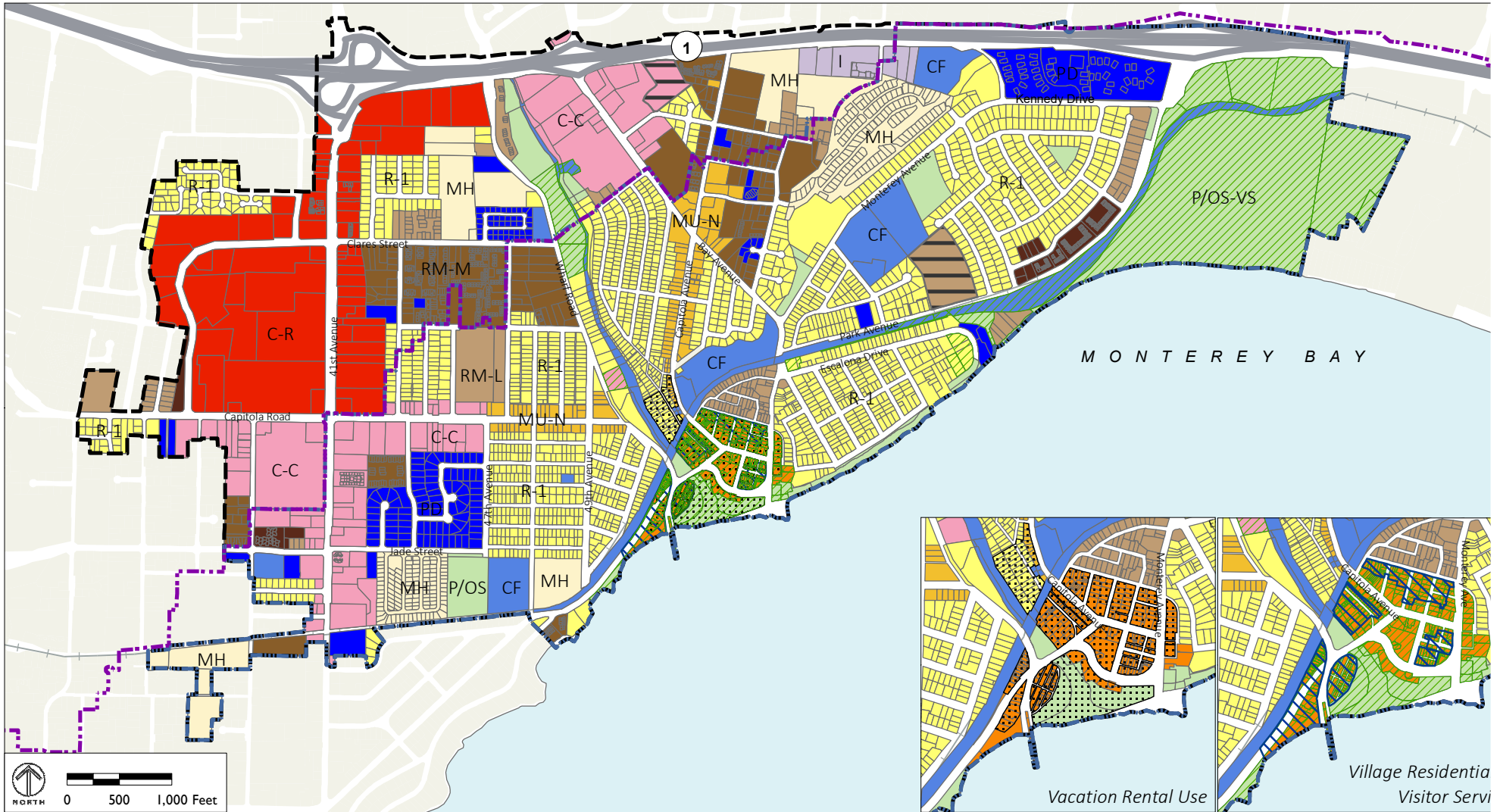
Change: Expansion of an eating or drinking establishment. This new standard allows eating and drinking establishments to expand slightly within the existing building footprint or outdoor dining without providing additional parking. The Planning Commission and City Council discussions were focused on the Central Village. Staff added the stipulation that this standard only applies within the mixed use village.

**C. Expansions and Enlargements.**

**1. Nonresidential Use.**

- a. Where an existing structure with a nonresidential use is expanded or enlarged, additional parking is required to serve only the expanded or enlarged area, except as allowed by subparagraph b below.
- b. Within the Mixed Use Village (MU-V) zoning district, an eating and drinking establishment may expand by 20 percent of the existing floor area of the business without providing additional parking. Permitted expansions include modification of the internal building layout to enlarge the dining area, additions to the size of the business within an existing building footprint, and new outdoor dining areas.

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**Residential Zoning Districts**

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

**Mixed-Use Zoning Districts**

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

**Commercial and Industrial Zoning Districts**

- C-R - Regional Commercial
- C-C - Community Commercial

**I - Industrial**

- I - Industrial

**Other Zoning Districts**

- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development

**Overlay Zones\***

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

**City Limit**

- City Limit
- Santa Cruz Coastal Zone Boundary

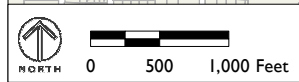
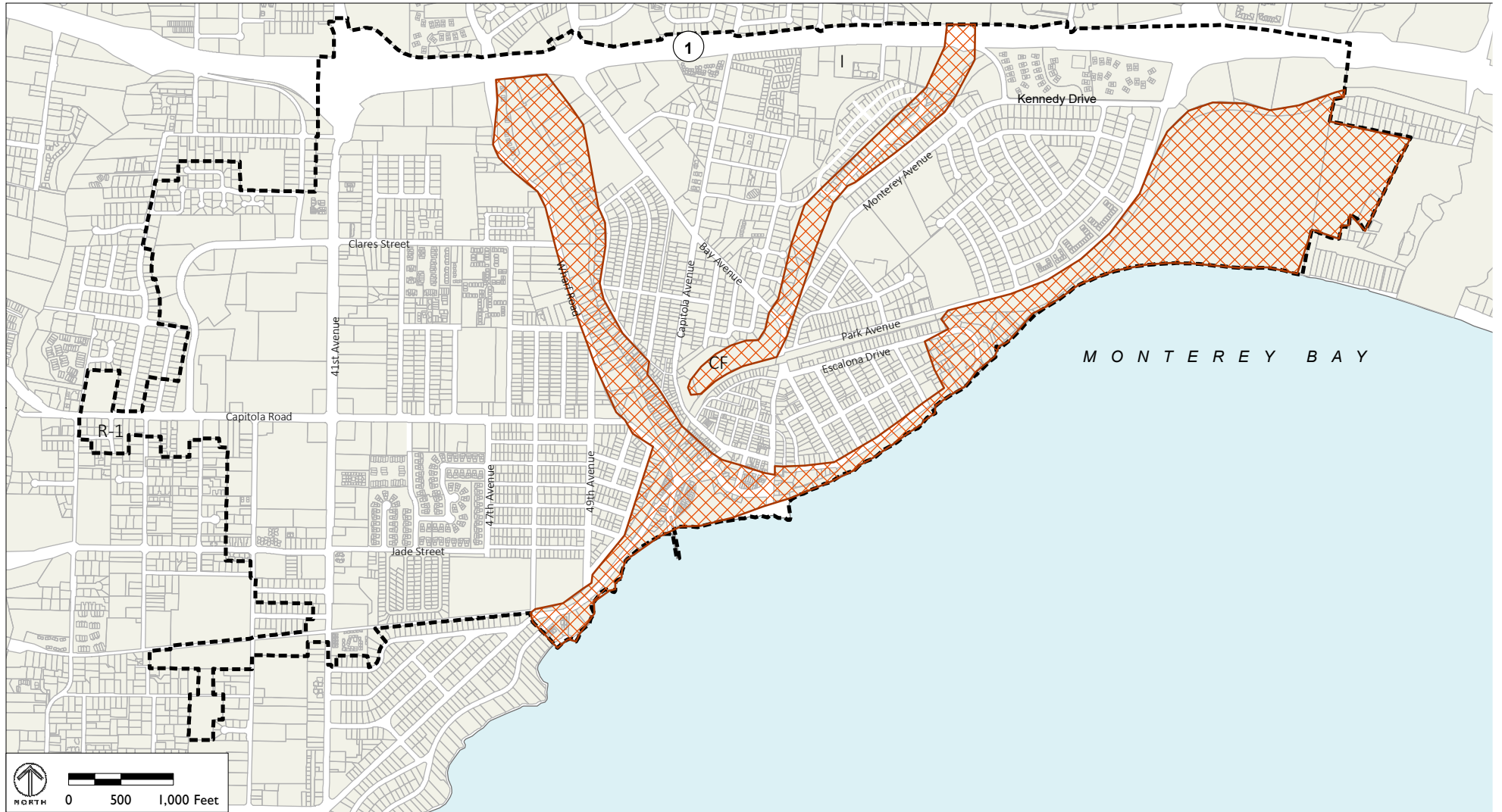
Source: ESRI, 2017; PlaceWorks, 2017



\*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.

Attachment: Zoning Map\_8.5x11\_Updated011117 (1715 : Zoning Code Update)



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-  Environmentally Sensitive Habitat
-  City Limit

Source: ESRI, 2017; PlaceWorks, 2017

Attachment: Environmentally Sensitive Areas Map\_Updated011117 (1715 : Zoning Code Update)



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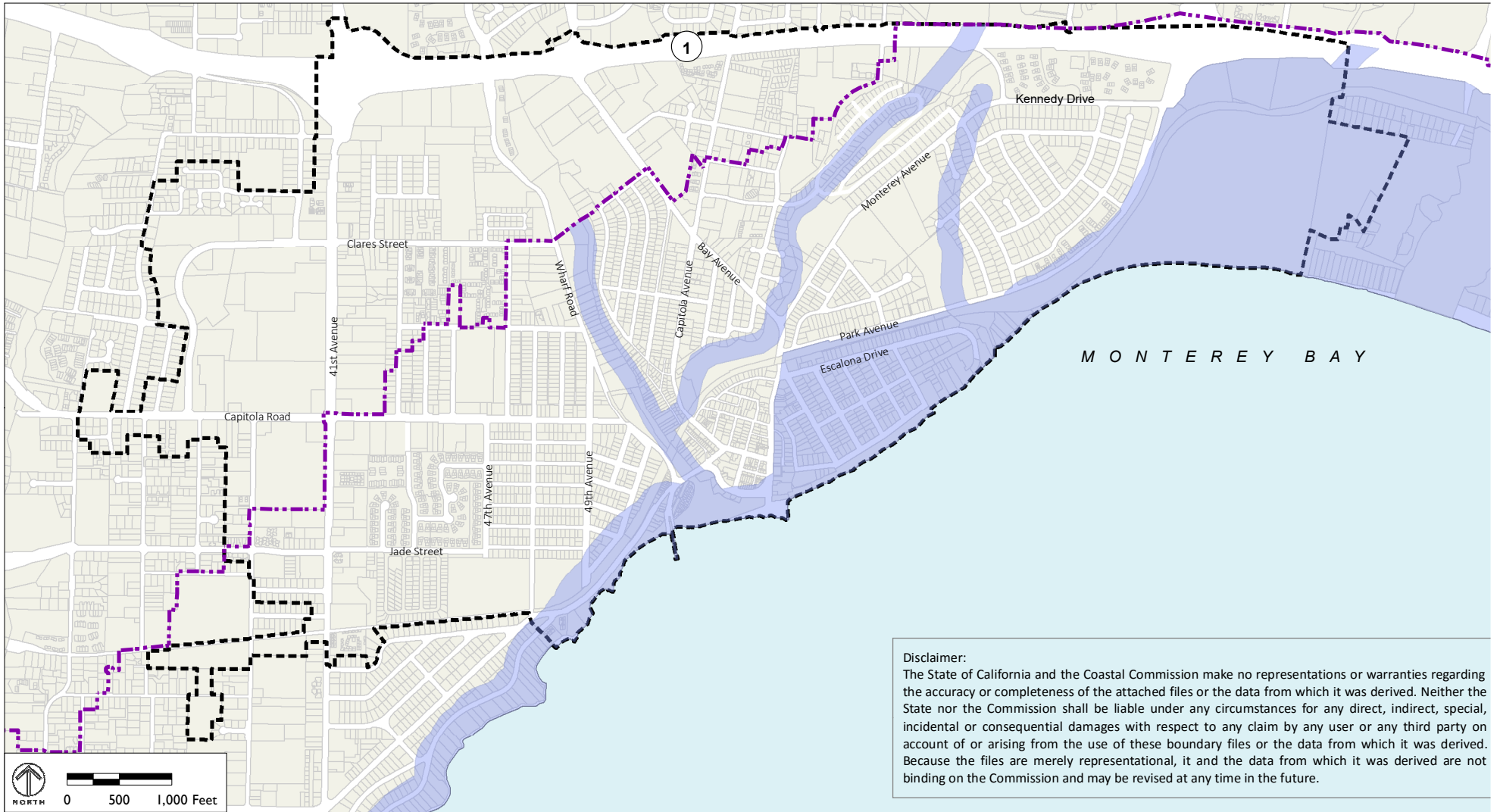
- Geological Hazard
- City Limits
- Land Parcels

Source: ESRI 2017; PlaceWorks, 20

Attachment: Geologic Hazard Map\_Updated011117 (1715 : Zoning Code Update)



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- Santa Cruz Coastal Zone Boundary
- Coastal Zone Appeal Jurisdiction Boundary
- City Limit

Source: ESRI, 2017; PlaceWorks, 2017

Attachment: Coastal Map\_Without Permit Jurisdiction\_Updated011117 (1715 : Zoning Code Update)