



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, February 6, 2020 – 7:00 PM

Chairperson Ed Newman
Commissioners Courtney Christiansen
 Mick Routh
 TJ Welch
 Peter Wilk

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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. 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. 511 Escalona Drive

#20-0002

APN: 036-125-02

Design Permit for a second-story addition to an existing single-family residence, an Accessory Dwelling Unit (ADU), and a Major Revocable Encroachment Permit for a wall in the public right of way located within the R-1 (Single-Family) zoning district. Permit is a revision to increase size of ADU from previous 2019 approval.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Christine Meserve

Representative: Valerie Hart, Filed: 01.02.2020

B. 1500 Park Avenue #17-0097 APN: 036-201-01

Coastal Development Permit to replace an existing storm water drain culvert underneath New Brighton State Beach parking lot, located in the PF-P/VS (Public Facility-Parks/Visitor Serving) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: California Department of Parks and Recreation

Representative: Ryan Diller, filed: 06.22.16

C. Grand Avenue Pathway Drainage Improvements #20-0014

Coastal Development Permit (CDP) for drainage improvements on Hollister Avenue near the Grand Avenue Pathway in the R-1 (Single-Family Residential) Zoning District. The improvements include a new drainage inlet on the west side of Hollister Avenue.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Work was completed under an Emergency CDP.

Environmental Determination: Categorical Exemption

Property Owner: City of Capitola

Representative: Steve Jesberg, Filed: 01.17.2020

4. PUBLIC HEARINGS

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

A. 3775 Capitola Road #19-0732 APN: 034-261-39

Conditional Use Permit for a Community Assembly use for a commercial structure located within the C-R (Regional Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Owner: MGP XI Capitola, LLC

Representative: Jesse West, Filed: 12.10.2019

B. Update to Zoning Ordinance/Local Coastal Plan Implementation Plan

Update to the City of Capitola Zoning Code including Chapter 17.74 Accessory Dwelling Units and Chapter 17.80 Signs for temporary sign standards and non-commercial messaging in.

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

Environmental Determination: Addendum to the General Plan Update EIR

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

Representative: Matt Orbach, Associate Planner, City of Capitola

5. DIRECTOR'S REPORT**6. COMMISSION COMMUNICATIONS****7. ADJOURNMENT**

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. Need more information? Contact the Community Development Department at (831) 475-7300.

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

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

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



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: FEBRUARY 6, 2020
 SUBJECT: **511 Escalona Drive #20-0002 APN: 036-125-02**

Design Permit for a second-story addition to an existing single-family residence, an Accessory Dwelling Unit (ADU), and a Major Revocable Encroachment Permit for a wall in the public right of way located within the R-1 (Single-Family) zoning district. Permit is a revision to increase size of ADU from previous 2019 approval.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Christine Meserve

Representative: Valerie Hart, Filed: 01.02.2020

APPLICANT PROPOSAL

The applicant is proposing to expand a second-story living space above an attached garage and convert a portion of the conditioned space within the garage into a 761-square-foot Accessory Dwelling Unit (ADU) located at 511 Escalona Drive within the R-1 (Single-Family Residential) zoning district. The application also includes a Major Revocable Encroachment Permit for an existing fence in the public right of way.

BACKGROUND

On July 18, 2019, a design permit (#19-0165) for a second story addition, ADU, and encroachment permit was approved by the Planning Commission.

On January 2, 2020, the applicant submitted updated plans reflecting the new allowances to ADU minimum unit size and parking requirements under the state law governing ADUs that went into effect on January 1, 2020. The new application is proposing to expand the ADU to include a portion of the garage that previously provided a covered parking space. All other aspects of the July 18, 2019, approval remain unchanged. The applicant chose to submit a new application because the previous approval included a condition requiring the applicant to record several deed restrictions related to the ADU, including an owner-occupancy requirement and size restriction, that are no longer regulated under state law.

Neither Capitola Municipal Code Chapter 17.99 Secondary Dwelling Units (Inside Coastal Zone) nor Chapter 17.74 Accessory Dwelling Units (Outside Coastal Zone) are currently in compliance

with the new state law, therefore the ADU portion of the proposed project is being reviewed under Government Code 65852.2.

The Architectural and Site Review Committee reviewed the original application (#19-0165) on June 12, 2019. Because there were no additional changes to the exterior of the building, staff did not require another review by the committee. During the June 12, 2019, meeting, the committee provided the applicant with the following direction:

Public Works, Kailash Mozumder: informed the applicant that they would need to submit a copy of the deed and legal description of the lot to complete the revocable encroachment permit application.

Building Official, Robin Woodman: informed the applicant that windows adjacent to a bathtub are required to be tempered.

Local Architect, Frank Phanton: liked the revisions to the attached garage, including the flat roof, and thought that the design did a good job of respecting the privacy of neighboring properties.

City Planner, Matt Orbach: informed the applicant that windows adjacent to the flat roof should be at least four feet from the finished floor to prevent use of the flat roof as a deck. Mr. Orbach also pointed out the potential for the living space above the garage to be used as a third separate unit, which is not allowed, and stated that a condition of approval would be included limiting the kitchen area in that living space to a “mini-bar/convenience area.”

Following the meeting, the applicant submitted revised plans that incorporated all the modifications requested by the architectural and site review committee, including windows adjacent to the flat roof with sills at 42 inches above the floor and the stairwell from the second-story living space above the garage terminating in the garage rather than the exterior. The applicant also submitted a copy of the deed and the legal description of the lot.

DISCUSSION

The existing residence at 511 Escalona Drive is a nonconforming two-story single-family residence. The applicant is proposing to expand a second-story living space above an attached garage and convert an existing home office space and a portion of the unconditioned space within the first story of the garage into a 761-square-foot accessory dwelling unit. The lot is surrounded by one- and two-story single-family homes. The proposed residence is a Spanish-style home featuring stucco siding and tile roofs.

Accessory Dwelling Unit

The proposal includes the conversion of 761 square feet of existing floor area inside the home and a portion of the attached garage into an accessory dwelling unit. Changes to the exterior of the structure for the ADU include a new first-floor window on the north elevation and new first-floor window and entry door on the west elevation where the garage door was previously located.

The criteria of Government Code §65852.2(e)(1)(A), apply to the internal ADU conversion project and are as follows:

- i. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space or a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An

expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

- ii. The space has exterior access from the proposed or existing single-family dwelling.
- iii. The side and rear setbacks are sufficient for fire and safety.
- iv. The junior accessory dwelling unit complies with the requirements of Section 65852.22

Under Government Code (GC) §65852.2(a)(1)(D)(xi), when a garage is converted to an ADU, a local agency cannot require those off-street parking spaces to be replaced. Therefore, the covered parking space that is lost as a result of the project does not need to be replaced.

The application before the Planning Commission includes the design permit for the second story addition and the revocable encroachment permit. The proposed ADU meets the criteria under GC §65852.2(e)(1)(A), so the application for the ADU must be approved ministerially, without any discretionary review. Because the addition to the primary structure requires Planning Commission review, the details of the ADU have been included in the analysis.

Revocable Encroachment Permit

The application includes a major revocable encroachment permit for unpermitted improvements in the public right of way. The encroachments include an existing stucco wall along Escalona Drive and Sacramento Avenue that was built without the required permits. The portion of the wall along the corner of Escalona Drive and Sacramento Avenue is two feet five inches high with pillars that are three feet eleven inches high. The rest of the wall is four feet one inch high with pillars that are five feet five inches high (Attachment 3). The wall, which was built without permits, was red-tagged in 1997 for being constructed without a building permit or an encroachment permit and constituting a sight distance hazard for traffic at the intersection. It appears that, as a result, the fence height along the corner of Escalona Drive and Sacramento Avenue was reduced to less than 30 inches, in compliance with line of sight requirements for fences on corner lots. The existing wall is in compliance with the fence height regulations of three and a half feet maximum for front yards and six feet maximum for side and rear yards.

The existing wall does not comply with the location standard for fences on corner lots. Capitola Municipal Code §17.54.020.A.3 requires corner lots to set back a fence at least five feet from the property line on that side of the lot which has the greatest length along the street. The applicant is requesting a revocable encroachment permit to permit the existing wall within the public right-of-way. Pursuant to CMC §17.54.020(B), the Planning Commission may approve alternative locations, height, and materials for fences.

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

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

1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening;

Staff analysis: Within the revocable/hold harmless agreement, the owner must agree that the removal of the wall, when so ordered by the City, shall be at the permittee's expense and not the expense of the City.

2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;
Staff analysis: The proposed wall is of exceptional quality and fits well with the aesthetics of the community.
3. Preservation of views;
Staff analysis: Public views would not be impacted by the proposed wall.
4. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property. If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved. The planning commission may, by providing reasonable notice to neighboring property owners, develop standards or criteria applicable to the entire block within which the property is located.
Staff analysis: Staff has not identified any potential detriments to the City or community that the proposed wall would create. On-street parking will not be affected by the proposed wall.

Nonconforming

The existing structure is nonconforming because the east side of the structure along Sacramento Avenue encroaches two inches into the ten-foot required side yard setback. The applicant submitted the required 80% nonconforming calculation (Attachment 2), which demonstrates that the proposed structural alterations do not exceed 80 percent of the present fair market value of the structure, so the alterations are permissible.

Future Deck

The property is located within the Coastal Zone and therefore subject to the 1975 zoning code rather than the 2018 updated zoning code. The addition to the attached garage includes a 372-square-foot flat roof with a parapet wall that seems to be designed as a second-story deck. The proposed structure is only seven square feet under the maximum floor area for the property, so the flat roof may not currently be used as a deck because a deck counts as floor area under the 1975 code. Under the new zoning code, however, second-story decks will not count towards the floor area, so the area could potentially be used as a deck with future approval of a design permit from the Planning Commission.

The original submittal included tall windows with a bottom edge close to the floor that could provide easy access to the flat roof so that it could be used as a deck. On previous projects with similar situations, the Planning Commission has restricted access to these unpermitted deck areas by only allowing windows that are at least four feet off the floor on walls adjacent to flat roofs. In this case, however, the proposed windows are egress windows, so they cannot be four feet (48 inches) off of the floor. Following the Architecture and Site Review Committee meeting, the applicant revised the windows adjacent to the flat roof to have sills at 42 inches above the floor, which meets the building code requirements for egress windows and addresses staff concerns about easy access to the flat roof.

Potential Third Unit

Under GC §65852.2, only one accessory dwelling unit is allowed on a parcel with a single-family dwelling unless it is a junior ADU with a detached ADU. Staff has concerns regarding the addition to the upstairs of the attached garage, which includes two bedrooms, one bathroom, living room, wet bar that is designed similar in layout to a full-sized kitchen, independent access

from a first-story entryway staircase and a second access from the garage. Although all improvements comply with the zoning standards, the area could be easily closed off from the rest of the single-family home by installing one door and inhabited separately.

To prevent an illegal third unit, conditions of approval have been added to clarify that the approval is limited to one single-family home with one accessory dwelling unit and ensure the “wet bar” in the living space above the garage is limited to a “mini-bar/convenience area.” A mini-bar/convenience area is a supplemental food preparation area within a single-family home. Under Capitola Municipal Code §17.03.340: *“Such an area is limited to a small refrigerator, a microwave oven and a small sink with a drain size less than one and one-half inches. No gas line or two hundred twenty electric service is permitted within this area. Only one such area is permitted within a dwelling in addition to the kitchen, and internal access within the dwelling must be maintained.”* Condition of approval #20 reflects these restrictions.

CEQA

Section 15303(a) of the CEQA Guidelines exempts one single family residence, or a second dwelling unit in a residential zone. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission review the application and approve project application #20-0002.

CONDITIONS OF APPROVAL

1. The project approval consists of construction of a second-story addition and a 761-square-foot Accessory Dwelling Unit (approved ministerially under Government Code §65852.2(e)(1)(A)). The maximum Floor Area Ratio for the 5,513-square-foot property with an Accessory Dwelling Unit is 60% (3,312 square feet). The total FAR of the project is 59.9% with a total of 3,305 square feet, compliant with the maximum FAR within the zone. The 761-square-foot accessory dwelling unit is located on first story of the home adjacent to the garage. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 6, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.

6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #20-0002 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. The food preparation area within the second-story living space above garage is limited to a mini-bar/convenience area. The mini-bar/convenience area is limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches. No gas line or two hundred twenty electric service is permitted within this area. Only one such area is permitted within a dwelling in addition to the kitchen, and internal access within the dwelling must be maintained. The internal access must be maintained between the conditioned space of the main home and the mini-bar/convenience area. The staircase to the garage from the second story is not considered internal access within the dwelling, as the garage is unconditioned space.
21. At time of submittal for building permit review, a water will serve letter for the second dwelling unit must be submitted to the City.
22. 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 accessory dwelling unit may not be used for vacation rentals; and
 - b. The secondary dwelling unit shall not be sold separately from the primary dwelling.

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The second-story addition and Accessory Dwelling Unit comply with the development standards of the R-1 District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the second-story addition and Accessory Dwelling Unit. The design of the addition, with board and batten siding and composition shingle roof, will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50% of the existing structure or more than 2,500 square feet, whichever is less. This project involves an addition and the removal of several covered outdoor open spaces that result in a reduction of the floor area by 3%. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS

D. Findings Required.

1. **A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:
2. **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**
 - a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its

proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- The proposed project is located at 511 Escalona Drive. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along Escalona Drive. No portion of the project is located along the shoreline or beach.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is not a history of public use on the subject lot.
- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on private property on Escalona Drive. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

- e. Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.
- 3. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**
- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
 - b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
 - c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.
- The project is not requesting a Public Access Exception, therefore these findings do not apply.
- 4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - The project is located on a flat lot.
 - c. Recreational needs of the public;
 - The project does not impact the recreational needs of the public.
 - d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;

- e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
- f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

5. Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);

- No legal documents to ensure public access rights are required for the proposed project.

6. Project complies with visitor-serving and recreational use policies;

SEC. 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- The project involves construction of a second-story addition and an Accessory Dwelling Unit on a residential lot of record.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project involves construction of a second-story addition and an Accessory Dwelling Unit on a residential lot of record.

c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- The project involves construction of a second-story addition and an Accessory Dwelling Unit on a residential lot of record.

7. Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project involves the construction of a second-story addition and an Accessory Dwelling Unit. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.

8. Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project complies with the design guidelines and standards established by the Municipal Code.
- 9. Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;**
- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.
- 10. Demonstrated availability and adequacy of water and sewer services;**
- The project is located on a legal lot of record with available water and sewer services.
- 11. Provisions of minimum water flow rates and fire response times;**
- The project is located 0.4 miles from the Central Fire Protection District Capitola Station. Water is available at the location.
- 12. Project complies with water and energy conservation standards;**
- The project is for a second-story addition and an Accessory Dwelling Unit. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.
- 13. Provision of park dedication, school impact, and other fees as may be required;**
- The project will be required to pay appropriate fees prior to building permit issuance.
- 14. Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**
- The project does not involve a condo conversion or mobile homes.
- 15. Project complies with natural resource, habitat, and archaeological protection policies;**
- Conditions of approval have been included to ensure compliance with established policies.
- 16. Project complies with Monarch butterfly habitat protection policies;**
- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.
- 17. Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

18. Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

19. All other geological, flood and fire hazards are accounted for and mitigated in the project design;

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

20. Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

21. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;

- This use is an allowed use consistent with the R-1 zoning district.

22. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and

- The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.

23. Project complies with the Capitola parking permit program as follows:

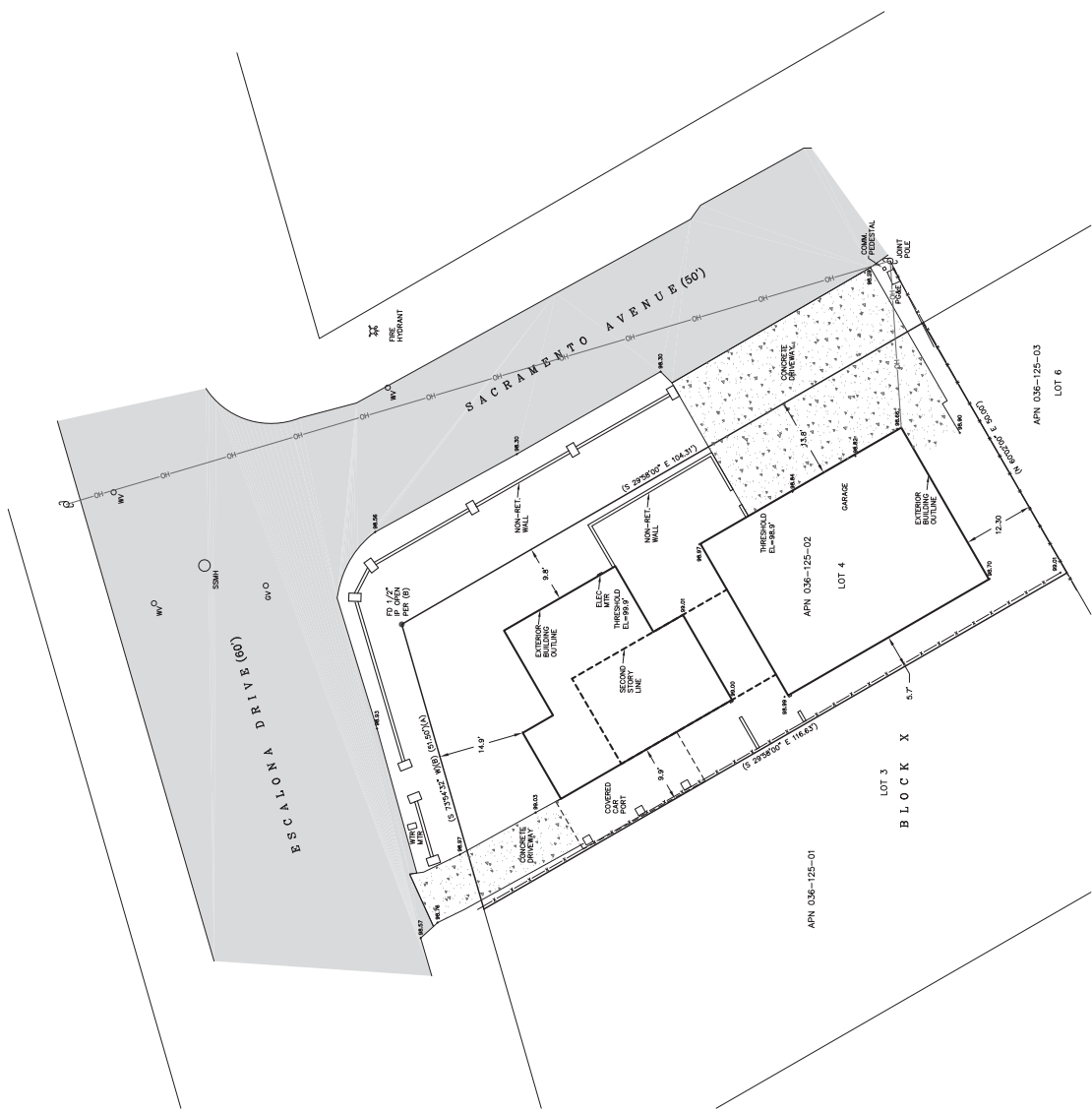
- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
- b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
- c. The village area preferential parking program shall be limited to three hundred fifty permits.
- d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
- e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.

- f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
- g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
- h. No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.
 - The project site is not located within the area of the Capitola parking permit program.

ATTACHMENTS:

1. 511 Escalona Drive - Full Plan Set - 01.07.2020
2. 511 Escalona Drive - Nonconforming Calculation - 01.28.2020
3. 511 Escalona Drive - Wall Elevations for Major Revocable Encroachment Permit

Prepared By: Matt Orbach
Associate Planner



PARCEL DATA:
 AREA: 5,513 SF +/-

REFERENCES
 (A) 10-M-13
 (B) 99-M-31

ELEVATION DATUM
 ELEVATIONS ARE DERIVED FROM A GPS
 SURVEY OF THE PROPERTY TO THE
 AMERICAN VERTICAL DATUM OF 1988 (NAVD88)

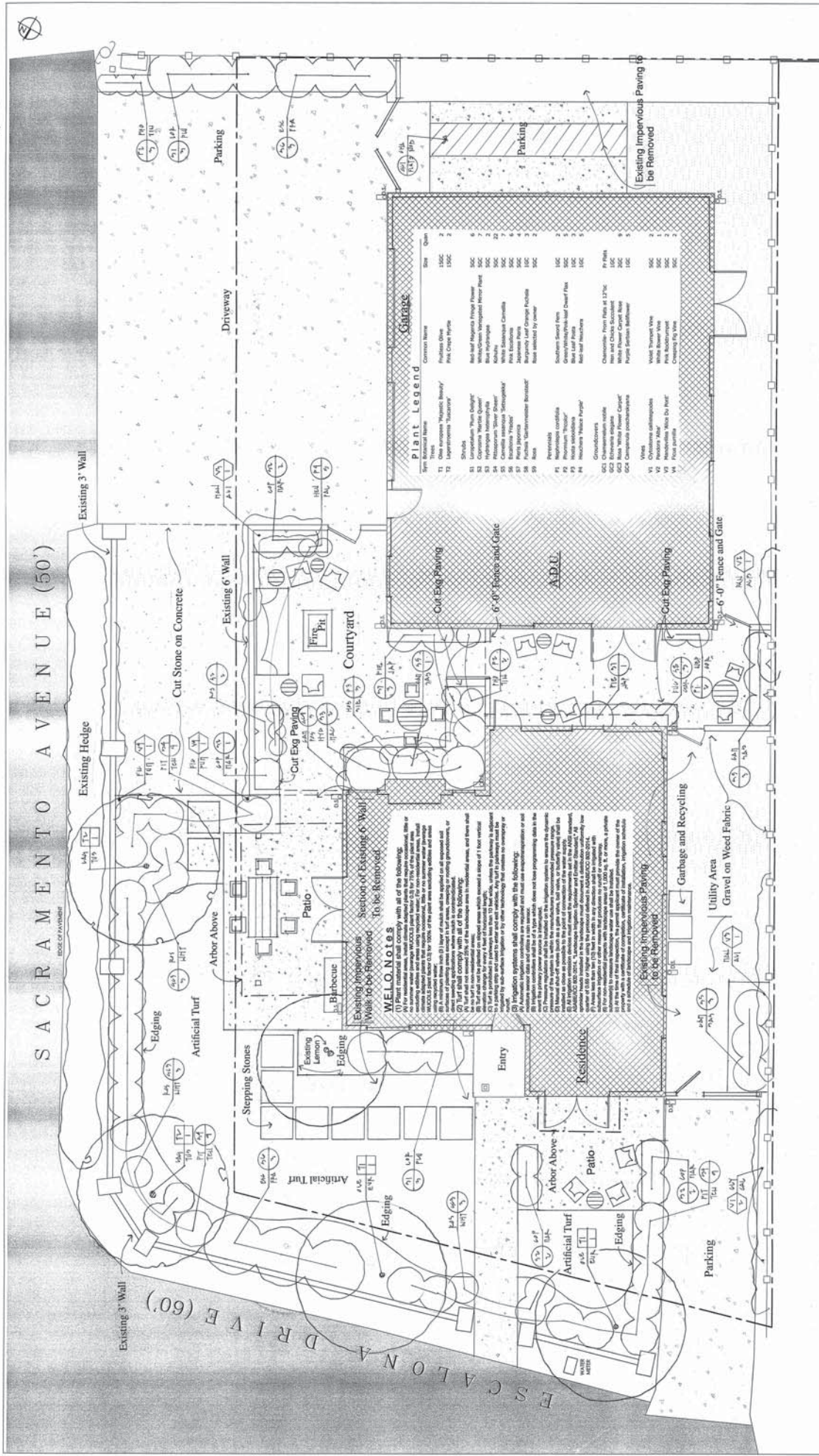
BASIS OF BEARINGS
 BEARINGS ARE BASED UPON TYPICAL MONUMENTS AS
 SHOWN ON THE SURVEY MAP OF THE
 OF MAPS AT PAGE 31, SANTA CRUZ COUNTY
 RECORDS



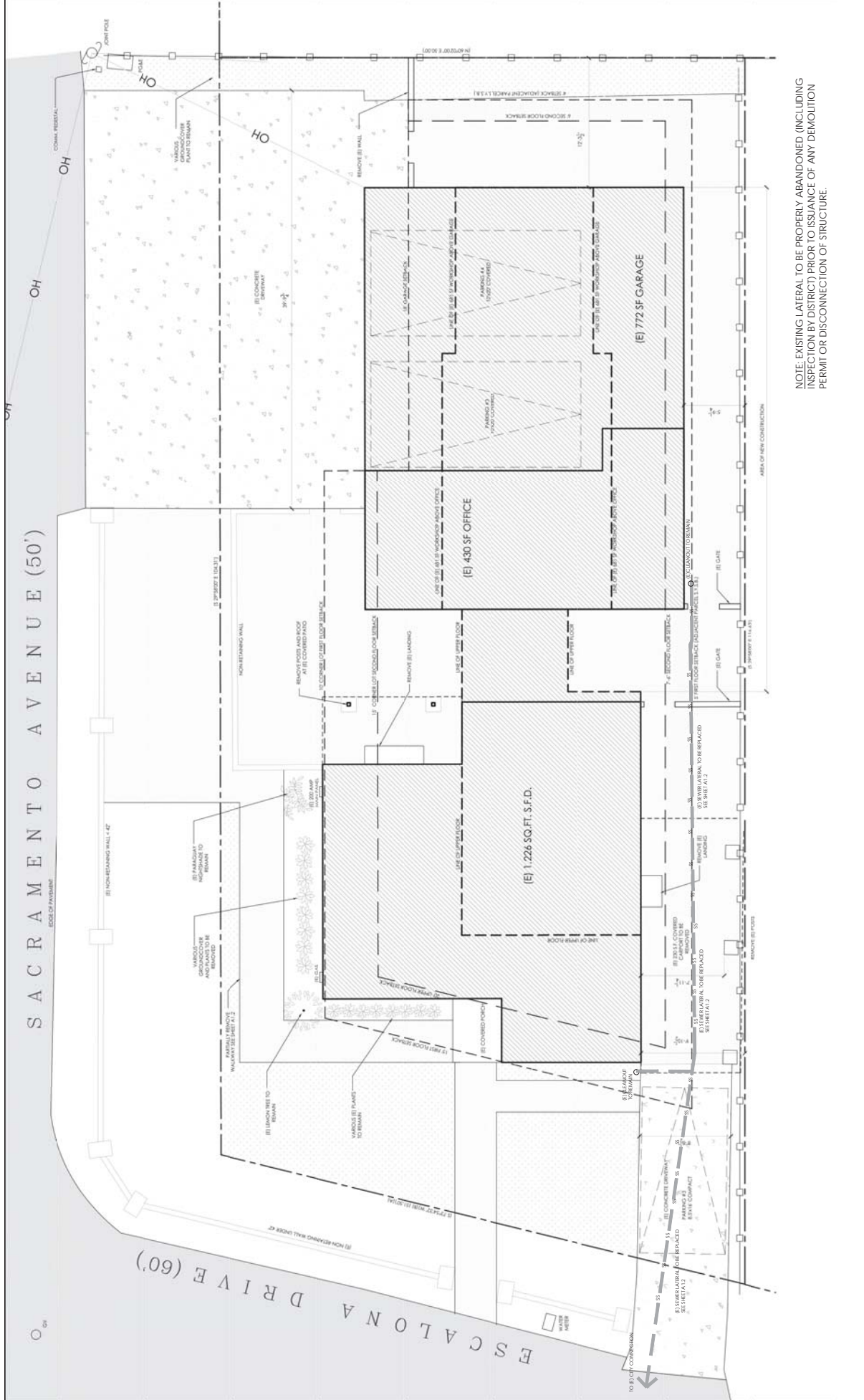
NOTES
 THE PARGE EASEMENT 97-PP-84 LISTED AS
 EXCEPTION #2 IN THE TITLE REPORT CANNOT BE
 DESCRIBED. THERE IS NO METES AND BOUNDS
 DESCRIPTION.

ALPHA LAND SURVEYS, INC.		SHEET 1 OF ONE	
REGISTERED PROFESSIONAL LAND SURVEYOR		DATE: 5/27/19	
JEAN-PAUL HAPPEE, PLS 8807		JOB#: 2019-083	
STATION MAP OF MUNICIPALITY OF SANTA CRUZ CITY OF CAPITOLA SANTA CRUZ COUNTY		SHEET 1 OF ONE	
5505 TRAILWAY, SUITE 200 MUNICIPALITY OF SANTA CRUZ (831) 438-4463		DATE: 5/27/19	

Planting Plan



meserve residence
 511 escalona drive, capitola, ca 95010
 dgn: COE-DSZ



NOTE: EXISTING LATERAL TO BE PROPERLY ABANDONED (INCLUDING INSPECTION BY DISTRICT) PRIOR TO ISSUANCE OF ANY DEMOLITION PERMIT OR DISCONNECTION OF STRUCTURE.

PLANNING SUBMITTAL: FEBRUARY 8, 2019
 PLAN CHECKONE: MAY 24, 2019
 ARCH & SITE COMMENTS: JULY 01, 2019
 DESIGN PERMIT MODIFICATION: JAN. 02, 2020

meserve residence
 511 escalona drive, espenola, ca 95010
 apt. 0316-125-02

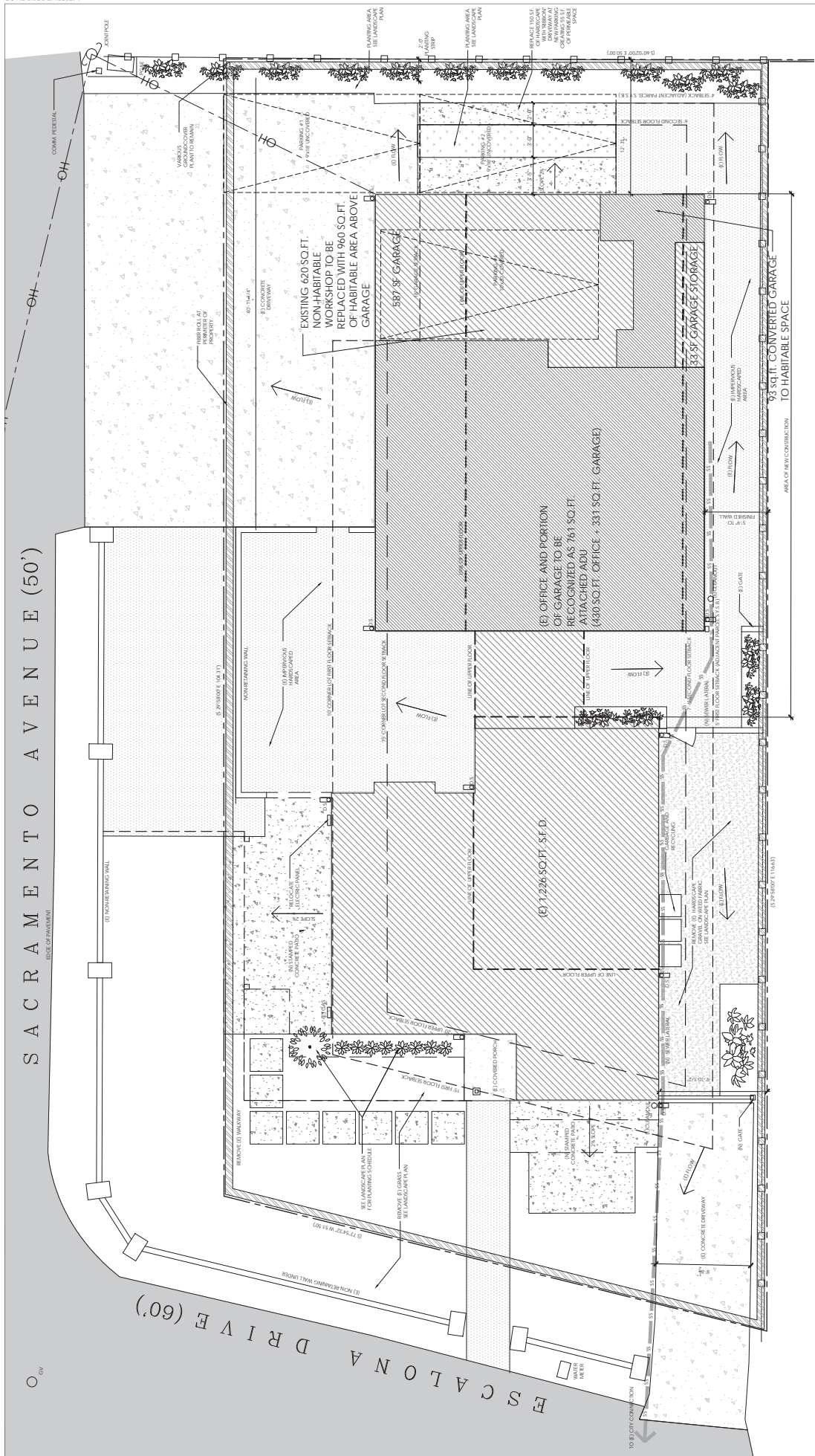
VALERIE HART RESIDENTIAL DESIGN
 3680 N. RODEO GULCH RD. SOQUEL, CA 95073
 (831) 239-1609 valerieh5062@yahoo.com



EXISTING SITE PLAN
 SCALE 1/4" = 1'-0"

3.A.1

Attachment: 511 Escalona Drive - Full Plan Set - 01.07.2020 (511 Escalona Drive)



SACRAMENTO AVENUE (50')

ESCALONA DRIVE (60')

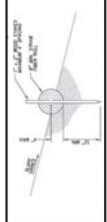
NOTE PRIOR TO ANY WORK IN THE CITY ROAD RIGHT OF WAY AN ENCROACHMENT PERMIT SHALL BE ACQUIRED BY THE CONTRACTOR PERFORMING THE WORK. NO MATERIAL OR EQUIPMENT STORAGE MAP BE PLACED IN THE ROAD RIGHT OF WAY.

RELIEF/RETENTION COVERAGE	481 SF
IMPERVIOUS COVERAGE	2091 SF
PERMEABLE COVERAGE	1448 SF
TOTAL (70%)	1962 SF

IMPERVIOUS COVERAGE CALC	2091 SF
PERMEABLE COVERAGE	4001 SF
TOTAL (70%)	4001 SF

DRAINAGE NOTES:
CONTRACTOR TO EXCHANGE OVER CONCRETE SWATH PATTERNS AND FILL WITH PERMEABLE MATERIALS TO IMPROVE DRAINAGE. EXISTING DRAINAGE SHALL BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE.

EROSION CONTROL NOTE:
EROSION CONTROL SHALL BE PLACED AND MAINTAINED THROUGHOUT CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION. (NOTE: PERMITS, HAZARD, TRUCK DETOUR, UNNECESSARY DUE TO THE CONDITIONS)



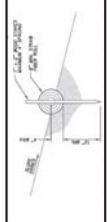
SEWER LATERAL NOTE:
LOCATION OF EXISTING SEWER LATERAL (SHOWING SHEET A1.1) NEW SEWER LATERAL TO BE INSTALLED TO THE SEWER MAINLINE IN ORDER TO PROTECT THE EXISTING SEWER LATERAL FROM COLLAPSE. THE SEWER MAINLINE SHALL BE INSTALLED TO THE SEWER MAINLINE TO PROTECT THE EXISTING SEWER LATERAL FROM COLLAPSE.

RELIEF/RETENTION COVERAGE
481 SF
IMPERVIOUS COVERAGE
2091 SF
PERMEABLE COVERAGE
1448 SF
TOTAL (70%)
1962 SF

IMPERVIOUS COVERAGE CALC
2091 SF
4001 SF
TOTAL (70%)
4001 SF

DRAINAGE NOTES:
CONTRACTOR TO EXCHANGE OVER CONCRETE SWATH PATTERNS AND FILL WITH PERMEABLE MATERIALS TO IMPROVE DRAINAGE. EXISTING DRAINAGE SHALL BE MAINTAINED TO THE MAXIMUM EXTENT POSSIBLE.

EROSION CONTROL NOTE:
EROSION CONTROL SHALL BE PLACED AND MAINTAINED THROUGHOUT CONSTRUCTION AND MAINTAINED THROUGHOUT CONSTRUCTION. (NOTE: PERMITS, HAZARD, TRUCK DETOUR, UNNECESSARY DUE TO THE CONDITIONS)



OWNER HAS AGREED TO FULL REACHMENT OF WATER LATERAL AND CLEARANCE WITHOUT BURDENING VEED TO THE COUNTY PER PERMITS 255-191448

PLANNING SUBMITTAL: FEBRUARY 8, 2019
 ARCHITECT CHECK: MAY 24, 2019
 ARCHITECT COMMENTS: JULY 01, 2019
 DESIGN PERMIT MODIFICATION: JAN. 02, 2020

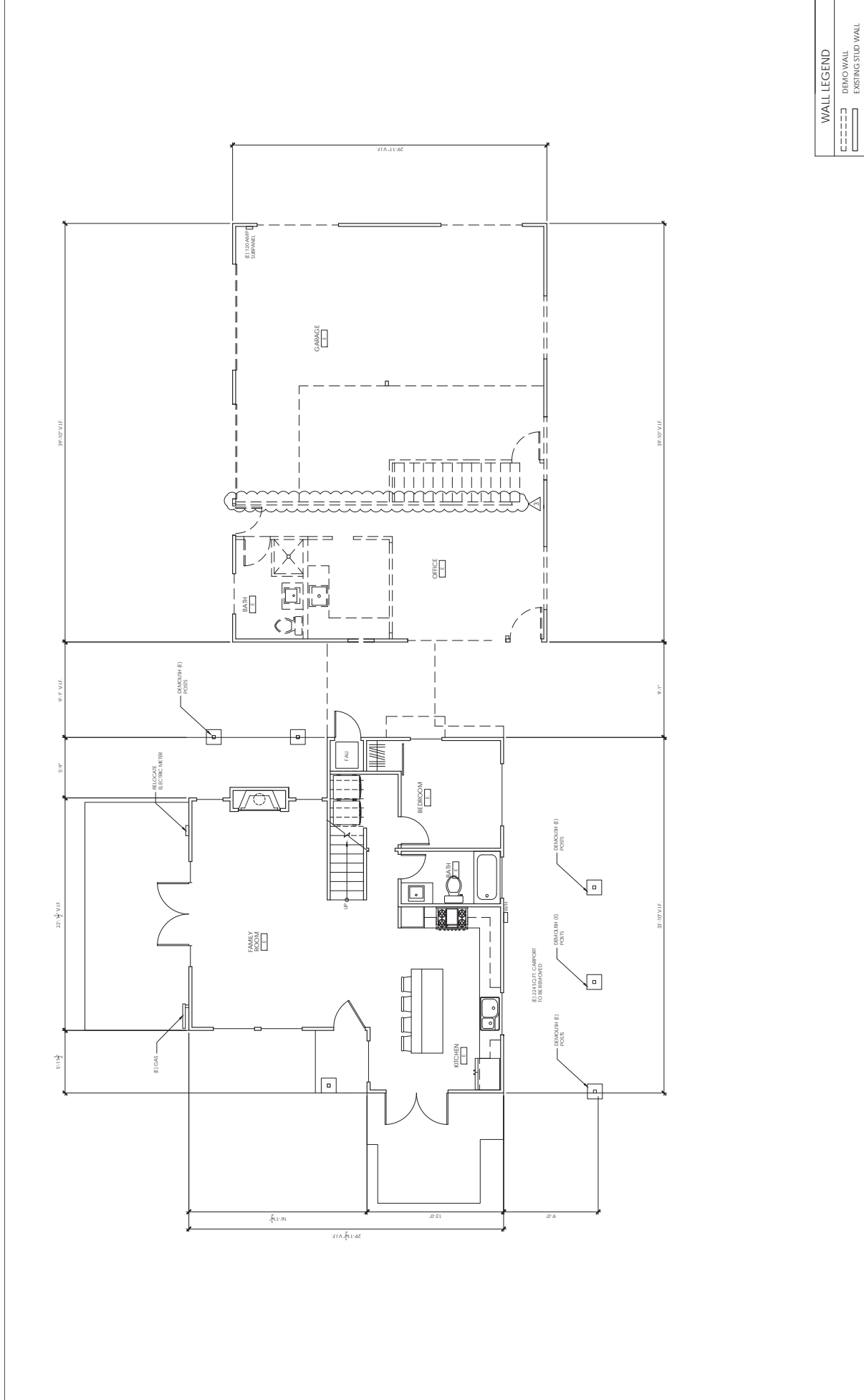
meserve residence
 511 ESCALONA DRIVE, ESCALONA, CA 95020
 apr. 036-125-02

VALERIE HART RESIDENTIAL DESIGN
 3680 N. RODEO GULCH RD. SOQUEL, CA 95073
 (831) 239-1609 valerieh5062@yahoo.com

PROPOSED SITE PLAN
 SCALE 1/4" = 1'-0"

3.A.1

Attachment: 511 Escalona Drive - Full Plan Set - 01.07.2020 (511 Escalona Drive)



EXISTING LOWER FLOOR PLAN
 SCALE 3/4" = 1'-0"

VALERIE HART RESIDENTIAL DESIGN
 3680 N. RODEO GULCH RD. SOQUEL, CA 95073
 (831) 239-1609 valerieh5062@yahoo.com

meserve residence
 511 Escalona Drive, Escondido, CA 95010
 apr. 03-16-2020

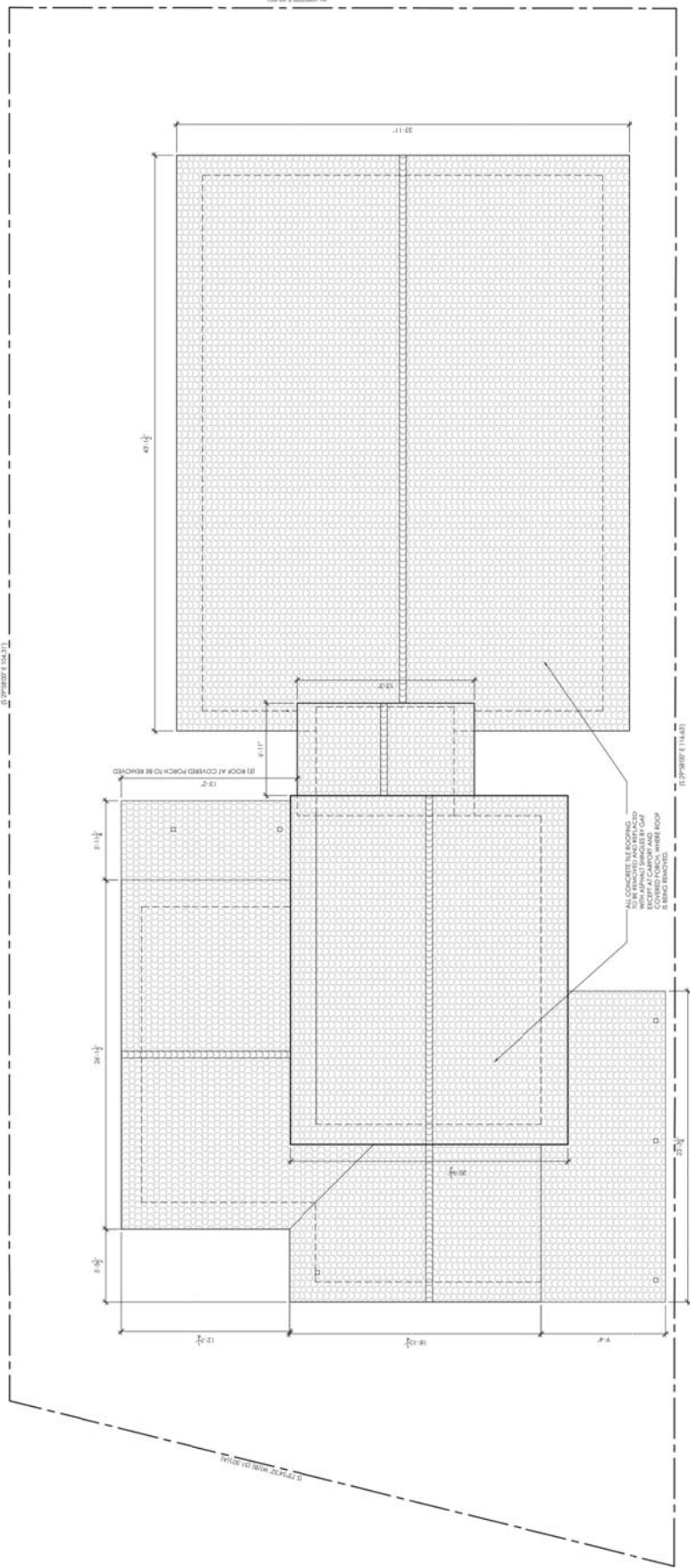
PLANNING SUBMITTAL: FEBRUARY 8, 2019
 PLAN CHECKONE: MAY 24, 2019
 ARCH & SITE COMMENTS: JULY 01, 2019
 DESIGN PERMITS MODIFICATION: JAN. 02, 2020

WALL LEGEND
 DEMOWALL
 EXISTING STUD WALL

SHEET: A2

3.A.1

Attachment: 511 Escalona Drive - Full Plan Set - 01.07.2020 (511 Escalona Drive)



EXISTING/DEMO ROOF PLAN

EXISTING ROOF PLAN
SCALE 3/4" = 1'-0"

VALERIE HART RESIDENTIAL DESIGN
3680 N. RODEO GULCH RD. SOQUEL, CA 95073
(831) 239-1609 valerieh5062@yahoo.com

meserve residence
511 escalona drive, esposito, ca 95010
april 03-16-2020

PLANNING SUBMITTAL: FEBRUARY 8, 2019
PLAN CHECKONE: MAY 24, 2019
ARCH & SITE COMMENTS: JULY 01, 2019
DESIGN PERMITS MODIFICATION: JAN. 02, 2020

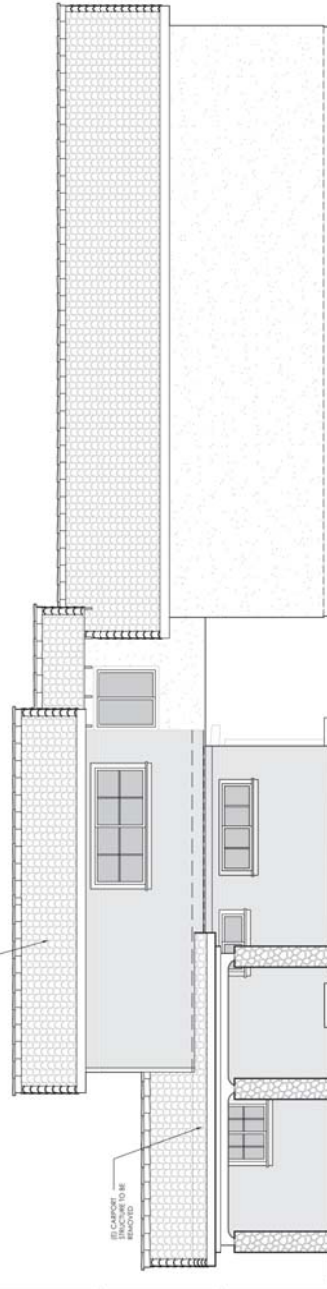
SHEET: A4

3.A.1

Attachment: 511 Escalona Drive - Full Plan Set - 01.07.2020 (511 Escalona Drive)

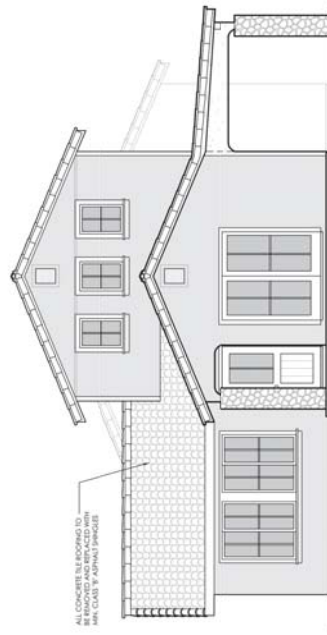
ALL CONCRETE IN FOOTING TO
BE REMOVED AND REPAIRED
WITH CLASS "F" ADMIXTURE

IF CARPORT
STRUCTURE TO BE
REMOVED



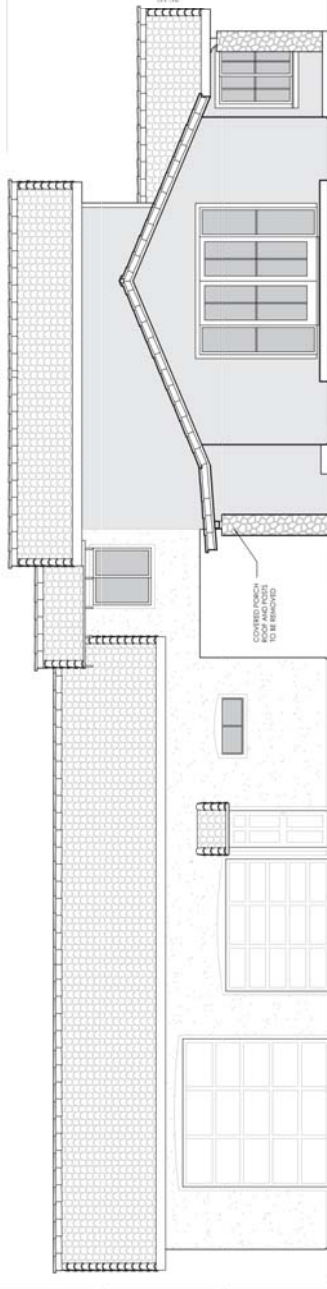
EXISTING EAST ELEVATION

ALL CONCRETE IN FOOTING TO
BE REMOVED AND REPAIRED
WITH CLASS "F" ADMIXTURE

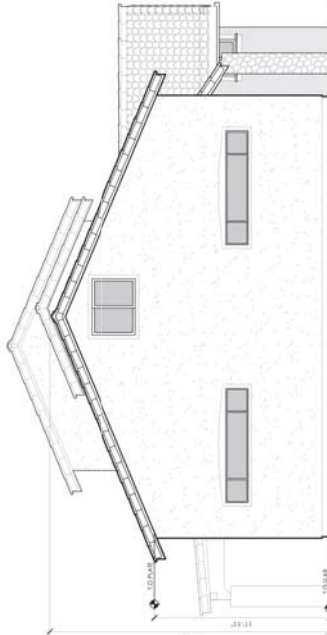


EXISTING NORTH ELEVATION

COVERED PORCH
TO BE REMOVED



EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION

EXISTING ELEVATIONS

SCALE 3/4" = 1'-0"

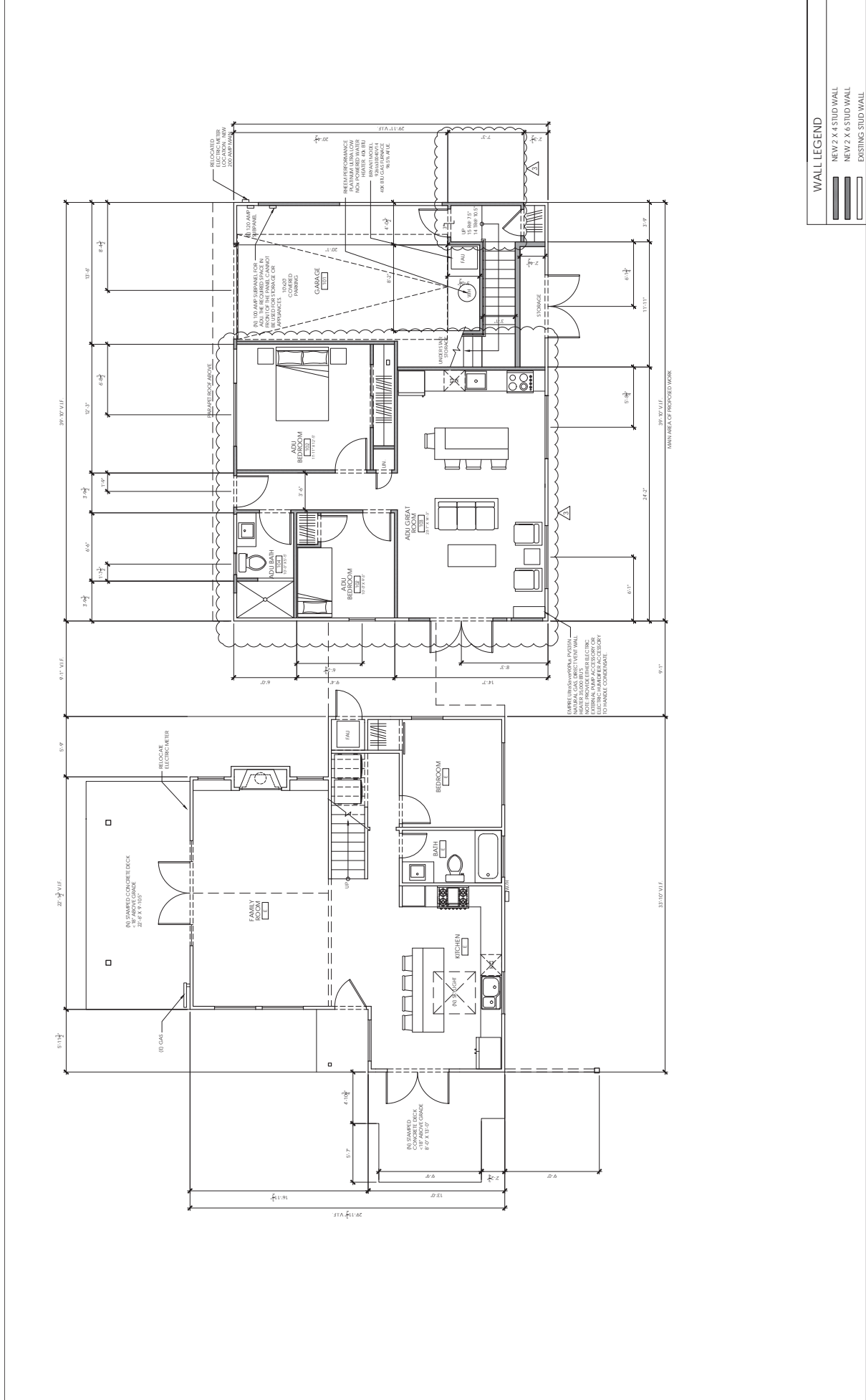
VALERIE HART RESIDENTIAL DESIGN
3680 N. RODO GULCH RD. SOQUEL, CA 95073
(831) 239-1609 valerieh5662@yahoo.com

meserve residence
511 Escalona Drive, Escondido, CA 95010
apn: 036-125-02

PLANNING SUBMITTAL: FEBRUARY 8, 2019
PLAN CHECKONE: MAY 24, 2019
ARCHITECT COMMENTS: JULY 01, 2019
DESIGN PERMITS MODIFICATION: JAN. 02, 2020

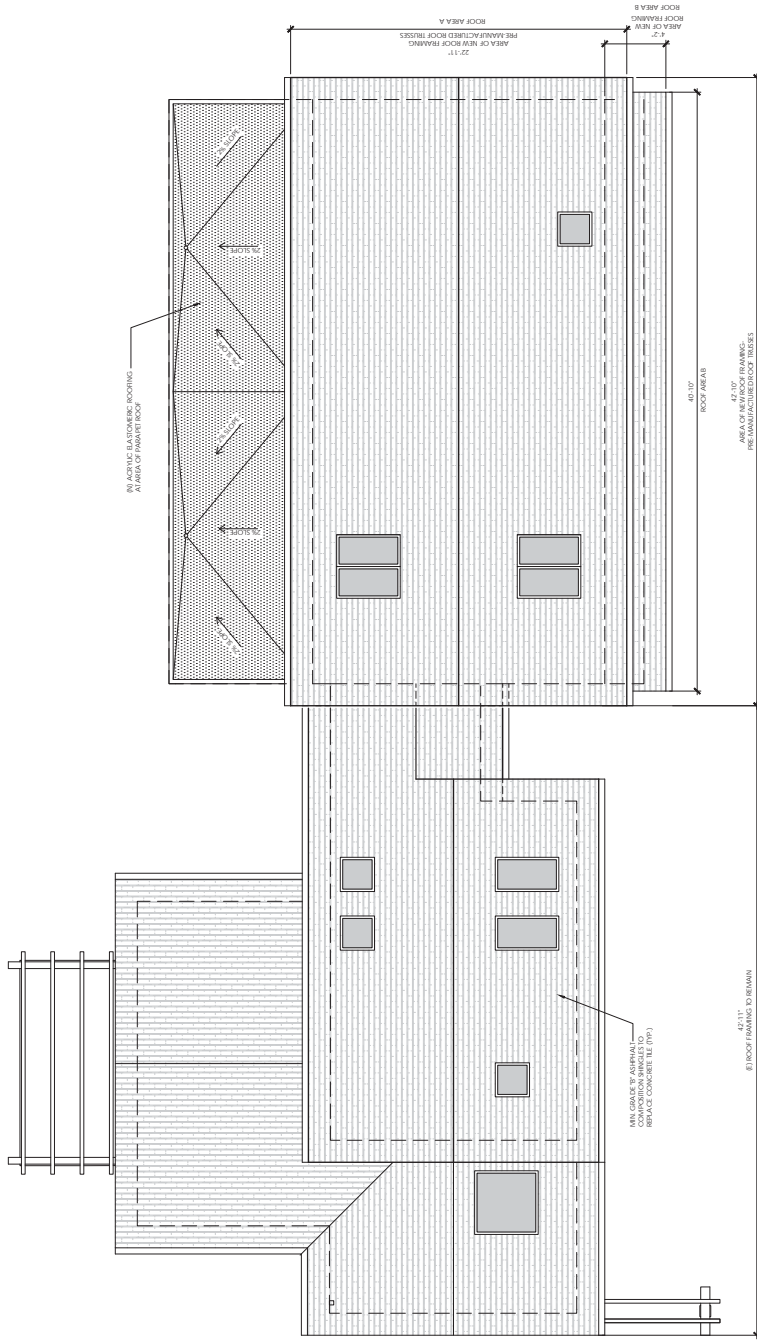
SHEET: A5

3.A.1



3.A.1

Attachment: 511 Escalona Drive - Full Plan Set - 01.07.2020 (511 Escalona Drive)



PROPOSED ROOF PLAN
 SCALE 3/4" = 1'-0"

VALERIE HART RESIDENTIAL DESIGN
 3680 N. RODEO GULCH RD. SOQUEL, CA 95073
 (831) 239-1609 valieh95062@yahoo.com

meserve residence
 511 escalona drive, esposito, ca 95010
 apt. 036-125-02

PLANNING SUBMITTAL: FEBRUARY 8, 2019
 PLAN CHECKONE: MAY 24, 2019
 ARCH & SITE COMMENTS: JULY 01, 2019
 DESIGN PERMITS MODIFICATION: JAN. 02, 2020

SHEET: **A8**

3.A.1

Attachment: 511 Escalona Drive - Full Plan Set - 01.07.2020 (511 Escalona Drive)

511 Escalona Drive
 Capitola, CA 95010

Design Permit: #19-0165
 Revised 01/28/2020

Construction Cost Breakdown

Existing Building Costs:

Existing Residence:	1,225 sq.ft. @ \$200/ sq.ft. =	\$245,000
Existing Office:	430 sq.ft. @ \$200/sq.ft. =	\$86,000
Existing Workshop:	680 sq.ft. @ \$90/sq.ft.=	\$61,200
Existing Garage:	772 sq.ft. @ \$90/sq.ft.=	\$64,980

Total Existing Value: \$457,180

80% of total Existing Value: \$365,744

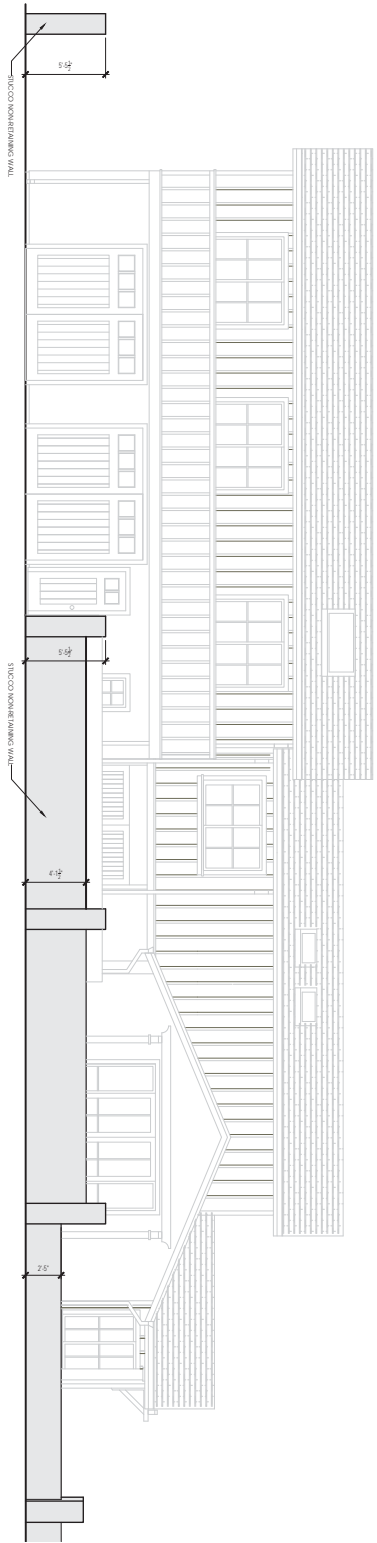
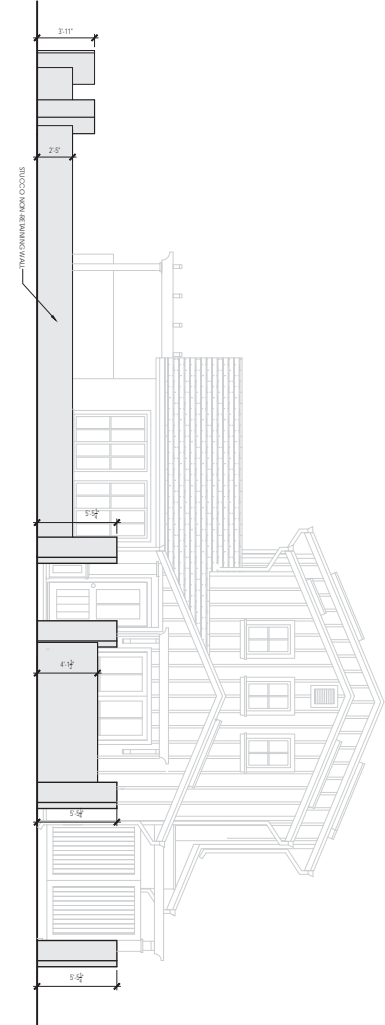
New Construction Costs

New conditioned space:	949 sq.ft. @ \$200/ sq.ft. =	\$189,800
New garage:	0 sq.ft. @ \$200/sq.ft. =	n/a
New deck:	229 sq.ft. @ \$25/sq.ft.=	\$5,725

Remodel Costs

Remodel conditioned space:	962 sq.ft. @ \$100/ sq.ft. =	\$96,200
Remodel garage:	32 sq.ft. @ \$45/sq.ft. =	\$1,445

Total Construction/Remodel Cost: \$293,170 (64%)



PROPOSED ELEVATIONS- SITE WALL

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

VALERIE HART RESIDENTIAL DESIGN

3680 N. ROSSO GIL CH RD SOQUEL, CA 95073
(831) 239-1609 valerie@95062@yahoo.com

meserve residence

511 escalona drive, carlisle, ca 95010
apn: 036-175-02

PLANNING SUBMITAL: FEBRUARY 08, 2019
PLAN CHECK ONE: MAY 24, 2019

SHEET



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: FEBRUARY 6, 2020
 SUBJECT: **1500 Park Avenue #17-0097 APN: 036-201-01**

Coastal Development Permit to replace an existing storm water drain culvert underneath New Brighton State Beach parking lot, located in the PF-P/VS (Public Facility-Parks/Visitor Serving) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Environmental Determination: Categorical Exemption
 Property Owner: California Department of Parks and Recreation
 Representative: Ryan Diller, filed: 06.22.16

APPLICANT PROPOSAL

The California Department of Parks and Recreation is requesting a Coastal Development Permit to replace a storm drain culvert at the New Brighton State Beach day-use parking lot that is undersized for large storm events and cannot handle excessive flows. The project also includes the removal and replacement of the day-use parking lot pavement.

The project proposes to repair damages originating from the storm season of 2015-2016, which caused the formation of a sink hole, and subsequent storms. The project involves the removal of existing asphalt, aggregate base, storm drainage pipes, and related utilities. New construction involves replacement asphalt, concrete, aggregate base, storm drain system, concrete headwall, slope protection, and other miscellaneous site amenities. The project will also restore the eroded hillside downslope of the parking lot. The new storm drain system is sized for a 100-year storm.

Coastal Development Permit

Pursuant to Section 17.46.050(A)(3) of the Capitola Municipal Code, a coastal development permit is required for repair and maintenance activities requiring "The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or environmentally sensitive habitat area as defined by the Coastal Act, or within twenty feet of coastal waters or streams." The proposed work is within Tannery Gulch riparian corridor; therefore, a coastal development permit is required.

The application consists of the following:

1. **Removal of existing storm drain piping** – The existing storm drainpipes will be completely removed and backfilled.
2. **New concrete headwalls** – Install a new ten-foot, six-inch concrete inlet headwall (below grade), a new 11-foot 3-inch tall concrete outlet headwall (retaining hillside at outlet), and a new overland release and rock slope protection (Attachment 2).
3. **New storm drain culvert and inlets** – A new six-foot wide reinforced concrete pipe (RCP) will serve as the primary drainage culvert.
4. **Removal of existing asphalt and aggregate** – The existing two inches of asphalt and three inches of aggregate will be removed from the day-use parking lot. Asphalt to be disposed of off-site and aggregate to be stockpiled on site as structural fill for the sink hole. Total impervious surface area to be removed is approximately 73,670 square feet.
5. **New blacktop for day-use lot** – Replace square feet of aggregate base for a depth of six inches and asphalt for a depth of nine inches to replace existing. Total impervious surface area to be installed is 69,194 square feet.
6. **New concrete curb around lot** – Install a new concrete curb and concrete gutter.
7. **New ADA Parking** – Install six new concrete ADA parking spaces with striping, signage, crosswalk.
8. **Landscaping and grading** – The 460-foot long by nine-foot wide raised-curb island will be replaced through the center of the parking lot with a new concrete curb and gutter and infiltration trench. Parking lot capacity and configuration will not be reduced as a result of this project. The hillside south of the parking lot will be repaired, compacted, and rebuilt at a 2:1 slope. A fence at the southern end of the lot between the beach access road and beach access trails will be removed and replaced.

Anticipated construction period is between low rainfall seasons of summer and fall.

Trees

Temporary protective construction fencing will be installed at least 15' from the base of a large oak tree located approximately 30' from the northeast end of the culvert. Also, willows between the west end of the parking lot and the beach access road will be salvaged and replanted.

Parking

The proposed striping plan for the parking lot has 168 parking spaces, including six ADA spaces. The existing parking plan details 156 total parking spaces, prior to the loss of parking due to the sink hole. Currently, the parking lot is operating with a reduced capacity due to the sink hole.

Fence

The proposed split rail fence is replacing an existing fence of the same design and in the same location. The fence is 42 inches tall, which complies with §17.54.020(A)(1) for fence height. The fence will not impede coastal access or views.

Environmental Review

Conditions have been added to address construction disturbance during the nesting season and to ensure that a project archaeologist is present during ground disturbing activities. An archaeological survey report was submitted in 2006 that addressed these issues but is not attached due to California law that protects the confidentiality of archaeological information.

CEQA

Section 15301(c) of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities,

mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #17-0097 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of replacement of a storm drain culvert at the New Brighton State Beach day-use parking lot. The storm drain culvert replacement will also result in a replacement of the existing parking lot with a parking lot of similar size and capacity.
2. Pre-construction surveys for bird nests shall be conducted if work is to occur during the nesting season (February 1 – August 31). If active nests are found, work will be redirected to provide at least a 50-foot buffer and construction noise levels will not exceed ambient levels until chicks have fledged.
3. A state approved archaeologist shall monitor all ground disturbing activities. If intact cultural remains are uncovered during construction by anyone, the state representative will put work on hold at that specific location, and contractors will be redirected to other tasks. A DPR archaeologist or cultural specialist will record and evaluate the find and implement avoidance, preservation or recovery measures as appropriate compliance with environmental law and department resource directives prior to State's Representative directing resumption of work at that specific location.
4. The applicant shall be responsible for obtaining any necessary approvals from public agencies such as the California Department of Fish and Game, US Army Corps of Engineers, State Lands Commission, etc.
5. Prior to the commencement of construction, the Project Engineer of Record shall provide Capitola Public Works Department one set signed and wet sealed final approved documents dated December 2019:
 - a. New Brighton State Beach Day Use Parking Replacement drawings
 - b. Stormwater Control Plan "SWCP"
 - c. Stormwater Facilities Operation and Maintenance Plan
6. At project completion the Engineer of Record shall inspect the construction of stormwater management improvements and certify in writing that the construction meets the intent of the approved design drawings, Stormwater Control Plan and the City's Post Construction Requirements.
7. At project completion California State Parks shall provide Capitola Public Works Department one set of record drawings of the constructed improvements.

FINDINGS

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

Community Development Department Staff and the Planning Commission have reviewed the project. The Coastal Development Permit for the replacement of a storm drain culvert

conforms to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan, and Local Coastal Plan.

B. 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.

Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Specifically, 15301 exempts projects such as:

- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).

The project consists of the repair, replacement, and minor alternation of existing structures and involves a negligible expansion of use. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS

D. Findings Required.

1. **A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**
 - a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
 - b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
 - c. A description of the legitimate governmental interest furthered by any access conditioned required;
 - d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:
2. **Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with**

the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

- a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
- The proposed project is located at 1500 Park Avenue within New Brighton State Beach. The project is located in an area with coastal access. The project will increase access to public trails and beach areas.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located at New Brighton State Beach. Currently, the public parking lot serving day-use visitors has reduced function and capacity owing to extensive erosion from a sink hole in the south end of the lot. The erosion was caused by stormwater.
 - The project is not expected to have negative impacts to shoreline processes or beach profile. The accessibility and usability of the beach to the public is anticipated to increase as a result of the project.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of

- the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);
- There is a history of public use in the proposed project area. The project involves the day-use public parking at New Brighton State Beach. The project is designed to increase the safety and accessibility of the park and nearby areas to the public. The project will end the ongoing loss of public parking due to erosion.
- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on public property within New Brighton State Beach. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline. The project will increase the long-term viability of the public to get to coastal resources and see the shoreline.
- e. Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on the public property within New Brighton State Beach. The project increases the public's use of tidelands and lands committed to public recreation. The project does not alter the aesthetic, visual, or recreational value of public use areas.
- 3. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**
- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
 - b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
 - c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply.
- 4. Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a state park within the Tannery Gulch riparian corridor.
 - b. Topographic constraints of the development site;
 - The project is located on a sloped lot.
 - c. Recreational needs of the public;
 - The project will positively impact the recreational needs of the public.
 - d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
 - e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
 - f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.
 - The project will use temporary fencing for safety purposes.
- 5. Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**
- No legal documents to ensure public access rights are required for the proposed project. The project is within a state park.
- 6. Project complies with visitor-serving and recreational use policies;**

SEC. 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- The project involves the restoration of a parking lot in New Brighton State Beach.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project involves the restoration of a parking lot on public land.

c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- The project involves the restoration of a parking lot on public land.

7. Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project involves the restoration of a parking lot on public land. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.

8. Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project complies with the design guidelines and standards established by the Municipal Code.

9. Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

10. Demonstrated availability and adequacy of water and sewer services;

- Not Applicable

11. Provisions of minimum water flow rates and fire response times;

- The project is located 1.6 miles from the Central Fire Protection District Capitola Station. Water is available at the location.

12. Project complies with water and energy conservation standards;

- The project is for a new storm drain culvert and parking lot replacement. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

13. Provision of park dedication, school impact, and other fees as may be required;

- Not Applicable

- 14. Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**
 - The project does not involve a condo conversion or mobile homes.
- 15. Project complies with natural resource, habitat, and archaeological protection policies;**
 - Conditions of approval have been included to ensure compliance with established policies.
- 16. Project complies with Monarch butterfly habitat protection policies;**
 - The project is within the Tannery Gulch riparian corridor but outside the Monarch butterfly habitat environmental habitat area.
- 17. Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
 - Conditions of approval have been included to ensure compliance with applicable erosion control measures.
- 18. Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**
 - Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.
- 19. All other geological, flood and fire hazards are accounted for and mitigated in the project design;**
 - Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.
- 20. Project complies with shoreline structure policies;**
 - The proposed project is located along New Brighton Beach. The project complies with shoreline structure policies.
- 21. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**
 - This use is an allowed use consistent with the PF (Public Facility) zoning district.

22. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and

- The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.

23. Project complies with the Capitola parking permit program as follows:

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
 - b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
 - c. The village area preferential parking program shall be limited to three hundred fifty permits.
 - d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
 - e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
 - f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
 - g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
 - h. No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.
- The project site is not located within the area of the Capitola parking permit program.

ATTACHMENTS:

1. 1500 Park Avenue - Plan Set
2. 1500 Park Avenue - Headwall Photos

Prepared By: Sean Sesanto

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION ACQUISITION AND DEVELOPMENT DIVISION NEW BRIGHTON STATE BEACH DAY USE PARKING REPLACEMENT

SFM PERMIT #: 19-N-3879-C



ACQUISITION & DEVELOPMENT DIVISION
1500 J STREET, SUITE 100
SACRAMENTO, CA
95814-3229

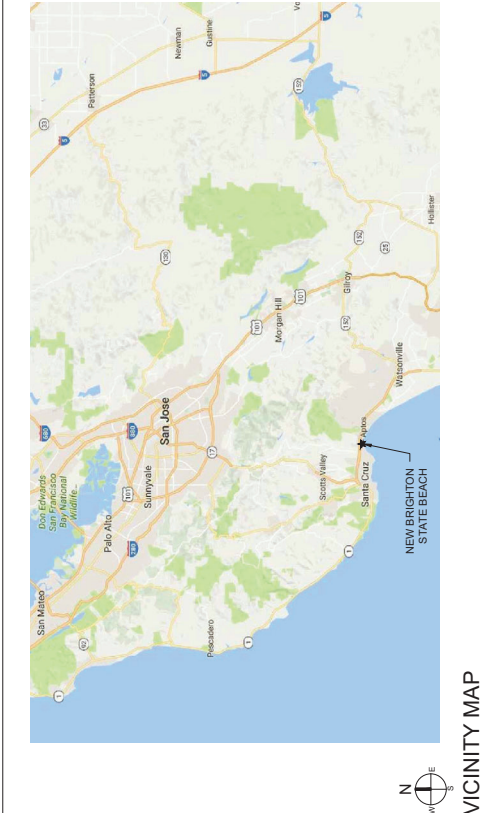


CALIFORNIA STATE FIRE MARSHAL APPROVED
Approval of this plan does not authorize or constitute an endorsement of the project or the contractor. Final approval is subject to field inspection. One set of approved plans shall be retained at the project site at all times.
Reviewed by: _____ Date: _____
DATE: DECEMBER 2019

NO.	REVISIONS	DATE
1	DESIGNED BY: K. ROSE	
2	DRAWN: T. LE	
3	CHECKED: K. ROSE	
4	DATE: DECEMBER 2019	

NEW BRIGHTON STATE BEACH
DAY USE PARKING REPLACEMENT
TITLE SHEET

DRAWING NO.
30519.001
SHEET NO.
G-1
001 OF 026



VICINITY MAP



LOCATION MAP

NO.	TITLE
G-1	TITLE SHEET
G-2	PLAN SET INDEX & ABBREVIATIONS
G-3	GENERAL NOTES
C-1	EXISTING CONDITION & DEMOLITION PLAN
C-2	HORIZONTAL CONTROL PLAN
C-3	PAVING PLAN
C-4	GRADING PLAN
C-5	GRADING PLAN
C-6	GRADING PLAN
C-7	STORM DRAINAGE PLAN
C-8	STRIPING & SITE PLAN
C-9	SECTIONS
C-10	DETAILS
C-11	DETAILS
C-12	DETAILS
C-13	INLET HEAD WALL DETAILS & PIPE TRENCHES
C-14	OUTLET HEAD WALL DETAILS
C-15	INLET TRASH RACK, 72-INCH PIPE
C-16	OUTLET TRASH RACK, 84-INCH PIPE
C-17	INFILTRATION TRENCH A - STA 0+00 TO 2+50
C-18	INFILTRATION TRENCH A - STA 2+50 TO 4+72.7
C-19	INFILTRATION TRENCH B - STA 0+00 TO 2+10
C-20	INFILTRATION TRENCH B - STA 2+10 TO 4+46
C-21	INFILTRATION TRENCH DETAILS
C-22	DETAILS
C-23	DRAINAGE DITCH SECTIONS & DETAILS

SYMBOLS LEGEND

GENERAL NOTES	BUILDING CODE REVIEW
1. ALL MATERIALS SHOWN OR NOTED ON THE PLANS ARE NEW UNLESS CALLED OUT OTHERWISE.	BUILDING CONSTRUCTION TYPE NA
2. THE CONTRACTOR SHALL VISIT THE SITE AND VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS. ANY DISCREPANCIES SHALL BE REPORTED IN WRITING TO THE STATE REPRESENTATIVE FOR RESOLUTION PRIOR TO SUBMITTALS.	OCCUPANCY CLASSIFICATION NA
3. ALL WORK SHALL COMPLY WITH THE CURRENT EDITION OF THE FOLLOWING LISTED CODES, AND ALL OTHERS HAVING THE SAME OR HIGHER SAFETY REQUIREMENTS:	ACTUAL BUILDING HEIGHT NA
2016 CA ADMINISTRATIVE CODE TITLE 24, PT. 1.	BUILDING AREA IN SQUARE FEET NA
2016 CA BUILDING CODE (CBC) TITLE 24, PT. 2.	AREA OF PROJECT IN SQUARE FEET NA
2016 CA ELECTRICAL CODE (CEC) TITLE 24, PT. 3.	ALLOWABLE AREA PER C.B.C. NA
2016 CA MECHANICAL CODE (CMC) TITLE 24, PT. 4.	EXISTING OR PROPOSED FIRE ALARMS NA
2016 CA PLUMBING CODE (CPC) TITLE 24, PT. 5.	FIRE SPRINKLERED (YES OR NO) NA
2016 CA GREEN BUILDING STANDARDS TITLE 24, PT. 11.	FIRE ALARM (YES OR NO) NA
2016 CA REFERENCED STANDARDS TITLE 24, PT. 12.	OTHER FIRE PROTECTION SYSTEMS IF ANY NA
2010 ADA STANDARD FOR ACCESSIBLE DESIGN.	SMOKE CONTROL SYSTEM (YES OR NO) NA
4. CONDUCT ALL WORK IN ACCORDANCE WITH THE LATEST SAFETY RULES AND REGULATIONS OF ALL AUTHORITIES AND AGENCIES HAVING JURISDICTION OVER THE WORK.	
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CODES LISTED ABOVE. THE CONTRACTOR SHALL BE INFORMED OR CLARIFICATION IS REQUIRED, THE MATTER SHALL BE REFERRED TO THE STATE REPRESENTATIVE FOR WRITTEN RESOLUTION.	
6. THE CONTRACTOR SHALL NOT SCALE THE DRAWINGS, BUT SHALL RELY ONLY ON THE WRITTEN DIMENSIONS GIVEN. IF A DISCREPANCY OCCURS OR NO DIMENSION IS GIVEN, THE CONTRACTOR SHALL NOTIFY THE STATE REPRESENTATIVE FOR WRITTEN CLARIFICATION BEFORE PROCEEDING WITH THAT PORTION OF THE WORK.	
7. THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT THE SITE AND SHALL REPORT ANY DISCREPANCIES IN WRITING TO THE STATE REPRESENTATIVE PRIOR TO SUBMITTALS.	

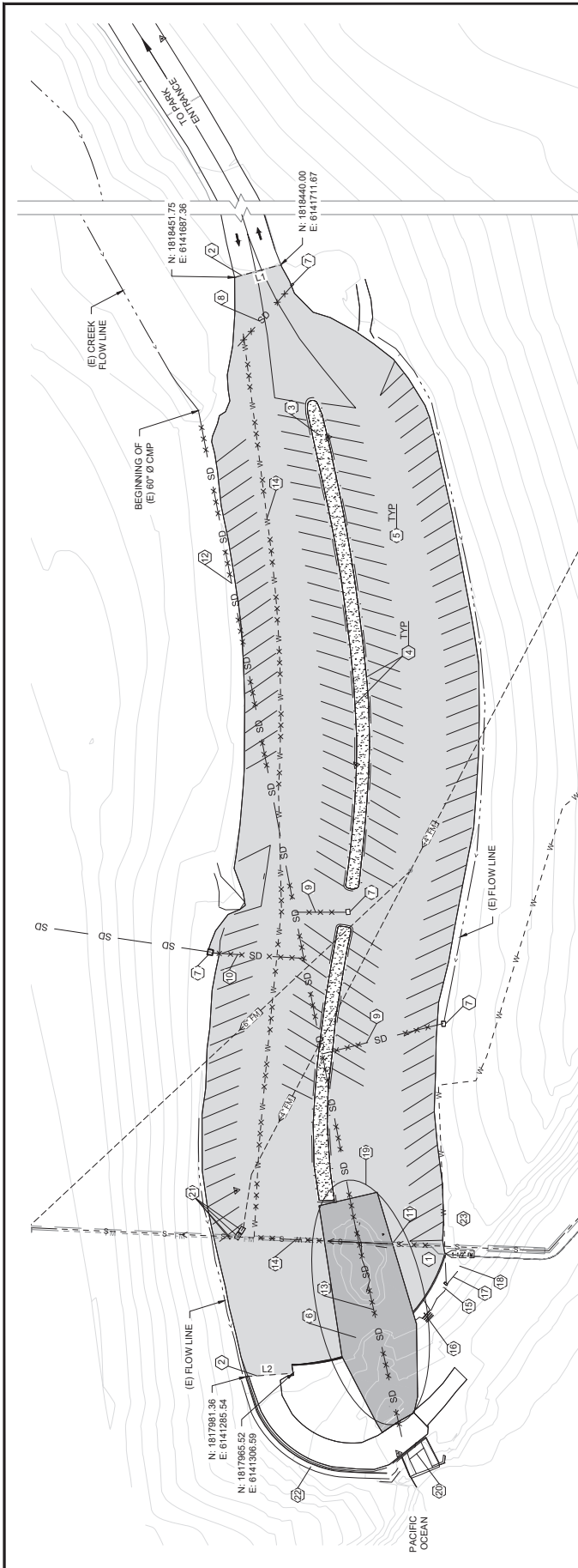
SHEET INDEX

REMOVE EXISTING ASPHALT CONCRETE, AGGREGATE BASE, STORM DRAIN PIPES, AND MISCELLANEOUS ABANDONED UTILITIES. INSTALL NEW ASPHALT CONCRETE, AGGREGATE BASE, STORM DRAIN SYSTEM, AND MISCELLANEOUS SITE AMENITIES.

SCOPE OF WORK

NEW BRIGHTON STATE BEACH
PARK AVENUE OFF HWY 1
CAPITOLA, CA 95010
SANTA CRUZ COUNTY
TELEPHONE NUMBER:
831-464-6329

ADDRESS



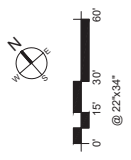
DEMOLITION CONSTRUCTION NOTES

- 1 EXISTING UTILITIES TO BE TURNED OFF AND DISCONNECTED PRIOR TO DEMOLITION ACTIVITIES. COORDINATE WITH STATES REPRESENTATIVE AND NOTIFY UTILITY PROVIDER OF ANTICIPATED IMPENDING CONSTRUCTION.
- 2 SAWCUT ASPHALT
- 3 REMOVE & DISPOSE OF OFFSITE (E) SIGN POST, LIMITS PER PLAN
- 4 REMOVE & DISPOSE OF OFFSITE (E) CURB, LIMITS PER PLAN
- 5 REMOVE (E) ASPHALT AND DISPOSE OF OFFSITE. (E) JOB TO BE UTILIZED ON SITE AS ENGINEERED FILL. LIMITS OF REMOVAL PER PLAN.
- 6 REMOVE & DISPOSE OF OFFSITE (E) LINER, SAND BAGS, AND ROPES. LIMITS PER PLAN
- 7 REMOVE & DISPOSE OF OFFSITE (E) DRAINAGE INLET, LIMITS PER PLAN
- 8 REMOVE & DISPOSE OF OFFSITE (E) 12" DIA. SD. LIMITS PER PLAN
- 9 REMOVE & DISPOSE OF OFFSITE (E) 18" DIA. SD. LIMITS PER PLAN
- 10 REMOVE & DISPOSE OF OFFSITE (E) 24" DIA. SD. LIMITS PER PLAN
- 11 REMOVE & DISPOSE OF OFFSITE (E) 24" DIA. FM, (E) 1.5" DIA. FM AND CAMP-FM INSIDE TO REMAIN, LIMITS PER PLAN
- 12 REMOVE & DISPOSE OF OFFSITE (E) 60" DIA. SD. LIMITS PER PLAN
- 13 REMOVE & DISPOSE OF OFFSITE (E) 72" DIA. SD. LIMITS PER PLAN
- 14 REMOVE & DISPOSE OF OFFSITE 9" DIA. WATER LINE (ABANDONED), LIMITS PER PLAN
- 15 REMOVE & DISPOSE OF OFF SITE (E) DRINKING FOUNTAIN, LIMITS PER PLAN
- 16 REMOVE & DISPOSE OF OFFSITE (E) 4" DIA. BOLLARD, LIMITS PER PLAN
- 17 REMOVE & DISPOSE OF OFFSITE (E) SPLIT RAIL FENCE, LIMITS PER PLAN
- 18 (E) MONUMENT TO BE RELOCATED PER SHEET C-8
- 19 CONTRACTOR TO OVER EXCAVATE AS NEEDED, BLEND SOIL, CLEAN/SCREEN AND REPLACE/COMPACT PER GEO TECH REPORT
- 20 (E) BOX CULVERT TO REMAIN
- 21 (E) SEWER CLEANOUT AND MANHOLE TO REMAIN
- 22 (E) DITCH TO REMAIN
- 23 CLEAR TREES/ VEGETATION TO FACILITATE PROPOSED CONDITION

SAWCUT LINE TABLE		
LINE	LENGTH	BEARING
L1	± 27'	S64°12'04"E
L2	± 26'	N63°02'18"W

LEGEND

- ASPHALT DEMOLITION
- POLYETHYLENE LINER, SAND BAGS, ROPES & DIRT DEMOLITION
- DIRT & CONC CURB DEMOLITION
- ASPHALT STRIPING
- (E) DOMESTIC WATER LINE
- (E) FORCE MAIN SANITARY SEWER LINE
- SAWCUT
- (E) SANITARY SEWER LINE
- (E) STORM DRAIN LINE
- UTILITY TO BE REMOVED
- SURVEY CONTROL POINT



**NEW BRIGHTON STATE BEACH
DAY USE PARKING REPLACEMENT
EXISTING CONDITION &
DEMOLITION PLAN**

REVISIONS	DATE

DESIGNED: K. ROSE
DRAWN: T. LE
CHECKED: K. ROSE
DATE: DECEMBER 2019

APPROVED BY: [Signature]
DATE: [Date]

ACQUISITION & DEVELOPMENT DIVISION
CALIFORNIA STATE PARKS
Sacramento, CA
95814-3229

DRAWING NO.
30519.004
SHEET NO.
C-1
004 OF 026

NOTES

- THERE IS NO ELECTRICAL SERVICE TO THIS SITE
- UNDERGROUND UTILITIES ARE REPRESENTED IN THEIR APPROXIMATE LOCATION BASED ON RECORD DRAWINGS, CONVERSATIONS WITH FIELD STAFF AND TOPOGRAPHIC SURVEY. ENGINEER MAKES NO GUARANTEE OF ACCURACY. CONTRACTOR TO FIELD VERIFY AND NOTIFY ENGINEER OF ANY DISCREPANCIES.



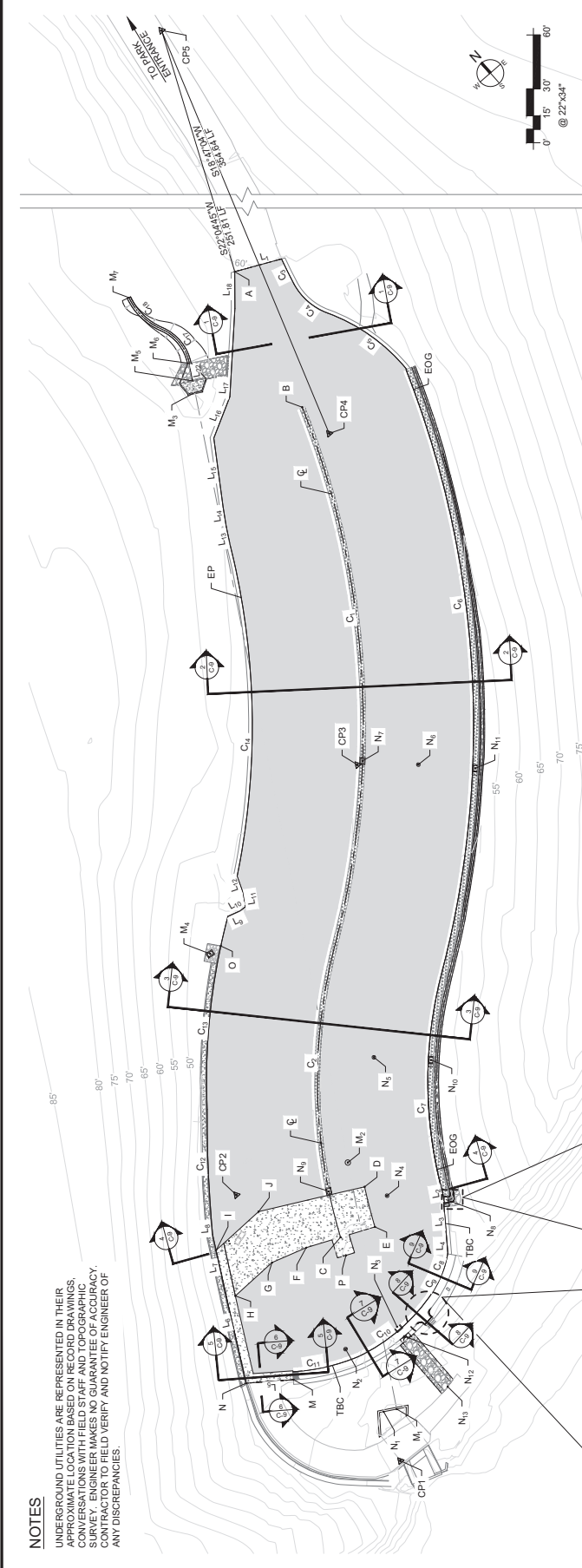
ACQUISITION & DEVELOPMENT DIVISION
 9814-3229



CONDITIONS STATE FIRE MARSHAL APPROVED
 APPROVAL OF THIS PLAN DOES NOT CONSTITUTE A
 GUARANTEE OF ACCURACY. THE ENGINEER MAKES NO
 WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE.
 THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE
 PROJECT AS A WHOLE. THE ENGINEER IS NOT RESPONSIBLE
 FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.
 APPROVED BY: DATE: 12/20/19

HORIZONTAL CONTROL PLAN
 DAY USE PARKING REPLACEMENT
 NEW BRIGHTON STATE BEACH

DRAWING NO. 30519.005
 SHEET NO. C-2
 005 OF 026



POINT	NORTHING	EASTING
M ₄	1817015.39	6141339.20
M ₅	1818068.72	6141408.90
M ₆	1818415.65	6141626.58
M ₇	1818744.60	6141827.49
M ₈	1818421.28	6141629.82
M ₉	1818429.96	6141634.81
M ₁₀	1818479.60	6141633.49
N ₁	1817919.10	6141532.74
N ₂	1817969.29	6141539.68
N ₃	1817949.81	6141413.25
N ₄	1818008.46	6141568.34
N ₅	1818071.30	6141658.34
N ₆	1818177.84	6141684.05
N ₇	1818199.78	6141681.98
N ₈	1817985.18	6141636.52
N ₉	1818031.59	6141390.39
N ₁₀	1818049.28	6141481.32
N ₁₁	1818155.40	6141606.63
N ₁₂	1817943.25	6141388.97
N ₁₃	1817906.12	6141388.76

CURVE	DELTA	RADIUS	ARC TANGENT	CHORD
C ₁	36°22'20"	460.00'	304.71'	299.62'
C ₂	31°30'56"	300.00'	165.01'	84.65'
C ₃	36°10'45"	541.43'	341.88'	176.66'
C ₄	29°52'38"	238.57'	124.40'	63.65'
C ₅	06°49'23"	60.24'	7.17'	3.59'
C ₆	15°43'41"	57.64'	15.82'	7.96'
C ₇	30°46'32"	103.10'	55.38'	28.37'
C ₈	19°08'15"	112.63'	37.62'	18.99'
C ₉	55°41'26"	26.25'	25.52'	13.67'
C ₁₀	41°31'01"	35.60'	25.80'	13.48'

CURVE	DELTA	RADIUS	ARC TANGENT	CHORD
C ₁	04°02'27"	220.00'	15.52'	7.76'
C ₂	41°12'16"	35.00'	25.17'	13.16'
C ₃	30°29'42"	103.00'	54.82'	28.08'
C ₄	05°02'01"	717.61'	63.08'	31.66'
C ₅	17°09'54"	362.25'	108.44'	54.63'
C ₆	25°25'42"	418.50'	165.73'	94.42'
C ₇	88°42'19"	2.50'	3.87'	2.44'
C ₈	88°42'19"	2.50'	3.87'	2.44'

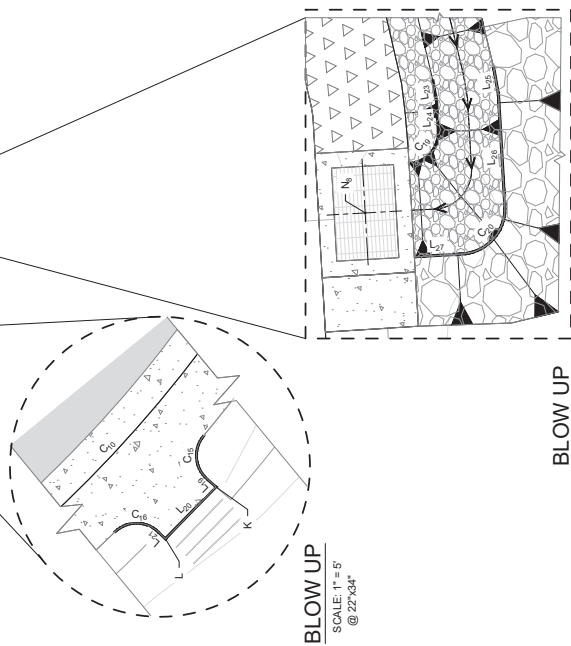
CURVE	DELTA	RADIUS	ARC TANGENT	CHORD
C ₁₀	90°00'00"	1.00'	1.57'	1.00'
C ₂₀	90°00'00"	1.50'	2.36'	1.50'

LINE	LENGTH	BEARING
L ₁	27.00'	S84°12'04"E
L ₂	0.36'	S29°45'50"W
L ₃	32.68'	S36°18'53"W
L ₄	0.66'	S43°52'19"W
L ₅	26.34'	N53°02'18"W
L ₆	45.39'	N28°05'46"E
L ₇	39.31'	N28°36'59"E
L ₈	6.76'	N36°04'55"E
L ₉	7.46'	S73°22'20"E
L ₁₀	3.85'	S86°22'31"E
L ₁₁	7.32'	N31°57'37"E
L ₁₂	10.31'	N21°23'57"E
L ₁₃	10.57'	N28°56'45"E
L ₁₄	11.04'	N32°06'59"E
L ₁₅	38.80'	N33°21'41"E
L ₁₆	24.73'	N62°16'33"E
L ₁₇	49.21'	N44°21'49"E
L ₁₈	20.45'	N40°52'41"E
L ₁₉	0.66'	S09°10'55"E
L ₂₀	5.64'	S84°02'03"W
L ₂₁	0.78'	N05°57'57"W
L ₂₂	10.00'	N05°57'57"W
L ₂₃	0.72'	S29°45'50"W
L ₂₄	0.93'	S36°18'53"W
L ₂₅	0.91'	S29°45'50"W
L ₂₆	3.54'	S36°18'53"W
L ₂₇	1.50'	N53°41'07"W

POINT	NORTHING	EASTING
A	1818451.75	6141687.36
B	1818370.21	6141668.08
C	1818008.03	6141378.49
D	1818020.38	6141407.03
E	1817999.81	6141396.72
F	1818016.25	6141360.25
G	1818022.52	6141340.47
H	1818021.94	6141321.91
I	1818048.13	6141321.51
J	1818048.81	6141353.48
K	1817941.24	6141387.74
L	1817940.64	6141381.93
M	1817956.52	6141368.59
N	1817981.36	6141326.54
O	1818174.02	6141434.81
P	1817988.46	6141374.17

POINT NO.	NORTHING	EASTING	ELEVATION	DESCRIPTION
CP1	1817892.40	6141321.80	29.59	SET MAG NAIL
CP2	1816065.90	6141350.26	44.66	SET MAG NAIL
CP3	1818196.97	6141558.46	51.33	SET MAG NAIL
CP4	1818349.33	6141667.81	56.92	SET MAG NAIL
CP5	1818685.08	6141782.02	76.64	SET MAG NAIL
CP6	1818835.85	6141787.66	72.09	SET SPIKE

NOTES
 UNDERGROUND UTILITIES ARE REPRESENTED IN THEIR APPROXIMATE LOCATION BASED ON RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES. THE ENGINEER MAKES NO GUARANTEE OF ACCURACY. CONTRACTOR TO FIELD VERIFY AND NOTIFY ENGINEER OF ANY DISCREPANCIES.



BLOW UP
 SCALE: 1"=5'
 @ 22°34'

*SEE SHEET G-2 FOR LOCATION



ACQUISITION & DEVELOPMENT DIVISION
 CALIFORNIA STATE PARKS
 SACRAMENTO, CA
 95814-3229

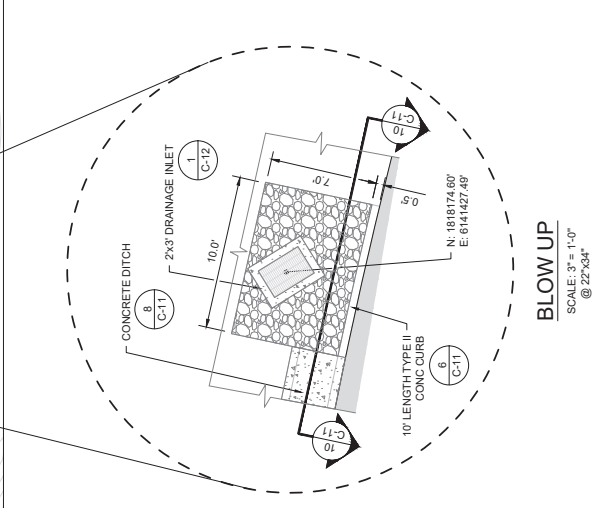
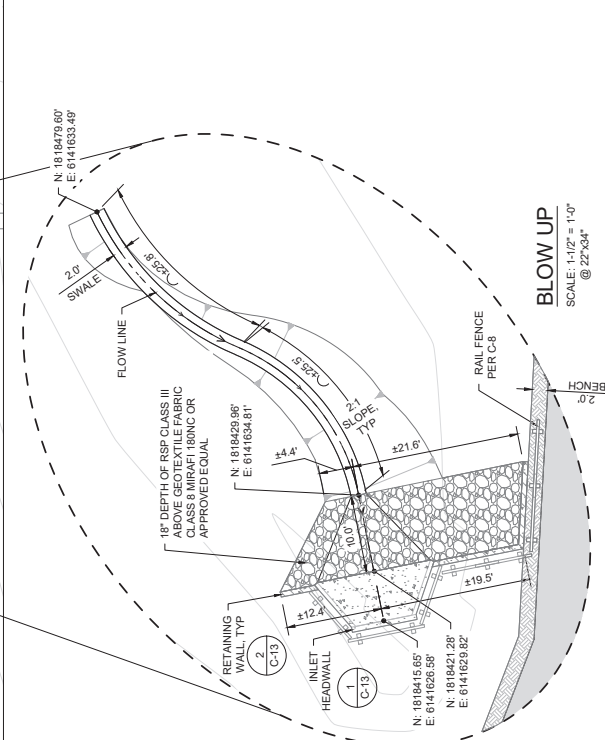
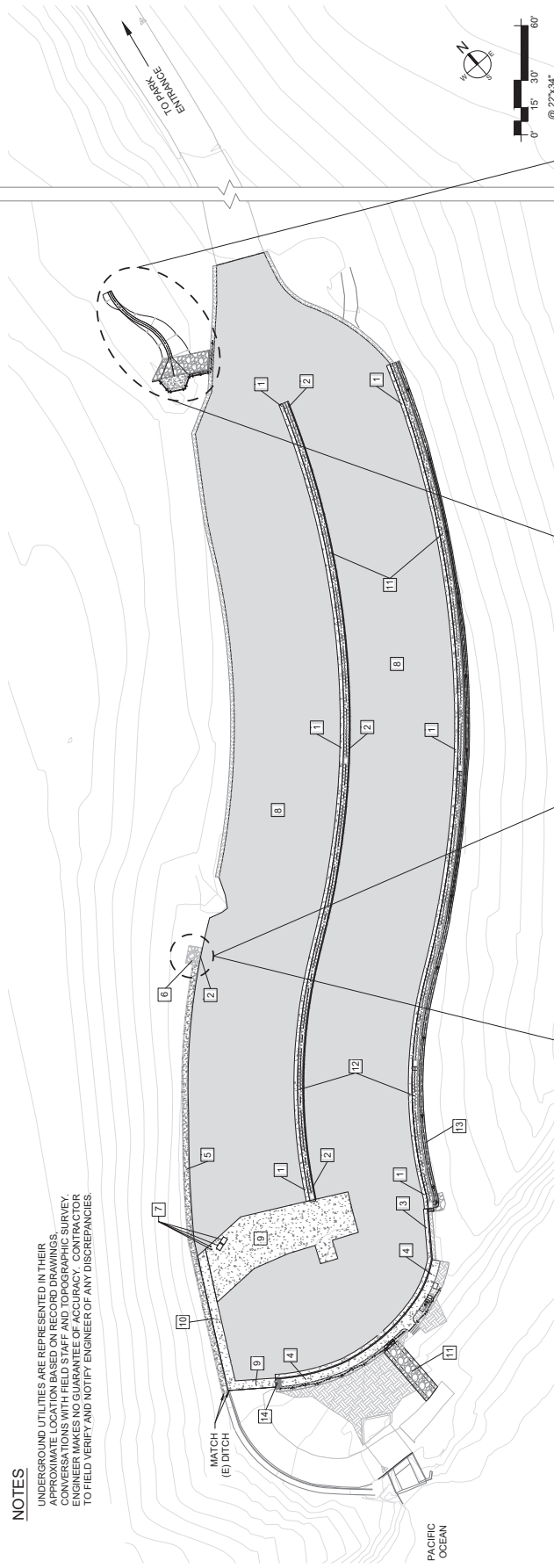


CONCRETE STATE FIRE MARSHAL APPROVED
 Approval of this plan does not authorize or
 constitute a warranty of any kind, express or
 implied, for the work shown. The engineer is
 not responsible for the construction of the
 project or for any errors. One set of
 drawings shall be retained for the life of the
 project at all times.
 Approved by: _____ Date: _____
 SUPERVISOR
 CERTIFICATION
 Reviewed by: _____ Date: _____
 DESIGNED: K. ROSE
 DRAWN: T. LE
 CHECKED: K. ROSE
 DATE: DECEMBER 2019

NO.	REVISIONS	DATE

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 PAVING PLAN

DRAWING NO.
 30519.006
 SHEET NO.
 C-3
 006 OF 026



NOTES
 UNDERGROUND UTILITIES ARE REPRESENTED IN THEIR
 APPROXIMATE LOCATION BASED ON RECORD DRAWINGS.
 CONVERSATIONS WITH FIELD STAFF AND TOPOGRAPHIC SURVEY
 DATA HAVE BEEN REVIEWED AND FOUND TO BE ACCURATE.
 TO FIELD VERIFY AND NOTIFY ENGINEER OF ANY DISCREPANCIES.

- CONSTRUCTION NOTES**
- INSTALL CONCRETE GUTTER PER DETAIL 3 ON SHEET C-11
 - INSTALL CONCRETE TYPE II CURB PER DETAIL 6 ON SHEET C-11
 - INSTALL CONCRETE CURB AND GUTTER PER DETAIL 1 ON SHEET C-11
 - INSTALL CONCRETE CURB, GUTTER & SIDEWALK PER DETAIL 2 ON SHEET C-11
 - INSTALL CONCRETE DITCH PER DETAIL 8 ON SHEET C-11
 - INSTALL ROCK WITH FABRIC PER DETAIL 10 ON SHEET C-11
 - ADJUST SEWER CLEANOUTS & MANHOLES RIM TO GRADE
 - INSTALL 3" OF HMA OVER 6" OF AB. REFER TO SHEET C-9
 - INSTALL CONCRETE PARKING SLAB & CROSSWALK PER DETAIL 5 ON SHEET C-11. REFER TO SHEET C-9
 - INSTALL CONCRETE SIDEWALK PER DETAIL 7 ON SHEET C-11
 - INSTALL ROCK SLOPE PROTECTION PER SHEET C-7
 - INSTALL STORM WATER INFILTRATION TRENCH. REFER TO SHEET C-17 THROUGH C-20
 - INSTALL DRAINAGE DITCH REFER TO SHEET C-17, C-18 & C-23
 - INSTALL 3/4x4.5 TRUNCATED DOMES PER DETAIL 6 ON SHEET C-10

LEGEND

	(N) ASPHALT		RIPRAP / ROCK
	(N) CONCRETE		ENGINEERING FILL COMPACT TO 95% RC
	INFILTRATION TRENCH		



ACQUISITION & DEVELOPMENT DIVISION
 1500 J STREET, SUITE 100
 SACRAMENTO, CA
 95814-3229



APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PRODUCTS OR SERVICES OF ANY COMPANY OR INDIVIDUAL. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

DESIGNED BY: K. ROSE
 DRAWN BY: T. LE
 CHECKED BY: K. ROSE
 DATE: DECEMBER 2019

REVISIONS
 DATE

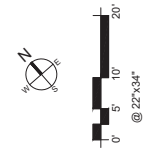
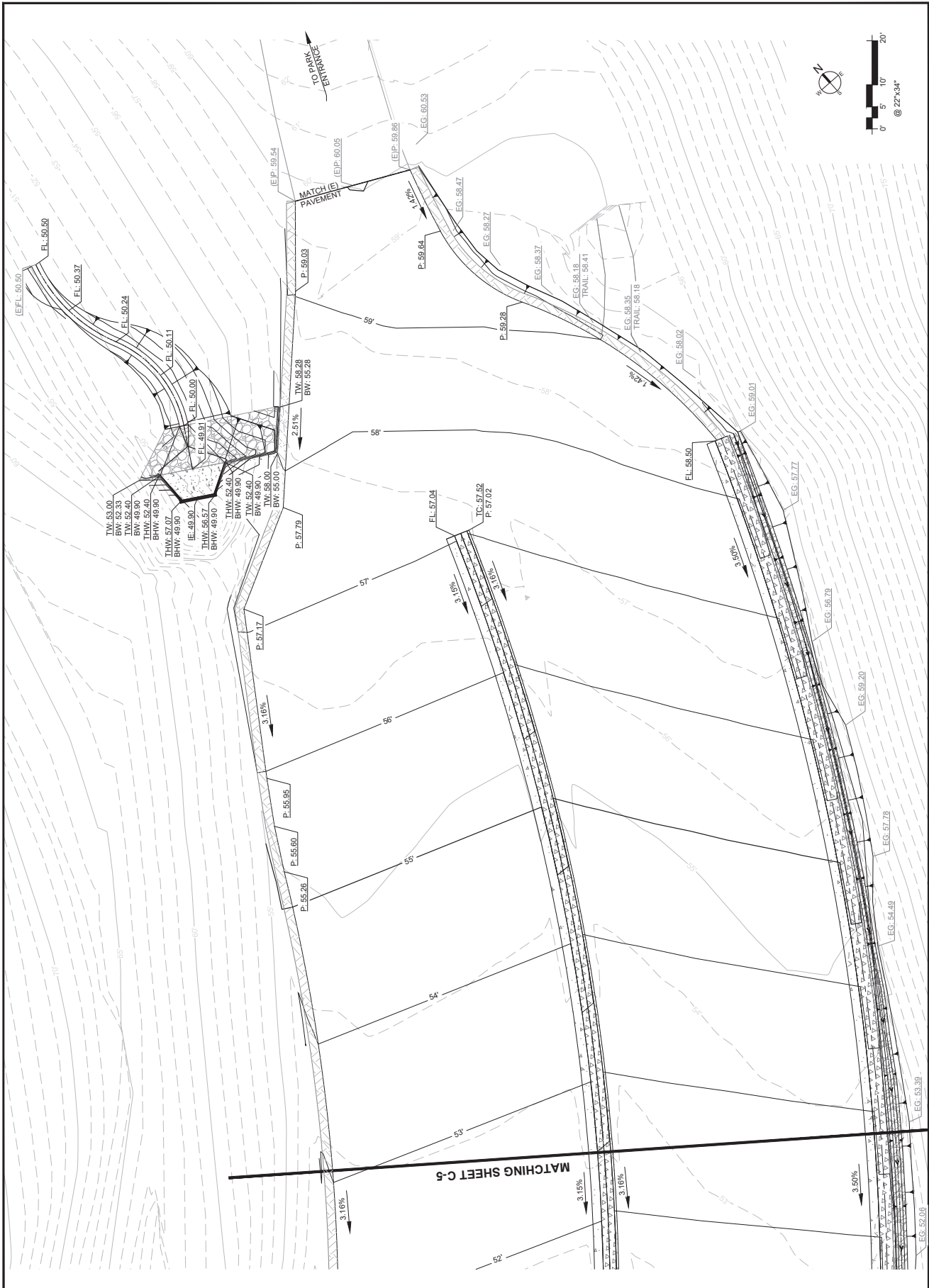
DATE

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 GRADING PLAN

DRAWING NO.
 30519.007

SHEET NO.
 C-4

007 OF 026





ACQUISITION &
DEVELOPMENT DIVISION
EQUIPMENT UNIT
Sacramento, CA
95814-3229



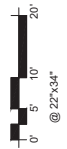
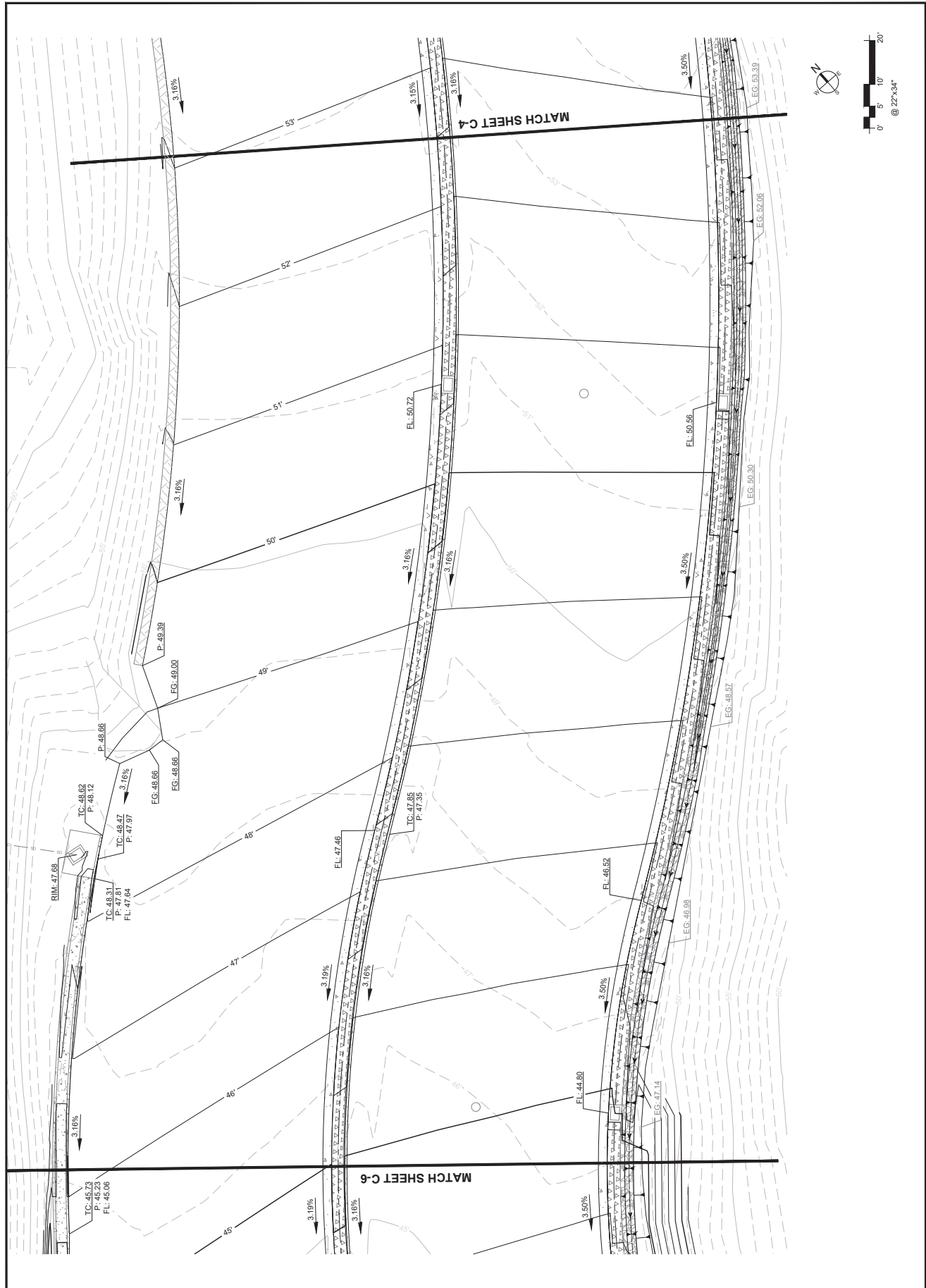
CALIFORNIA STATE FIRE MARSHAL APPROVED
Approval of this plan does not authorize or
guarantee the fire marshal's approval or
applicability to regulations. Final approval is
subject to field inspection. One set of
plans shall be retained at the project site at all times.

DESIGNED BY: K. ROSE
DRAWN: T. LE
CHECKED: K. ROSE
DATE: DECEMBER 2019

REVISIONS
DATE

NEW BRIGHTON STATE BEACH
DAY USE PARKING REPLACEMENT
GRADING PLAN

DRAWING NO.
30519.008
SHEET NO.
C-5
008 OF 026





ACQUISITION & DEVELOPMENT DIVISION
 CALIFORNIA STATE PARKS
 SACRAMENTO, CA
 95814-3229



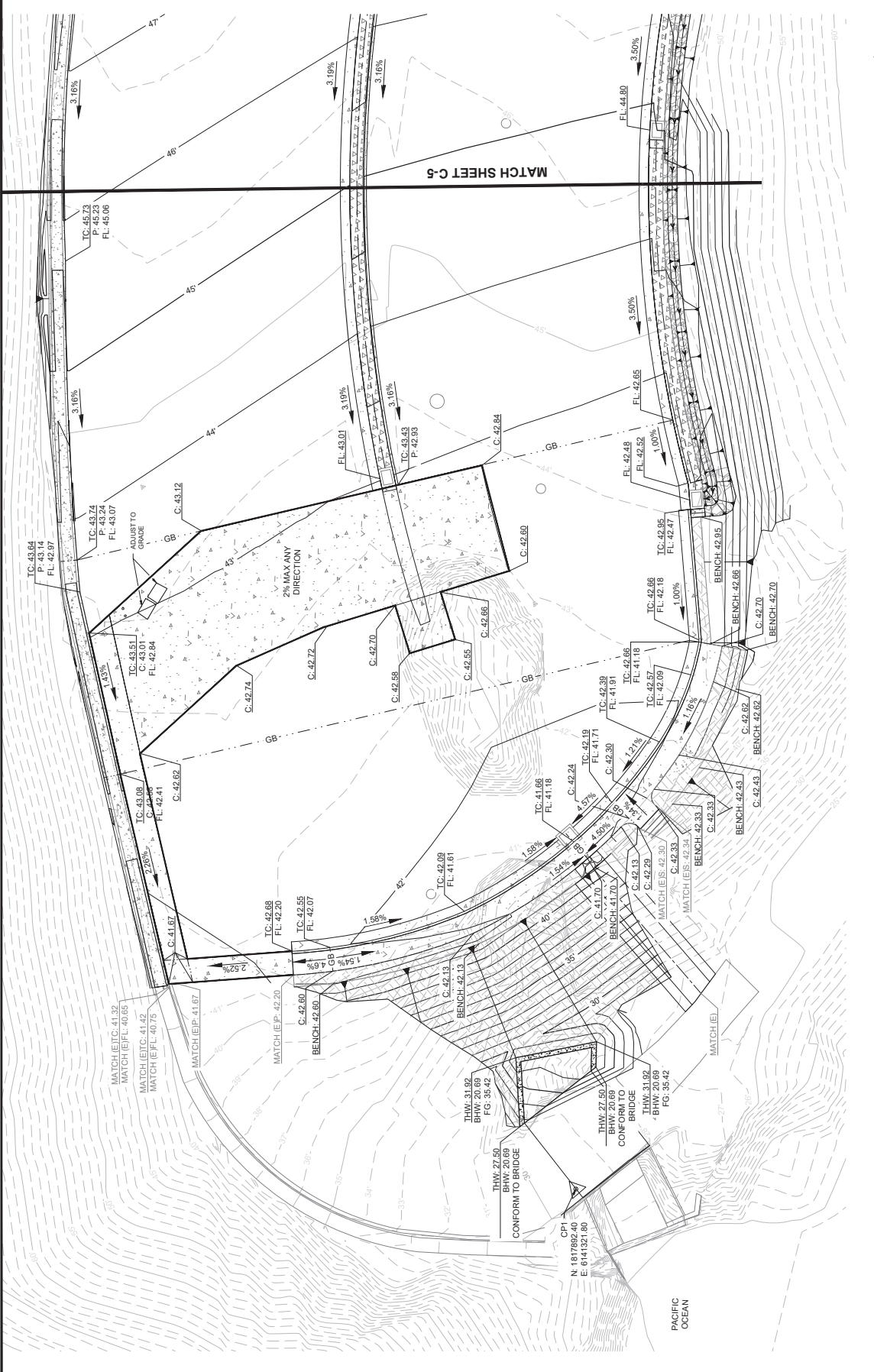
CALIFORNIA STATE FIRE MARSHAL'S APPROVED
 Approval of this plan does not authorize or
 constitute a warranty of any kind, express or
 implied, and the engineer or architect shall be
 subject to standard professional liability insurance
 and shall be responsible for the design and
 construction of the project at all times.
 Approved by: _____ Date: _____
 SUPERVISOR'S REVIEW
 CERTIFICATION
 Reviewed by: _____ Date: _____
 REVISIONS TO CORRECT ERRORS AND OMISSIONS
 NUMBERED CHANGES ARE O.K. FOR
 CONSTRUCTION. UNNUMBERED CHANGES
 ARE NOT FOR CONSTRUCTION. SEE
 ARCHITECT'S REVISIONS CENTER.

DESIGNED: K. ROSE
 DRAWN: T. LE
 CHECKED: K. ROSE
 DATE: DECEMBER 2019

REVISIONS	DATE

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 GRADING PLAN

DRAWING NO.
 30519.009
 SHEET NO.
 C-6
 009 OF 026



LEGEND

--- GRADE BREAK

0' 5' 10' 20'
 @ 22'x34'



NOTES
 UNDERGROUND UTILITIES ARE REPRESENTED BY DASHED LINES. CONTRACTOR SHALL VERIFY LOCATION AND DEPTH OF ALL UTILITIES IN FIELD DRAWINGS. CONSULTATIONS WITH FIELD STAFF AND TOPOGRAPHIC SURVEY ENGINEER MAKES NO GUARANTEE OF ACCURACY. CONTRACTOR TO FIELD VERIFY AND NOTIFY ENGINEER OF ANY DISCREPANCIES.

REVISIONS	DATE
1	DECEMBER 2019
2	DECEMBER 2019
3	DECEMBER 2019
4	DECEMBER 2019
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60	DECEMBER 2019

ACQUISITION & DEVELOPMENT DIVISION
 9814-3229

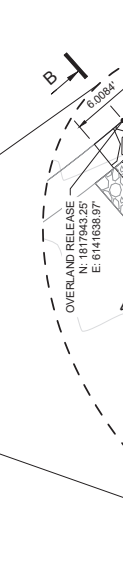
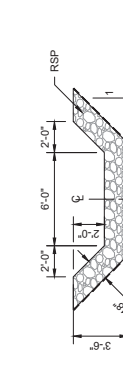
CALIFORNIA PARKS & RECREATION DEPARTMENT
 SACRAMENTO, CA

DESIGNED BY: K. ROSE
CHECKED BY: T. LE
DATE: DECEMBER 2019

REVISIONS



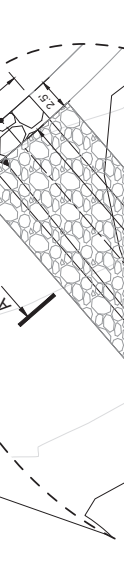
- STORM DRAINAGE CONSTRUCTION NOTES**
- INSTALL PRECAST CONC MANHOLE 120" ID PER DETAIL 3 ON SHEET C-12
 - INSTALL PRECAST CONC MANHOLE 48" ID PER DETAIL 4 ON SHEET C-12
 - INSTALL PRECAST DRAINAGE INLET 24" PER DETAIL 1 ON SHEET C-12
 - INSTALL PRECAST CURB INLET 3'x3' PER DETAIL 2 ON SHEET C-12
 - INSTALL RCP: WALL DOUBLE GASKET JOINT PIRANHA PIPE PRECAST OR APPROVED EQUAL. LENGTH, SIZE AND SLOPE PER PLAN
 - INSTALL PVC PIPE SDR-26 OR APPROVED EQUAL. LENGTH, SIZE AND SLOPE PER PLAN
 - INSTALL HEAD WALL UP STREAM. SEE SHEET C-13
 - CONSTRUCT HEAD WALL DOWN STREAM. SEE SHEET C-14
 - CONSTRUCT RETAINING WALL PER DETAIL 2 ON SHEET C-13
 - INSTALL ROCK OVERLAND RELEASE & ROCK SLOPE PROTECTION
 - INSTALL 3" WIDE 7' HEIGHT STORM WATER INFILTRATION TRENCH W/ UNDERPIN LENGTH PER PLAN. SEE SHEET C-17 THROUGH C-21
 - INSTALL DRAINAGE DITCH PER C-17, C-18 & C-23
 - INSTALL RSP WITH FABRIC PER DETAIL 6 ON SHEET C-23



- LEGEND**
- CONCRETE
 - INFILTRATION TRENCH
 - RRAP/ROCK
 - STORM DRAIN

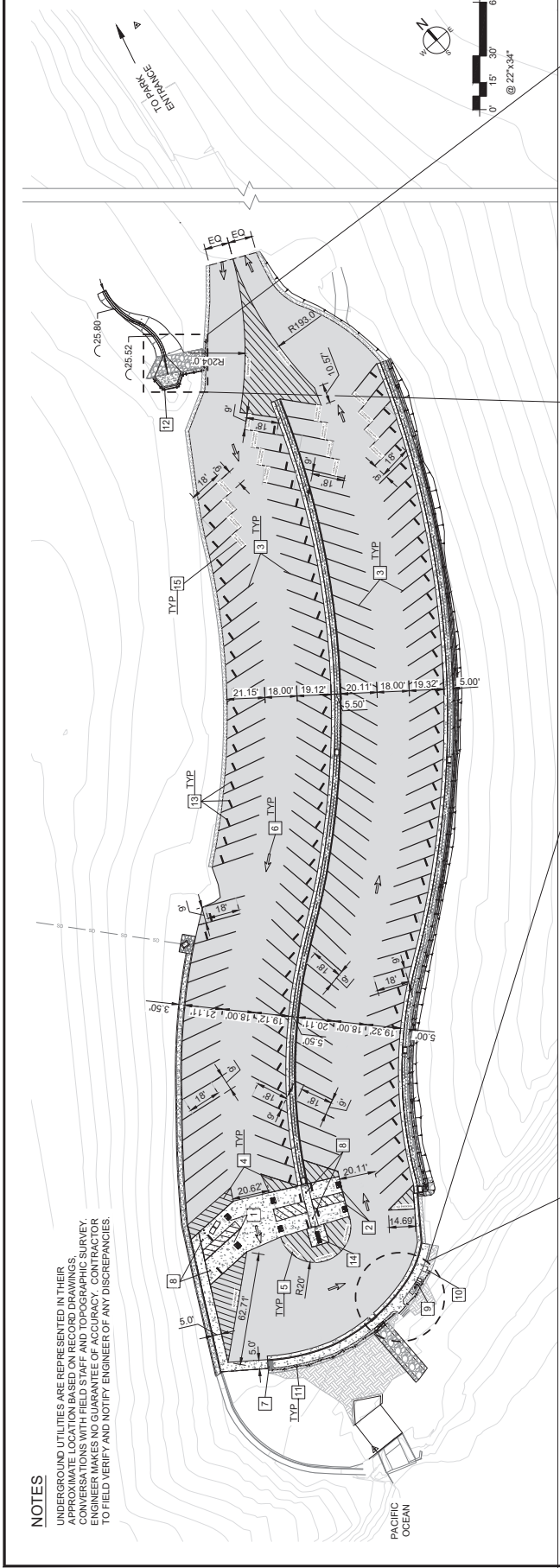
REQUIRED DRAINAGE SUBMITTALS:

- STAMPED SHOP DRAWINGS SHALL BE PROVIDED BY A CALIFORNIA REGISTERED PROFESSIONAL ENGINEER:
 - 72" & 84" ID RCP
 - 120" ID MANHOLE
 - INLET & OUTLET TRASH RACK
- PRODUCT SUBMITTALS:
 - 12", 15", 18", 24" DIA PVC PIPE SDR-26
 - 48" ID MANHOLE
 - PRECAST DRAINAGE FRAME & COVER
 - 24" DRAIN INLET & 3' CURB INLET
 - GEOTEXTILE FABRIC
 - VINYL SHEET PIPE
 - 36"x24" ROOT BARRIER PANEL
 - BIKE RACKS: DOUBLE SIDES & 6 SLOT RACK
 - ROCK OVERLAND RELEASE: UNFINISHED DOMES
 - EPOXY ANCHOR & DOWELS
 - 4" PERFORATED PVC DRAIN PIPE
 - ROCK SLOPE PROTECTION



NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 STORM DRAINAGE PLAN

DRAWING NO: 30519.010
SHEET NO.: C-7
 010 OF 026



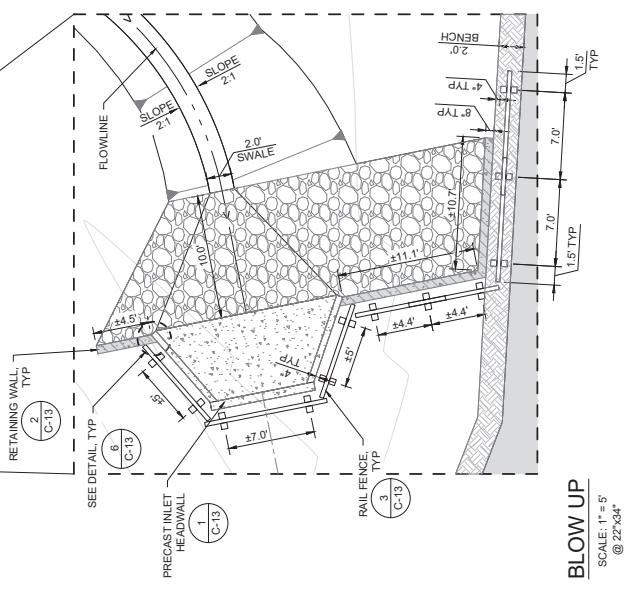
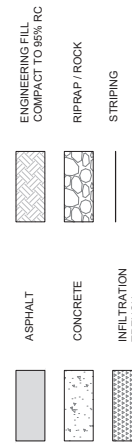
NOTES

UNDERGROUND UTILITIES ARE REPRESENTED IN THEIR ORIGINAL ASSESSED LOCATION. RECORD DRAWINGS CONVEY THE INFORMATION AS SHOWN ON THESE RECORDS. ENGINEER MAKES NO GUARANTEE OF ACCURACY. CONTRACTOR TO FIELD VERIFY AND NOTIFY ENGINEER OF ANY DISCREPANCIES.

CONSTRUCTION NOTES

- 1 CONSTRUCT ANGLE ACCESSIBLE PARKING STALL PER DETAIL 2 ON SHEET C-10
- 2 CONSTRUCT PERPENDICULAR ACCESSIBLE PARKING STALL PER DETAIL 1 ON SHEET C-10
- 3 CONSTRUCT 4" WIDE WHITE STRIPE, TYP
- 4 CONSTRUCT 4" WIDE WHITE STRIPE, 3-FT OC, TYP
- 5 CONSTRUCT 12" HIGH WHITE "NO PARKING"
- 6 CONSTRUCT PAVEMENT MARKING ARROW PER DETAIL 4 ON SHEET C-10
- 7 INSTALL 3x4.5" CIP TRUNCATED DOMES INTO CONC PER DETAIL 6 ON SHEET C-10
- 8 INSTALL ACCESSIBLE PARKING STALL SIGNAGE PER DETAIL 5 ON SHEET C-10 (6 TOTAL)
- 9 INSTALL ACCESSIBLE DRINKING FOUNTAIN WITH SUMP PER DETAIL 5 ON SHEET C-12
- 10 RELOCATE EXISTING MONUMENT. LOCATION PER PLAN. SEE DETAIL 6 ON SHEET C-12
- 11 INSTALL SPLIT RAIL FENCE PER DETAIL 9 ON SHEET C-11
- 12 INSTALL RAIL FENCE PER DETAIL 3 ON SHEET C-13
- 13 INSTALL WHEEL STOP PER DETAIL 3 ON SHEET C-10
- 14 INSTALL BIKE RACKS PER DETAILS ON SHEET C-22
- 15 CONSTRUCT 8" MINIMUM HIGH WHITE "CLEAN AIR / VANPOOL /EV"

LEGEND



BLOW UP

SCALE: 1" = 5'
@ 227.34'



CONDITIONS: THE DRAWING IS APPROVED FOR CONSTRUCTION BY THE ENGINEER. APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PRODUCTS OR METHODS SHOWN OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL CONDITIONS AND CONDITIONS OF THE PROJECT AND ALL RISKS.

DESIGNED BY: K. ROSE
DRAWN BY: T. LE
CHECKED BY: K. ROSE
DATE: DECEMBER 2019

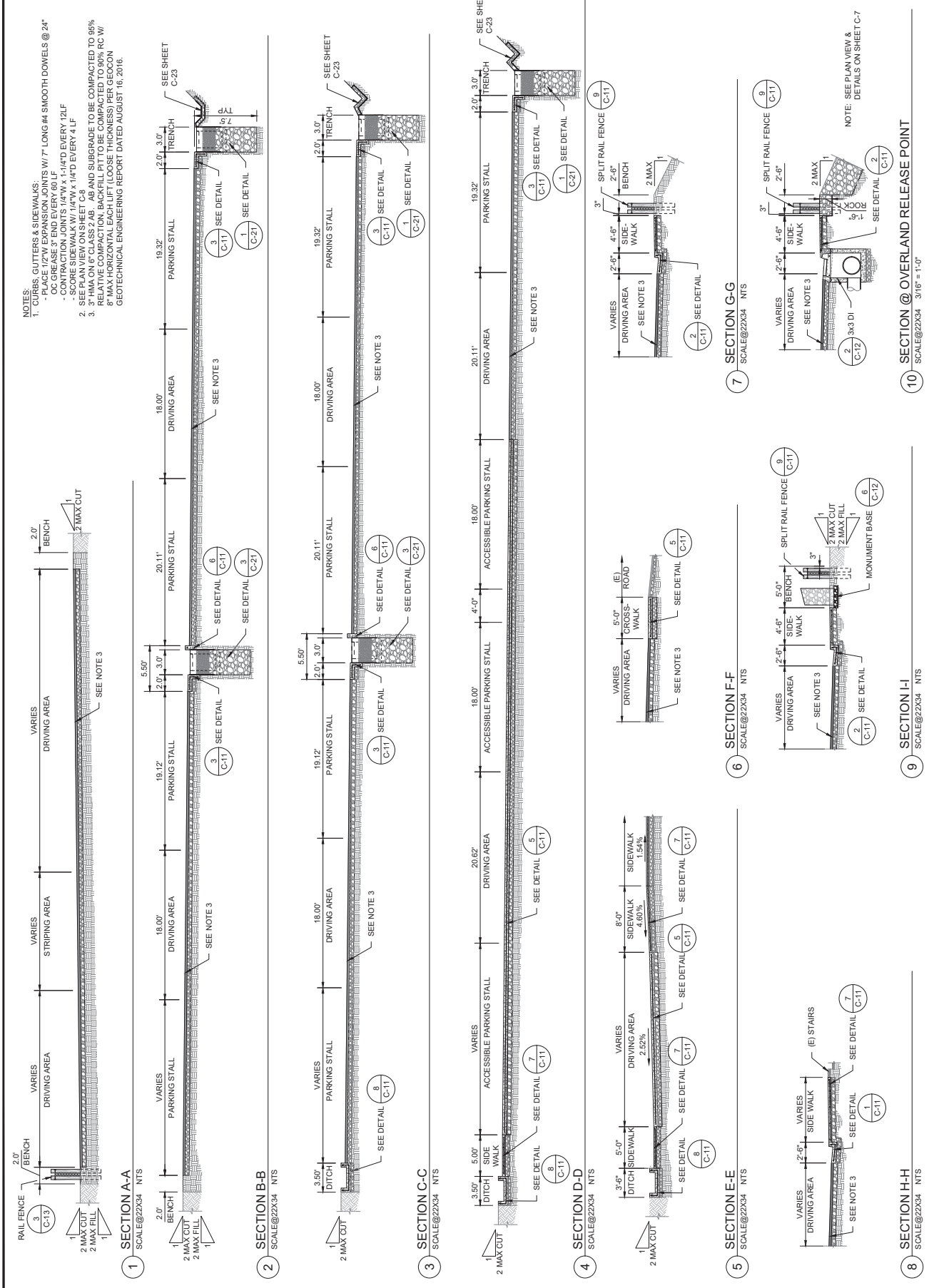
REVISIONS: [] DATE: []

DATE: []

STRIPING & SITE PLAN

NEW BRIGHTON STATE BEACH
DAY USE PARKING REPLACEMENT

DRAWING NO. 30519.011
SHEET NO. C-8
011 OF 026



- NOTES:**
- CURBS, GUTTERS, & SIDEWALKS:
 - PLACE 1/2" W/ EXPANSION JOINTS W/ 7' LONG #4 SMOOTH DOWELS @ 24"
 - OC GREASE 3" END EVERY 60 LF
 - CONTRACTION JOINTS 1/4" W X 1-1/4" D EVERY 12LF
 - SCORE SIDEWALK W/ 1/4" W X 1/4" D EVERY 4 LF
 - SEALANT FOR JOINTS: USE 1/2" W X 1/4" D AND SUBGRADE TO BE COMPACTED TO 85% RELATIVE COMPACTION. BACKFILL PIT TO BE COMPACTED TO 90% RC W/ 8" MAX HORIZONTAL EACH LIFT (LOOSE THICKNESS) PER GEOTECH GEOTECHNICAL ENGINEERING REPORT DATED AUGUST 16, 2016.

ACQUISITION & DEVELOPMENT DIVISION
1000 N STREET
SACRAMENTO, CA
95814-3229

Professional Engineer Seal for T. Le, State of California, License No. 50977. The seal includes the text 'REGISTERED PROFESSIONAL ENGINEER', 'T. LE', and '50977'.

CALIFORNIA STATE FIRE MARSHAL'S APPROVED
Approval of this plan does not authorize or constitute an endorsement of any product or manufacturer's specifications. Final approval is subject to field inspection. One set of approved drawings shall be retained at the project site at all times.
Reviewed by: _____
Date: _____
SPECIFICATION SECTION
CERTIFICATION
DESIGNED BY: K. ROSE
DRAWN: T. LE
CHECKED: K. ROSE
DATE: DECEMBER 2019

REVISIONS DATE
1. _____
2. _____
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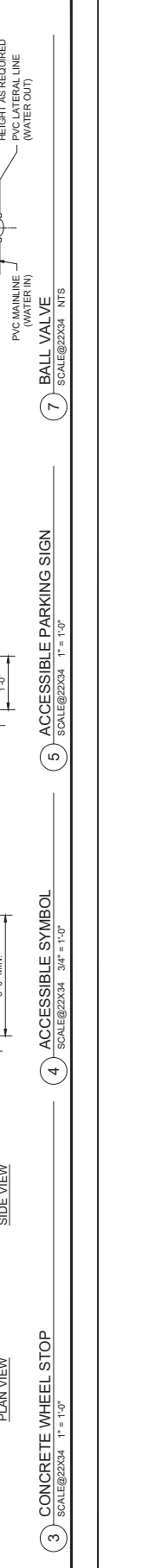
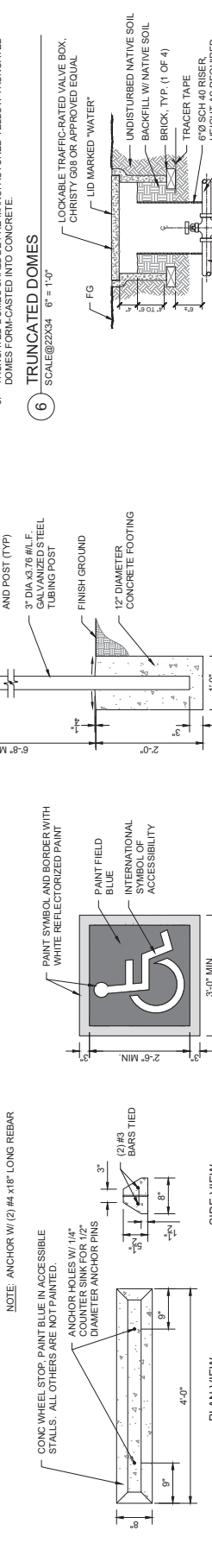
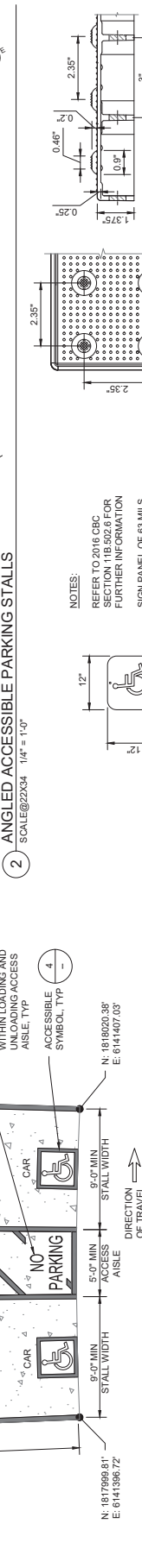
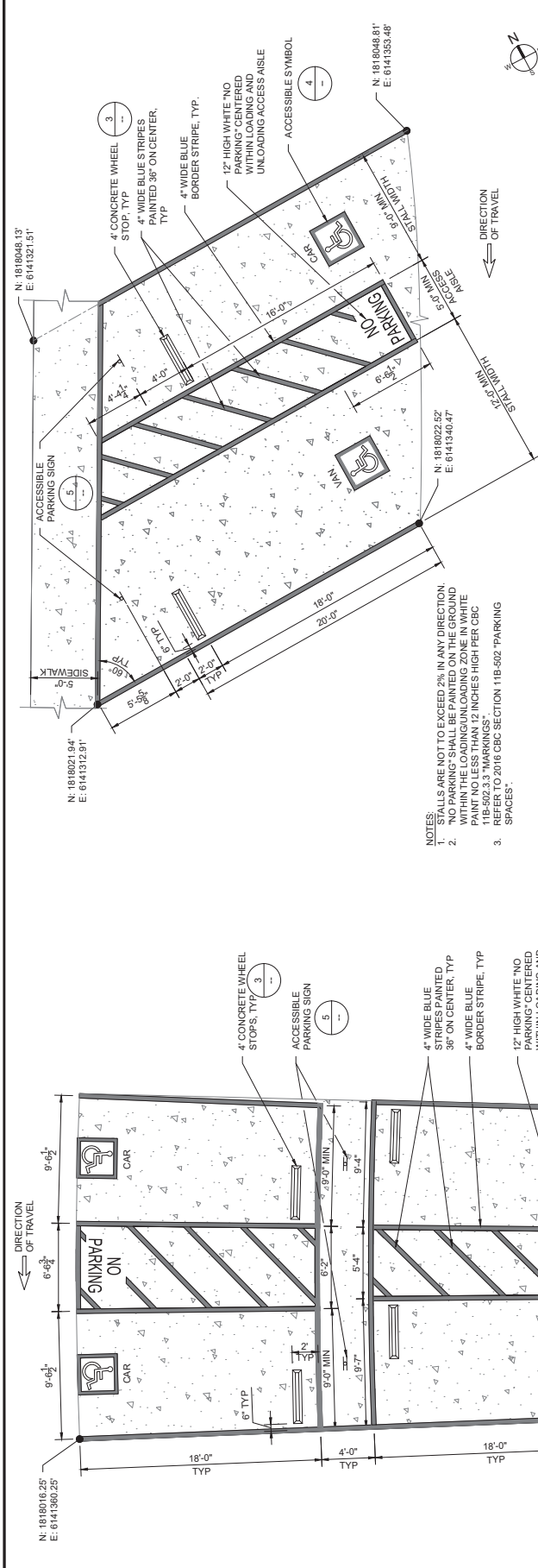
SECTIONS

NEW BRIGHTON STATE BEACH
DAY USE PARKING REPLACEMENT

DRAWING NO. 30519.012
SHEET NO. C-9
012 OF 026

SECTION A-A SCALE@22X34 NTS
SECTION B-B SCALE@22X34 NTS
SECTION C-C SCALE@22X34 NTS
SECTION D-D SCALE@22X34 NTS
SECTION E-E SCALE@22X34 NTS
SECTION F-F SCALE@22X34 NTS
SECTION G-G SCALE@22X34 NTS
SECTION H-H SCALE@22X34 NTS
SECTION I-I SCALE@22X34 NTS

SECTION @ OVERLAND RELEASE POINT SCALE@22X34 3/16" = 1'-0"



APPROVAL OF THIS PLAN DOES NOT CONSTITUTE OR IMPLY AN ENDORSEMENT OR RECOMMENDATION BY THE STATE OF CALIFORNIA OF ANY PRODUCT OR SERVICE. APPROVAL IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THIS PLAN. APPROVAL DOES NOT CONSTITUTE AN ENDORSEMENT OF ANY PRODUCT OR SERVICE BY THE STATE OF CALIFORNIA.

DESIGNED BY: K. ROSE
 DRAWN BY: T. LE
 CHECKED BY: K. ROSE
 DATE: DECEMBER 2019

REVISIONS: _____
 DATE: _____

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 DETAILS

DRAWING NO.
30519.013

SHEET NO.
C-10

10 OF 026



ACQUISITION & DEVELOPMENT DIVISION
 1000 J STREET, SUITE 100
 SACRAMENTO, CA 95814-3229



CONDITIONS OF THE DRAWING: APPROVED
 Approval of this plan does not authorize or constitute a warranty, express or implied, for the use of the information herein for any purpose other than that for which it was prepared. The user assumes all liability for the use of the information herein for any purpose other than that for which it was prepared.

DESIGNED BY: K. ROSE
 DRAWN: T. LE
 CHECKED: K. ROSE
 DATE: DECEMBER 2019

REVISIONS: DATE

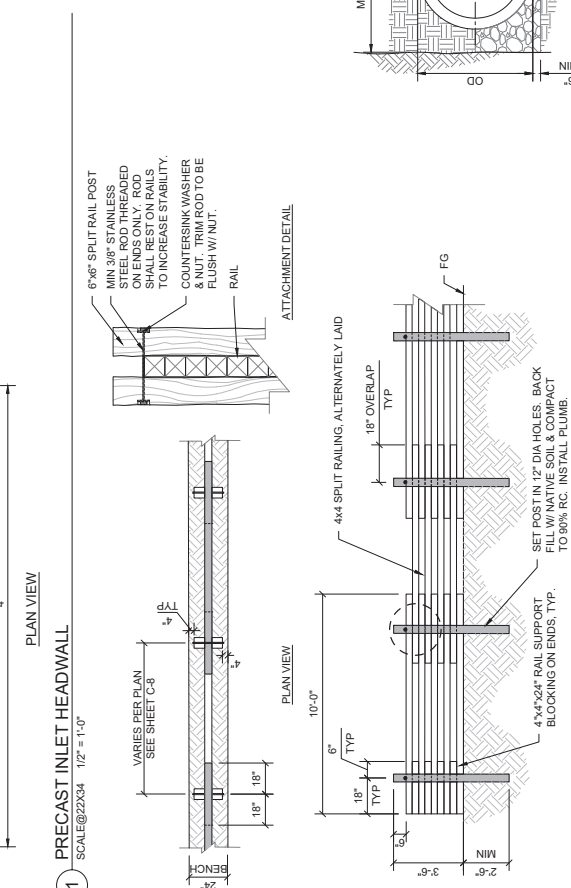
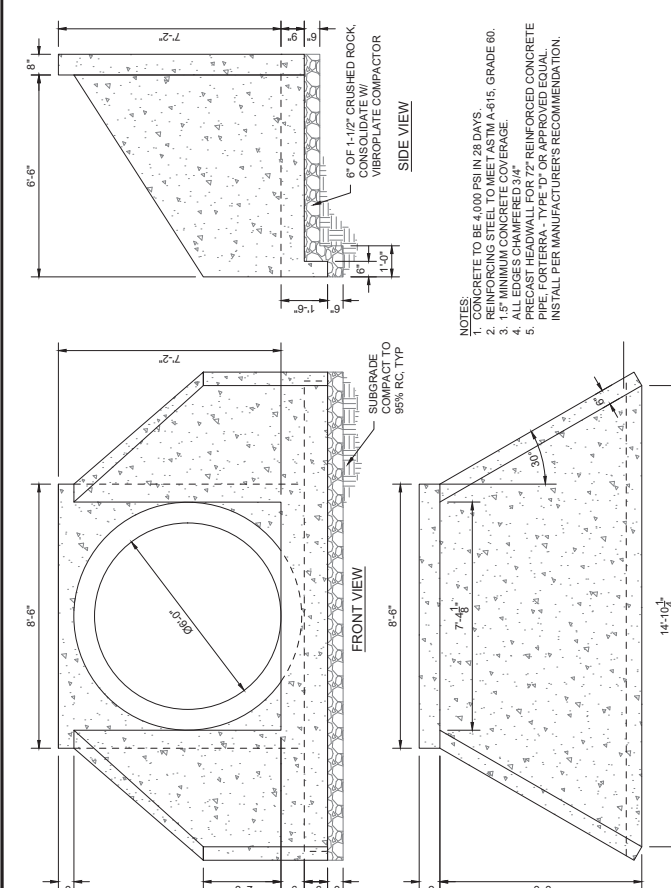
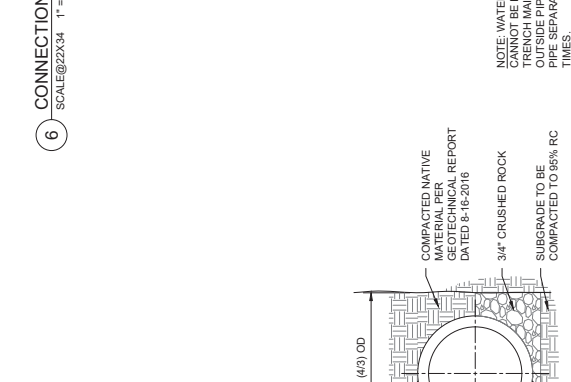
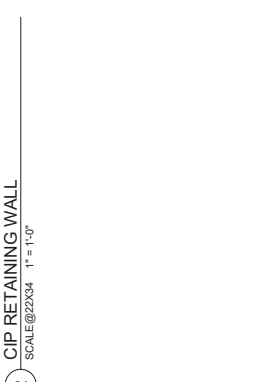
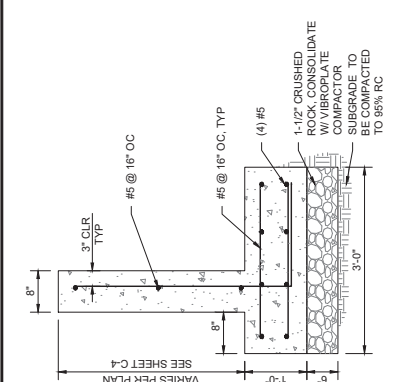
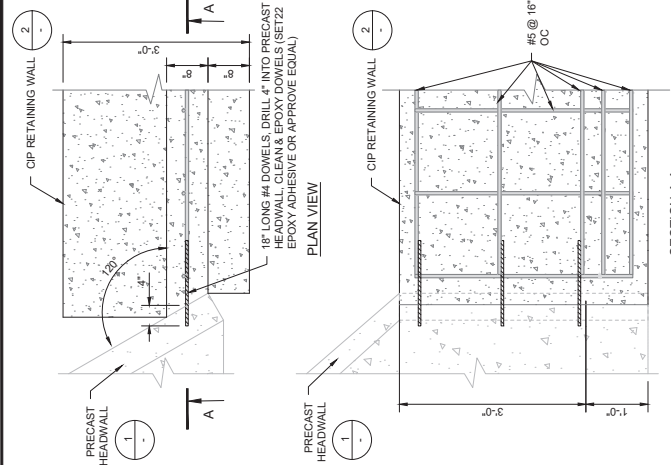
CERTIFICATION: Approved by: Date: Reviewed by: Date:

NOTICE TO CONTRACTORS: THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND MATERIALS SHOWN ON THIS DRAWING. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 INLET HEAD WALL DETAILS & PIPE
 TRENCHES

DRAWING NO.
 30519.016
 SHEET NO.

C-13
 016 OF 026



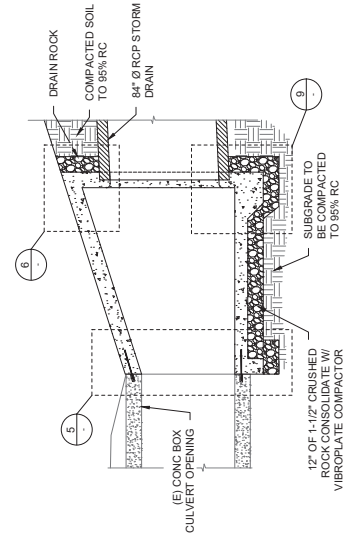
NOTE: WATER AND SEWER TRENCHES SHALL BE THE SAME AS SHOWN IN TRENCH DETAIL OUTSIDE PIPE TO OUTSIDE PIPE SEPARATION AT ALL TIMES.

NOTE: WATER AND SEWER TRENCHES SHALL BE THE SAME AS SHOWN IN TRENCH DETAIL OUTSIDE PIPE TO OUTSIDE PIPE SEPARATION AT ALL TIMES.

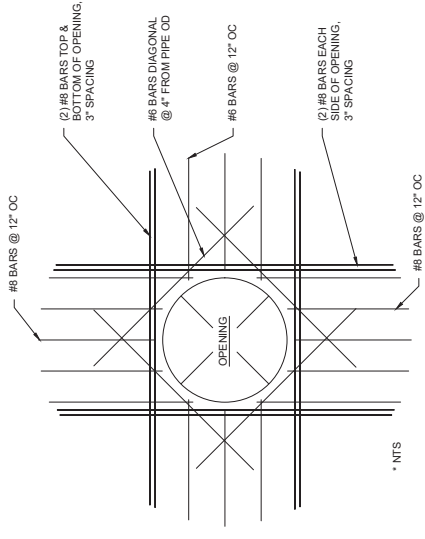
OUTLET HEAD WALL DETAILS

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT

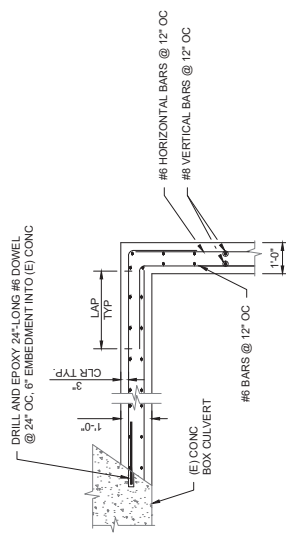
DRAWING NO.
 30519.017
 SHEET NO.
 C-14
 017 OF 026



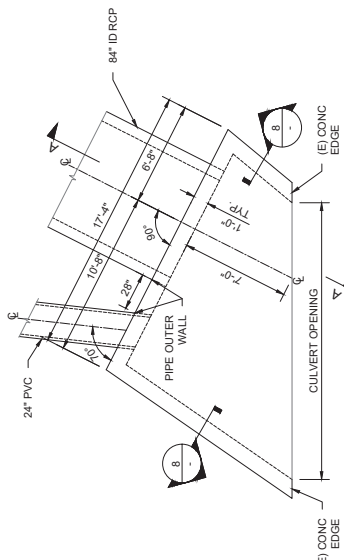
1 SECTION A-A
 SCALE@22X34 1/4" = 1'-0"



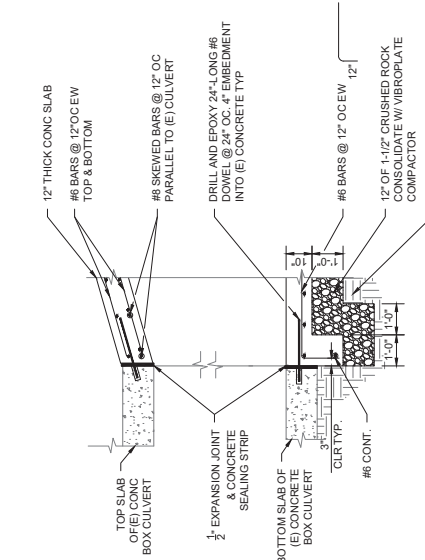
4 OPENING REINFORCING
 SCALE@22X34 NTS



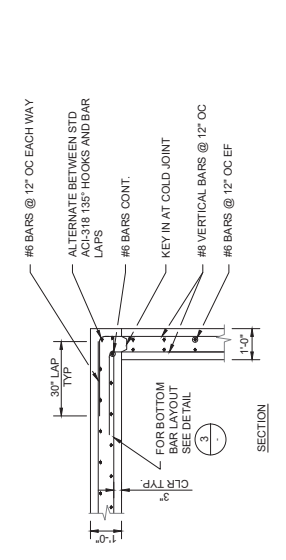
7 TYP. WALL CORNER REINFORCING
 SCALE@22X34 1/2" = 1'-0"



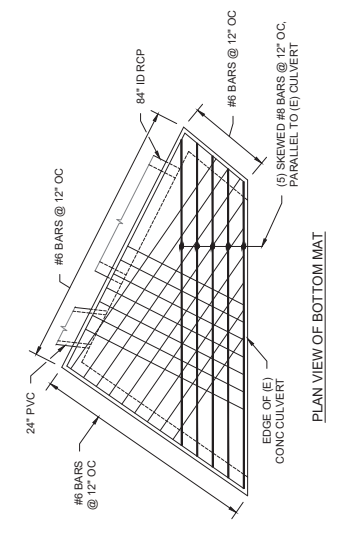
2 PLAN VIEW
 SCALE@22X34 1/4" = 1'-0"



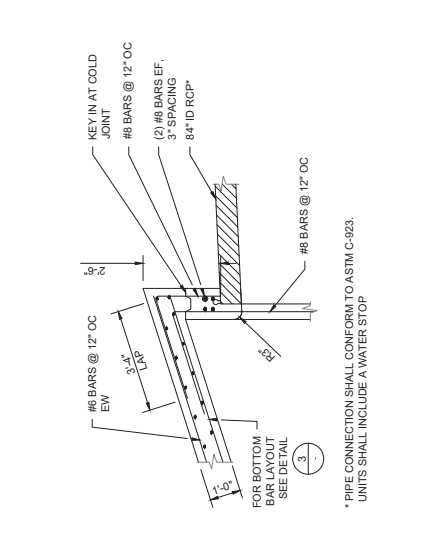
5 SECTION CONNECTION
 SCALE@22X34 1/2" = 1'-0"



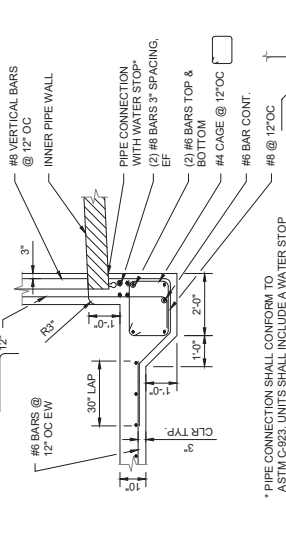
8 TYP. TOP SLAB SECTION
 SCALE@22X34 1/2" = 1'-0"



3 TOP SLAB BOTTOM MAT
 SCALE@22X34 1/4" = 1'-0"



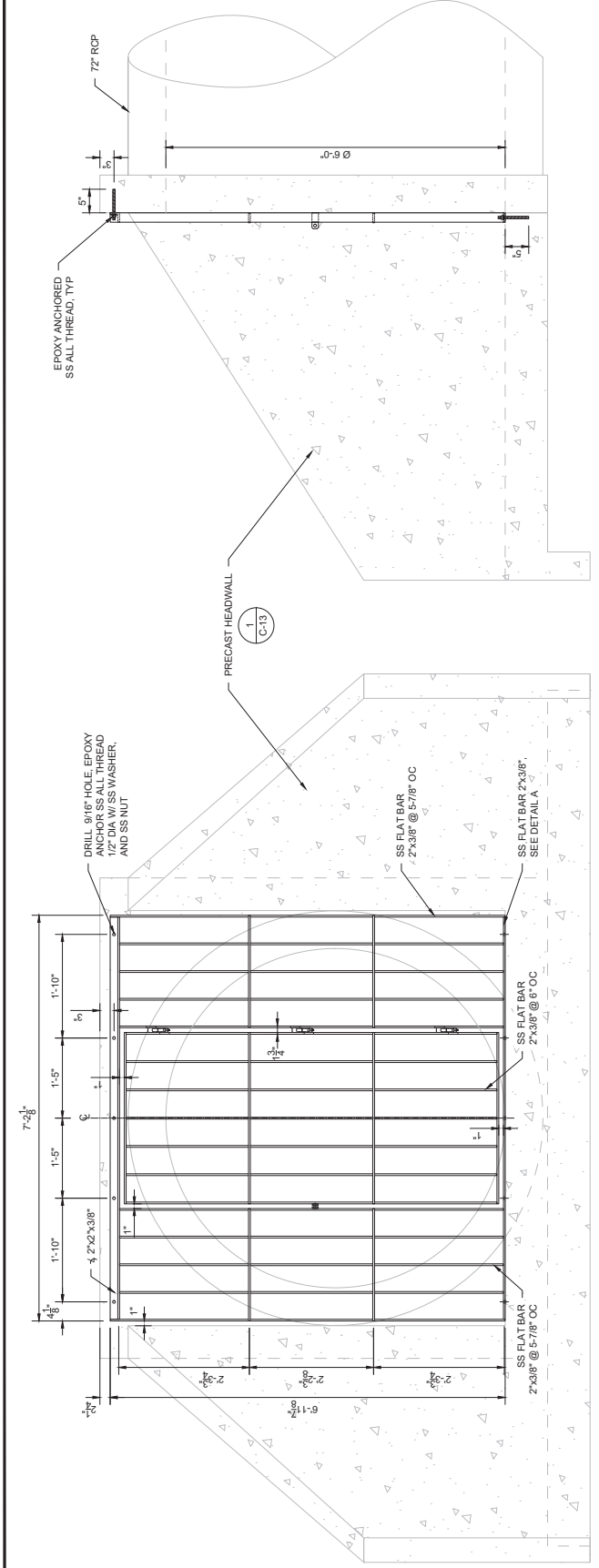
6 TOP SLAB SECTION AT PIPE
 SCALE@22X34 1/2" = 1'-0"



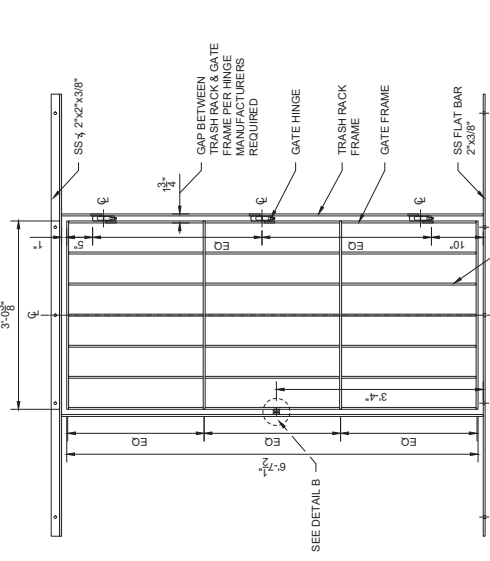
9 BASE SECTION AT PIPE
 SCALE@22X34 1/2" = 1'-0"

* PIPE CONNECTION SHALL CONFORM TO ASTM C-923. UNITS SHALL INCLUDE A WATER STOP

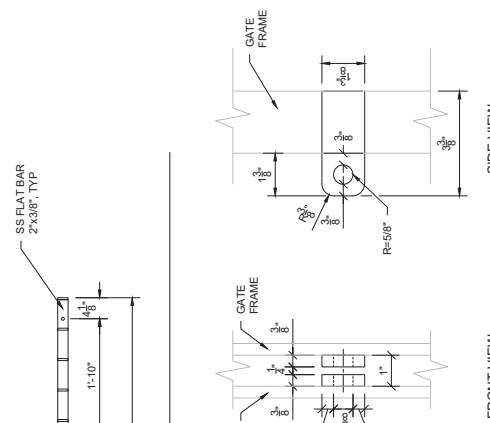
* PIPE CONNECTION SHALL CONFORM TO ASTM C-923. UNITS SHALL INCLUDE A WATER STOP



1 INLET TRASH RACK
SCALE@22X34 1" = 1'-0"



3 ACCESS GATE
SCALE@22X34 1" = 1'-0"



4 DETAIL B
SCALE@22X34 6" = 1'-0"

- NOTES:
1. ALL STEEL GATE HINGES AND BOLTS SHALL BE 316 STAINLESS STEEL.
 2. ALL WELDING SHALL BE DONE IN CONFORMANCE WITH THE LATEST EDITION OF THE AMERICAN WELDING SOCIETY STANDARDS. MINIMUM FILLET WELDS IS 3/8".
 3. GATE HINGES SHALL BE WELD-ON BARREL HINGE, 600LB OR APPROVED EQUAL.
 4. EPOXY ANCHOR SHALL BE WELD-ON BARREL HINGE, 600LB OR APPROVED EQUAL. INSTALL PER INSTALLER'S RECOMMENDATION.
 5. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR APPROVAL PRIOR TO ORDERING MATERIAL OR FABRICATING TRASH RACK.

2 DETAIL A
SCALE@22X34 1" = 1'-0"

ACQUISITION & DEVELOPMENT DIVISION
1500 Capitol Mall
Sacramento, CA
95814-3229

CALIFORNIA STATE FIRE MARSHAL'S APPROVED
Approval of this plan does not authorize or constitute a warranty, express or implied, for the work shown. Final approval is subject to field inspection. Owner is responsible for the work shown and the proper use of all items.
Reviewed by: _____ Date: _____
CERTIFICATION
Reviewed by: _____ Date: _____
DESIGNED: K. ROSE
DRAWN: T. LE
CHECKED: K. ROSE
DATE: DECEMBER 2019
REVISIONS
DATE

NEW BRIGHTON STATE BEACH
DAY USE PARKING REPLACEMENT
INLET TRASH RACK, 72-INCH PIPE

DRAWING NO.
30519.018
SHEET NO.
C-15
018 OF 026



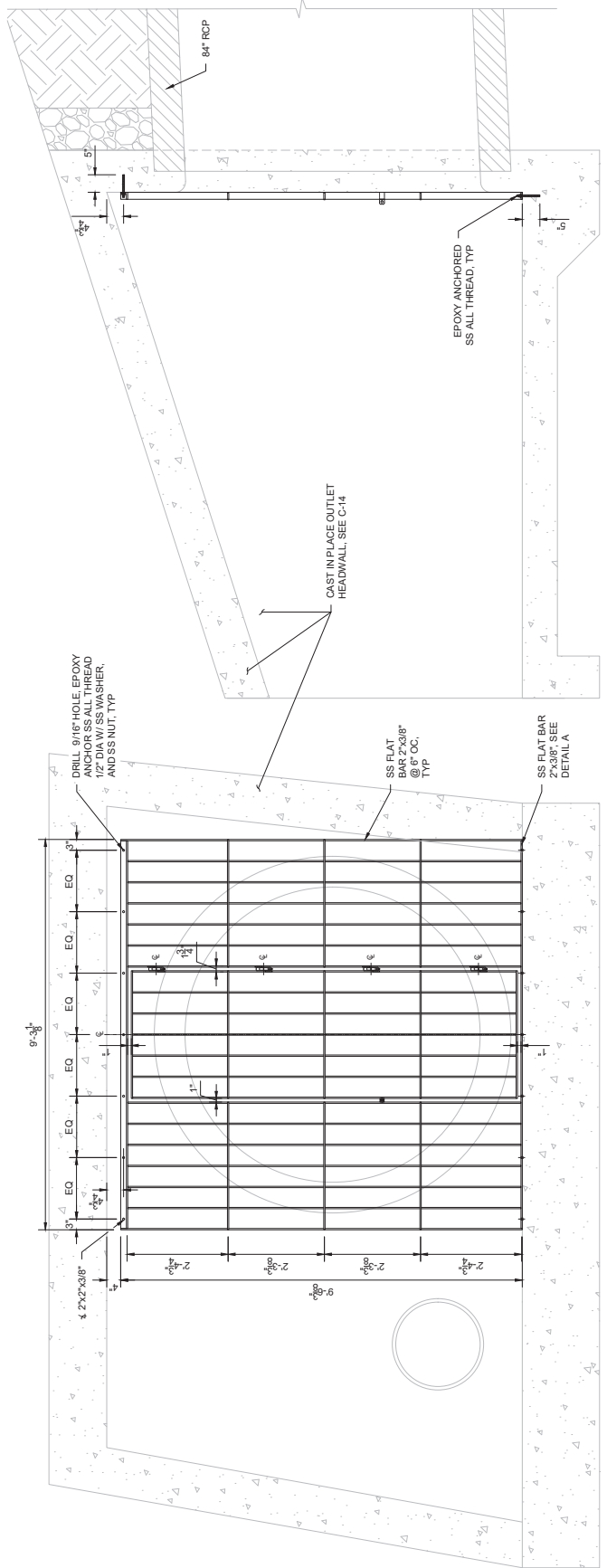
ACQUISITION & DEVELOPMENT DIVISION
 1500 Capitol Mall
 Sacramento, CA 95834-3229



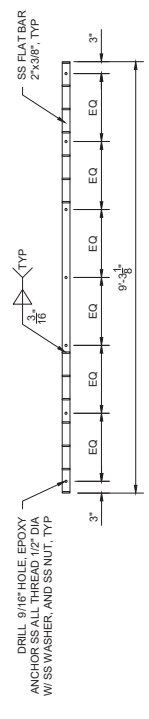
CALIFORNIA STATE FIRE MARSHAL'S APPROVED
 Approval of this plan does not authorize or constitute an endorsement of the products or services of the contractor. Final approval is subject to field inspection. Owner of record shall be responsible for obtaining all necessary permits and approvals for this project at all times.
 Drawn by: [Blank]
 Checked by: K. ROSE
 Date: DECEMBER 2019
 Revisions: [Blank]
 Date: [Blank]

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
OUTLET TRASH RACK, 84-INCH PIPE

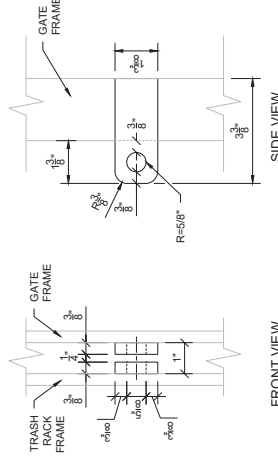
DRAWING NO.
 30519.019
 SHEET NO.
C-16
 019 OF 026



1 TRASH RACK
 SCALE@22X34 3/4" = 1'-0"



2 DETAIL A
 SCALE@22X34 3/4" = 1'-0"



3 ACCESS GATE
 SCALE@22X34 3/4" = 1'-0"

4 DETAIL B
 SCALE@22X34 6" = 1'-0"

- NOTES:**
1. ALL STEEL, GATE, HINGES, AND BOLTS SHALL BE 316 STAINLESS STEEL.
 2. HINGES SHALL BE DOWN IN CONFORMANCE WITH THE LATEST EDITION OF THE AMERICAN WELDING SOCIETY STANDARDS. MINIMUM FILLET WELDS IS 3/16".
 3. GATE HINGES SHALL BE WELD-ON BARREL HINGE. 600LB OR APPROVED EQUAL. INSTALL PER MANUFACTURER'S RECOMMENDATION.
 4. EPOXY ANCHOR, SHOWN AS ANCHOR-X-1 OR APPROVED EQUAL, INSTALL PER MANUFACTURER'S RECOMMENDATION.
 5. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR APPROVAL PRIOR TO ORDERING MATERIAL OR FABRICATING TRASH RACK.



ACQUISITION & DEVELOPMENT DIVISION
 CALIFORNIA STATE PARKS
 SACRAMENTO, CA
 95814-3229



CALIFORNIA STATE FIRE MARSHAL'S APPROVED
 Approval of this plan does not constitute or imply approval of the design or construction of the project or any part thereof. The engineer shall be responsible for the design and construction of the project in accordance with the applicable regulations. Final approval is subject to field inspection. One set of drawings shall be retained by the engineer and the original set of all items.
 Drawn by: _____
 Date: _____
 DPR ACCESSIBILITY SECTION
 CERTIFICATION
 Reviewed by: _____
 Date: _____

DESIGNED: K. ROSE
 DRAWN: T. LE
 CHECKED: K. ROSE
 DATE: DECEMBER 2019

REVISIONS	DATE

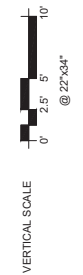
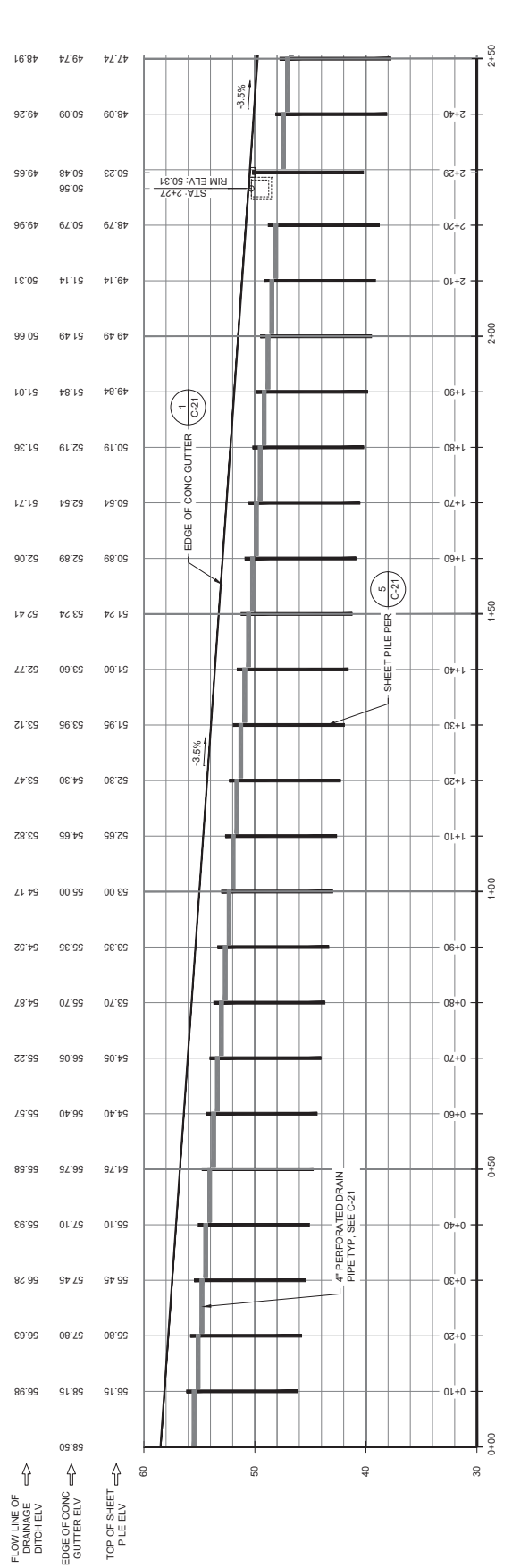
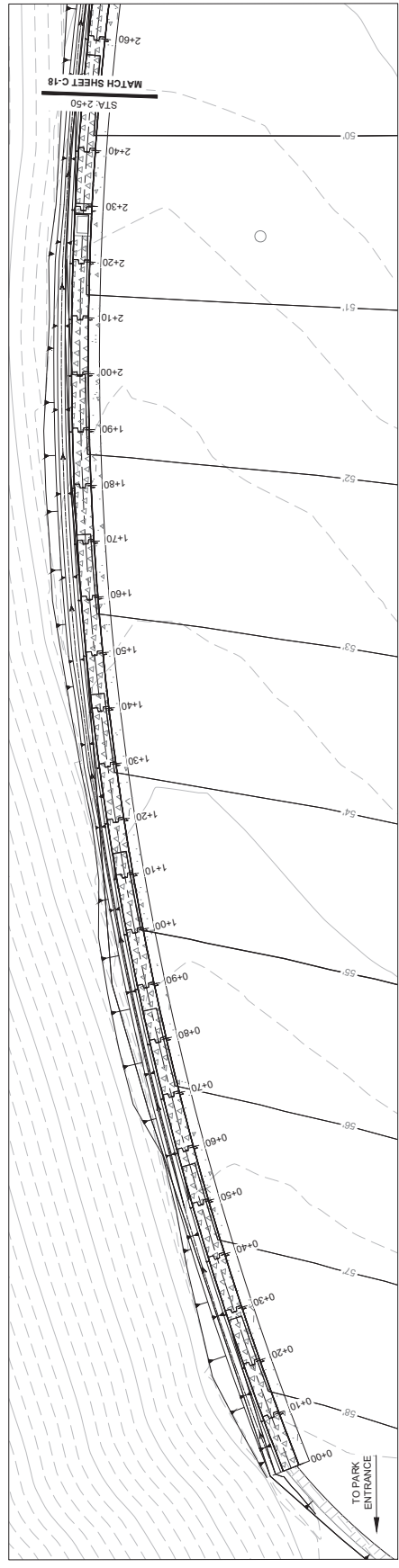
REVISIONS DATE

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 TO 2+50
 INFILTRATION TRENCH A - STA 0+00

DRAWING NO.
 30519.020

SHEET NO.
 C-17

020 OF 026





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 SACRAMENTO, CA
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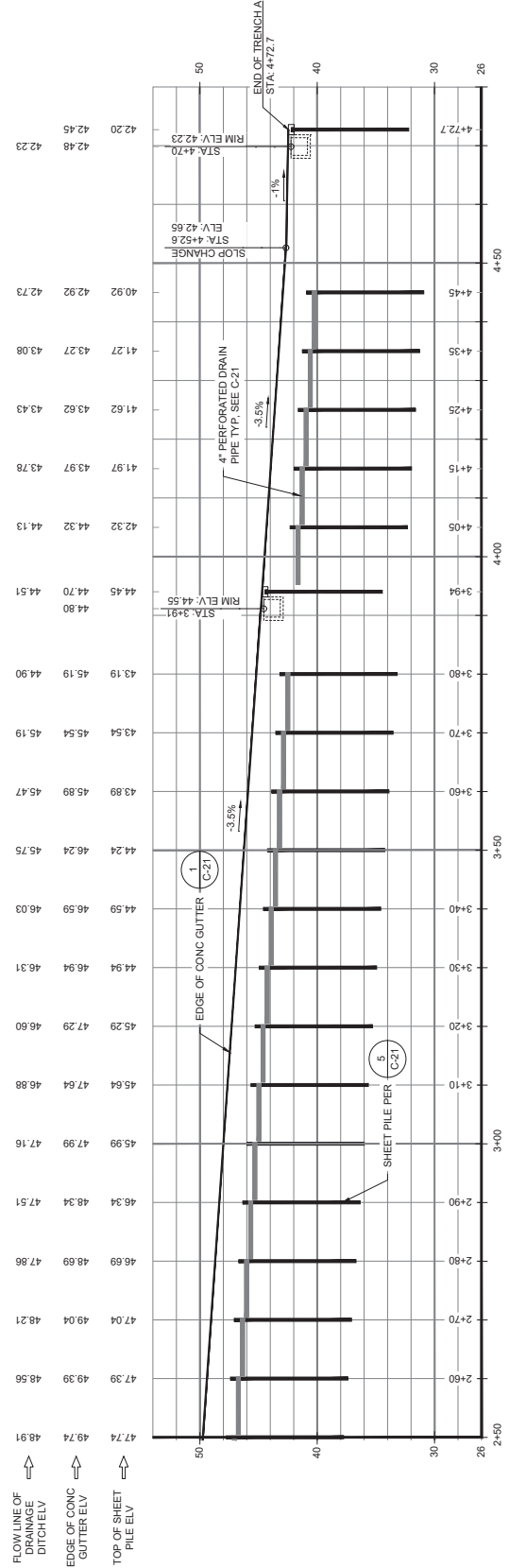
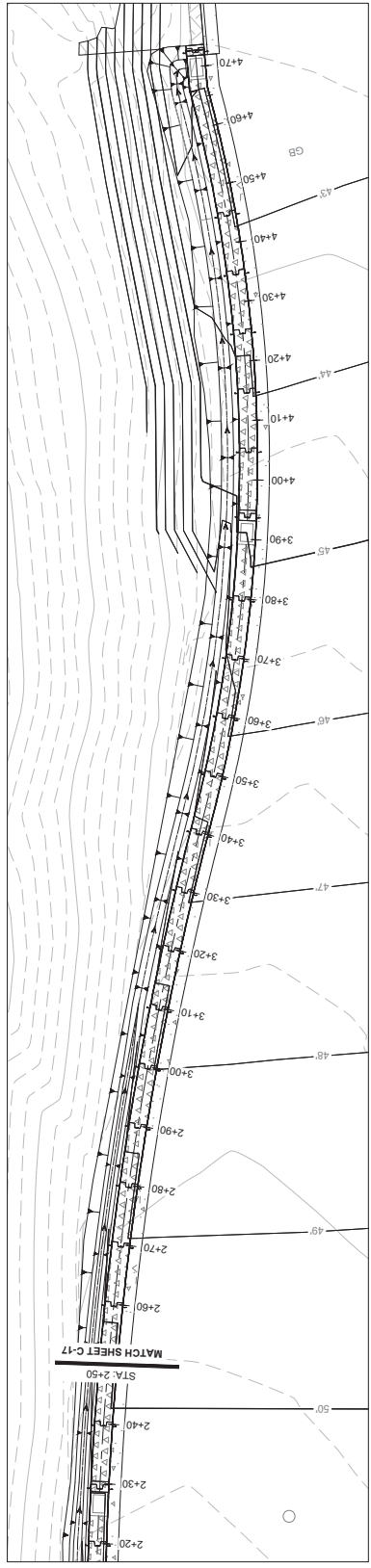
CONTRACTOR TO BE FIRM LICENSED, APPROVED
 APPROVAL OF THIS PLAN DOES NOT CONSTITUTE
 A GUARANTEE OF THE ACCURACY OF THE INFORMATION
 OR THE RESULTS OF THE WORK. THE CONTRACTOR IS
 RESPONSIBLE FOR OBTAINING ALL NECESSARY
 PERMITS AND APPROVALS FROM ALL APPLICABLE
 AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE
 FOR OBTAINING ALL NECESSARY PERMITS AND
 APPROVALS FROM ALL APPLICABLE AGENCIES.
 APPROVAL OF THIS PLAN DOES NOT CONSTITUTE
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 AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE
 FOR OBTAINING ALL NECESSARY PERMITS AND
 APPROVALS FROM ALL APPLICABLE AGENCIES.

DESIGNED: K. ROSE
 DRAWN: T. LE
 CHECKED: K. ROSE
 DATE: DECEMBER 2019

NO.	REVISIONS	DATE

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 INFILTRATION TRENCH A - STA 2+50
 TO 4+72.7

DRAWING NO.
 30519.021
 SHEET NO.
 C-18
 021 OF 026





ACQUISITION & DEVELOPMENT DIVISION
 CALIFORNIA STATE PARKS
 SACRAMENTO, CA
 95814-3229



CALIFORNIA STATE FIRE MARSHAL'S APPROVED
 Approval of this plan does not constitute or imply any endorsement or approval of the project or the contractor. Final approval is subject to field inspection. Changes or modifications to this plan shall be made at the project site at all times.
 Approved by: _____
 Date: _____
 SUPERVISOR'S REVIEW
 CERTIFICATION SECTION

Reviewed by: _____
 Date: _____
 NECESSARY CONTRACT AND PERMITS FOR THE WORK SHOWN ON THIS DRAWING ARE THE RESPONSIBILITY OF THE CONTRACTOR.
 CONTRACTOR'S OBLIGATIONS ARE NOT LIMITED BY THIS DRAWING.
 CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS BEFORE BEGINNING WORK.

DESIGNED: K. ROSE
 DRAWN: T. LE
 CHECKED: K. ROSE
 DATE: DECEMBER 2019

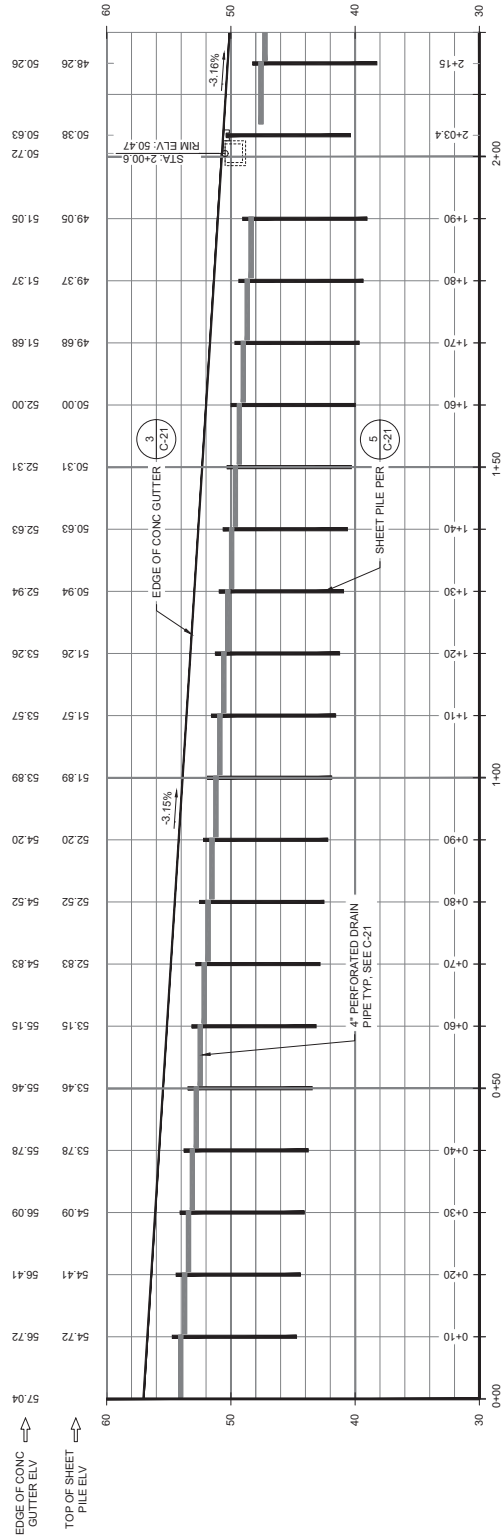
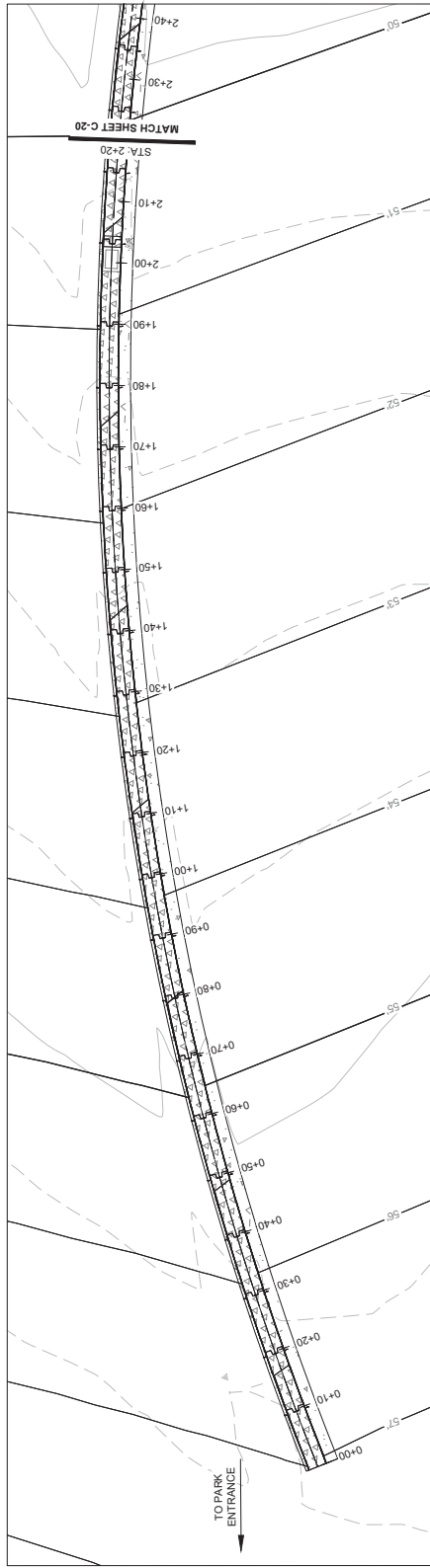
REVISIONS
 DATE

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 TO 2+10
 INFILTRATION TRENCH B - STA 0+00

DRAWING NO.
 30519.022

SHEET NO.
 C-19

022 OF 026





ACQUISITION & DEVELOPMENT DIVISION
 1500 Capitol Mall
 Sacramento, CA
 95814-3229



CONDITIONS OF THE DRAWING: APPROVED
 Approval of this plan does not constitute or imply any warranty, expressed or implied, by the engineer for any use of the drawings not intended by the engineer. The user of these drawings shall be responsible for all errors and omissions. The user shall indemnify and hold the engineer harmless from and against all claims, damages, costs and expenses, including reasonable attorneys' fees, arising out of or from the use of these drawings.

DESIGNED BY: K. ROSE
 DRAWN BY: T. LE
 CHECKED BY: K. ROSE
 DATE: DECEMBER 2019

REVISIONS: DATE

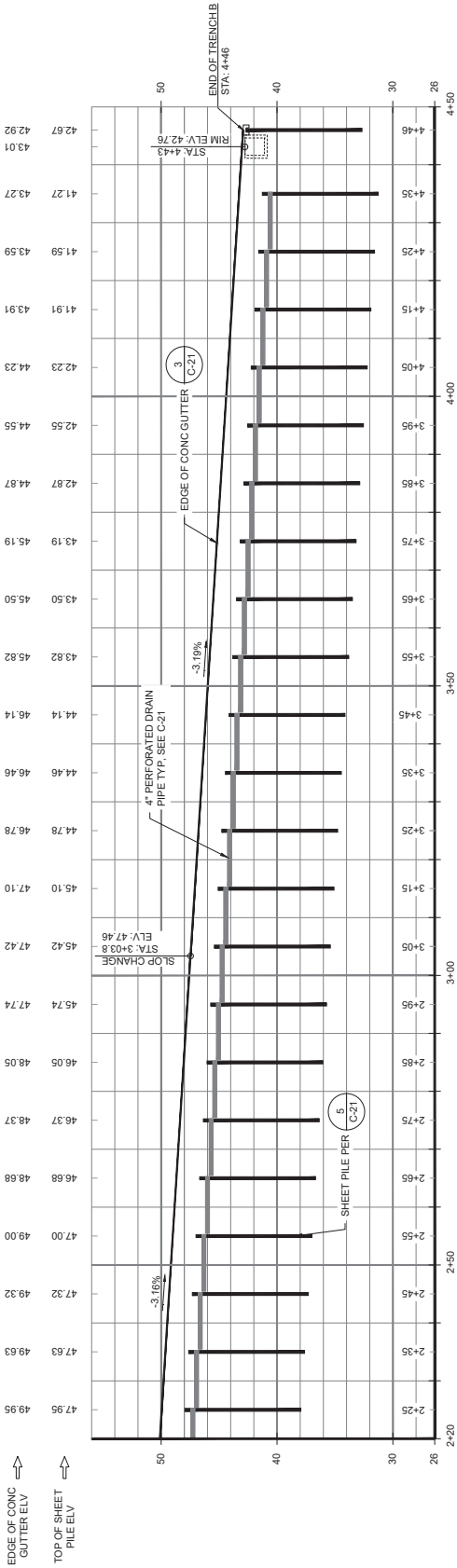
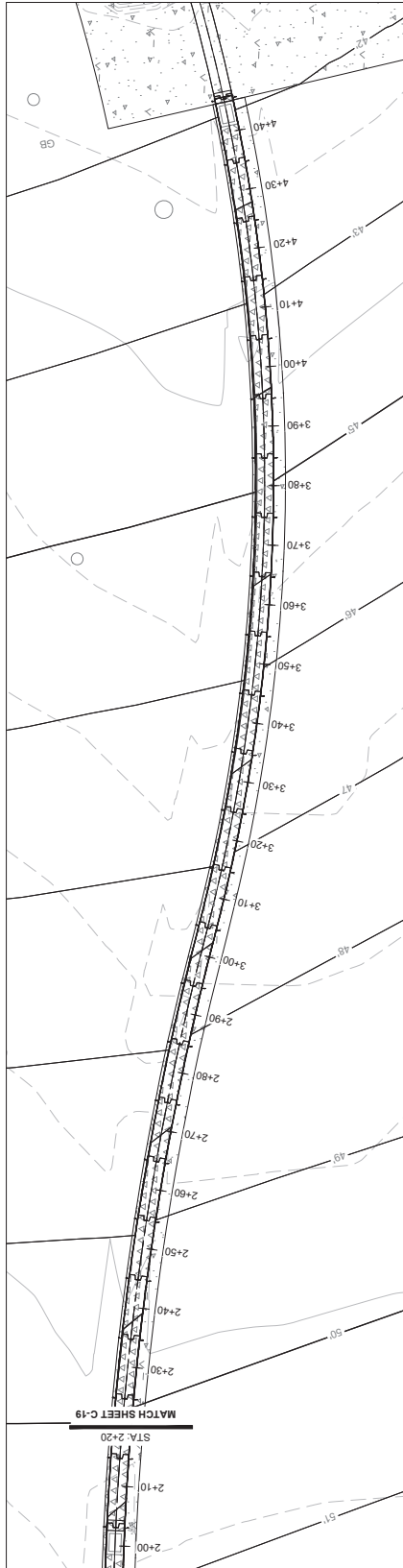
DESIGNED BY: K. ROSE
 DRAWN BY: T. LE
 CHECKED BY: K. ROSE
 DATE: DECEMBER 2019

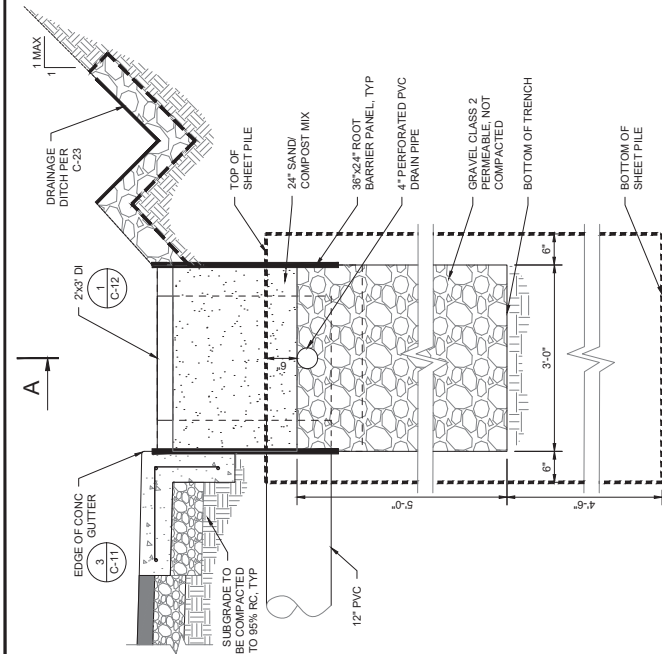
NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 INFILTRATION TRENCH B - STA 2+10
 TO 4+46

DRAWING NO.
 30519.023

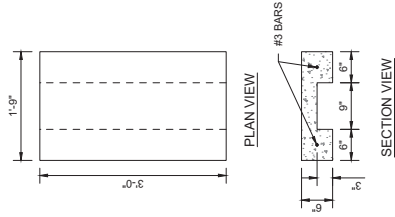
SHEET NO.
 C-20

023 OF 026





1 GUTTER & INFILTRATION TRENCH A
SCALE@22X34 1" = 1'-0"

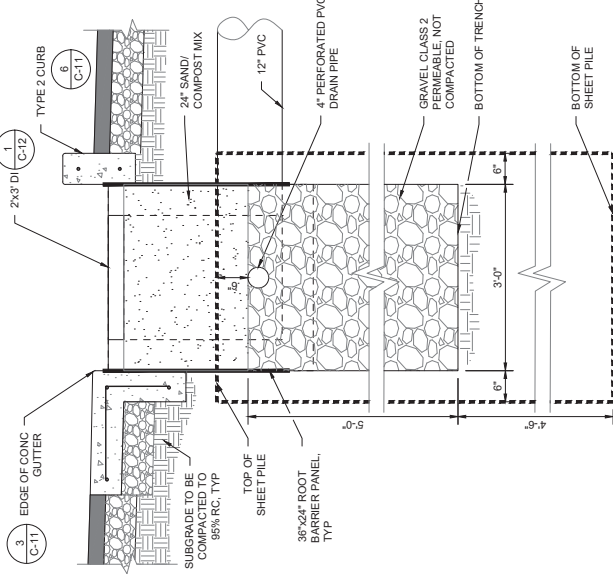


4 SHEET PILE BULKHEAD AT DI
SCALE@22X34 1" = 1'-0"

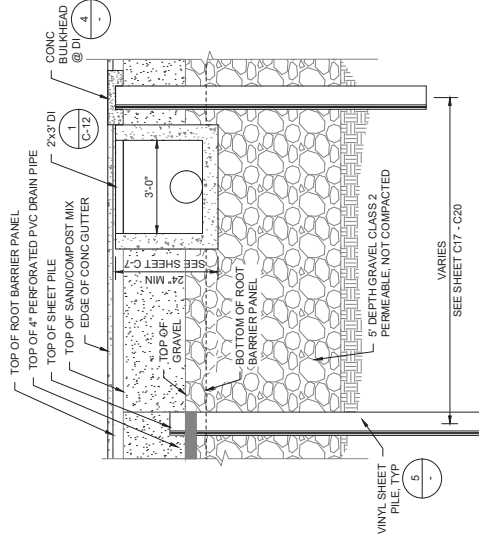
NOTE:

- ROOT BARRIER PANELS EP-3650 36"x24" OR APPROVE EQUAL. INSTALL PER MANUFACTURER'S RECOMMENDATION.

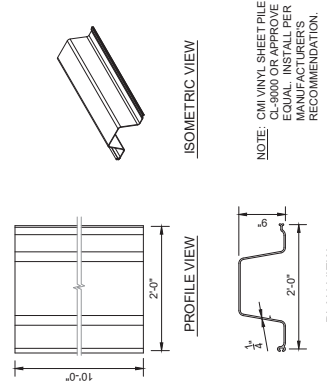
ITEMS	DISTANCE BELOW EDGE OF CONC GUTTER
TOP OF ROOT BARRIER PANEL	2"
DI GRATE	3"
TOP OF COMPOST MIX	6"
TOP OF SHEET PILE	24"
TOP OF PERFORATE PIPE	30"
TOP OF GRAVEL CLASS 2 PERMEABLE	30"



2 GUTTER & INFILTRATION TRENCH B
SCALE@22X34 1" = 1'-0"



3 SECTION A-A
SCALE@22X34 1/2" = 1'-0"



NOTE: CMI VINYL SHEET PILE CL-9000 OR APPROVE EQUAL. INSTALL PER MANUFACTURER'S RECOMMENDATION.

5 VINYL SHEET PILE
SCALE@22X34 1" = 1'-0"



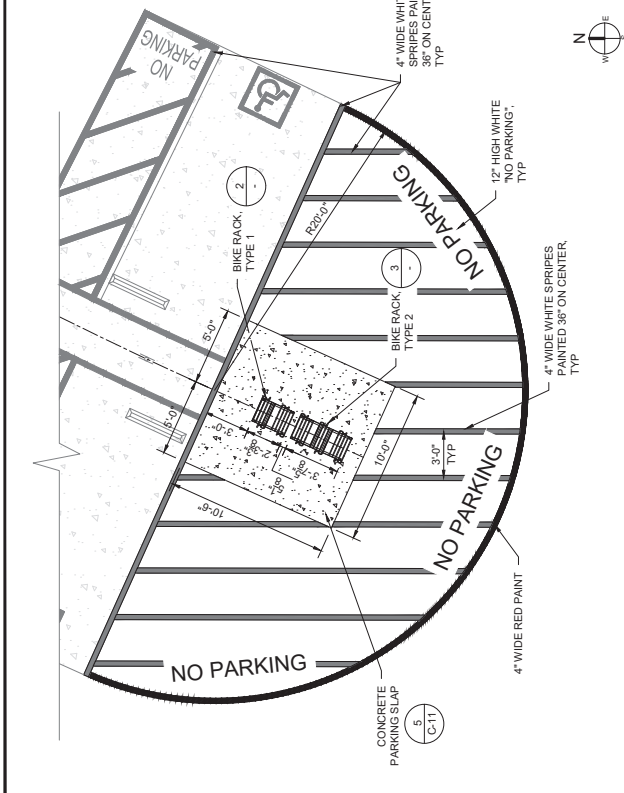
APPROVAL OF THIS PLAN DOES NOT CONSTITUTE OR IMPLY AN ENDORSEMENT OR RECOMMENDATION BY THE CALIFORNIA STATE PARKS DEPARTMENT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. FINAL APPROVAL IS SUBJECT TO FIELD INSPECTION. CONSULT WITH THE DESIGNER FOR ANY CHANGES TO THE PROJECT PRIOR TO CONSTRUCTION.

DESIGNED BY: K. ROSE
DRAWN: T. LE
CHECKED: K. ROSE
DATE: DECEMBER 2019

REVISIONS: DATE

NEW BRIGHTON STATE BEACH
DAY USE PARKING REPLACEMENT
INFILTRATION TRENCH DETAILS

DRAWING NO. 30519.024
SHEET NO. C-21
024 OF 026



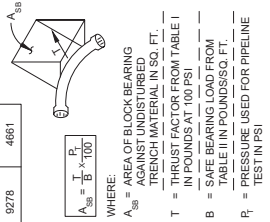
1 SITE PLAN
SCALE@22X34 1/4" = 1'-0"

TABLE I
THRUST (T) FITTINGS, IN POUNDS AT 100 PSI WATER PRESSURE

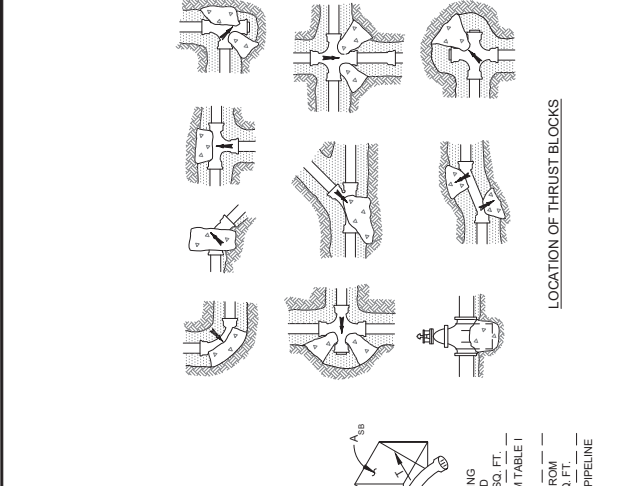
PIPE SIZE	90° BEND	45° BEND	22½° BEND	11¼° BEND
1½"	284	401	217	111
2"	443	627	339	173
2½"	649	918	497	253
3"	962	1361	736	375
4"	1810	2559	1385	706
5"	3739	5288	2892	1489
6"	6433	9097	4923	2510
8"	13685	19353	10474	5340
10"	26883	37776	20683	10897
12"	46363	66433	36433	18987
14"	81385	116385	63853	33185
16"	141714	206814	111714	58064
18"	23779	34628	18198	9278
20"	37379	52828	28228	14598

TABLE II
SAFE BEARING LOADS (B) POUNDS PER SQ. FT.

SOIL	SAFE BEARING LOAD, POUNDS PER SQ. FT.
SOUND SHALE	10000
CEMENTED SAND AND GRAVEL	4000
COARSE AND FINE COMPACTED SAND	3000
MEDIUM CLAY (CAN BE SPADED)	2000
SOFT CLAY	1000
MUCK	0



4 THRUST BLOCKS
SCALE@22X34 1" = 1'-0"



CONTRACTOR TO FURNISH AND APPROVED APPROVAL OF THIS PLAN DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

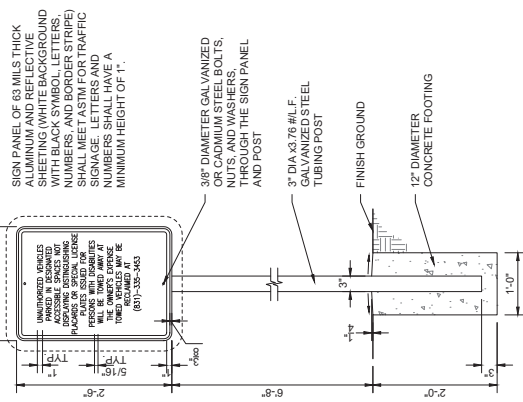
DESIGNED BY: K. ROSE
DRAWN BY: T. LE
CHECKED BY: K. ROSE
DATE: DECEMBER 2019

REVISIONS: DATE

NEW BRIGHTON STATE BEACH
DAY USE PARKING REPLACEMENT
DETAILS

DRAWING NO. 30519.025
SHEET NO. C-22
025 OF 026

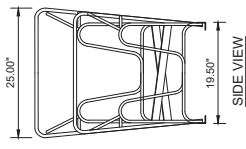
NOTES:
(831)-335-3453 = SANTA CRUZ DISTRICT PUBLIC SAFETY OFFICE



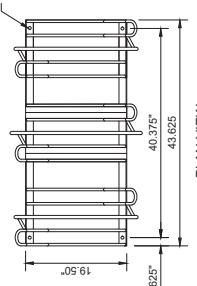
5 TOW-AWAY SIGN
SCALE@22X34 1" = 1'-0"

(4) 9/16" Ø MOUNTING HOLES, TYP

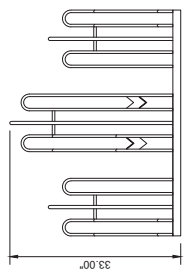
- NOTES:
1. RACK DIMENSION: 19.5" DEEP x 44" LONG
2. FOOTPRINT DIMENSION: 114" DEEP x 88" LONG
3. FINISH: HOT DIPPED GALVANIZED
4. MOUNTING HARDWARE: STAINLESS STEEL TAMPERS RESISTANT
5. PEAK RACKS MODEL CAMPUS STANDARD DOUBLE-SIDED 4 SLOT RACK OR EQUIVALENT PER MANUFACTURER'S RECOMMENDATIONS



SIDE VIEW



PLAN VIEW

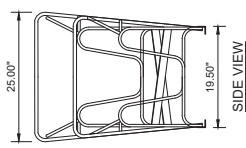


FRONT VIEW

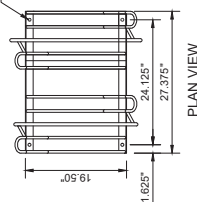
3 BIKE RACK TYPE 2
SCALE@22X34 1" = 1'-0"

(4) 9/16" Ø MOUNTING HOLES, TYP

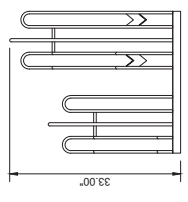
- NOTES:
1. RACK DIMENSION: 19.5" DEEP x 27.5" LONG
2. FOOTPRINT DIMENSION: 114" DEEP x 51.5" LONG
3. FINISH: HOT DIPPED GALVANIZED
4. MOUNTING HARDWARE: STAINLESS STEEL TAMPERS RESISTANT
5. PEAK RACKS MODEL CAMPUS STANDARD DOUBLE-SIDED 4 SLOT RACK OR EQUIVALENT PER MANUFACTURER'S RECOMMENDATIONS



SIDE VIEW



PLAN VIEW



FRONT VIEW

2 BIKE RACK TYPE 1
SCALE@22X34 1" = 1'-0"



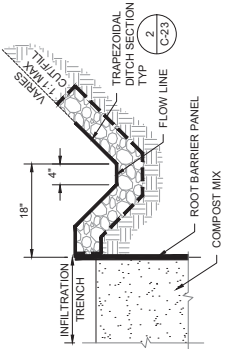
ACQUISITION & DEVELOPMENT DIVISION
 1500 J Street, Suite 100
 Sacramento, CA 95814-3229



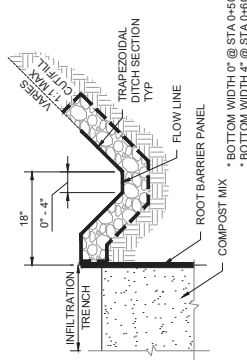
CALIFORNIA STATE FIRE MARSHAL'S APPROVED
 Approval of this plan does not constitute or imply any endorsement or approval by the State Fire Marshal's Office of the products or materials specified herein, or of the quality or safety of any of the products or materials specified herein. The user of this plan is responsible for the proper use of all items.
 Drawn by: Date:
 Checked by: Date:
 Designed by: K. ROSE
 Reviewed by: T. LE
 Date: DECEMBER 2019
 REVISIONS: DATE
 PROJECT: NEW BRIGHTON STATE BEACH DAY USE PARKING REPLACEMENT DRAINAGE DITCH SECTIONS & DETAILS

NEW BRIGHTON STATE BEACH
 DAY USE PARKING REPLACEMENT
 DRAINAGE DITCH SECTIONS & DETAILS

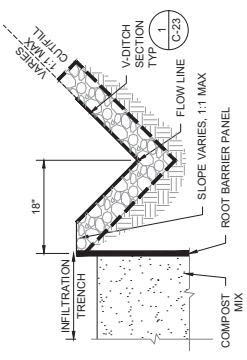
DRAWING NO. 30519.0226
 SHEET NO. C-23
 026 OF 026



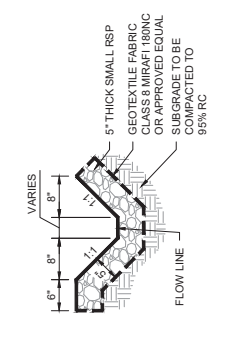
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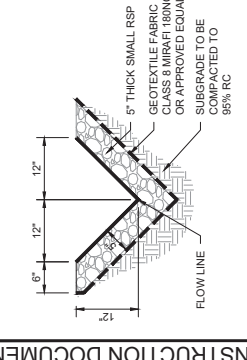
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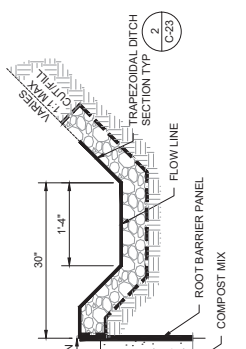
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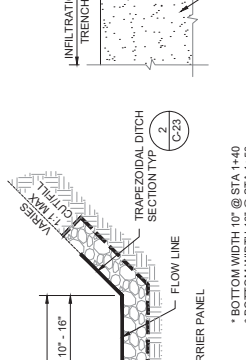
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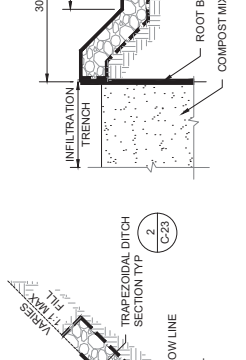
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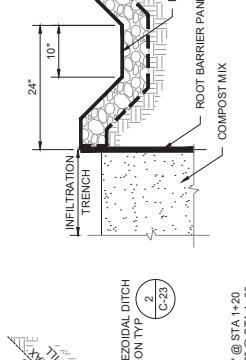
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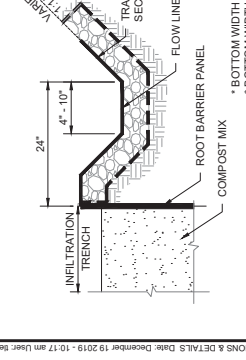
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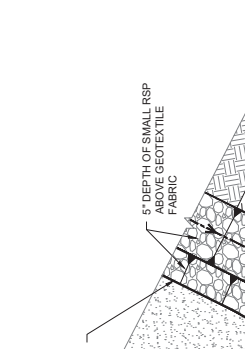
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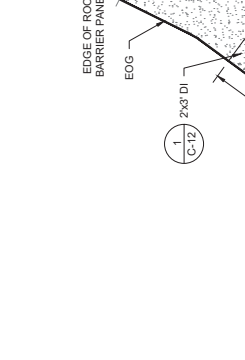
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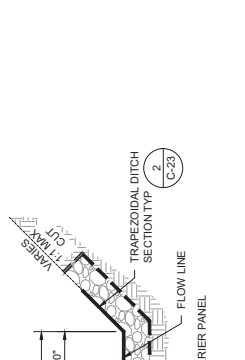
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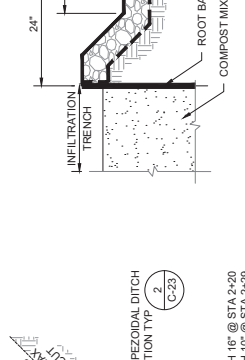
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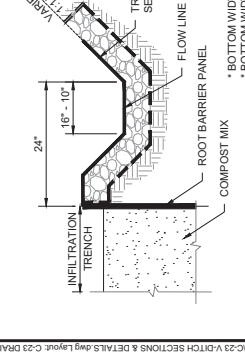
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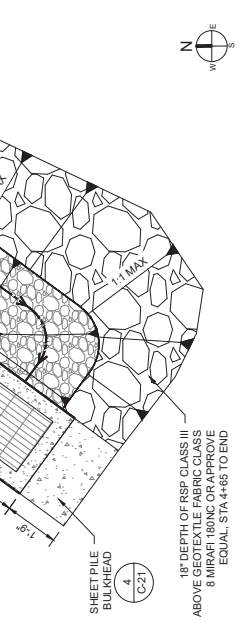
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14 TRAPEZOIDAL DITCH SECTION TYP
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15 TRAPEZOIDAL DITCH SECTION TYP
 SCALE@22X34 1" = 1'-0"



16 DETAIL AT THE END OF V-DITCH
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1500 Park Avenue – New Bright State Beach
Headwall Inlet



Attachment: 1500 Park Avenue - Headwall Photos (1500 Park Avenue)

1500 Park Avenue – New Bright State Beach
Headwall Outlet



Attachment: 1500 Park Avenue - Headwall Photos (1500 Park Avenue)



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: FEBRUARY 6, 2020

SUBJECT: **Grand Avenue Pathway Drainage Improvements #20-0014**

Coastal Development Permit (CDP) for drainage improvements on Hollister Avenue near the Grand Avenue Pathway in the R-1 (Single-Family Residential) Zoning District. The improvements include a new drainage inlet on the west side of Hollister Avenue.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Work was completed under an Emergency CDP.

Environmental Determination: Categorical Exemption

Property Owner: City of Capitola

Representative: Steve Jesberg, Filed: 01.17.2020

APPLICANT PROPOSAL

The City of Capitola is applying for a Coastal Development Permit (CDP) for drainage improvements on Hollister Avenue near the Grand Avenue Pathway in the R-1 (Single-Family Residential) Zoning District. The improvements include a new drainage inlet on the west side of Hollister Avenue.

BACKGROUND

Between Saturday, November 30, 2019, and Monday, December 2, 2019, approximately seven inches of rain fell in the Capitola area. At noon on December 2, Public Works staff learned the bluff below the Grand Avenue pathway between Hollister and Oakland Avenues had failed, resulting in complete loss of a section of the pathway. Loss of the bluff through slides in this vicinity had been anticipated in 2017 when the City Council authorized the closure of this section of the pathway due to ongoing slope failures in the area and potential impacts on the pathway.

Due in part to the closure, no one was harmed when the bluff slid and a section of the path was lost. However, as a result of the slide, rain runoff from Hollister Avenue and surrounding properties, which previously had flowed down the pathway westerly toward a drainage inlet near Oakland Avenue, began flowing directly onto the failed slope.

On December 3, 2019, based on this series of events, the City's Director of Emergency Services (the City Manager) issued a Proclamation of Existence of a Local Emergency (Attachment 1).

On December 4, 2019, the City awarded an emergency contract to Anderson Pacific Engineering Construction to immediately construct and install a new drainage inlet on Hollister Avenue to divert the runoff away from the area of the slope failure (Attachment 1). Anderson Pacific began work on December 4 and the work was completed by December 6.

On December 19, 2019, the Public Works Director presented a report on the Emergency Declaration to the Capitola City Council. The staff report, which includes photos of the slope failure and emergency repairs, are included as Attachment 1.

On December 16, 2019, the Coastal Commission submitted a comment letter on the Emergency Declaration (Attachment 2).

DISCUSSION

The proposed project includes the drainage improvements completed under the Emergency CDP. Pursuant to Section 17.46.050(A)(3)(a)(iii)(B) of the Capitola Municipal Code, a coastal development permit is required for repair and maintenance activities requiring “The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or environmentally sensitive habitat area as defined by the Coastal Act, or within twenty feet of coastal waters or streams.” The proposed work is adjacent to the bluff at the end of Hollister Avenue, therefore a coastal development permit is required.

In the December 16, 2019, letter, the Coastal Commission recommended that the City “process an emergency CDP as soon as possible for any work that has already been done, and for any additional work still necessary to abate the emergency situation (e.g., removing any fencing, asphalt, etc.; installation of drainage components and plastic sheeting on the bluff area,” and encouraged the City “to remove any non-plant materials from the top of the bluff and along the bluff (e.g.: asphalt, plastic, sand bags, and fencing) to prevent these materials from falling onto the beach area and ultimately into the ocean.”

The Coastal Commission also included a list of items that should be included in a follow-up CDP to authorize the work done under the Emergency CDP. The list includes: examining what level of storm the existing drainage inlets can accommodate; considering additional drainage improvements to prevent runoff down the bluff and exploring other measures that may be suitable to prevent/reduce erosion in the area; and examining the feasibility of reclaiming the public right-of-way to allow for a through public pathway, even if such a path could only exist for a relatively short planning horizon (e.g., 5-20 years) and is a more informal pathway (e.g., compacted dirt, decomposed granite, etc. as opposed to concrete or asphalt). An analysis of the eroded cliff shows that the cliff face is now within 3-5 feet of the private property line making it infeasible to safely establish a new pathway in this area on the road right of way.

Several conditions of approval have been added to reflect the Coastal Commission recommendations, including:

2. To the extent safely possible, applicant shall attempt to remove any non-plant materials from the top of the bluff and along the bluff (e.g.: asphalt, plastic, sandbags, and fencing) to prevent these materials from falling onto the beach area and into the ocean.
3. Applicant shall submit the following information to the Coastal Commission:
 - a. The level of storm the existing drainage inlets can accommodate; and
 - b. A preliminary analysis of additional possible drainage improvements to prevent runoff down the bluff and any other measures that may be suitable to prevent/reduce erosion in the area.

CEQA

This project is categorically exempt under §15304(f) of the California Environmental Quality Act. Installation of the drainage improvements involved minor trenching and backfilling where the surface was restored.

RECOMMENDATION

Staff recommends approval of a Coastal Development Permit for Application #20-0014 based on the findings and conditions.

CONDITIONS OF APPROVAL

1. The project approval consists of construction of drainage improvements on Hollister Avenue near the Grand Avenue Pathway. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 6, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
2. To the extent safely possible, applicant shall attempt to remove any non-plant materials from the top of the bluff and along the bluff (e.g.: asphalt, plastic, sandbags, and fencing) to prevent these materials from falling onto the beach area and into the ocean.
3. Applicant shall submit the following information to the Coastal Commission:
 - a. The level of storm the existing drainage inlets can accommodate; and
 - b. A preliminary analysis of additional possible drainage improvements to prevent runoff down the bluff and any other measures that may be suitable to prevent/reduce erosion in the area.

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

Community Development Staff and the Planning Commission have reviewed the project. The proposed construction of drainage improvements on Hollister Avenue near the Grand Avenue Pathway secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

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

Community Development Staff and the Planning Commission have reviewed the application for construction of drainage improvements on Hollister Avenue near the Grand Avenue Pathway. The project will maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15304(f) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15304(f) of the CEQA Guidelines exempts minor trenching and backfilling where the surface is restored. This project involves construction of drainage improvements on Hollister Avenue near the Grand Avenue Pathway. No adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS**D. Findings Required.**

1. **A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**

- a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
- b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
- c. A description of the legitimate governmental interest furthered by any access conditioned required;
- d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.
 - The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090(D) are as follows:

2. Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D)(2)(a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

- a. Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;
 - The project area is adjacent to the final segment of Grand Avenue, the lateral access pathway that runs along the coastal edge of Depot Hill from Central Avenue to Hollister Avenue and provides public access to beautiful scenic views of the coastline. The pathway is situated the edge of the coastal bluff, approximately 90 feet above a small strip of beach along the Monterey Bay.
 - Grand Avenue, which was formerly a city street with a walking path known as Lover's Lane on the seaward side (until the 1930's), has been utilized as a public walking path only from Central Avenue to Hollister Avenue for many years due to the precarious location of the road along the edge of the cliff.

- The section of the Grand Avenue pathway between Oakland Avenue and Hollister Avenue was closed in 2017 due to geologic instability to ensure public safety.
 - Due to significant rainfall in December 2019, the bluff below the Grand Avenue pathway between Hollister and Oakland Avenues failed, resulting in complete loss of the pathway.
 - The project directs stormwater away from the area where the bluff failed to slow down erosion in the area.
 - The project is supported by the following sections of the Local Coastal Program:
 - Policy II-1
 - It shall be the policy of the City of Capitola to provide safe and adequate pedestrian access to and along the shoreline as designated in the Shoreline Access Plan.
 - SEC. 30253
 1. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
 2. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along cliffs and bluffs.
- b. Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The project area is adjacent to the final segment of Grand Avenue, the lateral access pathway that runs along the coastal edge of Depot Hill from Central Avenue to Hollister Avenue and provides public access to beautiful scenic views of the coastline. The pathway is situated the edge of the coastal bluff, approximately 90 feet above a small strip of beach along the Monterey Bay.
 - The project directs stormwater away from the area where the bluff failed to slow down erosion in the area.
 - The project will not result in significant changes to shoreline processes.
- c. Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive

and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- The project area is adjacent to the final segment of Grand Avenue, the lateral access pathway that runs along the coastal edge of Depot Hill from Central Avenue to Hollister Avenue and provides public access to beautiful scenic views of the coastline from the blufftop.
- d. Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;
- The proposed project is located on public property at the end of Hollister Avenue near the Grand Avenue Pathway. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.
- e. Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.
- The proposed project is located on public property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual, or recreational value of public use areas.

3. Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F)(2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

- a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;
- b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;
- c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply.
4. **Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**
- a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;
 - The project is located in a residential area without sensitive habitat areas.
 - b. Topographic constraints of the development site;
 - The project is located on a blufftop.
 - c. Recreational needs of the public;
 - The project does not impact the recreational needs of the public.
 - d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;
 - e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;
 - f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.
5. **Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**
- No legal documents to ensure public access rights are required for the proposed project.
6. **Project complies with visitor-serving and recreational use policies;**

SEC. 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- The project involves construction of drainage improvements in the public right-of-way on Hollister Avenue near the Grand Avenue Pathway.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project involves construction of drainage improvements in the public right-of-way on Hollister Avenue near the Grand Avenue Pathway.

c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- The project involves construction of drainage improvements in the public right-of-way on Hollister Avenue near the Grand Avenue Pathway.

7. Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project involves the construction of drainage improvements in the public right-of-way on Hollister Avenue. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.

8. Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project complies with the design guidelines and standards established by the Municipal Code.

9. Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

10. Demonstrated availability and adequacy of water and sewer services;

- Not Applicable

11. Provisions of minimum water flow rates and fire response times;

- Not Applicable

12. Project complies with water and energy conservation standards;

- Not Applicable

13. Provision of park dedication, school impact, and other fees as may be required;

- Not Applicable

14. Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;

- The project does not involve a condo conversion or mobile homes.
- 15. Project complies with natural resource, habitat, and archaeological protection policies;**
- Conditions of approval have been included to ensure compliance with established policies.
- 16. Project complies with Monarch butterfly habitat protection policies;**
- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.
- 17. Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**
- Conditions of approval have been included to ensure compliance with applicable erosion control measures.
- 18. Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**
- Geologic/engineering reports have been prepared by qualified professionals for this project.
- 19. All other geological, flood and fire hazards are accounted for and mitigated in the project design;**
- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.
- 20. Project complies with shoreline structure policies;**
- The proposed project complies with shoreline structure policies.
- 21. The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**
- Not Applicable
- 22. Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures; and**
- The project conforms to the requirements of all city ordinances, zoning requirements, and project development review and development procedures.
- 23. Project complies with the Capitola parking permit program as follows:**

- a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
 - b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
 - c. The village area preferential parking program shall be limited to three hundred fifty permits.
 - d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
 - e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
 - f. Six Depot Hill twenty-four minute “Vista” parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
 - g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
 - h. No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.
- Not Applicable

ATTACHMENTS:

1. Grand Avenue Pathway Closure - Emergency CDP - CC Staff Report and Attachments - 12.19.2019
2. Grand Avenue Pathway - Coastal Commission Letter - CC Hearing Item # 10A - 12.19.2019
3. Grand Avenue Pathway - Drain Line Cross Sections
4. Grand Avenue Pathway - Drainage Improvements Overview

Prepared By: Matt Orbach
Associate Planner



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF DECEMBER 19, 2019

FROM: Public Works Department

SUBJECT: Report on Emergency Declaration from December 3, 2019

RECOMMENDED ACTION: Receive a report on a Proclamation of Existence of a Local Emergency made by the City Director of Emergency Services on December 3, 2019, in response damages to the Grand Avenue Pathway following heavy rains, and authorize associated expenditures from Measure F funding.

BACKGROUND: Between Saturday, November 30, 2019, and Monday, December 2, 2019, approximately seven inches of rain fell in the Capitola area. At noon on December 2, Public Works staff learned the bluff below the Grand Avenue pathway between Hollister and Oakland Avenues had failed, resulting in complete loss of the pathway. Further slides in this vicinity had been anticipated back in 2017 when the Council authorized the closure of this section of the pathway due to ongoing slope failures in the area and potential impacts on the pathway.

Due in part to the closure, no one was harmed when the path failed. However, as a result of the failure, rain runoff from Hollister Avenue and surrounding properties, which previously had flowed down the pathway westerly toward a drainage inlet near Oakland Avenue, began falling directly onto the failed slope.

Based on this series of events, on December 3, the City's Director of Emergency Services (the City Manager) issued a Proclamation of Existence of a Local Emergency.

DISCUSSION: Capitola Municipal Code Section 8.08.050 states that, in times of emergency, the City Manager is the Director of Emergency Services. Section 8.08.060 authorizes the City Manager, in that capacity, to issue a proclamation of emergency if there is an emergency and the Council is not in session. On December 3, for the reasons stated above, the City Manager, acting as the Director of Emergency Services, issued a Proclamation of Existence of a Local Emergency. A copy of the proclamation is included as Attachment 1.

On December 4, 2019, the City awarded an emergency contract to Anderson Pacific Engineering Construction to immediately construct and install a new drainage inlet on Hollister Avenue to divert the runoff away from the area of the slope failure. A copy of the contract is included as Attachment 2. Anderson Pacific began work on December 4 and the work was completed by December 6. Anderson Pacific completed the work on a force account basis, meaning the project costs were be calculated based on time, materials, and equipment costs plus a standard markup used and approved by Caltrans. This type of contract is typical for emergency work. While the City has not received the final billing from Anderson Pacific, staff estimates costs at \$20,000.

Grand Ave Storm Damage Report
December 19, 2019

Finally, on December 5, 2019, a property owner adjacent to the pathway installed a plastic sheet over the area of the slope failure.

Photos of the slope failure and emergency repairs are included as Attachment 3.

FISCAL IMPACT: Under the authority of the emergency declaration, the City Manager has preliminarily directed the payment of the emergency work from the Emergency Reserves. However, staff recommends the project costs be allocated to Measure F funds, which have been set aside for ocean-related resiliency projects. These funds currently are being held for flume, jetty, and wharf improvements and total just over \$1 million. The added expense of the emergency work will not impact the planned projects.

ATTACHMENTS:

1. Local Emergency Declaration 12032019
2. Anderson Pacific Emergency Contract
3. Grand Avenue Pathway Photographs

Report Prepared By: Steve Jesberg
Public Works Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

12/12/2019

**BY THE DIRECTOR OF EMERGENCY SERVICES OF THE
CITY OF CAPITOLA**

Proclamation of Existence of a Local Emergency

WHEREAS, Municipal Code Section 8.08.050 empowers the Director of Emergency Services for the City of Capitola to proclaim the existence of a local emergency when said City is affected or likely to be affected by the existence of disaster or extreme peril which is, or is likely to be, beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to control; and

WHEREAS, the Director of Emergency Services does hereby find:

That conditions of extreme peril to the safety of persons and property have arisen on December 3, 2019 within the City of Capitola as a result of more than 7 inches of rain, thereby causing damage to the Grand Avenue pathway and directing drainage directly onto the unstable bluff face which could cause further bluff failures if not immediately abated.

That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

That the City Council of the City of Capitola is not in session.

NOW, THEREFORE, BE IT HEREBY PROCLAIMED that during the existence of said local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City of Capitola, Santa Cruz County, California, shall be those prescribed by State law, by ordinances and resolutions of the City; and

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist for a period of seven days and shall thereupon terminate unless this proclamation is ratified and continued in effect by the City Council of the City of Capitola.

Date: 12/3/19


BENJAMIN GOLDSTEIN
Director of Emergency Services
City of Capitola, Santa Cruz County

Attachment: Grand Avenue Pathway Closure - Emergency CDP - CC Staff Report and Attachments - 12.19.2019 (Grand Avenue Pathway

CITY OF CAPITOLA
PROFESSIONAL SERVICES AGREEMENT
 Emergency Storm Drain Installation on Hollister Avenue
 Anderson Pacific Engineering Construction

THIS AGREEMENT is entered into on December 4, 2019, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Anderson Pacific Engineering Construction, Inc., hereinafter called "Contractor".

WHEREAS, City desires certain services described in Appendix One and Contractor is capable of providing and desires to provide these services;

NOW, THEREFORE, City and Contractor for the consideration and upon the terms and conditions hereinafter specified agree as follows:

SECTION 1
Scope of Services

The services to be performed under this Agreement are for emergency construction of a new drain inlet and out fall pipe at the end of Hollister Drive on Depot Hill and further detailed in Appendix One.

SECTION 2
Duties of Contractor

All work performed by Contractor, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Contractor's profession.

Contractor shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Contractor by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Contractor's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Contractor's control.

Contractor shall meet with Steven Jesberg, called "Director," or other City personnel, or third parties as necessary, on all matters connected with carrying out of Contractor's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

SECTION 3
Duties of the City

City shall make available to Contractor all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Contractor in obtaining such information from other agencies and individuals as necessary.

The Director may authorize a staff person to serve as his or her representative for conferring with Contractor relative to Contractor's services. The work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Contractor. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Contractor of the changes or revisions necessary to secure approval.

SECTION 4 Fees and Payment

Payment for the Contractor's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Contractor in carrying out the work. If Contractor is compensated on an hourly basis, Contractor shall track the number of hours Contractor, and each of Contractor's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Contractor shall immediately notify City if the number of hours worked during any fiscal year by any of Contractor's employees reaches 900 hours. In addition, each invoice submitted by Contractor to City shall specify the number of hours to date Contractor, and each of Contractor's employees, has worked under this Agreement during the current fiscal year.

SECTION 5 Changes in Work

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Contractor's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

SECTION 6 Time of Beginning and Schedule for Completion

This Agreement will become effective on December 4, 2019 and will terminate on the earlier of:

- The date Contractor completes the services required by this Agreement, as agreed by the City; or
- The date either party terminates the Agreement as provided below.

Work shall begin on or about December 4, 2019.

In the event that major changes are ordered or Contractor is delayed in performance of its services by circumstances beyond its control, the City will grant Contractor a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Contractor must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

SECTION 7 Termination

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Contractor. Contractor may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Contractor for all services performed and accepted under this Agreement up to the date of termination.

SECTION 8

Insurance

Contractor shall procure and maintain for the duration of the contract and for 2 years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.

Minimum Limits of Insurance

Contractor shall maintain limits no less than:

- | | | |
|----|---|--|
| 1. | General Liability:
(including operations, products and completed operations) | \$1,000,000 per occurrence and \$2,000,000 in aggregate (including operations, for bodily injury, personal and property damage). |
| 2. | Automobile Liability: | \$1,000,000 per accident for bodily injury and property damage. |
| 3. | Employer's Liability Insurance | \$1,000,000 per accident for bodily injury and property damage. |
| 4. | .Blank | |

Other Insurance Provisions

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

Professional Services Agreement December 4, 2019
 Emergency Storm Drain Construction on Hollister Avenue
 Anderson Pacific Engineering Contractors, Inc
 Page 4

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Contractor or automobiles owned, leased, hired or borrowed by the Contractor.
2. For any claims related to this project, the Contractor's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Waiver of Subrogation

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Contractor, its employees, agents and subcontractors.

Verification of Coverage

Contractor shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

SECTION 9 Indemnification

For General Services: To the fullest extent permitted by law, Contractor agrees to indemnify, defend, and hold harmless the City, its directors, officers, employees from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from the acts or omissions of Contractor's employees or agents in any way related to the obligations or in the performance of services under this Agreement, except for design professional services as defined in Civil Code § 2782.8, and except where caused by the sole or active negligence, or willful misconduct of the City.

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Contractor agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees from and against any and all claims, demands, actions, liabilities, damages, or expenses (including attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the Contractor, Contractor's employees, or agents in any way related to the obligations or in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of the City. The costs to defend charged to the Contractor

Professional Services Agreement December 4, 2019
 Emergency Storm Drain Construction on Hollister Avenue
 Anderson Pacific Engineering Contractors, Inc
 Page 5

relating to design professional services shall not exceed the Contractor's proportionate percentage of fault per Civil Code §2782.8 and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Contractor, Contractor's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

SECTION 10 **Civil Rights Compliance/Equal Opportunity Assurance**

Every supplier of materials and services and all contractors doing business with the City of Capitola shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, contractor shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Contractor agrees to abide by all of the foregoing statutes and regulations.

SECTION 11 **Legal Action/Attorneys' Fees**

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which he or she may be entitled. The laws of the State of California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Contractor and the City.

SECTION 12 **Assignment**

This Agreement shall not be assigned without first obtaining the express written consent of the Director after approval of the City Council.

SECTION 13 **Amendments**

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Contractor. Contractor acknowledges that no such amendment shall be effective until approved and authorized by the City Council, or an officer of the City when the City Council may from time to time empower an officer of the City to approve and authorize such amendments. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Appendix Two. Such authority is retained solely by the City Council. Unless expressly authorized by the City Council, Contractor's compensation shall be limited to that set forth in Appendix Two.

SECTION 14 **Miscellaneous Provisions**

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Contractor to said work. No change in assignment may occur without prior written approval of the City.

Professional Services Agreement December 4, 2019
Emergency Storm Drain Construction on Hollister Avenue
Anderson Pacific Engineering Contractors, Inc
Page 6

2. *Contractor Service.* Contractor is employed to render professional services only and any payments made to Contractor are compensation solely for such professional services.

3. *Licensure.* Contractor warrants that he or she has complied with any and all applicable governmental licensing requirements.

4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.

5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Contractor pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Contractor shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Contractor's other work product shall not be used by the Contractor on other projects, except by agreement in writing and with appropriate compensation to the City.

6. *Contractor's Records.* Contractor shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Contractor's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Contractor's services.

7. *Independent Contractor.* In the performance of its work, it is expressly understood that Contractor, including Contractor's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Contractor shall not be considered an employee of the City for any purpose.


8. *Conflicts of Interest.* Contractor stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Contractor's work product prepared pursuant to this Agreement.

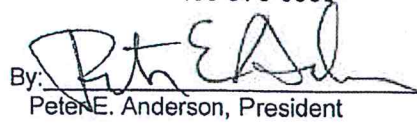
9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

Professional Services Agreement December 4, 2019
Emergency Storm Drain Construction on Hollister Avenue
Anderson Pacific Engineering Contractors, Inc
Page 7

CITY
CITY OF CAPITOLA
420 Capitola Avenue
Capitola, CA 95010
831-475-7300

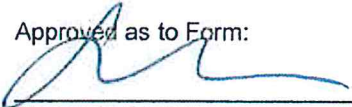
CONTRACTOR
Anderson Pacific Engineering Construction
1390 Norman Avenue
Santa Clara, CA 95054-2047
408-970-9900

By: 
Benjamin Goldstein, City Manager

By: 
Peter E. Anderson, President

Dated: 12/6/19

Dated: 12/4/19

Approved as to Form:

Samantha Zutler, City Attorney

Attachment: Grand Avenue Pathway Closure - Emergency CDP - CC Staff Report and Attachments - 12.19.2019 (Grand Avenue Pathway

Professional Services Agreement December 4, 2019
Emergency Storm Drain Construction on Hollister Avenue
Anderson Pacific Engineering Contractors, Inc
Page 8

APPENDIX ONE Scope of Services

Due to bluff failure along Grand Avenue on Depot Hill, the drainage from Hollister Avenue is now flowing directly onto the failed and exposed slope. The City has directed the installation of a new drain inlet at the end of Hollister Avenue, above the bluff, to capture the runoff and direct it over the bluff. The outfall shall be built in conformance with the plans provided by the City titled Cross Sections Showing Bluff Top Drain Lines by Haro Kasunich and Associates Inc. dated January 28, 2010.

Contractor shall coordinate all work with Department of Public Works personnel to insure inspections of the work are completed. It is anticipated that decisions and directions to the final layout and construction will be made by City and Contractor personnel in the field.

Time is of the essence in completing this work and the contractor shall diligently work to complete this project as quickly as possible.

APPENDIX TWO Fees and Payments

For the services performed, City will pay contractor on a force account basis for time, materials, and equipment needed to satisfactory complete the services and delivery of work products. Payments will be issued monthly as charges accrue, the sum of contractor's salary expenses and non-salary expenses. For work that is performed payments under this contract the Contractor will be made per the markups specified in the attached Daily Extra Work Report (DEWR).

Contractor hereby represents and warrants, based upon Contractor's independent determination of the time and labor, including overtime, which will be required to perform said services, that Contractor will provide all said services. Contractor shall provide daily reports on labor, materials, and equipment used on the job site for verification by the City.

Salary expenses include the actual direct pay of personnel assigned to the project (except for routine secretarial and account services) plus payroll taxes, insurance, sick leave, holidays, vacation, and other fringe benefits. The percentage of compensation attributable to salary expenses includes all of Contractor's indirect overhead costs and fees. For purposes of this Agreement, Contractor's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule attached to this appendix and in accordance with the terms set forth therein. Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subcontractors or subcontractors, and other identifiable job expenses. The use of Contractor's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

Payments shall be made monthly by the City, based on itemized invoices from the Contractor which list actual costs and expenses. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Contractor's firm:

"I hereby certify as principal of the firm of _____, that the charge of \$_____ as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated _____, __, and has not been previously paid."

DAILY EXTRA WORK REPORT

Work Performed by:
Work Performed at the direction of:

ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC.

APEC Job #: XXXX
Date Performed: XXXX-xx
DEWR #: XXXX-xx

Description of Work:

EQUIP. NO.	EQUIPMENT	OT/Delay Factor	HOURS		HOURLY RATE	EXTENDED AMOUNTS	LABOR	HOURS		HOURLY RATE	EXTENDED AMOUNTS
			RT	OT				RT	OT		
0		1	RT	OT	\$ -	\$ -		RT	OT	\$ -	\$ -
0		1	RT	OT	\$ -	\$ -		RT	OT	\$ -	\$ -
0		1	RT	OT	\$ -	\$ -		RT	OT	\$ -	\$ -
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0		1	RT	OT	\$ -	\$ -		RT	OT	\$ -	\$ -
MATERIAL and/or WORK DONE BY SPECIALISTS											
Description	No. Units	Unit Cost	Amount								
			\$0.00	\$0.00							\$ -
			\$0.00	\$0.00							\$ -
			\$0.00	\$0.00							\$ -
			\$0.00	\$0.00							\$ -
			\$0.00	\$0.00							\$ -
			\$0.00	\$0.00							\$ -
			\$0.00	\$0.00							\$ -
TOTAL COST OF LABOR											
Sub-Total Labor RT											
Labor Surcharge RT											
Sub-Total Labor OT											
Labor Surcharge OT											
Subsistence											
TOTAL COST OF LABOR											
35% MARK-UP ON LABOR COST											
15% MARK-UP ON EQUIP., MATERIAL AND WORK COST											
3% BOND & INSURANCE											
TOTAL THIS REPORT											

Hollister Avenue Storm Drain Emergency Construction



April 17, 2017 drone photo of Grand Avenue pathway at time of closure due to risk of further slope failure



December 4, 2019 drone photo of slope failure along Grand Avenue pathway. Oakland Avenue to the left of photo.

Hollister Avenue Storm Drain Emergency Construction



Runoff draining into area of slope failure



Overhead view showing cavity created by storm runoff

Hollister Avenue Storm Drain Emergency Construction



New drainage inlet at the end of Hollister Avenue constructed under emergency declaration

Hollister Avenue Storm Drain Emergency Construction



Plastic sheeting installed by neighboring property owner

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 PHONE: (831) 427-4863
 FAX: (831) 427-4877
 WEB: WWW.COASTAL.CA.GOV



December 16, 2019

City Council
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

Subject: Grand Avenue Pathway Emergency Declaration - Item 10A

Dear Honorable Members of the Capitola City Council:

It is our understanding that the portion of the Grand Avenue pathway that was previously closed under City-issued Coastal Development Permit (CDP) #17-0380 was further undermined following heavy rain, and that emergency action was taken, including the creation of a new drainage inlet and the placement of plastic sheeting. Accordingly, the City should process an emergency CDP as soon as possible for any work that has already been done, and for any additional work still necessary to abate the emergency situation (e.g., removing any fencing, asphalt, etc.; installation of drainage components and plastic sheeting on the bluff area). We would like to encourage the City to remove any non-plant materials from the top of the bluff and along the bluff (e.g.: asphalt, plastic, sand bags, and fencing) to prevent these materials from falling onto the beach area and ultimately into the ocean. In terms of the required follow-up CDP to authorize the work done under the Emergency CDP, we would encourage the City to: 1) examine what level of storm (i.e., the 10-year storm, 20-year storm, etc.) that the existing drainage inlets can accommodate; 2) consider additional drainage improvements to prevent runoff down the bluff, as well as explore other measures that may be suitable to prevent/reduce erosion in this area; and 3) examine the feasibility of reclaiming the public right-of-way to allow for a through public pathway, even if such a path could only exist for a relatively short planning horizon (e.g., 5-20 years) and is a more informal pathway (e.g. compacted dirt, decomposed granite, etc. as opposed to concrete or asphalt). We see the follow-up CDP process as an opportunity to seek solutions that both address coastal bluff erosion as well as restore lateral public coastal access along the bluff.

In terms of longer term solutions and planning, it is our understanding that the City received a grant to complete a formal hazards assessment and will be undertaking a Local Coastal Program (LCP) update to appropriately plan for coastal hazards and sea level rise. We are interested in coordinating with City planning and public works staff (who are copied on this letter), including to better understand what the City has learned thus far from the hazards assessment, and to assist the City in its upcoming LCP update process. Please let us know how we can best assist with this process at your convenience.

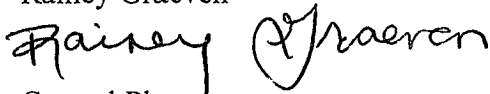
Attachment: Grand Avenue Pathway - Coastal Commission Letter - CC Hearing Item # 10A - 12.19.2019 (Grand Avenue Pathway Drainage

City Council
Grand Avenue Pathway Emergency Declaration - Item 10A
December 16, 2019
Page 2

Thank you for your consideration.

Sincerely,

Rainey Graeven

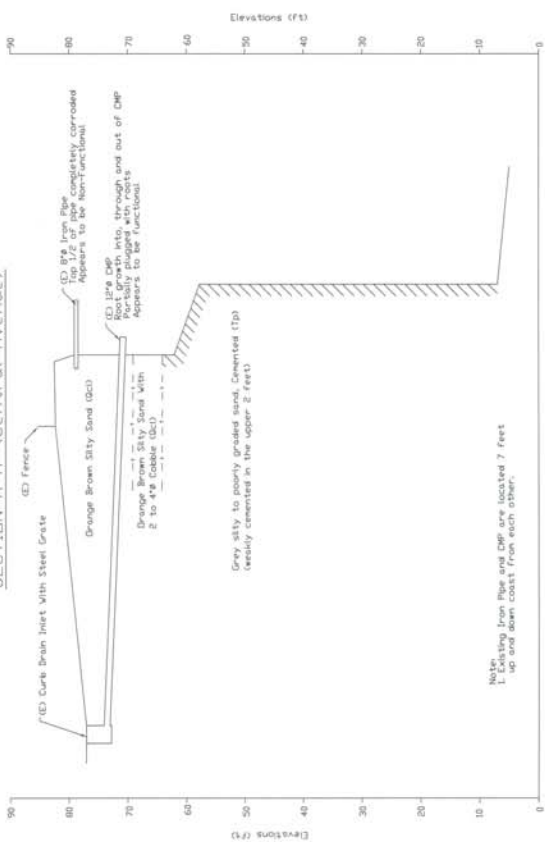


Coastal Planner
Central Coast District Office

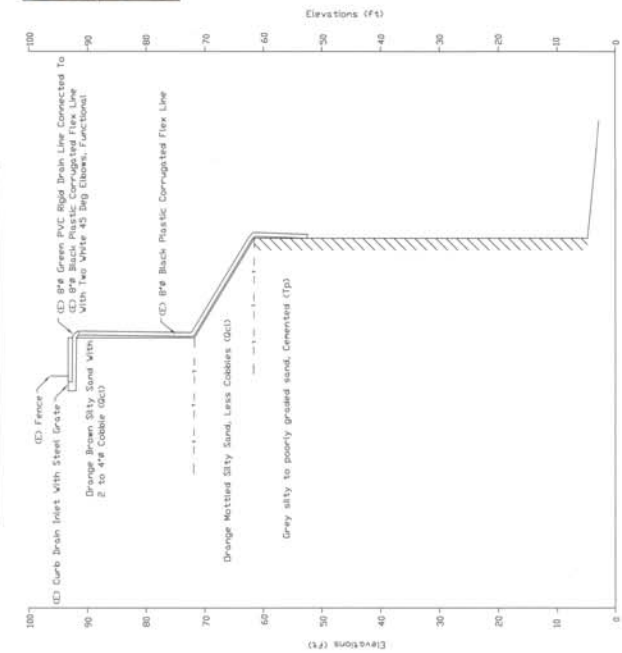
cc: Katie Herlihy, Community Development Director
Steve Jesberg, Public Works Director

Attachment: Grand Avenue Pathway - Coastal Commission Letter - CC Hearing Item # 10A - 12.19.2019 (Grand Avenue Pathway Drainage

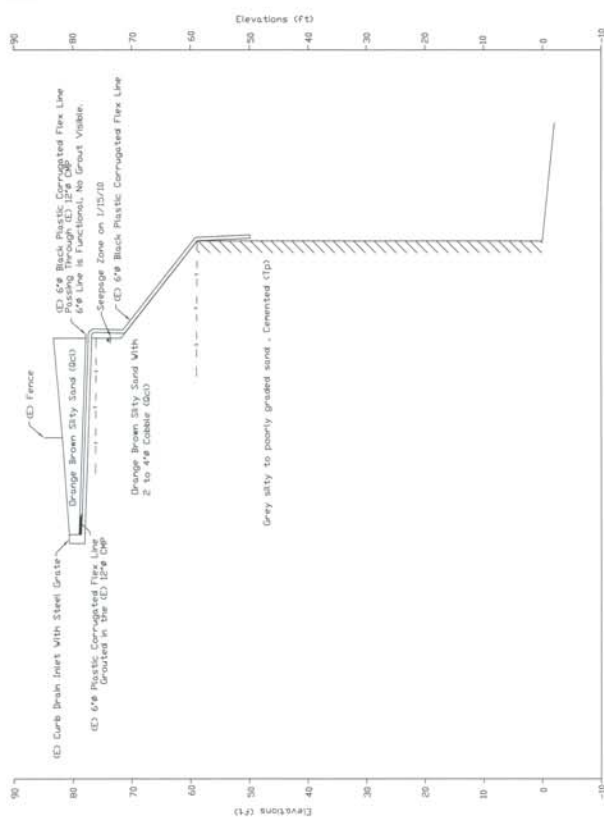
SECTION A-A' (Central Avenue)



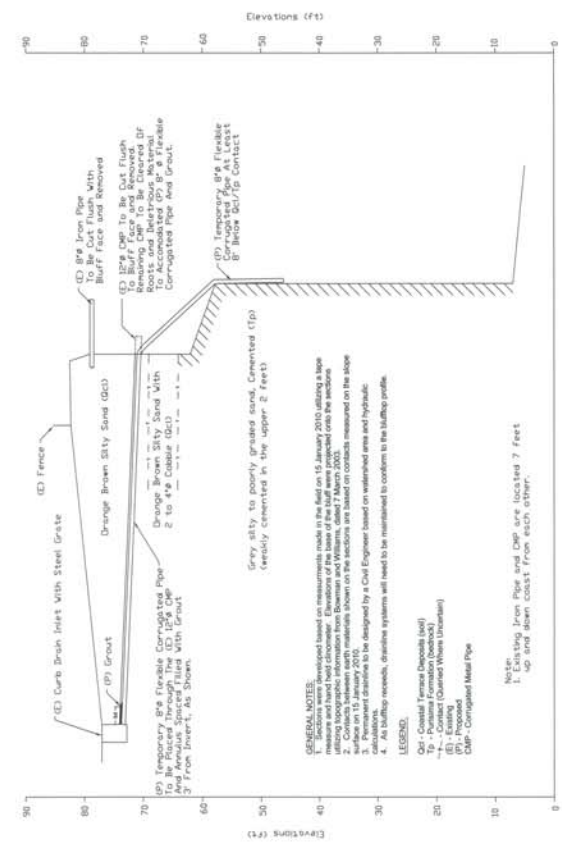
SECTION C-C' (Sacramento Avenue)



SECTION B-B' (Between Saxon & Oakland Avenue)



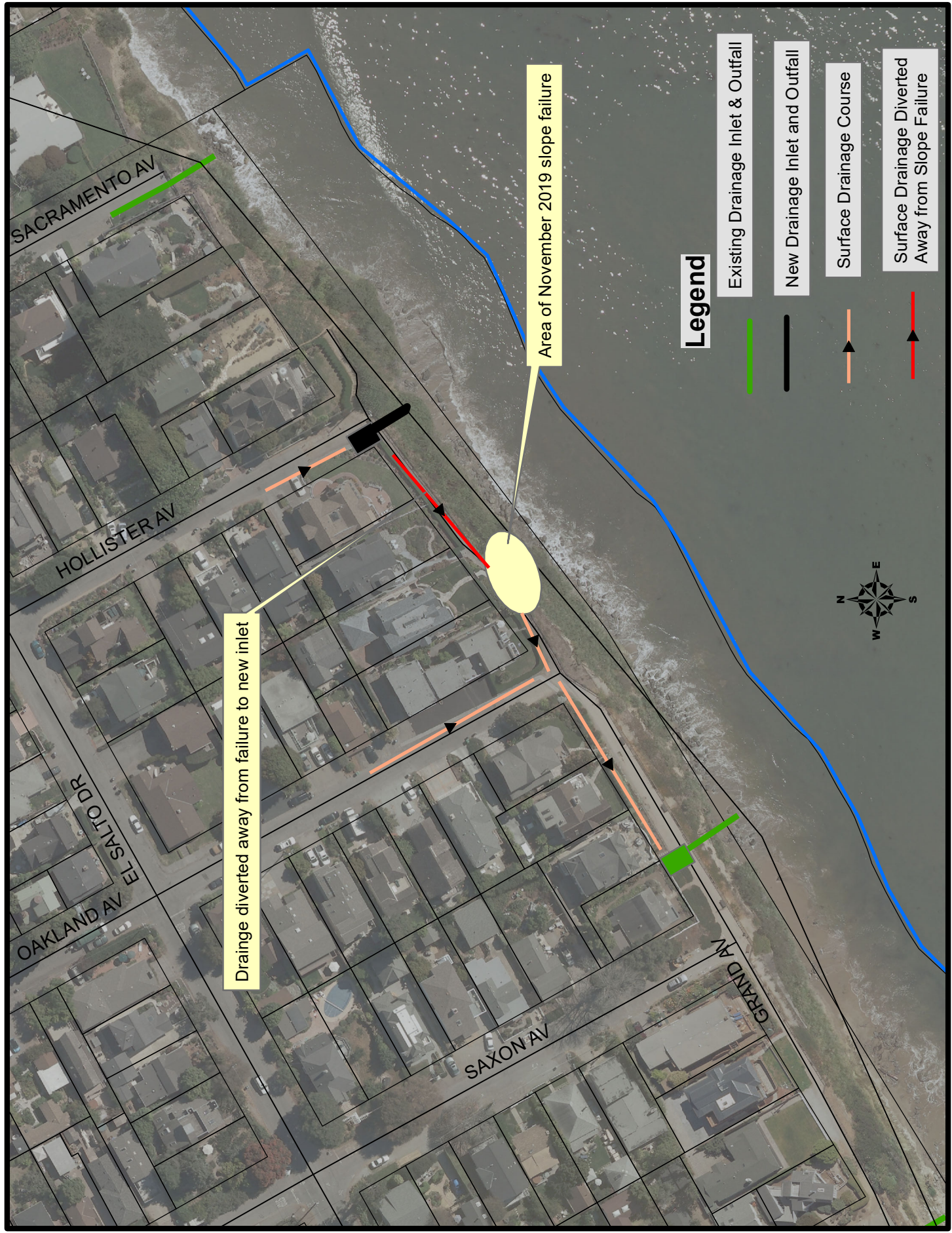
PROPOSED TEMPORARY DRAIN LINE REPAIR AT SECTION A-A' (Central Avenue)



Grand Avenue Emergency Drainage Construction

3.C.4

Attachment: Grand Avenue Pathway - Drainage Improvements Overview (Grand Avenue Pathway)



1 inch = 100 feet



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: FEBRUARY 6, 2020
 SUBJECT: **3775 Capitola Road #19-0732 APN: 034-261-39**

Conditional Use Permit for a Community Assembly use for a commercial structure located within the C-R (Regional Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Owner: MGP XI Capitola, LLC

Representative: Jesse West, Filed: 12.10.2019

APPLICANT PROPOSAL

The applicant is proposing to convert 5,587 square feet of commercial space for community assembly land use for a religious center (The Point – A Jesus Community), at 3775 Capitola Road in the C-R (Regional Commercial) zoning district. The property is located adjacent to the Capitola Mall and owned by Merlone Geier Partners, the mall owner. The application complies with all development standards of the C-R zoning district.

BACKGROUND

The structure is located on the Capitola Mall property but separate from the primary mall facility, north of the Capitola Road and 38th Avenue intersection. The structure currently has one tenant space, totaling 8,130 square feet. The space was previously occupied by Takara restaurant.

DISCUSSION

The proposed use, a church, is considered “community assembly” within Capitola Municipal Code, Table 17.24-1. A community assembly land use requires a conditional use permit.

When evaluating a conditional use permit application, the Planning Commission is required to consider the following characteristic of the proposed use:

- A. Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).

Staff analysis: The church proposes to operate daily from 8 a.m. through 10 p.m.

Services would include typical church community events, Saturday and Sunday church services, midweek bible studies, prayer events, and family and youth events.

- B. Availability of adequate public services and infrastructure.

Staff analysis. The applicant is not proposing to enlarge the structure. Adequate public services are established at the site.

C. Potential impacts to the natural environment.

Staff analysis. There are not impacts to the natural environment. The site is developed, and the structure will not be enlarged. The applicant is not proposing any exterior modifications to the structure

D. Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.

Staff analysis. There are no new impacts in terms of design, location, shape, size and topography. The one change that could influence the site is the impact of parking from a community assembly land use. Typically, community assemble requires 1 space per 3 fixed seats, or 1 space per 40 square feet of assembly area for uses without fixed seats. The applicant is not proposing any fixed seat arrangements therefore the floor area ratio standard applies. The parking requirement for the proposed use with a floor area of 5,587 square feet is 140 parking spaces, which is an increase from the previous restaurant requirement by 49 spaces. The remaining 2,543 square feet of the 8,130 square-foot structure will not be used by the tenant and was not included in the floor area calculation.

When the Capitola Mall expansion was proposed in 1986, an Environmental Impact Report (EIR) was prepared for the project. The EIR recommended a parking ratio of five spaces per 1,000 square feet of gross leasable floor area. Currently, there are 585,779 square feet of gross leasable floor area at the mall, which includes this commercial site. Using the EIR parking ratio, 585,779 square feet of gross leasable floor area requires 2,929 parking spaces.

A parking analysis was performed in 1997 in conjunction with another project at the Capitola Mall (Application #97-88), which indicated that there was a 220 space surplus using ratios established in the EIR. Staff reviewed changes to floor area and parking capacity that have occurred since the 1997 parking study and concluded that a surplus of over 205 parking spaces remains. Therefore, the proposed community assembly use is in compliance with parking on the site.

Signage

A signage proposal was not included as part of the CUP application. Previously, the site had a master sign program. Signage for the previous use was removed. Condition #2 requires the applicant to obtain a sign permit for new signage, as applicable.

CEQA

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. Section 15301 of CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Staff has reviewed the parking requirements under the 1986 EIR prepared for the mall expansion and found the project to have no impact. No adverse environmental impacts were discovered during project review by either Planning Department Staff or the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission **approve** project application #19-0732 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of the conversion of 5,587 square-feet of commercial space for a community assembly use. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 6, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The project approval does not include signage. A sign permit is required for any signage not otherwise exempted by the zoning code.
3. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
4. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
5. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
8. Prior to issuance of building permit, all Planning fees associated with permit #19-0732 shall be paid in full.
9. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Santa Cruz Water District, and Central Fire Protection District.
11. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

12. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
14. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.
§9.12.010B
16. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS

A. The proposed use is allowed in the applicable zoning district.

The proposed community assembly use is allowed within the C-R (Regional Commercial) zoning district with the approval of a Conditional Use Permit by the Planning Commission. The project complies with the development standards of the C-R zoning district

- B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**

The Community Development Department and the Planning Commission have reviewed the application and determined that the proposed community assembly use will secure the purposes of the zoning ordinance, design standards, and general plan. The property is outside the coastal zone therefore the Local Coastal Program does not apply.

- C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.**

The Community Development Department and the Planning Commission have reviewed the application and determined that the proposal is compatible with the existing and planned land uses within the vicinity of the property.

- D. The proposed use will not be detrimental to the public health, safety, and welfare.**

The Community Development Department and the Planning Commission have reviewed the application and determined that the proposed community assembly use will not have adverse impacts on public health, safety, or general welfare.

- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**

The Community Development Department and the Planning Commission have reviewed the application and determined that the use is properly located within the city and adequately served by existing services and infrastructure. The proposal is within an existing building.

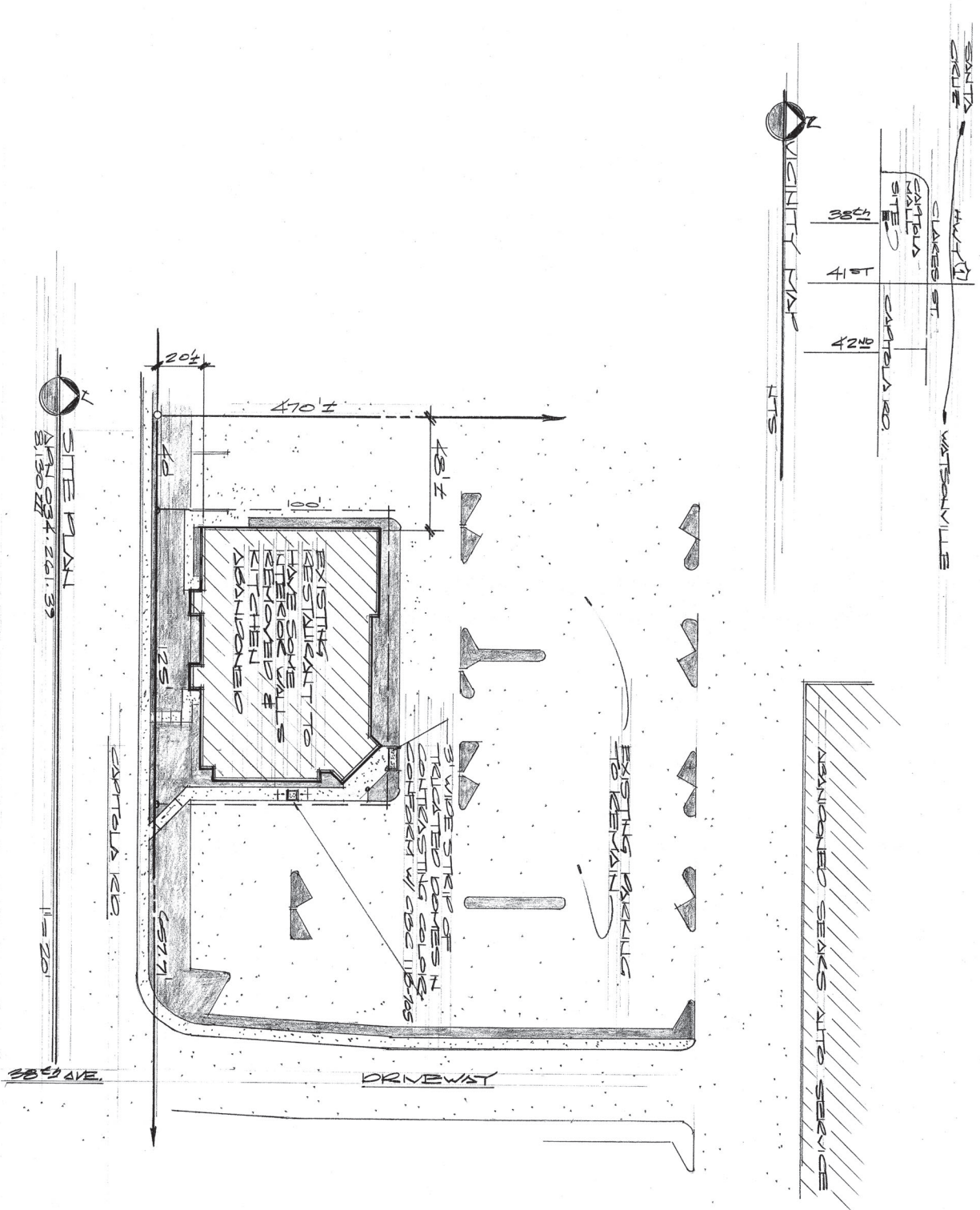
- F. This project is categorically exempt under section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

The proposed project involves religious services in an existing commercial building. Section 15301 of CEQA Guidelines exempts minor changes to structures involving negligible or no expansion of use. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

ATTACHMENTS:

1. 3775 Capitola Road - Plan Set

Prepared By: Sean Sesanto



SITE PLAN
 DATE: 01.26.13

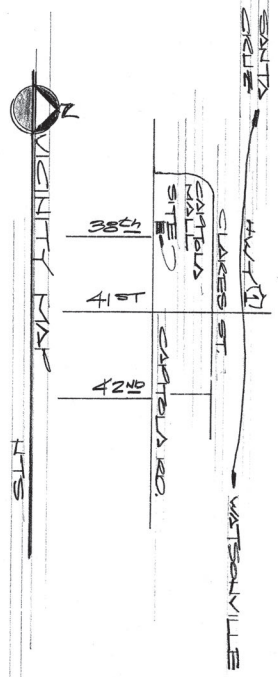
1" = 20'

38th AVE.

DR NEW WEST

CAPITOLA RD.

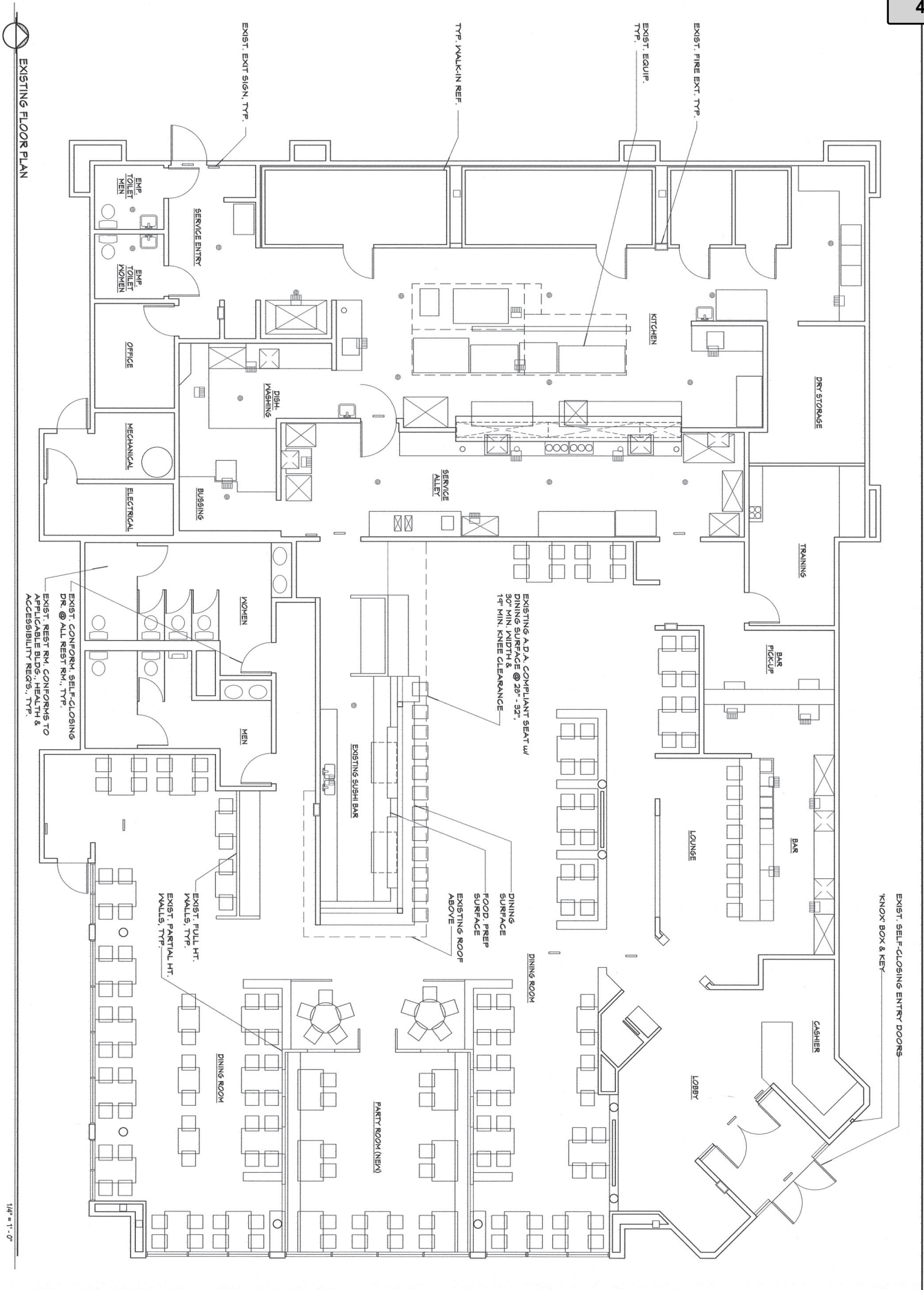
ABANDONED SEAKS AUTO SERVICE



Sheet	A1
Drawn	DAVIDSON
Scale	AS NOTED
Date	01/22/2013
DEMOLITION APPLICATION FOR:	
JESSE WEST	
3775 CAPITOLA ROAD	
CAPITOLA, CA 95010	
APN	034-261-31

Prepared by:
The Envirotects
 Frank Phanton, Architect C 24515
 1840 41st Ave., Ste. 102 #141, Capitola, CA 95010 475-5841 Envirotects.com

Revised	
By	
Date	



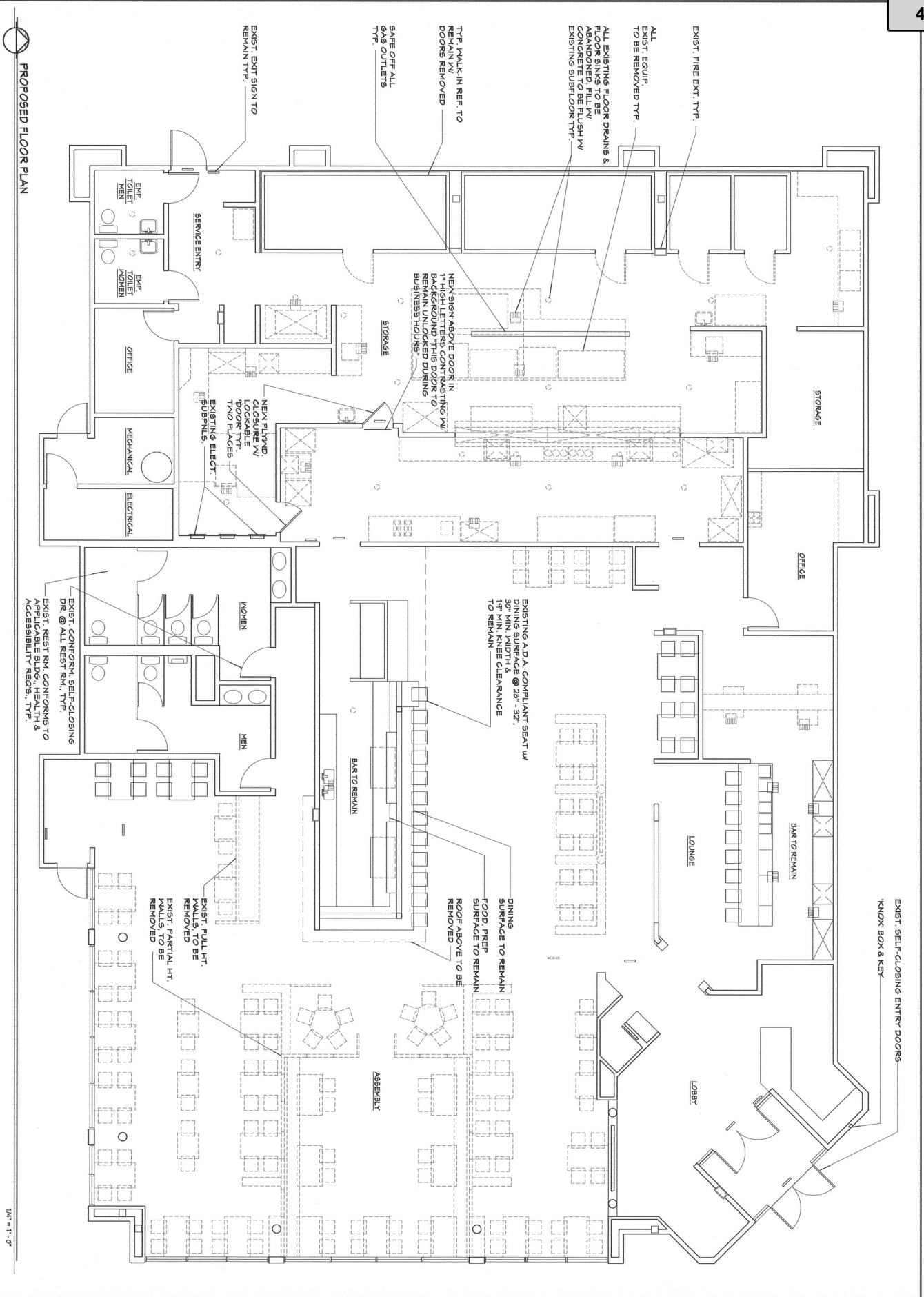
EXISTING FLOOR PLAN

Sheet 3 of 3
A2
 Date: 01/23/23
 Scale: AS NOTED
 Drawn: dlm/ort
 Job: TANKRAI

DEMOLITION APPLICATION FOR:
JESSE WEST
 3775 CAPITOLA ROAD
 CAPITOLA, CA 95010
 APN 094-261-39

Prepared by:
The Envirotechs
 Frank Planton, Architect C 24515
 1840 41st Ave., Ste. 102 #141, Capitola, CA 95010 475-5841 Envirotechs.com

Revised	By



PROPOSED FLOOR PLAN

1/4" = 1' - 0"

<p>DEMOLITION APPLICATION FOR:</p> <p>JESSE WEST 3775 CAPITOLA ROAD CAPITOLA, CA 95010</p> <p>APN 034-261-34</p>	<p>Prepared by:</p> <p>The Envirofects Frank Phanton, Architect C 24515 1840 41st Ave., Ste. 102 #141, Capitola, CA 95010 475-5841 Envirofects.com</p>	<p>Sheet</p> <p>A3</p> <p>Scale AS NOTED</p> <p>Drawn djk/kdt</p> <p>App TAKARA/I</p> <p>Date 01/23/20</p>	<p>Revisions</p> <table border="1"> <tr> <th>No.</th> <th>Description</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	No.	Description						
No.	Description										



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: FEBRUARY 6, 2020

SUBJECT: **Update to Zoning Ordinance/Local Coastal Plan Implementation Plan**

Update to the City of Capitola Zoning Code including Chapter 17.74 Accessory Dwelling Units and Chapter 17.80 Signs for temporary sign standards and non-commercial messaging in.

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

Environmental Determination: Addendum to the General Plan Update EIR

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

Representative: Matt Orbach, Associate Planner, City of Capitola

BACKGROUND:

There are three proposed zoning code amendments within the current review. The first amendment proposes updates to Chapter 17.74 regulating Accessory Dwelling Units (ADUs) to bring it into compliance with new state laws (Attachment 1). The second amendment is to remove the floor area ratio incentive for ADUs from the single-family (R-1) zone (Attachment 8 and 9). The third amendment proposes updates to Chapter 17.80 regulating signs and incorporates non-commercial allowances based on recent court rulings (Attachment 10).

The California State Legislature brought forward several bills in 2019 related to the planning for and permitting of accessory dwelling units (ADUs). In October 2019, the Governor signed into law Assembly Bill (AB) 68, AB 881, and Senate Bill (SB) 13 amending the section of the California Government Code related to ADUs (Government Code Section 65852.2). Additionally, AB 68 amended standards for Junior ADUs, and SB 13 made additions to the State Health and Safety Code (adding Section 1790.12). The new laws took effect on January 1, 2020. The updated sections of the Government Code are included as Attachments 2, 3, and 4.

Portions of the Capitola Municipal Code Chapter 17.74: Accessory Dwelling Units are inconsistent with the new State legislation. The City is currently enforcing the State legislation, and thus fully in compliance with the law, while amending Chapter 17.74 to be consistent with the law.

On January 16, 2020, City staff presented the new state ADU regulations to the Planning Commission. Upon hearing the state requirements, the Planning Commission requested the City Council provide general direction on the approach for the draft ordinance in terms of either

matching state law or making the regulations more permissive than state law.

On January 23, 2020, the City Council received the staff presentation on ADUs and provided direction to bring the code into compliance with the state regulation and not to incorporate any regulations that are more permissive than the state. In general, the Council acknowledged the new state regulations are far more permissive than our existing ordinance and the impacts of the changes should be observed before implementing additional changes.

The changes to the sign code are related to the United States Supreme Court decision on *Reed v. Town of Gilbert*, which found that sign restrictions that are not content-neutral violate the First Amendment, set forth a rigid test for assessing content neutrality, and mandated that “strict scrutiny” judicial review applies to laws that target speech based on its communicative intent. Due to the wide-ranging impacts of this decision, cities in California are being advised to ensure their sign codes comply with the court’s strict approach to defining content neutrality.

DISCUSSION:

Chapter 17.74: Accessory Dwelling Units: The new state laws regarding ADUs are complex and will have significant impacts on the treatment of ADUs in Capitola’s single-family, multi-family, and mixed-use zoning districts. The following list identifies the most significant changes in state law followed by how the law was incorporated into the zoning code:

1. Identifies general requirements applicable to all ADUs.

Section 17.74.040: General Requirements, identifies the general requirements applicable to all ADUs including applicable zoning districts, maximum number per parcel, utility connections, fire sprinklers, prohibition of vacation rentals, separate sale, and guaranteed allowance. One of the most significant changes to state law is the introduction of a guaranteed allowance of an ADU of up to 800 square feet of floor area, 16 feet in height, and with minimum side and rear setback of four feet, in which maximum building coverage, floor area ratio (FAR), and private open space standards shall not prohibit. In the past, if a home is at its maximum FAR limit, an ADU could not be built. The new law prohibits the previous limitation and guarantees the allowance of the ADU.

2. Expands permitted location of ADUs to include any zoning district where single-family or multi-family dwellings are allowed.

Subsection 17.74.040(A): Where Allowed, expands permitted location to include any zoning district where single-family or multi-family dwellings are allowed. This includes all residential, mixed-use, and commercial zoning districts.

3. Requires action on administrative ADU applications within 60 days.

Section 17.74.050 and 17.74.060 outline the specific scenarios in which an ADU is subject to approval within 60 days. Longer review periods are allowed for ADUs which require a design permit approval by Planning Commission or will be built in conjunction with a new primary residence.

4. Incorporates two types of administrative review processes specific to ADU scenarios, including: units subject to limited standards and units subject to full review standards.

Section 17.74.050: Units Subject to Limited Standards, identifies four types of ADUs subject to limited standards of review. For the ADUs identified in this section, the City can only require the general requirements of 17.74.040 and the development standards in this section.

Section 17.74.060: Units Subject to Full Review Standards, identifies the two types of ADUs subject to full review standards. The full review standards include maximum unit size, setbacks, building coverage, maximum height, private open space, parking, and objective design standards.

5. Allows Cities to require discretionary review process only for ADUs that do not comply with specific administrative scenarios outlined by the state.

Section 17.74.070: Units Requiring a Design Permit, identifies the two types of ADUs which require a Planning Commission approval of a design permit, including two-story ADUs and ADUs which deviate from the standards. The previous version of the ADU regulations required a design permit and conditional use permit for this category of ADUs. ADUs are an allowed use, therefore the requirement of a CUP has been removed. Removing the CUP requirement will reduce cost for applicants.

6. On single-family properties, allows a Junior ADU in conjunction with a detached ADU if specific circumstances are met.

Subsection 17.74.050.B allows ministerial approval of one detached, new construction, accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit. The accessory dwelling unit must comply with minimum rear and side setbacks of 4 feet, a maximum floor area of 800 square feet, and a maximum height of 16 feet.

7. On multi-family properties, allows more than one ADU per parcel if specific circumstances are met.

Section 17.74.050: Units Subject to Limited Standards, identifies four types of ADUs subject to limited standards of review, two of which are multi-family. Subsection 17.74.050(C) (Non-livable Multifamily Space) and 17.74.050(D) (Detached Accessory Dwelling Units on Multifamily Parcels) outline the limited development standards under which ADUs on parcels with an existing multi-family may be reviewed. Specifically, one or more internal accessory dwelling units is permitted within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to: (1) At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to maximum of 25 percent of the existing multifamily dwelling units, and (2) each unit shall comply with state building standards for dwellings. Also, no more than two detached ADUs are allowed on a parcel with an existing multifamily dwelling as long as the detached ADUs have a maximum height of 16 feet and minimum rear and side yard setbacks of four feet.

8. Allows conversion and replacement of existing structures with nonconforming setbacks and nonconforming building separation standards for ADUs.

Section 17.74.040(I): Converting and Replacing Existing Structures is new and allows for conversion and replacement of existing structures nonconforming to setbacks and

building separation standards.

9. Modifies development standards regulations, as follows:
 - a. Removes minimum parcel size
 - b. Increases maximum unit size
 - c. Reduces minimum setbacks (four feet side and rear)
 - d. Increases height (16 feet) for one-story detached ADU

Section 17.74.080 includes all the modified development standards required by the state.

10. Modifies parking requirements for detached ADUs with specific characteristics.

Section 17.74.080(C) includes the parking exceptions required by the state, such as being located within one-half mile walking distance of public transit.

11. Limits review to objective standards (measurable, quantitative) and architectural standards (specific materials) rather than subjective development standards (compatibility).

Section 17.74.090 is new and introduces objective standards that are highly prescriptive and quantifiable in terms of design providing direction on placement of entrances, privacy, location of second story decks, and architectural details.

12. Allows objective standards to minimize adverse impacts to historic properties consistent with the Secretary of the Interior Standards for the Treatment of Historic Properties.

Section 17.74.090(D) prescribes architectural standards for historic structures and section 17.74.090(E) introduces objective standard to minimize adverse impacts to historic properties consistent with the Secretary of the Interior standards for the Treatment of Historic Properties. ADUs are explicitly exempt from CEQA and therefore the historic review will be limited to ministerial review for consistency with the objective standards.

13. Removes size, attribute, and owner-occupancy deed restriction requirements for ADUs, except junior ADUs.

Section 17.74.140: Deed Restrictions has been modified to remove the prior size and owner-occupancy requirements for ADUs. These restrictions can be reinserted in 2025 when the relevant section of state law sunsets. Deed restrictions on size and owner occupancy continue to apply to junior ADUs. The section also includes a requirement for all ADUs to have a deed restriction expressly prohibiting vacation rentals.

Staff Determinations/Interpretations

There are several areas that are either not addressed or open to interpretation, including attached and two-story ADUs and the creation of objective standards.

First, the new state law does not provide prescriptive guidance on attached or two-story ADUs. In order to create a process for review and approval of these types of ADUs, staff incorporated the content and intent of the new state law with the approval process under the City's previous ADU ordinance. These types of ADUs are regulated under §17.74.060 Units Subject to Full Review Standards and §17.74.060 Units Requiring a Design Permit.

Second, state law allows local agencies to apply objective review standards to ADUs that are not included in §17.74.060 Units Subject to Limited Standards. Staff has included several standards in §17.74.090 Objective Design Standards, including entrance orientation, privacy impacts, second-story decks and balconies, architectural details, and building additions to historic structures. These standards are not required by state law and can be modified or removed at the direction of Planning Commission.

Optional Items

The new state law also includes several optional items, including:

1. Separate sale of ADUs. The state provided an option for cities to allow separate sale of deed-restricted affordable ADUs by a non-profit corporation. Due to the City Council's guidance to adhere to the requirements of state law but not be more lenient, the draft ordinance does not include this optional allowance. In the draft ordinance, staff required a deed restriction stating accessory dwelling unit may not be sold separately from the primary dwelling within §17.74.120(A)(2).
2. Vacation Rentals. The state law prohibits short term vacation rentals (30 days or less) for ADUs subject to Limited Standard. Cities have the option to prohibit Vacation rentals on all ADUs. Capitola's existing ADU ordinance prohibits short term vacation rentals for all ADUs. In the draft ordinance, staff maintained the prohibition on short term vacation rentals of all ADUs and a required deed restriction stating vacation rentals are prohibited within §17.74.120(A)(1).
3. Coastal Act. The state ADU law section 65852.2(l) specifies that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units. The City has the ability to maximize protection of coastal resources consistent the city's Local Coastal Program and the California Coastal Act.

Capitola is a dense city with mix of compact single-family lots and an abundance of multifamily dwellings. Street parking is in high demand in the coastal zone due to the existing density of residential neighborhoods and proximity to the ocean and coastal access. The new state legislation waives onsite parking requirements for the majority of ADUs, which will result in an increase in street parking. The City has the option to protect coastal access through protection of street parking. Within the coastal zone, the City can require onsite parking for ADUs to ensure street parking continues to provide the public with access to the coast.

The draft code introduces specific standards within the coastal zone for parking which deviate from parking standards in other areas of the City. Specifically, the draft code requires one onsite parking space for an ADU within the coastal zone in compliance with policies in the City's Local Coastal Program and California Coastal Act requirements. As drafted, the exceptions for onsite parking are expressly not applicable to ADUs within the Coastal Zone.

There are different approaches that could be taken regarding parking relative to the Local Coastal Program and the California Coastal Act. Some options include:

1. Require parking for all ADUs within the Coastal Zone (proposed);

2. Require parking in specific neighborhoods located in the Coastal Zone; or
3. Require parking for properties located within a specific distance of the coast.

In choosing the approach, the Planning Commission shall evaluate which option is most aligned with Capitola's Local Coastal Program and the Coastal Act. Relative sections of each are summarized in Attachment 6 and a copy of the zoning map inside the Coastal Zone boundary is included as Attachment 7.

In considering the requirement for onsite parking, there are aesthetic impacts to consider. Within the state law, parking for ADUs is allowed within the front, side, and rear yard setbacks. In Capitola's neighborhoods with compact lots, such as the Jewel Box and Riverview neighborhoods, new parking spaces within the front yard will be allowed. This will have an impact on Capitola's landscaped front yards. To mitigate the impacts of parking in the front yard, the draft ordinance §17.74.080(C)(1)(c)(2) requires parking spaces in the front yard for ADUs be limited to a "ribbon" or "Hollywood" design with two parallel strips of pavement. The paving strips shall be no wider than 2.5 feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.

Planning Commission guidance on the three optional items is requested.

Removing Bonus Floor Area for Lots with Accessory Dwelling Units

The previous Secondary Dwelling Unit and Accessory Dwelling Unit sections of the Capitola Municipal Code gave a floor area bonus to lots over 4,000 square feet with accessory dwelling units. The new state law is very permissive and allows property owners to exceed the maximum floor area ratio (FAR) of a property by up to 800 square feet. In the draft ordinance, staff removed the floor area bonus for ADUs. In addition to removing it from Chapter 17.74 Accessory Dwelling Units, a reference to the bonus has also been removed from Note [1] under Table 17.16-3 in §17.16.030 Development Standards for residential zoning districts for the zoning code applicable to properties outside the Coastal Zone (Attachment 8). The bonus FAR has also been removed from section 17.15.100(A) within the zoning code inside the Coastal Zone (Attachment 9).

Chapter 17.80: Signs: The City Attorney has recommended several changes to the regulations for signs based on court rulings regarding freedom of speech and content. Those changes include:

1. Adding language allowing noncommercial content wherever commercial content is allowed.
2. Adding definitions for "commercial message," "commercial sign," and "election period."
3. Adding a section allowing small temporary noncommercial signs on residential property.
4. Adding "Message Neutrality," "Message Substitution," "Prohibited Sign Content," "Other Government-Installed Signs," and "Signs in the Coastal Zone" sections

CEQA: An Addendum to the General Plan Update Environmental Impact Report (EIR) was adopted for the amendment to the Zoning Code of Chapter 17.

STAFF RECOMMENDATION:

Review draft ordinance amending Capitola Municipal Code Chapter 17.74 Accessory Dwelling, provide direction regarding specific changes to the draft ordinance, and provide a recommendation to City Council.

ATTACHMENTS:

1. 17.74 Accessory Dwelling Units 1_31
2. Government Code 65852.2 - Accessory Dwelling Units - 01.01.2020
3. Government Code 65852.22 - Junior Accessory Dwelling Units - 01.01.2020
4. Government Code 65852.26 - ADU Separate Sale or Conveyance
5. Health and Safety Code 18007 - Manufactured Homes - 01.01.2008
6. Relevant References LCP LUP
7. Zoning Map - Inside Coastal Boundary - 04.12.2018
8. 17.16_Residential Zoning Districts - Outside Coastal Zone - 01.30.2020
9. 17.15_R-1 Zoning District - Coastal Zone - 01.30.2020
10. 17.80 Signs - 01.30.2020

Prepared By: Matt Orbach
Associate Planner

Chapter 17.74 – ACCESSORY DWELLING UNITS

Sections:

- 17.74.010 Purpose
- 17.74.020 Definitions
- 17.74.030 Permitting Process
- 17.74.040 General Requirements
- 17.74.050 Units Subject to Limited Standards
- 17.74.060 Units Subject to Full Review Standards
- 17.74.070 Units Requiring a Design Permit
- 17.74.080 Development Standards
- 17.74.090 Objective Design Standards
- 17.74.100 Deviation from Standards
- 17.74.110 Findings
- 17.74.120 Deed Restrictions
- 17.74.130 Incentives

17.74.010 Purpose

This chapter establishes standards for the location and construction of accessory dwelling units (ADUs) consistent with Government Code Sections 65852.2-65852.22. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

17.74.020 Definitions

Terms used in this chapter are defined as follows:

- A. Accessory Dwelling Unit.** “Accessory dwelling unit” means a self-contained living unit located on the same parcel as a primary dwelling unit.
- B. Attached Accessory Dwelling Unit.** “Attached accessory dwelling unit” means an accessory dwelling unit that:
 1. Shares at least one common wall with the primary dwelling unit; and
 2. Is not fully contained within the existing space of the primary dwelling unit.
- C. Detached Accessory Dwelling Unit.** “Detached accessory dwelling unit” means an accessory dwelling unit that does not share a common wall with primary dwelling unit and is not an internal accessory dwelling unit.
- D. Internal Accessory Dwelling Unit.** “Internal accessory dwelling unit” means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.

- E. Junior Accessory Dwelling Unit.** “Junior accessory dwelling unit” means an accessory dwelling unit no more than 500 square feet in size and contained entirely within a single-family residence.
- F. Two-story Attached Accessory Dwelling Unit.** “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either:
1. Two stories of living space attached to an existing primary dwelling unit; or
 2. Second-story living space above a ground-floor garage or living space in an existing primary dwelling unit.
- G. Two-story Detached Accessory Dwelling Unit.** “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either:
1. Two stories of living space in a single accessory dwelling unit; or
 2. Second story living space above a ground floor garage or other accessory structure.

17.74.030 Permitting Process



Note: New state law requires action on application within 60 days. Additional changes to existing permit requirements include clarification on what is considered action on an application and permit requirements for an ADU dependent on new construction that requires a discretionary permit.

A. When Consistent with Standards.

1. Except when a Design Permit is specifically required, an accessory dwelling unit that complies with all standards in in this chapter shall be approved ministerially with an Administrative Permit. No discretionary review or public hearing is required. A building permit application may be submitted concurrently with the Administrative Permit application.
2. If an existing single-family or multifamily dwelling exists on the parcel upon which an accessory dwelling unit is proposed, the City shall act on an application to create an accessory dwelling unit within 60 days from the date the City receives a completed application. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.
 - a. The City has acted on the application if it:
 - (1) Approves or denies the building permit for the accessory dwelling unit;
 - (2) Informs the applicant in writing that changes to the proposed project are necessary to comply with this chapter; or
 - (3) Determines that the accessory dwelling unit does not qualify for ministerial approval.

- b. If the accessory dwelling unit application is submitted with a permit application to create a new single-family dwelling on the parcel, the City may delay acting on the accessory dwelling unit application until the City acts on the permit application for the new single-family dwelling. The accessory dwelling unit shall be considered without discretionary review or hearing.
- B. Two-Story Units.** A two-story accessory dwelling unit (attached or detached) requires Planning Commission approval of a Design Permit. To approve the Design Permit, the Planning Commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards) unless the Planning Commission allows a deviation through the Design Permit process.
- C. When Deviating from Standards.** An accessory unit that deviates from any standard in 17.74.080 (Development Standards) or 17.74.090 (Objective Design Standards) may be allowed with Planning Commission approval of a Design Permit. See Section 17.74.100 (Deviation from Standards).
- D. When Dependent on Separate Construction.** When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory dwelling unit (“separate construction”), the City shall either:
1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or
 2. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures and requirements as the separate construction.
- E. Within Coastal Zone.**
1. A proposed accessory dwelling unit that is located in the Coastal Zone may require a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval).
 2. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that a public hearing for a CDP application for an accessory dwelling unit shall not be required.
- F. Historic Resources.**
1. If a Design Permit is required for an accessory dwelling unit on a property with a historic resource, the proposed project is subject to the requirements in Chapter 17.94 (Historic Preservation). Third-party review of the proposed project may be required as provided in Chapter 17.94.

2. Compliance with Chapter 17.94 is not required for accessory dwelling units approved ministerially with an Administrative Permit.

17.74.040 General Requirements



Note: Subsection A (Where Allowed) below expands permitted location to include any zoning district where single-family or multi-family dwellings are allowed. This includes all residential, mixed-use, and commercial zoning districts.

The following requirements apply to all accessory dwelling units.

- A. **Where Allowed.** An accessory dwelling unit is permitted:
 1. In any zoning district where single-family or multifamily dwellings are a permitted use; and
 2. On any parcel with an existing or proposed single-family or multifamily dwelling.



Note: As required by new state law, Subsection B (Maximum Number per Parcel) below now allows more than one ADU per parcel in certain circumstance.

- B. **Maximum Number per Parcel.** Not more than one accessory dwelling unit is allowed per parcel except as allowed by subsections 17.74.050.B (Detached Accessory Dwelling Units), 17.74.050.C (Non-livable Multifamily Space), and 17.74.050.D (Detached Accessory Dwelling Units on Multifamily Parcels).
- C. **Residential Mixed Use.** If one dwelling unit is on a parcel with a non-residential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more dwelling units are on a parcel with a non-residential use, the dwelling units are considered a multi-family dwelling.
- D. **Utility Connections.** Utility connection requirements shall be subject to state law and the serving utility district
- E. **Fire Sprinklers.** The City shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence under the current Fire Code.
- F. **Vacation Rentals Prohibited.** Accessory dwelling units may not be used for vacation rentals.
- G. **Separate Sale from Primary Dwelling.** An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling.



Note: Subsection H (Guaranteed Allowance) below is new. State law now prohibits the City from applying standards that would prohibit a 16-foot tall, 800 square-foot ADU 4 feet from rear and side property lines.

- H. **Guaranteed Allowance.** Maximum building coverage, floor area ratio, and private open space standards in Section 17.74.080 (Development Standards) shall not prohibit an

accessory dwelling unit with at least an 800 square feet of floor area, a height of at least 16 feet, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards.



Note: Subsection I (Converting and Replacing Existing Structures) below is new. State law now allows for conversion and replacement of existing structures nonconforming to setbacks and building separation standards.

I. Converting and Replacing Existing Structures.

1. An internal accessory dwelling unit may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.
2. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.
3. If any portion of an existing structure crosses a property line, the structure may not be converted to or replaced with an accessory dwelling unit. For existing structure within 4 feet of a property line, the applicant must submit a survey demonstrating that the structure does not cross the property line.

J. Manufactured Homes and Mobile Units.

1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:
 - a. Provide a minimum of 320 square feet of floor area;
 - b. Be built on a permanent chassis
 - c. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and
 - d. Include the plumbing, heating, air conditioning, and electrical systems contained within the home.
2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are prohibited as accessory dwelling units.
3. A prefabricated or modular home is allowed as an accessory dwelling unit.

K. Junior Accessory Dwelling Units

1. **General.** Junior accessory dwelling units shall comply with all standards in this chapter unless otherwise indicated.
2. **Occupancy.** The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property.

3. **Sanitation Facilities.** A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the primary dwelling.
4. **Kitchen.** A junior accessory dwelling unit must include, at a minimum:
 - a. A cooking facility with appliances; and
 - b. At least 3 linear feet of food preparation counter space and 3 linear feet of cabinet space.

L. Multifamily Homeowners Associations. If a multifamily dwelling is located in a development with a homeowners' association (HOA), an application for an accessory dwelling unit must include a written statement from the HOA stating that:

1. The application is authorized by the HOA, if such authorization is required; and
2. The accessory dwelling unit complies with the CC&Rs and other applicable HOA requirements.

17.74.050 Units Subject to Limited Standards



Note: New state law now requires the City to approve certain types of accessory dwelling units subject to limited standards. For these types of accessory dwelling units, the City may not require compliance with any additional development or design standards.

The City shall ministerially approve an application for a building permit within a residential or mixed-use zoning district to create the following types of accessory dwelling units. For each type of accessory dwelling unit, the City shall require compliance only with the development standards in this subsection. Standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards) do not apply to these types of accessory dwelling units.

A. Internal Accessory Dwelling Units. One internal accessory dwelling unit or junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:

1. The internal accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
2. The unit has exterior access from the proposed or existing single-family dwelling.
3. The side and rear setbacks are sufficient for fire and safety.
4. The junior accessory dwelling unit complies with Government Code Section 65852.22.

- B. One-Story Detached Accessory Dwelling Units 800 Square Feet or Less.** One detached, new construction, accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in Subsection A (Internal Accessory Dwelling Units) above. The accessory dwelling unit must comply with the following:
1. Minimum rear and side setbacks: 4 feet.
 2. Maximum floor area: 800 square feet.
 3. Maximum height: 16 feet.
- C. Non-Livable Multifamily Space.** One or more internal accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:
1. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to maximum of 25 percent of the existing multifamily dwelling units; and
 2. Each unit shall comply with state building standards for dwellings.
- D. Detached Accessory Dwelling Units on Multifamily Parcels.** Not more than two detached accessory dwelling units that are located on a parcel that has an existing multifamily dwelling, subject to the following:
1. Maximum height: 16 feet.
 2. Minimum rear and side setbacks: 4 feet.

17.74.060 Units Subject to Full Review Standards

The City shall ministerially approve an application for a building permit to create the following types of accessory dwelling units.

- A. One-Story Attached Accessory Dwelling Units.** A one-story attached accessory dwelling unit in compliance with standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).
- B. One-Story Detached Accessory Dwelling Units Between 800 and 1,200 Square Feet.** A one-story detached accessory dwelling unit with a floor area between 800 and 1,200 square feet in compliance with standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).

17.74.070 Units Requiring a Design Permit



Note: Currently these types of ADUs require a Design Permit and Conditional Use Permit (CUP). The CUP requirement has been eliminated to reduce application costs.

The following types of accessory dwelling units require Planning Commission approval of a Design Permit.

- A. Two-Story Accessory Dwelling Units.** A two-story attached or detached accessory dwelling unit in compliance with standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).
- B. Accessory Dwelling Units Deviating from Standards.** Any accessory dwelling unit that deviates from one or more standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).

17.74.080 Development Standards

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units Subject to Limited Standards).



Note: Development standards in Table 17-74-1 are revised to match new state law. Major changes to existing standards are: removed minimum parcel size, increased maximum unit size, reduced minimum setbacks, increased height for one-story detached ADU.

- A. General.** Table 17.74-1 shows development standards that apply to accessory dwelling units.

Table 17-74-1: Development Standards

ADU Type/Location	Standard
Unit Size, Maximum	
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	50 percent of the existing primary dwelling
Junior ADU	500 sq. ft.
Floor Area Ratio, Maximum [1]	As required by zoning district [2]
Setbacks, Minimum [3,4]	
Front	Same as primary dwelling [5]
Interior Side, 1 st and 2 nd Story	4 ft.
Exterior Side, 1 st and 2 nd Story	4 ft.
Rear, 1 st and 2 nd Story	4 ft.
Building Coverage, Maximum	
R-M zoning district	40 % [2]
All other zoning districts	No maximum
Height, Maximum [3]	
Attached ADU	Height of primary residence or maximum permitted in zoning district, whichever is less
Detached ADU, one-story	16 ft.

Detached ADU, two-story [6]	22 ft.
Private Open Space, Minimum [7]	48 sq. ft. [2]

Notes

[1] Calculated as the total floor area ratio on the site, including both the primary dwelling and accessory dwelling unit. An applicant may request simultaneous approval of a new internal accessory dwelling unit and an addition to the primary residence as part of a single application.

[2] Standard may not prohibit an accessory dwelling unit with at least an 800 square feet of floor area. See Section 17.74.040.G (Guaranteed Allowance).

[3] Setback and height standards apply only to attached and detached accessory dwelling units. Standards do not apply to internal or junior accessory dwelling units.

[4] See also Section 17.74.040.H (Converting and Replacing Existing Structures) for setback exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure.

[5] See also 17.74.080.B (Front Setbacks).

[6] A two-story detached accessory dwelling unit require a Design Permit.

[7] Private open space may include screened terraces, decks, balconies, and other similar areas.

B. Front Setbacks.

1. Any increased front setback requirement that applies to a garage associated with a primary dwelling unit also applies to a garage that serves an accessory dwelling unit.
2. In the R-1 zoning district, front setback exceptions in Riverview Terrace and on Wharf Road as allowed in 17.16.030.B apply to accessory dwelling units.
3. In the mixed use zoning districts, minimum front setbacks in Chapter 17.20 (Mixed Use Zoning Districts) apply to accessory dwelling units. Maximum setbacks or build-to requirements do not apply.

C. Parking.



Note: Required parking standards shown below are revised to match changes to state law. Within the coastal zone, parking requirements deviate from parking standards in other areas of the City to comply with policies in the City’s Local Coastal Program and California Coastal Act requirements consistent with subdivision (l) of Government Code section 65852.2.

1. **All Areas.** The following parking provisions apply to accessory dwelling units in all areas in Capitola.
 - a. **Required Parking in Addition to Primary Residence.** Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary residence.
 - b. **Tandem Spaces.** Required off-street parking may be provided as tandem parking on an existing driveway.
 - c. **Within Setback Areas.**
 - (1) Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.
 - (2) A parking space in a required front setback area shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement. The paving strips shall be no wider than 2.5 feet each and shall utilize permeable paving

such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.

- d. **Alley-Accessed Parking.** Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.
2. **Outside of Coastal Zone.** The following parking provisions apply only to accessory dwelling units outside of the Coastal Zone.
 - a. No additional parking is required for an internal or junior accessory dwelling unit. The floor area of an internal or junior accessory dwelling unit shall not be included in the parking calculation for the primary residence.
 - b. One off-street parking space is required for an attached or detached accessory dwelling unit, except as provided in Paragraph (c) below.
 - c. No off-street parking is required for an accessory dwelling unit in the following cases:
 - (1) The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 65852.2(j)(10).
 - (2) The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the City Council.
 - (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (5) When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.
 - d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.
 3. **Within Coastal Zone.** The following parking provisions apply only to accessory dwelling units in the Coastal Zone in accordance with the City's adopted Local Coastal Program.
 - a. One off-street parking space is required for any type of accessory dwelling unit except as provided in Paragraph (b) below.
 - b. Where the primary residence is served by four or more existing off-street parking spaces, including spaces in a tandem configuration, no off-street parking is required for the accessory dwelling unit.

- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are required for the demolished or converted parking structure. Replacement parking space(s) may be covered or uncovered. Replacement parking does not satisfy the one off-street parking requirement for the accessory dwelling unit in Paragraph (a) above.

17.74.090 Objective Design Standards

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units Subject to Limited Standards).

- A. **Entrance Orientation – Detached ADU.** The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.



Note: Subsection B (Privacy Impacts) below establishes new objective standard to replace the existing subjective standard in 17.74.050.D.2.

- B. **Privacy Impacts.** To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within 8 feet of an interior side or rear property line abutting a residential use.
 - 1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
 - a. A 6-foot solid fence on the property line; or
 - b. Clerestory or opaque windows for all windows facing the adjacent property.
 - 2. For a second story wall, all windows facing the adjacent property shall be clerestory or opaque.
- C. **Second Story Decks and Balconies.** Second story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the Planning Commission through the Design Permit approval process.



Note: Subsection D (Architectural Details) below replaces the existing subjective standards in 17.74.050.F (Design).

- D. **Architectural Details.** Table 17-74-2 shows architectural detail standards for accessory dwelling units.

Table 17-74-2: Architectural Detail Standards

	Non-Historic Property [1]		Historic Property [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]

			cement, or board and batten siding or shingles [3]	
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a non-reflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or non-reflective standing seam metal [3]
Roof Pitch	No requirement	4:12 or greater. [6]	No requirement	4:12 or greater [6]

Notes:

- [1] "Historic property" means a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of Historic Resources).
- [2] Standard does not apply to secondary and accent materials.
- [3] "Same as primary dwelling" means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.
- [4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.
- [5] Bathroom windows may be horizontally oriented.
- [6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.



Note: Subsection E (Building Additions to Historic Structures) below is a new objective standard to minimize adverse impacts to historic properties consistent with the Secretary of the Interior standards for the Treatment of Historic Properties.

E. Building Additions to Historic Structures. A building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of Historic Resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least 18 inches from the parallel side or rear building wall to distinguish it from the historic structure.

17.74.100 Deviation from Standards

- A. When Allowed.** The Planning Commission may approve an accessory dwelling unit that deviates from one or more standards in Section 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).
- B. Permit Required.** Deviations allowed under this section require Planning Commission approval of a Design Permit. A Variance is not required. To approve the Design Permit, the Planning Commission must make the findings in Section 17.74.110 (Findings).

17.74.110 Findings



Note: Finding B.10 below for deviations is new.

A. When Required. The Planning Commission must make the findings in this section to approve a Design Permit for:

1. Two-story attached or detached accessory dwelling units; and
2. Accessory dwelling units that deviate from one or more standards in Section 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).

B. Findings. To approve the Design Permit, the Planning Commission shall find that:

1. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
4. The accessory dwelling unit has or will have access to adequate water sewer service as determined by the applicable service provider.
5. Adequate open space and landscaping has been provided that is usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
6. The location and design of the accessory 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.
7. The accessory 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 accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
8. The site plan is consistent with physical development policies of the General Plan, any area plan or specific plan, or other City policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the Local Coastal Plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.

9. The project would not impair public 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.
10. The project deviation (if applicable), is necessary due special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

17.74.120 Deed Restrictions



Note: A.1 below is new. A.2 is revised consistent with 17.74.050.F (Separate Sale from Primary Dwelling). A.3 is revised to apply only to Junior ADUs as allowed by Government Code Section 65852.22(a)(3)(b).

- A. Before obtaining a building permit for an accessory 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 current owner. The deed restriction shall state that:
 1. The accessory dwelling units may not be used for vacation rentals.
 2. The accessory dwelling unit may not be sold separately from the primary dwelling.
 3. For junior accessory dwelling units, restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.
- B. 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 City's approval of the accessory dwelling unit.
- C. The deed restriction shall lapse upon removal of the accessory dwelling unit.

17.74.130 Incentives

A. Fee Waivers for Affordable Units.

1. The City may waive development fees for accessory dwelling units that will be rented at levels affordable to low or very low income households.
2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low or very low-income levels prior to issuance of a building permit.
3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for building permit.

- B. Historic Properties.** The Planning Commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a Historic Resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the Planning Commission shall approve a Design Permit and find that the exception is necessary to preserve the architectural character of the primary residence.

State of California

GOVERNMENT CODE

Section 65852.2

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph,

including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a

delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure.

An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency’s ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Amended by Stats. 2019, Ch. 659, Sec. 1.5. (AB 881) Effective January 1, 2020. Repealed as of January 1, 2025, by its own provisions. See later operative version added by Sec. 2.5 of Stats. 2019, Ch. 659.)

State of California

GOVERNMENT CODE

Section 65852.22

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a

hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(Amended by Stats. 2019, Ch. 655, Sec. 2. (AB 68) Effective January 1, 2020.)


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AB-587 Accessory dwelling units: sale or separate conveyance. (2019-2020)

As Amends the Law Today

[As Amends the Law on Nov 18, 2019](#)

SECTION 1. *Section 65852.26 is added to the Government Code, immediately following Section 65852.25, to read:*

65852.26. *(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:*

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

State of California

HEALTH AND SAFETY CODE

Section 18007

18007. (a) “Manufactured home,” for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

(b) Notwithstanding any other provision of law, if a codified provision of state law uses the term “manufactured home,” and it clearly appears from the context that the term “manufactured home” should apply only to manufactured homes, as defined under subdivision (a), the codified provision shall apply only to those manufactured homes. If any codified provision of state law, by its context, requires that the term applies to manufactured homes or mobilehomes without regard to the date of construction, the codified provision shall apply to both manufactured homes, as defined under subdivision (a), and mobilehomes as defined under Section 18008.

(Amended by Stats. 2007, Ch. 540, Sec. 4. Effective January 1, 2008.)

Relevant References from Capitola’s Local Coastal Program Land Use Plan:

The following statements are from the Capitola’s LCP Land Use Plan including references to the California Coastal Act, summaries of existing conditions in Capitola, and policies and implementation. The full Land Use Plan is available on the Capitola websites at <https://www.cityofcapitola.org/communitydevelopment> at the bottom of the page.

Introduction

The basic goals of the Coastal Act, as stated in the Public Resources Code, Section 30001.5, are to:

- a) Protect, maintain and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coastal and maximize public recreation opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- d) Assure priority for coastal-dependent development over other development on the coast.
- e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

I. LAND USE PLAN FRAMEWORK POLICIESPOLICY B

Where policies in the Land Use Plan overlap or conflict, the policy that is the most protective of coastal resources shall take precedence.

POLICY C

The Capitola LCP Land Use Plan shall be adopted as an amendment to the Capitola General Plan.

POLICY D

In reviewing or carrying out projects outside the coastal zone, the City shall consider the effect of such projects or actions on coastal zone resources in order to ensure that the policies of the Capitola LCP Land Use Plan are achieved.

POLICY E

Prior to the issuance of any permit for development in the coastal zone, the City of Capitola shall prepare necessary findings that the development meets the standards set forth in all applicable Land Use Plan polices.

POLICY F

The City of Capitola shall maintain a high level of opportunities for public participation throughout the entire Local Coastal Program and Implementation Planning process.

POLICY G

The Land Use Plan brings the City's General Plan, Zoning Ordinances and other policies for lands within the coastal zone into conformance with the Coastal Act. It should be recognized that the Land Use Plan must be used in concern with other local, state and federal policies and regulations when evaluating any development proposal, If a conflict between policies arises, the adopted Land Use Plan policies shall be the prevailing policy.

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The Land Use Plan brings the City's General Plan, Zoning Ordinances and other policies for lands within the coastal zone into conformance with the Coastal Act. It should be recognized that the Land Use Plan must be used in concern with other local, state and federal policies and regulations when evaluating any development proposal, If a conflict between policies arises, the adopted Land Use Plan policies shall be the prevailing policy.

I. LOCATING AND PLANNING NEW OR INTENSIFIED DEVELOPMENT PUBLIC WORKS FACILITIES

RELEVANT COASTAL ACT POLICIES

The following Coastal Act policies deal directly with the establishment of priority uses and criteria for development:

SEC. 30250

SEC. 30252

The location and amount of new development should maintain and enhance public areas to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses, such as high-rise office building , and by (6) assuring that the recreational needs of the new residents will not overload the nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on site recreational facilities to serve the new development.

SEC. 30255

Coastal-dependent developments shall have priority over other developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

ISSUE DISCUSSION AND RECOMMENDED POLICIESVILLAGE CHARACTER

Capitola Village and Beach is a unique visitor destination with a long history as a seaside resort. The Village has a special charm, due to its scale, variety and ambiance. There is a greater demand for parking than there is supply within Capitola Village. A 1981 study by DKS Associates showed that there is a deficit of approximately 360 spaces, based on current parking demand for Village activities.

The Coastal Act requires that “the location and amount of new development should maintain and enhance public access to the Coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.” (Section 30252).

The consensus of City officials and citizens appears to be that increased parking within the Village would destroy Village character and would be too costly. Therefore, Capitola has been seriously utilizing alternative solutions , including remote parking and shuttle , along with parking within walking distance to the Village.

Since there is currently a deficit of parking facilities to service the Village, Beach and Wharf areas, all new or intensified development in these areas should include an equitable contribution to a permanent shuttle bus/remote parking system or adequate parking. A long-term shuttle bus financing program would appropriately be based on an assessment district or some other comparable measures which require contribution to the shuttle bus/remote parking system or new parking lots.

The long-standing residential and commercial users in the Village should share the responsibility of providing additional parking or shuttle bus services with the new uses.

Policy I-1 It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village, and Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding residential areas. The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus an remote parking. (see Visual Resource and Special Communities & Public Access Components for further discussion.)

Implementation:

- a) Develop a Capitola Village/Beach parking program that will provide 300 to 400 new parking places for Village Beach users.

- b) Require adequate parking for new users, such parking to be provided at sites outside the Village area within walking distance or remote and served by shuttle system; exceptions to permit on-site parking may be made for (1) non-historic structures in residential areas bounding the central commercial district of the Village as shown on Exhibit B attached; (2) for the Capitola Theatre site and the Mercantile site as shown on Exhibit B attached, 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; (3) if mandated under Federal Emergency Agency regulations and as consistent with the certified LCP.
- c) Protect adjacent residential neighborhoods from parking intrusions while providing for public access to viewpoints and recreation areas. The residential parking program as approved under CDP 3-87-42 must incorporate the following provisions: (1) a limit of 350 permits at any one time for the Village Parking District; (2) a limit of 50 permits for the Pacific Cove parking lot to be issued to Village Permit holders and Transient Occupancy Permit holders; (3) provision of public parking on a daily basis along Prospect, Grand, and Cliff Avenues, to provide public access to scenic overlooks; (4) residential permit parking within the neighborhood areas shall be in effect only during the hours of operation of the Capitola Beach shuttle system except as provided in Resolutions 2435 and 2436 for the Fanmar and the Burlingame, Grand/Cliff areas; signing shall clearly state this relationship and shall be conspicuously posted; (5) if the shuttle system operation is suspended, the permit parking program shall be suspended; (6) the ocean side of the Prospect shall have unrestricted parking; (7) a parking monitoring and reporting program designed to document the relationship of shuttle bus operation, residential permit parking program and its impact on public parking supply and to provide mechanisms to protect the public parking supply; (8) changes to the parking program areas or conditions will require an amendment to the LCP.

RESIDENTIAL DEVELOPMENT

More residential units are required to serve the needs of the residents of the City of Capitola. The Village area provides a place for residential and commercial / recreational activities. Change in land use policy will have to be made in order to ensure this mix continues.

Policy I-2 It shall be the policy of the City of Capitola to encourage mixed commercial/residential development in the Village and to designate certain existing residential areas as exclusively residential.

Implementation:

- a) The City shall rezone sites identified on the Land Use Map as appropriate for residential use.
- b) The Central Village Zoning District shall be revised to include a CV – R Central Village/Residential District exclusively for residential use.

II. PUBLIC ACCESS COMPONENT

The California Coastal Act of 1976 includes strong policies to assure public access to and along the shoreline. Section 30500(a) of the Act requires that each Local Coastal Program contain a specific public access component to assure that maximum public access to and along the coast and public recreational opportunities are provided.

30001.5.c

The legislature further finds and declares that the basic goals of the state for the coastal zone are to:

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protect rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public or any single area.

30213

Lower cost visitor and recreational facilities and housing opportunities for persons of low and moderate income shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. New housing in the coastal zone shall be developed in conformity with the standards, policies, and goals of local housing elements adopted in accordance with the requirements of subdivision (c) of Section 65302 of the Government Code.

From Local Coastal Plan Part 2 (page 24)

EXISTING ACCESS AND FUTURE DEMAND IN CAPITOLA

Working Paper Number One for the Capitola LUP entitled Access (issued in June, 1979) includes a description of existing vertical and lateral accessways and scenic vista points in the Capitola Coastal Zone. The Working Paper also includes a detailed survey of the parking situation in Capitola Village as a constraint to access. Additional work on parking and vehicular concerns was done by a transportation consultant and the data from those studies is also available for review.

The land adjacent to Capitola's shoreline is densely developed with residential development along the Cliff Drive and Grand Avenue bluffs, as well as a mixture of residential and commercial uses in Capitola Village adjacent to Capitola Beach. Vertical access to the sea from Cliff Drive and Grand Avenue is virtually impossible due to the height of the cliff and substantial continuing erosion. Users of the Capitola shoreline typically gain access from the Esplanade, the wharf area, or from New Brighton beach.

Following is a general description of the major lateral and vertical access areas and scenic overlooks.

CLIFF DRIVE

Two well-used viewpoints are located along Cliff Drive between the western city limit line and the wharf. Both pullouts are unpaved, have garbage cans and are lined with safety railings approximately five feet inland because the cliff was receding and undermining the posts. The western viewpoint is owned by the City and has room for approximately 11 cars. There are no benches, but people sometimes sit on the railing. Through a Coastal Conservancy Grant, the City has recently provided a stairway access to the beach. The city is developing a vista point along Cliff Drive in the turnout above the Hooper Beach stairway.

On the inland side of Cliff Drive, an unpaved area along the Southern Pacific right-of-way is used for public parking (approximately 50 spaces). The City has a formal agreement with Southern Pacific concerning use of this area. People going to Capitola Beach often park here and walk down to the beach. There are no sidewalks or bike paths in the City's narrow road right-of-way; this causes dangerous conflicts between pedestrians and vehicles. The City of Capitola has been given a grant by the Coastal Conservancy (for funding) to develop a paved parking lot on the Southern Pacific Railroad property.

HOOPER BEACH

This small beach is located west of the wharf. Access at the end of Wharf Road is down a roadway that is occasionally used as a boat ramp. There are 11 public parking spaces at the end of Wharf Road; 9 nearby in front of the Venetian Court and approximately 26 private spaces reserved for guests of the two motels. Pedestrian access is also obtained along the beach from the main beach to the east.

Underlying title to Hooper Beach is owned by Esther H. Hooper. There are no signs indicating that this beach is private and there are no barriers to keep the public out. On the beach itself are located two garbage cans and a City sign; "No dogs on beach – Capitola City Ordinance." These improvements were placed there by the City.

In recent years, the City’s maintenance of this beach has included lifeguard service (summer only), raking, litter pick-up and rat abatement in the rocks (principally in the new rip-rap placed below the Cliff Drive houses).

Public beach use is clearly evident. Also, small sailboats are stored on the beach during the summer.

SOQUEL CREEK

The Local Coastal Program Working Paper Number 1 – Access – described the issues and possibilities concerning public access along Soquel Creek. The Capitola General Plan Circulation Element has a policy that Soquel Creek have a pedestrian path from Highway One to the Village Center. In fact, the Soquel Creek corridor has a long history of public trail use. As development has taken place in the corridor, access has been altered, and in some cases, diminished.

Because of the sensitive nature of the riparian corridor and the habitat it provides for various species of resident and migratory birds (including the black crown night herons, which are on the Audobon Society “blue list”) an extension of the path, and especially the use of bridges, should not be required.

The dedications offered by Timmons, Rafaelo and Golino, for access easements should not be accepted by the City. However, the City shall accept and require scenic conservation easements to ensure that the banks of the creek are maintained in their natural conditions.

The City should continue to maintain the existing paths and provide for public access at the city-owned parks along the northerly reaches of the creek. In addition, the city should enhance the public’s abilities to reach upper Soquel Creek from the lagoon, by way of Riverview Drive and Wharf Road.

POLICIES AND IMPLEMENTATION FOR PUBLIC ACCESS COMPONENT – CAPITOLA LCP

GENERAL POLICIES

Policy II-1 It shall be the policy of the City of Capitola to provide safe and adequate pedestrian access to and along the shoreline as designated in the Shoreline Access Plan (see Maps II-1,2, and 3).

Implementation:

- a) Develop ordinance to require dedications to implement the shoreline access plan.
- b) Use available coastal access and open space grant programs for acquisition and development (i.e. Coastal Conservancy and State Parks and Recreation).

Policy II-2 It shall be the policy of the City of Capitola to maintain the existing shuttle

bus system so that it serves as an alternative to automobile use and parking within the Village. Furthermore, the City shall continue to seek out and implement other parking alternatives that may become available in the future. The intensity of development within Capitola Village shall be limited to the availability of parking.

Implementation:

- a) Acquire a shuttle bus parking lot.
- b) Develop a financing mechanism for the shuttle bus.
- c) Periodically review parking innovations in other coastal communities for possible use in Capitola.

SPECIFIC POLICIES

Policy II-5 Obtain agreement from Southern Pacific and improve parking area on inland side of Cliff Drive within Southern Pacific and Cliff Drive rights of-way. This is intended to add to Wharf user parking.

Implementation:

Acquire necessary easements for long-term usage of Southern Pacific right-of-way for parking and utilize Coastal Conservancy funding for development.

HOOPER BEACH AREA

Policy II-7 Maintain, at minimum, the existing rights of the public to use the sandy beach.

Implementation:

None.

WHARF AREA

Policy II-9 Provide adequate parking nearby to support the wharf uses (specifically boat launching activities) and establish operational guidelines that minimize conflicts between pedestrians and Wharf traffic.

Implementation:

- a) Acquire necessary easements for long-term usage of Southern Pacific right-of-way for parking and utilize Coastal Conservancy funding for development.
- b) Develop concessionaire agreements that specify and limit types of uses of wharf consistent with Policy II-8.

Policy II-10 Improve the design of Wharf Road/Cliff Drive intersection to improve traffic circulation (see Exhibit II-1).

Implementation:

Place improvements for intersection within the City's Capital Improvements Program (1981-82).

CAPITOLA BEACH AREA:

Policy II-14 Maintain a commitment to all existing access walkways and paths to Capitola Beach.

Implementation:

Develop an inventory of all existing, as well as desired public accessways.

III. VISUAL RESOURCES AND SPECIAL COMMUNITIES COMPONENT

In summary, the sense of Capitola as a special community is threatened. The car has a continuing negative impact on the Village where parking demands take up valuable land in the Central Village area, and asphalt surfaces and open carports create a larger scale than is appropriate to the Village. New development should be sensitive to creating a small scale that is necessary for it to be consistent with the Village. Village Design Guidelines can help maintain and enhance the Village character while allowing individual freedom of expression.

Particularly important for Capitola Village is Section 30253(5) of the Coastal Act, which states:

New development shall:

- 5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

GENERAL POLICIES

Policy III-1 It shall be the policy of the City of Capitola to maintain the natural features, visual resources, and unique character of the Capitola Village. This includes maintenance of the particular scale and character of Capitola Village, retaining its special ability to serve both Capitola residents and visitors, protecting its natural features and views, and recognizing its historical continuity extending from the Camp Capitola period through the present. A commitment shall be made to maintaining the level of current activity in the Central Village area and/or intensifying activity and increasing capacity only in ways consistent with the current scale and character of Capitola Village.

Implementation:

- a) Develop project review criteria to preserve trees and other vegetation along Cliff Avenue and Prospect Avenue, along Soquel Creek and within the Village.

- b) Develop a special zoning district for the Village. The district shall include design review requirements to protect the unique Village character.

Policy III-2 It should be recognized that the historical continuity of development in Capitola Village is an evolutionary process that doesn't stop in the present. New styles of architecture may be as appropriate now as they have proved to be in the past. Capitola will continue to evolve as it has before, but should maintain a consistency of scale and a variety of architectural types to support the goal to preserve the special scale and character of historical Capitola Village.

Implementation:

Develop design review guidelines and a development review process for new construction and rehabilitation to ensure that building materials including siding, roofing, doors and windows are appropriate for the building design and the Village character.

Policy III-6 It shall be the policy of the City of Capitola to maintain the special character of Depot Hill. New development on Depot Hill shall be permitted only where designed to be compatible with the scale and architectural character of the area.

Implementation:

Require Architectural and Site review for all development in the Depot Hill area.

SPECIFIC POLICIES

General Appearance of Capitola

Policy III-7 To ensure the maintenance of the special scale and character of Capitola Village development proposals within the Village area shall be subject to Arch & Site and Planning Commission Review with emphasis placed on the following design particulars:

- a) Building bulk, width, height and roofscape (the overall building envelope and the scale of the pieces within this envelope).
- b) Architectural thematic units including:
1. Window size and scale and frame materials.
 2. Color variety.
 3. Materials variety.
 4. Signage.
 5. Scale of articulation.

- c) Street thematic units including:
 1. Trees, ground cover and foliage.
 2. Street, path and public space lighting.
 3. Paving patterns and paving materials.
 4. Traffic and parking furniture (directional signs, directional islands, bicycle racks, etc.).
 5. Signage.
- d) A continuing program for the removal of utility poles and undergrounding of overhead wires.

Implementation:

Incorporate policy direction in Planning Commission and Arch & Site Review of projects in the Village Area consistent with Policies III-7, III-9 & III-14.

- Policy III-8 Where replacement of structures is permitted, new buildings need not necessarily be copies of older ones, but should be build with scale, materials, and a sensitivity to the spirit of adjacent buildings and the prior structure.

Implementation:

Incorporate policy direction in Planning Commission and Architectural & Site Review of projects in Village area consistent with this policy.

Natural Features

- Policy III-10 The City shall identify architecturally and historically significant structures and provide for their protection. These include special, unique structures in Capitola Village and surrounding bluffs, both private and public.

Implementation:

- a) Complete a survey of architecturally and historically significant structures and those requiring special design review.
- b) Develop special design criteria for the redevelopment and/or restoration of architecturally and historically significant structures to preserve those qualities that are found to be unique.
- c) In the Village area, ground floor or on-site parking shall be limited to those areas designated on Exhibit B or as provided in LCP Policy 1.1.

Scale, Activity and Special Community Character

Policy III-12 Maintenance and emphasis on small individual businesses oriented primarily to the pedestrian, and discourage large scale conglomerations of shops surrounded by off-street parking. Establish a desirable range to the size and scale of the Village commercial facilities including square footage and street frontage. The intensity of development shall be limited to the availability of parking or alternative transportation systems such as a shuttle buss and remote parking. Relate sign and access regulations to pedestrian movement and physical character appropriate to particular areas in the Central Village.

Implementation:

- a) Develop Village/beach parking requirements that require new developments to provide parking.
- b) Prepare a standard aesthetically pleasing design for all access signs in accordance with the policies of the Visual Resource Component (III), and Coastal Guidelines.

Policy III-15 Long-term and short-term housing should be maintained and encouraged, consistent with maintaining a balance with permanent resident and visitor's uses of the Village as a special community.

Implementation:

Incorporate policy direction in Planning Commission and Architectural and Site Review of projects in Village area consistent with this policy.

Policy III-16 Within the architectural style and character of the Village, residential units should be considered as a part of commercial development to maintain and enhance the mixed commercial/residential character of the Village. These requirements should extend along Capitola Road to 45th Avenue and Capitola Avenue to Bay Avenue.

Implementation:

- a) Develop the necessary regulations to insure consideration for the inclusion of residential units in all the Village development.
- b) Adopt Commercial/Residential Zone district for Capitola Road.

Visual Aspects of Access and Circulation

Policy III-17 Large open parking lots are visually disruptive and pre-empt valuable land locations from being used for the kind of human activity that translates into Village life. The current public parking supply in the Central Village area should not be increased by covering more land. (New parking areas within the Village shall be limited to the provisions of LUP Policy 1-1.) If peripheral parking areas or other alternatives are to be developed, they should be designed, operated and maintained as a visual resource to the Village.

Implementation:

- a) Develop ordinance that limits development to the provision of additional parking.
- b) Acquire long-term use of land for remote parking lot to serve the shuttle bus system.
- c) Develop a permanent shuttle bus financing system to operate as long as there is a parking shortage. Develop objective criteria for determining the existence of a parking shortage, including shuttle bus ridership use. Provide that the discontinuance of the shuttle system requires prior approval of the Coastal Commission.
- d) The City shall periodically review alternative transportation systems being utilized by other coastal communities for application in Capitola.

IV. RECREATION & VISITOR SERVING FACILITIES

BACKGROUND

The City of Capitola has a number of natural and manmade resources which have made it an increasingly popular destination point for visitors. These visitors are from Santa Cruz County, many are from the San Francisco Bay Area, and others from more distant parts of the state as well as the nation. The popularity of Capitola for tourism and recreation is not a new phenomenon, however, as the beach, Village, and Depot Hill areas were the sites of a thriving resort in the late 19th Century and early 20th Century. Now, with the increased commercial

importance of the City, the revitalization of the Village, and the restoration of the Wharf, it can be expected that visitor attendance will increase.

RELEVANT COASTAL ACT POLICIES

The Coastal Act contains several sections that relate to recreation and visitor-serving facilities.

SEC. 30212.5

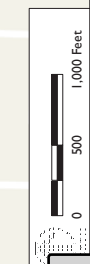
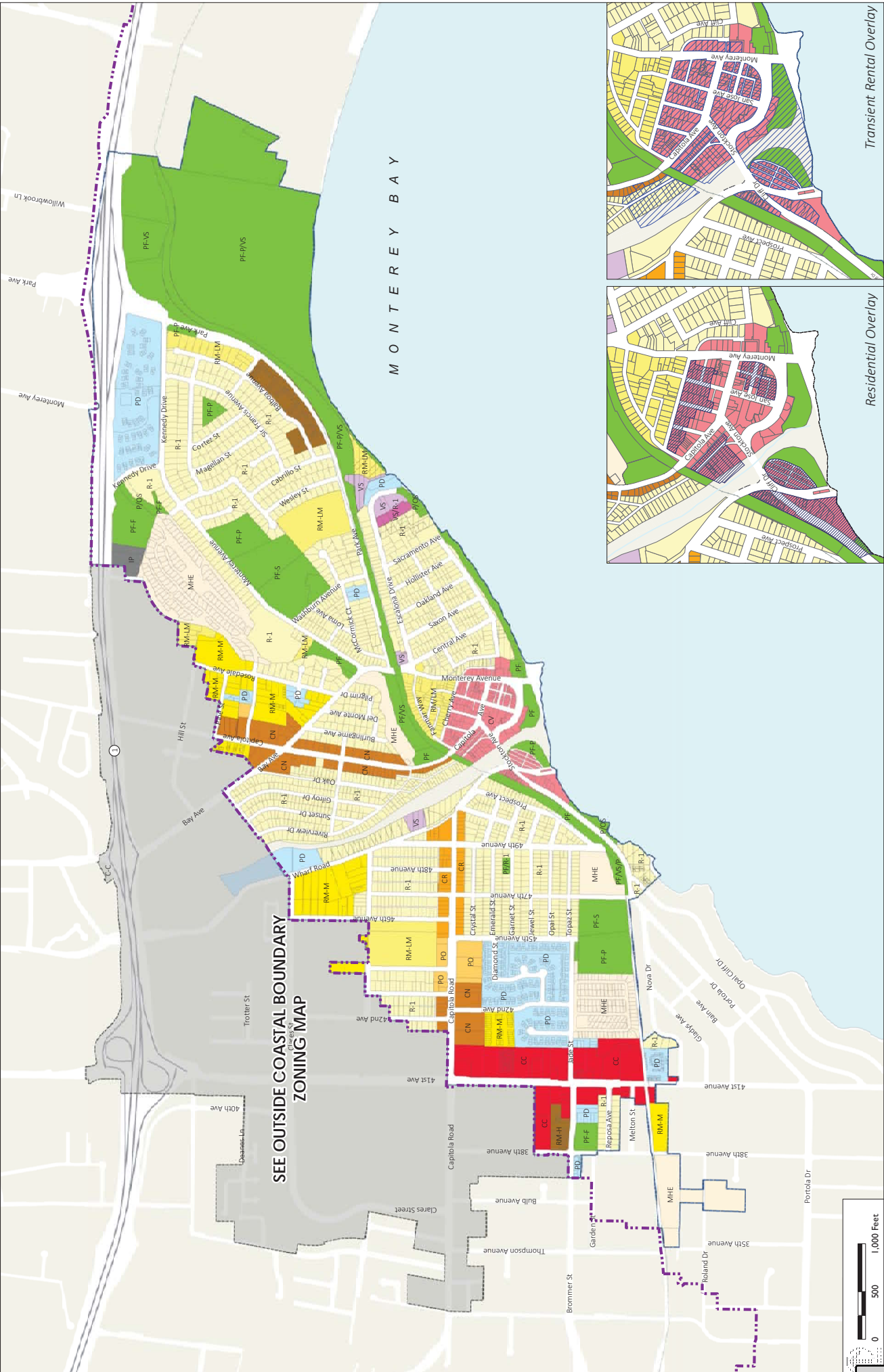
Whenever appropriate and feasible, public facilities, including parking areas or facilities shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

SEC. 30222

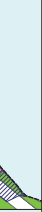
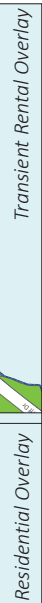
The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.



- Residential Districts
 - R-1 - Single-Family Residential
 - RM-LM - Multi-Family Residential Low-Medium Density
 - RM-M - Multi-Family Residential Medium Density
 - RM-H - Multi-Family Residential High Density
 - MHE - Mobile Home Exclusive
- Commercial/Office/Industrial Districts
 - PO - Professional Office
 - CR - Commercial/Residential
 - CN - Neighborhood Commercial
 - CV - Central Village
 - CC - Community Commercial
- Industrial Districts
 - IP - Industrial Park
 - Other Districts
 - VS - Visitor Serving
 - PD - Planned Development
- Automatic Review Overlay
 - Residential Overlay
 - Transient Rental Overlay
 - CZ - Coastal Zone
 - Samta Cruz Coastal Zone Boundary
- Combining District
 - F - Facility
 - P - Park
 - OS - Open Space
 - S - School



Chapter 17.16 - RESIDENTIAL ZONING DISTRICTS

Sections:

- 17.16.010 Purpose of the Residential Zoning Districts
- 17.16.020 Land Use Regulations
- 17.16.030 Development Standards

17.16.010 Purpose of the Residential Zoning Districts

A. General. The purpose of residential zoning districts is to support attractive, safe, and friendly neighborhoods consistent with Capitola's intimate small-town feel and coastal village charm. Development within the residential zoning districts will feature high quality design that enhances the visual character of the community. The mass, scale, and design of new homes shall be compatible with existing homes in neighborhoods and carefully designed to minimize impacts to existing homes. Residential zoning districts contain a range of housing types and community facilities to support diverse and complete neighborhoods with a high quality of life for residents.

B. Specific.

1. **Residential Single-Family (R-1) Zoning District.** The purpose of the R-1 zoning district is to protect and enhance the unique qualities of individual neighborhoods in Capitola. The R-1 zoning district allows for variation in development standards based on the existing development patterns within these neighborhoods. New development will respect the existing scale, density, and character of neighborhoods to strengthen Capitola's unique sense of place.
2. **Residential Multi-Family (RM) Zoning District.** The purpose of the RM zoning district is to accommodate a range of housing types to serve all Capitola residents. The RM zoning districts allows single-family and multi-family housing at higher densities to maintain and increase the supply of affordable housing choices. Housing in the RM zoning districts will be carefully designed to enhance Capitola's unique identity and to minimize impacts on adjacent land uses and structures. The RM zone is divided into three subzones (RM-L, RM-M, and RM-H) allowing for a range of permitted residential densities.
3. **Mobile Home Park (MH) Zoning District.** The MH zone provides areas for exclusive development of mobile home parks. Mobile home parks provide a valuable source of affordable housing serving Capitola's lower-income and senior residents.

17.16.020 Land Use Regulations

A. Permitted Land Uses. Table 17.16-1 identifies land uses permitted in the residential zoning districts.

TABLE 17.16-1: PERMITTED LAND USES IN THE RESIDENTIAL ZONING DISTRICTS

Key P Permitted Use A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required - Use not allowed	Zoning District			Additional Regulations
	R-1	RM	MH	
Residential Uses				
Duplex Homes	-	P	-	
Elderly and Long Term Care	-	C	-	
Group Housing	-	P	-	
Mobile Home Parks	-	C	P [1]	Chapter 17.100
Multi-Family Dwellings	-	P	-	
Residential Care Facilities, Small	P	P	C [2]	
Residential Care Facilities, Large	C	C	C [2]	Section 17.96.080
Accessory Dwelling Units	A/C	A/C [4]	-	Chapter 17.74
Single-Family Dwellings	P	P	C [2]	
Public and Quasi-Public Uses				
Community Assembly	C	C	C	
Day Care Centers	C	C	C	
Home Day Care, Large	M	M	M	Section 17.96.070
Home Day Care, Small	P	P	P	
Parks and Recreational Facilities	-	C	C	
<u>Public Pathways and Coastal Accessways</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Schools, Public or Private	-	C	C	
Commercial Uses				
Bed and Breakfast	C	C	-	
Vacation Rentals	See Section 17.40.030			
Transportation, Communication, and Utility Uses				
Utilities, Major	C	C	C	
Utilities, Minor	P	P	P	
Wireless Communications Facilities	See Chapter 17.104			
Other Uses				
Accessory Uses and Structure	P [3]	P [3]	P[3]	Chapter 17.52
Home Occupation	A	A	A	Section 17.96.040
Temporary Uses and Structures	M	M	-	Section 17.96.180
Urban Agriculture				
Home Gardens	P	P	P	
Community Gardens	M	M	M	
Urban Farms	C	C	C	

Notes:

- [1] May include offices incidental and necessary to conduct a mobile home park use.
- [2] Permitted on the mobile home park parcel or on a separate parcel of no less than 5,000 square feet.

Attachment: 17.16_Residential Zoning Districts - Outside Coastal Zone - 01.30.2020 (Update to Zoning Ordinance - Density - Signs - ADUs)

[3] An accessory structure that exceed the development standards of Chapter 17.52 requires a Conditional Use Permit.

[4] Permitted only when there is one single family dwelling on the parcel.

B. Additional Permits. In addition to permits identified in Table 17.16-1, development projects in the residential zoning districts may also require a Design Permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a Historic Alteration Permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a Coastal **Development** Permit pursuant to Chapter 17.44 (Coastal Overlay Zone) independent of and in addition to any other required permit or approval.

17.16.030 Development Standards

A. General Standards - Single-Family and Multi-Family Zoning Districts. Table 17.16-2 identifies development standards that apply in the R-1 and RM zoning districts.

TABLE 17.16-2: DEVELOPMENT STANDARDS IN THE R-1 AND RM ZONING DISTRICTS

	R-1	RM	Additional Standards
Site Requirements			
Parcel Area, Minimum [1]	5,000 sq. ft.	N/A	
Parcel Width, Minimum [1]	30 ft.	N/A	
Parcel Depth, Minimum [1]	80 ft.	N/A	
Floor Area Ratio, Maximum	See Section 17.16.030.B.1	N/A	Section 17.16.030.B Section 17.48.040
Building Coverage, Maximum	N/A	40%	
Open Space	N/A	Section 17.030.C.2	
Parcel Area Per Unit, Minimum	N/A	<u>RM-L</u> : 4,400 sq. ft. <u>RM-M</u> : 2,900 sq. ft. <u>RM-H</u> : 2,200 sq. ft.	
Parking and Loading	See Chapter 17.76		
Structure Requirements			
Setbacks, Minimum			Section 17.48.030.B.2- 5-6
Front	<u>Ground floor</u> : 15 ft. <u>Garage</u> : 20 ft. <u>Second story</u> : 20 ft.	<u>Main structure</u> : 15 ft. <u>Garage</u> : 20 ft.	Section 17.16.030.B.2 Section 17.16.030.B. 3-5 Garage Setback: Section 17.16.030.B.4
Rear	20% of parcel depth; 25 ft. max.	15% of parcel depth	Section 17.16.030.B. 4-5

	R-1	RM	Additional Standards
Interior Side	<u>Ground floor</u> : 10% of parcel width; 3 ft. min.; 7 ft. max. <u>Second story</u> : 15% of parcel width	10% of parcel width	Section 17.16.030.B.4&5&6
Street Side, Corner Lots	10 ft.	10 ft.	Section 17.16.030.B.3-5
Height, Maximum	25 ft.	<u>RM-L</u> : 30 ft. <u>RM-M</u> : 30 ft. <u>RM-H</u> : 35 ft.	Section 17.16.030.B.7&8&7 Section 17.48.020
Accessory Structures	See Chapter 17.52		

Notes:

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of [effective date of updated Zoning Code]. See Capitola Municipal Code Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

B. Additional Standards in the R-1 Zoning District. The following additional standards apply in the R-1 zoning district.

- 1. Floor Area Ratio.** Table 17.16-3 identifies the maximum permitted floor area ratio (FAR) in the R-1 zoning district. See Section 17.48.040.B for floor area calculations.

TABLE 17.16-3: MAXIMUM FLOOR AREA RATIO IN THE R-1 ZONING DISTRICT

Lot Size	Maximum FAR
2,650 sq. ft. or less	0.58
2,651 to 3,250 sq. ft.	0.57
3,251 to 3,500 sq. ft.	0.56
3,501 to 3,750 sq. ft.	0.55
3,751 to 4,000 sq. ft.	0.54
4,001 to 4,250 sq. ft.	0.53
4,251 to 4,500 sq. ft.	0.52
4,501 to 4,750 sq. ft.	0.51
4,751 to 5,000 sq. ft.	0.50 {+}
5,001 to 6,000 sq. ft.	0.49 {+}
More than 6,000 sq. ft.	0.48 {+}

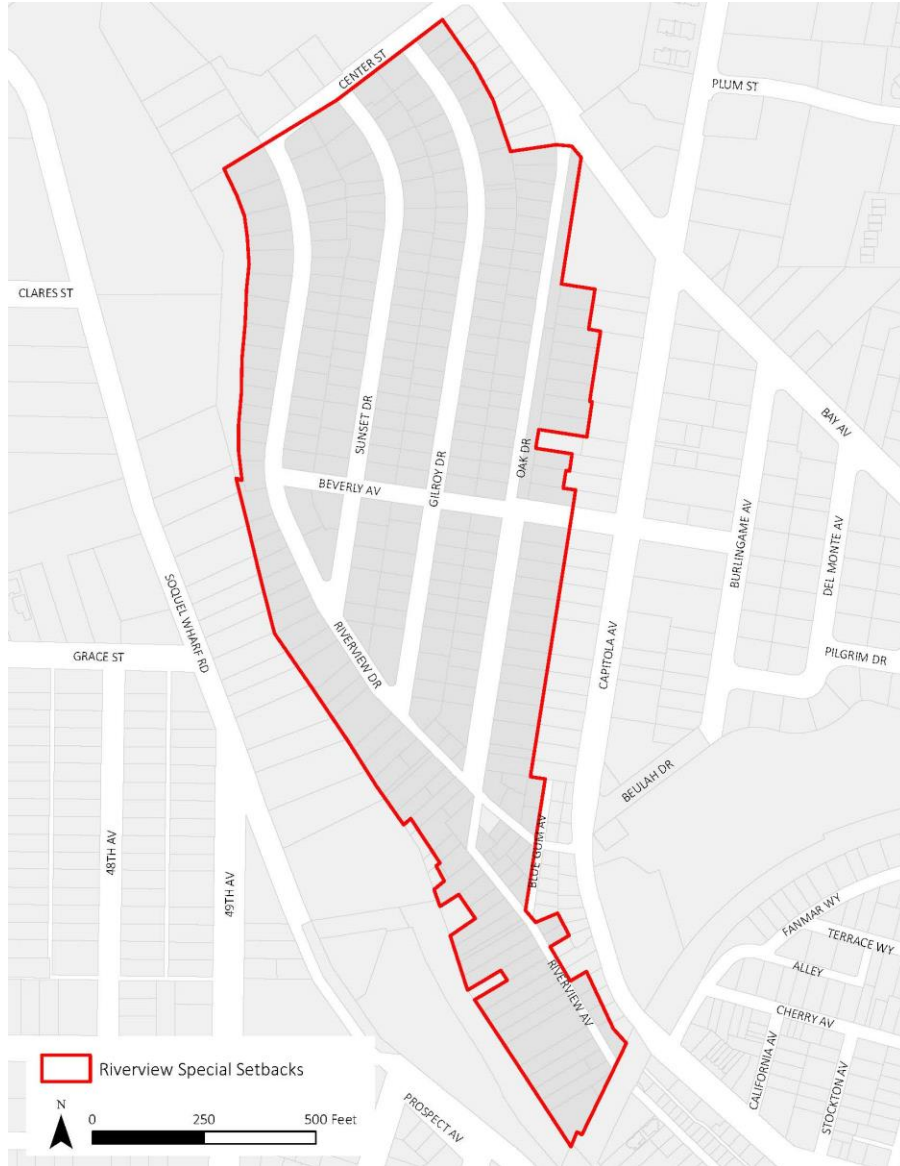
Notes:

{+} Parcels of 4,000 sq. ft. or more with approved accessory dwelling units are permitted a maximum FAR of 0.60 for all structures.

- 2. Front Setbacks in Riverview Terrace.** Within the areas shown in Figure 17.16-1, the Planning Commission may approve a reduced front setback to reflect existing

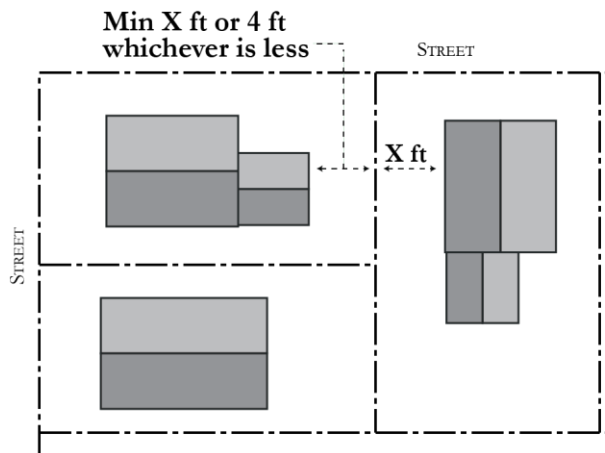
front setbacks on neighboring properties within 100 feet on the same side of the street. The reduced front setback shall in all cases be no less than 10 feet.

FIGURE 17.16-1: RIVERVIEW TERRACE



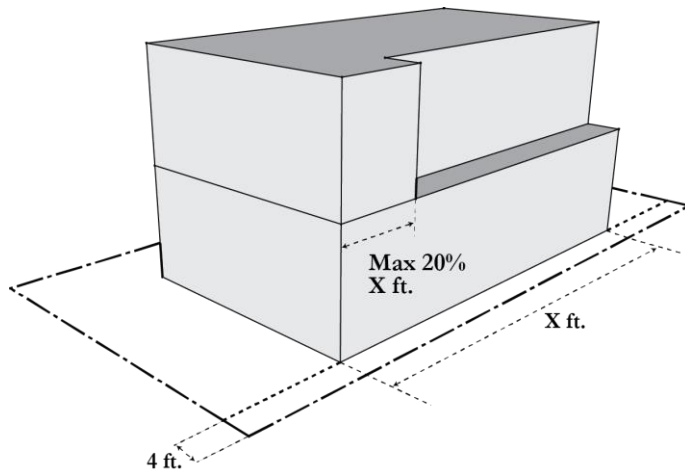
3. **Wharf Road Reduced Setback.** For properties on the east side of Wharf Road from 1820 Wharf Road to 1930 Wharf Road, the Planning Commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within 100 feet on the same side of the street.
4. **Garage Setbacks.**
 - a. Attached garages shall be setback a minimum of 5 feet behind the front or street side building wall of the primary structure. The Planning Commission may reduce this minimum setback to 3 feet in sidewalk exempt areas.
 - b. Required setbacks for detached garages are identified in Chapter 17.52 (Accessory Structures).
5. **Corner Lots.**
 - a. The minimum rear setback for reverse corner lots shall be the minimum interior side yard of the adjacent property, but no less than 4 feet. See Figure 17.16-2.
 - b. On a corner lot, the front line of the lot is ordinarily construed as the least dimension of the parcel facing the street. The Community Development Director has the discretion to determine the location of the front yard based on existing conditions and functions.

FIGURE 17.16-2: REVERSE CORNER LOT REAR SETBACK



6. **Second Story Setback Exceptions.** Second story additions must comply with increased setback requirements in Table 17.16-2, except in the following cases:
 - a. For lots 30 feet wide or less, the minimum interior side setback for a second story is the same as the ground floor.
 - b. Up to 20 percent of the length of an upper story wall may be constructed at the same setback as the first-floor wall if the first-floor wall is at least 4 feet from the side property line. See Figure 17.16-3.

FIGURE 17.16-3: SECOND STORY SETBACK EXCEPTION



7. **Height Exceptions.** A maximum height of up to 27 feet in the R-1 zoning district is allowed in the following circumstances:
 - a. Additions to historic structures that are designed to match the roof pitch of the historic structure within the area of new addition.
 - b. Parcels greater than 6,000 sf in size.
 - c. Parcels with a width 60 feet or more.
 - d. Parcels with an average slope of 25 percent or greater.
 - e. When the plate height of structure does not exceed 22 feet.
8. **Landscaping.** See Section 17.72.050.A for residential landscape requirements.

9. Mini-Bar/Convenience Areas.

- a. -A single-family home may contain one mini-bar/convenience area in addition to a kitchen, subject to the following standards:
 - (1) Fixtures shall be limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches.
 - (2) No gas line or 220-volt electric service is permitted within the area.
 - (3) Only one such area is permitted within a ~~dwelling property~~ in addition to the kitchen.
 - (4) The mini-bar/convenience area may be located within the home or outside of the home as part of an outdoor kitchen. If located within the home, internal access to the area shall be maintained within the dwelling.
 - ~~(4) Internal access to the area shall be maintained within the dwelling.~~
- b. The requirements in paragraph (a) above shall not limit the establishment of an accessory dwelling unit in conformance with Chapter 17.74 (Accessory Dwelling Units).

C. Additional Standards for RM Zoning Districts. The following additional standards

apply in the RM zoning district.

- 1. **Single-Family Dwellings.** Single-family dwellings in RM zoning districts shall comply with the development standards that apply in the R-1 zoning district.
- 2. **Open Space.** Common and private open space in the RM zoning district shall be provided as shown in Table 17.16-4 and Figure 17.16-4.

TABLE 17.16-4: USABLE OPEN SPACE IN RM ZONING DISTRICT

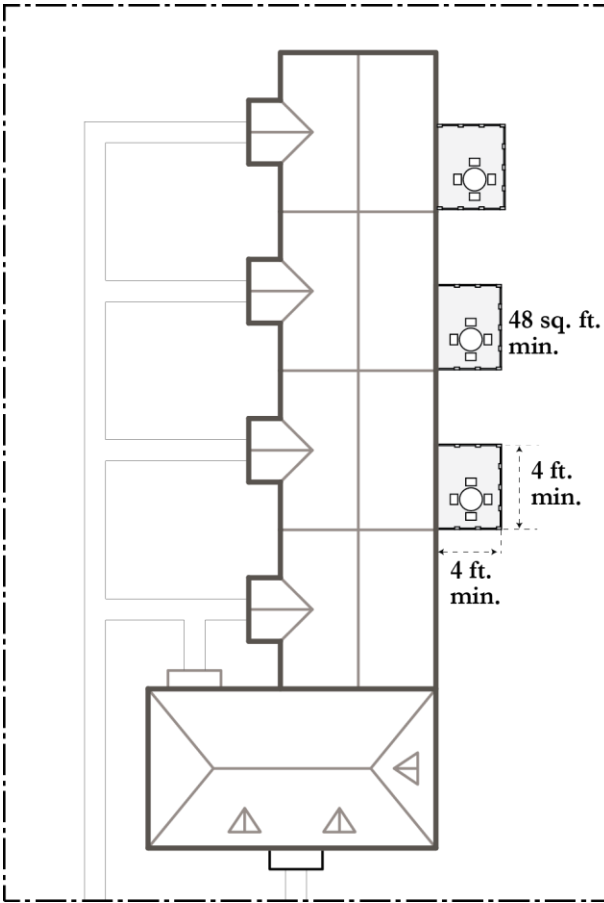
Common Open Space [1]	
Minimum area (percent of site area)	15% [2] [3]
Minimum horizontal dimension	15 ft.
Private Open Space [4]	
Minimum percentage of units with private open space	50%
Minimum area (for individual unit)	48 sq. ft.
Minimum horizontal dimension	4 ft.

Notes:

- [1] Common open space shall be fully landscaped and accessible to all residents.
- [2] Roof terraces and roof gardens may provide up to 50 percent of the required common open space area if the Planning Commission finds that roof terraces and roof gardens provide quality open space for residents and minimize noise, privacy and other potential impacts on neighboring properties.
- [3] The Planning Commission may allow reduced common open space to a minimum of 10 percent for projects less than one acre in size or for projects that provide additional private open space equal to or greater than the amount of reduced common open space.
- [4] Private open space may include screened terraces, decks, balconies, and other similar areas

FIGURE 17.16-4: PRIVATE OPEN SPACE

Attachment: 17.16_Residential Zoning Districts - Outside Coastal Zone - 01.30.2020 (Update to Zoning Ordinance - Density - Signs - ADUs)



A minimum of 50 percent of units must provide private open space

1. **Landscaping.** See Section 17.72.050.A for residential landscape requirements.

D. Standards for the MH Zoning District. Table 17.16-5 identifies development standards that apply in the Mobile Home (MH) zoning district.

TABLE 17.16-5 MH ZONING DISTRICT DEVELOPMENT STANDARDS

		Additional Standards
Site Area [1]	5 acres [2]	
Residential Density, Maximum	20 units per acre	
Setbacks [3]		17.48.030
Front	15 ft.	
Interior Side	10 ft.	
Exterior Side	10 ft.	
Rear	20 ft.	

Notes:

- [1] Applies to overall mobile home park area, not sites for individual units.
- [2] For vacant property rezoned to MH, the minimum lot area is 5 acres. For existing mobile home parks, the minimum parcel size is 5 acres or the existing parcel size, whichever is less.
- [3] Applies only to the perimeter of the mobile home park, not to sites and structures within the interior of the park.

Chapter 17.15

R-1 SINGLE-FAMILY RESIDENCE DISTRICT

Sections:

- 17.15.010 Applicability.
- 17.15.020 Purpose.
- 17.15.030 Design permit and architectural and site review.
- 17.15.035 Design permit approval.
- 17.15.040 Principal permitted uses.
- 17.15.050 Accessory uses.
- 17.15.060 Conditional uses.
- 17.15.070 (Reserved)
- 17.15.080 Height regulations.
- 17.15.090 Lot area.
- 17.15.100 Floor area ratio.
- 17.15.110 Yards.
- 17.15.120 Yard encroachments.
- 17.15.130 Parking.
- 17.15.140 Garage and accessory buildings.

17.15.010 Applicability.

The regulations set forth in this chapter apply to all R-1 districts. (Ord. 873 § 1 (part), 2004; Ord. 710 § 1 (part), 1991; Ord. 388 Art. 5 (part), 1975)

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; Ord. 710 § 1 (part), 1991; Ord. 388 Art. 5 (part), 1975)

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; Ord. 710 § 1 (part), 1991; Ord. 448 § 1, 1979)

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;
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, 2005; Ord. 873 § 1 (part), 2004; Ord. 858 § 2, 2003; Ord. 710 § 1 (part), 1991; Ord. 608 § 3, 1986; Ord. 448 § 2, 1979; Ord. 388 Art. 5 (part), 1975)

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;
- 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; Ord. 710 § 1 (part), 1991; Ord. 448 § 3 (part), 1979; Ord. 388 Art. 5 (part), 1975)

17.15.060 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;

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; Ord. 710 § 1 (part), 1991; Ord. 708 § 2 (part), 1991; Ord. 698 § 1, 1990; Ord. 696 § 2 (part), 1990; Ord. 608 § 4, 1986; Ord. 533 § 3 (part), 1983; Ord. 515 Art. 5 (part), 1982; Ord. 448 § 3 (part), 1979; Ord. 388 Art. 5 (part), 1975)

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; Ord. 710 § 1 (part), 1991; Ord. 448 § 3 (part), 1979; Ord. 388 Art. 5 (part), 1975)

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: Ord. 710 § 1 (part), 1991: Ord. 388 Art. 5 (part), 1975)

17.15.100 Floor area ratio.

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; Ord. 774 § 1, 1995; Ord. 710 § 1 (part), 1991; Ord. 643 § 1, 1987; Ord. 388 Art. 5 (part), 1975)

17.15.110 Yards.

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; Ord. 710 § 1 (part), 1991; Ord. 675, 1987; Ord. 643 § 2, 1987; Ord. 388 Art. 5 (part), 1975)

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: Ord. 776 § 2, 1995; Ord. 710 § 1 (part), 1991: Ord. 643 § 3, 1987: Ord. 388 Art. 5 (part), 1975)

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: Ord. 710 § 1 (part), 1991: Ord. 388 Art. 5 (part), 1975)

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; Ord. 710 § 1 (part), 1991; Ord. 643 § 4, 1987)

Chapter 17.80 - SIGNS

Sections:

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17.80.120	Adjustment to Sign Standards
17.80.130	Master Sign Program
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17.80.150	Violations and Enforcement

17.80.010 Purpose and Applicability

A. Purpose. This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs. The intent of these standards is to:

1. Support economically viable businesses serving city residents, workers, and visitors.
2. Allow for signage that identifies businesses in a fair and equitable manner.
3. Protect and enhance the aesthetic qualities of the city.
4. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs.
5. Allow for a simple and streamlined sign permitting process.

B. Applicability. This chapter applies to all signs in Capitola, except for City-installed signs and signs required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.

17.80.020 Definitions

The following definitions apply to this chapter:

A. Awning Sign. A sign incorporated into, attached, or painted on an awning.

- B. Awning Face Sign.** A sign located on the sloping plane face of an awning.
- C. Awning Valance Sign.** A sign located on the valance of an awning perpendicular to the ground.
- D. Center Identification Sign.** A sign identifying the name of a shopping center and that does not include the name of any business within the center. A shopping center is a commercial building or group of buildings operated as a unit on a single parcel, sharing common parking areas or commonly owned adjacent parcels.
- E. Commercial Message.** Any sign copy that directly or indirectly names, draws attention to, or advertises a business, product, good, service, or other commercial activity, or which proposes a commercial transaction.
- F. Commercial Sign.** A sign with a commercial message.
- E.G. Construction Site Sign.** An on-premise sign for an approved construction project that publicizes the future building and occupants as well as the architects, engineers and construction organizations involved in the project.
- F.H. Directory Sign.** An on-premise sign which shows the direction to or location of a customer entrance to a business.
- I. Election Period.** The period beginning 90 days before any national, state, or local election in which city electors may vote up through the date of the election.
- G.J. Flags.** Fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.
- H.K. Monument Sign.** An independent, freestanding structure supported on the ground as opposed to being supported on the building.
- I.L. Projecting Sign.** Any sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall.
- J.M. Roof Sign.** Any sign that is mounted on a roof or a parapet, of a building.
- K.N. Sidewalk Sign.** Movable or permanent business identification signs placed in or attached to a public sidewalk.
- L.O. Sign.** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise or announce the purpose of a business or entity, or to communicate information of any kind to the public.
- M.P. Sign Area.** See Section 17.80.040.A (Calculation of Sign Area).
- N.Q. Sign Copy.** The area of a sign occupied by letters, numbers, graphics, or other content intended to inform, direct, or otherwise transmit information.
- O.R. Sign Face.** The area of a sign where sign copy is placed.
- P.S. Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

Q.T. Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view or within one foot and parallel to a window exposed to public view.

17.80.030 Permit Requirements

A. Administrative Sign Permits. An Administrative Sign Permit (Chapter 17.132) is required to install, construct, or enlarge a sign, except for:

1. Signs exempt from the permit requirements of this chapter as specified in Section 17.80.050 (Signs Allowed without Permits).
2. Signs requiring a Sign Permit as identified in Section B below.

B. Sign Permits. Planning Commission approval of a Sign Permit (Chapter 17.132) is required for the following types of signs and approvals:

1. New signs in the Mixed Use Village (MU-V) zoning district.
2. Exterior neon signs.
3. Monument signs for more than four tenants.
4. Auto dealership signs in the C-R zoning district (Section 17.80.080.A) that are not otherwise allowed with an Administrative Sign Permit.
5. Adjustments to sign standards in low visibility areas in commercial zoning districts (17.80.120.E).
6. Signs that do not conform with permitted sign types and standards in Section 17.80.080 (Standards for Specific Types of Signs)
7. Master sign programs (Section 17.80.130).

C. Noncommercial Signs. Noncommercial signs are allowed wherever commercial signs are permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this chapter.

D. Message Neutrality.

1. It is the City's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech, and is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
2. Where necessary, the Director will interpret the meaning and applicability of this chapter in light of this message neutrality policy.

E. Message Substitution.

1. Subject to the property owner's consent, a message of any type may be substituted, in whole or in part, for the message displayed on any legally established sign without consideration of message content.

2. Message substitutions are allowed by-right without a permit.
3. This message substitution provision does not:
 - a. Create a right to increase the total amount of signage beyond that otherwise allowed or existing;
 - b. Affect the requirement that a sign structure or mounting device be properly permitted, when a permit requirement applies;
 - c. Allow a change in the physical structure of a sign or its mounting device;
 - d. Allow the establishment of a prohibited sign as identified in 17.80.060 (Prohibited Signs); or
 - e. Nullify or eliminate any contractual obligation through a development agreement or similar agreement that specifies the allowable content of a sign.

C.F. City-Installed Signs. City-installed signs in all zoning districts do not require a permit.

G. Other Government-Installed Signs. Governmental agency-installed signs to carry out its responsibility to protect the public health, safety, and general welfare in all zoning districts do not require a permit.



Note: Coastal Commission staff requested requiring a Coastal Development Permit for signs installed by the City or other government agency. The Planning Commission recommends not accepting this request because the City and other public agencies need to be able to install signs serving the public without a permit.

H. Signs in the Coastal Zone.

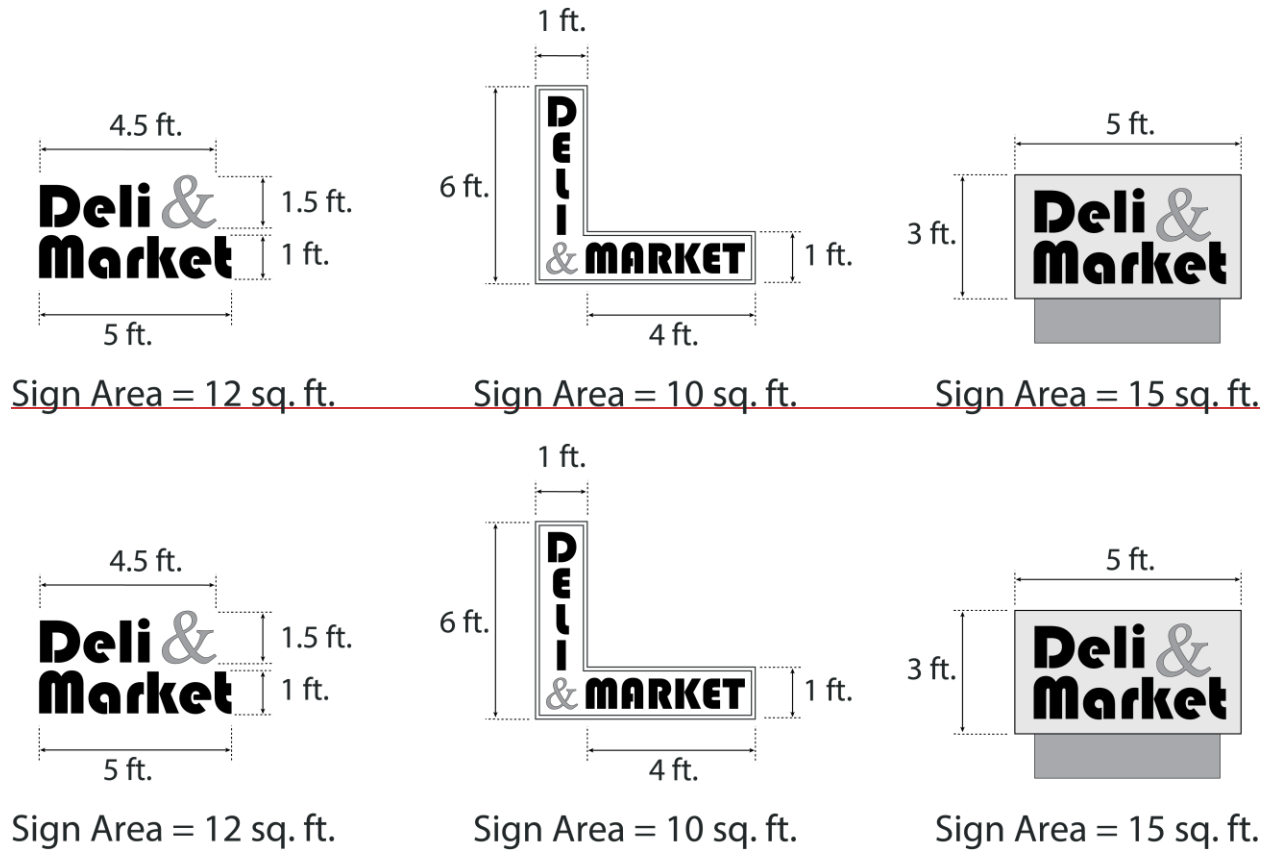
1. If a proposed sign is located in the Coastal Zone, it may require a Coastal Development Permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in 17.44.130 (Findings for Approval).
2. Notwithstanding all applicable standards in this Chapter, any sign that could reduce public coastal access, including signs limiting public parking or restricting use of existing lateral and/or vertical accessways, requires a coastal development permit.

17.80.040 Rules of Measurement

A. Calculation of Sign Area.

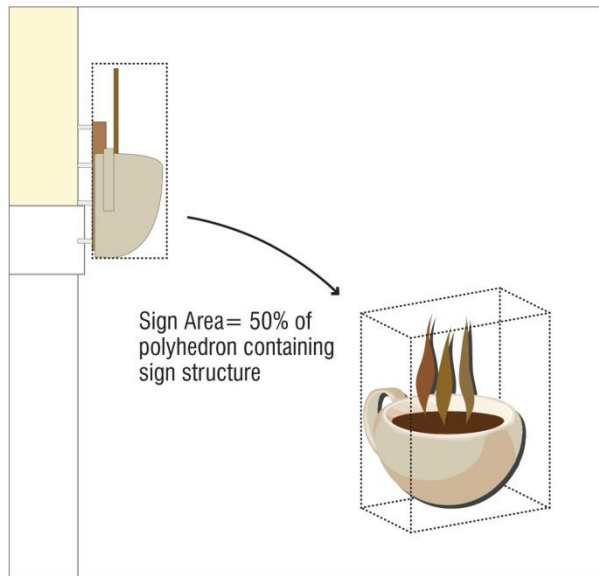
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17-80-1.

FIGURE 17-80-1: MEASUREMENT OF SIGN AREA



2. Supporting framework or bracing that is clearly incidental to the display itself shall not be calculated as sign area.
3. The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed 18 inches and the two faces are parallel with each other
4. The area of spherical, free-form, sculptural or other non-planar signs are measured as 50 percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 17.80-2.

FIGURE 17.80-2: NON-PLANER SIGN AREA



- B. Monument Sign Height Measurement.** The height of a monument or other freestanding sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.

17.80.050 Signs Allowed Without Permits

- A. Types of Signs.** The following signs are allowed without a planning permit and shall not be counted towards the allowable sign area or number of signs on a parcel:
1. On-site directional signs which do not include commercial messages or images, not to exceed 3 feet in height and 6 square feet in area.
 2. Informational signs which do not include commercial messages or images, displayed for the safety and convenience of the public, providing information such as “restrooms,” “danger,” “impaired clearance,” “no smoking,” “parking in rear,” “coastal access,” and other signs of a similar nature.
 3. Flags bearing noncommercial messages or graphic symbols.
 4. One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material.
 5. One bulletin board on a parcel occupied by a noncommercial ~~place of public assembly~~ organization, with a maximum area of 12 square feet.
 6. Political signs during an election period located outside of a public street, path, or right-of-way. Political signs may not exceed 6 feet in height and 32 square feet per unit.
 7. Constitutionally protected non-commercial message signs not to exceed 3 feet in height, with a maximum of 6 square feet per unit; and 6 square feet per non-residential property.

~~7.8.~~ Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.

~~8.9.~~ Murals on the exterior of a building that do not advertise a product, business, or service.

~~9.10.~~ Official or legal notices required by a court order or governmental agency.

~~10.11.~~ Signs installed by a governmental agency within the public right-of-way, ~~including signs advertising local nonprofit, civic, or fraternal organizations.~~

~~11.12.~~ Signs, postings, or notices required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.

~~12.13.~~ Restaurant menu signs attached to a building, with a maximum area of 3 square feet.

~~13.14.~~ Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.

~~14.15.~~ Residential signs not requiring a building permit as specified in Section 17.80.100 (Residential Signs).

~~15.16.~~ Temporary signs ~~consistent with~~ allowed without a permit as provided in Section 17.80.110 (Temporary Signs).

~~16.17.~~ Vacation rental signs up to 12 inches by 12 inches.

~~17.18.~~ Garage sale signs limited to the day of the garage sale.

B. Building Permit Review. Planning staff shall review all proposed signs listed in Section A (above) that require a Building Permit to verify compliance with all applicable standards.

C. Changes to Sign Face. Changes to a sign face that do not structurally alter or enlarge a legally-established sign and utilize similar materials shall not require a planning permit.

D. Routine Maintenance. The painting, cleaning, repair, and normal maintenance of a legally-established sign shall not require a planning permit.

17.80.060 Prohibited Signs

A. Prohibited Sign Types. The following types of signs are prohibited:

1. Signs or sign structures which have become a public nuisance or hazard due to inadequate maintenance, dilapidation, or abandonment.
2. Portable signs placed on the ground other than sidewalk signs permitted in the MU-V zoning district consistent with Section 17.80.080.K (Sidewalk Signs).
3. Roof signs.
4. Signs emitting odors, gases, or fluids.
5. Signs that feature a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind, excluding flags and insignia of any government.

6. Digital display and electronic readerboard signs which allow the image on a sign to be changed by electronic control methods, except for digital gas and service station signs consistent with Section 17.80.080.H (Gas and Service Station Signs) and parking garage signs consistent with Section 17.80.080.I (Parking Garage Signs).
7. Animated signs, with the exception of clocks and barber poles.
8. Signs that emit sound.
9. Signs which simulate in size, color, lettering, or design a traffic control sign or signal.
10. Signs which flash, blink, change color, or change intensity.
11. Beacons.
12. Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment.
13. Signs that have been abandoned, or whose advertised use has ceased to function for a period of 90 days or more.
14. Signs adversely affecting traffic control or safety.
- ~~15. Signs containing obscene matter.~~
- ~~16.~~15. Signs with exposed raceways.
- ~~17.~~16. Signs attached to trees.
- ~~18.~~17. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by State agencies.
- ~~19.~~18. Signs erected for the dominant purpose of being seen by travelers on a freeway, except for auto dealership signs as allowed by Section 17.80.080.A (Auto Dealership Signs).
- ~~20.~~19. Inflatable signs and balloons greater than fifteen inches in diameter, except for temporary auto dealership signs.
- ~~21.~~20. Signs on or affecting public property (e.g., 'tenant parking only') not placed there by the public entity having the possessory interest in such property.
- ~~22.~~21. All other signs not specifically permitted by or exempted from the requirements of this chapter.

B. Prohibited Sign Content.

1. The following sign content is prohibited:
 - a. Obscene or indecent text or graphics.
 - b. Text or graphics that advertise unlawful activity.
 - c. Text or graphics that constitute defamation, incitement to imminent lawless action, or true threats.

d. Text or graphics that present a clear and present danger due to their potential confusion with signs that provide public safety information (for example, signs that use the words "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

2. The content prohibited by Paragraph (1) above is either not protected by the United States or California Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each subparagraph of Paragraph (1) above be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or California Constitutions.

17.80.070 General Sign Standards

A. Maximum Permitted Sign Area. Table 17.80-1 identifies the maximum cumulative/total sign area permitted on a property in each zoning district. Each business may have a mix of the sign types allowed by Section 17.80.080 (Standards for Specific Sign Types) provided the area of all signs on the property does not exceed the maximum established in Table 17.80-1.

TABLE 17.80-1: SIGN AREA STANDARDS

Zoning District	Area per Linear Foot of Building Frontage
MU-V, MU -N	0.5 sq. ft. per linear foot 36 sq. ft. max
MU-N , C-R, C-C, I	1 sq. ft. per linear foot 50 sq. ft. max
VS, CF, P/OS [1]	As determined through Sign Permit
PD	As determined through the Development Plan

Notes:

Sign requirements in the Visitor Serving overlay zone shall be as required by the base zoning district.

B. Maintenance. Signs, including all supports, braces, and anchors, shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired promptly.

C. Building Surface Repair. When an existing sign is replaced or modified, any newly exposed portions of a building surface on which the sign is displayed shall be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the removal of any excess conduit and supports, and the patching or filling of any exposed holes.

D. Illumination.

1. Non-residential signs may be internally or externally illuminated except where specifically prohibited. Internal illumination is permitted only when the portion of the sign that

appears illuminated is primarily the sign lettering, registered trademark, or logo. Internally illuminated boxes are prohibited, except that the copy of an existing internally illuminated box sign may be replaced with a change of business.

2. The light source for externally illuminated signs shall be positioned so that light does not shine directly on adjoining properties or cause glare for motorists or pedestrians.
3. Exposed bulbs are not permitted.
4. Internal illumination is prohibited in the Mixed-Use Village (MU-V).

E. Materials and Design.

1. Except for interior window signs, all permanent signs shall be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.
2. The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies and will not have an adverse effect on the character and integrity of the surrounding area.

F. Location and Placement.

1. All signs shall be located on the same parcel as the business or use that it serves, except as otherwise allowed by this chapter.
2. Signs shall not obstruct the ingress to, or egress from, a door, window, fire escape, or other required accessway.
3. Signs shall not interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The City may require sign setbacks greater than specified in this chapter as needed to maintain adequate visibility for motorists and pedestrians. See Section 17.96.050 (Intersection Sign Distance).

G. Signs in the Public Right-of-Way.

1. No sign shall be permitted in the public right-of-way, except for:
 - a. Signs installed or required by a governmental agency.
 - ~~b. Signs advertising local nonprofit, civic, or fraternal organizations with City Engineer approval.~~
 - e.b. Awning, canopy-, marquee, projecting, or suspended signs attached to a building wall subject to the requirements in Section 17.80.080 (Standards for Specific Types of Signs).
 - d.c. Sidewalk signs in the Village Mixed Use (MU-V) zoning district consistent with Section 17.80.080.G (Sidewalk Signs).
 - e.d. Shared auto dealership signs consistent with Section 17.80.080.A (Auto Dealership Signs).
2. Any sign illegally installed or placed on public property shall be subject to removal and disposal as specified in Section 17.80.150 (Violations and Enforcement). The City shall

have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

3. Signs in the public right-of-way may require City approval of an Encroachment Permit.

17.80.080 Standards for Specific Types of Signs

Signs consistent with the standards in this section are allowed with an Administrative Permit unless Planning Commission approval of a Sign Permit is specifically required. Signs that deviate from the standards in this section may be allowed with Planning Commission approval of a Sign Permit in accordance with Section 17.80.120 (Adjustment to Sign Standards).

A. Auto Dealership Signs.

1. In addition to signs allowed with an Administrative Sign Permit (17.080.030.A), the Planning Commission may allow special auto dealership signage in the C-R zoning district with approval of a Sign Permit subject to the following standards:
 - a. Location: On or adjacent to an auto dealership land use.
 - b. Placement: 10 feet minimum setback from property line abutting the public right-of-way.
 - c. Maximum Height: At or below roof line.
 - d. The Planning Commission shall review the Sign Permit application if the total combined sign area on the site exceeds 100 square feet.
 - e. The Planning Commission may allow one shared sign used by multiple auto dealerships at the entry of Auto Plaza Drive which extends into or above the public right-of-way.

The Planning Commission may allow temporary auto dealership signage, such as signage on light poles and flags and pennants, that deviate from temporary sign standards in 17.80.110 (Temporary Signs) with the approval of a Sign Permit.

B. Awning Signs.

1. Standards for awning signs in each zoning district are as shown in Table 17.80-2.
2. Awning signs shall be located on the awning above a display window or the entrance to the business it serves.
3. An awning sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.80-2: AWNING SIGN STANDARDS

Zoning District	Awning Face Sign		Awning Valance Sign		
	Maximum Area	Maximum Number	Maximum Area	Maximum Letter Height	Maximum Number

MU-V, MU-N	Sign Permit Required (Chapter 17.132)				
C-R, C-C	30 percent of awning face	1 sign per awning located on either the awning face or the awning valance	75 percent of valance	Two-thirds of valance height	1 sign per awning located on either the awning face or the awning valance
I	20 percent of awning face				

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for awning signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for awning signs shall be established by the City Council in the Development Plan.

C. Monument Signs.

- Standards for monument signs in each zoning district are as shown in Table 17.80-3.

TABLE 17.80-3: MONUMENT SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V	12 sq. ft.	4 ft.	1 per property
MU-N	16 sq. ft.		
C-R	60 sq. ft.	8 ft.	1 per building frontage
C-C	35 sq. ft.		
I			4 ft.

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for monument signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for monument signs shall be established by the City Council in the Development Plan.

2. Monument signs shall be placed on the property of the business associated with the sign.
3. Where two monument signs are allowed on a corner parcel, each sign shall be placed at least 200 feet from the intersection corner.
4. A monument sign for up to four tenants may be approved with an Administrative Sign Permit. Monument signs listing more than four tenants require Planning Commission approval of a Sign Permit.
5. The area surrounding the base of a monument sign shall be landscaped consistent with Chapter 17.72 (Landscaping).
6. Monument signs shall be placed at least 5 feet away from any public or private driveway.
7. Monument signs shall be placed at least 5 feet behind sidewalk or property line, whichever is greater.
8. The height of a monument sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.
9. Monument signs are not allowed in conjunction with wall signs on a property with three or fewer businesses.

D. Center Identification Signs.

1. Standards for center identification signs in each zoning district are as shown in Table 17.80-4.
2. Center identification signs shall identify the name of the center but may not include the name of any business or businesses within the center.

- No more than one freestanding sign is permitted per center street frontage. If a monument sign is located along the center frontage, an additional center identification sign is not permitted.

TABLE 17.80-4: CENTER IDENTIFICATION SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V and MU-N	Not permitted		
C-R	60 sq. ft.	5 ft.	1 per shopping center
C-C	35 sq. ft.		
I	Not permitted		

Note: In the Planned Development (PD) zoning district, standards for center identification signs shall be established by the City Council in the Development Plan.

E. Directory Signs.

- Standards for directory signs in each zoning district are as shown in Table 17.80-5.
- Directory signs may not be legible from adjacent public rights-of-way.
- Directory signs shall identify the names of the occupant of the building or complex.

TABLE 17.80-5: DIRECTORY SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height
MU-V	12 sq. ft.	4 ft.
MU-N	16 sq. ft.	
C-R	30 sq. ft.	5 ft.
C-C	25 sq. ft.	
I	25 sq. ft.	4 ft.

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for directory signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for directory signs shall be established by the City Council in the Development Plan.

F. Wall Signs.

1. Standards for wall signs in each zoning district are as shown in Table 17.80-6.
2. Wall signs shall be attached parallel to the exterior wall of the business associated with the sign and may not extend above the top of building wall.
3. Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.
4. Any portion of a wall sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.
5. Wall signs are not allowed in conjunction with a monument sign on a property with three or fewer businesses.
6. On a corner lot, one wall sign is allowed per street frontage.

TABLE 17.80-6: WALL SIGN STANDARDS

Zoning District [1]	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V	0.5 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft. max	4 in.	1 per shopfront
MU-N	1.0 sq. ft. per linear foot of shopfront, not to exceed 36 ft.		
C-R, C-C, I [2]		12 in.	1 per shopfront

Note:

[1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for wall signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for wall signs shall be established by the City Council in the Development Plan.

[2] Wall signs are not allowed in conjunction with a monument sign in the Industrial (I) zoning district.

G. Projecting Signs.

1. Standards for projecting signs in each zoning district are as shown in Table 17.80-7.
2. Projecting signs shall be attached to the ground floor exterior wall of the business associated with the sign and may not extend above the top of the second story finished floor.
3. Projecting signs shall maintain a minimum 2-foot horizontal clearance from a driveway or street curb.
4. An encroachment permit must be obtained for all signs projecting over a public right-of-way.

5. A projecting sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.80-7: PROJECTING SIGN STANDARDS

Zoning District	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V, MU-N	4 sq. ft.	4 ft.	1 per business entryway or storefront
C-R, C-C, I	8 sq. ft.	4 ft.	1 per business entryway or storefront

Note:

In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for projecting signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for projecting signs shall be established by the City Council in the Development Plan.

H. Gas and Service Station Signs. In addition to signs allowed with an Administrative Sign Permit (Section 17.080.030.A), the Planning Commission may allow special gas and service station signs that comply with the following standards .

1. A maximum of two signs, not exceeding 4 square feet, shall be allowed on each pump island to denote either full service or self-service.
2. No other signs will be allowed to be attached to pumps or islands other than required by State law. (See Business & Professions Code Section 13530.)
3. A six-foot-high monument sign which displays prices charged, credit cards accepted or special services rendered shall be allowed on each street frontage.
4. Digital changeable copy signs for gasoline pricing is permitted.
5. Two additional signs up to a maximum of 1 square foot are permitted to advertise ancillary services such as ATMs and propane. Such signs must be attached to another sign or structure and may not be a portable freestanding sign.

I. Parking Garage Signs. A maximum of one digital display signs not exceeding four square feet on each street frontage is permitted to show the number of available parking spaces.

J. Window Signs.

1. Standards for window signs in each zoning district are as shown in Table 17.80-8.
2. Window signs may be attached only to the inside of a ground floor window of the business associated with the sign.
3. Interior signs within one foot of a window and publicly visible from outside of the building shall be included in the calculation of sign area for the property.

TABLE 17.80-8: WINDOW SIGN STANDARDS

Zoning District	Maximum Area
MU-V, MU-N	25 percent of window
C-R, C-C, I	30 percent of window

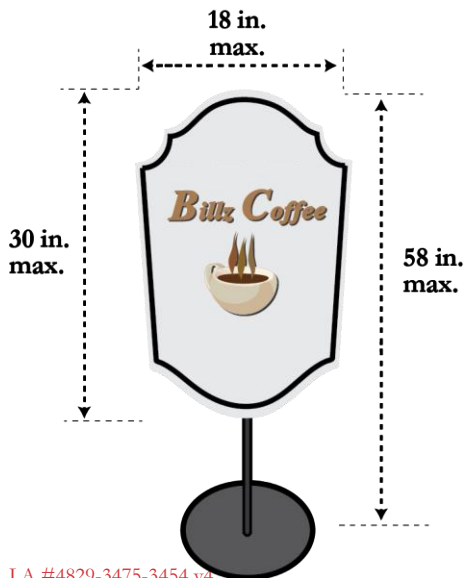
Note:

[1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for window signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for window signs shall be established by the City Council in the Development Plan.

K. Sidewalk Signs.

1. **Where Allowed.** Sidewalk signs are permitted only in the MU-V zoning district consistent with the requirements of this section.
2. **Permits Required.**
 - a. Sidewalk signs consistent with this section and the approved BIA design as illustrated in Figure 17-80-3 can be issued an over the counter sign permit by the Community Development Director.
 - b. All sidewalk signs shall obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.
 - c. The owner of any business desiring to place a sidewalk sign on the City right-of-way shall provide an executed City hold harmless waiver and proof of liability insurance to the satisfaction of the City Attorney in the amount of one million dollars prior to placing the sign within said right-of-way.

FIGURE 17-80-3: SIDEWALK SIGN STANDARDS AND DESIGN CONCEPTS



LA #4829-3475-3454 v4

3. **Dimensions.** Sidewalk signs shall comply with the dimension standards in Table 17.80-9.

TABLE 17.80-9: SIDEWALK SIGNS STANDARDS

Zoning District	Sign Face			Entire Sign
	Maximum Area	Maximum Width	Maximum Height	Maximum Height [1]
MU-V	3.75 sq. ft.	18 in.	32 in.	58 in.
All Other Zoning Districts	Not permitted			

Note:

[1] Measured from sidewalk to top of sign

4. **Number of Signs.**

- a. Only one two-sided sidewalk sign per business establishment is permitted.
- b. Multi-tenant developments are permitted one sidewalk sign per each common exterior public business entrance.

5. **Materials and Design.**

- a. Sidewalk signs shall be attached to metal poles. Poles may be either drilled into the sidewalk or inserted into a moveable base. Moveable bases shall be constructed of metal, form a circle with a diameter of no more than 18 inches, and must be approved as part of the sign permit.
- b. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
- c. Signs faces shall be constructed of solid wood, metal or similar durable and weatherproof material.
- d. No sidewalk sign may contain lights of any kind.

6. **Sidewalk Clearance.**

- a. The sidewalk in front of the business must be at least 78 inches in width.
- b. Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A 48-inch level clear path of travel on concrete or similar material must be maintained where the sign is located.

7. **Separation from Other Sidewalk Signs.** Sidewalk signs shall be spaced a minimum of 30 linear feet from all other permitted sidewalk signs.

8. **Display During Open Hours.** Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.
9. **Advertising Multiple Businesses.** Individual signs may advertise more than one business.
10. **Other Business Signage.**
 - a. No other temporary advertising signs (Section 17.80.110) may be used at the same time as the sidewalk sign is in use.
 - b. All other signs on the property must be in conformance with the City's sign regulations prior to a sidewalk sign permit being issued.

17.80.090 Design Standards

A. Design Standards for Mixed Use Zoning Districts. The following design standards apply to all signs in the MU-V and MU-N zoning districts.

1. Signs shall preserve, complement, or enhance the architectural composition and features of the building to which it is attached. Signs may not cover or obscure significant architectural details of the building to which it is attached.
2. Signs shall be coordinated with the overall façade composition, including ornamental details and other signs on the building to which it is attached.
3. Signs shall be mounted to fit within existing architectural features. The shape of the sign shall be used to reinforce the relationship of moldings and transoms seen along the street.
4. Signs shall be located and designed so that they are legible when viewed from the sidewalk. Sign letter styles and sizes shall be designed for legibility from the sidewalk, not the street.
5. To the extent possible, sign attachment parts shall be reused in their original location (holes in the façade or fixing positions) to protect the original building materials.
6. Internally illuminated signs are prohibited in the MU-V and MU-N zoning districts.
7. Wiring conduit for sign lighting shall be carefully routed to avoid damage to architectural details and to be concealed from view as much as possible.
8. Sign materials and colors shall be compatible with the period and style of building to which it is attached. Sign panels shall avoid the extensive use of primary color or significant areas of white or cream.
9. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.
10. The sign will not have a significant adverse effect on the character and integrity of the surrounding area.

B. Design Standards for Commercial Zoning Districts. The following design standards apply to all signs in the C-C and C-R zoning districts.

1. Sign design shall conform to and be in harmony with the architectural character of the building.
2. Signs shall be symmetrically located within a defined architectural space.
3. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Large panel internally illuminated signs are prohibited.
4. The design of monument and other freestanding signs shall relate to the architecture of the building or development they serve. Exterior materials, finishes and colors shall be the same or similar to those of the building or structures on site.
5. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.

C. Design Standards for Industrial Zoning District. Signs within the Industrial (I) zoning district shall be constructed of metal or other materials consistent with the light industrial character of the zoning district.

17.80.100 Residential Signs – Multi-Unit Properties

Multi-unit properties may display one or more master signs subject to the following requirements:

- A. A master sign program (17.80.130) has been approved for the multi-unit property.
- B. Maximum allowable sign area: 20 square feet per property.
- C. A master sign for a multi-unit property requires an Administrative Sign Permit.

17.80.110 Temporary Signs

- A. **Permitted Temporary Signs.** Table 17.80-10 (Temporary Sign Standards) identifies temporary signs permitted either by-right or with the approval of an Administrative Sign Permit. The Planning Commission may allow other types of temporary signs or temporary signs that do not comply with the standards in Table 17.80-1 with approval of a Sign Permit.

TABLE 17.80-10 TEMPORARY SIGN STANDARDS

Sign Type	Permit Required	Use Restriction	Maximum Number	Maximum Area/ Size	Maximum Duration
Auto Dealership Signs - Flags - Pennants - Balloons	None	Auto dealerships on Auto Plaza Drive only	No maximum	0.5 sq. ft. per linear business frontage; 30 sq. ft. max; 1/3 of window max	Year-round; must be maintained in good condition
Commercial Banner Signs	Administrative Sign Permit	Non-residential uses only	1 per 500 ft. of linear sign building frontage; 2 sign maximum	30 sq. ft.	30 continuous calendar days; no more than 60 days each calendar year
Construction Site Signs - Residential	Administrative Sign Permit	Residential uses only	1 per 500 ft. of linear sign building frontage; 2 sign maximum	Height: 5 ft. Area: 12 sq. ft.	From issuance of building permit to certificate of occupancy
Construction Site Signs - Non-Residential	Administrative Sign Permit	Commercial and industrial uses only	1 per 500 ft. of linear sign building frontage; 2 sign maximum	Height: 8 ft.; 4 ft. in MU-V Area: 40 sq. ft.; 12 sq. ft. in MU-V	From issuance of building permit to certificate of occupancy
For Sale, Lease, and Rent Signs, Non-Residential	None	Commercial and industrial uses only	1 per property	Height: 8 ft. Area: 40 sq. ft.	1 year; Director may approve extension
For Sale, Lease, and Rent Signs, Residential	None	Residential uses only	1 per property	Height: 4 ft. Area: 6 sq. ft.	180 days; Director may approve extension
Open House or model home	None	None	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of open house.
Special Event	None	Special events open to the public (e.g., open studio).	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of special event house .
Residential Subdivision	Administrative Sign Permit	Residential subdivisions and condominiums located in the city	1 per subdivision	Height: 10 ft. Area: 40 sq. ft.	180 days or upon the sale of the last unit, whichever comes first

17.80.120 Adjustment to Sign Standards

This section establishes procedures to allow the Planning Commission to approve signs that deviate from certain standards to provide reasonable flexibility in the administration of the sign ordinance.

- A. Permit Required.** Adjustments to sign standards allowed by this section requires Planning Commission approval of a Sign Permit.
- B. Permitted Adjustments.** The Planning Commission may allow adjustment to the following sign standards:
1. The type of sign allowed in non-residential zoning districts (e.g., awning signs, monument signs).
 2. Requirements for temporary signs.
 3. The maximum permitted sign area up to a 25 percent increase.
 4. The maximum permitted sign height up to 25 percent increase.
- C. Excluded Adjustments.** The Planning Commission may not use the sign standards adjustment process to approve deviations to the following sign standards:
1. Prohibited Signs (Section 17.80.060).
 2. All general Sign Standards (Section 17.80.070) except maximum permitted sign area (17.80.70.A).
 3. Maximum number of signs allowed per property.
 4. Residential signs (Section 17.80.100).
- D. Findings.** The Planning Commission may approve an adjustment to sign standards as allowed by this section if the following findings can be made in addition to findings required to approve Sign Permit applications:
1. The sign will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
 2. The sign will not adversely impact neighboring properties or the community at large.
 3. The adjustment is necessary due to unique characteristics of the subject property, structure, or use.
 4. The sign will be consistent with the purpose of the zoning district, the General Plan, Local Coastal Program, and any adopted area or neighborhood plan.
 5. The adjustment will not establish an undesirable precedent.
- E. Low Visibility Commercial Properties.**
1. In addition to adjustments allowed by subsection A through D above, the Planning Commission may allow additional adjustments to sign standards for low visibility properties

in the C-R and C-C zoning districts. A low visibility property means a property where signage consistent with applicable standards would not be easily visible from the street or sidewalk due to the width of street frontage, parcel depth or configuration, placement of buildings on the property, topography, vegetation, or other physical characteristic of the property.

2. Adjustments to sign standards for low visibility properties require Planning Commission approval of a Sign Permit.
3. Adjustments are allowed to required sign types, height, size, placement, and number. Adjustments may not allow for prohibited signs or monument signs.
4. The Planning Commission may approve additional or variations to any type of signage upon making the following findings:
 - a. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.
 - b. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.

17.80.130 Master Sign Program

- A. Purpose.** The purpose of the Master Sign Program is to provide a coordinated approach to signage for multi-family development and multi-tenant commercial developments.
- B. Applicability.** A Master Sign Program is required for multi-family uses with more than one permanent sign proposed, and any non-residential development with four or more tenants.
- C. Permit Required.** A Master Sign Program requires Planning Commission approval of a Sign Permit.
- D. Applications.** Applications shall be filed with the Planning Department on the appropriate City forms, together with all the necessary fees, deposits, exhibits, maps, and other information required by the Department to clearly and accurately describe the proposed Master Sign Program.
- E. Master Sign Program Contents.** All Master Sign Programs shall identify the materials, color, size, type, placement and general design of signs located on a project or property.
- F. Design Standards.**
 1. Master Sign Programs shall feature a unified and coordinated approach to the materials, size, type, placement and general design of signs proposed for a project or property. Master Sign Programs may allow for variety in the design of individual signs.

2. A Master Sign Program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign. A Master Sign Program may not allow a prohibited signs as identified in Section 17.80.060 (Prohibited Signs).

G. Effect of Master Sign Program.

1. All subsequent signs proposed for a development or property subject to an approved Master Sign Program shall comply with the standards and specifications included in the Master Sign Program.
2. Signs consistent with an approved Master Sign Program are allowed with an Administrative Sign Permit.
3. Approval of a Master Sign Program shall supersede the regulations of this chapter. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this chapter.

17.80.140 Nonconforming Signs

This section applies to all legally-established signs that do not conform to current requirements in this chapter.

A. Continuation.

1. Except as required by paragraph 2 below, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time it was established. It is the applicant's responsibility to demonstrate that the sign was legally established.
2. At time of review of a Design Permit application for a property with a non-conforming sign on the site, the Planning Commission shall review the existing non-conforming sign in conjunction with the Design Permit. The Planning Commission may allow the continuation of the nonconforming sign only upon finding the sign is compatible with the design character and scale of the surrounding area and does not adversely impact the public health, safety, or general welfare.

B. Allowed Changes.

1. Changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign.
2. A legal-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage.

C. Required Compliance. A legal nonconforming sign shall be removed or brought into compliance with this chapter in the following situations:

1. The use advertised by the sign has ceased to function for a period of 90 days or more.

2. The sign has sustained at least 50-percent damage to its structure.
3. The sign is located on a remodeled building façade.
4. The sign is relocated to a different lot or building.

17.80.150 Violations and Enforcement

A. Illegal Signs. It is unlawful for any person to install, place, construct, repair, maintain, alter or move a sign in a manner that does not comply with the requirements of this chapter.

B. Removal of Illegal Signs.

1. The City may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.
2. For illegal signs that do not place the public in immediate peril and are located on private property, the City shall serve the business owner, property owner, or person responsible for the sign a written certified notice that:
 - a. Describes the physical characteristics of the subject sign.
 - b. Explains the nature of the violation.
 - c. States that the sign shall be removed or brought into compliance with this article within a specified number of days after the notice is received.
 - d. States that the City will remove the sign if the business owner or person responsible for sign does not correct the violation within the specified number of days after the notice is received.
 - e. States that the City may destroy the illegal sign if it is not retrieved within 20 days of removal by the City.
 - f. States that the business owner or person responsible for all costs associated with the removal, storage, and destruction of the sign.
3. If an illegal sign is not removed or brought into compliance within the specified number of days after a notice is received, the City may issue a citation to the business owner or person responsible for the sign as provided in Municipal Code Title 4 (General Municipal Code Enforcement) and may remove or cause the removal of the sign.
4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.
5. A sign removed by the City shall be stored for a minimum of 20 days. If the sign is not retrieved by the business owner or person responsible for the sign within this 20-day period, the City may destroy the sign.

SIGNS

17.80

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Attachment: 17.80 Signs - 01.30.2020 (Update to Zoning Ordinance - Density - Signs - ADUs)