



AGENDA
CAPITOLA PLANNING COMMISSION
THURSDAY, OCTOBER 20, 2011
7:00 P.M. – CITY HALL COUNCIL CHAMBERS

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Graves, Newman, and Chairperson Ortiz
Absent: Routh, Smith
Staff: Community Development Director Johnson
Senior Planner Bane
Housing and Redevelopment Planner Foster
Minute Clerk Uharriet

2. 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

3. APPROVAL OF MINUTES

A. September 1, 2011 Regular Planning Commission Meeting

4. 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. 703 RIVERVIEW DRIVE

#11-097

APN: 035-042-26

Coastal Permit and Design Permit to remodel an existing two-story single-family residence in the R-1 (Single-Family Residence) Zoning District. This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Steve Goodman & Kathryn Quigg, filed 9/12/11

Representative: Derek Van Alstine

5. 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. 116 STOCKTON AVENUE

#11-093

APN: 035-231-13

Conditional Use Permit for a retail wine store and wine bar with the sale and dispensing of alcohol in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Frederic Feldner, owner/filed: 9/1/11

Representative: Tina Metzger

B. 115 SAN JOSE AVENUE

#11-100

APN: 035-221-27

Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Peter Dwares, owner/filed: 9/15/11

Representative: Dennis Norton Design

C. ZONING AMENDMENTS TO IMPLEMENT HOUSING ELEMENT ACTION ITEMS

The Planning Commission shall consider amendments to the Capitola Municipal Code to implement action items contained in the 2007-2014 Housing Element. These amendments are as summarized as follows:

1. Amend the Capitola Municipal Code to modify parking, lot size, height, and setback requirements to encourage secondary dwelling units.
2. Amend the Capitola Municipal Code to allow Single Room Occupancy (SRO) and Small Ownership Units (SOU) in the Community Residential, Neighborhood Commercial and Community Commercial Zone Districts.
3. Amend the Capitola Municipal Code to provide Community Development Director approval of reasonable accommodations for persons with disabilities.
4. Amend the Capitola Municipal Code to add emergency shelters as a principally permitted use in the Industrial Park Zone District.
5. Amend the Capitola Municipal Code to specify that transitional and supportive housing is a principally permitted use in all zone districts that allow residential uses.

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

Adjourn to a Regular Meeting of the Planning Commission to be held on Thursday, November 3, 2011 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

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

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

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.ci.capitola.ca.us. 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 at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings can also be viewed from the City's website: www.ci.capitola.ca.us



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 1, 2011
7:00 P.M. – CITY HALL COMMUNITY ROOM**

Chairperson Ortiz called the Regular Meeting of the Capitola Planning Commission to order at 7:02 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Graves, Routh, Smith and Chairperson Ortiz
Absent: Newman
Staff: Community Development Director Johnson
Senior Planner Bane
Minute Clerk Uharriet

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Staff requested that Public Hearing Item 5.A to be continued to the October 20th Planning Commission meeting.

B. Public Comments

Edwardo Martinez, new Chairperson of the Palo Alto Planning Commission, commented on the City of Palo Alto's initial comprehensive planning process.

C. Commission Comments - NONE

D. Staff Comments - NONE

3. APPROVAL OF MINUTES

A. August 4, 2011 Regular Planning Commission Meeting

Commissioner Graves clarified: Page 1, Item 4.A. "Commissioner Graves clarified that the ordinance permits one monument sign per property. Staff stated that BevMo shares a monument sign with McDonald's, and will not be permitted a ~~sign-space~~ second sign on the new Capitola Station monument sign."

A MOTION WAS MADE BY COMMISSIONER ROUTH AND SECONDED BY COMMISSIONER SMITH TO APPROVE THE AUGUST 4, 2011 MINUTES WITH CHANGES.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, ROUTH, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NEWMAN. ABSTAIN: NONE.

4. CONSENT CALENDAR

A. 1545 LINCOLN AVENUE

#11-071

APN: 034-041-14

Design Permit to demolish a single-family residence and construct a new two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Santa Cruz Capital, LLC/ Peter Tiemann, filed 6/29/11

Representative: Frank Ho

Commissioner Smith recused herself as she owns property is within 300' of the subject property application.

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER ROUTH TO APPROVE PROJECT APPLICATION #11-071 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of demolition of a one-story single-family house and construction a new two-story 1,819 square foot single-family residence at 5040 Garnet Street.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. Curb and gutter that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
6. An encroachment permit shall be acquired for any work performed in the right-of-way.
7. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
8. The project shall implement at least one low impact development BMP from the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County.
9. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
10. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
11. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

- B. **The application will maintain the character and integrity of the neighborhood.**

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

- C. **This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

This project involves construction of a new single-family residence in the R-1 (single family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, ROUTH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NEWMAN. ABSTAIN: SMITH.

5. PUBLIC HEARINGS

- A. 1066 41st AVENUE, A105 #11-062 APN: 034-071-01**

Sign Permit for a take-out restaurant use (Amazon Juice) with outdoor seating in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Joao Luiz Freta, filed 6/7/11

Representative: Steve Elmore

CONTINUED TO THE OCTOBER 20, 2011 MEETING.

- B. 104 FAIRVIEW AVENUE #11-085 APN: 036-111-13**

Design Permit to construct a new deck and retaining wall for a single-family residence in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: John Gachina, filed 8/11/11

Representative: Jerry Allison

Senior Planner Bane presented the staff report.

Commissioner Routh asked if a lighting plan had been submitted for review.

Chairperson Ortiz suggested that Condition #3 include shielding lighting on the deck area from affecting neighboring properties.

Senior Planner Bane stated that lighting was not proposed at this time and that a lighting plan was not submitted with the current plans.

The public hearing was opened.

Jerry Allison, landscape architect and project representative, spoke in support of the application noting that the landscape plan was designed to fit with the historic building and the site. The hillside is planted with a native grass mix sod and once established will help keep the drainage on site.

John Gachina, property owner and landscape contractor, spoke in support of the application. He explained installation of the sod on the hillside and the initial need for excessive watering until a root system was established. Future watering will be minimal with the native grass. No electrical conduit has been laid in the yard areas and lighting has not been designed at this time.

Molly Ording, neighbor, spoke with concerns about the project. She stated that there has been an increase in drainage from the site, under her home and seeping from the historic rock wall along Monterey Avenue. The dirt on the hillside was moved or scraped prior to installing the sod. The change in the drainage pattern occurred following the increased steepness of the slope, the installation of the sod and watering the sod on the hillside. Ms. Ording suggested that a condition be added that would require a drainage plan be designed by a licensed professional for the lower portion of the property to address drainage from the hillside. She requested that there be some type of landscape screening or green buffer at the top of the slope for privacy. She appreciated the applicant's reduced deck height.

The public hearing was closed.

Commissioner Routh questioned the increased steepness of the slope. He stated that the holes in the rock wall along Monterey Avenue are designed to relieve pressure in the wall due to water seeping through the hill. He stated that during a heavy rain the water runs across the pathway and down the street, but that drainage remains an issue and suggested an additional condition that would allow the City to require the property owner to design and install a wall at the lower portion of the property to alleviate the drainage issue. The reduced deck height addressed the privacy issue with the neighbor to the west, and the next door neighbor provided a letter in support of the project. The City does not address privacy of a public walkway. He suggested an additional condition to requiring a lighting plan be submitted for review prior to installation,

Commissioner Graves stated that there has been an increase of impervious surfaces and there is an increase of drainage from the site. He was concerned about the enforceability of condition #2. He concurred with staff's and Commissioner Routh's proposed additional conditions pertaining to drainage and lighting.

Commissioner Smith asked the applicant what is the proposed finish of the block wall and what type of irrigation will be incorporated throughout the landscape areas. She was concerned about the length of the grass encroaching into the pathway. She concurred with staff's and Commissioner Routh's proposed conditions pertaining to drainage and lighting, and suggested that the lighting plan incorporate low energy lighting.

Chairperson Ortiz was concerned about the change in the drainage pattern and supported an additional condition that requires the applicant to submit a detailed drainage plan and calculations for

the dissipation system on the property. She concurred with staff's and Commissioner Routh's additional conditions and suggested that the straw waddle be removed within a reasonable time frame.

Jerry Allison and John Gachina responded to the Commissioner's questions: There was no grading done on the hillside, rather the soil was prepared for the sod installation by removing dead vegetation and smoothing the soil; the wall finish will be stucco and covered with rosemary and potted plants. The hillside is irrigated by low flow spray heads. Other landscape areas will be irrigated with drip irrigation and hand watering. The entire landscape plan incorporates on-site detention consistent with the City's regulations.

A MOTION WAS MADE BY COMMISSIONER ROUTH AND SECONDED BY COMMISSIONER SMITH TO APPROVE PROJECT APPLICATION #11-085 WITH THE FOLLOWING CONDITIONS AND FINDINGS.

CONDITIONS

1. The project approval consists of a landscape project at 104 Fairview Avenue that includes the following:
 - A series of stucco retaining walls to terrace the yard to make it more useable;
 - A new 15'x13' lower wood deck for a dining area;
 - A mix of concrete and decomposed granite walkways;
 - A 24'x8' decomposed granite patio with a natural gas fire pit;
 - Drystack rock wall with drainage dissipation behind it, and a cobblestone dissipater below to control drainage;
 - A mix of perennial plantings throughout, including heartland native grass sod on the existing steep slope that drops to the public "Porter Path".
2. Irrigation systems on slopes greater than 20% shall not be utilized between November 1st and April 1st.
3. The lighting plan shall be submitted for review and approval to the Community Development Director for any external lighting.
4. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
5. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
6. An encroachment permit shall be acquired for any work performed in the right-of-way.
7. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
8. The applicant shall provide a detailed drainage plan for the dissipation system and how it will handle large rain event overflow.
9. The City shall monitor the drainage at the bottom of the western slope of the property line, adjacent to the Porter Path, for two years, and the applicant shall be required to install drainage and or a retaining wall to address erosion or drainage problems at the discretion of the Public Works Director.

10. The waddle at the base of the western slope shall be removed and replaced with stabilizing material to be approved by the Public Works Director within six (6) months of this permit approval.

FINDINGS

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

Planning Department Staff and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. The application will maintain the character and integrity of the neighborhood.

Planning Department Staff and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15304 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

This project involves new gardening or landscaping for an existing single-family residence. Section 15304 of the CEQA Guidelines exempts minor alterations of land.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, ROUTH, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NEWMAN. ABSTAIN: NONE.

C. 421-B CAPITOLA AVENUE

#11-088

APN: 035-131-27

Conditional Use Permit and Sign Permit for a take-out restaurant in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: John Gryspas, owner/filed: 8/16/11

Representative: Edwardo Martinez Architects

Commissioner Graves recused himself as he owns property within 300' of the project subject property application.

Senior Planner Bane presented the staff report.

Commissioner Smith asked if there is any on-site parking for the business.

Senior Planner Bane stated that there is no on-site parking for the proposed business, but the proposed use is not intensification from the prior retail space and does not require additional parking.

The public hearing was opened.

John Gryspas, property and business owner, spoke in support of the application and agreed to the staff proposed hours of operation.

The public hearing was closed.

A MOTION WAS MADE BY COMMISSIONER ROUTH AND SECONDED BY COMMISSIONER SMITH TO APPROVED PROJECT APPLICATION #11-088 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a Conditional Use Permit for a take-out restaurant and a wall sign at 421-B Capitola Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 11:00AM – 10:00PM.
5. Outdoor displays, sandwich board and other movable freestanding signs are prohibited.
6. Roof top equipment shall be screened from public view and fall within the allowable city permitted decibel levels. Any necessary roof screening is to match the material and color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
7. The applicant shall obtain a business license prior to operating the business.
8. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Staff and the Planning Commission have reviewed the project and determined that the proposed business is an allowable use in the CN (Neighborhood Commercial) Zoning District with a Conditional Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. The application will maintain the character and integrity of the neighborhood.

Planning Department Staff and the Planning Commission have reviewed the project and determined that the proposed business will provide a much-needed service to Capitola and will not have a negative impact on the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

- C. **This project is categorically exempt under Section 15301 and 15311(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves leasing of a portion of an existing commercial space with no expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS ROUTH, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NEWMAN. ABSTAIN: GRAVES.

D. 1575 38th AVENUE

#11-060

APN: 034-181-17

Preliminary Development Plan for a proposed Planned Development Rezoning to construct a four story, 67-unit senior housing project in the CN (Neighborhood Commercial) Zoning District.

Property Owner: Maureen A. Romac, filed 6/3/11

Representative: Steve Thomas

Community Development Director Johnson explained the Preliminary Development Plan review process and that this site has been identified as one of the General Plan key sites.

Senior Planner Bane presented the staff report.

The public hearing was opened.

Maureen Romac, property owner, spoke in support of the application. She listed the benefits of the project as filling the housing need for active seniors who do not need medical care. The project location is surrounded by all of the community amenities such as transit, and various types of shopping, and services. The building will be environmentally friendly and will contribute to the revitalization of the 41st Avenue area.

Six members of the public from the surrounding neighborhood, spoke in opposition to the project commenting that a four story building will have significant impacts on the adjacent neighborhoods; the proposed building is too large and out of scale for the location and exceeds any other building height in the area; the windows will destroy the privacy of adjacent businesses and residents; the high density proposed will impact parking and traffic circulation from an already congested area; the proposed design does not meet any ordinance requirements making this a difficult development to support in the neighborhood. The developer should discuss the plans with the neighbors and consider the input from the adjacent neighborhood review.

Daryl Fazekas, Project Architect, spoke in support of the application. He stated that a senior housing development is a good use for the site due to the surrounding amenities. A solar study of the proposed plans indicates minimal shadowing on adjacent properties.

Steve Thomas, property owner, spoke in support of the application. He highlighted the amenities that surround the property for a senior housing project. He discussed the green building technology to be incorporated into the project.

The public hearing was closed.

Commissioner Routh stated that this proposal is similar to several large scale development proposed in the city in the '70's. He stated that the CN (Neighborhood Commercial) zoning district is a transitional district and development proposals should consider the transitional nature of the intent of the district. The proposal does not meet parking requirements and is too large for the neighborhood. In addition the overall project doesn't meet any zoning district requirements.

Commissioner Graves concurred with Commissioner Routh's comments. He stated that CN zoning was never intended to support a four story project. The articulation of the elevations is non-existent in the proposed design. He suggested that the south side of the building could be closer to the property line and the elevation somewhat simple being close to the mini storage next door. He was concerned about the parking calculation and noted that the parking layout at 750 Bay Avenue is a problem. The proposed project is overbuilt and in the wrong location. There is not enough parking, design articulation and not enough landscaping. The project needs to conform to the CN zoning district regulations.

Commissioner Smith concurred with the previous Commissioner's comments, but was supportive of a senior housing concept, and stated the importance of providing quality landscaped outdoor space for occupants and guests to experience the outdoors in an urban setting. Parking may not be the issue for the residents, but parking will be an issue for the care takers and guests. The proposed development is too big for the site.

Chairperson Ortiz concurred with the all of the previous Commissioner's comments and the staff report recommendations. She stated that a detailed traffic study with mitigations will be essential for any development on the subject site. She acknowledged receiving a letter from the Ow Family Properties expressing concerns about allowing a large residential development adjacent to existing commercial uses.

Community Development Director Johnson stated that a parking study would be required. Design is the key to making this project successful. He cautioned the Commission about conforming product and discussed reasons for why the applicant has considered the planned development process.

Commissioner Graves stated that the proposed overlay project may eliminate existing street parking. He stated that the proposed project should be redesigned with less density and smaller scale for the adjacent area.

Commissioner Routh stated that the proposal is not just a design issue. He did not want staff to mislead the public with a project promoting economic viability driving design.

Chairperson Ortiz commented that it would be discouraging if the future of the local development culture is driven by medical uses and senior housing facilities.

Community Development Director Johnson stated that design incorporates building size, scale, bulk, articulation, lighting, landscaping, site and building access, hours of operation, etc. The transition between commercial and residential often results in conflicts from mixed uses, but the overall site and building design can address issues with mixed and transitional uses. He explained that the Commission comments will be forwarded to the City Council during the Council preliminary review process.

NO ACTION NECESSARY.

6. ZONING ORDINANCE DISCUSSION

- A. Chapter 17.15 R-1 Single-Family Residence District
- B. Chapter 17.18 R-M Multiple-Family District
- C. Chapter 17.19 TRO Transient Rental Use Overlay District
- D. Chapter 17.21 C-V Central Village District
- E. Chapter 17.22 C-R Commercial/Residential

Commissioner Graves stated this zoning ordinance review process is difficult without knowing the direction of the General Plan.

Chapter 17.15 R-1 SINGLE-FAMILY RESIDENCE DISTRICT**17.15.010 Applicability.**

The regulations set forth in this chapter apply to all R-1 districts. (Ord. 873 § 1 (part), 2004)

17.15.020 Purpose.

The purpose of the R-1 district is to maintain an area which provides the traditional qualities of privacy, landscaping, parking, and character associated with single-family residential neighborhoods. Each of the neighborhoods in Capitola is unique in its physical design. Special consideration shall be given to development to insure that it is compatible in size, mass, setbacks, and open space, with existing residential designs in the area. (Ord. 873 § 1 (part), 2004)

17.15.030 Design permit and architectural and site review.

A design permit shall be required for the following improvements:

- A. All new single-family dwelling units, but not for secondary dwelling units;
- B. All improvements to existing single-family structures which are not exempt pursuant to subsection C of this section;
- C. Exemptions from the requirement for a design permit include:
 - 1. First floor additions of up to four hundred square feet at the rear of the property or structure, which is not visible to the general public, does not exceed fifteen feet in height (eight feet to the top of the plate), and which uses similar, compatible or upgraded quality building materials;
 - 2. A single accessory structure on the property of eighty square feet in size or less, eight feet or less in height, and with no plumbing or electrical fixtures. (Ord. 882 § 1 (part), 2005; Ord. 873 § 1 (part), 2004)

Chairperson Ortiz clarified that there currently is no public hearing design review for secondary units, but the existing process is successful.

Commissioner Graves stated his concerns with allowing too much staff authority with secondary dwelling units and signs.

Commissioner Smith stated that decision making should be carefully planned so as to not be pushing decision making too far up the ladder and hindering reasonable progress.

17.15.035 Design permit approval.

Design permits identified in Section 17.15.030 of this chapter shall be considered at a public hearing as outlined in Section 17.63.080; following review and consideration by the architectural and site review committee as determined necessary by the community development director/zoning administrator.

- A. The community development director/ zoning administrator shall be authorized to approve or deny design permit applications for:
 - 1. First-floor additions up to four hundred square feet are exempt under Section 17.15.030(C)(1);

2. Minor repairs, changes and improvements to existing structures which use similar, compatible or upgraded quality building materials, on residences which are not historic resources;
 3. Additional accessory structures beyond the single eighty square-foot or less in size accessory structure which is exempt as per Section 17.15.030 (C)(2) of this chapter.
- B. The planning commission shall be authorized to approve or deny design permit applications for:
1. All new residential dwelling unit construction;

Chairperson Ortiz stated that as currently written, all new buildings require a public hearing. She suggested that the public hearing requirements be clarified, in addition to clarifying the role and authority of the Zoning Administrator.

2. Upper floor additions;
3. Additions of more than four hundred square feet;
4. Design permits accompanied by a request for conditional use permit, variance, or minor land division;
5. All design permit applications referred by the community development director or appealed from the community development director/zoning administrator's decision. (Ord. 882 § 1 (part), 2005; Ord. 873 § 1 (part), 2004)

17.15.040 Principal permitted uses.

The following are principal permitted uses in an R-1 district:

- A. One-family dwellings including secondary dwelling units pursuant to Chapter 17.99;
- B. Agriculture, horticulture, gardening, but not including commercial nurseries, or the raising of rabbits, dogs, fowl or other animals for commercial purposes or the sale of any products on the premises. See Section 17.81.050 for more specific regulations;
- C. Small community care residential facilities;
- D. Small family day care homes. (Ord. 882 § 1 (part), 2005; Ord. 873 § 1 (part), 2004)

Chairperson Ortiz suggested that there be ordinance requirements beyond state law to regulate care facilities.

17.15.050 Accessory uses.

The following are accessory uses permitted in an R-1 district:

- A. Signs in compliance with the municipal sign code, identifying residences and advertising property as being for sale, lease, or rent;

Chairperson Ortiz suggested signs be more defined.

- B. Accessory uses, structures and buildings customarily appurtenant to a permitted use such as private garages. See Section 17.81.110 for additional regulations. (Ord. 873 § 1 (part), 2004)

17.15.060 Conditional uses.

Chairperson Ortiz stated that terms such as country clubs be modified and updated. Commissioner Routh stated that on-line businesses be addressed under conditional uses.

The following are conditional uses in an R-1 district and, with the exception of large family day care homes, are subject to the securing of a use permit as provided in Chapter 17.60:

- A. Private schools which offer instruction in several branches of learning and study required to be taught in the public schools by the Education Code of the state of California, nursery schools, day care centers, and private nonprofit recreation areas;
- B. Churches and religious institutions;

- C. Golf courses and country clubs;
- D. Temporary real estate offices, construction yards and sheds;
- E. (Reserved);
- F. Large Family Day Care Homes. No person shall operate a large family day care home

without obtaining a large family day care home permit in compliance with the standards set forth within this subsection.

1. Any person seeking a large family day care home permit shall submit an application for such permit to the community development director, including a site plan, setting forth any such reasonably required information that the community development director shall request, on application forms created by the community development director that reflect the standards in subsections (F)(4) and (5) of this section and encourage the applicant to hold an informational neighborhood meeting prior to the submittal of the application. The community development director shall process the permit as economically as possible, and fees charged for review shall not exceed the costs of the review and permit process.

The community development director shall act on the application within forty-five days of the date it is received and deemed complete. If a public hearing is requested pursuant to subsection (F)(3) of this section, the community development director may postpone decision on the application for up to ninety days from the date the application is deemed complete.

2. At least ten days prior to the date on which the community development director will make a decision on an application for a large family day care home, the community development director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a one hundred foot radius of the exterior boundaries of the proposed large family day care home and all households within a one hundred foot radius of the exterior boundaries of the proposed large family day care home.

3. No hearing shall be held before a decision is made on the application, unless a hearing is requested by the applicant or other affected person. (For purposes of this subsection, “affected person” means a person who owns property or lives or works within a one hundred foot radius of the proposed large family day care home.) If a public hearing is requested, it shall be conducted by the planning commission, and the community development director shall give notice of the hearing by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a one hundred foot radius of the exterior boundaries of the proposed large family day care home and all households within a one hundred foot radius of the exterior boundaries of the proposed large family day care home.

4. The community development director, planning commission, or the city council shall grant a large family day care home permit to the applicant upon finding that the proposed large family day care home:

a. Conforms with all applicable city restrictions and regulations on yards, building height, setback, and lot coverage standards in the zone in which the residence is located. Legally nonconforming structures and uses shall be deemed to conform for purposes of this finding,

b. Is either situated on a lot zoned for single family dwellings or meets a minimum standard of seventy-five square feet of outdoor activity space for each child. The outdoor area must be owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. This space requirement can be waived if the applicant can demonstrate that there is a public park or other public open area that is in close proximity to the large family day care home (for purposes of this subsection, “close proximity” means within two blocks),

c. Is not located within a five hundred foot radius of the exterior boundaries of any existing large family day care home or child day care center,

d. Provides at least two parking spaces for customers during the family day care home’s hours of operation, and provides parking for any employees as required by Section 17.51.130(P) (one off-street parking space required for each employee not permanently residing at the house). The parking spaces shall be located in a manner to be readily and safely utilized by the customer(s). The required parking spaces may be located on the street along the property frontage (off-site) or on the driveway (on-site). The following are examples of acceptable parking areas:

- i. On-street parking areas along the property frontage,
- ii. Guest parking spaces reserved for the use of the dwelling unit, or
- iii. A private driveway exclusively serving a single dwelling unit such as a single family home,
- e. Complies with the following limitations when the dwelling unit is provided with a private driveway and/or garage:
 - i. If the driveway is specified as the parking area for the use of the large family day care home, the driveway shall remain clear and available for the customer(s) during the hours of operation; the parking spaces shall not be used by the property owner or day care home operator or employees during the hours of operation,
 - ii. The garage shall be utilized for the parking of the property owner's and/or day care home operator's vehicles. Use of the garage for the day care home function, such as for a play area, shall not be allowed,
 - f. Provides procedures for safely loading and unloading children from vehicles without blocking the public sidewalk and/or right-of-way with vehicles. Double-parking in the street to pickup or dropoff children shall be prohibited. The applicant shall distribute a notice of loading and unloading procedures to all persons that utilize the services of the large family day care home,
 - g. Provides adequate access to the facility with minimal disruption to local traffic and circulation, including safe and adequate drop-off/pick-up areas, such as curb spaces and driveway areas that are of sufficient size and are located to avoid interference with traffic and to insure the safety of children,
 - h. Seeks, by design and layout of the site and considerate operational plans, to avoid noise which may be a nuisance to neighbors, consistent with local noise ordinances (see Chapter 9.12) implementing the noise element of the general plan and taking into consideration the noise levels generated by children. Use of the outdoor play area for the day care operation shall be limited to the hours between nine a.m. and six p.m. Site plan revisions may be required by the community development director to minimize noise impacts, such as location of outside play areas, height and location of fences, and similar measures.
- 5. As conditions of approval, the applicant shall be required to:
 - a. Comply with applicable building codes,
 - b. Comply with any standards promulgated by the State Fire Marshal pursuant to subdivision (d) of Section 1597.46 of the California Health and Safety Code related to large family day care homes and dwelling units, and submit a letter from the city fire department approving the safety of the structure for use as a large family day care home pursuant to these standards,
 - c. Be licensed or deemed to be exempt from licensure by the state of California as a large family day care home,
 - d. Comply with any conditions imposed by the community development director deemed necessary to satisfy the requirements of subsection (F)(4) of this section,
- 6. The applicant or other affected person may appeal the decision. The procedures for appealing the decision shall be as provided for in Sections 17.60.100 and 17.60.110. The appellant shall pay the cost, if any, of the appeal.
- 7. If not used, a large family day care home permit may expire pursuant to the standards and procedures provided in Section 17.60.090.
- 8. Large family day care home permits may be revoked pursuant to Section 17.60.120;
- G. Large community care residential facility, provided, that in addition to Chapter 17.60 requirements, the following requirements are met:
 - 1. The applicant shall submit the following:
 - a. A letter or certification of final approval from the state or county licensing authority,
 - b. A site plan of the property showing parking, outdoor exercise area, and fencing,
 - c. A letter from the fire department approving the safety of the structure for the use,
 - d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and

e. Landscaping and other information as required by the community development director,

2. A public hearing shall be held by the planning commission with notification made as specified in Section 17.60.080. In addition, not less than ten days prior to the meeting, all property owners within three hundred feet of the outermost boundary of the parcel should be notified of the nature of the application, the name of the applicant, and the time and place of the public hearing before the planning commission;

Chairperson Ortiz commented that the details for large community care facilities would be more appropriately listed in another section.

H. Any activity which includes any significant alteration of an historic feature;

I. Bed and breakfasts, subject to the requirements of Section 17.03.085;

J. TRO: transient rental use overlay district (see Chapter 17.19 of this code.) (Ord. 878 § 2, 2004; Ord. 873 § 1 (part), 2004)

17.15.070 (Reserved)

17.15.080 Height regulations.

No structure shall exceed twenty-five feet in height to the highest point of the roof, ridge or parapet wall, although a twenty-seven foot height limit may be permitted by the planning commission for half-story designs and buildings that use historic design elements which meet the applicable side and rear setback standards. No detached accessory structure, including second dwelling units shall exceed fifteen feet, with a nine-foot ground to top-of-wall plate height, unless an exception is granted by the planning commission based on compatible building and roof design on a site with an architecturally or historically significant building. "Building height" means the vertical distance measured from the assumed ground surface of the building. The height of the structure is measured from the assumed ground surface, as specified below:

A. Assumed Ground Surface. "Assumed ground surface" means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade, subject to the following exception:

1. If there has been grading or fill on the property within five years preceding the time of the application, and that grading or filling has or would increase the height of the finished grade at one or more points where it would meet the perimeter of the proposed structure, the planning commission may measure heights from where it estimates the grade is or was before the grading or filling, if the commission determines that such an action is necessary to keep the height of the proposed structure in reasonable relationship to the heights in the neighborhood. (Ord. 873 § 1 (part), 2004)

17.15.090 Lot area.

Each single-family residence together with its accessory buildings shall be located on a legal building lot. The lot area requirements are as follows:

A. The minimum lot area for any lot hereafter created by any "subdivision" (defined in Government Code Section 66424) shall be five thousand square feet;

B. The lot area may be less than five thousand square feet for any existing legally created lot;

C. Except as otherwise provided, there shall be no more than one dwelling on any lot. (Ord. 873 § 1 (part), 2004)

17.15.100 Floor area ratio.

Commissioner Smith stated that this section should be reviewed closely.

Commissioner Graves suggested incorporating a formula to define floor area ratio more clearly.

Building size shall be regulated by the relationship of the building to the lot size, a measurement identified as floor area ratio (FAR). Maximum FAR shall be determined as follows:

A.	Lots less than 2,650 sf	58%
	Lots 2,651 to 3,250 sf	57%
	Lots 3,251 to 3,500 sf	56%
	Lots 3,501 to 3,750 sf	55%
	Lots 3,751 to 4,000 sf	54%
	Lots 4,001 to 4,250 sf	53%
	Lots 4,251 to 4,500 sf	52%
	Lots 4,501 to 4,750 sf	51%
	Lots 4,751 to 5,000 sf	50%
	Lots 5,001 to 6,000 sf	49%
	Lots more than 6,000 sf	48%

Lots of five thousand or more square feet with approved second dwelling units are permitted a maximum FAR of sixty percent for all structures, in accordance with Chapter 17.99 Secondary Dwelling Units.

This calculation includes the gross building area, including covered parking, as further described in subsections B through D of this section:

B. The following building elements shall be included in the floor area ratio calculation:

1. That portion of the basement which exceeds the first two hundred fifty gross square feet of a basement, including the measurements of the access stairway;
2. All open area below the ceiling or angled walls, greater than sixteen feet in height;
3. All upper floor area greater than four feet in height, measured between the bottom of the upper floor and the top of the ceiling;
4. For one and one-half story structures, the area of the stairwell shall be counted on the first floor only;
5. Windows projecting more than twelve inches from the wall;
6. Covered or uncovered upper floor decks, and covered exterior open space in excess of one hundred fifty square feet, including eaves greater than eighteen inches in length;
7. All accessory structures other than a single building of eighty square feet or less in size, eight feet or less in height, and without plumbing or electrical fixtures.

C. The following shall not be included in the floor area ratio calculation:

1. All vehicular rights of way which allow others to use the surface of the property, shall be excluded from the lot area for purposes of this section;
2. The first two hundred fifty square feet of basement area including the stairway serving that area;
3. The stairway serving the upper floor in a one and one-half story home;
4. Chimneys and projecting windows less than twelve inches deep;
5. First level decks thirty inches or less in height;
6. One hundred square feet of ancillary area in a detached garage;
7. The area between the bottom of the floor and the top of the ceiling which is four feet or less in height, on the second level of a one and one-half- or two-story home;
8. All open area between the bottom of the floor and the top of the ceiling or angled wall, which is sixteen feet or less in height;
9. Unroofed (permeable) trellis structures, including porte-cocheres, which are open on at least three sides and not higher than ten feet to the top of the highest portion. Such structures are not permitted in the front setback and must have a two-foot setback from side or rear property lines.

D. The footprint of all structures, except a trellis structure consistent with subsection (C)(9) of this section and one accessory building of eighty or fewer square feet, eight feet or less in height, and without electrical or plumbing fixtures, shall conform to all applicable setback requirements, i.e., for a secondary dwelling unit, detached garage, or principal residential structure. (Ord. 882 § 1 (part), 2005; Ord. 873 § 1 (part), 2004)

17.15.110 Yards.**Commissioner Graves suggested redefining the yard areas.**

A. The front yard setback shall be measured from the edge of the public right-of-way. The setback established in accordance to this section shall be the minimum for any part of the structure, with the exception of permitted encroachments. The front setback shall not be measured as the average setback across the front of the building.

B. Front yards for the first floor shall be not less than fifteen feet in depth, except as provided in subsection (B) (1) of this section.

1. In those special areas specified in subsection (B) (2) of this section, the front yard setback may be the average of those lots on the same side of the street within five hundred feet of the subject property; provided, that the front setback is at least ten feet, subject to planning commission approval.

2. The special areas mentioned above shall include the following areas:

Sunset/Riverview area consisting of the following streets: Beverly Avenue; Oak Drive; Gilroy Drive; Center Street; Sunset Drive; Riverview Drive to Riverview Avenue, and Riverview Avenue to the north side of the Southern Pacific Railroad trestle.

C. Front yard setback for the second floor and attached covered parking shall be twenty feet from the front property line, although the setback to covered parking may be reduced to eighteen feet in sidewalk exempt areas. The front yard setback for detached garages or carports shall be forty feet.

D. Front yards area not required for parking shall be landscaped to achieve a fifteen percent tree canopy in accordance with Chapter 12.12 of this code; and including a two-foot planter strip between uncovered parking in the front setback and the side property line, and that landscape area maintained in good condition.

E. Side yards shall be at least ten percent of the property width although not more than seven feet shall be required, and in no case shall less than three feet be permitted, except in the following cases:

1. On a corner lot, the side yard setback on the street side shall be a minimum of ten feet (adjacent to the neighboring front yards); and the minimum rear yard shall be the minimum side yard of the adjacent property, but no less than four feet;

2. When a garage obtains access from a side yard, on a corner parcel, the garage shall be set back twenty feet, although this setback may be reduced to eighteen feet in sidewalk exempt areas;

3. For levels above the first floor, setback shall be at least fifteen percent of the side yard although not more than ten feet shall be required. For half-stories, projected building area under/from the roof (e.g., shed or dormer areas) shall also meet the second floor setback requirements. Up to twenty percent of a second floor wall may be at the same setback as a first floor wall with a setback of at least four feet;

4. For detached, covered parking the minimum side setback is three feet;

5. For portions of the structure with setbacks between three and four feet, the maximum wall plate height shall be twelve feet.

F. Rear yards shall have a depth equal to not less than twenty percent of the depth of the lot to a maximum required depth of twenty-five feet for such rear yard, with the exception of rear yards associated with detached, covered parking for which the minimum rear setback is eight feet. The minimum setback between the main structure or other detached accessory structures, with or without a breezeway, shall be three feet, or as required by the Uniform Building Code.

G. Lot Dimension Determination. For the purpose of chapter, lot depth shall be the average length of the side property lines which run approximately perpendicular to the street, and the lot width shall be the average length of the front and rear property lines. In the case of an oddly-shaped lot, the city planner shall determine the lot depth and width using the criteria for normally-shaped lots as a guideline. Anyone affected by the city planner's determination may file, within ten

days of the determination, a written appeal with the planning commission, which shall consider and decide the matter. No fee shall be required. (Ord. 873 § 1 (part), 2004)

17.15.120 Yard encroachments.

A. Cornices, eaves, canopies, fireplaces and similar architectural features, but not including any flat wall or projecting closet, may extend into any required side yard a distance not exceeding two feet or into any required front or rear yard a distance not exceeding four feet; provided, that these features do not come within three feet of the property side yard boundaries for chimneys and projecting windows with no floor area, and two feet for fire-safe cornices, eaves, canopies, and rain gutters on the first floor.

B. Main entry porches, stairways, fire escapes, or landing places may extend into any required front yard on the ground floor for a distance not to exceed four feet; and into any required rear yard on the ground floor for a distance not to exceed six feet, and into any required side yard on the ground floor for a distance not to exceed one-half the width of the required side yard, provided that these features do not come within three feet of the side property boundaries and ten feet of the front property boundary.

C. Single-story additions to existing single-story residential units which do not exceed fifty percent of the length of the average of the two sides of the structure may be constructed at the same setback as the existing structure, as long as a minimum four-foot setback remains.

D. Second story additions must meet setback requirements, except that up to twenty percent of the length of the upper story wall may be constructed at the same setback as the first-floor wall, if that wall is at least four feet from the side property line.

E. Projecting bay windows may extend into any required front or rear yard for a distance not to exceed two feet. The width of the opening required for a bay window which encroaches into any required front or rear yard may not exceed sixty percent of the width of the wall in which it is located. Any bay window which projects more than twelve inches from the wall will be included in the floor area ratio calculation.

F. Projecting bay windows may extend into any required side yard for a distance not to exceed two feet provided that the bay window is set back at least three feet from the side property lines on the first floor. The width of the opening required for a bay window which encroaches into any required side yard may not exceed sixty percent of the width of the wall in which it is located. Any bay window which projects more than twelve inches from the wall will be included in the floor area ratio calculation.

G. Rear and side yard decks on the ground level which are thirty inches or less above grade may encroach into the required setbacks; provided, that these features are setback at least three feet from the property line. (Ord. 873 § 1 (part), 2004)

17.15.130 Parking.

A. The minimum parking requirement for a single-family residence of one thousand five hundred square feet or less of floor area shall be two parking spaces, neither of which must be covered.

B. For single-family residences one thousand five hundred one to two thousand square feet, two spaces are required, one of which must be covered; for residences two thousand one to two thousand six hundred square feet three spaces are required, one of which must be covered; for residences two thousand six hundred one to four thousand square feet four spaces are required, one of which must be covered. Residences greater than four thousand one square feet may require additional parking at the discretion of the planning commission beyond the three uncovered and one covered space required for residences up to four thousand square feet, as per subsection D of this section.

C. Interior (covered) parking spaces shall be a minimum of ten feet by twenty feet clear, as measured from the interior finished wall surfaces.

D. The planning commission may require more parking spaces for residential units over four thousand square feet, or if a finding can be made that there is a parking problem in the neighborhood.

E. No additional square footage which exceeds ten percent of the existing gross floor area may be added to an existing single-family residence, unless minimum parking requirements are met.

F. Parking spaces required by this section may not be located in any public or private right-of-way.

G. No parking space which is utilized to meet the parking requirements of this chapter, nor the path of access of any such parking space, may, without planning commission approval, be modified in any manner which decreases the utility of the space for parking purposes. All areas shown on architectural and site plans utilized by the property owner are subject to this section, and must be maintained as parking spaces.

H. Tandem parking is permitted for up to two uncovered spaces in front of a garage, with a maximum of three tandem spaces, including the covered space for a single garage. (Ord. 873 § 1 (part), 2004)

Commissioner Smith suggested amending this section to allow for additional tandem parking.

17.15.140 Garage and accessory buildings.

The following development standards shall apply for garages and accessory buildings:

A. Garages and accessory buildings other than approved second dwelling units may not be used for human habitation;

B. In the case of a corner lot, no detached accessory building or detached garage shall be erected, altered or moved so as to occupy any part of the front half of such lot;

C. The minimum side setback for detached accessory buildings is three feet. The minimum rear setback is eight feet. The minimum front setback is forty feet for detached garages;

D. Detached garages, carports and other accessory buildings must be set back from the primary residential structure by three feet but may be connected to the main building by a breezeway which shall be located in accordance with the yard regulations and uniform building code for detached buildings;

E. A single accessory structure of eighty square feet or less and eight feet or less in height, with no plumbing or electrical fixtures, may be allowed in side and rear setback areas;

F. If a garage is in a rear yard, a driveway of not less than twelve feet in width (which may include side yard or easement and which can consist of ten feet in a paved driveway and two feet of landscaping along the side property line in the front setback) shall be provided and maintained. However, a driveway width of eleven feet may be permitted by the planning commission for additions and remodels, where the paved driveway is nine feet with two feet of landscaping in the front setback.

Driveway width for residential uses shall not exceed twenty feet unless an exception is granted by the planning commission due to unusual lot configuration, landscaping or site design considerations. Permeable paving materials, and/or paving strips are encouraged for parking and driveway areas.

G. The width of detached garages or carports in the rear yard is limited to twenty-one feet. The height is limited to fifteen feet (nine feet to the top of the wall plate) however the planning commission may approve an exception to allow additional height if necessary to match the architectural style of the existing primary structure.

H. Attached garages which constitute less than fifty percent of the building frontage are encouraged, as are divided garage doors for double garages.

I. Trellis structures intended to provide support for plants and shade for cars, hot tubs, etc., will not be permitted in the front setback and will not count toward the covered parking requirement. Such structures may be permitted in the side or rear setback as long as the height is limited to ten feet at the top of the highest portion, the structure roof remains permeable (roof members at least twelve inches apart), and the structure is open on at least three sides. (Ord. 882 § 2, 2005; Ord. 873 § 1 (part), 2004)

Chairperson Ortiz suggested adding the landscape requirements in the R-1 district, similar to other districts.

Chapter 17.18 R-M MULTIPLE-FAMILY DISTRICT

17.18.010 Applicability.

The regulations set forth in this chapter apply in all R-M districts, and for multiple-residential uses in other districts. (Ord. 388 § 6.01, 1975)

17.18.020 Purpose.

The purpose of the R-M districts is to stabilize the residential area, to encourage urban densities in specific areas, to promote an environment suitable for family life within such densities, and to insure sufficient open space for residential uses of all types. (Ord. 388 § 6.02, 1975)

17.18.030 Architectural and site review.

A design permit for architectural and site review approval shall be secured for the establishment and conduct of any principal permitted, accessory or conditional use in all R-M districts as provided in Chapter 17.63. (Ord. 873 § 2, 2004; Ord. 448 § 4, 1979; Ord. 436, 1978; Ord. 388 § 6.03, 1975)

17.18.040 Principal permitted uses.

The following are principal permitted uses in an R-M district:

- A. Multiple-family residential dwellings;
- B. Single-family dwellings, subject to the development standards contained in Chapter 17.15, R-1 Single-family Residence District including secondary dwelling units as allowed in the R-1 district pursuant to Chapter 17.99;
- C. Small family day care homes;
- D. Small community care residential facilities. (Ord. 882 § 1 (part), 2005; Ord. 873 § 3, 2004; Ord. 608 § 5, 1986; Ord. 388 § 6.04, 1975)

17.18.050 Accessory uses.

The following are accessory uses permitted in an R-M district:

- A. Signs complying with the applicable regulations set forth in the municipal sign ordinance;

Chairperson Ortiz suggested the same language as R-1 for signs.

- B. Accessory uses and buildings customarily appurtenant to a permitted use such as private garages. (Ord. 388 § 6.05, 1975)

17.18.060 Conditional use permits.

The following are conditional uses in an R-M district and, with the exception of large family day care homes, are subject to the securing of a use permit as provided in Chapter 17.60. Large family day care homes are subject to the securing of a use permit as provided in Section 17.15.060(F):

- A. Private schools which offer instruction in several branches of learning and study required to be taught in the public schools by the Educational Code of the state of California, exclusive of vocational and trade subjects; nursery schools; day care centers and private, nonprofit recreation areas. The total number of occupants shall be established by the conditional use permit;
- B. Churches and religious institutions;
- C. Lodging facilities;
- D. Convalescent hospitals, nursing homes;

- E. Large family day care homes subject to the securing of a permit as provided in Section 17.15.060(F), large community care residential facilities (subject to the special conditions in Section 17.15.060(G));
- F. Children’s nursery schools;
- G. Social halls;
- H. Mobile home parks subject to the following special conditions, in addition to those standards specified in Chapter 17.60:
 - 1. The application fee for conditional use permit for a mobile home park may be determined by resolution of the city council.
 - 2. The application for a use permit shall be accompanied by a map of the property to be developed at a scale of one inch equals one hundred feet, or similar appropriate scale, and showing and giving the following information and data:
 - a. Name and address of applicant,
 - b. Graphic scale, north point and date,
 - c. A line circumscribed three hundred feet beyond the outermost boundaries of the parcel in question,
 - d. Property lines, area and assessment number of all parcels of land which lie within this area,
 - e. Public rights-of-way and public or private easements that lie within this area,
 - f. To this map shall be attached a list of the names and addresses of the property owners whose property, or any part or portion thereof, lies within this area, such names and addresses to be keyed to the parcel assessment numbers shown on this map.

Commissioner Graves suggested removing this following section.

- 3. A public hearing shall be held by the planning commission with notification made as specified in Section 17.60.070, and in addition, a postal card notice shall be mailed no less than ten days prior to the date of such hearing to the owner or owners of all property, or portions thereof, within a radius of three hundred feet of the outermost boundaries of the parcel in question as above described. Such notices shall consist of the words “NOTICE OF PUBLIC HEARING ON APPLICATION FOR USE PERMIT TO ESTABLISH A MOBILE HOME PARK” and shall set forth the description of the property to be so developed, with the name of the applicant and the time and place of the hearing before the planning commission. Upon completion shall submit its recommendation to the city council that the use permit be granted or denied;
 - I. Reserved;
 - J. Reserved;
 - K. Any activity which includes any significant alteration of an historic feature;
 - L. Bed and breakfasts, subject to Section 17.03.085 requirements.
 - M. “Transient rental use,” as defined in Section 17.03.686, on properties located within the TRO transient rental use overlay district, subject to the standard conditions set forth in Chapter 17.19 of this code and any additional conditions as determined by the planning commission:
 - 1. The maximum number of persons that may occupy the unit shall be determined by the planning commission and may not be exceeded.
 - 2. Providing adequate parking (as determined by the planning commission), whether on site or by Pacific Cove parking permit.
 - 3. The conditional use permit holder must designate a person who has authority to control the property and represent the landlord. This “responsible person” must be available at all reasonable times to receive and act on complaints about the activities of the tenants.
 - 4. A business license and transient occupancy tax registration are obtained.
 - 5. Only one sign per unit, not to exceed one square foot in size, shall be permitted to advertise the transient rental.
 - N. Large community care residential facilities, subject to the special conditions in Section 17.15.060(G). (Ord. 882 § 1 (part), 2005; Ord. 878 § 3, 2004; Ord. 873 § 4, 2004; Ord. 708 § 2 (part),

1991; Ord. 696 § 2 (part), 1990; Ord. 608 § 6, 1986; Ord. 553 (part), 1983; Ord. 515 § 5 (part), 1982; Ord. 421 (part), 1977; Ord. 388 § 6.06, 1975)

17.18.070 Development standards.

The development standards set forth in Sections 17.18.080 through 17.18.210 shall apply for the development of multiple units on a single site in an R-M district. The development of a single-family home on a site in the R-M district shall be governed by the process and standards contained in Chapter 17.15, "R-1 Single-Family Residence District." (Ord. 873 § 5, 2004; Ord. 388 § 6.07 (part), 1975)

17.18.080 Height regulations.

A. RM-LM. No structure shall exceed thirty feet in height.
 B. RM-M. No structure shall exceed thirty feet in height.
 C. RM-H. No structure shall exceed thirty-five feet in height.
 D. Any structure in excess of three stories or forty feet in height shall be a conditional use in an R-M district subject, in each case, to the securing of a use permit as provided in Chapter 17.60. (Ord. 642 § 2 (part), 1987; Ord. 388 § 6.07(a), 1975)

17.18.090 Lot area and dimensions.

A. Except as hereafter provided, the minimum lot area for a structure containing one or more dwelling units shall be five thousand one hundred square feet; the minimum lot width fifty feet; the minimum lot depth one hundred feet.
 B. Lots legally formed prior to June 26, 1969 shall not be subject to the requirements of subsection A of this section. However, such lots shall nevertheless be subject to all other regulations in this title and especially subject to subsection A of this section. Nothing contained in this subsection shall affect state law or Capitola ordinances dealing with the merger of contiguously owned lots. (Ord. 420 (part), 1977; Ord. 388 § 6.07(b), 1975)

17.18.100 Site area per dwelling unit.

The minimum site area per dwelling unit for each district shall be as follows:

A. RM-LM. Four thousand four hundred square feet (low-medium density);
 B. RM-M. Two thousand nine hundred square feet (medium density) formerly RM-3000 district;
 C. RM-H. Two thousand two hundred square feet (high density) formerly RM-2000 and RM-1000 district. (Ord. 388 § 6.07(c), 1975)

17.18.110 Lot coverage.

Maximum lot coverage including accessory buildings and other structures shall be forty percent. The first two hundred fifty gross square feet of a basement, including the measurements of the access stairway, shall not be included when calculating lot coverage. Only the portion of a basement that exceeds two hundred fifty gross square feet shall be included in the lot coverage calculations. (Ord. 774 § 2, 1995; Ord. 388 § 6.07(d), 1975)

17.18.120 Front yards.

A. Front yard for a one-story structure, except as otherwise specified, shall not be less than fifteen feet. For each additional story, the minimum front yard shall be increased two percent of the lot depth to a maximum of twenty percent of the lot depth or twenty feet, whichever is less.
 B. In cases where proposed building line for the street(s) upon which any lot faces is established by ordinance, then the front yard(s) shall be measured from the proposed building line.
 C. The minimum front yard, except as otherwise specified, shall not be less than twenty feet in depth for the width of a garage or covered carport. (Ord. 388 § 6.07(e) (1, 2, 3), 1975)

17.18.130 Side yards.

Side yards for a one-story structure shall each be not less than ten percent of the lot width. For each additional story, the minimum side yards shall be increased two percent of the lot width to a maximum of twenty percent of the lot width or ten feet, whichever is less. (Ord. 388 § 6.07(e)(4), 1975)

17.18.140 Rear yard.

Rear yard for a one-story structure shall be not less than fifteen percent of the lot depth. For each additional story, the minimum rear yard shall be increased two percent of the lot depth to a maximum of twenty-five percent of the lot depth or twenty feet, whichever is less. (Ord. 388 § 6.07(e)(5), 1975)

17.18.150 Landscaping.

Screen planting and additional landscaping shall be encouraged in all yard areas to insure privacy for all residents. (Ord. 388 § 6.07(e)(6), 1975)

17.18.160 Open space.

A. Usable Open Space. Not less than fifty percent of the required rear yard shall be developed as usable open space, fully landscaped and accessible to the residents of the structure(s) on the site. The least dimension of this usable open space shall be fifteen feet. Fully developed roof terraces and roof gardens shall be allowed to provide up to one-half of the area of usable open space.

B. Private Open Space. In addition to yard requirement and usable open space requirements as provided in this chapter, minimum private open space in the form of screened terraces, decks or balconies shall be provided as follows:

1. Not less than fifty percent of dwelling units shall be provided with individual open space;
2. Each private open space shall have a minimum area of forty-eight square feet, with a least dimension of four feet. (Ord. 388 § 6.07(e)(7), 1975)

17.18.170 Lot dimension determination.

For the purposes of this chapter, lot depth shall be the average length of the side property lines which run approximately perpendicular to the street, and the lot width shall be the average length of the front and rear property lines. In the case of an odd-shaped lot, the city planner shall determine the lot depth and width using the criteria for normally-shaped lots as a guide-line. Anyone affected by the city planner's determination may file within ten days of the determination a written appeal the planning commission, which shall consider and decide the matter. No fee shall be required. (Ord. 388 § 6.07(e)(8), 1975)

17.18.180 Yard encroachments.

Nothing permitted in yard encroachments shall allow an increase in coverage or a decrease in required open space.

A. Cornices, eaves, fireplaces, stairways, decks, and fire escapes, balconies and similar architectural features, but not including any flat wall or window surface such as bay windows or project closets, may extend into any required side yard a distance not exceeding two feet, or into any required front or rear yard a distance not exceeding four feet.

B. The development standards set forth in Section 17.18.190 shall apply for detached garages and accessory buildings. (Ord. 388 § 6.07(f), 1975)

17.18.190 Garages and accessory buildings.

Garages and accessory buildings may not be used for human habitation. (Ord. 388 § 6.07(g), 1975)

17.18.200 Parking.

Parking standards shall be as provided in Chapter 17.51. (Ord. 388 § 6.07(h), 1975)

17.18.210 Loading areas.

Loading areas shall be as provided in Chapter 17.51. (Ord. 388 § 6.07(i), 1975)

Chapter 17.19 TRO—TRANSIENT RENTAL USE OVERLAY DISTRICT**17.19.010 Purpose and definition.**

The TRO—transient rental use overlay district is an overlay district. This means that all regulations of the underlying basic zoning district (R-1 or R-M) are applicable to any property located in the TRO district, except that transient rental use, as defined in Section 17.03.686 may be allowed pursuant to Section 17.19.020. (Ord. 708 § 3 (part), 1991)

17.19.020 Use permits.

Properties in TRO districts may apply for conditional use permits to operate as a transient rental use. In addition to such conditions as may be imposed pursuant to Chapter 17.60 (conditional use permits), all such permits shall be subject to the following standard conditions:

- A. The maximum number of persons that may occupy the unit shall be determined by the planning commission and may not be exceeded.
- B. Adequate parking (as determined by the planning commission), whether on site or by Pacific Cove parking permit, must be provided.
- C. The conditional use permit holder must designate a person who has authority to control the property and represent the landlord. This “responsible person” must be available at all reasonable times to receive and act on complaints about the activities of the tenants.
- D. A business license and transient occupancy tax registration must be obtained.
- E. Only one sign per unit, not to exceed one square foot in size, shall be permitted to advertise the transient rental.
- F. No unit may be rented unless the renter is provided, in writing, with a statement of the conditions (such as is provided in subsection A of this section) which are applicable to the renter and his or her guests, and the renter agrees, in writing, to comply with those conditions.
- G. Permits issued under this section shall expire within one year. No permit holder shall have a vested right to a renewal permit.
- H. If there is a history of the permit holder or his or her tenants violating the permit’s conditions, the permit shall not be reissued for a least one year following its expiration date, unless good cause is shown. The revoking authority may establish a longer period before which another application may be filed. (Ord. 708 § 3 (part), 1991)

Chapter 17.21 C-V CENTRAL VILLAGE DISTRICT**Note**

* Prior ordinance history: Ord. 388, §§ 7.01—7.07, as amended by 447, 515, 533 and 608.

17.21.010 Applicability.

The regulations set forth in this chapter apply in all C-V districts. (Ord. 622 Exhibit A (part), 1987)

17.21.020 Purpose.

The purpose of the C-V zoning district is to promote the family-oriented residential/commercial mix which has created the unique qualities of the village. Commercial activity should serve both Capitola residents and visitors. The balance of coastal visitor-related uses and services with those

that serve the permanent residents is critical to maintaining the village as it presently exists. (Ord. 685 § 16, 1989; Ord. 622 Exhibit A (part), 1987)

17.21.030 Architectural and site review.

Architectural and site approval shall be secured for the establishment and conduct of any principal permitted, accessory, or conditional use in C-V districts, as provided in Chapter 17.63, and in the Central Village District Guidelines dated July, 1986, a copy of which are on file with the community development director. (Ord. 671, 1988: Ord. 622 Exhibit A (part), 1987)

17.21.035 Location of business activities.

There shall be no business activities such as the display of merchandise, selling of food, or placing tables and chairs outside the enclosed premises of the business unless a conditional use permit for the outdoor display of merchandise, take-out window or outdoor seating has been obtained from the city. (Ord. 740 § 1, 1992)

17.21.040 Principal permitted uses.

The following are principal permitted uses in the C-V district, not including residential overlay areas:

- A. Residential uses on first or second floor;
- B. Professional, general administrative and business offices on the first or second floor;
- C. New retail business establishment, and small personal service establishment, such as small retail shops and stores, including retail bakeries and beach equipment rental businesses conducted indoors, on the first floor only;
- D. New art galleries on the first floor only;
- E. Vacation rentals of residential units. (Ord. 740 § 2, 1992; Ord. 622 Exhibit A (part), 1987)

17.21.045 Principal permitted uses—Residential overlay district.

The following are principal permitted uses in the residential overlay district:

- A. Six Sisters District:
 - 1. Residential uses (including weekly vacation rental) only.
- B. Venetian Court district:
 - 1. Residential uses (including weekly vacation rental) only with the exception of the existing motel which may not be expanded or intensified.
- C. Lawn Way:
 - 1. Residential uses (including weekly vacation rentals) only.
- D. Riverview Avenue District:
 - 1. Residential uses (including weekly vacation rentals) only.
- E. Cliff Drive District:
 - 1. Residential uses (including weekly vacation rental) only, with the exception of the existing motel which may not be expanded or intensified.
- F. Cherry Avenue District:
 - 1. Residential uses (including weekly vacation rental) only. (Ord. 740 § 3, 1992: Ord. 622 Exhibit A (part), 1987)

17.21.050 Accessory uses.

The following are accessory uses permitted in a C-V district:

- A. Signs complying with the applicable regulations set forth in this chapter and the Central Village Design Guidelines;
- B. Accessory uses and buildings customarily appurtenant to a permitted use, provided that no accessory use shall be offensive or objectionable because of odor, dust, smoke, noise or vibration. (Ord. 740 § 4, 1992; Ord. 622 Exhibit A (part), 1987)

17.21.060 Conditional uses.

The following are conditional uses in a C-V district, subject in each case to the securing of a use permit, as provided in Chapter 17.60:

- A. Restaurants, including take-out restaurants or adding a take-out window to an existing restaurant use;
- B. Motels and hotels;
- C. Commercial entertainment establishments, such as theaters and amusement centers conducted within a closed building;
- D. Business establishments that sell or dispense alcoholic beverages;
- E. Beach equipment rental businesses conducted outdoors;
- F. Any activity which includes any significant alteration of a historic feature;
- G. Bed-and-breakfast home occupations;
- H. Home occupations;
- I. New limited repair services conducted entirely within enclosed buildings, primarily to serve family needs, on the second floor;
- J. New retail business establishments and small personal service establishments, such as small retail shops and stores, including retail bakeries and beach equipment rental businesses conducted indoors, on the second floor;
- K. New art galleries on the second floor;
- L. Display of merchandise or other outdoor activity such as outdoor seating for a restaurant or other food establishment located in this district. (Ord. 740 § 6, 1992; Ord. 677 § 6(A), 1989; Ord. 622 Exhibit A (part), 1987)

17.21.061 Conditional uses in the residential overlay district.

The following are conditional uses in the Riverview Avenue and Cherry Avenue overlay districts (see Section 17.21.100(B):

- A. Home occupations subject to Section 17.03.310; B. Bed and breakfast use. subject to Section 17.03.085. (Ord. 677 § 6(B), 1989)

17.21.070 Development standards.

Development standards shall be set forth in the Central Village Design Guidelines adopted by the city council on January 22, 1987, for the district. Structures destroyed by fire or natural disaster; provided, that the replacement structure is of the same size and in the same location, shall be given special consideration and may be exempted from Design Guideline requirements. To carry out the purposes of the zoning district first floor commercial uses shall not be converted to residential uses. (Ord. 691 § 2, 1990: Ord. 622 Exhibit A (part), 1987)

17.21.080 Height regulations.

No structure shall exceed twenty-seven feet in height in the C-V zone, except when a restoration of a historic building of Capitola exceeding the height limitation is proposed and has been recommended for approval by the planning commission. In any case, such structures shall provide for adequate light and air, and shall provide for considerations of view from adjacent properties. (Ord. 740 § 7, 1992: Ord. 622 Exhibit A (part), 1987)

Commissioner Smith suggested the height regulations be clarified.

Commissioner Routh stated that the homes on El Camino Medio were height regulated to consider views from adjacent properties.

17.21.090 Lot area.

There shall be no specific minimum lot area required in the C-V zone, except that there shall be sufficient area to satisfy any off-street parking and loading area requirements as established in the city's parking ordinance. (Ord. 622 Exhibit A (part), 1987)

17.21.100 Lot coverage.

There shall be no specific maximum lot coverage in the C-V zone, except as follows:

A. Sufficient space shall be provided to satisfy offstreet parking and loading area requirements, notwithstanding that all parking may be provided within a structure or structures.

B. In the Riverview Avenue residential overlay district:

1. The small lots on the north side of Riverview Avenue shall allow ninety percent development of the lot without any specific setback requirements. The ten percent open space shall be located in the front part of the lot.

2. Lots on the south side of Riverview Avenue which are smaller than one thousand two hundred square feet shall be allowed eighty percent lot coverage. Lots which are greater than one thousand two hundred square feet shall be allowed seventy percent lot coverage. When calculating square footage for development, lot size shall not include parcels on the river side of the pathway.

“Lot coverage” shall be defined as the footprint of the building and area used to meet the parking requirements of the use. Garages, carports, the portion of any basement that exceeds two hundred fifty gross square feet excluding the access stairway, or open parking spaces used to meet the parking requirements are included as the actual square footage. Driveway approaches and sidewalks are not included in the lot coverage. For example: A thirty-foot by one-hundred-foot lot is three thousand square feet. A seventy percent lot coverage means a two thousand one hundred square foot footprint would be allowed. This typically would provide three-foot side yard setbacks (six hundred square feet) and a ten-foot front yard setback (three hundred square feet). However, flexibility is allowed in locating the structure.

C. In the Cherry Avenue residential overlay area:

1. Lots of less than one thousand square feet shall be allowed ninety percent lot coverage. Lots between one thousand one and two thousand square feet shall be allowed eighty percent lot coverage. Lots over two thousand square feet shall be allowed seventy-five percent lot coverage. For example, a thirty-foot by seventy-foot lot is two thousand one hundred square feet, which allows seventy-five percent lot coverage. A building footprint of one thousand five hundred seventy-five square feet may be developed, which provides three-foot side yard setbacks (four hundred twenty square feet), and a front yard setback of 5.1 feet (one hundred fifty-five square feet)

The definition of lot coverage is the footprint of the building and area used to meet the parking requirements of the use. Garages, carports or open space parking used to meet the parking requirements are included as the actual square footage. Driveway approaches and sidewalks are not included in lot coverage. (Ord. 774 § 3, 1995; Ord. 677 § 6(C), 1989; Ord. 622 Exhibit A (part), 1987)

Commissioner Smith commented that this section requires careful review and consideration of the potential impacts. She noted that there should be a review of the percentage of buildings that would disappear with the timeline of non-conforming structures.

17.21.110 Yards.

There shall be no yard requirements in the C-V zone, except that: (1) ten percent of lot area shall be developed as landscaped open area, at least partially fronting on, and open to, the street. No portion of this landscaped area shall be used for off-street parking, and (2) a minimum front open space for the northerly side of the first two hundred fifty feet of Cliff Drive, west of the intersection of Wharf Road, shall be ten feet. (Ord. 757 § 2, 1993; Ord. 622 Exhibit A (part), 1987)

17.21.120 Parking.

Parking requirements for buildings in the C-V zone shall be as provided in Chapter 17.51, and Section 17.21.140 and as required by this chapter:

A. Parking shall be provided for any change in use from residential to commercial, for the full amount required by the commercial operation. No space credit for the previous use will be granted.

B. When a substantial remodel or reconstruction of a building is done for reasons other than fire or natural disaster, parking requirements for the entire structure shall be provided.

C. Required parking for new users shall be provided at sites outside the village area, but within walking distance or at remote sites served by a shuttle system; exceptions to permit onsite parking may be made for:

1. Non-historic structures in residential areas bounding the central commercial district of the village; and
2. For the Capitola Theater site and mercantile site as shown on the village residential overlay zone addendum map and providing that site designs shall provide for minimizing driveway cuts and for ground floor street frontage commercial development with parking areas/structures on the interior of the sites; and
3. If mandated under Federal Emergency Management Agency regulations and as consistent with the certified LCP. (Ord. 941 § 1, 2009; Ord. 677 § 6(D), 1989; Ord. 622 Exhibit A (part), 1987)

17.21.130 Loading areas.

Loading areas in the C-V zone shall be as provided in Chapter 17.51. (Ord. 622 Exhibit A (part), 1987)

17.21.140 Valet Parking.

The city may designate two village metered parking spaces, or similar space to allow for the operation of a valet parking program. (Ord. 941 § 2, 2009)

Chapter 17.22 C-R COMMERCIAL/RESIDENTIAL DISTRICT

17.22.010 Applicability.

The regulations set forth in this chapter apply to all commercial/residential (C-R) districts. (Ord. 579 (part), 1985)

17.22.020 Purpose.

The purpose of C-R districts is to implement the harmonious intermingling of pedestrian, commercial and residential activities. The style and scale of development should enhance pedestrian usage of the areas. Mixing residential with commercial in a single development will ordinarily be encouraged. (Ord. 579 (part), 1985)

17.22.030 Architectural and site review required.

Architectural and site approval as provided in Chapter 17.63 of this code shall be secured for the establishment and conduct. of any principal permitted, accessory or conditional use in C-R districts. (Ord. 579 (part), 1985)

17.22.040 Principal permitted uses.

The following are permitted uses in a C-R district: residential uses (single-family and duplexes). (Ord. 579 (part), 1985)

17.22.050 Conditional uses.

The following are conditional uses in a C-R district, subject in each case to securing a use permit as provided in Chapter 17.60 of this code:

- A. Art galleries;
- B. Restaurants;
- C. Clothing stores;
- D. Antique stores;
- E. Medical and dental offices;
- F. Motels and hotels;
- G. Professional, general, administrative and business offices;

H. Banks;

I. Personal service establishments entirely within enclosed buildings, such as barbershops, beauty shops, shoe repair shops, tailor shops, clothes cleaning and laundry agencies and self-service laundrettes; retail dry cleaning establishments, provided that the solvents used in the cleaning process shall be nonflammable and non-explosive and are in fluid-tight cleaning units approved by the State Fire Marshal. No dry cleaning is permitted of clothes other than those delivered to the establishment by consumers;

J. Limited repair services conducted entirely within enclosed buildings, such as jewelry, domestic appliance, typewriter and business machine repair shops, primarily to serve family needs; retail business establishments, such as small shops and stores, including retail bakeries, and beach equipment rental businesses conducted indoors;

K. Lodging facilities, clubs, and indoor restaurants;

L. Insurance and real estate agencies;

M. Business establishments that sell or dispense alcoholic beverages for consumption on the premises;

N. Projects which are in part commercial and also contain at least one dwelling (defined in Section 17.03.190);

O. Large and small community care residential facilities, subject to the special conditions in Section 17.15.060(G), and large and small family day care homes subject to the special conditions in Section 17.15.060(F);

P. Other uses similar to the permitted and conditional uses above, not inconsistent with the general purposes of this chapter and the general plan, subject to approval by the city council upon the recommendation of the planning commission;

Q. Conversion from residential to commercial or commercial to residential;

R. Bed and breakfasts, subject to Section 17.03.085 requirements;

S. Reverse vending machines for beverage containers and small collection facilities of five hundred square feet or less, are subject to the requirements of subsections D and E of Section 17.60.030. (Ord. 878 § 4, 2004; Ord. 661 § 2 (part), 1988; Ord. 644 § 1, 1987; Ord. 608 § 8, 1986; Ord. 579 (part), 1985)

17.22.060 Development standards.

A. Character. Individual character shall promote a harmonious mix of pedestrian commercial usage and urban residential environment.

B. Height Regulations. No structure shall exceed twenty-seven feet in height.

C. Lot Coverage. There shall be no specific maximum lot coverage except as follows:

1. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, except that all parking may be provided within a structure(s).

2. Front yard and open space requirements shall be satisfied.

3. The first two hundred fifty gross square feet of any basement, including the measurements of the access stairway, shall not be included when calculating lot coverage. Only the portion of a basement that exceeds two hundred fifty gross square feet shall be included in the lot coverage calculations.

D. Yards.

1. Front yard setback: both new buildings and conversions of existing dwellings are encouraged with design emphasis placed on provision of adequate sidewalk width, street trees, potted plants and front-yard landscaping and pedestrian-scaled signs. The scale of the building shall determine the required setback.

2. Where a proposed building line for the street(s) upon which any lot faces is established by the street and highway plan of the master plan or is specified by the provisions of this code, then the front yard(s) shall be measured from the proposed building line.

3. Side and rear yards may be required through architectural and site approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any

incompatibility, and to promote excellence of development, except that where a rear yard is provided, it shall be at least ten feet wide.

E. Parking. Parking standards shall be as provided in Chapter 17.51.

F. Loading Areas. As provided in Chapter 17.51.

G. Landscaping. Landscaping should further the creation of a harmonious pedestrian, commercial atmosphere. (Ord. 774 § 4, 1995; Ord. 642 § 2 (part), 1987; Ord. 579 (part), 1985)

17.22.070 Accessory uses.

The following are accessory uses permitted in a C-R district:

A. Signs complying with the applicable regulations set forth in this code;

B. Accessory uses and buildings customarily appurtenant to a permitted use, provided that no accessory use shall be offensive or objectionable because of odor, dust, smoke, noise or vibration. (Ord. 579 (part), 1985)

7. DIRECTOR'S REPORT

Community Development Director Johnson provided the Commission a status update on the following items: The GPAC held a community workshop pertaining to Bay Avenue. The next meeting will be held on September 21st. The Council held the first hearing to repeal the Mobile Home Rent Control ordinance; the status of the RDA will be discussed at the 9/8/11 meeting; building permit and planning permit intake is on the upswing.

8. COMMISSION COMMUNICATIONS

Commissioner Smith asked for a status of the coastal permit for the deck off of Cliff that was appealed to the Coastal Commission.

Community Development Director Johnson stated that staff has been working with the Coastal Commission staff to reach a solution that would result in the appeal being withdrawn.

9. ADJOURNMENT

The Planning Commission adjourned the meeting at 10:18 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, October 20, 2011 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on October 20, 2011

Danielle Uharriet, Minute Clerk



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: OCTOBER 13, 2011 (AGENDA: OCTOBER 20, 2011)

SUBJECT: **703 RIVERVIEW DRIVE #11-097 APN: 035-042-26**
 Coastal Permit and Design Permit to remodel an existing two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.
 Environmental Determination: Categorical Exemption
 Property Owner: Steve Goodman & Kathryn Quigg, filed 9/12/11
 Representative: Derek Van Alstine

APPLICANT'S PROPOSAL

The applicant is proposing to remodel an existing two-story single-family residence at 703 Riverview in the R-1 (Single Family Residence) zoning district. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

<u>STRUCTURAL DATA</u>				
<u>SETBACKS</u>		Required	Existing	Proposed
Front Yard				
	Driveway	20'	15'	15'
	1 st Story	15' or average of neighboring structures	15'	15'
	2 nd Story	20'	35'	35'
Rear Yard				
	1 st Story	20'	16'	21'
	2 nd Story	20'	21'	33'
Side Yard				
	1 st Story	3'-8" (l) & (r)	4'-4" (l) & 3'-7" (r)	4'-4" (l) & 3'-7" (r)
	2 nd Story	5'-6" (l) & (r)	4'-4" (l) & 3'-7" (r)	4'-4" (l) & 3'-7" (r)
<u>HEIGHT</u>		25'	21'-5"	21'-5"

FLOOR AREA RATIO	Lot Size	MAX (55%)	Existing (63%)	Proposed (61%)
	3,668 sq. ft.	2,017 sq. ft.	2,297 sq. ft.	2,222 sq. ft.
	Habitable Space	Garage	Second Floor Deck	Total
Existing First Story	1,013 sq. ft.	324 sq. ft.	-	1,337 sq. ft.
Existing Second Story	868 sq. ft.	-	92 sq. ft.	960 sq. ft.
Existing TOTAL	1,881 sq. ft.	324 sq. ft.	92 sq. ft.	2,297 sq. ft.
Proposed First Story	1,121 sq. ft.	324 sq. ft.	-	1,445 sq. ft.
Proposed Second Story	767 sq. ft.	-	35 sq. ft.	802 sq. ft.
Proposed TOTAL	1,888 sq. ft.	324 sq. ft.	35 sq. ft.	2,247 sq. ft.
PARKING	Required	Existing	Proposed	
	2 covered space 1 uncovered space	1 covered space	1 covered space	
Total	3 spaces	1 space	1 space	

ARCHITECTURAL AND SITE REVIEW COMMITTEE

On September 28, 2011, the Architectural and Site Review Committee reviewed the application.

- City Architect Frank Phanton approved of the redesign of the house, stating that it was a significant improvement to the existing house.
- City Landscape Architect Susan Suddjian complimented the new entry.
- Public Works Director Steve Jesberg expressed some concerns with drainage and potential impacts to the banks of Soquel Creek. Due to historic erosion of the bank above Soquel Creek, he conditioned that as part of the project the property owner shall improve the drainage to prevent collection of runoff over the bank.
- Building Official Mark Wheeler advised that a property survey will be required.
- Senior Planner Bane identified the structure as nonconforming and requested the applicant provide documentation that showed that the project is not exceeding the limitations required per 17.72.070 *Structural Alterations to Nonconforming Structures*. The applicant has since provided calculations that show it is not exceeding the 80% improvement value limitation. It was also noted that utilities would need to be undergrounded, and that the applicant should contact PG&E and the Soquel Creek Water District to begin approvals through those entities.

DISCUSSION

The subject property is a fairly flat 3,668 square foot lot that backs up to Soquel Creek, located within a developed single-family neighborhood. The existing 2,297 square foot two-story house is proposed to be remodeled, including both interior and exterior changes. Interior floor layouts will be completely revised and exterior changes will include new roof configurations and siding materials.

While much of the house envelope will remain the same, the first floor portion to the rear will be demolished and built back in a different configuration, resulting in 108 square feet of new first floor living space. The second floor changes will result in an overall reduction of 158 square feet, including 101 square feet less of living space, and a smaller outdoor second floor deck that now faces the

street. The new exterior materials include a mix of horizontal siding and wood shingles, new windows, trim and garage door, as well as a new asphalt roof. A color and materials board will be available for review at the Planning Commission meeting.

A new covered front porch has been designed into the remodel, including a new garden trellis, fence and entry gate that leads to the front door. The existing front lawn, driveway, and plantings are proposed to remain, with no trees proposed for removal. Curb and gutter that is currently deteriorated or is damaged during construction shall be repaired or replaced, and utilities will be required to be undergrounded to the nearest utility pole.

Nonconforming

The structure is legal nonconforming due to not meeting current setbacks, parking and FAR requirements. Per 17.72.070, structural alterations to nonconforming structures are limited to 80% of the present fair market value of the structure. The applicant has provided a construction cost breakdown (Attachment B) that demonstrates how the proposed project will not exceed 80% of the present fair market value of the structure. The Building Official has reviewed the calculations and determined them to be accurate. It should be noted that all new additions to the structure meet the current R-1 district development standards.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #11-097 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a remodel to an existing two-story single-family residence at 703 Riverview in the R-1 (Single Family Residence) zoning district...
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. The existing curb and sidewalk shall be replaced to the satisfaction of the Public Works Director.
6. An encroachment permit shall be acquired for any work performed in the right-of-way.
7. A drainage plan shall be developed to address the impacts and mitigate any potential erosion from runoff on to the adjacent creek bluff. The plan shall be submitted with the final building plans, to the satisfaction of the Public Works Director. The plan shall improve the drainage collection of runoff over the bank by either:
 - a. Capturing all roof drainage on site and pumping or otherwise diverting the drainage to the curb line of Riverview Drive; or,
 - b. Designing a discharge system for all roof drainage to flow evenly over the bank and cliff face toward Sequel Creek.

8. The project shall implement Low Impact Development BMP's outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the bmp's implemented and with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
9. The existing front yard landscaping shall remain and be maintained. If through the course of construction the landscaping is damaged and/or removed, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan shall include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. The front yard landscaping shall be in place prior to final building occupancy.
10. During all grading and subsurface excavations (including utility-line trenching), construction will be halted if significant unexpected, archaeological resources are discovered. For the purpose of this permit, significant archaeological resources shall include the remains of previous Native American living areas or human burials. In the instance of Native American living areas, these objects shall be recorded and mapped by an archaeologist approved by the Community Development Director prior to further excavation on that portion of the site. In the event human burials are discovered during excavation, work shall be halted and the County Coroner, the Northwest Indian Cemetery Protective Association (NICPA) and other appropriate authorities shall be notified. Mitigation measures developed by the applicant and authorized archaeologists as a result of such unanticipated discovery shall be subject to the approval of the Community Development Director.
11. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. The application will maintain the character and integrity of the neighborhood.

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project generally conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

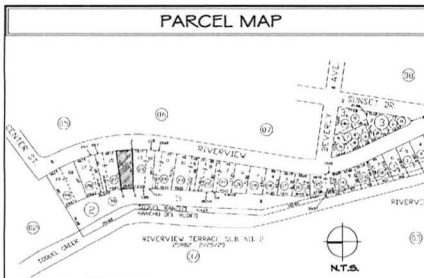
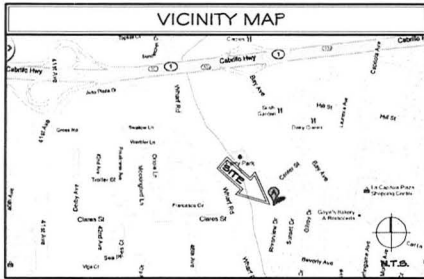
C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

This project involves the remodel of an existing single-family residence in the R-1 (single family residence) Zoning District. Section 15301 of the CEQA Guidelines exempts alterations to existing single-family residences in a residential zone.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans
Attachment B – Construction Cost Breakdown

GOODMAN-QUIGG RESIDENCE



BUILDING INFORMATION SUMMARY

PROJECT DESCRIPTION:	REMODEL OF EXISTING, TWO STORY 2,263 SQ.FT. SINGLE FAMILY DWELLING TO RESULT IN 1,036 SQ.FT. 3 BEDROOM 3 1/2 BATH WITH EXISTING 324 SQ.FT. ATTACHED GARAGE TO REMAIN.		
PROJECT ADDRESS:	703 RIVERVIEW DRIVE CAPITOLA, CA 95010		
PARCEL NUMBER:	035-04-226		
OCCUPANCY TYPE:	R-3		
SETBACK INFORMATION:	FRONT YARD 15'-0"	SIDE YARD 3'-0" 10% (31.42' + 42.14') 2	REAR YARD 20'-0"
LOT AREA:	3,666 SQ.FT.		
PROPOSED FLOOR AREA:	EXISTING	PROPOSED	CHANGE
FIRST FLOOR AREA:	1,013 SQ.FT.	1,121 SQ.FT.	108 SQ.FT.
SECOND FLOOR AREA:	668 SQ.FT.	767 SQ.FT.	< 97 SQ.FT.>
ATTACHED GARAGE AREA:	324 SQ.FT.	324 SQ.FT.	0 SQ.FT.
SECOND FLOOR DECK:	92 SQ.FT.	35 SQ.FT.	< 57 SQ.FT.>
TOTAL FLOOR AREA	2,297 SQ. FT.	2,247 SQ. FT.	< 36 SQ.FT.>
HEATED SPACE	1,067 SQ. FT.	1,066 SQ.FT.	< 21 SQ.FT.>
FLOOR AREA RATIO ALLOWED:	55% = 2,017 SQ.FT.		
FLOOR AREA RATIO - EXISTING:	62% = 2,263 SQ.FT.		
FLOOR AREA RATIO - PROPOSED:	61% = 2,247 SQ.FT.		
PARKING (PROVIDED):	1 COVERED		
CODE NOTE:	THESE PLANS CONFORM TO THE 2010 CALIFORNIA RESIDENTIAL, BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND ENERGY CODES, (e.g., 2009 IBC, IRC, UMC, UPC, AND 2009 NEC, AS AMENDED BY THE STATE OF CALIFORNIA.)		

CONTACTS

OWNER:
STEVE GOODMAN & KATHRYN QUIGG
13612 49th AVENUE COURT NW
GIG HARBOR, WA 98332
(253) 857-9205

PROJECT DESIGNER:
DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.
DEREK VAN ALSTINE
716 S. SOQUEL AVENUE SUITE A
SANTA CRUZ, CA 95062
PH: (831) 426-0400
FAX: (831) 426-0446
derek@vanalstine.com

DRAWING INDEX

BUILDING DESIGN
T1 TITLE SHEET
T2 STREETScape
A1 SITE PLAN
A2 EXISTING DEMOLITION PLAN
A3 PROPOSED FLOOR PLANS
A4 ROOF PLAN
A5 EXTERIOR ELEVATIONS

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
716 S. SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
95062
(831) 426-0400 FAX (831) 426-0446

DVRD
DEREK VAN ALSTINE
RESIDENTIAL DESIGN

GOODMAN-QUIGG RESIDENCE
703 RIVERVIEW DRIVE
CAPITOLA, CA 95010

035-04-226

ISSUE DESCRIPTION

SCHMATA DESIGN

JUNE 16, 2011

DEIGN DEVELOPMENT

MAY 20, 2011

PLANNING SUBMITTAL

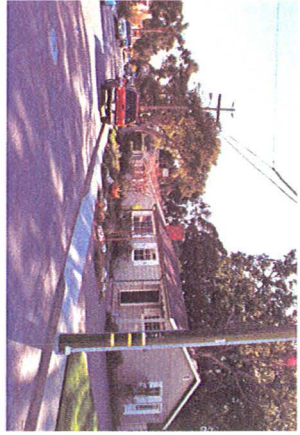
AUG 31, 2011

BUILDING SUBMITTAL

PLANNING

ATTACHMENT A

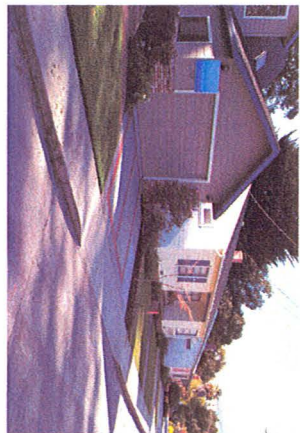
TITLE SHEET



LOOKING SOUTH

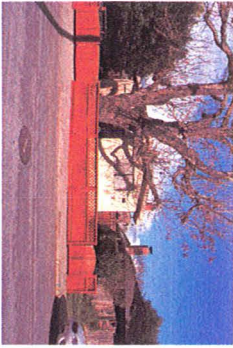


703 RIVERVIEW DR
SUBJECT PROPERTY

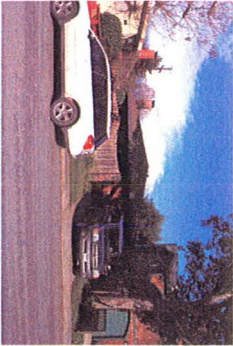


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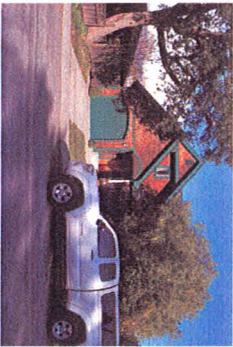
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SCALE NONE



708 RIVERVIEW DRIVE



706 RIVERVIEW DRIVE

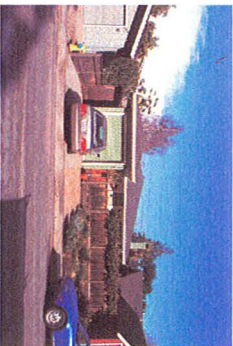


704 RIVERVIEW DRIVE

2 RIVERVIEW DRIVE - EAST
SCALE NONE



702 RIVERVIEW DRIVE



624 RIVERVIEW DRIVE

6/30/2011 10:47 AM

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
716 SOQUEL AVENUE SUITE A SANTA CRUZ, CALIFORNIA
(310) 452-4485 PHONE (310) 452-5486 FAX

DVRD
DESIGN & VISUALIZATION
RESIDENTIAL

GOODMAN-QUIGG RESIDENCE
703 RIVERVIEW DRIVE
CAPITOLA, CA 95010

PH: 939-044-4228
SHEET DESCRIPTION
SUBMITTED DESIGN
JUNE 16, 2011
PERMANENT/TEMPORARY
PLANNING PERMIT/AL
APR 20, 2011
BUILDING PERMIT/AL
APR 21, 2011
BUILDING PERMIT/AL
REVISION:

SHEETSCALE

T2

DEREK VAN ALSTINE
 RESIDENTIAL DESIGN INC.
 176 SOUTHER AVENUE SUITE A SANTA CRUZ CALIFORNIA
 95062-5400 PHONE (831)854-6618 FAX

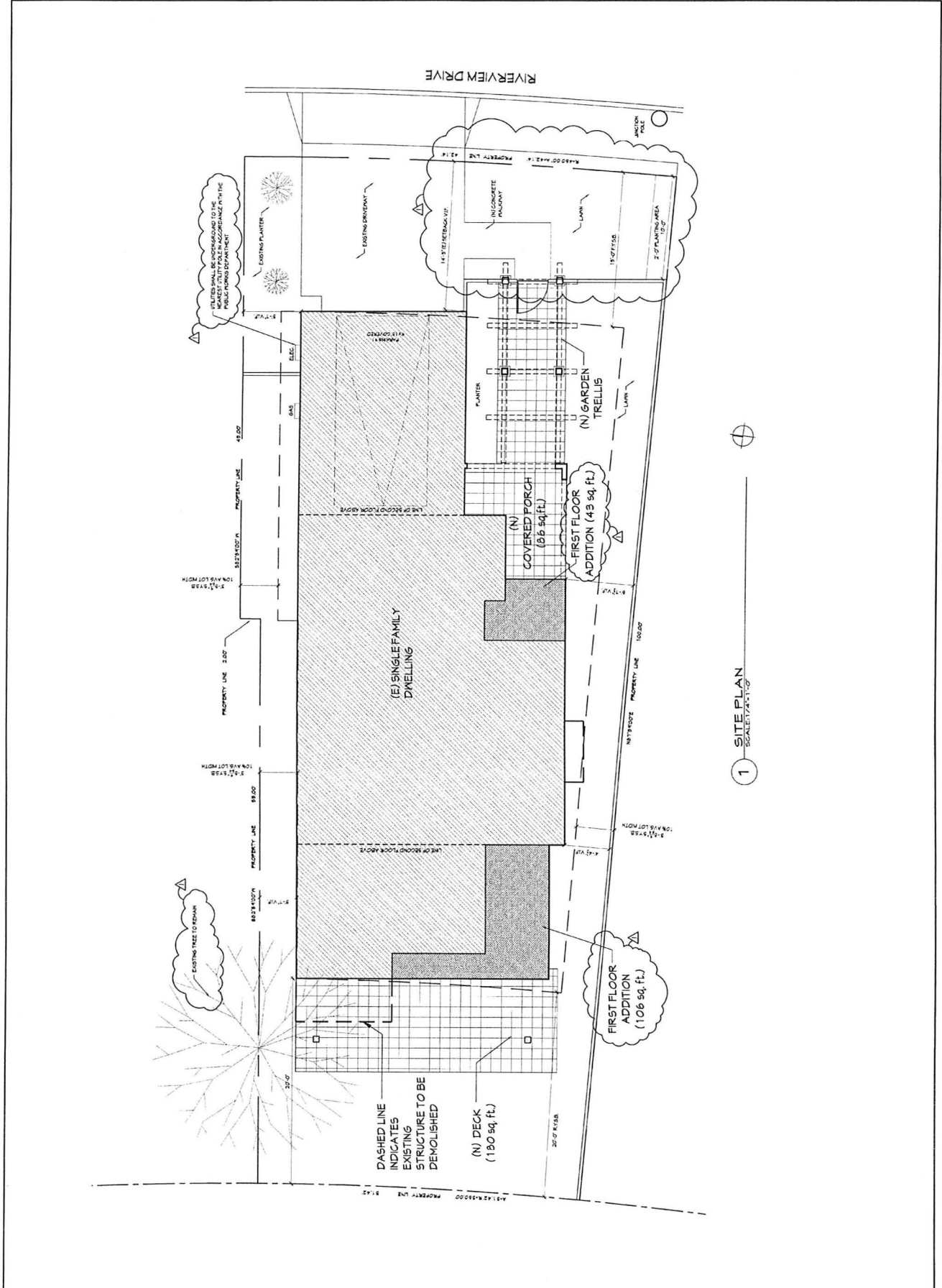
VVRD
 VERMONT VERTICAL RECORDING DEPARTMENT
 145 STATE STREET
 MONTPELIER VERMONT 05602

GOODMAN-QUIGG RESIDENCE
 703 RIVERVIEW DRIVE
 CAPTOLA, CA 95010

DATE 09-24-2011
 ISSUE DESCRIPTION
 SUBMITTER SHEEN
 DATE 12, 2011
 DESIGN DEVELOPMENT
 JULY 20, 2011
 PLANNING SUBMITTAL
 AUG 31, 2011
 RECORD SUBMITTAL

REVISIONS:
 1 OF 20 (1)
 PLANNING RESPONSE

SHEET PLAN
 A1

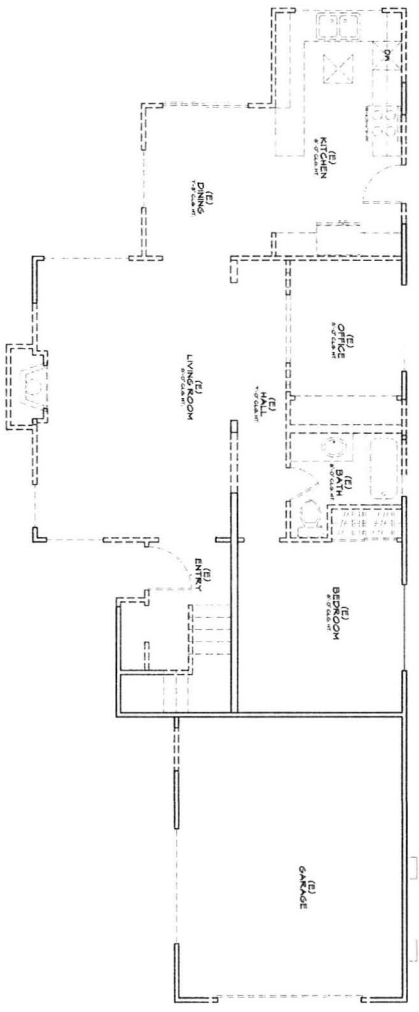


1 SITE PLAN
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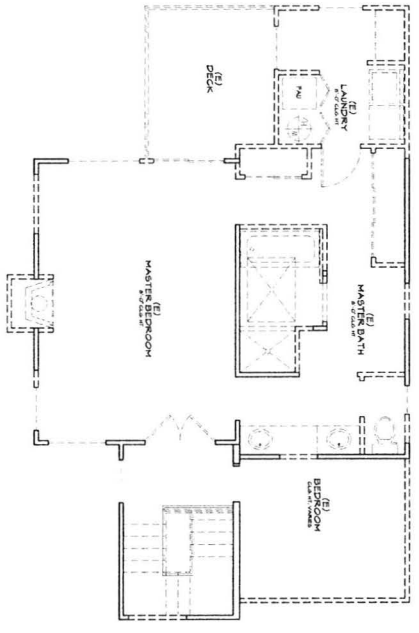
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1 EXISTING/ DEMOLITION FIRST FLOOR PLAN



2 EXISTING/ DEMOLITION SECOND FLOOR PLAN



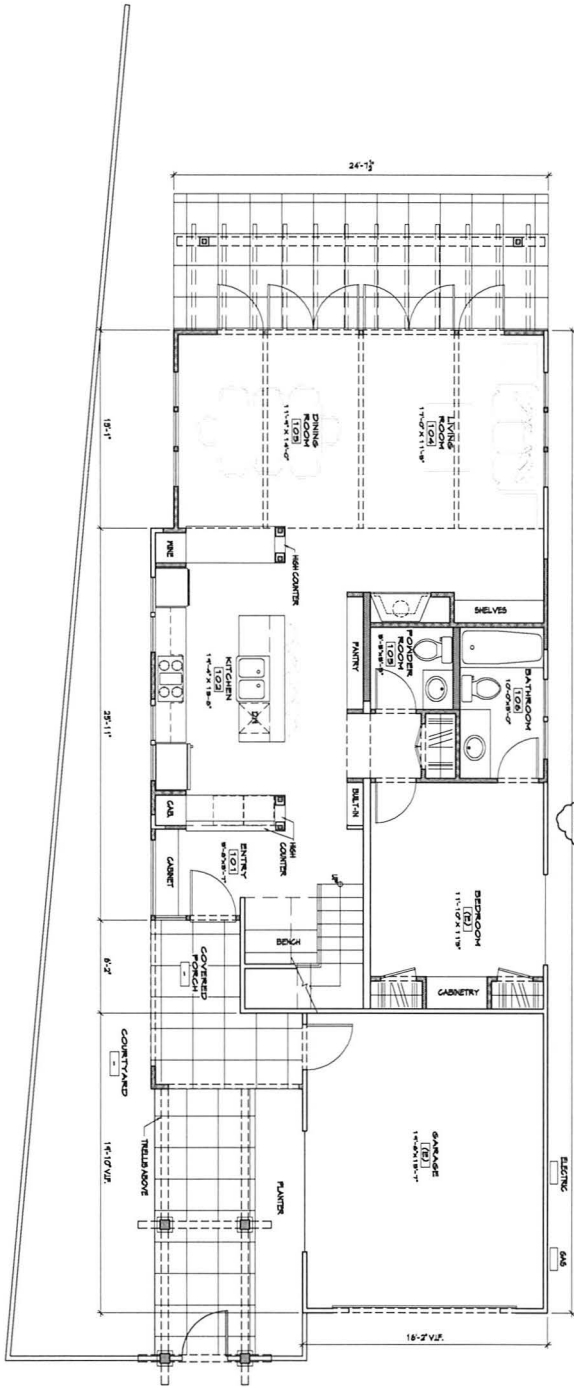
EXISTING FLOOR PLAN
A2

039-04-236
INSIDE ENCLOSURE
SCHEDULED WORK
REVISIONS
DATE: 04/20/11
PROJECT: 039-04-236
DATE: 04/20/11
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 04/20/11

GOODMAN-QUIGG RESIDENCE
703 RIVERVIEW DRIVE
CAPITOLA, CA 95010

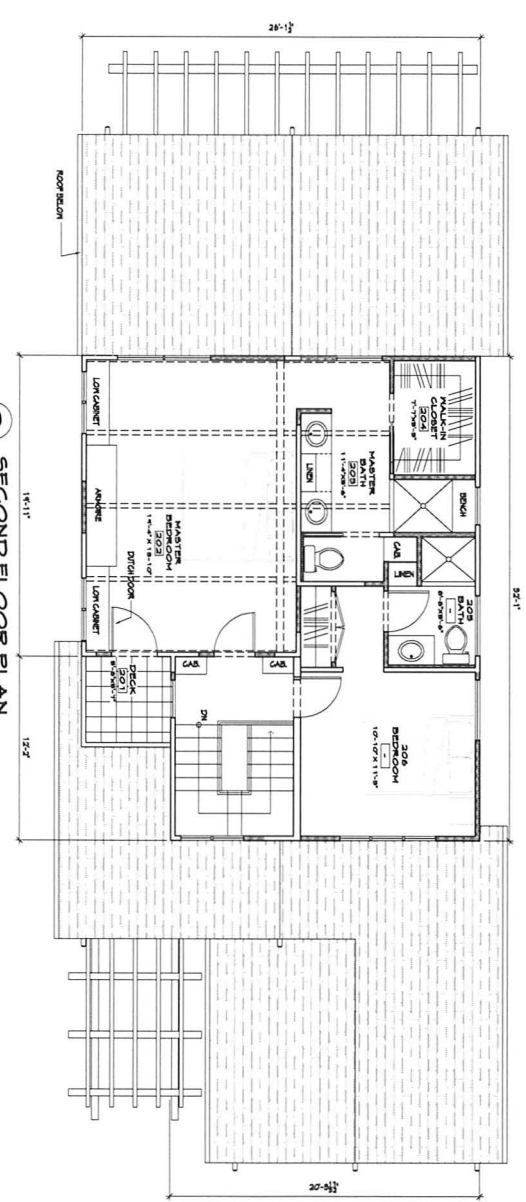
DVRD
ARCHITECTURE
RESIDENTIAL DESIGN

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
716 SQUILL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
(531)426-8400 PHONE (531)426-8446 FAX



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

2 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



WALL LEGEND

[Symbol]	EXISTING WALL TO REMAIN
[Symbol]	EXISTING WALL TO BE ENCLOSED
[Symbol]	NEW 2x4 STUD WALL
[Symbol]	NEW 2x6 STUD WALL

PROPOSED
FOOTPRINTS
A3

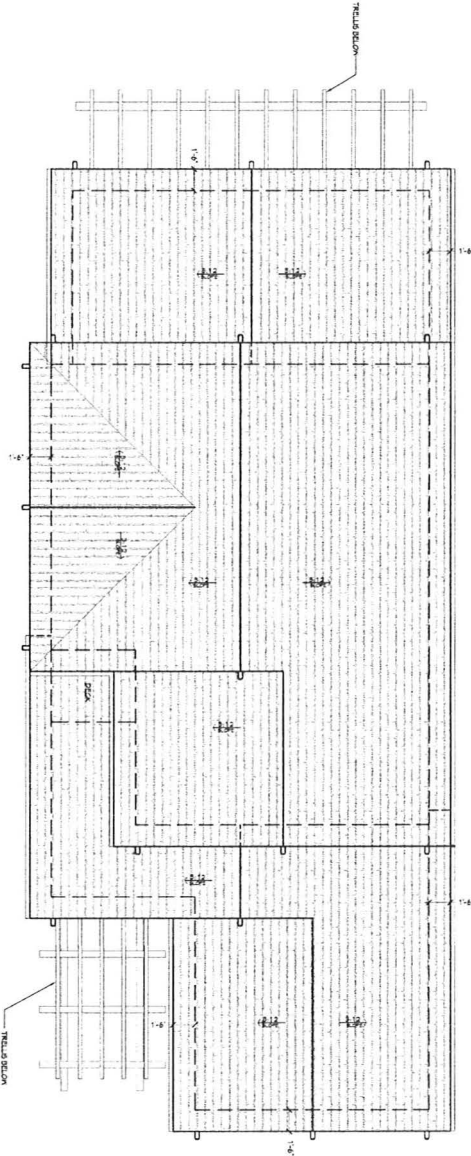
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DESIGNER	SENTERBERRY, INC.
PROJECT	RESIDENTIAL
CLIENT	SENTERBERRY, INC.
PROJECT ADDRESS	703 RIVERVIEW DRIVE, CAPITOLA, CA 95010
PROJECT NUMBER	07-24-2008
PROJECT STATUS	PLANNING/CONCEPT
PROJECT PHASE	PRELIMINARY DESIGN
PROJECT TYPE	RESIDENTIAL
PROJECT VALUE	UNKNOW
PROJECT RISK	UNKNOW
PROJECT RISK	UNKNOW

GOODMAN-QUIGG RESIDENCE
703 RIVERVIEW DRIVE
CAPITOLA, CA 95010

DVRD
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
716 SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
(531) 426-5400 PHONE (531) 426-5446 FAX

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
716 SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
(531) 426-5400 PHONE (531) 426-5446 FAX

8/30/2011 2:36 PM



1 ROOF PLAN
SCALE: 1/4" = 1'-0"



A4

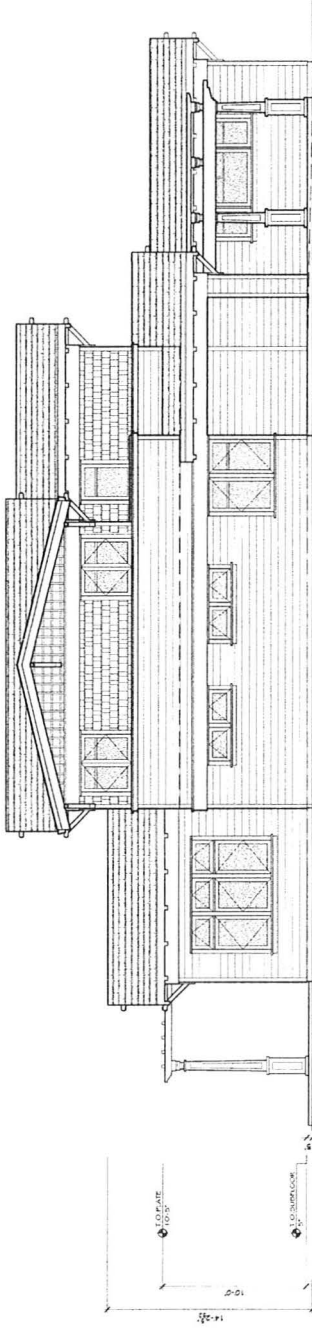
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ISSUE DESCRIPTION	ISSUE DESCRIPTION
REVISION	REVISION
DATE	DATE
BY	BY
DESCRIPTION	DESCRIPTION
DATE	DATE
BY	BY
DESCRIPTION	DESCRIPTION

GOODMAN-QUIGG RESIDENCE
 703 RIVERVIEW DRIVE
 CAPITOLA, CA 95010

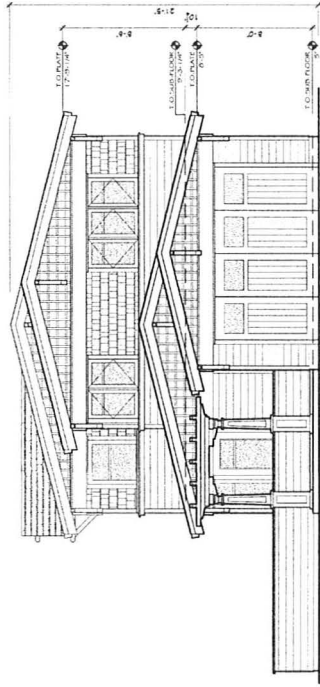
DVRD
 DEREK VAN ALSTINE
 RESIDENTIAL DESIGN INC.

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
 716 SOQUEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
 (531)426-8600 PHONE (531)426-8446 FAX

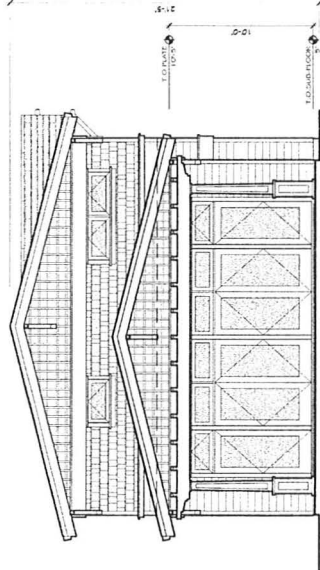
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ISSUE DESCRIPTION	ISSUE NO. 0155-04-226
DATE	JAN 12, 2011
DESIGN DEVELOPMENT	JULY 20, 2011
PLANNING SUBMITTAL	AUG 31, 2011
REVISIONS	REVISIONS



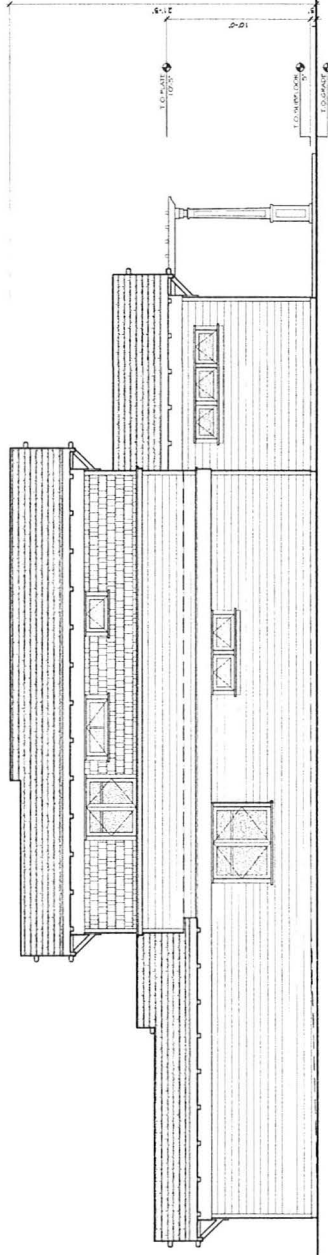
1 SOUTH ELEVATION
SCALE 1/4"=1'-0"



2 EAST ELEVATION
SCALE 1/4"=1'-0"



3 WEST ELEVATION
SCALE 1/4"=1'-0"



4 NORTH ELEVATION
SCALE 1/4"=1'-0"

**D E R E K V A N A L S T I N E
R E S I D E N T I A L D E S I G N , I N C .**

September 27, 2011

Planning Department
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Re: Construction Cost Breakdown
Project # 11-097
703 Riverview Drive
APN: 035-042-26

Existing residence:	1,881 square feet	
	@ \$150.00/square foot	\$282,150.00
Existing carport:	324 square feet	
	@ \$45.00/square foot	\$14,580.00
Existing deck:	92 square feet	
	@ \$12.00/square foot	\$1,104.00
	<u>Total Existing Value:</u>	<u>\$297,834.00</u>
	80% of Total Existing Value	\$238,267.00

New Construction / Remodel Costs:		
Kitchen Remodel:	221 square feet	
	@ \$300.00 per sq.ft.	\$66,300.00
Bathroom Remodel:	227 square feet	
	@ \$200.00 per sq.ft.	\$45,400.00
Deck Remodel:	35 square feet	
	@ \$25.00 per sq.ft.	\$875.00
General Remodel:	695 square feet	
	@ \$100.00 per sq.ft.	\$69,500.00
New Construction:	149 square feet	
	@ \$200.00 per sq.ft.	\$29,800.00
	<u>Total Construction / Remodel Cost:</u>	<u>\$211,875.00</u>

716 SOQUEL AVE., STE A, SANTA CRUZ, CA 95062
phone 831-426-8400 • 831-426-8446 fax



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: OCTOBER 13, 2011 (AGENDA: OCTOBER 20, 2011)

SUBJECT: **116 STOCKTON AVENUE #11-093 APN: 035-231-13**
Conditional Use Permit for a retail wine store and wine bar with the sale and dispensing of alcohol in the CV (Central Village) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Frederic Feldner, owner/filed: 9/1/11
Representative: Tina Metzger

APPLICANT'S PROPOSAL

The applicant is requesting a Conditional Use Permit for a wine tasting room and related retail shop (*Its Wine Tyme*) to be located at 116 Stockton Avenue in CV (Central Village) Zoning District. The use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

DISCUSSION

The subject 1,000 square foot space is currently vacant and was formerly occupied by *Dietle James*, a clothing retail shop. Under the CV (Central Village) zoning district, a Conditional Use Permit is required for "Businesses establishments that sell or dispense alcoholic beverages". The applicant is proposing to carry a variety of local Santa Cruz and California wines that can be served by the glass or tasted before purchasing. Other beverages such as beer, sodas and bottled water will also be offered. In addition to selling wine, higher end gift items and gift baskets with or without wine can be ordered and purchased. Currently, the applicant is proposing to operate the business on her own until the time comes to hire additional help. The proposed hours of operation are Sunday-Wednesday 2:00PM-8:00PM, and Thursday-Saturday 2:00PM-10:00PM.

Tenant improvements to the space include new interior finishes, a wine storage area, retail display area, tasting bar, and seating area along the front window. There are no proposed exterior changes to the building.

Parking

The previous retail use had the same parking requirement of one space for every 240 square feet of gross floor area. Therefore, there is no intensification of use and the existing parking is not affected.

Alcohol Service

Under the CV (Central Village) zoning district, a Conditional Use Permit is required for “Businesses establishments that sell or dispense alcoholic beverages”. The applicant is proposing a Type 42 liquor license that authorizes the sale of beer and wine for consumption on or off the premises where sold.

RECOMMENDATION

Staff recommends the Planning Commission **approve** application #11-093, subject to the following conditions and findings:

CONDITIONS

1. The project approval consists of a Conditional Use Permit for a wine tasting room and related retail shop (*Its Wine Tyme*) to be located at 116 Stockton Avenue.
2. Bread, crackers, and other small items commonly used to cleanse the palate as part of wine tasting shall be permitted. No food preparation, cooking, or food menu shall be allowed.
3. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
4. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
5. Business hours will be limited to Sunday-Wednesday 2:00PM-8:00PM, and Thursday-Saturday 2:00PM-10:00PM.
6. The applicant shall obtain approval for a Sign Permit through the Community Development Department.
7. Outdoor displays, sandwich board and other movable freestanding signs are prohibited.
8. The applicant shall obtain a business license prior to operating the business.
9. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Staff and the Planning Commission have reviewed the project and determined that the proposed business is an allowable use in the CV (Central Village) Zoning District with a Conditional Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. The application will maintain the character and integrity of the neighborhood.

Planning Department Staff and the Planning Commission have reviewed the project and determined that the proposed business will provide a needed service to Capitola and will not have a negative impact on the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

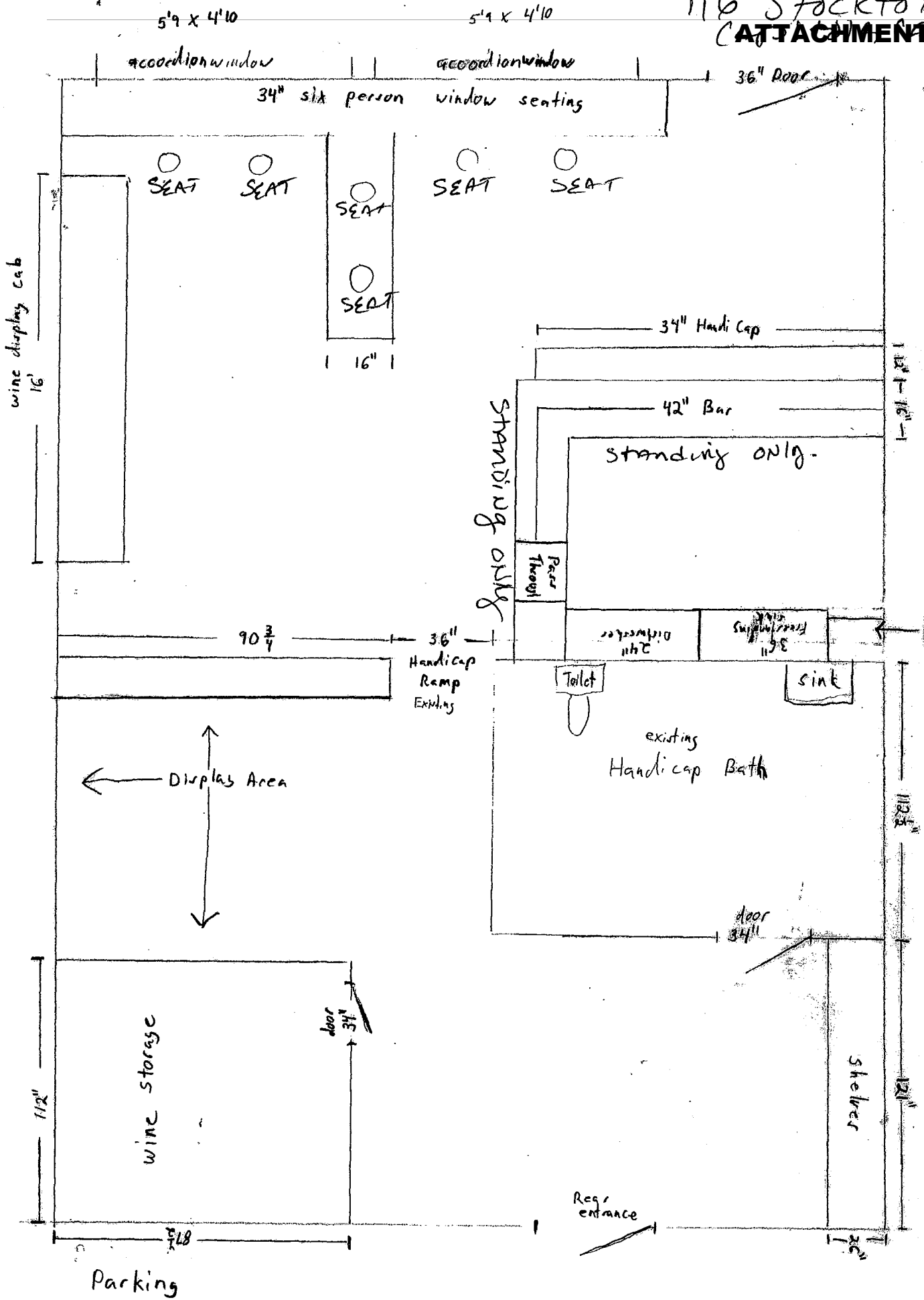
C. This project is categorically exempt under Section 15301 and 15311(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

The proposed project involves leasing of a portion of an existing commercial space with no expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans

Attachment B – Project Description provided by the applicant, dated 9-1-11



Tina Metzger

Its Wine Tyme

Owner/Operator

116 Stockton Ave

Capitola, CA 95010

831.477.4455 Bus.

619.807.5898 cell

09/01/11

To the city of Capitola:

My name is Tina Metzger, I recently relocated to beautiful Capitola from San Diego. In San Diego I owned and operated a small business for 8 years. My plans are to operate "Its Wine Tyme" in the same manner. I will carry 18 different varietals of local Santa Cruz and California wines. Here you can try the wines before purchase or just come in for a great glass of your favorite varietal. I will include some higher end gift items which can also be purchased or made into gift baskets with or without wine, that I make and ship. I am filing for a 42 ABC license which allows "Its Wine Tyme" to have an area for tastings of beer and wine.

The space at 116 Stockton is 1000 sq. ft. I would like to create a tasting bar, as well as comfortable seating areas along the front window. Along both walls will be display units for display of gifts, and wine.

I have a unisex restroom for customers. I will also offer other beverages sodas, bottled waters.

I will run and operate on my own until business needs me to hire help. Hopefully soon after opening.

My hours of operation plan to be:

Sunday-Weds 2-8

Thursday-Friday-Saturday 2-10

I feel my store will be a great asset for the city of Capitola. With my experience of Management and being a prior successful business owner, I feel this location and type of business will go well in Capitola.

Thank you for your time!

Home number 831.475.8262, if any further information is needed.

Tina Metzger





STAFF REPORT

TO: PLANNING COMMISSION
FROM: PLANNING DEPARTMENT
DATE: OCTOBER 13, 2011 (AGENDA: OCTOBER 20, 2011)
SUBJECT: **115 SAN JOSE AVENUE #11-100 APN: 035-221-27**
Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol in the CV (Central Village) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Peter Dwares, owner/filed: 9/15/11

APPLICANT'S PROPOSAL

The applicant is requesting a Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol to be located at 115-Q San Jose Avenue in the CV (Central Village) Zoning District. The use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

DISCUSSION

The subject 1,096 square foot commercial space is currently vacant, but was previously a retail use. Under the CV (Central Village) zoning district, a Conditional Use Permit is required for a take-out restaurant use. At this point in time, there is no specific tenant for the location, but the property owner is looking to gain approvals in order to market the space to potential interested businesses. As part of that approval, the applicant is proposing that the hours of operation be allowed a range of 11:00AM to 11:00PM, in addition to the permitting of the sale and dispensing of alcohol as part of the restaurant business. Due to the small size of the space, the majority of the business will be for "to go" orders, but will provide up to six seats for customers to eat at the restaurant.

Tenant improvements to the space include new interior finishes, kitchen equipment such as a new cook grill, pizza oven, food prep and storage area, service counter, in addition to a fireplace and seating for six. Exterior changes will be limited to the main exterior entry area facing the Esplanade. At this location, the applicant is proposing to enclose the 10'x7' area that is currently under the overhang by installing a fixed window and glass entry doors. Mosaic tiles are also proposed on the existing posts in the entry area.

Alcohol Service

Under the CV (Central Village) zoning district, a Conditional Use Permit is required for "Businesses establishments that sell or dispense alcoholic beverages". The applicant is proposing a Type 47 liquor license that authorizes the sale of beer, wine and distilled spirits as part of a restaurant use.

Under the ABC license, suitable kitchen facilities must be maintained, and must make actual and substantial sales of meals for consumption on the premises.

Parking

A restaurant/take-out food establishment with six or fewer seats has the same requirement as a standard retail or office use, requiring a minimum of one space for every 240 square feet of gross floor area. With the previous retail use having the same parking requirement, there is no intensification of use and the existing parking is not affected.

RECOMMENDATION

Staff recommends the Planning Commission **approve** application #11-100, subject to the following conditions and findings:

CONDITIONS

1. The project approval consists of a Conditional Use Permit for a take-out restaurant with the sale and dispensing of alcohol at 115-Q San Jose Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 11:00AM – 11:00PM.
5. There shall be no more than six seats provided.
6. The applicant shall obtain approval for a Sign Permit through the Community Development Department. Proposed signage shall be consistent with the approved sign program.
7. Outdoor displays, sandwich board and other movable freestanding signs are prohibited.
8. Roof top equipment shall be screened from public view and fall within the allowable city permitted decibel levels. Any necessary roof screening is to match the material and color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
9. The applicant shall obtain a business license prior to operating the business.
10. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Staff and the Planning Commission have reviewed the project and determined that the proposed business is an allowable use in the CV (Central Village) Zoning District with a

Conditional Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. The application will maintain the character and integrity of the neighborhood.

Planning Department Staff and the Planning Commission have reviewed the project and determined that the proposed business will provide a needed service to Capitola and will not have a negative impact on the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

C. This project is categorically exempt under Section 15301 and 15311(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

The proposed project involves leasing of a portion of an existing commercial space with no expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans

Attachment B – Project Description provided by the applicant, dated 10-2-11

EXISTING SITE PLAN

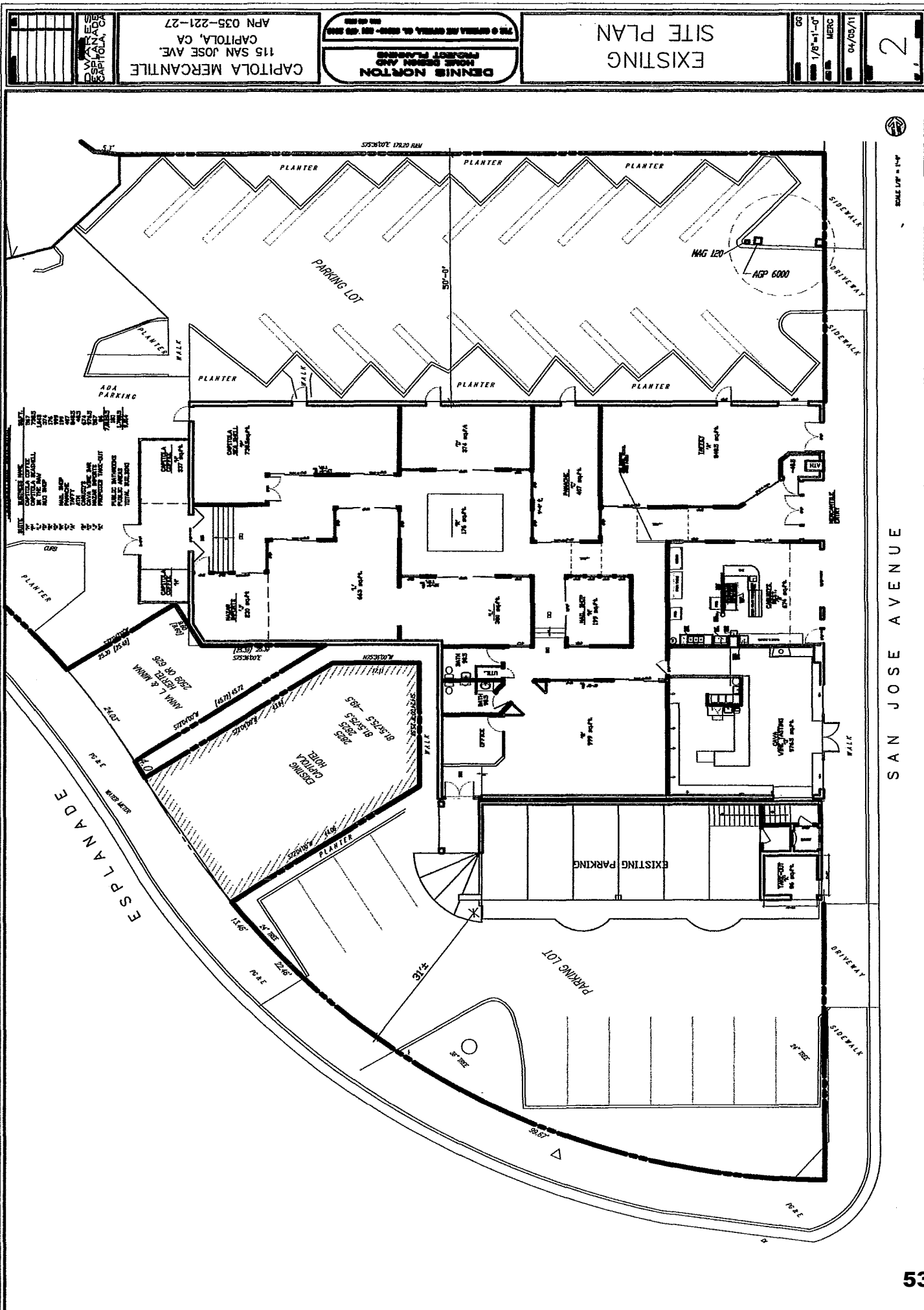
2

DENNIS NORTON
HOME DESIGN AND
PROJECT PLANNING

CAPITOLA MERCANTILE
115 SAN JOSE AVE.
CAPITOLA, CA
APN 035-221-27

W. K. KANAKA
CAPITOLA, CA

DATE	04/05/11
DRAWN BY	MERC
SCALE	1/8" = 1'-0"



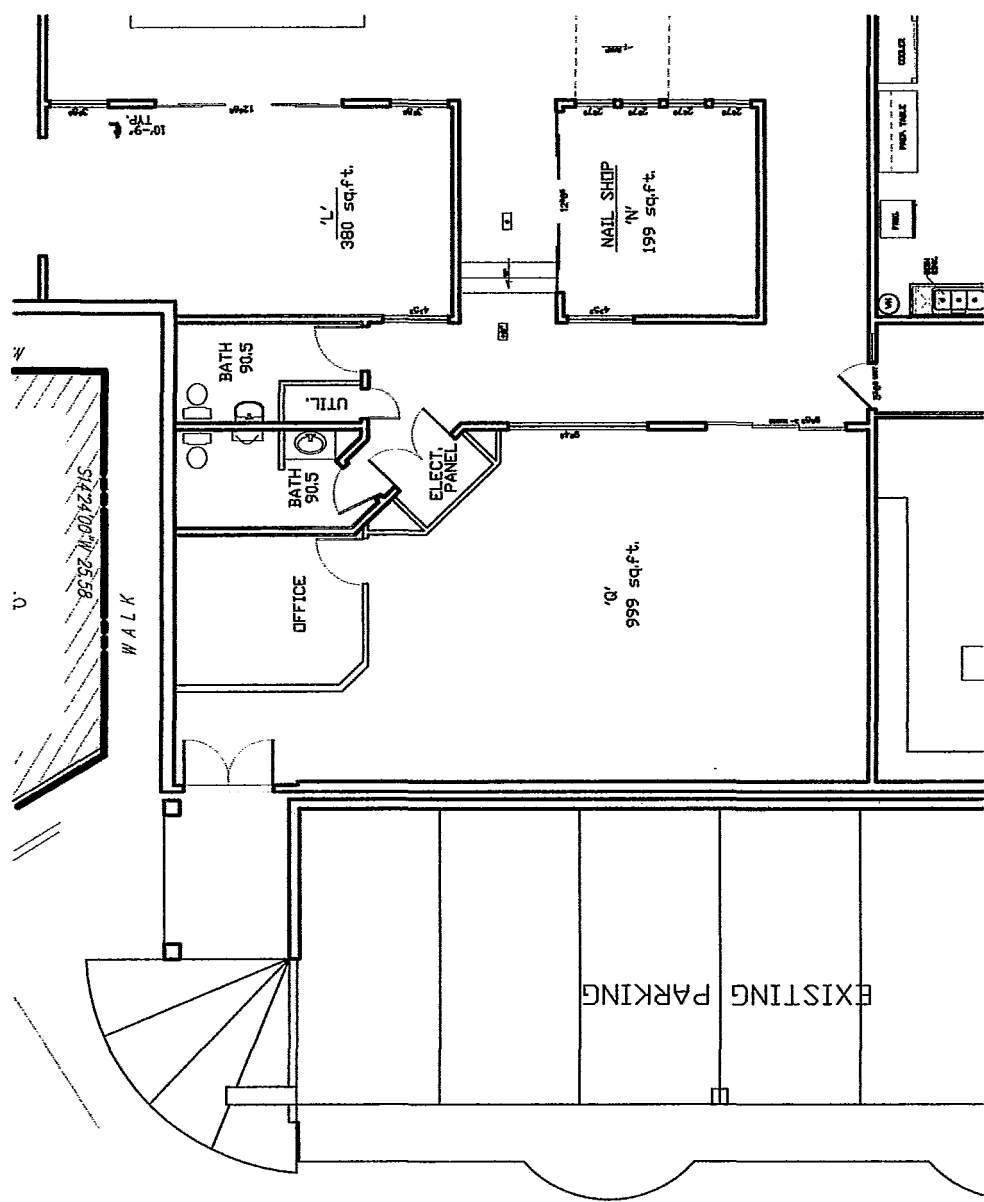
SAN JOSE AVENUE

ESPLANADE

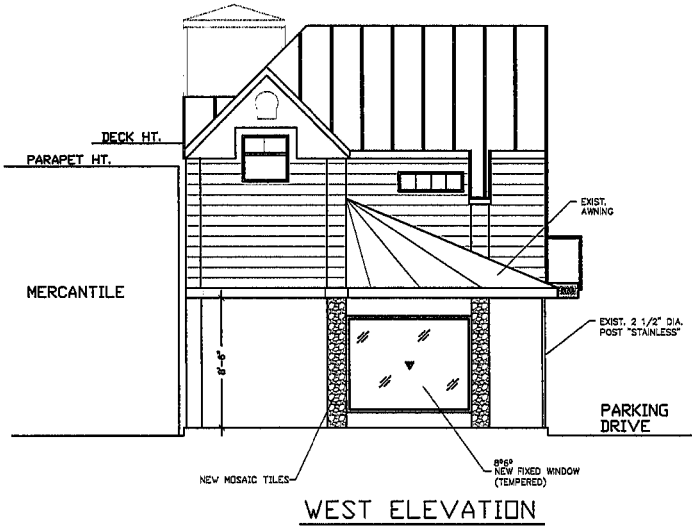
EXISTING SUITE 0

GG	1/4"=1'-0"	MERC	04/05/11	5
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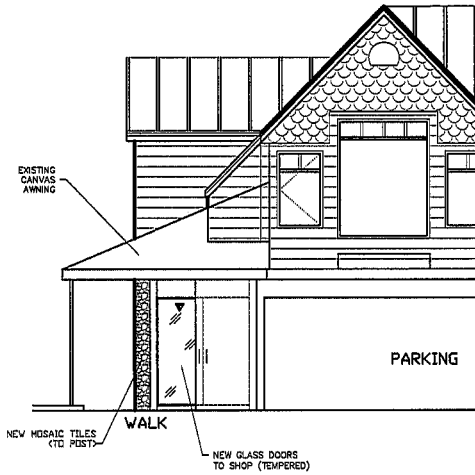
DENNIS NORTON
PROJECT PLANNER
115 SAN JOSE AVE.
CAPITOLA, CA
APN 035-221-27



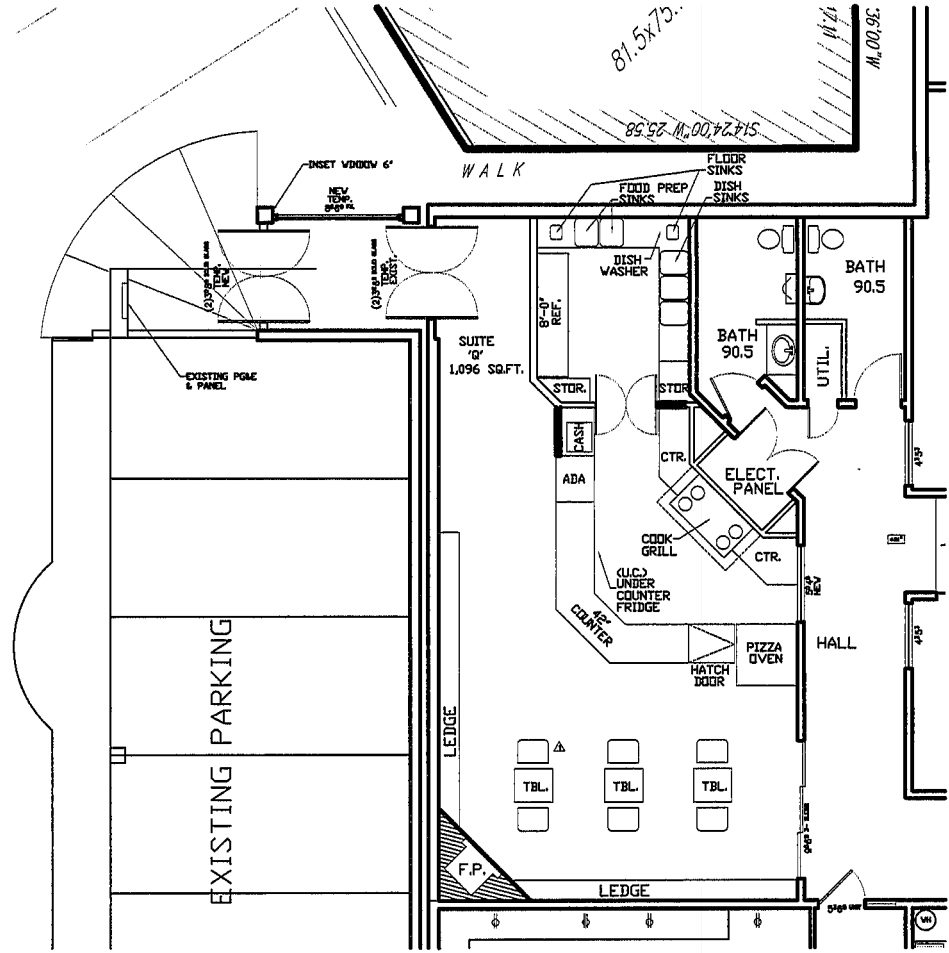
FLOORPLAN
1/11/11



WEST ELEVATION



SOUTH ELEVATION
ESPLANADE



WALL LEGEND

	EXISTING WALLS
	PROPOSED WALL

FLOORPLAN
1/4"=1'-0"

06/28/11	08/13/11	10/11/11	08/18/11
08/13/11	10/11/11	08/18/11	
08/13/11	10/11/11	08/18/11	
08/13/11	10/11/11	08/18/11	

CAPITOLA MERCANTILE
115 SAN JOSE AVE.
CAPITOLA, CA
APN 035-221-27

DENNIS NORTON
HOUSE DESIGN AND
PROJECT PLANNING
778 S CAPITOLA AVE OFFICE, SUITE 200-100
TEL: 831-428-2200

**PROPOSED SUITE Q
TAKEOUT RESTAURANT**

1/4"=1'-0"
MERC
07/13/10

4

Community Development Department

City of Capitola

420 Capitola Avenue

Capitola, Ca. 95010

10-2-20111

Re: Capitola Mercantile (Space Q)

116 San Jose Avenue, Capitola

Project Description

Dear Commissioners,

This space has been vacant for over 2 years. It is a difficult space to rent for it is setback from the Esplanade and its lack of exposure to Pedestrians and Auto traffic. We are proposing to give a marketable product that will invite a business into this space.

In this project proposal we are applying for a take- out Restaurant that will have operation hours of 11:00 AM to 11:00 PM. The type of food and proprietor are not known at this time. We are proposing a take- out food (Pizza, Sandwiches, Rice Bowls, Salads, Etc) Restaurant with a Liquor License (License Type 47). There will be no take-out of Open Containers.

Thank You for your Consideration.

Andy South

South Star P.M. Inc

7831 S.E. Stark St.

#103

Portland, Or.

97215



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 14, 2011 (AGENDA: OCTOBER 20, 2011)

SUBJECT: ZONING CODE AMENDMENTS CALLED FOR IN THE CITY'S HOUSING ELEMENT 2007-2014

BACKGROUND

On February 11, 2010 the City Council adopted Resolution No. 3803 which adopted the Housing Element of the General Plan 2007-2014. The Housing Element contained six action items to be completed within one year of adoption. While the department did not complete the items within a year, the Housing Element is still in substantial compliance as the City has been working towards fulfilling the City's commitment. In accordance with Government Code sections 65854 and 65855 a ten day legal notice was provided for this public hearing and the Planning Commission's recommendations will be provided to the City Council for formal action on the proposed ordinance revisions.

Chapter six of the Housing Element outlines the City's housing goals, policies and programs for the 2007-2014 planning period including five-year objectives under each program. Significantly, the State's approval and certification of the Housing Element was conditioned upon the City's commitment to take action on a number of zoning ordinance revisions including the following:

1. Review the City's secondary dwelling unit ordinance for possible modifications to the parking, height, lot size, and setback requirements that would encourage increased participation.
2. Adopt an ordinance to allow Single Room Occupancy units within one year.
3. Review the City's residential parking ordinance to determine if the number and type is appropriate for multi-residential, commercial mixed-use, senior housing, and secondary dwelling units including reductions/incentives as appropriate.
4. Adopt a Reasonable Accommodation ordinance as required by the Federal Fair Housing Act and the California Fair Employment and Housing Act.
5. Amend zoning to allow an Emergency Shelter by right within the Industrial (IP) zone as required by Senate Bill 2.
6. Adopt an ordinance to define transitional and supportive housing as a residential use and subject only to the same restrictions that apply to other residential dwellings of the same type in the same zone, as required by Senate Bill 2.

GPAC COMMENTS

The General Plan Advisory Committee reviewed the proposed Housing Element Update action items as a part of their meeting on September 21, 2011. The GPAC expressed concern about continued mandates from the HCD and concern about loss of local control. They were also concerned with the

proposed changes to the Accessory Dwelling Unit Ordinance and the impacts that those changes may have on existing single-family dwelling neighborhoods.

Housing Element Programs to be reviewed and/or adopted within one year of the adoption of the Housing Element.

1.	Program 1.3	Housing Element Page 6-4	Secondary Dwelling Units	Review current ordinance within one year
2.	Program 1.3	Housing Element Page 6-4	Single Room Occupancy Units	Adopt ordinance to allow SROs within one year
3.	Program 1.4	Housing Element Page 6-5	Residential Parking Ordinance	Review ordinance within one year including implementation of reductions as appropriate
4.	Program 3.1	Housing Element Page 6-12	Reasonable Accommodation Ordinance	Adopt ordinance within one year
5	Program 3.3a	Housing Element Page 6-13	Emergency Shelter Ordinance	Amend zoning to allow emergency shelters without CUP in the IP zone within one year
6.	Program 3.3b	Housing Element Page 6-14	Transitional & Supportive Housing	Adopt ordinances within one year

DISCUSSION

Draft ordinances have been prepared that implement each of the Housing Element action items. The attached proposed zoning amendments and revisions chart (Attachment A) shows the key actions that are contemplated under the proposed ordinances.

Once final ordinances have been adopted by the City Council the ordinances will be submitted to the California Coastal Commission for certification.

1. Secondary Dwelling Units (Attachment B)

In the City’s 2007-2014 Housing Element it was projected that seven SDUs would be built during the 2007-2014 planning period. Since January 2007 seven SDUs have actually been built. Proposed revisions to the ordinance include 1) a waiver of the current covered parking requirements; 2) allowing second stories on detached SDUs; 3) revisions to the setback requirements; and 4) revision to allow small SDUs to be built on lots between 4,000 square feet and 5,000 square feet. A copy of the current SDU ordinance with the proposed changes redlined is attached (Attachment 7).

There are a total of 773 R-1 parcels in the City that are 5,000 square feet or larger that could accommodate an SDU under the City’s current ordinance. There are an additional 278 R-1 parcels that are between 4,000 square feet and 5,000 square feet (Attachment 8). It should be noted that the City’s Secondary Dwelling Unit Program and the City’s Inclusionary Housing Program have produced the only units in the past ten years that are affordable by definition to low or moderate-income households without requiring direct City, State or Federal financial assistance.

2. Single Room Occupancy and Small Ownership Units (Attachment C)

Single Room Occupancy Units (SROs) and Small Ownership Units (SOUs) were identified in the 2007-2014 Housing Element of the General Plan as a method of providing affordable housing options to lower-income residents. Action is required by the state only for SROs, however SOUs are committed to under the Housing Element's five-year objectives. Because SOUs and SROs are so similar, the two have been consolidated into a single ordinance that covers both types of residential development together.

Staff has identified the C-R, CN, and CC districts as the most appropriate zones for SROs and SOUs as a conditional use. There are a total of 121 parcels within these three districts that meet the proposed 7,500 minimum lot size and ¼ mile proximity to a supermarket (Attachment 9).

A case study of parking requirements for SROs in other California cities was conducted to determine the most appropriate parking requirement for SROs and SOUs in Capitola. Results of the case study are outlined in the table below. Staff recommends an SRO/SOU parking requirement of .50 spaces per unit that is less than 300 sq. ft. and .75 spaces per unit for units greater than 300 sq. ft.

Parking Case Study for SROs and SOUs

City	Parking Spaces per Unit	Other Notes
Santa Cruz	.75 per unit for units < 300 sq. ft 1 per unit for units > 300 sq. ft	-Requirement reduced by .25 spaces/unit if located within ¼ mile of alternative parking, public transportation, or grocery store -Requirement further reduced by .25 spaces/unit if project allows only senior residents
Dana Point	.5 per one-person unit .8 per two-person unit	3 staff spaces
Pasadena	.25 per affordable unit 1 per market rate unit	2 staff spaces
Palo Alto	.75 per affordable unit 1.25 per market rate unit	
Dublin	1	1 guest space for every 3 units
San Diego	.3 for rents restricted to 60% of area median income (AMI) .2 for rents restricted to 50% of AMI 0 for rents restricted to 40% of AMI .5 for market rate units	1 bicycle parking space per unit
San Jose	.25 per unit with shared facilities 1 per unit with private facilities	When located within 2000 feet of public transportation
Berkeley	.125 per unit with shared facilities .25 per unit with private facilities	
Proposed for Capitola	.50 per unit < 300 sq. ft. .75 per unit > 300 sq. ft.	1 bicycle parking space per unit

3. Parking

In the 2007-2014 Housing Element the City committed to an examination of the parking ordinance to be completed within one year of the adoption of the Housing Element, including the implementation of reductions/incentives as appropriate. The City's parking requirements underwent an update in 2004 and 2009 and staff feels that the only revisions necessary at this time are related to the introduction of SRO and SOUs and the covered parking requirement related to Secondary Dwelling Units. Those changes have been incorporated into these new ordinances and ordinance revisions. Other changes will be examined during the General Plan update process.

4. Reasonable Accommodation (Attachment D)

The Federal Fair Housing Act and the California Fair Employment and Housing Act prohibit discrimination against individuals with disabilities and require cities and counties to take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities. Specifically, fair housing laws require that cities and counties provide individuals with disabilities flexibility in the application of land use, zoning and building regulations, practices and procedures, by modifying or waiving certain requirements when it is necessary in order to eliminate barriers to housing. Policy 3.1 of Chapter 6 of the 2007-2014 Housing Element, the City committed to adopting a reasonable accommodation ordinance within one year.

This ordinance will require amendments to the zoning code to allow the Community Development Director or a designee to grant modifications or waivers to the zoning and land use requirements to give individuals with disabilities equal access to housing opportunities. Staff identified parking and yard encroachment as specific areas where modification or waiver of regulations may be most necessary. The addition of this ordinance puts the City of Capitola in compliance with state and federal law.

5. Emergency Shelters (Attachment E)

Senate Bill 2 requires California cities and counties to zone at least one district for emergency shelters as a principally permitted use so that at least one emergency shelter may be developed without a conditional use permit. The Housing Element identified the Industrial (IP) zone as the appropriate zone for this program and the State approved this zone (Attachment 10).

The IP zone includes a total of 6.37 acres in eight parcels. Four of the parcels (approximately 2.17 acres) are vacant or underutilized and demonstrate that sufficient land is available for at least one emergency shelter to accommodate the City's identified homeless need. This ordinance proposes an amendment to Chapter 17.36.040 Principal Permitted Uses to include emergency shelters with the restrictions allowed by the State. The proposed ordinance allows for the development of one shelter with a maximum of 30 beds. Given that Capitola's unmet homeless shelter need is for only 13 shelter beds and the desire that homeless services be co-located for improved client access it is highly unlikely that a shelter program will be proposed for Capitola. The addition of this ordinance puts the City of Capitola in compliance with state law.

6. Supportive and Transitional Housing (Attachment F)

Senate Bill 2 provides that transitional and supportive housing constitute a residential use, and requires zoning to treat transitional and supportive housing as a proposed residential use and subject only to those standards that apply to other residential uses. SB 2 requires cities and counties to identify zones that will allow the development of transitional housing that will be subject to the same permitting processes as other housing in the zone without undue special regulatory requirements. Transitional housing is defined by the California Health and Safety Code as a type of supportive housing used to facilitate the movement of homeless individuals and families to permanent housing. A homeless person may live in a transitional apartment for up to two years while receiving supportive services that enable independent living.

State Law further requires the Housing Element to identify zones that allow supportive housing development and to demonstrate that zoning and local regulations (standards and the permit process) encourage and facilitate supportive housing.

Supportive housing is permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives. Typically, a portion of the housing is targeted to people who have risk factors such as homelessness, or health challenges such as mental illness or substance addiction. The types of support services that can be provided include medical and mental health care, vocational and employment services, substance abuse treatment, childcare, and independent living skills training. Most supportive housing is built and managed by non-profit housing developers in partnership with non-profit service providers. However, HCD proposes that local governments must play a proactive role in assuring support and providing necessary approvals.

As called for in the Housing Element the proposed zoning amendments will reduce barriers to the permitting and operation of transitional housing by making transitional and supportive housing a residential use of property, subject only to the same restrictions that apply to other residential dwellings of the same type in the same zone.

HOUSING ELEMENT CERTIFICATION

Adopting these proposed ordinances is important in order for the City to maintain its Housing Element in compliance with the State Department of Housing and Community Development (HCD). Not having a housing element in compliance with HCD would make us less competitive in our future applications for Federal funding (CDBG and HOME Programs, for example). Not having a State certified housing element would also make us ineligible to apply for some state funded programs (the BEGIN program and the Workforce Housing Awards Program, for example). Finally, not having a State certified housing element opens the door to lawsuits, typically initiated by individuals or affordable housing advocate agencies, claiming that the City is not meeting its affordable housing obligations. There are no costs involved in the adoption of the proposed ordinance revisions other than the cost of staff time involved in preparing the documents.

CEQA REVIEW

All of the ordinance changes under consideration in this report were included as a part of the Housing Element Update 2007-2014 and reviewed in the Initial Study and Negative Declaration. These studies concluded that no significant environmental impacts would be associated with the project. No further review is required.

RECOMMENDATION

Review and recommend adoption of the proposed ordinance amendments by the City Council.

Report Prepared By: David Foster, Housing and Redevelopment Project Manager
Marisa Lee, Community Development Intern

ATTACHMENTS

- A. Amendments and Revisions Chart
- B. Draft Secondary Dwelling Unit Ordinance
- C. Draft SRO/SOU Ordinance
- D. Draft Reasonable Accommodation Ordinance
- E. Draft Emergency Shelter Ordinance
- F. Draft Transitional and Supportive Housing Ordinance
- G. Current Secondary Dwelling Unit Municipal Code Chapter 17.99 regarding Secondary Units
- H. Map of Potential SDU Development Sites
- I. Map of Potential SRO & SOU Development Sites
- J. Map of District Zoned for Emergency Shelters as a Principally Permitted Use

Chart of Proposed Zoning Code Amendments

Current Code No.	Existing Code Item	New Code No.	Proposed Code Item
Chapter 17.99 Secondary Dwelling Unit	Zoning: SDUs are principally permitted in R-1 zone	Chapter 17.99 Secondary Dwelling Unit	Zoning: Same
	Parking: Must meet underlying zoning requirement for combined square footage of habitable space		Parking: Covered parking requirement is waived when a Secondary Dwelling Unit is included on the site
	Unit size: <ol style="list-style-type: none"> 1. 500 sq. ft. for lots of 5,000 min. sq. ft. 2. 600 sq. ft. for lots over 7,500 sq. ft. 3. 800 sq. ft. for lots over 10,000 sq. ft. 		Unit size: <ol style="list-style-type: none"> 1. Up to 400 sq. ft. for lots between 4,000 & 4,999 sq. ft. 2. 500 sq. ft. for lots between 5,000 and 7,499 sq. ft. 3. 600 sq. ft. for lots from 7,500 to 9,999 sq. ft. 4. 800 sq. ft. for lots over 10,000 sq. ft.
	Setbacks: Attached SDUs: Same as setbacks for main building Detached SDUs: 5 ft. side yard and 8 ft. rear yard		Setbacks: Attached SDUs: Same Detached SDUs: 3 ft. side yard and 3ft. rear yard for single story structures. 1-1/2 and 2 story structures require 5 ft. side yard and 10 ft. rear yard setbacks
	Occupancy: Owner must reside in either the main house or the SDU		Occupancy: Same
	Height & stories: Attached SDUs: Shall meet lesser of existing dwelling height or height limit of underlying zoning Detached SDUs: Maximum building height is 15 ft. Two story detached SDUs not allowed		Height & stories: Attached SDUs: Same. Detached SDUs: Maximum height for single story is 15 ft. and 22 ft. for 1 ½ and 2 story units. Second story attached and detached SDUs are allowed above an enclosed garage
	Covered Parking: No discussion		Covered parking: Requirements for the primary residence shall not apply if a secondary dwelling unit is provided
	Front or Exterior Yard Parking: No discussion		Front or Exterior Yard Parking: Up to 3 parking spaces may be provided in the front or exterior yard setback. Not more than 40% of the front yard width, or two parking spaces, whichever is greater, shall be allowed to be parking area
	Tandem Parking: No discussion		Tandem Parking: If SDU is provided then required parking for both the primary and secondary dwelling unit may be provided in tandem on a driveway. Up to three parking spaces may be in tandem

Current Code No.	Existing Code Item	New Code No.	Proposed Code Item
None		17.100 Single Room Occupancy Units (SROs)	Definition of SRO: Cluster of small residential units in which sanitary facilities and kitchens may be provided within the unit or shared
			Zoning: Allows SROs as conditional use in C-R (Commercial/Residential), CN (Neighborhood Commercial) and CC (Community Commercial) districts in accordance with state law and the five-year objectives of the City of Capitola Housing Element of the General Plan
			Details requirements for size, configuration, common and private facilities, laundry, bathrooms, kitchens, storage
			Parking: 0.5 spaces per unit less than 300 sq. ft.; 0.75 spaces per unit over 300 sq. ft. One bicycle space per unit
			Management: Project with 12 or more units shall provide 24-hour management and have a dwelling unit for the manager. All projects must have management plan approved by Community Development Director
			Location: Must be within ¼ mile of a supermarket, must be part of a mixed-use project where the nonresidential use is on the ground floor facing the street
None		17.101 Small Ownership Units (SOUs)	Definition: Dwelling unit containing no more than one bedroom and floor area ranging from 400 to 650 sq. ft., located on a separate subdivided parcel and included in a residential development where all dwelling units are SOU units and are offered for sale to the general public
			Zoning: Allows SOUs as conditional use in C-R (Commercial/Residential), CN (Neighborhood Commercial) and CC (Community Commercial) districts
			Density: Units shall comply with development standards of the zoning district in which they are located, except requirements for minimum lot area per dwelling unit shall not apply
			Parking: One space per unit. One Class I

Current Code No.	Existing Code Item	New Code No.	Proposed Code Item
			bicycle storage facility per unit
			Management: Project with 12 or more units shall provide 24-hour management and have a dwelling unit for the manager. All projects must have management plan approved by Community Development Director
None		Chapter 17.70 Reasonable Accommodation	Purpose: To comply with Federal Fair Housing Act, California Fair Employment and Housing Act, and the City of Capitola Housing Element (2010)
			Parking: Standard parking spaces may be converted to an accessible space or access aisle without the requirement for a modification
			Yard Encroachments: Required yards may be reduced based upon review by Community Development Director in consideration of the nature of the reported disability
			Definition of disability as per the California Fair Employment and Housing Act: Someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment
			Application requirements: Name and address of applicant, name and address of property owner, address of property, description of requested accommodation, reason accommodation is necessary
			Review Procedure: Community Development Director or designee makes written determination within 30 days with description of basis for decision
			Appeals: Applicant may appeal an adverse decision within 30 days, in writing. Appeals presented to Planning Commission and then City Council
			Findings: Not part of another matter which requires approval of the Planning Commission; would not significantly

ATTACHMENT A

Current Code No.	Existing Code Item	New Code No.	Proposed Code Item
			affect others; housing will be used by an individual with disabilities; would not impose undue financial or administrative burden; would not require a fundamental alteration in land use and zoning or building program; would not create adverse health and safety conditions
None		17.36.040 Emergency Shelters	Emergency shelters added as principal permitted use, as per Senate Bill 2, in the IP (Industrial Park) district for one Emergency Shelter with up to 30 beds
			Security, physical characteristics, refuse, laundry, common facilities, management, density, terms of stay, and parking requirements and restrictions as allowed by Senate Bill 2
None		17.03.665 Supportive Housing and 17.03.688 Transitional Housing	Definitions of Transitional and Supportive Housing as per Senate Bill 2
			Transitional and Supportive Housing considered a residential use
			Subject only to same restrictions that apply to other residential uses of the same type in the same zone

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ADDING SECTION 17.99.035 TO THE CAPITOLA MUNICIPAL CODE PERTAINING
TO ALLOWED DENSITY, AND AMENDING SECTIONS 17.99.040, 17.99.060,
17.99.070, AND 17.99.080 OF THE CAPITOLA MUNICIPAL CODE
PERTAINING TO SECONDARY DWELLING UNITS**

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS
FOLLOWS:

Section 1. Section 17.99.035 is hereby added to the Capitola Municipal Code to read
as follows:

“17.99.035 Allowed density.

In compliance with Government Code Section 65852.2(b)(5) residential second units shall not count toward the allowable density for purposes of determining consistency with the Comprehensive Plan and zone density standards.”

Section 2. Section 17.99.040 of the Capitola Municipal Code is hereby amended to
read as follows:

“17.99.040 Permit procedures.

The following secondary dwelling units shall be principally permitted within the zoning district specified in Section 17.99.030 and subject to the design standards in Section 17.99.060, administrative review for compliance and a building permit:

1. Any attached ~~or one-story detached~~ secondary dwelling unit meeting the same development standards as permitted for the primary residence in the zoning district and meeting the design standards in Section 17.99.060, or
2. any ~~single-story detached~~ secondary dwelling unit that meets the design standards in Section 17.99.060, ~~shall require administrative review for compliance with Section 17.99.060 from the community development department and a building permit.~~

Any secondary dwelling unit not meeting the requirements above shall be subject to: (1) an architecture and site review permit with a public hearing before the planning commission, and (2) the findings as described in Section 17.99.050.” ~~and (3) the development standards as described in Section 17.99.060.”~~

Section 3. Capitola Municipal Code Section 17.99.060 and Subsections 1, 2, 5, 8, 9, and 10 thereof, are hereby amended to read as follows: [NOTE: All other subsections are unchanged and remain in full force and effect.]

“17.99.060 Design and development standards.

All principally permitted secondary dwelling units must conform to the following design and development standards:

1. Parking. Parking requirements shall meet the underlying zoning requirement for the combined square footage of habitable space of the subject property (see Section 17.99.080 for parking incentives).

2. Unit Size. The floor area for secondary dwelling units shall not exceed ~~five-four~~ hundred (400) square feet for lots between ~~five-four~~ thousand and ~~seven-four~~ thousand nine hundred and ninety-nine (4,000 to 4,999) ~~five-hundred~~ square feet. For lots between five thousand and seven thousand four hundred and ninety-nine (5,000 to 7,499) square feet the secondary dwelling unit shall not exceed five hundred (500) square feet. If a lot exceeds seven thousand five hundred (7,500) square feet, a secondary dwelling unit may be up to six hundred forty (640) square feet and, for lots in excess of ten thousand (10,000) square feet, a secondary dwelling unit may be up to eight hundred (800) square feet. In no case may any combination of habitable buildings occupy more than sixty percent floor area ratio (FAR) of the subject property. No secondary dwelling units shall be allowed on lot sizes less than ~~five-four~~ thousand (4,000) square feet.

5. Setbacks for Detached Secondary Dwelling Units. The side-yard and rear-yard for detached single-story structures containing a secondary dwelling unit shall not be less than three feet in accordance with the International Building Code. Detached secondary dwelling units higher than one story shall provide a side yard of five feet, and a rear yard of ten feet. A minimum five-foot side-yard setback and minimum eight-foot rearyard setback are required for detached single-story structures containing a secondary dwelling unit. Detached secondary dwelling units shall be no higher than one story. If any portion of a secondary dwelling unit is located in front of the main building, then the front and side yard setbacks shall be the same as a main building in the zoning district. The entrance to the detached secondary dwelling unit shall face the interior of the lot unless the secondary dwelling unit is directly accessible from an alley or a public street. Openings (e.g., doors and windows) on exterior walls that are closest to and face adjacent residentially-zoned properties shall be designed to ensure that privacy and access to light and ventilation is not diminished on adjacent properties.

8. Occupancy.

~~The property owner must occupy either the primary or secondary dwelling.~~

a. The owner of the lot shall reside on said lot, in either the principal dwelling or in the residential second unit except when a) disability or infirmity require institutionalization of the owner, or b) the Community Development Director approves in writing owner's written request for a temporary absence due to illness, temporary employment relocation, sabbatical, extended travels, or other good cause.

b. For purposes of this chapter, the property owner is the majority owner of the property as shown in the most recent Santa Cruz County assessor's roll.

c. If there is more than one property owner of record the owner with the majority interest in the property shall be deemed the property owner for purposes of this chapter. Any property owner of record holding an equal share interest in the property may be deemed the majority property owner if no other property owner owns a greater interest.

d. Upon resale of the property, the new owner shall reside on the property or the use of the residential second unit shall be discontinued and the residential second unit shall be:

(1) If attached, converted into a portion of the principal dwelling; or,

(2) If detached, removed or converted into a legal accessory structure.

9. Building Height and Stories.

~~a. The maximum building height for detached secondary dwelling units shall be fifteen feet, and the building height of a proposed attached secondary dwelling unit shall not exceed the lesser of either the height of the existing primary residential structure or the maximum height limit of the zoning district in which the project is located.~~

a. A one story detached secondary dwelling unit shall be no more than fifteen (15) feet in height.

~~b. If the design of the main dwelling has special roof features that match the detached secondary dwelling unit, the maximum building height of the secondary dwelling unit may be exceeded to include such similar special roof features subject to review by the architecture and site review committee and approval of the planning commission.~~

b. A one and one-half or two story detached secondary dwelling unit shall be no more than twenty-two feet in height measured to the roof peak. "Building height" means the vertical distance measured from the assumed ground surface of the building.

c. An attached secondary dwelling unit may occupy a first or second story of a main residence if it is designed as an integral part of the main residence and meets the setbacks required for the main residence.

d. If the design of the main dwelling has special roof features that should be matched on the detached secondary dwelling unit, the maximum building height of the accessory dwelling may be exceeded to include such similar roof features subject to review by the architecture and site review committee and approval of the zoning administrator.

e. Attached and detached secondary dwelling units may be constructed on the second floor above an enclosed garage.

10. Alley Orientation. When a secondary dwelling unit is adjacent to an alley, every effort shall be made to orient the secondary dwelling unit toward the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four foot back-out area, which may include the alley. Fences shall be three feet six inches along the alley. However, higher fencing up to six feet can be considered in unusual privacy, security or design circumstances subject to review and approval of the planning commission/zoning administrator."

Section 4. Subsections C. and D. of Section 17.99.070 of the Capitola Municipal Code are hereby amended to read as follows:

"17.99.070 Deed restrictions.

C. The ~~administrative review or the architecture and site review permit, whichever applies,~~ use permit for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit;

D. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the ~~administrative review or the architecture and site review~~ use permit, whichever applies;"

Section 5. Subsections C., D., and E. are hereby added to Section 17.99.080 of the Capitola Municipal Code to read as follows:

“17.99.080 Zoning incentives.

C. Covered Parking. The covered parking requirement for the primary residence shall not apply if a secondary dwelling unit is provided.

D. Front or Exterior Yard Parking. Three parking spaces may be provided in the front or exterior yard setback under this incentive with the parking design subject to approval of the Zoning Administrator.. Not more than forty percent (40%) of the front yard width, or two parking spaces, whichever is greater, shall be allowed to be parking area.

E. Tandem Parking. For a parcel with a permitted secondary dwelling unit, required parking spaces for the primary residence and the secondary dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than three total cars in tandem may be counted toward meeting the parking requirement.”

Section 2. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

This ordinance was introduced on the ___ day of ___ 2011, and was passed and adopted by the City Council of the City of Capitola on the ___ day of ___, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ADDING CHAPTER 17.100 AND SECTION 17.03.572 TO THE MUNICIPAL CODE REGARDING
SINGLE ROOM OCCUPANCY UNITS, ADDING CHAPTER 17.101 AND SECTION 17.03.573 TO
THE MUNICIPAL CODE REGARDING SMALL OWNERSHIP UNITS,
ADDING SECTIONS 17.03.572 AND 17.100 REGARDING SINGLE ROOM OCCUPANCY UNITS,
AND AMENDING SECTIONS 17.22.050, 17.24.060, AND 17.27.060 OF THE MUNICIPAL CODE
TO ALLOW SINGLE ROOM OCCUPANCY UNITS AND SMALL OWNERSHIP UNITS IN
COMMERCIAL/RESIDENTIAL (C-R), NEIGHBORHOOD COMMERCIAL (CN),
AND COMMUNITY COMMERCIAL (CC) DISTRICTS**

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS
FOLLOWS:

Section 1. Chapter 17.100 is hereby added to the Capitola Municipal Code to read as
follows:

“CHAPTER 17.100

SINGLE ROOM OCCUPANCY (SRO) UNITS

- 17.100.010 Definition
- 17.100.020 Purpose
- 17.100.030 Development Standards
- 17.100.040 Locations Permitted

17.100.010 Definition. “Single-Room Occupancy” or “SRO” units are a cluster of residential units of a smaller size than normally found in multiple dwellings within a residential hotel, motel, or facility providing sleeping or living facilities in which sanitary facilities may be provided within the unit and/or shared, and kitchen or cooking facilities may be provided within the unit or shared within the housing project.

17.100.020 Purpose. The purpose of these regulations is to provide additional options for affordable housing rentals and ownership by allowing the development of reduced-size dwelling units, defined as single-room occupancy (SRO) units, with limited parking requirements to provide additional options for affordable housing opportunities.

17.100.030 Development Standards.

- A) **Unit Size.** The net area of a SRO unit may range from a minimum of one hundred fifty square feet to a maximum of four hundred square feet, with the average unit size being no greater than three hundred forty-five square feet.
- B) **Configuration.** In locations where the SRO units will be facing the main street and sidewalk the SRO use shall be on the upper floors only, and joined with commercial use which shall be on the ground floor facing the street. The SRO entry lobby may face the street on the ground floor and SROs may be located on the ground floor facing the side streets or interior of the site.
- C) **Private Facilities.** SRO units of 220 square feet or more are required to have a kitchen and a full bathroom. Any area that may be used for food preparation must be defined in building plans and meet the requirements of the State of California Health and Safety Code. A full bathroom shall contain at least a toilet, sink and bathtub, shower, or shower/bath combination. A partial (or half) bathroom shall have at least a toilet and sink. All SRO units must have a full closet.

D) Common Facilities. SRO projects shall have at least ten square feet of common usable open space per unit. However, no SRO project shall provide less than two hundred square feet of common outdoor open space and two hundred square feet of common indoor open space. Maintenance areas, laundry facilities, storage (including bicycle storage), and common hallways shall not be included as usable indoor common space. Landscape areas that are less than eight feet wide shall not be included as outdoor common space. Common open spaces shall be designed to accommodate appropriate furnishings and shall be furnished for use by residents. Appropriate furnishings for indoor spaces may include such items as lounge chairs, couches, tables with chairs, desks, and televisions. Outdoor furnishings may include such items as outdoor benches, tables with chairs, barbeques, and shade umbrellas.

E) Laundry. Laundry facilities that have a minimum of two washers and two dryers must be provided in a separate room. Additional washers and dryers must be provided for any development that has more than twenty units at the ratio of one washer and one dryer for every additional twenty units.

F) Bathrooms. Common bathrooms must be located on any floor with units that do not have full bathrooms. Common bathrooms shall be either single occupant use with provisions for privacy or multi-occupant use with separate provisions for men and women. Common bathrooms shall have shower or bathtub facilities at a ratio of one for every seven units or fraction thereof. Each shared shower or bathtub facility shall be provided with an interior lockable door.

G) Kitchens. Complete common cooking facilities/kitchens must be provided if any unit within the project does not have a kitchen. One complete cooking facility/kitchen shall be provided within the project for every twenty units or portion thereof or have one kitchen on any floor where units without kitchens are located.

H) Storage Facilities. All SRO units must have access to a separate usable storage space within the project. Storage spaces must be at least ten square feet and large enough to store either a bicycle or an electric wheelchair.

I) Parking. There shall be 0.5 parking spaces per unit for each unit less than 300 square feet and .75 parking spaces per unit for each unit greater than 300 square feet. One bicycle parking space shall be supplied for each unit. The requirement may be reduced by .25 spaces per unit if the project allows for only senior residents. Covered parking is not required.

J) Management. A SRO project with twelve or more units shall provide twenty-four-hour on-site management, and include a dwelling unit designated for the manager. All SRO projects must have a management plan approved by the City of Capitola Community Development Director. The management plan shall contain management policies, maintenance plans, rental procedures, tenant rules, and security procedures.

K) Other Standards.

1. The site must be located within one-quarter mile of a supermarket.
2. The lot size must be greater than 7,500 square feet.
3. The SRO must be part of a mixed use project, sharing the site and/or building with a use that is allowed under Principal Permitted Uses, and complies with the following requirements:
 - (a) The SRO development and the mixed use business are under one ownership.

(b) The nonresidential use occupies the ground floor of the development facing the main commercial street. The SRO units are located on the floors above or on the ground floor facing the side street or interior of the property.

17.100.040 Locations Permitted. SRO developments may be located in the following zoning districts with conditional use permits:

- A) C-R Commercial/Residential
- B) CN Neighborhood Commercial
- C) CC Community Commercial"

Section 2. Section 17.03.572 shall be added to the Capitola Municipal Code to read as follows:

“17.03.572 Single Room Occupancy (SRO) Units. ‘Single-Room Occupancy’ or ‘SRO’ units are a cluster of residential units of a smaller size than normally found in multiple dwellings within a residential hotel, motel, or facility providing sleeping or living facilities in which sanitary facilities may be provided within the unit and/or shared, and kitchen or cooking facilities may be provided within the unit or shared within the housing project.”

Section 3. Chapter 17.101 shall be added to the Capitola Municipal Code to read as follows:

“CHAPTER 17.101

SMALL OWNERSHIP UNITS (SOU)

- 17.101.010 Definition
- 17.101.020 Purpose
- 17.101.030 Development Standards
- 17.101.040 Covenants, Conditions, and Restrictions
- 17.101.050 Locations Permitted

17.101.010 Definition. “Small ownership unit” or “SOU” is a dwelling unit containing no more than one bedroom and floor area ranging from four hundred to six hundred fifty square feet, located on a separate subdivided parcel and included in a residential development where all dwelling units are SOU units and are offered for sale to the general public.

17.101.020 Purpose. The purpose of these regulations is to provide additional options for affordable housing ownership by allowing the development of reduced-size dwelling units, as well as providing incentives for the development of reduced-size ownership dwelling units, defined as Small Ownership Units (SOU).

17.101.030 Development Standards.

A) Density. SOU units shall comply with the underlying development standards of the zoning district in which they are located, except that requirements for minimum lot area per dwelling unit shall not apply to SOU units.

B) Unit Size. The floor area of SOU units may range from a minimum of four hundred square feet to a maximum of six hundred fifty square feet.

C) Unit Configuration. SOU units will each have one bathroom with a sink, shower and toilet, and will each have a space for food preparation with a sink, stovetop and oven. SOU units may have a maximum of one bedroom. No additional separate enclosed rooms with doors, except for bathrooms, shall be allowed in SOU units.

D) Open Space. A residential project comprised of SOU units shall contain at least one hundred fifty square feet of usable open space per SOU unit. This requirement may be met by any combination of private and/or common open space. Common landscaped areas less than ten feet wide shall not be included in usable open space.

E) Storage Facilities. All SOU units shall have access to private usable storage space containing a minimum of two hundred cubic feet. The required storage space may be incorporated into private garages or carports; provided, that the garage or carport has adequate space for a vehicle.

F) Bicycle Parking. One Class I bicycle storage facility shall be provided for each SOU unit. The required private usable storage space provided for each SOU unit may be utilized to meet this requirement.

G) Parking. Parking must be provided at a rate of one space per unit. Covered parking is not required.

H) Management. A SOU project with twelve or more units shall provide twenty-four-hour on-site management, and include a dwelling unit designated for the manager. All SOU projects must have a management plan approved by the City of Capitola Community Development Director. The management plan shall contain management policies, maintenance plans, procedures, ownership rules, and security procedures. The City of Capitola will be named as a third party beneficiary. Modifications or amendments to the Covenants, Conditions, and Restrictions will require approval by the Community Development Director.

17.101.040 Covenants, Conditions, and Restrictions.

A) All projects comprised of SOU units shall be common interest developments as defined by Section 1351 of the California Civil Code.

B) Prior to approval of a final map for a residential project comprised of SOU units, the city attorney and Community Development Director shall review the project's covenants, conditions, and restrictions to ensure that they conform to the requirements of this section. The approved covenants, conditions and restrictions shall be recorded against the residential project concurrently with recordation of the final map.

C) Covenants, conditions, and restrictions for a residential project comprised of SOU units shall conform with all provisions of state law, including requirements for maintenance reserves, and shall in addition include the following provisions:

1. Prohibition on the use of garages and carports for any use other than parking moving vehicles and other uses specifically identified in the approved plans;
2. Prohibition on rental of more than fifty percent of the SOU units in the residential project;
3. Requirement that any SOU unit that is rented be managed by a single management company designated by the homeowners association to manage all rental units in the residential project; and

4. Requirement that the homeowners association submit an annual report to the city identifying all rental units; verifying compliance with restrictions on the use of garages and carports; and identifying the management company responsible for managing all rental units in the development.

17.101.050 Locations Permitted. SOU developments may be located in the following zoning districts with conditional use permits:

- A) C-R Commercial/Residential
- B) CN Neighborhood Commercial
- C) CC Community Commercial"

Section 4. Section 17.03.573 shall be added to the Capitola Municipal Code to read as follows:

“17.03.573. Small Ownership Units (SOU). ‘Small ownership unit’ or ‘SOU’ is a dwelling unit containing no more than one bedroom and floor area ranging from four hundred to six hundred fifty square feet, located on a separate subdivided parcel and included in a residential development where all dwelling units are SOU units and are offered for sale to the general public.”

Section 5. Section 17.22.050 of the Capitola Municipal Code shall be amended to add sub-sections T. and U. to read as follows:

“T. Single Room Occupancy Units (SROs) as defined in section 17.03.572 and according to the standards defined in Chapter 17.100.

U. Small Ownership Units (SOUs) as defined in section 17.03.573 and according to the standards defined in Chapter 17.101.”

Section 6. Section 17.24.060 of the Capitola Municipal Code shall be amended to add sub-sections M. and N. to read as follows:

“M. Single Room Occupancy Units (SROs) as defined in section 17.03.572 and according to the standards defined in Chapter 17.100.

N. Small Ownership Units (SOUs) as defined in section 17.03.573 and according to the standards defined in section 17.101.”

Section 7. Section 17.27.060 of the Capitola Municipal Code shall be amended to add sub-sections W. and X. to read as follows:

“W. Single Room Occupancy Units (SROs) as defined in section 17.03.572 and according to the standards defined in Chapter 17.100.

X. Small Ownership Units (SOUs) as defined in section 17.03.573 and according to the standards defined in section 17.101.”

Section 8. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

ORDINANCE NO.

6

This ordinance was introduced on the ___ day of ___ 2011, and was passed and adopted by the City Council of the City of Capitola on the ___ day of ___, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
DISQUALIFIED:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk

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DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ADDING CHAPTER 17.70 TO THE CAPITOLA MUNICIPAL CODE
PROVIDING A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE
CITY’S LAND USE AND ZONING AND BUILDING REGULATIONS
PURSUANT TO FAIR HOUSING LAWS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Chapter 17.70 is hereby added to the Capitola Municipal Code to read as follows:

“CHAPTER 17.70

PROCEDURE FOR REASONABLE ACCOMMODATION

- 17.70.010 Purpose
- 17.70.020 Definition of Disability
- 17.70.030 Notice to the Public of Availability of Accommodation Process
- 17.70.040 Amendments
- 17.70.050 Requesting Reasonable Accommodation
- 17.07.060 Review Procedure
- 17.07.070 Appeals
- 17.07.080 Findings

17.70.010 Purpose. The Federal Fair Housing Act and the California Fair Employment and Housing Act require local governments to make reasonable accommodations (modifications or exceptions) to their land use regulations and practices, when necessary, to provide disabled persons an equal opportunity for housing. In response to this law, the City of Capitola Housing Element (2010) includes Policy 3.1 which encourages *“the accessibility and utilization of universal design principles in new housing construction as well as through conversion of existing housing to create environments that can be used by all people.”* This program promotes implementation of State standards for the provision of disabled accessible units. In order to enable people with disabilities flexibility in zoning standards when seeking access to housing, amendments to the parking standards, yard encroachments, and allowed modifications are proposed to comply with the intent and purpose of fair housing laws.

17.70.020 Definition of Disability. An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

17.70.030 Notice to the Public of Availability of Accommodation Process. Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the planning, zoning and building departments, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Planning and Building and Safety departments.

17.70.040 Amendments.

A. Parking. Parking spaces may be converted from a standard parking space to an accessible space or access aisle without triggering the requirement for a modification, even if the conversion results in fewer spaces than required by the Zoning Ordinance. This is allowable as long as the accessible parking requirements are not triggered by an expansion of an existing use or new development.

B. Yard Encroachments. Required yards may be reduced based upon review by the Community Development Director in consideration of the nature of the reported disability. Accommodating structures and improvements may include accessible parking spaces, access aisles or accessibility ramps to be placed within required yards without the need of a modification. This change does not eliminate the need for a building permit, building code compliance, or design review if required.

17.70.050 Requesting Reasonable Accommodation. In order to make housing available to an individual with a disability, any eligible person as defined in Section 17.70.020 may request, in the form of a letter, a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.

Requests for reasonable accommodation shall provide the following information:

1. The applicant's name, address, and telephone number.
2. The name and address of the property owner.
3. The address of the property for which the request is being made.
4. Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought.
5. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.

Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

17.07.060 Review Procedure. The Community Development Director, or his designee, shall make a written determination within 30 days and either grant, grant with modifications, or deny a request for reasonable accommodation. The statement will include a description of the basis for the decision. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty day time period, the request shall be deemed granted.

If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 30 day period to issue a decision is stayed until the applicant responds to the request.

17.07.070 Appeals. Within thirty days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing. Appeals will be presented to the Planning Commission, and then to City Council.

If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.

All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

17.07.080 Findings.

1. The requested modification is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, or any other matter which requires approval of the Planning Commission;
2. If granted, the modification would not significantly affect persons or property owners other than those entitled to notice;
3. The housing in question will be used by an individual with disabilities protected under fair housing laws;
4. The requested accommodation is necessary to make housing available to the individual with disabilities;
5. The requested accommodation would not impose an undue financial or administrative burden on the jurisdiction;
6. The requested accommodation would not require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program;
7. The requested accommodation would not create adverse health and safety conditions.

Section 2. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

This ordinance was introduced on the ___ day of ___ 2011, and was passed and adopted by the City Council of the City of Capitola on the ___ day of ___, 2011, by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:
 DISQUALIFIED:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC

Pamela Greeninger, City Clerk

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING SECTION 17.36.040 OF THE CAPITOLA MUNICIPAL CODE
TO ADD SUBSECTION H. PERTAINING TO EMERGENCY SHELTERS**

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Subsection H. is hereby added to the Capitola Municipal Code Section 17.36.040 to read as follows:

“H. One Emergency Shelter with a maximum of 30 beds. Emergency shelters will comply with the following development standards:

1. Lighting: Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
2. Physical Characteristics: Compliance with applicable state and local housing, building, and fire code requirements.
3. Security: Facility shall have on-site security during hours of operation. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
4. Laundry Facilities: The development shall provide laundry facilities or services adequate for the number of residents.
5. Common Facilities: Facility shall contain amenities appropriate to the population to be served to include the following:
 - a) Central cooking and dining room
 - b) Recreation room
 - c) Counseling services
 - d) Child care facilities
 - e) Other support services
6. Outdoor Activity: For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
7. Refuse: Homeless shelters shall provide a refuse storage area that is in accordance with City requirements for accessory refuse structures. The storage area shall accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Planning Director. The refuse enclosure shall be accessible to refuse collection vehicles.
8. Homeless Shelter Provider: The agency or organization operating the shelter shall comply with the following requirements:

- a) Temporary shelter shall be available to residents for no more than six months.
 - b) Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - c) The provider shall have a written management plan including, as applicable, provisions for staff training, good neighbor policies, security, transportation, client supervision, food services, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents. Such plan shall be submitted to and approved by the planning, inspections, and permitting department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrated compliance with the physical standards. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. The city council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.
9. Maximum Unit Density: The number of beds shall be limited to three times the maximum number of dwelling units which would otherwise be permitted for a multiple-family district (R-M).
10. Limited Terms of Stay: The maximum term of staying at an emergency shelter is 6 months in a consecutive 12-month period.
11. Parking: The emergency shelter shall provide on-site parking at a rate of one space per staff member plus one space per six occupants allowed at the maximum capacity.
12. Bicycle Parking: The shelter shall provide secure bicycle parking at a rate of one space per occupant.”

Section 2. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

This ordinance was introduced on the ___ day of _____, 20___, and was passed and adopted by the City Council of the City of Capitola on the ___ day of _____, 20___, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING CHAPTER 17.03 OF THE CAPITOLA MUNICIPAL CODE BY
ADDING SECTIONS 17.03.665 AND 17.03.688 TO DEFINE SUPPORTIVE HOUSING
AND TRANSITIONAL HOUSING TO PROVIDE THAT THOSE USES ARE AND SHALL BE
SUBJECT ONLY TO THOSE RESTRICTIONS ON RESIDENTIAL USES APPLICABLE TO
THE TYPE OF RESIDENTIAL STRUCTURE INVOLVED**

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS
FOLLOWS:

Section 1. Section 17.03.665 is hereby added to the Capitola Municipal Code to read as follows:

“17.03.665 Supportive Housing.

“Supportive Housing” means housing with no limit on length of stay and that is occupied by a target population as defined in subdivision (d) of Section 53260 of the California Health & Safety Code, and that is linked to onsite or offsite services that assist residents in retaining housing, improving their health status, maximizing their ability to live and, when possible, work in the community. “Target population” means adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. In all cases, Supportive Housing is and shall be treated as a residential use and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.”

Section 2. Section 17.03.688 is hereby added to the Capitola Municipal Code to read as follows:

“17.03.688 Transitional Housing.

“Transitional Housing” means residential units operated under program requirements that call for: 1) the termination of any assistance to an existing program recipient, and 2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional Housing may be provided in all residential housing types. In all cases, Transitional Housing is and shall be treated as a residential use and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.

As per California Health and Safety Code 50801, Transitional Housing shall limit rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons.”

Section 3. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

ORDINANCE NO.

2

This ordinance was introduced on the ___ day of ____, 2011, and was passed and adopted by the City Council of the City of Capitola on the ___ day of ____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

_____, MMC
Pamela Greeninger, City Clerk

CAPITOLA MUNICIPAL CODE**Chapter 17.99 SECONDARY DWELLING UNITS****17.99.010 Definitions.**

“Secondary dwelling unit” means a self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. A secondary unit will be considered as attached to the primary residential unit for the purposes of this chapter when the secondary dwelling unit shares at least one common wall with the primary residential unit. All other secondary dwelling units for purposes of this chapter will be considered detached. (Ord. 886 § 1 (part), 2005; Ord. 858 § 1 (part), 2003)

17.99.020 Purpose.

The purpose of secondary dwelling units is to allow for an increase in the supply of affordable housing, in conformance with the goals and policies of the housing element of the city of Capitola general plan, while maintaining the single-family character of the neighborhoods of the city. (Ord. 858 § 1 (part), 2003)

17.99.030 Locations permitted.

Notwithstanding any other provisions of this code, secondary dwelling units shall be allowed in the single-family residence district (R-1). (Ord. 858 § 1 (part), 2003)

17.99.040 Permit procedures.

Any attached or one-story detached secondary dwelling unit meeting the same development standards as permitted for the primary residence in the zoning district and meeting the design standards in Section 17.99.060, or any single-story secondary dwelling unit that meets the design standards in Section 17.99.060, shall require administrative review for compliance with Section 17.99.060 from the community development department and a building permit.

Any secondary dwelling unit not meeting the requirements above shall be subject to: (1) an architecture and site review permit with a public hearing before the planning commission, (2) the findings as described in Section 17.99.050, and (3) the development standards as described in Section 17.99.060. (Ord. 858 § 1 (part), 2003)

17.99.050 Findings required for architecture and site review permitted secondary dwelling units.

Before approval or modified approval of an application for a secondary dwelling unit requiring a conditional use permit, the decision making body shall find that:

A. Exterior design of the secondary dwelling unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices;

- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood;
- C. The secondary dwelling unit does not result in excessive noise, traffic or parking congestion;
- D. The property fronts on an adequate water main and sewer line each with the capacity to serve the additional secondary dwelling unit;
- E. The site plan provides adequate open space and landscaping that is useful for both the secondary dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties;
- F. The location and design of the secondary dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access or parking of adjacent properties;
- G. The secondary dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the secondary dwelling unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties;
- H. The site plan shall be consistent with physical development policies of the general plan, any required or optional element of the general plan, and any area plan or specific plan or other city policy for physical development. If located in the coastal zone, a site plan shall also be consistent with policies of the local coastal plan;
- I. The orientation and location of buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms;
- J. The site plan is situated and designed to protect views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas. (Ord. 858 § 1 (part), 2003)

17.99.060 Design and development standards.

All secondary dwelling units must conform to the following design and development standards:

1. **Parking.** Parking requirements shall meet the underlying zoning requirement for the combined square footage of habitable space of the subject property.
2. **Unit Size.** The floor area for secondary dwelling units shall not exceed five hundred square feet for lots between five thousand and seven thousand five hundred square feet. If a lot exceeds seven thousand five hundred square feet, a secondary dwelling unit may be up to six hundred forty square feet and, for lots in excess of ten thousand square feet, a secondary

dwelling unit may be up to eight hundred square feet. In no case may any combination of habitable buildings occupy more than sixty percent floor area ratio (FAR) of the subject property. No secondary dwelling units shall be allowed on lot sizes less than five thousand square feet.

3. Existing Development on Lot. A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the secondary dwelling unit.

4. Number of Secondary Dwelling Units Per Parcel. Only one secondary dwelling unit shall be allowed for each parcel.

5. Setbacks for Detached Secondary Dwelling Units. A minimum five-foot side-yard setback and minimum eight-foot rear yard setback are required for detached single-story structures containing a secondary dwelling unit. Detached secondary dwelling units shall be no higher than one story. If any portion of a secondary dwelling unit is located in front of the main building, then the front and side yard setbacks shall be the same as a main building in the zoning district. The entrance to the detached secondary dwelling unit shall face the interior of the lot unless the secondary dwelling unit is directly accessible from an alley or a public street. Openings (e.g., doors and windows) on exterior walls that are closest to and face adjacent residentially-zoned properties shall be designed to ensure that privacy and access to light and ventilation is not diminished on adjacent properties.

6. Setbacks for Attached Secondary Dwelling Units. Attached secondary dwelling units shall meet the same setbacks as a main building in the zoning district.

7. Other Code Requirements. The secondary dwelling unit shall meet the requirements of the Uniform Building Code.

8. Occupancy. The property owner must occupy either the primary or secondary dwelling.

9. Building Height and Stories.

a. The maximum building height for detached secondary dwelling units shall be fifteen feet, and the building height of a proposed attached secondary dwelling unit shall not exceed the lesser of either the height of the existing primary residential structure or the maximum height limit of the zoning district in which the project is located.

b. If the design of the main dwelling has special roof features that match the detached secondary dwelling unit, the maximum building height of the secondary dwelling unit may be exceeded to include such similar special roof features subject to review by the architecture and site review committee and approval of the planning commission.

10. Alley Orientation. When a secondary dwelling unit is adjacent to an alley, every effort shall be made to orient the secondary dwelling unit toward the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four foot back-out area, which may include the alley. Fences shall be three feet six inches along the

alley. However, higher fencing up to six feet can be considered in unusual privacy, security or design circumstances subject to review and approval of the planning commission.

11. Design. The design of the secondary dwelling unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

12. Open Space and Landscaping. The site plan provides open space and landscaping that is useful for both the secondary dwelling unit and the primary residence. Landscaping shall be provided which provides for the privacy and screening of adjacent properties.

13. Mobile Units. Vehicles of any kind, with or without wheels, and trailers are prohibited as secondary dwelling units. (Ord. 860 § 1, 2003; Ord. 858 § 1 (part), 2003)

17.99.070 Deed restrictions.

Before obtaining a building permit for a secondary dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

- A. The secondary dwelling unit shall not be sold separately;
- B. The unit is restricted to the approved size;
- C. The administrative review or the architecture and site review permit, whichever applies, for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit;
- D. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies;
- E. The deed restrictions shall lapse upon removal of the secondary dwelling unit. (Ord. 858 § 1 (part), 2003)

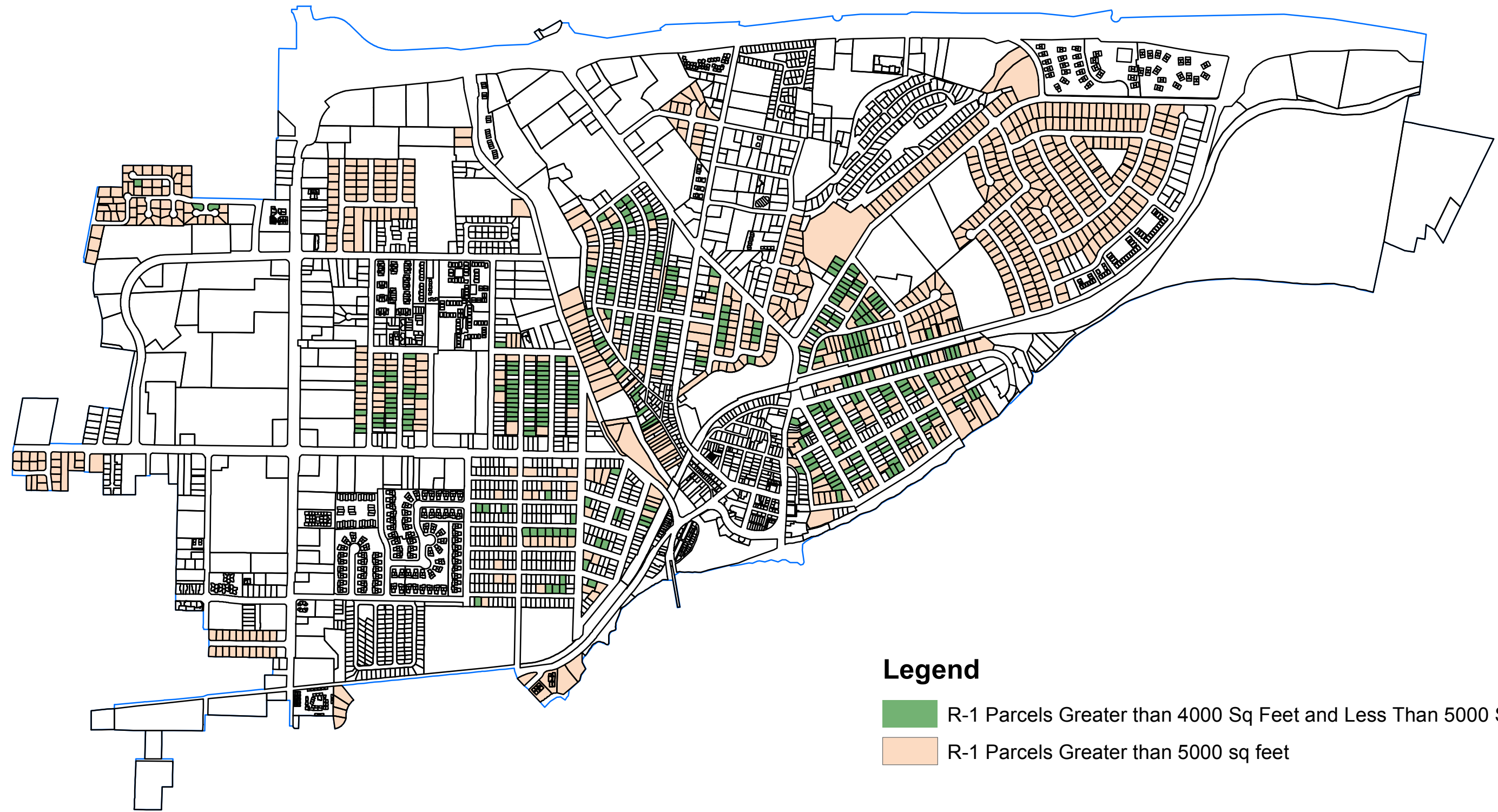
17.99.080 Zoning incentives.

The following incentives are to encourage construction of secondary dwelling units:



- A. Affordability Requirements for Fee Waivers. Secondary dwelling units proposed to be rented at low or very low income levels, as established by the city, may have development fees waived per the city's fee schedule (Resolution No. 3183, adopted 12/13/01, as amended). Landlords of secondary dwelling units shall be relieved of the affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual CPI increase commencing with the date of application for building permit. Applicants of affordable secondary dwelling units must record a deed restriction limiting the rent to low or very low-income levels prior to issuance of a building permit.

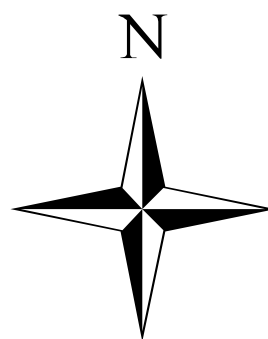
B. Historic Properties. Secondary dwelling units proposed on properties that contain local, state, or federal historic building(s) or potentially historic building(s), as identified by a professional architectural historian approved by the city, may be entitled to certain waivers with respect to setbacks, parking, height, unit size, and other design features as deemed appropriate by the planning commission, for the purposes of preserving the architectural character of the primary residence. (Ord. 858 § 1 (part), 2003)

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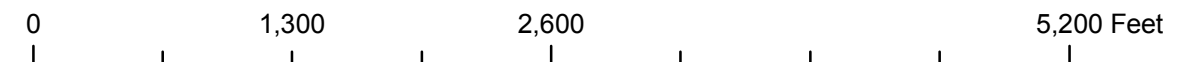
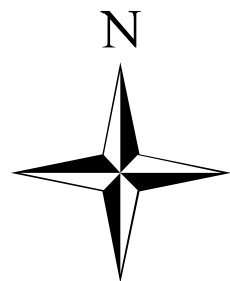
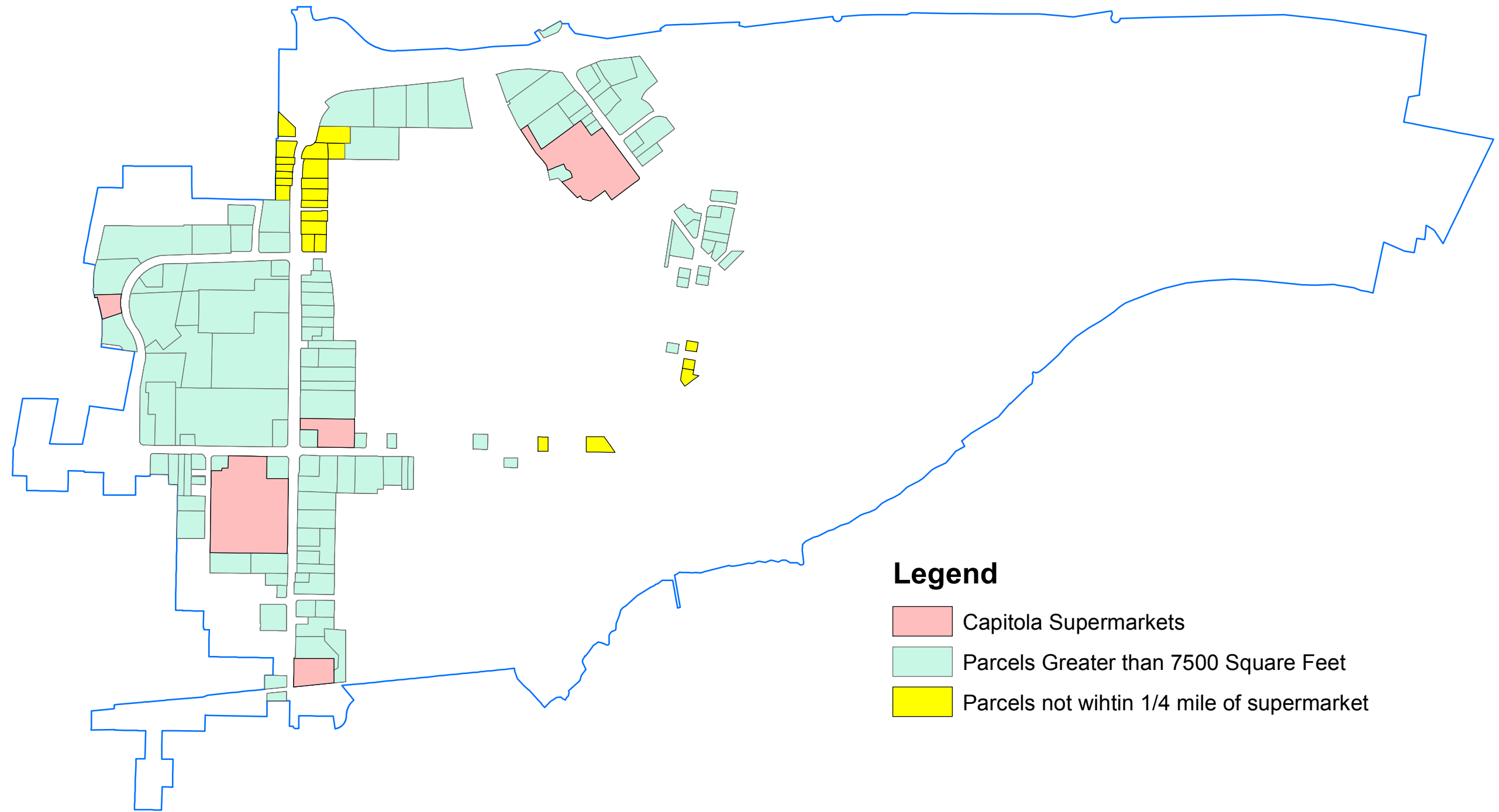
Legend

-  R-1 Parcels Greater than 4000 Sq Feet and Less Than 5000 Sq feet
-  R-1 Parcels Greater than 5000 sq feet

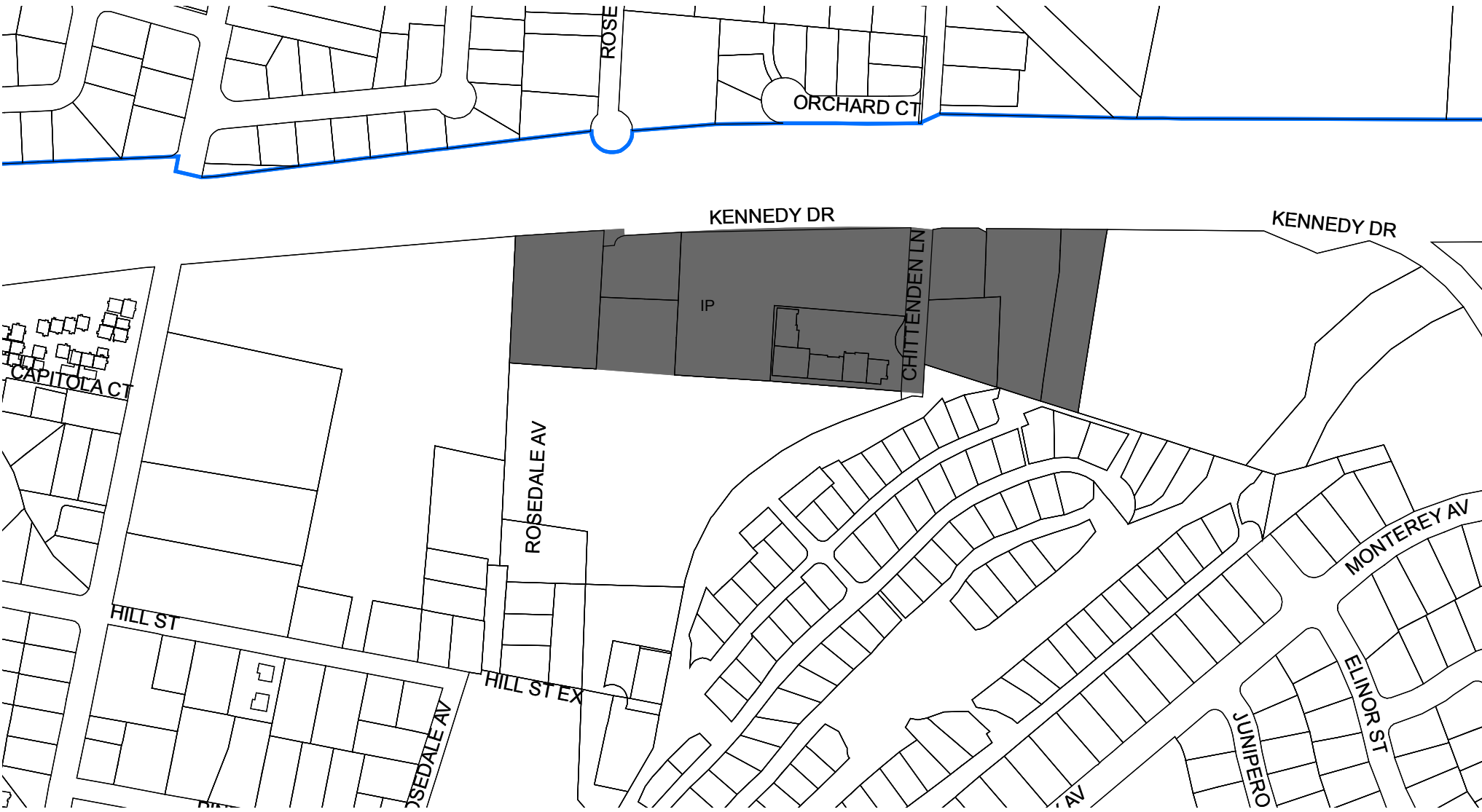


Parcels in the CC, CN or CR Zones greater than 7500 square feet and within 1/4 mile of a Supermarket



ATTACHMENT I



ATTACHMENT J
IP Zone for Emergency Shelters



Legend

-  Industrial Park Zone
-  CityLimits