

# City of Capitola Agenda

Mayor: Ed Bottorff  
Vice Mayor: Stephanie Harlan  
Council Members: Jacques Bertrand  
Dennis Norton  
Michael Termini  
Treasurer: Christine McBroom



## CAPITOLA CITY COUNCIL SPECIAL MEETING

SATURDAY, OCTOBER 1, 2016

10:00 AM

CITY COUNCIL CHAMBERS  
420 CAPITOLA AVENUE, CAPITOLA, CA 95010

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

*All matters listed on the Special Meeting of the City Council Agenda shall be considered as Public Hearings.*

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

Council Members Dennis Norton, Stephanie Harlan, Jacques Bertrand, Michael Termini and Mayor Ed Bottorff

**2. ADDITIONAL MATERIALS**

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

**3. ADDITIONS AND DELETIONS TO THE AGENDA**

**4. PUBLIC COMMENTS**

*Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. 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. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.*

**5. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS**

*City Council Members/City Treasurer/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration.*

6. **GENERAL GOVERNMENT / PUBLIC HEARINGS**

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

A. Zoning Code Update

**RECOMMENDED ACTION:** Receive the staff presentation on the proposed Zoning Code Update and continue the public hearing to the Thursday, October 13, 2016, Special City Council meeting.

7. **ADJOURNMENT**

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

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

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete Agenda Packet are available for review on the City's website at [www.cityofcapitola.org](http://www.cityofcapitola.org) and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk's office at 831-475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

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

**Televised Meetings:** City Council meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed "Live" on the City's website at [www.cityofcapitola.org](http://www.cityofcapitola.org) by clicking on the Home Page link "Meeting Video." Archived meetings can be viewed from the website at anytime.



# CAPITOLA CITY COUNCIL SPECIAL MEETING AGENDA REPORT

**MEETING OF OCTOBER 1, 2016**

FROM: Community Development

SUBJECT: Zoning Code Update

**RECOMMENDED ACTION:** Receive the staff presentation on the proposed Zoning Code Update and continue the public hearing to the Thursday, October 13, 2016, Special City Council meeting.

**BACKGROUND:** The City of Capitola initiated an effort in 2014 to comprehensively update its 1975 Zoning Code. To begin the process, staff solicited input from a variety of stakeholders to identify issues with the current Zoning Code and opportunities for improvement. Staff used this feedback to develop an Issues and Options Paper which served as the basis for eight public hearings with the Planning Commission and City Council to provide staff with policy direction prior to drafting an updated Code. Staff completed a Draft Zoning Code Update based on policy direction received during the Issues and Options hearings.

The Draft Zoning Code was released on February 4, 2016, for an extended public review and comment period. The Draft Code, Zoning Map, and previous staff reports with attachments are available online at: <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>. The Planning Commission began their review of the Draft Zoning Code on March 3, 2016, and to date has held 13 public hearings to discuss the Code. To date the City Council has held four hearings regarding the Code update on August 11<sup>th</sup>, August 18<sup>th</sup>, September 8<sup>th</sup>, September 15<sup>th</sup>, and September 29<sup>th</sup>.

**DISCUSSION:** The City Council will begin the October 1<sup>st</sup> meeting with the next chapter in sequence from the continuation on the September 29<sup>th</sup> meeting. The Council may also review the coastal chapters of the zoning code (Chapter 17.28 Visitor Serving and Chapter 17.44 Coastal Overlay Zone) if all other chapters have been reviewed and time permits.

The City Council received a complete Draft Zoning Code on February 11, 2016. In August, the City Council received an updated Draft Code containing the Planning Commission modifications in redlines of Parts 1 through 4. The draft with Planning Commission edits is available online at <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>.

The only pending Chapter for the City Council to receive is Chapter 17.104 Wireless Communication Facilities. This chapter will be distributed to the City Council for the October 13<sup>th</sup> meeting, following the Planning Commission review on October 6<sup>th</sup>.

Zoning Code Update  
October 1, 2016

A list of all revisions provided by the City Council to date is included as Attachment 1.


FISCAL IMPACT: None.

ATTACHMENTS:

1. City Council Requested Changes

Report Prepared By: Katie Cattan  
Senior Planner

**Reviewed and Forwarded by:**



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Jamie Goldstein, City Manager

9/26/2016

**City Council Review of Draft Zoning Code: Requested Changes and Discussion Items**

Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
8/11/2016	17.04	Page 04-1	No Changes to Chapter 17.04: Purpose and Effect of Zoning Code	
8/11/2016	17.08	Pave 08-1	No Changes to Chapter 17.08: Interpretation	
8/11/2016	17.12	Page 12-1	No Changes to Chapter 17.12: Zoning Districts and Map	
8/11/2016	17.16	Page 16-1	No Changes to Chapter 17.16: Residential Zoning Districts	
8/11/2016	17.20.010.B.1	Page 20-1	Add "Walkable" to description of MU-V	
8/18/2016	Table 17.20-1	Page 20-2 to 20-3		Consider small mobile food vendors such as popcorn and popsicles
8/18/2016	17.20.030.B	Page 20-5	Height Exceptions. Replace with 1. Up to 30 feet for a structure with a minimum 5:12 roof pitch. See figure 17.20-1. 2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C. 3. Up to 33 feet for pitched roof with a maximum plate height of 26 feet and no habitable space above the plate line.	
8/18/2016	17.20.030.E.1	Page 20-6	Change the word shall to should.	
8/18/2016	17.20.030.E.8 (add)	Page 20-10	Add standards for Garbage and Recycling that they are located to the side and rear of buildings, sufficiently screened from public right-of-way, and designed into the architecture of the building.	
8/18/2016	17.20.040.D Figure 17.20-8	Page 20-14	In the figure, a 20 foot setback is labeled. "20 feet" should be replaced with "minimum zone setback"	
8/18/2016	17.20.040.F	Page 20-15	Check with Public Works that the Driveway Dimension Standards for required 2-way width are correct. Question asked why the minimum is not double the 1 -way standard at 16.	
8/18/2016	17.20.040.F	Page 20-15	Staff change: Footnote [1] should be listed as a standard so it is not overlooked.	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Add Single-Family as prohibited.	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Add CUP for Mobile Food Vendor in C-R; note mobile food vendors in one location two times or less per year are regulated as a temporary use in accordance with Section 17.96.180.	

City Council Review of Draft Zoning Code: Requested Changes and Discussion Items				
Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Clarification that Mobile Food Vendors are allowed within Temporary Publicly Attended Activities as governed in Chapter 9.36 of the Municipal Code	
8/18/2016	Table 17.24.1	Page 24-3 and 24-4		Drive-Through Facilities. Should they be prohibited?
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	City Council had a discussion on Note [5] of the table limiting residential to 50% of a mixed use development. Directed staff to remove multi-family from C-R zone resulting in the removal of note [5] as well.	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	For Residential Mixed Use in C-R add note prohibiting residential from first story.	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Add dash for prohibit with food preparation and self storage in C-R	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Change addition requirements reference for self-storage to 17.96.140	
8/18/2016	17.24.020.C	Page 24-5	Remove "banks" from list.	
8/18/2016	17.24.020.C Table 17.24-2	Page 24-5	Prohibit all ground floor office in C-R zoning district.	
8/18/2016	17.24.020.C Table 17.24-2	Page 24-5	Staff change: Add key. Clarify N/A under CC zone for conversions of retail use to an office use.	
8/18/2016	17.24.030.A Table 17.24-3	Page 24-6	Modify landscaped Open Space, Minimum in Industrial Zone to 5% minimum. Remove "up to"... "as determined.."	
8/18/2016	17.24.030.C.1	Page 24-7	Change referenced table to 17.24-3	
8/18/2016	17.24.040.B.2	Page 24-9	Remove 2nd sentence "At all time there shall be at least 10 feet between the building wall and edge of sidewalk."	
8/18/2016	17.36	Page 36-1	No changes to Planned Development	

**City Council Review of Draft Zoning Code: Requested Changes and Discussion Items**

Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
9/8/2016	17.76.050.I	Page 76-14	Direction to keep draft code Section 17.76.050(I)(1) which codifies in-lieu program. The City Council directed staff to return to normal meeting to make revisions to allocations within the policy. Section 17.76.050(1)(2) will be removed.	
9/8/2016	17.76.050.E	Page 76-12	City Council direction to have Planning Commission reconsider allowing shared parking studies in the village. Note: On September 19, 2016, the Planning Commission revised redlines to include shared parking studies in the Village as long as there is onsite parking.	
9/8/2016	17.96.170.C.8	Page 96-20	City council agreed with Planning Commission that Conversion of On Street Parking Spaces for parklets should not be included in the Zoning Code update. City Council directed staff to draft a Pilot Program for Parklets to be reviewed at a regularly scheduled City Council meeting separate from the Zoning Code Update. The Council gave preliminary direction that they would like to consider up to 2 pilots in the village each utilizing a maximum of 2 parking spaces.	
9/15/2016	17.40.020.B	Page 40-1		Follow-up. Staff to research Capitola housing element and see if the one acre minimum can be decreased. Applicability section requires one acre minimum for parcels in which the overlay may apply.
9/15/2016	17.40.020.H.2.e	Page 40-4	Remove relaxed development standards for parking.	
9/15/2016	17.40.020.J.2	Page 40-6	Remove "55 years" and replace with "natural life of the unit".	

**City Council Review of Draft Zoning Code: Requested Changes and Discussion Items**

Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
9/15/2016	17.40.030.E	Page 40-8	Update the reference to "Pacific Cove" parking lot to "Beach and Village Parking Lot 1"	
9/15/2016	17.40.030.E.6	Page 40-8	Change maximum size of a vacation rental sign from one square foot to 8.5 x 11 inches.	
9/15/2016	17.40.030.E	Page 40-8	Add a requirement that all vacation rentals have smoke detectors and carbon monoxide detectors	
9/15/2016	Table 17.48-1	Page 48-2	Add "Thermal Recovery" to table next to Photovoltaic panels	
9/15/2016	Table 17.48-1	Page 48-2	Remove Wind energy systems from table.	
9/15/2016	Table 17.48-2	Page 48-3	<p>For Cornices, eaves, canopies and similar roof projections</p> <p>Modify Maximum Projection into required Setbacks to: Interior <u>and Exterior Side</u>: 2 ft                      Front and Rear: 4 ft</p> <p>Keep Minimum Distance from Property Line:                      All property lines: 3 ft</p>	
9/15/2016	Table 17.48-2	Page 48-3	<p>For Decks 18 inches or less above grade</p> <p>Modify Maximum Projection into required Setbacks to: <u>No Max</u></p> <p>Modify Minimum Distance from Property Line:                      5 ft front and exterior side</p>	
9/15/2016	Table 17.48-2	Page 48-3	Remove Note 3. It is not referenced in the table	
9/15/2016	17.48.030.D.1	Page 48-4	Add a 50% transparency requirement for a wall within a Trellis structure.	
9/15/2016	17.48.030.D.5	Page 48-4	Add a 30 inch maximum height to fire pits.	
9/15/2016	17.48.030.D	Page 48-4	Add outdoor kitchen. Allowed in rear yard if it is 2 feet from the property line. Must be on grade. May have gas, electric, and plumbing. Same standards as a mini bar for drain size and no 220 electric.	



City Council Review of Draft Zoning Code: Requested Changes and Discussion Items				
Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
9/15/2016	17.48.030.D	Page 48-4	Add Pizza Oven. Require Pizza Oven to be located in rear yard and be a minimum of 10 feet from property lines.	
9/15/2016	Table 17.52-1	Page 52-2	Change rear yard requirement Accessory Structures in single-family and multi-family to have a minimum 3 foot setback.	
9/15/2016	Figure 17.52-1	Page 52-2	Update figure for detached garage to show 3 foot rear yard setback and 12 foot maximum height	
9/15/2016	17.52.030.B.4	Page 52-4	Staff edit. Add the word "exterior" as follows "All exterior vending machines..."	
9/15/2016	17.56.030	Page 56-1	Add a reference to the State requirements if an archeological resource is found on site during construction.	
9/15/2016	17.56.030.C.2	Page 56-2	Add or to sentence as follows "Preservation <u>and/or</u> the State..."	
9/15/2016	Table 17.60-1	Page 60-2	Remove Alley requirements for fence and wall height	
9/15/2016	Figure 17.60-1	Page 60-2		Staff to Check with Public Works that site line requirements are met.
9/15/2016	17.64.020	Page 64-1		Staff to check LCP that names of environmentally sensitive habitat areas are same in code and LCP.
9/15/2016	17.64.030.I	Page 64-3	Replant for dead tree removal must be native vegetation or habitat for butterflies	
9/15/2016	17.72.050.B.2	Page 72-3	Add qualitative standards to ensure that in the MU-V and MU-N there is natural landscaping in addition to hardscape.	
9/15/2016	Table 17.72-1	Page 72-3	Change Industrial to a minimum of 5%	